UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
FIRST SESSION

VOLUME 145—PART 9

JUNE 9, 1999 TO JUNE 17, 1999
(PAGES 12039 TO 13503)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1999

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Wednesday, June 9, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Here is a promise from God for today. It is as sure for us as it was when it was spoken through Isaiah so long ago. Hear this word today! "Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you. Yes, I will help you. I will uphold you with my righteous right hand."—Isaiah 41:10.

Let us pray.

Dear God, we claim that promise as we begin this day's work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation.

Gracious God, we thank You for the people who work here in this Chamber to serve the Senate. Especially today we thank You for Senate doorkeeper Eugene Kelly, who died last evening. We thank you for his life and for his work among us and ask You to be with his wife, Doris, to comfort and encourage her. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. I thank the Chair.

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, today the Senate will be in a period of morning business until the hour of 11 a.m. As a reminder, the cloture vote on the motion to proceed to the Y2K legislation has been vitiated. By previous consent, debate on the Y2K bill will begin following morning business at 11 a.m. Amendments are anticipated throughout today's session, and therefore votes can be expected.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from New Hampshire is recognized to speak for up to 10 minutes.

(The remarks of Mr. SMITH of New Hampshire pertaining to the submission of S. Res. 113 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SMITH of New Hampshire. I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized for a period of up to 20 minutes.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1189 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, Senator DURBIN has asked that I control his 30 minutes under the previous agreement. I ask unanimous consent that I may do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I say to my friend, Senator DORGAN, I will be probably 5 minutes in my initial remarks and then will yield to him, if he needs—how much time?

Mr. DORGAN. Mr. President, I wonder if I might ask consent to be recognized for 15 minutes. Senator WELLSTONE is coming over to take part of that, following the presentation by Senator BOXER.

Mrs. BOXER. I have no objection to that. I have Senator TORRICELLI coming over for time. I will go for 5 minutes, to be followed by 15 minutes under the control of Senator DORGAN. Then I will take back the remainder of that time. That is a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE ACTION IN THE SENATE

Mrs. BOXER. Mr. President, a funny thing happened before the Memorial Day recess. We finally did something around here. I say "a funny thing" because we haven't done that much to write home about. What happened was we had the juvenile justice bill come before this body. It was debated. Amendments were offered. Votes were taken. The Senate passed the bill by a large bipartisan majority.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

I think that is the way we ought to be doing our business rather than having a bill brought up and having the so-called amendment tree filled to prevent those of us on this side of the aisle from bringing up amendments. I think the way the juvenile justice bill was handled was good. I hope we see more of that openness on the floor of the Senate.

When we had the juvenile justice bill before us, we did some good things. One of the good things we did was to pass some commonsense gun laws.

Now, after a 2-week break, the House is going to be taking up the juvenile justice bill and looking at these gun laws and deciding on which of them they are going to move forward. From the reports I read in the paper today—I haven't read the House bill yet, although we are going over it now—those gun laws are significantly weakened.

I say to my friends in the House, where I proudly served for 10 years, if anything, you should strengthen those laws, not weaken those laws. We had the Lautenberg amendment that passed. As I understand it, it has been weakened over on the House side, opening up new loopholes so that people at gun shows can call themselves exhibitors and not have to pay attention to all the important background checks that should take place before a gun is purchased at a gun show. So we will be watching.

As the people were very happy to see us do sensible gun laws, they also are waiting for us to do something else. That has to do with their health care. That has to do with the Patients' Bill of Rights. That has to do with the fact that many HMOs are not treating patients in the right fashion.

I know we are taking up the Y2K bill to protect businesses from lawsuits. It is an important bill. I am glad we are taking it up. I have my opinions on it. I will be offering an amendment on it. I hope I can support it.

But what about the vast majority of Americans who need us to pass a Patients' Bill of Rights? Somehow this keeps going to the back of the list. More and more Americans need us to look at their problems: Women who can't get access to their OB/GYNs or, if they do, it is very restrictive; people who get taken to an emergency room far away from the closest one and are told that this really wasn't an emergency, because, guess why, they didn't die, so then their HMO doesn't cover the visit; a child needs to see a specialist and can't see one or has a chronic condition and must always see a specialist and go through bureaucratic hoops to see that specialist.

I thought we honored our children. That is not the way to treat a sick child. We should be making the lives of our children easier, not harder, especially when they are very sick.

Worst of all, HMOs cannot be held accountable in court. You cannot sue your HMO, even if the HMO made a medical decision that resulted in a patient's death or put someone in a coma permanently.

The PRESIDING OFFICER. The 5 minutes of the Senator from California have expired.

Mrs. BOXER. I ask unanimous consent to complete in 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, the practices of too many HMOs are outrageous. It is equally outrageous that we haven't had a chance to bring that bill to the floor for debate. We on this side of the aisle spent all last year pleading to bring it up, but we were met with delay and obstruction, just as we did on the minimum wage.

We fought hard to finally get a minimum wage bill brought up a couple of Congresses ago. We are going to fight hard again to get a new minimum wage bill brought up, to get a Patients' Bill of Rights brought up. We are not going to stop until it happens. We want to make this Senate relevant to the lives of our people, just as we did when we took up the juvenile justice bill. I look forward to working with Members on both sides of the aisle on a Patients' Bill of Rights, raising the minimum wage, and other issues we need to take up.

I thank the Chair. I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 15 minutes.

Mr. McCONNELL. Will the Senator yield?

Mrs. BOXER. Yes.

Mr. McCONNELL. Does the Senator from North Dakota control the time?

The PRESIDING OFFICER. The Senator from California would have 5 additional minutes after the Senator from North Dakota.

Mr. McCONNELL. Mr. President, I am just trying to get in line here.

Mrs. BOXER. Mr. President, can I say to my friend that Senator DURBIN had taken 30 minutes in this part of the morning business hour. He has designated me to control that 30 minutes. As I understand it, I took 6 minutes. We now have 15 minutes for Senator DORGAN and the remaining time by Senator TORRICELLI. That would complete this side's time. We have no problem with the Senator getting his time.

Mr. McCONNELL. Mr. President, I am confused as to what I am inquiring about. The time is controlled by Senator DURBIN until when?

The PRESIDING OFFICER. Twenty-three and a half minutes remain under the control of the Senator from California.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be recognized at the end of the time controlled by Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Nicolas Benjamin be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN and Mr. WELLSTONE are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I ask unanimous consent Senator REED be recognized for 10 minutes and I be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 10 minutes.

GUN CONTROL

Mr. TORRICELLI. Mr. President, last month for the first time in a generation, the Senate voted for some reasonable additions to the national gun control legislation.

We principally did three things of value to our country: We voted to ban the possession of assault weapons by minors; we voted to require background checks on the purchase of firearms at the 4,000 gun shows held nationally in our country; and to require that firearms come equipped with a child safety lock.

They were hard-won victories. Each in their own right was an important statement about our commitment to the safety of our citizens. Each represents America coming to terms with the level of gun violence in America. But it is important that they be held in some perspective, because none was particularly bold. While they make a contribution to dealing with the problem, they do not begin to end the problem.

Now the House of Representatives has another chance to build on the work of the Senate and respond to the needs of the American people, the desperate need to have some reasonable levels of gun control to protect our citizens. The simple truth is that we have a great deal more to do. Every year, 34,000 Americans are victims of gun violence. Firearms are now the second leading cause of death, after car accidents, and gaining quickly. The lethal mix of guns and children is particularly disturbing. Fourteen children are dying every day from gunfire. Teenage boys are more likely to die from gunshots than all natural causes combined. It is not simply a problem. It is not enough to call it a crisis. There is an epidemic of gun violence that is consuming our citizens generally and our children in particular.

In truth, there are many causes. No one measure in either gun control legislation or in addressing this problem generally is going to solve the problem. Those who wait for a single answer to solve a complex societal problem will never be part of a solution. Our schools will play different roles. Our parents are learning the difficulties of raising children in a changing and complex society. The media will learn new levels of individual voluntary responsibility. But, as certainly as each of those elements is a part of dealing with gun violence in America, and particularly the new problems of youth and school violence, so, too, this Congress and gun control is an element.

In the last 2 months the shootings in Littleton, CO, and Conyers, GA, have represented a potential historic turning point on this issue. Almost certainly, when the history of our generation is written, the events in Conyers and Littleton will be seen in the same light as the publishing of Rachel Carlson's "Silent Spring" is seen as the beginning of the environmental movement or the 1960s march on Washington is for civil rights.

It may be possible we have now reached a critical mass in this country where, as a majority of the American people have otherwise been relatively silent on this issue while a small minority seemed to control and monopolize both the national debate and the political judgments, now the balance may be changing. If, indeed, we have reached this point of change, then this Congress will respond by doing several things that are meaningful in ending gun violence:

First, restrict the sales of handguns to one per month. It is not unreasonable that Americans limit their consumption of handguns to one every 30 days, and it is a real contribution to dealing with this problem, because States such as my own, New Jersey, which have had reasonable gun control for 30 years, are being frustrated. Mr. President, 80 percent of the guns used to commit felonies in New Jersey are coming from five States that do not have similar gun control. Guns are being purchased wholesale in other States and taken to my State for use in the commission of a crime. Limiting purchases to one a month will prohibit it from becoming profitable for people to engage in this unseemly business.

Second, reinstitute the Brady waiting period. Even if we perfect the technology of an instant background check to assure that people with mental illness or felony convictions do not buy guns, a cooling off period is still valuable. In this nation, the most likely person to shoot another citizen is a member of his or her own family in a crime of passion or rage. A cooling off period to separate the rage from the purchase of the gun and the act could save thousands of lives.

Third, require that handguns be made with smart gun technology. We have the technology to assure that the person who fires a gun owns the gun—a thumbprint or another means of electronic identification. That technology is in hand. It can be perfected. If it is not available today, it can be available soon. It can separate criminals from guns that are being stolen out of our own houses, our own stores, and killing our own people.

Fourth and finally, to regulate firearms, as every other consumer product, to ensure that firearms are safely designed, built, and distributed, not only for the general public but specifically and, more importantly, for the people who are actually buying the guns.

Together, these four measures represent a comprehensive national policy of responding to the growing spiral of gun violence in our society. Individually, none of them will meaningfully solve the problem, but together they represent an important statement and a critical beginning, using our technology, our common sense, and our laws to protect our citizens. Ironically, they principally benefit the people who own and buy guns, who are most likely to be hurt by a gun improperly made or distributed or stolen from their own home.

In recent months, we are recognizing that what the Federal Government is failing to do in dealing with gun violence other levels of government are doing, particularly the mayors of our cities—New Orleans, Chicago, Atlanta, Camden County in my home State, Philadelphia through Mayor Rendell—who are beginning lawsuits to hold gun manufacturers responsible for how they manufacture these guns and how they distribute them. I am proud they are doing so but not proud that the Federal Government is not part of this effort. The simple truth is, in a society in which the Federal Government regulates the content of our air, the quality of our water, virtually every measure of consumer product for its safety, its design and its content, the single exception is guns manufactured in the United States. By statute, the ATF is prohibited from engaging in the regulation of the design and distribution of firearms.

A toy gun is regulated for its design: The size of its parts, to protect an infant child, the contents of the materials. A toy gun is completely regulated by the Federal Government. But the actual gun, including the TEC-9 used in Columbine High School, is not. No one could rationally explain that contradiction, but it is the truth. Indeed, as I have demonstrated on this chart, a child's teddy bear is regulated for its edges, its points, small parts, hazardous materials, its flammability, but a gun—which 14 times a day takes a life—that may be in the same home, in proximity to that child is not.

I want to point out that in the Firearms Safety Consumer Protection Act we deal with each of these issues. I urge my colleagues to consider it and lend their support.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Mr. President, I am here today to join my colleagues, Senator TORRICELLI and Senator BOXER and others, who are pointing out that America has recently been both shocked and, we hope, awakened to the danger of gun violence throughout our land and particularly the gun violence that envelops our children.

A few weeks ago, last month, we in this Senate began to recognize that the people of the United States want reasonable gun control policies. They want these policies to protect themselves and particularly to protect their children. During consideration of the juvenile justice bill, we made some progress by passing a ban on the juvenile possession of semiautomatic assault weapons and a ban on the importation of high-capacity ammunition clips. We saw Republicans join all Democrats in voting to require that child safety devices be sold with all handguns. Finally, with a historic, tie-breaking vote by the Vice President, we passed the Lautenberg amendment to firmly close the gun show and pawnshop loophole by requiring background checks on all sales and allowing law enforcement up to 72 hours to conduct these background checks, as currently permitted by the Brady law.

These are the kinds of measures that Democrats in Congress have been advocating for years. It is unfortunate that it took the Littleton tragedy to bring our colleagues in the majority around to our way of thinking. We welcome even these small steps in the right direction. But these are, indeed, small steps, and we need to do much more. We should reinstate the Brady waiting period, which expired last November, to provide a cooling off period before the purchase of a handgun. My colleague from New Jersey said it so well: Too often crimes with handguns are crimes of rage and passion. A cooling off period might insulate the acquisition of the gun from the crime of passion or rage. Even if we do perfect the instant check, this waiting period will still play a very valuable role in ensuring that handguns are not the source of violence and death in our society. We should also pass a child access prevention law to hold adults responsible if they allow a child to gain access to a firearm and that child uses the firearm to harm another.

These are the types of protections that are, indeed, necessary.

In addition, we should completely close the Internet gun sales loophole, something the Senate failed to do last month when we were considering the juvenile justice bill. We all know the increasing power of the Internet to sell goods and services. Whatever is happening now in the distribution of firearms through the Internet is merely a glimpse and a foreshadowing of what will happen in the months and years ahead. We should act now, promptly, so we can establish sensible rules with respect to the Internet sale of firearms.

I also believe that we should apply to guns the same consumer product regulations which we apply to virtually every other product in this country. Again, the Senator from New Jersey was very eloquent when he described the paradox, the unexplainable paradox, the situation in which we regulate toy guns but we cannot by law, in any way, shape or form, regulate real guns. If toy guns, teddy bears, lawn mowers, and hair dryers are all subject to regulation to ensure they include features to minimize the dangers to children, why not firearms?

I have introduced legislation to allow the Consumer Product Safety Commission to regulate firearms to protect children and adults against unreasonable risk of injury. I know my friend and colleague from New Jersey has introduced a bill to allow the Treasury Department to regulate firearms. Whichever agency ultimately has oversight, the important thing is that guns should no longer be the only consumer product exempt from even the most basic safety regulations.

Finally, I believe that gun dealers should be held responsible if they violate Federal law by selling a firearm to a minor, a convicted felon, or others prohibited from buying firearms.

Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime guns by the Bureau of Alcohol, Tobacco and Firearms has found substantial evidence that some dealers are selling guns to juveniles and convicted felons. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him or her.

Indeed, just this week, my colleague, Senator SCHUMER, from New York released a study of Federal firearms data that reveals a stunning number of crime guns being sold by a very, very small proportion of the Nation's gun dealers. According to data supplied by the Bureau of Alcohol, Tobacco and Firearms, just 1 percent of this country's gun dealers sold nearly half of the guns used in crime last year. The statistics suggest we must move aggressively against these dealers who are flouting the laws and who are disregarding public safety.

To remedy this situation, I have introduced S. 1101, the Gun Dealer Responsibility Act, which would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury. I believe this legislation will make unscrupulous gun dealers think twice about to whom they will sell a weapon, particularly if they intend to sell it to minors, convicted felons or any other ineligible buyer, either directly or through straw purchases.

Anyone who honestly considers the tragic events in Littleton 1 month ago and the 13 children who die from gun violence each day in this country must concede that our young people have far too easy and unlimited access to guns. It is a shameful commentary that in this country today, in 1999, for too many children it is easier to get a gun than it is to get counseling. We have to work on both fronts—improving our schools and access to mental health services and counseling and support—but we also have to close the loopholes which make it easy for youngsters to get guns. Last year, 6,000 American students were expelled from elementary or high school for bringing a gun into the school building. That, too, is an indication that we have to work to ensure that children do not have access to firearms.

We must do more than just keeping the guns away, but that is something we have to do right now in a comprehensive and coherent way.

The measures I have suggested and the measures that my colleague from New Jersey suggested are sensible parts of a comprehensive strategy to do what every American wants done: to keep weapons out of the hands of young children who may use them to harm themselves or harm others.

I hope that having been awakened by the tragedy in Littleton, we are ready to move progressively and aggressively to remedy this situation in the Senate.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask that we remain in morning business and I be allowed to make a statement.

The PRESIDING OFFICER. The Senator is recognized for the remainder of morning business.

Mr. BREAUX. I thank the Chair.

MEDICARE

Mr. BREAUX. Mr. President, when I first got into this business of being involved in Congress many years ago and also involved in fundraising activities, I remember trying to compose a fundraising letter. I sat down at my desk and drafted one. I thought I put out a pretty good fundraising letter to constituents saying why I thought I was the best person running for a particular office and would they please consider sending a contribution to me because I was obviously the best person for the job.

I shared the draft of my fundraising letter with one of the professional people who does this for a living. He looked at it, read it and said: This will never do.

I said: Why?

He said: It is not outrageous enough.

I said: What do you mean?

He said: In order to get people to extend money to you in your election, you have to be outrageous in the letter, be as outrageous as you possibly can; don't worry about whether it is totally accurate. Just make sure it gets the people's attention and really scares the you know what out of them in order for them to feel like it is absolutely essential that to save their future, they need to send you a political contribution.

I said: I am not going to do that. It doesn't fit how I operate, and I think it is a wrong thing to try and scare people.

Apparently, there are organizations in this city that think otherwise. I call to my colleagues' attention one of them called the National Committee to Preserve Social Security and Medicare. It is a very noble-sounding organization. They sent out this letter, a bright yellow thing, and it came in an envelope that is enough to look like it is from the Internal Revenue Service.

It says: "Urgent Express. Please expedite. Dated material enclosed."

It would really get your attention if you walked out to the mailbox and received this. But also, if you are a senior, you would be scared to death if you thought what they were telling you was true.

It starts off by saying the Breaux-Thomas effort to fix Medicare is going to basically destroy Medicare by giving you a voucher instead of a guaranteed contribution for your Medicare benefits. No. 1, that is absolutely, totally inaccurate, incorrect, misleading, false and anything else you want to call it.

What we do is give seniors the same type of system that every one of us as Federal employees, including Members of the Senate, has. Under our plan, it is guaranteed in law that the Federal Government will contribute 88 percent of the cost of whatever plan the seniors take. The seniors would pay about 12 percent. That is what they pay now. That is not a voucher. For them to say it is a voucher is misleading, false, and intended to simply scare people into giving more money.

If you look at the rest of their letter, they say you do not get guaranteed benefits. That is not true. The statute clearly says that you will have the same guaranteed benefits that you get under Medicare today. That is in statute. That is guaranteed. What they have to say is false.

What they are really trying to do, in addition to scaring seniors, is they are trying to raise money from them; tell them anything to scare them to death and hope they send money.

I was underlining all the times they said, "please send money" in this letter. It is one after another.

It says on page 3: ". . . we need your signature . . . and your generous special donation . . . ."

Then they go on to say: "We also need as generous a donation as you can afford. . . ."

They then talk about sending a special donation to help us with our effort, and by making a special donation today, we can help save Medicare; endorsing this with as generous, and then they call it an "emergency donation"—they go from "special donation" to send us an "emergency donation" to stop what BREAUX and THOMAS are trying to do by fixing Medicare.

Then they say:

> [Please] boost our grassroots efforts by including an emergency contribution with your Petition. Your contribution of [$10] or $25, will be used to reinforce [our] message. . . . I've suggested [some] contribution amounts, but anything you can give will help more than you know. Please decide the most you can afford and enclose your check with your signed . . . Petition in the enclosed envelope . . . .

Your emergency donation is needed "along with your contribution of [blank] or [blank] in the envelope provided."

Mr. President, this is a fundraising letter intended to scare seniors into digging into their pockets, into their retirement funds and funding this operation so they can continue to put out false, erroneous, inaccurate information, information which is simply not true.

The PRESIDING OFFICER. The time of the Senator has expired. I would like for him to go on.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed as much additional time as he needs.

Mr. BREAUX. This is not the way to fix Medicare, by scaring seniors. They do not mention that under the current Medicare program the premiums are going to double by the year 2007 if we do not do anything to fix it. That should really scare seniors into saying we need to do something to fix the program for our children and our grandchildren. But to send out false information calling the program a voucher, which it clearly is not, and to say it does not have the defined benefits, which it clearly does, all under the guise of scaring seniors into digging into their pockets and sending money that they need for food and groceries and extra Medicare benefits that they do not get now is something they should be ashamed of.

I think all of us know what they are trying to do. We just have to stand up and say it like it is and call it what it is. This is shameful.

UNANIMOUS CONSENT AGREEMENT—S. 96

Mr. BREAUX. Mr. President, I ask unanimous consent that the Graham amendment to the Y2K legislation be designated an amendment to be offered by Senator TORRICELLI.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER . (Mr. HUTCHINSON). Morning business is closed.

Y2K ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 96, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of that year's date.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 608

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. McCAIN. Mr. President, I am pleased to start out by offering a substitute amendment to S. 96, the Y2K Act. This substitute amendment is truly a bipartisan effort. It represents spirited discussion, hard fought compromise, and agreement with a number of my colleagues on both sides of the aisle, led by Senators DODD, WYDEN, HATCH, FEINSTEIN, BENNETT, LIEBERMAN, GORTON, LOTT, ABRAHAM, SANTORUM, and SMITH of Oregon.

The substitute is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN, proposes an amendment numbered 608.

Mr. McCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I thank Senator WYDEN for being one of the true leaders on this bill. Senator WYDEN said at our committee markup that he wanted to get to "yes." He has worked tirelessly with me and others to get there. Having not only the necessary majority vote but the 60 votes necessary to move forward is directly related to his efforts.

I also thank Senator DODD of Connecticut. He has offered an important perspective and has provided excellent suggestions and comments which I think make this substitute we offer today a better piece of legislation.

I am grateful to my colleagues, especially the senior Senator from Connecticut, for their unflinching dedication to dialogue, to working through our differences and remaining focused on the common goal of enacting this critical piece of legislation. Without the leadership of Senators DODD and WYDEN, this bipartisan effort would not have been possible.

Before I talk about the legislation and the language of the substitute itself, I would like to note that there was a unanimous consent agreement that 12 amendments would be in order on both sides. We are now in the process of working with the sponsors of those amendments, some of which we can agree to, some of which may require votes. But I hope my colleagues will also come over here ready to offer those amendments so that in a very short period of time we can begin to dispense with them.

We all know the very heavy schedule of legislation that lies before us between now and the next recess on the Fourth of July. So I am hopeful we can take up and dispense with these amendments in a timely fashion.

The first effort, obviously, will be to get time agreements on those amendments that we are unable to get agreement on, although I believe, from a first look at many of these amendments, we will be able to work out language so that we can accept a number of them. In fact, I think some of them will improve the legislation.

I want to walk through the details of this substitute amendment and the background and history of this bill.

First, let me summarize what this substitute contains.

Specifically, the substitute amendment:

Provides time for plaintiffs and defendants to resolve Y2K problems without litigation.

It reiterates the plaintiff's duty to mitigate damages and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources.

It provides for proportional liability in most cases, with exceptions for fraudulent or intentional conduct or where the plaintiff has limited assets.

It protects governmental entities, including municipalities, school, fire, water, and sanitation districts, from punitive damages.

It eliminates punitive damage limits for egregious conduct while providing small businesses some protection against runaway punitive damage awards.

And it provides protection for those not directly involved in a Y2K failure.

The substitute, as the original bill, does not—I emphasize, does not—cover personal injury and wrongful death cases.

The specific changes the substitute makes from the version of the bill which Senator WYDEN and I offered in April are those proposed by Senator DODD. It eliminates the director and officer liability caps, it eliminates the punitive damages caps for businesses with more than 50 employees, it provides that State evidentiary standards will be used in specific situations, and it preserves the protections provided in the Year 2000 Information and Readiness Disclosure Act.

Let me be quite blunt. These revisions represent significant compromise. They move this bill a considerable distance from the Y2K bill passed by the House. Even with these compromises, I believe the bill will accomplish the goals for the legislation—to encourage remediation and prevention of Y2K problems and eliminate frivolous and opportunistic litigation which can only serve to damage our economy. However, I do not believe any additional compromises are necessary or warranted.

I want to reemphasize that point. There have been additional efforts made to have us accept or work on additional changes to the bill. We run the risk right now of compromising to the degree where it makes these protections, if not meaningless, so reduced that we are not able to achieve the goal we seek. So I do not intend—nor do, I believe, the majority of my colleagues, including those on the other side of the aisle—to continue to work behind the scenes towards a compromise. If there is a change that Members believe needs to be made to this legislation, then let's go through the amending process, let's have a time limit on debate, and vigorously debate and educate our colleagues, and then have votes.

We have, thanks to Senator WYDEN, moved a significant way, and also thanks to Senator DODD; we have done that. We cannot move from our position further. Yet we do obviously have 12 amendments in order on that side, 12 amendments on this side, which is ample opportunity for debate and discussion about this issue and further amending, obviously, with majority rule.

So I point out again, these are significant compromises that have already been made, some of them to the dissatisfaction of some of our constituents. It has not made everybody happy. But having been around here now for some years, it is my firm belief that we have to make compromises, because that is the essence of legislation. But we have made enough compromises that we can no longer make any further changes without compromising the fundamental principles behind this legislation.

Let me make one other point. Time is of the essence here. We cannot dally. We cannot wait until the end of the year when Y2K is upon us.

Already lawsuits have been filed, some of them pretty interesting, and emphasize, at least to my mind, the necessity of this legislation.

But we need to move. I fully intend, once we pass this legislation, to move to conference as quickly as possible. There are differences between the House-passed legislation and this legislation. I am absolutely convinced we will be able to reach agreement in conference and come back here before the recess with a final conference report and bill to be approved by both Houses.

I am committed to passing legislation which is effective. I am not interested in passing a meaningless facade. We will do the public a great disservice to claim victory in passing legislation which leaves loopholes for spurious litigation. If we aren't going to legitimately fix the problem, then we must be forthright with the public and tell them it could not be done. I think that would be a disastrous result, but it would be more honest than to pretend to provide a solution and not.

This bill deserves the support of every Member of the Senate. It is fair, practical, and legally justifiable. It is important not only to the high-tech industry or only to big businesses but carries the strong support of small businesses, retailers, and wholesalers.

The coalition of support for this bill is compelling. Yesterday a press conference was held to reiterate the support of the overwhelming majority of the Nation's gross national product: the U.S. Chamber of Commerce; the National Association of Manufacturers; the National Retail Federation; virtually every high-tech industrial association, including the ITAA, the Business Software Alliance, and others who participated, to emphasize the need for the bill and their support for the compromises which have been made.

Many of those supporting this legislation will find themselves as both plaintiffs and defendants. They have weighed the benefits and drawbacks of the provisions of this legislation and have overwhelmingly concluded that their chief priority is to prevent and fix Y2K problems and make our technology work, not to divert their resources into time-consuming and costly litigation.

The estimated cost of litigation associated with fixing the Y2K problem is really quite enormous. In the view of some, it is as high as $1 trillion. I do not know if it is that high, but already major corporations in America have spent millions and millions, in some cases tens of millions, of dollars in fixing existing problems. If we throw into the mix the litigation we have already seen the beginnings of, it could really have an effect, not only on the ability of our businesses to do business, not only on the ability of our high-tech corporations to continue investing in research and development and improvements in technology, but it really would have a significant effect on our overall economy. You take that much money out of our economy in the form of litigation, you are going to feel the economic impacts of it.

Let me remind my colleagues how this legislation came to be, its genesis and rationale. The origin, as we all know, of the Y2K problem was in the 1950s and 1960s, when computer memory was oppressively expensive. According to the February 24, 1999, report of the Senate Special Committee on the Year 2000 Technology Problem, headed by Senators BENNETT and DODD, in the IBM 7094 of the early 1960s, core memory cost around $1 per byte. By comparison, today's semiconductor memory costs around $1 per million bytes. Thus, there was a strong incentive to minimize the storage required for a program and data.

A two-digit data code became the industry standard in order to economize on storage space. It was presumed that sometime during the 40 or 50 years before the end of the millennium, the coding would be changed as computer memory became more accessible. Unfortunately, although memory costs fell dramatically, the interface requirements of old software with new discouraged and slowed the changeover process. The computer equipment and software that was expected to become obsolete survived many layers and programming updates. The result is that the two-digit programs are not designed to recognize dates beyond 1999 and may not be able to process data-related operations beyond December 31 of this year.

Although some who oppose this litigation charge that the solutions are simple and should have been completed long ago, the reality is not that simple. First, there are over 500 programming languages in use today. A universally compatible Y2K solution would have to be compatible with most or many of these languages. Embedded processors in embedded chips have to be found and replaced. There are also several ways to reprogram causing additional interfacing issues.

Technical approaches to solving the problem include reprogramming all two-digit date codes with a four-digit date code; windowing the date codes to make programs think that the two-digit codes are applicable to the year 2000 and beyond; and encapsulation which, like the windowing method, tricks the computer program into thinking that the two-digit date code is applicable beyond 1999. Unless the same approach is taken in all computers, additional programming is required to allow interface of four-digit codes with two-digit codes which have been windowed or encapsulated.

Let me read from a recent publication of the National Legal Center for the Public Interest, the Year 2000 Challenge, Legal Problems and Solutions, which summarizes why the year 2000 problem is so difficult to solve.

I quote from the article from the National Legal Center for the Public Interest:

> One of the most insidious characteristics of the Year 2000 problem is that the difficulty of solving it in any particular organization often is so underestimated. Since both the nature of the problem and the actions needed to fix it are relatively easy to explain, people who are not familiar with IT projects in general and the peculiar difficulties of Year 2000 projects in particular tend to think of Year 2000 projects as less difficult and risky than they really are.
>
> The unfortunate fact is that there is no "silver bullet" solution to the Year 2000 problem in any organization, and the risks and difficulties in any Year 2000 project of even moderate size and complexity can be enormous. None of the remediation techniques described above is without disadvantage, and for many IT users the time and resources required to accomplish Year 2000 remediation far exceed what is available. Most major remediation programs involve finding and correcting date fields in millions of lines of poorly documented or undocumented code. There is no single foolproof method of finding date fields, no assurance that all date fields will be found, corrected, or corrected accurately, and no assurance that corrections will not produce unintended and undesirable consequences elsewhere in the program. In many cases it will be necessary to rely on information or assurances from third-party vendors regarding the Year 2000 compliance of their products, even though experience teaches that many such representations are inaccurate or misleading. Comprehensive end-to-end system testing of remediated systems in a simulated Year 2000 "production" environment is often impractical or impossible, and less intensive testing may fail to detect uncorrected problems. And even when an IT user has succeeded in making its own system Year 2000 ready, Year 2000 date handling programs of external programs or systems (such as the systems of customers or suppliers) can often have a devastating effect on internal operations.

In addition to the technical problems with solving the problems, we must consider the cost dimension of the Y2K problems. From the ITAA, Information Technology Association of America, Year 2000 website, I have the following information:

> At $450 to $600 per affected computer program, the Gartner Group has estimated that a medium-sized company will spend between $3.6-$4.2 million to convert its software. The cost-per-line-of-code has been estimated between $1.00-$1.50. Viasoft estimates cost-per-impacted-programs between $572-$1,204.
>
> Estimates place correcting the problem for businesses and the public sector in the United States alone between $100-$200 billion. If you accept the premise that the total information technology services marketplace in America approaches $150 billion annually; that means Year 2000 Software Conversion could represent anywhere from 33%–50% of dollars spent for information systems in one year. Some ITAA Year 2000 Task Group members report estimates placing the worldwide total to correct the problem between $300 to $600 billion.

In addition, the Senate Year 2000 Committee in its report cites figures for several specific companies, as well as total costs which include estimated litigation costs.

> There is no generally agreed upon answer to this question. The Gartner Group's estimate of $600 billion worldwide is a frequently cited number. Another number from a reputable source is that of Capers Jones, Software Productivity Research, Inc. of Burlington, MA. Jones' worldwide estimate is over $1.6 trillion.[5] Part of the difference is that Jones' estimate includes over $300 billion for litigation and damages but Gartner's does not. A sense of the scale of the cost can be gained from looking at the Y2K costs of six multinational financial services institutions; Citicorp, General Motors, Bank America, Credit Suisse Group, Chase Manhattan and J.P. Morgan. These six institutions have collectively estimated their Y2K costs to be over $2.4 billion.

Mr. President, the point here is that this is a complex technical problem with no easy, cheap solution. Although the opponents of this legislation would have us believe that Y2K failures can only result from negligence or dereliction on the part of the technology industry, and all those who use computer hardware and software, in truth, massive efforts are underway, and have been for some time, to prevent the Y2K problem from occurring. Even with the nearly incomprehensible amounts of money being devoted to reprogramming date codes in virtually every business and industry in our country, there are going to be failures. Well-intentioned companies, acting in good faith, are nevertheless going to encounter problems in their systems, or in the interface of their systems with other systems, or as a result of some other company's system.

But what experts are also concluding is that the real problems and costs associated with Y2K may not be the January 1 failures, but the lawsuits filed to create problems where none exist. An article in USA Today on April 28 by Kevin Maney sums it up:

> Experts have increasingly been saying that the Y2K problem won't be so bad, at least relative to the catastrophe once predicted. Companies and governments have worked hard to fix the bug. Y2K-related breakdowns expected by now have been low to nonexistent. For the lawyers, this could be like training for the Olympics, then having the games called off.
>
> The concern, though, is that this species of Y2K lawyer has proliferated, and now it's got to eat something. If there aren't enough legitimate cases to go around, they may dig their teeth into anything. . . . In other words, lawyers might make sure Y2K is really bad, even if it's not.

Mr. President, the sad truth in our country today is that litigation has become an industry. While there are many fine, scrupulous attorneys representing their clients in ethical fashion, there are also many opportunistic lawyers looking for new "inventories" of cases. The Y2K problems provide these attorneys with a lottery jackpot.

Let me read from an article published in March of this year, by the Public Policy Institute of the Democratic Leadership Council, written by Robert D. Atkinson and Joseph M. Ward:

> As the millennium nears, the Year 2000 (Y2K) computer problem poses a critical challenge to our economy. Tremendous investments are being made of fix Y2K problems, with U.S. companies expected to spend more than $50 billion. However, these efforts could be hampered by a barrage of potential litigation, as fear of liability may keep some businesses from effectively engaging in Y2K remediation efforts. Trail attorneys across the country are actually preparing for the potential windfall. For those who doubt the emergences of such a litigation leviathan, one only needs to listen to what is coming out of certain quarters of the legal community. At the American Bar Association annual convention in Toronto last August, a panel of experts predicted that the legal costs associated with Y2K will exceed that of asbestos, breast implants, tobacco, and Superfund litigation combined.[1] That is more than three times the total annual estimated cost of all civil litigation in the United States.[2] Seminars on how to try Y2K cases are well underway and approximately 500 law firms across the country have put together Y2K litigation teams to capitalize on the event.[3] Also, several law suits have already been filed, making trail attorneys confident that a large number of businesses, big and small, will end up in court as both a plaintiff and defendant. Such overwhelming litigation would reduce investment and slow income growth for American workers. Indeed, innovation and economic growth would be stifled by the rapacity of strident litigators.

I want to point out that is from the Public Policy Institute of the Democratic Leadership Council.

Mr. President, already at least 65 lawsuits—some report as many as 80—have been filed, and we are still 6 months away from January 1. Most of these lawsuits involve potential problems that have not even occurred yet.

Our nation's legal system is not designed to handle the tidal wave of litigation which will undoubtedly occur if we do not act to prevent it. We must reserve the courts for the cases with real harm, real factual support, and which cannot be otherwise resolved through mediation and resolution.

Probably the classic example of opportunistic litigation is a class action suit filed in California by Tom Johnson against six major retailers. Tom Johnson, acting as a "private attorney general" under California consumer protection laws, has brought an action against a group of retailers, including Circuit City, Office Depot, Office Max, CompUSA, Staples, Fryes, and the good guys, inc. for failing to warn consumers about products that are not Y2K compliant.

He has not alleged any injury or economic damage to himself, but, pursuant to state statute, has requested relief in the amount of all of the defendants' profits from 1995 to date from selling these products, and restitution to "all members of the California general public." Although he claims that "numerous" products are involved, he has not specified which products are covered by his allegations, but has generally named products by Toshiba, IBM, Compaq, Intuit, Hewlett Packard, and Microsoft.

It is crystal clear that the real reason for this lawsuit is not to fix a problem that Mr. Johnson has with any of his computer hardware or software, but to see whether he can convince the companies involved that it's cheaper to buy him off in a settlement than to litigate—even if the case is eventually dismissed or decided in their favor.

And, even more interesting, is the history of how this case came to be filed. The Wall Street Journal carried a story on Friday, May 14, 1999 in its Politics and Policy column by Robert S. Grernberger.

It says:

> Michael Verna, a California lawyer, is warning a group of technicians about the dangers ahead if they don't get the gliches out of their companies' computers by the end of the year.
>
> Here in Seattle, Mr. Verna is explaining how writing internal memos or careless e-mail could hurt a firm in a Y2K lawsuit. Loretta Pirozzi of Data Dimensions Inc., a consulting firm, complain that most bosses aren't budgeting enough money to fix the problems. A knowing chuckle sweeps the room. Mr. Verna warns that memos on such budget disputes become smoking guns in court.
>
> "What can we do?" asks another woman.
>
> "Have lawyers show you how to protect your documents, for one thing," he says. "By the way," he adds, "that isn't a sales pitch."
>
> But, of course, it is. Bowles & Verna, a 21-member firm in Walnut Creek, Calif., has a Y2K game plan. It starts with semimars that help develop new clients. The millennium itself will usher in the "failure litigation phase" of court fights. And in about five years, just when it seems like everyone has sued everyone else, comes the "insurance-coverage phase," when companies go after their insurers to pay some of their Y2K losses.
>
> "You want to be on the leading edge of the tort of the millennium," Mr. Verna says.
>
> Bowles & Verna's journey to 2000 began almost by chance, in 1997, while Kenneth Jones, then a third-year law student, was playing a computer football game. It is wife, Sandy, was telling him that people were stocking up on canned goods and bottled water for the expected chaos of Y2K. At that moment, Mr. Jones recalls, he had an epiphany.
>
> A new area of law, involving future failures due to Y2K bugs, was being born, and Mr. Jones, a law student comfortable with technology, was perfectly positioned for it. He also was headed for a job at Bowles & Verna, where he had been a summer law clerk. "I decided the firm could be the experts.
>
> With Mr. Verna's strong encouragement, the 28-year-old Mr. Jones proded his colleagues, giving some of the firm's techno-challenged lawyers a book, "Year 2000 Solutions for Dummies." Gradually, the firm formed a Y2K team. All it lacked was a client. Then, late last year. Mr. Jones's friend Torn Johnson, a Walnut Creek swimming coach, went shopping for a laptop computer—and Bowles & Verna found its first Y2K lawsuit.
>
> But with no apparent injury to Mr. Johnson, the firm needed a legal theory. California's Unfair Business Practices Act came to the rescue. The statute permits citizen lawsuits on behalf of the people of the state to stop unfair or deceptive business practices. And so Mr. Johnson is suing about half a dozen retailers for injunctive relief to require disclosure for Y2K compliance, but not for damages. And, under the state law, Bowles & Verna would collect attorney's fees.

This is precisely the type of frivolous and opportunistic lawsuit which would be avoided by S. 96. Rather than have all of these named companies wasting their time and resources preparing a defense for this case, S. 96 would direct the focus to fixing real problems. In this instance, Mr. Johnson does not have an actual problem, but if he did, he would need to articulate what is not working due to a Y2K failure. The company or companies responsible would then have an opportunity to address and fix the specific problem. If the problem isn't fixed, then Mr. Johnson would be free to bring his suit.

This case is the tip of the iceberg—if thousands of similar suits are brought after January 1, the judicial system will be overrun—and the nation's economy will be thrown into turmoil. This is a senseless and needless abuse that we can avoid by passing S. 96.

Mr. President, let me turn to the substance of the substitute amendment offered today. Without going through every paragraph of the bill, let me highlight the most important provisions.

Certainly the centerpiece of the bill are the provisions of Section 7 regarding notice. This section requires plaintiffs to give defendants 30 days notice before commencing a lawsuit. This provides an opportunity for someone who has been harmed by a Y2K failure to make the person responsible aware of the problem and to fix it. If the defendant doesn't agree to fix the problem, then the plaintiff can sue on the 31st day. If the defendant does agree to fix the problem, 60 days are permitted to accomplish the remediation before a lawsuit can be filed. This offers a reasonable time and opportunity for people to work out legitimate problems with sincere solutions, without cost of litigation. It focuses on the fact that most people want things to work—they don't want to sue.

A corresponding critical element of this legislation is the requirement for specificity in pleadings found in Section 8. Not written nor intended to cause loopholes for lawyers, the thrust of this requirement is that there must be a real problem in order to sue. Our judicial system should not be clogged with possible Y2K failures, nor novel complaints to ensure the payment of lottery style settlements and attorneys fees. We must reserve our judicial resources for real problems which have caused real injury which can be redressed by the court.

The Duty to Mitigate in Section 9 is also important. While it is in some respects merely a statement of current law, it highlights the emphasis to be placed on preventing problems and injury to the maximum extent possible, and articulates the role that prevention information made available by the affected industries can play in limiting injury to product users.

The economic loss rule found in Section 12 is also a restatement of law in the majority of states. It is critical, however, because it confirms that damages not available under contract theories of law cannot be obtained through tort theories. This is particularly important here where personal injury claims have been excluded.

Punitive damages caps have been retained for small businesses, defined as those with 50 fewer than 50 employees. Punitive damages are permitted under some state laws in certain egregious situations primarily as a deterrent from a repetition of the conduct.

Punitive damages are awarded primarily as punishment to a defendant. They are intended to deter a repeat of the offensive conduct.

Punitive damages are not awarded to compensate losses/damage suffered by a plaintiff.

The Y2K cases are unusual in that the conduct is not likely to occur again, thus there is little deterrent value in awarding punitive damages.

Without a deterrent effect, punitive damages serve only as a windfall to plaintiffs and attorneys.

Additionally, since we have eliminated personal injuries from coverage of the bill, the only harm caused by defendants will be economic damage, which can be appropriately compensated without the need for punitive awards.

Further, excessive punitive damage awards will simply compound the economic impact of Y2K litigation and the costs will be passed along to the public/consumers through higher prices.

In this situation, punitive damages truly become a "lottery" for the plaintiff, thus they should be limited.

S. 96 provides an exception to the caps for intentional injury to the plaintiff, which is most likely to be conduct worthy of additional punishment.

S. 96 protects all governmental entities so that taxpayers are asked to provide compensation for actual damages, but not provide windfalls to plaintiffs. This is especially important to municipalities and special districts (school, fire, water and sanitation). This is strongly supported by National League of Cities.

Let me speak to some of the points raised by the proposal of Senators KERRY, ROBB, DASCHLE, REID, BREAUX, and AKAKA. While it is encouraging that they agree the Y2K problem is one which must be addressed, it is unfortunate that they continue to reject some of the most important goals of the legislation.

First, their proposal applies only to "commercial losses." It excludes consumer actions from the scope of the bill. I think this exclusion is misguided and merely strengthens the hand of the opportunistic lawyers.

It denies the consumer the protections afforded by S. 96, including the ability to have problems fixed quickly and without the need for expensive litigation. It places a burden on those least able to afford legal counsel.

Notwithstanding the purported attempt to cover consumer claims brought as class actions, in fact it provides a "lawyers' loophole" by permitting individual claims to be brought and consolidated or aggregated to avoid the notice and pleading requirements of the class action section.

There are no punitive damage limitations or protections, either for business (large or small) or for governmental entities. Punitive damages are intended to punish poor behavior and deter a repeat of it in the future. Punitive damages do not have such an effect in Y2K litigation because of the uniqueness of the problem. Thus, in Y2K litigation, punitive damages become an incentive for "jackpot justice" and abusive litigation.

The proportionate liability provisions are ineffective in preventing "deep pocket" companies from being targeted by mass litigation.

The approach of requiring a defendant to prove itself innocent in order to be assured proportionate liability is misguided and ignores the vast array of potential defendants and the myriad of factual situations which may be encompassed in a Y2K action. In particular, defendants who are in the middle of the supply chain may be sued for a breach of a contract caused not by the failure of the defendant's computers but by those elsewhere in the supply chain.

Requirements in the Kerry proposal would result in that defendant being jointly and severally liable—an injustice. The result is, the deep-pocketed defendants will face needless and abusive litigation and will be subjected to either defending or settling such cases, regardless of their share of responsibility for causing the plaintiff's problems.

The Kerry proposal also fails to encourage settlement of cases before trial. Defendants who do settle with the plaintiff should not be subjected to continued liability or responsibility for other defendants. This defeats the purpose of incentive for early settlement in mediation.

The Kerry proposal rejects the protections for settling defendants contained in S. 96. The fair rule in this situation is that each defendant pays for the portion of the problem which that defendant causes. S. 96 provides that clear rule, with exceptions patterned after the Securities Act, as proposed by Senator DODD.

There are important differences as well. The Kerry proposal does not protect contracts as negotiated but permits them to be revised and overturned by uncertain common law. This results in the parties being uncertain of their duties and obligations under their contracts and will increase the likelihood of litigation. The proposal also too narrowly applies the economic loss rule, subjecting defendants to broader damages available under current law in most States.

Taken as a whole, the Kerry proposal simply does not provide the solutions which are needed to the Y2K problem. It is a meager attempt to provide lip service to the business community while protecting the trial lawyers' income stream. I urge my colleagues to carefully review the details of the proposal and reject this form-over-substance amendment.

I have taken a long time on this legislation. This is a very important issue, to say the least. It has a profound impact on our economy, on our country, and the lives of men and women who are engaged in small, medium, and large business throughout America.

This substitute amendment is a good piece of legislation that deserves the support of the Senate. It is not perfect. It certainly does not provide a wish list of product liability or tort reform. The business community certainly would like more than what is in this compromise. The House passed a bill that contained many of the provisions we have eliminated to reach this bipartisan compromise.

As in any negotiation process, there must be give and take. We have given a great deal. I remain convinced that the Y2K problem is real and must be addressed now. I believe that this substitute offered will achieve a just and reasonable approach to Y2K: Fair prevention, remediation, and litigation. This bill should not be further emasculated. It has the support of the broadest possible cross section of our Nation's economy. It is a bill which is good for our country. It will ensure that our economy is not derailed with opportunistic litigation.

It is critical that it pass without further delay. I ask each of my colleagues for their support in bringing this bill to its final successful conclusion and enacting it into law.

I thank the Senator from South Carolina, who I know has the very strongest views on this issue. He is a fierce fighter for the principles he believes in, which are obviously in opposition to this legislation. However, the Senator from South Carolina has allowed this bill to come to the floor. He could easily have blocked it further. I appreciate his cooperation in doing so.

We have 12 amendments that are in order on each side. We would like to see those amendments, and we would like to start work on them so we can resolve those and perhaps get time agreements or accept those amendments on both sides.

I thank my two dear friends who are on the floor today, Senator WYDEN and Senator DODD, without whose cooperation and effort we would never have reached this stage nor would we reach enactment of this legislation. The essence of doing business in this body on these kinds of issues is a bipartisan coalition. That is why we have a 60-vote rule, which many times I decry when I am pushing issues which have no more than 50 votes, such as campaign finance reform.

I think it also compels Members to work in a bipartisan fashion so we can work together. I argue that at the end of the day the legislation is probably much better for it.

If it is agreeable with the Senator from South Carolina, I will begin with colleagues on our side and then the other side of the aisle to begin addressing the amendments, so we can get agreement and time agreements so we can dispatch this legislation as soon as possible, although I know that the Senator from South Carolina will have a great deal to say on this issue, as he has in the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman is correct, the Senator has had sufficient time now during the negotiations over the past 4 weeks to consider, after hearings before our committee, all the different ramifications and contentions by the parties. It is the intent of Members on this side of the aisle to expedite the vote on this particular measure whereby we will have only amendments that are germane to the particular issue, and that they be limited and there be no delaying conduct and action.

I must address immediately some of the comments made by my distinguished colleague from Arizona with respect to trial lawyers, with respect to punitive damages, the lottery, and various other things that go without contest up here in Washington because they look good on a poll.

If we were to poll the States' attorneys general or the Governors, they wouldn't be here at all. The State tort law has taken care of product liability, according to the American Bar Association, in a very efficient manner over the many years. In fact, we have the safest of all societies in America as a result of product liability. That is the subject at hand, of course—product liability—namely, the computerization, the software, the glitch or the Y2K problem that could occur January 1, 2000.

Everybody is on notice for January 1, 2000. All of these measures before the Senate—the McCain-Wyden-Dodd amendment—say January 1, if we have a glitch, we should first talk about it for 2 or 3 months. We have 6 months right now. We have had 30 years.

The computer industry, the software industry, has appeared before the committee. They have known about this problem for the past 30 years. Ross Perot says it is easy to fix; just take the year 1972; everything conforms in the year 2000 with the year 1972, and we have a fix.

There are other sinister drives, motives, and intents behind this particular measure that must be surfaced at the very outset. This is not a product liability problem for the computer industry. They know and have warned everybody, and everybody is making tests. For example, the best of the best, some 2,000 leading industries, are named in March in Business Week. The market, of course, has taken care of the problem. It is a nonproblem, as far as Y2K, as far as computerization, as far as the product itself.

There is another problem with respect to the Chamber of Commerce, the Business Roundtable, and that crowd coming in here and trying to diminish the rights of consumers, the protection for consumers, of all Americans.

March 1 in Business Week, an article tells a story about Lloyd Davis, in his Golden Plains Agricultural Technologies, Colby, KS, business.

He needs $71,000 to get his particular system Y2K-compliant. He has a problem. He can borrow up to $39,000, but he has not been able to borrow the rest of it.

We are not talking about an injured party in an auto collision who has a bad back and brings a frivolous suit—nobody can tell whether the back is bad or not until after the verdict—and then walks away. That has happened in America several times. But these are substantial small businesses. I am quoting now from the article:

> Multinationals such as General Motors, McDonald's, Nike, and Deere, are making the first quarter—or the second at the latest—the deadline for partners and vendors to prove they're bug free. A recent survey says that 69 percent of the 2,000 largest companies will stop doing business with companies that can't pass muster.

Mr. President, 2,000 companies of the blue chip corporations in America here are coming forward and saying—already, 2 months ago, 3 months ago—if you are not compliant by the end of this month, June at the latest, we are going to have to find another supplier. We cannot play around. We have to do business. We are going to others:

> Cutting thousands of companies out of the supply chain might strain supply lines and could even crimp output. But most CEOs figure it will be cheaper in the long run to avoid bugs in the first place.
>
> Some small outfits are already losing key customers. In the past year, Prudential Insurance Co. has cut nine suppliers from its "critical" list of more than 3,000 core vendors, and it continues to look for weak links, says Irene Deck, Vice President for Information Systems at the company. And Citibank Vice President, Ray Apte, "cuts have already been made."

Mr. President, you are talking about frivolous lawsuits. Not with all this warning, with all the record made and public hearings here in the Government itself and the Congress, with all the chances to cure all the glitches. We have had chance upon chance upon chance and effort upon effort. The most recent one here, of course, was just a couple of weeks ago in the Washington Post:

> Banking regulators worried about the year 2000 readiness of a big ATM service company in the west have just ordered it to get in shape by June 30 or face possible contract cancellations by its 750 bank customers.

The point is, business is not telling business let's work it out in 90 days, like the law that they propose. Business is telling business: Blam, you either get with it, business is business, or we are going to cut you off.

As an old-time trial lawyer, the punitive damages they are talking about is only for willful neglect. By January 1, 6 months from now, we have this big debate, we have the best of minds, we have the best of witnesses, we have the best of software experts coming, everything else—we have the best of business leadership saying: Get with it or we are going to cut you off. If they have not gotten with it by January 1, that is willful neglect. All cases after January 1, under the record being made here in 1999 in the National Government, ought to indicate if there ever were an indication of willful neglect, willful misconduct, it would be now on Y2K.

No, this is not really about business because business cannot wait around. Incidentally, the claimants are not frivolous—which is a remarkable thing, how they can tie people in. The National Federation of Independent Business ought to be standing here with me in this well, because the average computer for these small businesses, I would say, is around $20,000. These are not people willy-nilly looking for a lawsuit. They are not looking for a punitive damage lottery and all of that kind of nonsense that they make fun of here and try to stir up the emotions and say we have those old trial lawyers.

The truth of the matter is, these small business people have to get on and do business. They have no time to get a lawyer and wait the 90 days and come back around after 90 days, then file a pleading, and then on and on. Then under their particular bill, on joint and several—I cannot tell where the parts are made, but I guarantee the majority of the parts of the computers are made outside of the United States. If I cannot get joint and several, where am I going? To India, where a lot of the parts in computerization are made? Am I going to Malaysia to bring my suit? I am a small businessman.

Oh, no, they have to get joint and several out of here. Why? On account of product liability, the Chamber of Commerce on account of Tom Donahue and Victor Schwartz. I have been here for 20 some years in the Federal Government proudly standing on the side of the American Bar Association, the Association of State Supreme Court Justices, the State legislators. They met and they back us up every time, because this is a problem at the local level that has long since been solved in tort law, in verdicts made there. But otherwise, long since, here, there is evidence upon evidence of businesses saying we cannot wait around for lawsuits and lawyers and punitive damages and everything else of that kind. We have to get on with it.

But Silicon Valley has the money. People are falling over pell-mell. I wish we could have passed campaign financing reform because we are going to talk money out here on the floor, which is when this legislation really gets any kind of impetus or attention. Everybody wants Silicon Valley contributions. I do, too. But I cannot see changing 200 years of tort law in order to get it.

Most advisedly, if General Motors came up here to the National Government and said: Look, we are going to put out a new model come the first of the year, and it might have some glitches. So, if we find any glitches in our 2000 year's model, what we need to do is get together with anybody who has a glitch, and let's talk to them for 2 or 3 months. I don't know what they are supposed to do with the car during that time because it will not work.

But that is the law they want to pass: let's talk about it for 90 days.

How fanciful and nonsensical this whole move is. Thereafter, bring your lawsuit. By the way, everybody has known about this particular problem for years on end, every business magazine and everything else. But let's not have any punitive damages or willful misconduct. Let's not have any joint and several liability.

General Motors would say: Senator, how about changing 200 years of the State tort law for me because I am going to put out a new model?

You would run General Motors out of town. You would not listen to them at all. But General Motors is not up here making those kinds of contributions. Silicon valley is. Oh, boy, we can bring the records here and show just exactly what the issue is. Everybody wants to show I am a friend of technology.

They do not have to talk to this Senator about technology. I authored the Advanced Technology Program. I authored the Advanced Technology Business Partnership Act. I have been working with the young computerization people and technology people for 20-some years at least. So don't tell me about technology and being a friend of technology. What they are is a friend of campaign contributions.

So, you have the money marrying up with the manifest intent of the Chamber of Commerce, the Business Roundtable, the Conference Board, the National Association of Manufacturers and the National Federation of Independent Business. The reason I can correlate them so easily is I had to face them last year in the campaign. Of course the Chamber of Commerce endorsed my opponent because I was such a sorry Senator. Then in February they gave me the Enterprise Award for the year 1998, since I had done such a good job. They do not have any shame. That is the bunch with the most gall I ever met to come around, take the fellow they opposed, and then give him an award for doing such an outstanding job; the very reason, such a sorry job, why they opposed him. But that is the kind of shenanigans we have going on and giving it an official recognition here.

Do not let me leave out the insurance companies. The insurance companies out there right now are at a hearing, Mr. President, before your subcommittee and mine: "No fault." But they have a different name for it.

It has not worked. They have tried it in Connecticut, they have tried it in Georgia, they have tried it in Nevada, but it has not worked, and they canceled it out. We do not need a hearing. We have the actual experience in the States. But the insurance companies, at every turn, are in here driving to change the laws here, there and yonder for money, to increase their profits.

I have been at the State level and have been a sort of States rights Senator. I have been defending insurance at the State level, saying it has been regulated.

They have come with Y2K; they have come with product liability; they have come with auto choice. They call it no fault. They want a little tidbit here and a little tidbit there. Let's federalize interstate commerce—if any business is an interstate commerce—and let's federalize the insurance industry in the United States and set the rules for all 50 States, and then they will not have to qualify it.

I bring these things out because they are most important, for the simple reason that the trial lawyers, for example, and punitive damages—both—do a wonderful job for America.

Let's go back to the leading case: the Pinto case back in 1978. There is an outstanding attorney in California named Mark Robinson. He got a verdict for $3.5 million actual damages and $125 million punitive damages. He never collected a red cent of the punitive damages.

When the Senator from Arizona gets up here and talks about the punitive damages lottery, the American Bar Association said less than 4 percent of all tort cases result in a punitive damage verdict, and half of those are reversed again on appeals. So we are talking about less than 2 percent. He is up here describing it as "just roll the dice and we can get a lot of money and we have a lottery coming."

What has that punitive damage verdict done? Go over, as I have done, to the National Safety Transportation Board and you will find out that in the last 4 years—Mr. President, I want you to listen to this statistic—they have had 73,854,669 vehicle recalls. There were some last week. Chrysler was recalling some cars. Another one had something to do with the ignition; it was causing fires. Another one had something else wrong with it. We are constantly getting the recalls. Why? Not because they love safety, but because of the punitive damage lottery and the trial lawyers; they are going to get them.

On a cost-benefit basis, in the Pinto case, they said do not worry about it, we can kill a few, let the gas tank explode and let them die; but the cost of those deaths is not near as much as the profit we make on selling the car.

On cost-benefit, as a result of trial lawyers, we have had, just in the last 4 years, 73 million recalls. That has promoted tremendous safety in America, has saved thousands of lives, millions of injuries, I can tell you that. If they want to give a good Government award to anybody with respect to bringing about safety in America, find Mark Robinson in San Diego and give him the award, because I am proud of him and America is proud of him.

The trouble is, they are being derided and rebuked and defamed in the National Congress because we have a bunch of Congressmen and Senators who have never been in a courtroom, never tried a case, do not understand that people do not have time for frivolous lawsuits. Trial lawyers know they take on all the expenses, they take on all the time and effort for the discovery, for the interrogatories, for all the motions, all the appearances, thereupon the trial and thereupon—this is what they call a lottery—get all 12 jurors by the greater weight of the preponderance of evidence, take the case on appeal and get a verdict from the Supreme Court, and then they get that fee they all talk about now in the tobacco cases.

The trial lawyers have done more than Koop and Kessler. I have been up here working with them on cancer. I have received national awards, I can say immodestly. I helped and worked and got a center for this particular disease, but I can tell you advisedly, after 32-some years, these trial lawyers on smoking, on lung cancer, on heart attacks, saving lives, preventing cancer deaths, have done way more than Koop and Kessler, because we used to meet out here and nobody would pay attention to Koop and nobody would pay attention to Kessler. When the trial lawyers then started bringing the cases and getting these settlements, it was not the fees that they got but, more or less, the good that they brought to our society. Let's give them the good Government award this morning.

I want to clear the air here because we have just run into all of this lottery stuff and spurious suits and frivolous suits. This case involves small business folks who have put $20,000 or more into a computer, and they are trying, like the doctor who appeared before the committee, their dead-level best to get some results because they are not waiting, of course, until January 1, 2000.

We had the testimony of Dr. Robert Courtney on February 9, 1999, before the Committee on Commerce, Science, and Transportation. The good doctor was from Atlantic County, NJ. I had never met him before, but he gave an outstanding recount.

I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. ROBERT COURTNEY AT THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION HEARING ON S. 96, THE Y2K ACT, FEBRUARY 9, 1999

Good morning, my name is Bob Courtney, and I am a doctor from Atlantic County, New Jersey. It is an honor for me to be here this morning, and I thank you for inviting me to offer testimony on the Y2K issue.

As a way of background, I am an ob/gyn and a solo practitioner. I do not have an office manager. It's just my Registered Nurse, Diane Hurff, and me, taking care of my 2000 patients.

These days, it is getting tougher and tougher for those of us who provide traditional, personalized medical services. The paperwork required by the government on one hand, and by insurance companies on the other is forcing me to spend fewer hours doing what I do best—taking care of patients and delivering their babies.

But it was a Y2K problem which recently posed a serious threat to my practice, and that is why I am here this morning.

As a matter of clarification, although I am a doctor, I am not here to speak on behalf of the American Medical Association. Although I am also a small businessman, I am not here to speak on behalf of the Chamber of Commerce. I cannot tell you how these organizations feel about the legislation before the Committee. But I can tell you how it would have affected my practice and my business.

I am one of the lucky ones. While a potential Y2K failure impacted my practice, the computer vendor that sold me the software system and I were able to reach an out-of-court settlement which was fair and expedient. From what my attorney, Harris Pogust, who is here with me today tells me,

I doubt I would have been so lucky had this legislation been in effect.

In 1987, I purchased a computer system from Medical Manager, one of the leading medical systems providers in the country. I used the Medical Manager system for tracking surgery, scheduling due dates and billing. The system worked well for me for ten years, until the computer finally crashed from lack of sufficient memory.

In 1996, I replaced my old system with a new, state of the art pentium system from Medical Manager for $13,000. This was a huge investment for a practice of my size.

I remember joking with the computer salesman at the time that this was a big purchase for me, and that I was counting on this system to last as long as the last one did.

I remember the salesman telling me that he was sure that I would get at least ten years out of it. He showed me a list of how many of his local customers had used the Medical Manager for longer than ten years.

And, the salesman pointed me to this advertising brochure put out by Medical Manager. It states that their product would provide doctors with "the ability to manage [their] future."

In truth, I never asked the salesman about whether the new system that I was buying was Y2K compliant. I honestly did not know even to ask the question. After all, I deliver babies. I don't program computers. Based on the salesman's statements and the brochure, I assumed the system would work long into the future. After all, he had promised me over ten years' use, which would take me to 2006.

But just one year later, I received a form letter from Medical Manager telling me that the system I had just purchased had a Y2K problem. It was a problem that would make it impossible for me to schedule due dates or handle my administrative tasks—as early as 1999.

Medical Manager also offered to fix the problem that they had created—but for $25,000.

I was outraged, as I suspect anyone sitting around this table would be. The original system had cost me $15,000 when I purchased it in 1986. The upgraded system cost me $13,000 in 1996. Now, a year later, they wanted another $25,000. They knew when they sold me the $13,000 system that it would need this upgrade—but of course, they didn't tell me.

I wrote back to the company that I fully expected them to fix the problem for free, since I had just bought the system from them and I had been promised that it would work long into the future.

The company ignored my request, however, and several months later, sent me an estimate for fixing the problem—again, for over $25,000.

At this point, I was faced with a truly difficult dilemma. My practice depends on the use of a computer system to track my patients' due dates, surgeries and billings—but I did not have $25,000 to pay for an upgrade. Additionally, I was appalled at the thought of having to pay Medical Manager for a problem that they had created and should have anticipated.

If I had to pay that $25,000, that would force me to drop many of my indigent patients that I now treat for free. Since Medical Manager insisted upon charging me for the new system, and because my one year-old system was no longer dependable, I retained an attorney and sued Medical Manager to fix or replace my computer system at their cost.

Within two months of filing our action, Medical Manager offered to settle by providing all customers who bought a non-Y2K compliant system from them after 1990 with a free upgrade that makes their systems Y2K compliant by utilizing a software "patch."

This settlement gave me what I wanted from Medical Manager—the ability to use my computer system as it was meant to be used. To my great satisfaction, the legal system worked for me and the thousands of other doctors who bought Medical Manager's products since 1990. In fact, since I brought my claim against Medical Manager, I have received numerous telephone calls and letters from doctors across the country who had similar experiences.

Additionally, even Medical Manager has stated that it was pleased with the settlement. According to the Medical Manager president who was quoted in the American Medical News, "[f]or both our users and our shareholders, the best thing was to provide a Y2K solution. This is a win for our users and a win for us." [pick up article and display to Senators] I simply do not see why the rights of doctors and other small businesses to recover from a company such as Medical Manager should be limited—which is what I understand this bill would do. Indeed, my attorney tells me that if this legislation had been in effect when I bought my system, Medical Manager would not have settled. I would still be in litigation, and might have lost my practice.

As an aside, at roughly the same time I bought the non-compliant system from Medical Manager, I purchased a sonogram machine from ADR. That equipment was Y2K compliant. The Salesman never told me it was compliant. It was simply built to last. Why should we be protecting the vendors or manufacturers of defective products rather than rewarding the responsible ones?

Also, as a doctor, I also hope the Committee will look into the implications of this legislation for both patient health and potential medical malpractice suits. This is an issue that many doctors have asked me about, and that generates considerable concern in the medical community.

In sum, I do appreciate this opportunity to share my experiences with the Committee. I guess the main message I would like to leave you with is that Y2K problems affect the lives of everyday people like myself, but the current legal system works. Changing the equation now could give companies like Medical Manager an incentive to undertake prolonged litigation strategies rather than agree to speedy and fair out-of-court settlements.

I became a doctor, and a sole practitioner, because I love delivering babies. I give each of my patients my home phone number. I am part of their lives. This Y2K problem could have forced me to give all that up. It is only because of my lawyer, and the court system, that I can continue to be the doctor that I have been. This bill, and others like it, would take that away from me. Please don't do that. Leave the system as it is. The court worked for me—and it will work for others.

Thank you.

Mr. HOLLINGS. I thank the distinguished Chair.

I will run right down, trying to save time. It says:

But it was a Y2K problem which recently posed a serious threat to my practice, and that is why I am here this morning.

As a matter of clarification, although I am a doctor, I am not here to speak on behalf of the American Medical Association. Although I am also a small businessman, I am not here to speak on behalf of the Chamber of Commerce. I cannot tell you how these organizations feel about the legislation before the committee. But I can tell you how it would have affected my practice and my business.

I am one of the lucky ones. While a potential Y2K failure impacted my practice, the computer vendor that sold me the software system and I were able to reach an out-of-court settlement which was fair and expedient. From what my attorney, Harris Pogust, who is here with me today tells me, I doubt I would have been so lucky had this legislation been in effect.

In 1987, I purchased a computer system from Medical Manager, one of the leading medical systems providers in the country. I use a Medical Manager system for tracking surgery, scheduling due dates and billing. The system worked well for me for ten years until the computer finally crashed from lack of sufficient memory.

In 1996, I replaced my old system with a new, state of the art pentium system from Medical Manager for $13,000. This was a huge investment for a practice of my size.

I remember joking with the computer salesman at the time that this was a big purchase for me, and that I was counting on this system to last as long as the last one did.

I remember the salesman telling me that he was sure that I would get at least ten years out of it. He showed me a list of how many of the local customers had used the Medical Manager for longer than ten years.

The salesman pointed out the advertising brochure, and so forth.

But just one year later, I received a form letter from Medical Manager telling me that the system I had just purchased had a Y2K problem.

Here comes business. This is the practice of the business that is going on here now in June of 1999, 6 months ahead of January 1, 2000. The computer people are moving in and they are saying: Wait a minute, you have got a Y2K problem.

I quote again:

It was a problem that would make it impossible for me to schedule due dates or handle my administrative tasks—as early as 1999.

Medical Manager also offered to fix the problem that they had created—but for $25,000.

I was outraged, as I suspect anyone sitting around this table would be. The original system had cost me $15,000 when I purchased it

> in 1986. The upgraded system cost me $13,000 in 1996. Now, a year later, they wanted another $25,000. They knew when they sold me the $13,000 system that it would need this upgrade—but of course, they didn't tell me.
>
> I wrote back to the company that I fully expected them to fix the problem for free, since I had just bought the system from them and I had been promised that it would work long into the future.
>
> The company ignored my request, however, and several months later, sent me an estimate for fixing the problem—again, for over $25,000.
>
> At this point, I was faced with a truly difficult dilemma. My practice depends on the use of a computer system to track my patients' due dates, surgeries and billings—but I did not have $25,000 to pay for an upgrade. Additionally, I was appalled at the thought of having to pay Medical Manager for a problem that they had created and should have anticipated. If I had to pay that $25,000, that would force me to drop many of my indigent patients that I now treat for free.
>
> Since Medical Manager insisted upon charging me for the new system, and because my one-year old system was no longer dependable, I retained an attorney and sued Medical Manager to fix or replace my computer system at their cost.
>
> Within two months of filing our action, Medical Manager offered to settle by providing all customers who bought a non-Y2K compliant system from them after 1990 with a free upgrade that makes their systems Y2K compliant by utilizing a software "patch."

This witness appeared before the committee attesting to the fact that what really happened is the attorney put it on the Internet. Whoopee for the Internet. And once he got his case on the Internet, some 20,000 purchasers in a similar situation started calling on the phone and filing in. Then on a cost/benefit—business is business—they knew what the law was. They knew they intentionally misled. The salesman had said: Man, this thing will last you more than 10 years, like your last system. In a year it was already on the blink. They wanted to charge $25,000—more than he paid for the first system and the upgrade combined.

They got a free upgrade. They paid the lawyers, too. They were tickled to death to get out of this one after it got on the Internet.

Let me quote:

> This settlement gave me what I wanted from Medical Manager—the ability to use my computer system as it was meant to be used. To my great satisfaction, the legal system worked for me and the thousands of other doctors who bought Medical Manager's products since 1990. In fact, since I brought my claim against Medical Manager, I have received numerous telephone calls and letters from doctors across the country who had similar experiences.

Reading on and skipping a good part, to conclude:

> I became a doctor, and a sole practitioner, because I love delivering babies. I give each of my patients my home phone number. I am part of their lives. This Y2K problem could have forced me to give all of that up. It is only because of my lawyer, and the court system, that I can continue to be the doctor that I have been. This bill, and others like it, would take that away from me. Please don't do that. Leave the system as it is. The court worked for me—and it will work for others.

It is working all over the country, and, frankly, at a very minimal cost. The consummate sum total of all products—this is product liability matters—of all product liability verdicts does not exceed the $12.1 billion that Pennzoil received in a verdict against Texaco. When business sues business, oh, boy, as Senator Dirksen stood here at this chair and said: Then it gets into money. He said: A billion here and a billion there, and before long it runs into money.

This is something to protect the consumers of America. It is very much needed. They are working on it at the State level, and they have plenty of notice. They do not need a bill to say, come January 1st, give them another 90 days. We are going to give them 90 days beginning right now with the debate. And we are going to give them another 60. Happy day. We are giving them more days right now.

Just use the law, use your sense, do what business practices are doing all over the country. But there is no question that this thing here is just the footprint of a political exercise by those entities downtown at the Chamber, which I am embarrassed for because I used to be a champion of the Chamber of Commerce.

Talk about a businessman's politician, I challenge anybody to meet the record we made bringing business, and continue to bring, to the State of South Carolina. Incidentally, none of them have said anything about Y2K; none of them have said anything about product liability.

I remember taking another prospect the other day to Bosch. They make not only all the fuel injectors but all of the antilock brakes for Toyota and Mercedes and a 10-year contract for General Motors. Just going along down the line, I said: By the way, what do you have on product liability?

The fellow got insulted. He said: Product liability? He ran over and said: Look here. He showed me a serial number on every one of the antilock brakes. He said: We would know immediately what went wrong.

You see, substantive basic tort law brings about due care, brings about safety, brings about sound products. It is working in America. And here comes a bunch of pollster politicians and a downtown group, greedy as they are, trying to ruin small business, that is going to have a problem.

Here is what the Washington Post, which is usually on the other side of trial lawyers and everything else of that kind, said:

> The Senate is considering a bill to limit litigation stemming from the Year 2000 computer problem. The current version, a compromise reached by Sens. JOHN MCCAIN and RON WYDEN, would cap punitive damages for Y2K-related lawsuits and require that they be preceded by a period during which defendants could fix the problems that otherwise would give rise to the litigation. Cutting down on frivolous lawsuits is certainly a worthy goal, and we are sympathetic to litigation reform proposals. But this bill, though better than earlier versions, still has fundamental flaws. Specifically, it removes a key incentive for companies to fix problems before the turn of the year, and it also responds to a problem whose scope is at this stage unknown. Nobody knows just how bad the Y2K problem is going to be or how many suits it will provide. Also unclear is to what extent these suits will be merely high-tech ambulance chasing or, conversely, how many will respond to serious failures by businesses to ensure their own readiness.
>
> In light of all this uncertainty, it seems premature to give relief to potential defendants. The bill is partly intended to prevent resources that should be used to cure Y2K problems from being diverted to litigation, but giving companies prospective relief could end up discouraging them from fixing those same problems. The fear of significant liability is a powerful incentive for companies to make sure that their products are Y2K compliant and that they can meet the terms of the contracts they have entered. To cap damages in this one area would encourage risk taking rather than costly remedial work by companies that might or might not be vulnerable to suits. The better approach would be to wait until the implications of the problem for the legal system are better understood. Liability legislation for the Y2K problem can await the Y2K.

That is the message of Business Week. It was very interesting that they reached the same conclusion. I quote from that March 1 article:

> Other industries are following suit.

It went on to talk about the 2000.

> Through the Automotive Industry Action Group, General Motors and other carmakers have set Mar. 31 deadlines for vendors to become Y2K-compliant.

There is the Pinto case. They know what is coming down the road. They run good business. If I was on the board of General Motors, I would say right on. We are not waiting for political fixes of tort law by politicians looking for silicon contributions.

> In March, members of the Grocery Manufacturers of America will meet with their counterparts from the Food Marketing Institute to launch similar efforts. Other companies are sending a warning to laggards and shifting business to the tech-savvy. "Y2K can be a great opportunity to clean up and modernize the supply chain," says Roland S. Boreham, Jr., chairman of the board of Baldor Electric Co. in Fort Smith, Arkansas.

There you go. They look upon it as a wonderful business opportunity, the Y2K problem.

They, in essence, are saying, come on. Let's have the problem. Let's find out who is efficient, who can really supply us. Let's find out who can become compliant in time. You still have 6 more months. But politicians are coming up here, we have to get there and identify. We have to get those contributions. We have to get with the Chamber of Commerce and Victor Swartz at the NAM and that crowd and show them that we are good boys, and we are going to be on their voting charts that they will publish when I run for reelection and everything else. They have a political problem. It is not a Y2K problem. Business says, right on with the Y2K problem. We can clean up the supply chain, find out who is not really compliant and everything else early on here in 1999. We are not waiting for January 1, 2000.

Right to the point, this particular legislation changes 200 years of tried and true tort law, all for a special group that has the unmitigated gall to come in and say all this about punitive damages, lotteries, trial lawyers, frivolous lawsuits, and everything else.

Nothing is going to be frivolous after January. We have talked it to death already this year. They have published the business articles about it. Everybody has known about it. Every case, come January 1, ought to be punitive, I can tell you that, because they ought to know about it.

My particular power company group has already met and they have tested to make sure it works. My State of South Carolina was just cited, by July 1 the entire State system will be ready and going. So everybody is doing it.

What we see and hear at the Washington level with the McCain-Wyden amendment is, sit back, rest on your fanny, don't do anything. We are going to take care of you, because on the one hand we are going to provide a time that will put you out of business waiting the 90 days, because you are a small businessman and you have to do business. And then after the 90 days, we are going to say, by the way, the part was made in Malaysia, so you have the wrong party.

Now, that is the game in this particular McCain-Wyden-Dodd amendment. It should be defeated outright.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

Mr. President, I am going to be brief this morning. I know my colleague from Colorado has been waiting. The Democratic leader of the Y2K effort, Senator DODD, has also been waiting. I will be brief to begin.

It is just a couple of hundred days to the new millennium. It seems to this Member of the Senate that how this body handles this legislation will say a great deal about our Nation's ability to keep our strong technology-oriented economy prospering in the next century.

I believe that failure to pass this responsible legislation would be like sticking a monkey wrench in the high-tech engine that is driving our economic prosperity. There is no question that there are going to be problems early next year stemming from the Y2K matter. What is going to happen, however, is that the frivolous lawsuits will compound those problems.

The sponsors of this legislation—the chairman of the committee, the Democratic leader of the Y2K effort, Senator DODD, and myself and others who have been intensively involved—believe that with this bill our Nation will be in a better position to be on line rather than waiting in line for a courtroom date when the problems occur.

We have heard my chairman, Senator HOLLINGS, and others talk about the matter of changing jurisprudence in our country. Senator HOLLINGS specifically, who I respect so much, talked about how 200 years of case law and jurisprudence is being changed.

This is a very narrow bill. Senator DODD and I insisted that there be a sunset date on this legislation. We believe, and all the evidence points to the fact, that we are going to see the problems stemming from Y2K trailing off 1 to 3 years into the new century. We have put a tight 36-month sunset date on this legislation.

This is not changing Anglo-American jurisprudence for all time. This is a narrow bill that will apply for 36 months so that we do not have to have, for example, a special session of the Senate early next year to deal with this problem.

Mr. KERRY. Will my colleague yield for a question?

Mr. WYDEN. I have been waiting about an hour. I will be happy to yield to my friend, who I know has also been doing a lot of work.

Mr. KERRY. Mr. President, I ask my colleague if he might yield during the course of his statement so that we may have a good dialogue with respect to some of the issues he raises as he raises them.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I will be anxious to yield to my colleague from Massachusetts after I have had a chance for just a few minutes of discussion of this issue.

I will take a minute and outline an example of the kind of issue that we are going to see early next century and how this legislation specifically responds to it.

Let's say that Mabel's restaurant buys $10,000 worth of computers from the Jones Company and they crash on January 3 of next year. Mabel's restaurant loses a million dollars' worth of business as a result. Mabel writes to Jones Computer Company telling them that the crash was as a result of a Y2K failure; they want the computers fixed, she wants compensation for the million dollars.

Here is what happens: The Jones Computer Company has to respond within 30 days of hearing from Mabel's restaurant. They can say: Yes, Y2K failure; we are going to fix the computer the way Mabel wants, and we are going to pay the million dollars as well. Or they can say: We will fix the Y2K problem, but we don't think we ought to be responsible for the entire million dollars' loss. Mabel and Jones Computer agree Jones ought to fix them, they negotiate and come up with what Jones is liable for, and if Mabel doesn't think she is getting everything she ought to, she can go out and sue Jones immediately. Or she can say the situation isn't fixed the way she wants it and she can go out and again file a lawsuit immediately.

Now, some have said, well, what happens if the Jones Computer Company is bankrupt and insolvent? Well, Mabel can name in her lawsuit anybody she thinks is a responsible party. The jury will then decide what portion of the blame each potential defendant ought to bear. Virtually all of these cases are going to be decided on the basis of existing State contract and tort law. We lock into this legislation protection for existing contracts, and in virtually all of the cases State contract and tort law is going to be protected.

So what you are going to have is a situation where Mabel's restaurant, if it isn't fixed to her satisfaction, can go to court essentially immediately and recover all of her economic damages. She is in a position, by the way, to recover up to a quarter of a million dollars in punitive damages. I made my career with the Gray Panthers, the senior citizens group, before I came to Congress and now for 18 years in Congress, around consumer advocacy. It seems to me that is a pretty good deal, what I have outlined in this hypothetical case for this restaurant, for just about any consumer in our country.

I want to talk specifically about whether Americans are losing any legal rights in this particular legislation. I guess we could say they are losing the right to sue for a few days. As I said, they can sue immediately if they choose to. But the reason we are trying to have that 30-day period for defendants is to make sure they fix people's problems. It is better to be on line than waiting in line for that court date.

Second, I guess you can say the cap on punitive damages as it relates to small business means we are not going to stick it to small business. Well, I happen to think those small businesses are making an extraordinary contribution to our economy. So let's have a philosophical debate. The Senator from Massachusetts, who has worked hard on this issue, and I have a difference of opinion on that. We don't disagree on a whole lot of issues. I think we do disagree on that one. But I think we ought to protect the small businesses from these unlimited punitive damages.

Third, I guess you can say our legislation does make some changes with respect to joint and several liability. What we are saying, however, is that anytime you have a corporate defendant who engages in egregious conduct, rips off consumers, is guilty of fraud, joint and several liability applies in those kinds of instances. It also applies when we have individuals with a low net worth as well.

I would like the Senate to also reflect on the fact that essentially what we are doing here is what we did in the Securities Litigation Reform Act. It parallels most of the key issues in that area.

I want to wrap up by just mentioning briefly all of the major changes that were made in this legislation after it left the Senate Commerce Committee where Democrats, in a united fashion, opposed the bill.

I mentioned the 3-year sunset provision. I want it understood by all Members of this body that I will be against any bill that comes out of the conference committee that doesn't have a sufficient sunset provision. This is not changing Anglo-American jurisprudence for all time; this is a 3-year bill. We insisted on it after it came out of the Commerce Committee.

Second, the business community originally talked about a vague Federal defense that would essentially give them protection if they engage in reasonable efforts. On the basis of what we heard from the consumer groups, the Democratic leader of the Y2K effort, Senator DODD, and I thought that was too vague, to give corporate defendants that kind of break. So we cut that out.

Third, we dropped the new preemptive Federal standard for establishing punitive damages. The only people we are protecting are the small business people. We may have a philosophical difference of opinion on that. We think those folks deserve protection.

On the question of joint and several liability, when it came out of committee, even if you engaged in fraud, even if you had a low-net-worth defendant, there wasn't protection for the plaintiff. We insisted on those kinds of changes. We said if a corporate defendant engages in outrageous conduct, if they are trying to rip somebody off, you bet joint and several applies. Senator DODD and I insisted on that provision as well.

Also, a provision which is certainly not popular in the business community: There is liability for directors and officers if they make misleading statements or they withhold information regarding any actual or potential Y2K problems.

So at the end of the day, I believe we have a balanced bill. The defendants have an obligation under this legislation to go out and cure problems, to get their businesses online and make sure they are in a position so that this technology-driven economy can continue to hum as it has. The plaintiffs have equal obligations. They have a duty to mitigate. So there are obligations on the part of the defendants and obligations on the part of the plaintiffs.

But this is a narrow bill. It is going to discourage frivolous claims, but it is also going to make sure that those who have a legitimate, honest concern, as in that example of a small business I outlined here this morning, that that small business is going to be able to go after all of the parties, all of the parties responsible, and hold them liable for the portion of the problem to which they actually contribute. So I am very hopeful the Senate will pass this legislation.

We heard mention of the trial lawyers on the floor of the Senate earlier. Probably, prior to my involvement in this legislation, I was considered one of the better friends of those folks. Mention was made of the tobacco issue. I was the Member of Congress who got the tobacco executives under oath to say nicotine was addictive, which I think has had a little bit to do with helping to protect kids and consumers in this country. So I don't take a back seat to anybody in terms of standing up for consumer rights.

I say to the Senate today that as a result of months of difficult negotiations, led by the chairman of the Commerce Committee, Senator MCCAIN, the Democratic leader of the Y2K effort, Senator DODD, myself, Senator FEINSTEIN, and others, we have brought a balanced bill to the floor of the Senate. It is going to ensure that we do not throw a monkey wrench into this technology engine that is doing so much to ensure our prosperity.

Mr. DODD. Will my colleague yield?

Mr. WYDEN. Yes.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Tania Calhoun, a fellow with the Select Committee on Y2K, be granted the privilege of the floor during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I wish to again turn to the Y2K liability bill and the very real importance of this issue. As you know, I have served for the past year with Senator BENNETT on the Senate Special Committee on the Year 2000 Technology Problem. For over a year, we have examined the coming millennium changeover and the possible problems associated with it. We have held hearings to examine the effects of the year 2000, including hearings on industry, finance, energy, telecommunications, international trade, community safety, health, and litigation. Throughout these hearings, the committee has become increasingly alarmed at both the perception and the reality of a gathering storm of potential liability and consequent litigation that could swamp our court system and impact our Nation's businesses.

Mr. President, I would dare say that many Americans, have in one way or another felt the direct effect of our Nation's burgeoning wave of litigation that has been growing steadily over the past half century. Whether it be the increasing cost of health care, insurance premiums or consumer products, we have all experienced the results of litigation costs. Americans have become accustomed to living in a litigious society. Occasional abuses of the legal system generally arise from problems that are generally limited in scope. An example of this can be found within the securities industry where the legal system was no longer an avenue for aggrieved investors but rather had become a pathway for a few enterprising attorneys to manipulate legal procedures for their own profit. So-called strike suits were generated whenever stocks went down and sometimes when they went up. These costly suits were frequently settled by companies seeking to avoid the expense of protracted litigation. I authored litigation reform legislation, which passed despite a veto by the White House. In other words, I have strongly supported litigation reform efforts in the past. As with securities litigation reform, the need for Y2K litigation reform arises from a national problem yet it should be addressed with a narrowly tailored solution.

Mr. President, only a narrowly tailored solution could effectively manage the demands of such a pervasive problem. Potentially, any business in the country might be swept into the Y2K problem, either because it is itself not prepared or because a firm it depends upon is not prepared. The Special Committee on Year 2000 has heard testimony that as many as 15 percent of the businesses in this country will suffer Y2K-related failures of some kind. Even now we read that small and medium-sized businesses across the globe are not taking the necessary steps to become Y2K-compliant, and many think they don't have a Y2K problem. Since businesses are interconnected these days, just one failure in one business may generate cascading failures that may then generate numerous lawsuits.

The mere fact that this is such a pervasive problem is in itself the primary reason why litigation on this matter could cost in the hundreds of billions. It has been suggested that as a result of Y2K, the United States could easily find itself witnessing not only a huge surge in litigation, this potential litigious bloodletting could have long-term consequences on the economic well-being of our country. By now we have all heard that the cost of Y2K litigation could reach the astronomical figures. Various experts, including the Gartner Group from my own state of Connecticut, have estimated that the costs of litigation may rise to $1 trillion. Such estimates, and I must stress that these are only estimates, underscore the need for serious review and a bipartisan approach to this issue. Massive amounts of litigation has the potential to overwhelm the court system, disrupting already-crowded dockets for years into the next millennium. We must be careful that an avalanche of lawsuits does not smother American corporations and bury their competitive edge. A maelstrom of class action lawsuits could have long-term consequences on the American economy and the American people.

There are several things that should be absolutely understood about this bill, first and foremost, the provisions in this bill will sunset in 2003. Secondly, this bill will not affect the rights of plaintiffs and defendants in personal injury actions in any way. Most importantly, this bill seeks to encourage individuals and businesses to do all that they can do to make themselves Y2K compliant and to encourage efforts to mitigate Y2K related damages.

This is a complex bill with many complex legal issues. Some of my colleagues are opposed to the section of the bill that provides for proportionate liability, which generally means that a defendant can be held liable only for the damages for which he is responsible. Some of my colleagues argue that it is unfair for an innocent plaintiff to run the risk that it might not recover 100 percent of its damages if it can't hold the defendant liable for that amount, even if that defendant was only responsible for 20 percent of those damages. I would respond by saying that not only is it equally unfair to demand that businesses with little complicity in a dispute be required to pay for most of the damages just because it has deep pockets. Moreover without some form of proportionate liability, plaintiffs' lawyers will always name a deep-pocketed defendant in a suit because they know the deep-pocket will have to pay for all the damages even if that defendant is only marginally responsible. I would remind my colleagues that the bill retains joint and several liability in cases where the defendant acted with specific intent to injure the plaintiff or knowingly committed fraud and does not affect personal injury cases. As a result, the proportionate liability provision in this bill finds a reasoned balance between the rights of plaintiffs and the rights of defendants.

As I have said on numerous occasions that a Y2K liability bill should not be a vehicle for broad tort reform. And efforts to impose broad caps on punitive damages are just that. The provisions that I propose aren't tort reform, but merely protect small businesses and the mom and pop enterprises by capping punitive damages only for small businesses that have 50 or less employees and caps damages at $250,000 or three times the compensatory damages, whichever is smaller. The White House has expressed concern about the bill's provisions for capping punitive damages, however as my esteemed colleague Senator WYDEN pointed out the last time the Senate considered this issue during last year's products liability bill, it included a cap on punitive damages lower than this, and the White House agreed to this proposal. It is unclear then why they are opposing the cap in this bill which provides for more punitive damages.

Other voices have suggested that this bill relieves businesses and corporations from accountability or responsibility. The bill does not do this, but does try to ensure that those who do sue will do so responsibly and specifically and that there will be ample opportunity for parties to solve the Y2K problem before litigating their Y2K problems. To ensure responsibility on the plaintiff's side, for example, the bill requires the plaintiff to provide specific details about the injuries they've suffered when they file a complaint. Plaintiffs who can articulate the nature of their injuries are less likely to be filing frivolous complaints. To ensure accountability on the defendants side, companies are given a narrow window of opportunity to solve any Y2K problems they've created before a lawsuit is filed. This window of opportunity gives them the chance to maintain a business relationship by providing professional and responsible service to their customers before the business relationship is soured by a lawsuit.

There are those who say that state courts have been addressing issues like the Y2K problem for years and can continue to do so. They also say the state legislatures are fully capable of addressing the Y2K problem and that there is no need for the Federal Government to become involved. My colleagues should know, however, that nearly every state to date has either passed Y2K liability legislation or is considering such legislation, so Y2K actions in the future will probably not be set on long-standing state precedents. Instead, they may be decided under new untested and untried state laws. The bill provides in most cases, for uniform provisions to be applied to Y2K cases, enabling both plaintiffs and defendants to predict the law that applies to them. Furthermore, since all of these laws are different, firms engaged in interstate commerce—nearly every firm these days—will be at a disadvantage. It is difficult to do business where potentially 50 different and changing sets of laws might apply. The bill's provision of generally uniform guidance for Y2K cases levels the playing field and reduces the cost of doing business for potential plaintiffs and potential defendants. Multiple sets of laws also raise the problem of forum shopping, which occurs when plaintiffs try to bring their lawsuits in states where the laws are most advantageous to them. This leads to imbalances in our state courts, and high costs for defendants. Since the bill provides for generally uniform standards across the country, forum shopping in Y2K cases will not be a problem. State courts can maintain balanced caseloads: and the cost of defending Y2K lawsuits will not be unreasonably high due to forum shopping.

Some are of the view that the Y2K problem has been around for 40 years and should already have been solved, and that the Senate has no business stepping in to protect the high-technology industry. And we should be clear, we are not trying to protect the high-technology industry, but instead we are trying to manage a problem for all business and individuals, the mom and pop grocery and the major enterprise. We are all plugged in today, and the bill speaks to the massive litigation boom that has the potential to bankrupt all kinds of businesses, costing individual Americans their livelihoods.

While we are rushing to solve the Y2K problem and the policy issues therein, we should above all strive to enter the next century with a sense of vision, and this vision should include a prudent analysis of the looming challenges of potential Y2K litigation. As I have said before, no one wants to begin the next millennium by trading a vision of the future for a subpoena.

I commend my colleagues from Arizona, Oregon and others who have worked so hard on this. I thank my colleague from South Carolina, the ranking Democrat of this committee. He feels very strongly about this legislation. It could have—as Members have the right to do—delayed action a long time on this. In fact, to be able to get to the consideration of it today is something that I deeply appreciate. We disagree on this matter. It is one of those rare occasions when we do. But, when we do, that is a normal way of conducting business.

I happen to think this is a good bill. It is a practical bill. It is a 36-month bill—3 years. That is it. It is narrow in scope and narrow in time. It is a practical way to try to deal with a serious problem that looms on the horizon.

We have to have balance. It incorporates the ideas that are fair to the plaintiffs and that are fair to the defendants. It allows resolution of these potential difficulties without having to get to court. We are a very litigious society. Every person in the country knows that. I think every effort that we can make to avoid going to court instead of rushing to fix the problem we ought to do. This bill tries to achieve that goal without denying people the right to get to court.

I commend my colleagues in this effort. I hope that we can pass this bill today or tomorrow after covering a variety of amendments, and go to conference.

I thank my colleague for yielding.

Mr. WYDEN. Mr. President, I will yield the floor in just a moment.

First, I thank the Democratic leader for the Y2K effort, and Senator DODD for all of his counsel and help. He, of course, is the principal author on securities litigation legislation which, to a great extent, this bill is modeled after.

Just before I yield the floor, I, too, want to say to Senator HOLLINGS, the Democratic leader of the Commerce Committee, that I agree with so much of what he has done—whether it is a matter of Social Security surplus or campaign finance. I regret that on this one we have a difference of opinion.

I think that we have brought a balanced bill to the floor of the Senate. But I look forward to the many other issues on which Senator HOLLINGS and I are going to be in agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 609 TO AMENDMENT NO. 608

(Purpose: To provide that nothing in this Act shall be construed to affect the applicability of any State law [in effect on the date of enactment of this Act] that provides greater limits on damages and liabilities than are provided in this Act)

Mr. ALLARD. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 609 to amendment No. 608.

At the end of the amendment, add the following:

SEC. . APPLICABILITY OF STATE LAW.

Nothing in this Act shall be construed to affect the applicability of any State law that provides greater limits on damages and liabilities than are provided in this Act.

Mr. ALLARD. Mr. President, first of all, I want to say that I support the piece of legislation that has been brought forward by Senator MCCAIN, working with the Senator from Oregon, and also the efforts of the Senator from Connecticut in that regard.

I believe that we need to address a very important issue that is in this amendment. I appreciate the work that Senator MCCAIN and the Commerce Committee have done to craft this important and vital piece of legislation, especially in our high-technology society.

I support this effort to encourage prompt resolution of Y2K problems, minimize business disruptions, and discourage unnecessary and costly lawsuits. However, I am concerned about one aspect of this proposal: State laws addressing year 2000 liability issues will be preempted by Senate bill 96 unless we specifically provide for protection of stronger State statutes. I am proposing an amendment to do just this.

The Colorado State Legislature passed a strong statute which specifically addresses the Year 2000 liability issue.

Our Governor signed the legislation on April 5, 1999, and it will be effective July 1, 1999.

Colorado's law provides certain protections from damages for businesses that experience a year 2000 problem. While the intent of this state law is similar to that of S. 96, the state's protections are stronger than those proposed in S. 96.

Colorado's statute will be overridden by the Federal legislation we are considering today.

My State is not the only one in this situation; Texas, North Dakota, South Dakota, Virginia, Florida, and Arizona have also passed Year 2000 liability legislation that is stronger than this Federal law would be in one way or another.

The State laws are consistent with the intent of S. 96 and were supported by a broad cross-section of concerned groups.

In addition, 17 other States have pending Y2K legislation that is near passage.

We should not be working to nullify the States' efforts. I am offering this amendment in order to allow the greater State limits on damages and liabilities to stand.

The intent of S. 96 as it relates to State law is confusing, and most troublesome is the provision stating that the Federal law will supersede State law to the extent that it is inconsistent with the Federal law.

I am sure that several of my colleagues will be interested in protecting their States' Year 2000 liability laws.

I encourage those Senators to support my amendment, and I encourage others to consider the justification for preempting State laws outright, especially those laws that establish stronger limits than proposed at the Federal level.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. McCAIN. May I ask the Senator from Colorado to yield to me?

Mr. ALLARD. I am glad to yield to the Senator from Arizona.

Mr. McCAIN. I will tell my friend from Colorado that I believe we are going to accept the amendment. So the yeas and nays will not be necessary. So I request that he retract his request.

Mr. ALLARD. Mr. President, I withdraw the request.

Mr. HOLLINGS. Mr. President, let me commend the distinguished Senator from Colorado. This was exactly the intent when we reported this bill out by 11 to 9. Of the nine that was the main concern—that if there were a problem, we have laws to take care of these problems. We have had laws on the books for years. Business was moving.

What the Senator is saying here in this particular amendment is that this shouldn't preempt any greater provisions of State law, that the State law would apply.

I think it is an excellent amendment. I am glad to accept it.

Mr. ALLARD. Mr. President, I thank both the manager for the minority and the manager for the majority for their favorable comments.

Mr. McCAIN. Mr. President, I don't believe there is any further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 609) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I thank the Senator from Colorado. I think it is an important amendment. I appreciate not only his concern for the entire bill but for the State of Colorado, since this obviously would have an effect on the hard work of the State legislature and the Governor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, at an appropriate time I may send an amendment to the desk. But I want to begin at least talking about where we are, where this bill currently puts us, and I have a number of points I would like to make in the effort to do that.

I am struck by one thing that has just happened, which is why I am a little less hesitant.

A few moments ago, the Senator from Colorado put in an amendment that preserved the State law; but at the same time the Senator from Oregon previously had made it very clear that their bill leaves in place the existing State law protections for consumers in both tort law and contract, but, in fact, what has happened is by virtue of the amendment just passed by the Senator from Colorado, they have actually changed that so that we have a different law for both contract and for tort.

It seems to me the bill has already, suddenly, by acceptance, moved to a significantly different place from what they had intended. Maybe this will be worked out later. I think it certainly makes this bill more complicated in many regards and will probably give yet another reason for the White House to veto this.

Let me state where I think we are with respect to this legislation. I supported willfully, happily, and with a sense of pride the securities reform legislation. Senator DODD was a leader on that, and I voted for it and voted to override the veto of the President because I thought it was important to address what was an egregious overreach within the legal community where we saw a pattern of abuse. We took action as a result of that. I think it was the right action.

In addition, I also voted for tort reform with respect to the aircraft industry, because Senator Kassebaum appropriately brought legislation to the Senate that made it clear that liability issues with respect to manufacturers—and she represented a State which is the home base for Cessna, among other aircraft manufacturers—and we made an appropriate change in liability law in the capacity of lawyers to bring these so-called dreaded lawsuits that we hear a lot about on the Senate floor. I voted for that and we changed it. It was for the better.

I say that because I want to make it as clear as I can in an atmosphere where people are quick to try to paint Members into a corner or sweep Members into one position of ideology or another. I am approaching this from a perspective of what I hope is common sense and fairness.

I heard the distinguished Senator from Arizona—who is a great personal friend of mine and a man for whom I have enormous respect and a great relationship—say a few minutes ago, and I will certainly pass it off merely as rhetoric, that the amendment I will offer is "form over substance" and it is designed to "protect the income stream of the trial lawyers." It is exactly that kind of polarization in the rhetoric that is preventing Members from looking at what the Senate may or may not do here, what the Congress may or may not do, and what may happen to the American citizens that we represent.

I challenge my colleagues to show me one piece of language in the amendment that I will submit that makes it easier for a lawyer to bring a lawsuit. There is not one. In point of fact, every point raised by the high-technology community that they wanted Members to address is addressed in their favor—in favor of the high-tech community. They wanted a period to cure; we provide a period to cure. They wanted mitigation; we put a responsibility on plaintiffs to mitigate. They wanted economic loss and contract preserved; we preserve contract law. Finally, they wanted proportionality; all we require for them to qualify for proportionality is that they act as a good citizen and do two things: We ask they identify the potential in the product they make for a Y2K failure, and having done so, we ask that they let their purchasers, their clients, know of that potential.

That is all we ask. We don't ask that they fix it. They have a duty; they have a period of cure within which they can fix it. If they fix it within the duty, a period of cure, as the McCain bill, they would be free from any lawsuit.

That doesn't help plaintiffs. That is not a plaintiff's bill. That is not an effort to maintain the revenue stream for lawyers.

Let's talk about the reality of what is happening here. The reality is that an industry is coming to the Congress for the first time in American history and asking for prospective anticipatory relief from liability for something they make—the first time ever.

What would happen if Ford Motor Company came in here and said: Gee, we produced a car that instead of turning right while turning the wheel right, turns left. Forgive us. We will fix it. Don't worry.

There are similar ways in which companies could come to a Senator and say they don't want to be held liable because they "kind of overlooked something."

As the Senator from South Carolina said a little while ago, 20 years ago people knew about this. The founder and executive director of RX 2000 Solutions Institute said:

> I am a former computer programmer who used two digits instead of four to delineate the year. Granted, this was more than 20 years ago, but even then I was aware of the anomaly posed by the year 2000. When I expressed concern to my supervisor, he laughed and told me not to worry.

The Y2K bug is not something that just fell out of the sky. The Y2K bug is not a freak occurrence that happened as a God-given act. The Y2K problem is a result of conscious choices that people made or didn't make, deliberate decisions made to delay fixing a problem. They have led us to where we are now.

I represent high-technology companies, and I am very proud of them. I have had the support of high-technology CEOs, workers, and employees. I truly have a respect for the entrepreneurial capacity and the extraordinary path they are leading us on that is second to nobody in the Senate, and I understand the nature and complexity of this Y2K problem that suggests we don't want to have a wholesale slug of lawsuits that clog the courts, that create the capacity for small companies to tie up their capital, to diminish further entrepreneurial effort, to reduce creativity.

I understand all of those arguments. Together with Senator ROBB, Senator DASCHLE, Senator REID, Senator MIKULSKI, and Senator AKAKA, I am offering a compromise. It is not everything that the Chamber of Commerce wants, and it sure isn't everything the lawyers want. However, it is common sense, and it will be signed by the President of the United States into law. The bill that is being offered by Senator McCAIN and others will not in its current form be signed into law.

If Members are really concerned about the Y2K problem and want to do something about it, we have an opportunity to legislate on the floor of the Senate in a way that is fair, that makes sense, and that will help the companies deal with Y2K, and at the same time, it doesn't turn around and ignore common sense about how to leverage good behavior within the community.

People ask, What are the real differences between this bill and Senator McCAIN's bill? I will get to that. I will explain that. Two of the most important are on the issue of proportionality. That takes a little bit of explanation. Not everybody in the Senate is a lawyer. There are 55 Members who are, but even among lawyers there has always been a great tension on this issue of joint and several liability versus proportional damages.

Under the bill that Senator McCAIN, Senator DODD, and Senator WYDEN are offering the Senate, a company will automatically get proportional liability. They don't have to be a good citizen. They don't have to go out and remediate, even though they say that remediation is the purpose of their legislation. There is no leverage in getting out of joint and several liability that encourages them to remediate. They automatically get proportional damages. The bill gives it to them right up front—automatic. So they could display the most negligent, the most reckless behavior, and still they get it. Is that possible? Some people will sit here and say no, that is not going to happen.

Look at the instance the Senator from South Carolina talked about. Ford Motor Company is historically recorded as having made a conscious business decision to measure how much it cost them to move the gas tanks and fix the gas tank problem versus the potential of damages. They chose not to move it and ultimately it caught up to them in a famous, famous case and they paid the price. That is why we have had something called punitive damages.

Punitive damages are not, as the Senator from Arizona said, simply to deter. Punitive damages are punitive. They are to punish in addition to deter. The deterrence is not just as to the behavior of the entity that is creating the problems. The deterrent is as to other potential entities, in the future. The reason we have the potential of punitives within the legal system is not just to deter behavior among a particular set of actors engaged in a particular behavior at a particular time. It is to say to other actors at a future time: If you do not heed the warning that the products you make could subject you to particular kinds of damages, then you, too, may be subject to them in the future. That is why, today, young kids have pajamas that don't catch on fire. That is why, today, people have all kinds of products in their homes where people are sensitive to what the impact of that product may be on a user.

My colleagues come in here and say we don't want punitives. These outrageous lawyers are going to come in and maybe get a punitive damage verdict. Let me tell you what my colleagues, either inadvertently or willfully, are doing. They are protecting companies from a requirement that the behavior they engage in has to be—let me make this very clear. Punitive damages are only awarded if a plaintiff can show the defendant acted in the worst activity possible, worse than mere negligence. We are talking about a defendant who has to commit either an intentional tort or otherwise here, because in their bill they have a very narrow limitation as to who will qualify for joint and several, very narrow. The fact is, they will exempt anybody who acts willfully, wantonly, maliciously, recklessly or outrageously.

I ask a simple question: What is the public policy rationale for coming in here and saying that a company that acted maliciously, willfully, recklessly, outrageously should somehow be completely exempted from the potential of joint and several liability and have a blanket exemption even before the fact? I do not understand that. I do not understand the public policy. Just because we do not like lawyers, just because on a few occasions there have been a couple of bad jury verdicts of punitive damages—which in every occasion, I say to my friends, have been reduced by the court on appeal. Those never get paid. They are great for headlines. They are wonderful for bad reputations for lawyers. But they don't get paid because the courts reduce them.

So I do not want to come here to the floor of the Senate and battle phantoms. I don't want to battle dragons that do not exist. I want to deal with the real problem of Y2K, and we deal with the real problem of Y2K because we make it tougher for lawyers to bring cases. I agree with what my colleague, the Senator from Connecticut, said a few minutes ago. He said we, in a litigious society, do not want a lot of frivolous lawsuits. We do not want to be caught up in court with a whole lot of lawsuits that are inappropriate.

I agree with that. I was outraged when I heard about lawyers automatically triggering lawsuits by computer when stocks changed and so forth. That is an abuse of the system. We ought to do everything in our power to require that the Federal courts, through the rules that are available to them, hold lawyers accountable so that frivolous lawsuits are denied and so forth. But we go farther than that. In my amendment, on Y2K we in fact lay out a series of requirements that make it much tougher for any lawyer to bring a case. Just like the legislation of Senator MCCAIN, ours is a 3-year bill. But ours is a 3-year bill that does not harm consumers. Ours is a 3-year bill that has a fair balance between this interest for remediation or mitigation and what we are prepared to contribute to the well-being of the whole industry, to blanket the whole industry.

Let me be specific about what I mean by that. The Y2K bill of Senator MCCAIN and company provides you automatically get proportionality, proportional damages. Ours says you have to do two things. You have to make the effort to identify the potential for a Y2K failure and then put out the information to the people you have dealt with about that potential.

The purpose of this legislation is to get companies to fix the problem ahead of time. In order to get a company to fix the problem ahead of time, you want to have the maximum incentive to the company. So if you say to the company: Look, you can have the lower standard. You can have what you want—which is you can get out from under joint and several; you can have proportional liability—but we want you to do something so you will encourage the very remediation and mitigation we are looking for. We want you to look at your products and see what the potential is for one of them to have a Y2K failure. When you find the potential, we want you to be a good citizen and tell the people who bought the things from you about it.

Why is that better than Senator MCCAIN's bill? It is better because of the Pinto principle. Some companies may look at the situation and say: Hey, the Senate just gave us proportional liability and we don't even have to worry about paying the full 80 percent if we think we have only 20 percent liability because we don't have to do anything. They gave it to us. It is cheaper for us not to fix it and wait and see if anybody comes after us. And when they do come after us, all we are going to have to do is do the 20 percent, not the 80 percent. I ask my colleagues, how is that an incentive for the good fixing of the problem beforehand that we are seeking?

The answer is, it is not. It will have exonerated people before the fact from the very thing we are trying to encourage, which is the incentive to fix it.

I find it very hard to believe that my colleagues in the Senate want to vote against asking companies to be good citizens. I find it hard to believe that my colleagues are unwilling to say a company ought to just look for the potential of failure. We do not require that they absolutely find it. We do not require that they identify it. They have to make a good-faith effort to look for it.

Every company with whom I have talked tells me they have already done that. Most companies tell me they qualify today and they would accept that standard. I am proud to say that a company—I have a letter received today from Brian Keane who is co-president of the Keane Company headquartered in Boston, MA. It is a $1.1 billion information technology corporation and has over 12,000 employees located in 26 States. I quote from part of the letter, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KEANE, INC.,
Boston, MA, June 8, 1999.

Hon. Senator JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: Keane, Inc. is a publicly traded, $1.1 billion information technology corporation with over 12,000 employees located in 26 states. As you know, Keane is headquartered in Boston, Massachusetts.

We are encouraged by your leadership role in the ongoing debate over the Y2K liability legislation. Keane is concerned that this important legislation is being used as a "political football" and would encourage all parties engaged in the debate to work together to craft legislation that will not only pass the Senate and the House, but also be signed by the President. Y2K liability legislation is a matter of great importance to Keane because, over the past three years, Keane has worked with literally hundreds of American companies to help them solve the Y2K problem.

Keane believes the most recent draft of the Kerry language is a politically viable solution, because it serves the purpose of protecting against frivolous Y2K litigation and would be signed by the President.

Opponents of the Kerry bill argue that it does not adequately address the distribution of damages to responsible parties. However, Keane believes that the proportional liability language in the Kerry bill addresses this issue. Specifically, your staff has assured us that your language would protect defendants who demonstrate that the plaintiff restricted access to or failed to notify the defendant about any function(s) that could corrupt other Y2K vulnerable systems and defendant's who (1) performed a reasonable assessment with a defined methodology for resolution of the plaintiff's Y2K vulnerability prior to implementing a solution; or (2) implemented the Y2K solution with coordinated-comprehensive testing and quality assurance processes; or (3) secured, after completion of the remediation or testing, a formal acceptance agreement from the plaintiff. With such protections, Keane can endorse the Kerry language without reservation.

We appreciate your attention and leadership on this very serious matter and look forward to working with your office in the future.

Sincerely,

BRIAN KEANE,
Co-President.

(Mr. BUNNING assumed the Chair.)

Mr. KERRY. It says:

> Keane believes the most recent draft of the Kerry language is a politically viable solution, because it serves the purpose of protecting against frivolous Y2K litigation and would be signed by the President.
>
> Opponents of the Kerry bill argue that it does not adequately address the distribution of damages to the responsible parties. However, Keane believes that the proportional liability language in the Kerry bill addresses this issue. Specifically, your staff has assured us that your language would protect

> defendants who demonstrate that the plaintiff restricted access to or failed to notify the defendant about any function that could corrupt other Y2K vulnerable systems and defendants who (1) performed a reasonable assessment with a defined methodology for resolution of the plaintiff's Y2K vulnerability prior to implementing the solution, or, (2) implemented the Y2K solution with coordinated comprehensive testing and quality assurance processes. . . . Keane can endorse the Kerry language without reservation.

I believe that is reasonable, and I believe it is reasonable because they have looked at the reality of the language we have put forward. I want to go through a little bit of this now.

The McCain bill does not protect the individual consumer. They are requiring the individual person to go through the same hoops and the same requirements as a corporation. Again one has to ask: What is the public policy rationale for asking one—let's say one of these people sitting up in the gallery is assured, when they buy an alarm system for their house, that the alarm system is Y2K compatible. But they leave to go on vacation, the alarm system fails in the year 2000, their house is robbed, and they want recoupment.

They have to go through every hoop of a large corporation. They cannot go right in, file their suit, and get redress. They are going to have to be treated like the other corporate entities, and they cannot even get the discovery. They are left as powerless as, unfortunately, the average consumer is in our society today.

Again, when one looks at public policy rationale, it is hard to discern, and this is the main reason: Most of the Y2K problems that people are envisioning are corporation to corporation. We are talking about contract law. Most of this is contract law, and what we are talking about are companies that are going to have an interest conceivably in suing another company because the product they bought from that company does not do what the company that sold it to them said it would do.

Maybe under their warranties, just under the contract, it will be taken care of. But what the McCain bill wants to do is say to every American consumer: You are going to have to wait 3 months; you are going to have to wait the 30 days for the filing; you are going to have to refile if you were not filing with pleadings that were specific enough, according to what the corporation had to go through.

It is a remarkable thing, in my judgment, to thrust that kind of burden on a lot of situations that would be very difficult. Let me give you an example. This is very specific, and I apologize, it will take a minute, but I want to go through it.

Let's take a Mrs. Barnes who owns a home several streets away from the Acme Chemical Company. There are 85 million Americans who live or work within a 5-mile radius of one or more of the 66,000 facilities that handle or store high-hazard chemicals. Let me repeat that: 85 million of our fellow citizens live in homes near a chemical company.

On January 1, 2000, let's assume Acme's safety system fails and hazardous chemicals are released into the air and on to the land in the neighborhood. It forces Mrs. Barnes and others to evacuate their homes. People are allowed back into their homes after 2 days, but Mrs. Barnes' property is contaminated, including her well. She retains an attorney and she files a tort claim for recovery.

Acme Chemical claims that a Y2K computer failure was partially at fault for the safety system malfunctioning. Mrs. Barnes did not know that Y2K was a defense, of course, because most average citizens will not know this.

Under the new law, the Acme Company will treat the complaint as the notice. She has to wait 30 days for Acme to respond. In 30 days, they respond by saying: We can't pay for the cleanup and lost value. But she has to wait another 60 days to refile her lawsuit, notwithstanding that they tell her that.

Now the average American consumer is out 90 days and does not know where they are going, because we have protected the entity. All discovery is stayed during this period. There is not anybody in our system of justice who does not know what happens when you stay discovery for 90 days.

In 2 months, Mrs. Barnes refiles her suit. She refiles it against the company that installed the safety system. Under the McCain bill, she has to plead her case with a particularity in the complaint. She can state her damages as required, but she is going to have a lot of trouble specifying the materiality effect because she will not know what that is because there has been no discovery. The case is dismissed because the complaint failed to meet the pleadings requirements.

Assume somehow she can meet the pleadings requirement. She comes back, she finds other information to survive another motion to dismiss, and finally gets her day in court.

After hearing the case, the jury finds both defendants acted recklessly and outrageously for not identifying and fixing the problem, and it awards her $300,000 compensation for the property and the need to replace her water supply. They may find that Acme is 70 percent responsible and the safety system 30 percent liable under the proportionality. The total amount of her award might be $1.3 million, with the compensatory and punitive adjusted and reduced by the number of people according to the cap, because they only have 40 people who work for them. Under the cap in S. 96, that would be an adjusted award of $550,000.

We find that Acme cannot pay for all of the damage and files for bankruptcy. The safety system pays Mrs. Barnes $90,000 under their percentage, but that is not enough to clean up her property. She cannot get a new water supply, especially after she pays the legal bills. She tries to collect from Acme but without success. In the end, under the State law she would have received her $1.3 million, but because we are going to take that away, at the end, because of the Senate bill that is contemplated being passed here that does not protect this individual consumer, she will be left with only $135,000—not nearly enough to compensate for her loss, pay her legal fees, replenish her well and make her whole.

What is the public policy here? That is literally how this bill would work. That is taking us step by step through the requirements that are being put on the average American here, even though what we are really talking about doing here is protecting companies from lawsuits by companies.

To the degree that my colleagues say: Wait a minute, Senator. We know about those naughty things called class actions, and we don't want to have a class action brought against us, I say to my colleagues, I agree. We want to have a tough standard for the potential of any class action.

So we have put in our bill something lawyers do not like; we have put in our bill a materiality requirement that means they have to show that very specificity of defect, and it has to be specifically material to the impact on that particular damage that took place for that person. The majority of the people who make up the class have to have the same linkage to the materiality. That makes it very hard to go out and just construct a class. So I think class actions would, in fact, be seriously reduced and impacted in an appropriate way, I might add. So we are raising the bar. We are raising the standard.

Our bill, therefore, in my judgment, protects consumers. The McCain bill would apply all of its procedural burdens and damage limitations to individual consumers. I know that this is one of the things that the White House, the President, is particularly concerned about. We need to try to find some kind of reasonable compromise. We have not. And that begs a veto.

In addition, I have talked about the proportionality issue. It is hard to believe that colleagues would not be willing to vote that a company ought to engage in good citizen behavior of a two-step effort to identify mere potential—I underscore that mere potential; the company does not have to find the problem; the company does not have to cure the problem—they have to find the mere potential that something that they have created may have done it; and, two, let people know that they have done that. It is hard to believe that we would not vote to do that.

In addition to that, we impose an additional duty on the plaintiff. My colleague from Arizona said this is to keep the revenue stream going. We impose an additional duty on the plaintiff because existing State law generally requires plaintiffs to mitigate their losses in the case of a breach of contract. S. 96 puts on the plaintiff an additional burden to mitigate that isn't part of additional contract law, which allows a defendant to argue that the plaintiff should have avoided the damages based on information that was in the public domain.

So what we have done, to encourage information sharing and in order to encourage the remediation that we want, we leave the existing State law duties in place, supplementing them with an additional mitigation requirement if the defendant itself made the information available.

Why is that good policy? Because, again, it encourages the good behavior that our colleagues are saying everybody is going to engage in but for which there is no certainty and there is no leverage.

Here you have an additional burden on the plaintiff if the company undertook to share the information. What does that do? That means that the company is going to say: Oh, boy, if we go out and get the information and we put it out to the people we have sold it to, they are going to have the burden of showing that we somehow did not do what we were supposed to. We have shifted the burden to the people who then would be the plaintiffs. It makes it harder to bring a case. It also does more to encourage the mitigation that we want to get in this particular effort.

I want to make it very clear, I think it was back in April the Senator from Arizona, the chairman, put a letter in the RECORD from Andy Grove of Intel. The letter that was part of Mr. Grove's communication to the chairman. I will read the relevant portion of it:

> Dear Senator McCAIN . . . The consensus text that has evolved from continuing bipartisan discussions would substantially encourage [bipartisan] action and discourage frivolous lawsuits.

He cited several key measures that are essential to ensure fair treatment of all parties under the law.

One was procedural incentives, the requirement of notice and an opportunity to cure defects before a suit is filed.

Senator McCAIN has that in his bill. We have that in our bill: The same procedural requirement to cure, the same procedural effort to have alternative dispute resolution. We both encourage alternative dispute resolution and mitigation.

Second point: A requirement that courts respect the agreements of the parties on such matters as warranty obligations and definition of recoverable damages.

Senator McCAIN does that; we do that. We provide the exact provision of contract protection except where there is an intentional—intentional—injury to a party. I ask my colleagues, what is the public policy rationale for exempting a company from an intentional wrongdoing to an individual that is not a specific intent to that individual but nevertheless fits under the concept of a reckless, willful, or wanton act?

Third, Mr. Grove said he wanted threshold pleading provisions requiring particularity as to the nature, amount, and factual basis for damages and materiality of defects. We do the same thing. Senator McCAIN does that; we do that.

Finally, appointment of liability according to fault, on principles approved by the Senate in two previous measures. That is the securities reform bill. I have already spoken to that.

Senator McCAIN gives it to them no matter what, forget it. You just get it because you are who you are. We give it to them if they take two steps: Identify the potential for a Y2K problem, which is what this bill is all about, and let the people they have dealt with know about that potential.

Again, we do not require that they fix it. We do not require with a certainty that they find it. We require that they just say there is a potential. That is what they have to go out and fix.

The fact is that is a minimalist standard that most companies ought to be prepared to live by. Every company I have talked to tells me they are doing that. Of course, they are going to do that. They would have no reason to be concerned about that.

So the real fight here, I suppose, is over punitive damages and over the breadth of reach that some people are making with respect to some other efforts which I can go into later as they arise in the course of the debate.

We have a consumer carveout. We have a duty to mitigate. We have proportionate liability.

The McCain bill also creates jurisdiction for almost all Y2K class actions in Federal court. We do not do that. First of all, the Federal bar has told us they cannot handle it. They do not have room for whatever that might mean. Secondly, I cannot think of anything less respectful of States rights, of the States' abilities to manage their own affairs with respect to how they want to proceed. There is no showing that that is, in fact, necessary. So the reach of the bill, in fact, goes further than that which is necessary to fix Y2K.

I want to emphasize that I still hope maybe we can find some medium where people will come together. It may be that the Senate isn't in the mood to do that right now, so it will just go ahead and pass S. 96—it will go to conference, come back, and then go to the President, and he will veto it, and we will come back. Or maybe when the President gets into the negotiations in the conference committee, the very things I am talking about will be resolved, and it will come back to us in a way that people of good conscience can say: This is good public policy because it protects consumers even as it creates a fair process for the avoidance of frivolous suits and the avoidance of the burdening of an industry that we all respect and care about.

I think our bill does that. I think our bill justifiably protects the capacity of companies to be free from frivolous lawsuits. It increases the pleading requirements. It provides a cure period. It provides a duty to mitigate. It shifts a greater duty to the plaintiffs, and it does so, I think, in a reasonable and fair-minded way.

I regret that, unfortunately, this debate has been so caught up in a larger agenda of entities that are very forceful outside of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona.

Mr. McCAIN. Mr. President, I continue to respect the views of the Senator from Massachusetts. He makes some very persuasive arguments.

I strongly recommend to the Senator from Massachusetts that he put his objections in the form of an amendment or amendments and we vote. We have been through, I think the Senator from Massachusetts would agree, literally weeks, if not months, of negotiations with the Senator from Massachusetts. At no time have we been able to agree. I strongly recommend that he just propose an amendment, and we have a vote on it. The Senate will be on record. We will be then able to move forward, as is the legislative process.

I will make a parliamentary point. I have asked the Democratic side to try to get an agreement within about an hour or so on remaining amendments that will be proposed of the 12. We now have about 6 or 7. I think the same is true on the other side. We want to give everybody ample opportunity to propose their amendments. Then I will also ask that we get those amendments in so we can start negotiating time agreements. I see no reason why we can't finish this bill by tomorrow evening.

I urge my colleagues, again, if you have an amendment on either side of the aisle, tell Senator HOLLINGS or me so we can get those 12 nailed down on either side so we can start negotiating.

I think it is very important to recognize that there has been amazing solidarity shown on the part of big, medium, and small business on this legislation, including the parts of it that were just addressed by the Senator from Massachusetts. They do not accept his remedy. I strongly admire the knowledge, the information, and the incredible tenacity that Senator KERRY has shown on this issue.

The reality is—and every once in awhile we have to face reality, I say to my friend from Massachusetts—we are going no further. However, if we are going no further in the process of negotiation, that does not change in the slightest the fact that the Senator from Massachusetts can propose 1 of these 12 amendments, or 2 or 3 or 4 of them, I think there is room, and we can debate and vote on them.

I yield for the Senator from Oregon.

Mr. WYDEN. I appreciate the chairman yielding. I will be brief.

I think what the chairman of the Commerce Committee is suggesting is a practical way to get at it. This Member of the Senate believes, with all due respect to my friend from Massachusetts, that the Kerry amendment would be a lightning rod for additional frivolous lawsuits with respect to Y2K. I think, for example, some of the language is so vague—this question of identifying the potential for Y2K failure.

Mr. KERRY. Will the Senator yield for a question?

Mr. WYDEN. As soon as I have made this point, because it is the chairman's time.

I think that is so vague that it is going to ignite a litigation derby. That is No. 1.

No. 2, we have had a kind of mixing of the concept of punitive damages and proportionality by the Senator from Massachusetts that I think is just not borne out by the bipartisan bill. Our punitive damage limitation applies only to small business. It has nothing to do with reckless behavior or careless behavior.

On proportionality, we are saying that you can hold everybody liable for exactly what they contribute, whether they are a small business or anything else.

Finally, on the example of the person, I believe it was Mrs. Barnes, and the chemical plant, she has all her existing remedies with respect to personal injury and wrongful conduct under negligence law. That is all outlined on page 10.

I appreciate the chairman of the Commerce Committee yielding me the time to briefly make a response to the Kerry amendment. As I say, I am a Senator who agrees with the Senator from Massachusetts on so many things. I do share his view that I hope by the time we are done with this legislation, we can have something that gets upwards of 70 votes. But suffice it to say, this Senator believes, with all due respect, the proposal of the Senator from Massachusetts will be a lightning rod for a variety of frivolous lawsuits.

I thank the chairman of the committee for yielding.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I intend to send my amendment to the desk. It is more inadvertence than anything else, and enthusiasm. I am not going to delay it whatsoever. I agree with him. We want to get on with this and make an effort.

Let me just make a couple of comments and address this. First of all, with respect to what the Senator from Oregon just said, the woman in the hypothetical I used would be precluded from the very kind of damages, because your bill limits it to physical injury. She is not physically injured. The fact is, the property damage and other damage would, in fact, not be subject to it.

Secondly, under the economic losses in the bill from the Senator from Arizona—and I think this is important for the Senator from Arizona to understand—data processing would not be included in the definition that you have with respect to economic loss. You speak to the question of property and you allow certain kinds of property, but you don't include in the definition of "property" intellectual property.

What happens if a company has a loss as a consequence of an entire software system that went down and their data being lost and, therefore, they do not provide a service to somebody? You could have a huge economic interruption as a result of that, and you don't include that as an economic loss. I will give you the precise language. There are serious, real consequences here.

Secondly, the Senator from Oregon just said that we are just precluding small businesses from punitive damages. Again, I just spoke at a graduation of a law school. I hate to say it, I had to stand up and say in front of the graduates of the law school, welcome to the most hated profession in America. They understood what I was saying.

You can't come to the floor of the Senate and quote me defending lawyers. That is not what I am doing. I am defending a principle. I am defending a cherished notion within America about how we redress problems.

I know people do not like being hauled into court. I almost laughed when I heard the Senator from Arizona say that all the big businesses and all the business community are united behind this bill. Of course, they are. Big surprise. They are about to get out from under an accountability system that suggests to them that they ought to behave some way.

The Senator from Oregon has just said to me, small businesses will only be held accountable for the proportion that they are liable. OK. What happens in this example? The small businesses in Oregon and the people served are in Oregon, but they are only 20 percent of the problem. The people who sold them the hardware and the rest of the equipment are in Japan. You cannot reach them, because you are a small lawyer and you don't have the long reach. You don't have jurisdiction, and you cannot get them conceivably. There are a lot of companies out there right now operating like that. So all you have is 20 percent of the person being made whole.

The theory of law for years, under joint and several, has been that in America we care first about the victim, and we are going to make the victim whole. Then the companies that have the power and the clout will sort out between each other who gets what. That has been a very efficient and effective distribution system. It is efficient.

What we are now saying is, sorry, average American, sorry, we are going to give the power back to the corporate entities and you, the little average person, you are going to have to go to Japan and chase them, or you are going to have to just stomach your loss.

Small businesses are most of the business in the country. I am also pretty sensitive to that, because I am the ranking member of the Small Business Committee. I take great pride in the things that I have done to try to further small business efforts. I believe in it. I am the only Senator I know who has a zero capital gains tax bill here for targeted investments in the high, critical technologies. I would love to empower small business to do better. But all that punitives apply to are willful, wanton, reckless, destructive, irresponsible, unacceptable behavior. And what my colleagues are doing is coming to the floor, as a matter of public policy, and saying the Senate ought to go on record saying that we don't care how you behave. We are going to take away the capacity to make the average citizen whole, and we are going to give it to the corporate entity.

Now, I love these corporations. Look, I represent them and I respect the leaders of them. They are doing great work for America. We have created 18 million jobs in the last 10 years or so because of their virtues and capacities. I will come back here and labor on their behalf on encryption and a host of other things. But, fair is fair. Fair is fair. Are you telling me we should not have these companies do two simple things?

My colleague said the language is too vague on those two simple things. Well, let's talk about that for a minute. The bill says "identify the potential." What does that mean, "identify the potential"? Does anybody have trouble with that? It means to identify whether the product the defendant made or sold had the potential for Y2K failure. How would you know that? You know you have an embedded chip in it. You know whether or not in the digitalization process you use two or four digits. I am not technically competent enough to tell you all of them, but there are people who are; they are running around the country fixing these things.

The IRS has invested $1.3 billion and several years of effort in order to be Y2K compliant, and they are today. How did they get there? They got there because they asked this very question. Do we have the potential for failure? And if we do, what are we going to do to fix it?

My colleagues come to the floor and they are trying to tell us that this bill is to encourage people to fix it. But what do they do? They let them right out from underneath it, give them an upfront, blanket exemption saying: We are not going to require that you be subject to joint and several; you don't have to do anything; you just walk. And that is wrong as a matter of policy.

All we ought to ask them to do is the very thing this bill's purpose is about: Look and see if you have the potential for failure and tell the people you sold it to. If we can't ask them to do that, then we are not standing up for the average citizen in this country. It is that simple.

AMENDMENT NO. 610 TO AMENDMENT NO. 608

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KERRY], for himself, Mr. ROBB, Mr. DASCHLE, Mr. REID, Mr. BREAUX, Mr. AKAKA, and Ms. MIKULSKI, proposes an amendment numbered 610 to Amendment No. 608.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, again, I find the logic of my friend from Massachusetts somewhat tortured. He maintains that these "two simple things" will meet the approval of the high-tech community. Yet, it doesn't. So in his mind, of course, clearly it should. But the fact is, it doesn't.

So we are in a very interesting kind of hyperbole here that the Senator from Massachusetts keeps saying the high-tech community supports this and this is perfectly acceptable to them. Yet, they don't support it or agree with it—and for good reason—because these "two simple things" are directed at the high-tech defendants, not the rest of the business community that will be defendants. When a wholesaler fixes their systems within their company, yet it leases a trucking group to deliver whatever that product is, and then they are subject to joint and several liability, then, of course, it opens the floodgates.

The Senator from Massachusetts seems surprised that, or somehow casts doubt about the motivation of business in supporting this legislation. Of course they are supporting it, because they don't want to be subject to a flood of litigation. That is the whole purpose of the legislation. The whole purpose, I tell my friend from Massachusetts, is to stop a flood of litigation.

Mr. KERRY. Will my colleague yield for a question?

Mr. McCAIN. In a second. The Progressive Policy Institute of the Democratic Leadership Counsel says:

> Despite the number of lawsuits avoided during a 90-day cure period, or the number of disputes settled through ADR, the cost of Y2K litigation will remain exorbitantly high as long as opportunities remain for people to abuse our legal system. However, there are a number of Y2K-specific reforms that can be enacted to curb that abuse and the subsequent costs. To begin with, responsibly strengthening pleading standards would keep many baseless suits out of the systems. Plaintiffs seeking money awards for damages should be required to state the particular nature and effects of material Y2K defects and how they figured into calculating those damages. In addition, to insure fairness, rejected plaintiffs should be allowed to refile their suits with the required specifics in order to protect legitimate claims that are not initially apparent. Furthermore, legislation should deny awards for damages that could reasonably have been avoided.
>
> Class action suits are normally the most expensive and wasteful of product liability lawsuits and often contain enormous numbers of groundless complaints. Legislation should insure that the majority of members in class action suits have truly experienced Y2K-related failures and deserve redress. By reducing the number of invalid claims, waste and fraud could be significantly eliminated from the adjudication of class action suits.
>
> The effects of abusive litigation could be further curbed by restricting the award of punitive damages.

That is what this legislation does. That is where the Senator's amendment will open a loophole wide enough to drive a truck through.

Punitive damages are meant to punish poor behavior and discourage it in the future. However, because this is a one-time event, the only thing deterred by excessive punitive damages in Y2K cases would be remediation efforts by businesses.

I say again to the Senator from Massachusetts—and we have had this dialog for hours on the floor, and for hours in the committee, and I will continue because of the enormous affection I have for the Senator from Massachusetts. We will continue this dialog. We are in fundamental disagreement on the interpretation of the Senator's proposed amendment. It is as simple as that. So I would be——

Mr. WYDEN. Will the chairman yield briefly?

Mr. McCAIN. The Senator from Massachusetts has asked me to yield first.

Mr. KERRY. I am happy to let my colleague go first, and I will come back.

Mr. McCAIN. I yield to the Senator from Oregon for a question.

Mr. WYDEN. I thank the chairman.

It seems to me that on the basis of everything we have gone through in terms of the committee, there is a reason that the high-tech community is overwhelmingly opposed to the Kerry amendment. As far as I can tell, there is this company the Senator from Massachusetts has talked about, and I will acknowledge that. But the high-tech community, as far as I can tell, is overwhelmingly opposed to this Kerry amendment. As far as I can tell, the reason they are is that the Kerry amendment introduces vague, ill-defined terms that are going to trigger more litigation. On the basis of everything we went through in the committee, is it the chairman's judgment that that is the reason the high-tech community is overwhelmingly opposed to the Kerry proposal now before the Senate?

Mr. McCAIN. That is my understanding.

Obviously, I would like to include the Senator from Massachusetts in this dialog. Under his amendment—and I will be glad to respond to his question—isn't it true that defendants who are in the middle of the supply chain may be sued for a breach of contract caused not by the failure of the defendant's computers but by those elsewhere in the supply chain? That is the fundamental problem we have with Senator KERRY's amendment.

I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, let me respond to that because it is very important. May I also respond by saying this, and, again, I say this with great respect and affection for both of my colleagues. But to be on the floor of the Senate using as a justification the passage of something that does somebody a lot of good, the fact that they like that it does them a lot of good, is kind of a strange argument. If the fox is there to guard the chicken coop and you are going to put a big fence around the chickens, and you ask the fox, "Do you like it?" and he says, "No," that is no surprise. It is the same thing here. Who is going to be surprised that the companies are going to say: Of course, we support your bill, because it gives us more than we really properly ought to get.

Having said that, let me say to my friend that our bill does everything the Senator from Arizona just said.

We could do all of the things the Senator listed. The only difference is, we asked them to identify the potential for the failure and provide information that is calculated to reach the people. We don't even require that it reach the people.

My colleague just said this is going to open up a whole lot of litigation.

I ask my colleague, has he asked companies? Does he know of a company that isn't trying to identify their Y2K failure? Does he know of a company that, having done that, would not tell the people to whom they sold it?

Mr. McCAIN. First of all, my response to the Senator from Massachusetts is that these companies and corporations that are in favor of this legislation—did the Senator from Massachusetts forget that half of them could be plaintiffs? Why is it that so many of them who could be plaintiffs are in support of this legislation? They are not just the defendants, they are the plaintiffs.

The fact is that we are helping business all over America. I have to tell my friend from Massachusetts that I came here to help business all over America. I came here to help entrepreneurs. I came here to stop the flood of litigation that has so distorted the business system in America. I came here with a clear campaign to say, look, we have too many frivolous lawsuits in America; we have too many class action suits; we have too many lawyers and not enough business people.

I am unashamed and unembarrassed to tell the Senator from Massachusetts that I am here in behalf of defendants who, if I took a poll tomorrow, would number 90 percent. I don't know the percentage that are lawyers, but I know it grows bigger by the day. But all of those who are lawyers would say: Yes, please, Senator MCCAIN, help business get off this terrible burden where we are paying so much, where we have become a litigious society in America and so many terrible things have happened as a result.

As I pointed out, Mr. Tom Johnson—a man who is becoming famous here on the floor of the Senate, I might add—is bringing these lawsuits against honest, hard-working people, especially small and medium-sized businesses.

If the Senator from Massachusetts is astonished—and I include the Senator from Oregon in the category—at trying to help businesses, small, medium, and large, from the incredible burden of litigation which has flooded the United States of America—guilty as charged. Guilty as charged.

The second aspect of this issue is clearly what I, as a business owner, would tell people. It is that I, as a business owner who distributes my product, would not be able to vouch for other people and other businesses that are also part of this distribution chain of my product.

That is again where I get back to the point that I do not know of any business in America that doesn't want to fix the Y2K problem. I know lots of business people who don't know, because of the distribution system—both through distributors and retailers—that they can vouch for those persons' willingness or ability to fix the Y2K problem, which then opens up that flood.

I hope I answered the Senator's question.

Mr. KERRY. Mr. President, I hate to say this. I say it again with affection and respect. But the Senator didn't actually completely answer the question, because he didn't tell me of any company in the country that wouldn't do what I have said or that hasn't done what I have said.

Mr. McCAIN. My answer is, I know of no company or corporation in America that would not want to have the problem fixed.

Mr. KERRY. That is precisely the point. The Senator has just acknowledged precisely the point I am making. I come back to it.

I am not serving on the Banking Committee and the Commerce Committee and the Small Business Committee because I don't care about business. I have the same desires as the Senator from Arizona to see business succeed. He came here for the same purpose—to create jobs and to make the country better for all of our citizens.

But this bill is not going to make lives better for all of our citizens in its current structure. Yes, it is wonderful for those corporate entities to be singled out to get the benefits of it. I agree with the Senator. Everything in the amendment I have offered does the exact same thing—to protect those companies, as his does, with one exception. We are fighting here over one big exception right now. This is the exception. The very thing the Senator from Arizona just acknowledged—he said yes, every company ought to want to find that, and I don't know of any company that isn't trying to.

That is the precise standard that we are trying to be sure companies embrace—to have a guarantee that we are doing the most to encourage mitigation, to fix the problem, inadvertently or otherwise.

The Senator's bill gives them automatic entry into the proportionality of damages, without the guarantee that they tried to make that effort. Why is that important? It goes to the Senator's question to me. It is important because some companies may conceivably choose the cheaper road, which is to not necessarily pay for the fix up front but wait and see what the damage might be and not engage in the very mitigation we have encouraged.

If that company is the midline company that the Senator just referred to, under his proposal they would automatically be subject to get the proportional level of their damage. But they could have weighed on an economic basis whether the bottom line of that proportional damage was such that they would rather wait and see, or weigh that rather than fix the problem and avoid whatever the consequences may be to consumers generally.

I don't think that is good public policy. Maybe we differ on that. I think there is a fair way to provide all of these companies with the protection that we want them to have, and we want them to have an appropriate level of protection.

But, again, my colleagues can't show me why it is unreasonable to suggest that a company can't identify the potential for a Y2K failure. How can you not do that? All you have to do is sit down with your design people, have a meeting, document the meeting, and ask a couple of questions: Do we have a Y2K problem? Do we have any invented processors? What products do we have them in? Whom did we sell them to? Whoops. Let's send a letter to those people and tell them.

Is that asking too much?

The purpose of this bill is to encourage people to fix the problem. If you do not ask people to do that, how can you say you are really exhausting all of the possibilities of how you are going to fix the problem? I don't understand that. I say to my colleagues that that is one thing we are fighting about.

The other thing is the question of dealing with damages. I know I have said it before. Some people do not like dealing with damages. But the standard you have to get over to have punitive damages apply—I don't know of anyone in the high-tech industry, I can't imagine a company in the high-tech industry, that would be subject to that. Any CEO I have met has as much public conscience as anybody in the Senate and is engaged in a bona fide effort to make their company work. I don't know anybody who is not.

But if there is some junk artist out there who is just hungry for the bottom line, trying to gamble on all of the Internet success and everything that has happened with high-tech stocks, who started out fly-by-night, who wanted to go out there and make a quick hit, if that person did it, and willfully, wantonly, recklessly, outrageously impacted the life of an American citizen, I want that American citizen to be able to have redress for that. I don't think it is right to deny them that.

Mr. WYDEN. Will the chairman yield?

Mr. McCAIN. If I could respond very quickly about one aspect of this, I have confessed with great pride and sometimes with pleasure that I am not a member of the legal profession. But I am afraid the Senator from Massachusetts does not quite comprehend what we are dealing with here.

This is a book, "Year 2000 Challenge, Legal Problems and Solutions," from the National Legal Center for the Public Interest. Let me quote for the Senator what we are facing so we can really put this in the proper perspective.

> The unfortunate fact is there is no "silver bullet" solution to the year 2000 problem in any organization, and the risks and difficulties in any Year 2000 project of even moderate size and complexity can be enormous. None of the remediation techniques described above is without disadvantages, and for many IT users the time and resources required to accomplish Year 2000 remediation far exceed what is available. Most major remediation programs involve finding and correcting date fields in millions of lines of poorly documented or undocumented code. There is no single foolproof method of finding date fields, no assurance that all date fields will be found, corrected, or corrected accurately, and no assurance that corrections will not produce unintended and undesirable consequences elsewhere in the program. In many cases it will be necessary to rely on information or assurances from third party vendors regarding the Year 2000 compliance of their products, even though experience teaches that many such representations are inaccurate or misleading. Comprehensive end-to-end system testing of remediated systems in a simulated Year 2000 "production" environment is often impractical or impossible, and less intensive testing may fail to detect uncorrected problems. And even where an IT user succeeded in making its own systems Year 2000 ready. Year 2000 date handling problems in external systems (such as the systems of customers or suppliers) can have a devastating effect on internal operations.

With all due respect to my friend from Massachusetts, this is what we are trying to get in our legislation and this is what the Senator's amendment basically prevents us from doing.

Here is the problem. I don't claim to have the expertise that the Senator does on punitive damage or on joint and several liability. I know the problem pretty well. We have had extensive hearings in the Commerce Committee, and we have talked to all the experts. This is really what we are trying to take care of—not as the Senator from Massachusetts asked me, in good faith, do I believe there is any company or corporation that is not trying to fix a problem. I don't know of any.

I think what I read to the Senator from Massachusetts explains how difficult and enormously complex solving this problem is. This is why, although I respect and admire the Director of the FAA who will fly all day long on January 1, the year 2000, I intend to remain at home that day. However, I encourage others, as the Senator from Massachusetts, to fly around the country.

I say seriously to my friend from Massachusetts, I hope this explains to him the complexity of the problem. We not only can take care of the individual manufacturer, but all the systems and subsystems that are connected with it are not addressed, in my view, adequately, in the Senator's amendment.

Before I yield to both Senators, could we agree to some time on this amendment?

Mr. KERRY. Mr. President, I want to cooperate. I cannot agree at this particular instant, because I need to canvas the cosponsors to figure out who desires to speak. We have no intention of prolonging this.

Mr. McCAIN. If the Senator from Massachusetts and his staff will work on that, I appreciate that.

I yield the floor.

Mr. KERRY. Mr. President, let me come back to the remarks of the Senator from Arizona, because I appreciate everything he just read. I would like to be associated with putting it into the RECORD. However, I don't associate myself with the notion that the consequences of what he just read ought to be automatically given a bye, a pass, if you will, without some duty to make the determination of what he just read.

Any company that is going to be subject to what the Senator from Arizona just read would answer the standard I have put forth about a potential for failure in the affirmative in 10 seconds. The Senator from Arizona has acknowledged that. We are almost fighting about a difference that is not a huge distinction here, but it is significant enough because of what we want to do to achieve the mitigation we want to get out of this bill.

There isn't a company in good standing in this country that cannot answer affirmatively the two-step qualification for proportional damages. To suggest that we will give every company an automatic bye without requiring them to do that is to actually adopt a bill that doesn't go as far as it can to achieve the purpose that the Senator from Arizona states we are trying to achieve.

That is why there is a fundamental difference here.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I want to respond to the point the Senator from Massachusetts made with respect to the standard that he would apply in identifying the potential for Y2K failure.

I believe that using language that vague virtually ensures that a significant number of frivolous cases are going to end up going to juries—exactly what we fear. What will happen, companies will attempt to defend themselves, the judge will be offered a motion to dismiss, and the company will say: It is frivolous; we move to dismiss the case. The judge will look, and if this were the standard that were actually adopted, he would say: I don't know whether they identified the potential for Y2K failure. And we would, in fact, be igniting an additional round of frivolous lawsuits.

A motion to dismiss under this standard will get by because it is so vague.

With respect to the economic losses the Senator from Massachusetts has talked about and believes are inadequately addressed under our bipartisan legislation, in this bill we keep State contract and tort law in effect. We keep State contract and tort law in effect. The problem is that there are some who disagree, some who would essentially like to create torts out of these contractual rights where no torts exist.

Finally, with respect to punitive damages, the Senator from Massachusetts said again that our bipartisan bill would hollow out, for example, protections that are needed for consumers. We ensure our standard of evidence with respect to this is in line with State requirements. Again, we are trying to take a balanced approach.

I hope my colleagues will oppose the Kerry amendment. I think it ensures we will see a significant number of frivolous suits not being dismissed where they ought to be but essentially ending up going to juries and causing great economic duress early in the next century.

I yield the floor.

Mr. McCAIN. Mr. President, for the purpose of proposing some amendments, I ask that the pending Kerry amendment be set aside for that purpose, with the proviso of returning immediately to the Kerry amendment.

I send to the desk two amendments by Senator MURKOWSKI, an amendment by Senator GREGG, an amendment by Senator INHOFE, and two amendments by Senator SESSIONS, and I ask for them to be numbered.

The PRESIDING OFFICER. Without objection, the amendments will be numbered and laid aside.

Mr. McCAIN. Mr. President I ask unanimous consent we return to the pending Kerry amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. One of the irate staff just came over here. I saw no harm associated with that process. If there were an objection, I would be glad to remove those amendments. They were simply amendments to be numbered in case when we get an agreement on both sides of the aisle.

I ask unanimous consent to withdraw those amendments, and we will leave everything as it was before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Regarding the Kerry amendment, I want to mention that a company that has made no effort to prevent failure or fix its systems will undoubtedly be found more responsible for a plaintiff's injuries under the terms of S. 96 in liability already proposed, without the hazard of making a company that can't control the entire chain of distribution liable for the entire damage awarded the plaintiff. Our opposition to the pending Kerry amendment is almost that simple.

I note that the Senator from California is waiting to speak. I hope by the time the Senator is finished, perhaps we could have some agreement for a vote on this amendment so we could move forward, as well as agreement on the other side for resolving the remaining 12 amendments on both sides.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of California.

Mrs. FEINSTEIN. Mr. President, I rise to support the underlying McCain-Dodd-Wyden-Lieberman-Feinstein bill, because I believe this bill is a once in a millennium, 3-year law. Without it, I believe we could see the destruction or dismemberment of America's cutting-edge lead in technology. We all know that the year 2000 is rapidly approaching and with it there comes a wide variety of possible disruptions relating to the so-called Y2K problem.

It is true, though, that no one really knows how big the problem will be or how small it will be, so government organizations, businesses large and small, and private individuals are all scrutinizing the area from their own particular perspective. The area that has received the most attention is concern over a possible flood of lawsuits that could clog courts and distract businesses from solving these problems early in the next millennium. Several well-known consultants and firms, including the Gartner Group, have established that Y2K litigation could quickly reach as high as $1 trillion. So concerned Members of Congress, including Senators McCAIN, HATCH, DODD, and others, have been working for many months in an attempt to craft a solution to what has recently been described as this trillion-dollar headache.

The genesis of the bill now pending on the floor was a request by literally dozens of companies and more than 80 industry groups—including the Semiconductor Industry Association, the National Association of Manufacturers, the Chamber of Commerce, the Information Technology Association—to develop legislation to prevent frivolous and baseless lawsuits that could jeopardize companies moving to quickly solve Y2K problems. The trick was not at the same time to prevent the suit with merit.

I began working on a similar bill with Senator HATCH almost 6 months ago, because I became convinced that the Congress did need to intervene in order to ensure that Y2K problems are quickly and efficiently solved. Now, after several months of negotiating and a combined effort among a number of different Senators, I believe we have reached a fair compromise. This bill is especially important to California where over 20 percent of the Nation's high-tech jobs are located. The problem actually extends even beyond high-tech companies to the lives of employees, stockholders, and customers in a wide range of American businesses.

One of the first indications I had of the depth of the concern was when groups of consultants began to come to us saying they refused to become involved in helping companies solve Y2K problems for fear that they would open themselves up to being sued later on. Instead, they would rather just not get involved. One such group was the American Association of Computer Consulting Businesses that represent 400 companies and more than 15,000 consultants. They told me personally that they were going to refuse to enter into any Y2K consulting contract until they had some kind of additional protection. So it became very clear to me that, indeed, we do have a real problem. I believe the underlying bill crafts a real solution.

I think it is important to say, and say again and again, that nothing in this bill is permanent. It is simply a 3-year bill, limited to specific cases. The bill applies only to Y2K failures and only to those failures that occur before January 1, 2003. Let me quickly go over the provisions as I see them.

The 90-day cooling off period during which time no suit may be filed enables businesses to concentrate on solving Y2K problems rather than on fending off lawsuits.

The bill provides for proportionate liability in many cases, so that defendants are punished according to their fault and not according to their deep pockets. I am not an attorney and I have always felt this was the most fair way to go, except in certain situations, and the bill does provide for those certain situations. I would like to go into this in greater detail.

The bill also encourages parties to request and use alternative dispute resolution at any time during this 90-day cooling off period. For Y2K class actions, the bill requires, in order to qualify, that a majority of plaintiffs must have suffered some minimal injury. That would avoid cases in which thousands of unknowing plaintiffs are lumped together in an attempt to force a quick settlement.

For small businesses, the bill limits punitive damages to $250,000, or three times compensatory damages, so as to deter frivolous suits. It prevents the "tortification" of contracts with several provisions that require businesses to live up to their agreements rather than turning to the courts in the hopes of avoiding their responsibilities.

These are not the only provisions in the legislation, but these provisions represent the basic premise of a bill that does not seek to prevent the truly injured from recovering damages, but will hopefully prevent the frivolous lawsuit and keep companies from solving problems without delay.

There is much that is not in this bill, and there have been many changes made in the bill, certainly since I became involved in it. I would like to just indicate a few of them.

All caps on attorney's fees have been removed. Punitive damage caps for large businesses have been eliminated. Punitive damage caps for small businesses have been increased from three times actual damages to three times compensatory damages. All government regulatory or enforcement actions have been exempted from the bill, and three exceptions to the elimination of joint and several liability are provided in order to protect smaller plaintiffs and those who cannot recover from every defendant. The caps on liability for officers and directors have been removed, and the bill has been changed to provide that per suit there is only one 90-day cooling off period.

I think the cooling off period is probably very well known and probably very well accepted, so let me dispense with any further explanation on that point. But let's go to one of the more controversial parts, proportionate liability.

One of the reasons this bill is important to the affected companies is that it prevents plaintiffs from forcing quick settlements from innocent defendants who should be trying to solve Y2K problems. Additionally, under the system of joint and several liability, a defendant found to be only 20, 10, or even 1 percent at fault can nonetheless be forced to pay 100 percent of the damages. This system, as we all know, encourages plaintiffs to go after deep-pocket defendants first in order to force that quick settlement. It is my basic belief that this is fundamentally unfair, and the bill eliminates joint and several liability in some Y2K cases.

Under the new system, for this brief 3-year period, defendants will be responsible only for that portion of damage that can be attributed to them. The bill does have, as I have said, three specific exceptions to the elimination of joint and several liability, and those were taken from the Private Securities Litigation Reform Act recently passed overwhelmingly by the Congress and signed into the law by the President.

First, any plaintiff worth less than $200,000 and suffering harm of more than 10 percent of that net worth may recover against all defendants jointly and severally. This exception in the bill protects those plaintiffs with a low net worth but will not unduly injure defendants, because the damages recovered will not be that great.

Second, any defendant who acts with an intent to injure or defraud a plaintiff loses the protections under this bill and is again subject to joint and several liability. The bill does not protect those acting with an intent to harm.

Finally, the bill provides a compromise for those cases in which defendants are judgment-proof. In cases where a plaintiff cannot recover from certain defendants, the other defendants in the case are each liable for an additional portion of the damages. However, in no case can a defendant be forced to pay more than 150 percent of its level of fault.

These proportionate liability provisions offer a more fair and, I truly believe, rational approach to the system of damages in Y2K cases. Without this more balanced system, a few large companies will soon be forced to bear the entire brunt of Y2K litigation regardless of fault, and that is the problem. That is what will destroy the cutting edge of American prominence in this area, and that will result in jobs being lost.

Under the system of proportionate liability, this bill holds defendants responsible for the extent of their fault and no more, with the exceptions I have just mentioned.

Another area that I think deserves a little bit of clarification is the class action area. Under the class action section of this bill, a year 2000 class action suit cannot proceed unless the defect upon which the action is based is material to a majority of class members. This section is very important. Essentially, this clause prevents the type of "strike suits" we saw in the securities litigation area.

In the Y2K context, this provision will stop overly aggressive plaintiffs from searching out small defects in computer programs, gathering together thousands of software users who do not even know they have been injured, and trying to force a quick settlement out of the software manufacturer.

Once this bill passes, if a class action suit alleges that software does not function properly, the action can proceed only if the alleged defect affects a majority of the class members in some significant way. Trivial defects that would not even be noticed by most class members would not be cause for a class action. Again, plaintiffs with good cause may still proceed, but frivolous suits would be stopped. That is the purpose of the provision and the purpose of the bill.

There has been a lot of discussion in this Chamber about punitive damage caps. The Dodd-McCain compromise caps punitive damages, for small businesses only, at the lesser of $250,000 or three times compensatory damages.

The idea of capping punitive damages is one of the most controversial issues in this or any other bill dealing with changes to our system of civil justice. In this case, I believe reasonable and carefully drafted caps on punitive damages can deter frivolous suits. Additionally, capping punitive damages reduces the incentive to settle meritless suits because companies will not be at risk for huge, unwarranted verdicts.

I recognize that this is a controversial issue and that intelligent, well-meaning people may disagree over whether this is the time or the place to address punitive damages. But I have continually emphasized that this bill is not about punitive damages, and the compromise dramatically limits the punitive damage caps compared to earlier versions.

In summary, this $1 trillion litigation headache is approaching. This Congress can provide thoughtful, preventive medicine and some anticipatory pain relief in the form of reasoned, fair, and thoughtful compromise. I think the bill sets forward clear rules to be followed in all Y2K cases. I believe it levels the playing field for all parties who will be involved in these suits. Companies and individuals alike will know the rules and will know what they have to do. Most important, there is an element of stability that can come from this bill which will allow companies to prevent Y2K problems when possible, fix Y2K defects when necessary, and proceed to remediate damages in an orderly and fair manner.

It is true that some plaintiffs may have to wait a little bit longer to file a suit for damages, but their rights will not be curtailed and recovery will not be prevented. In fact, the waiting period in the bill will make it far more likely that problems will be solved quickly, allowing potential plaintiffs to get on with the activities that were disrupted by the Y2K problem at issue.

This bill has been through a tortuous legislative drafting process with criticisms, suggestions, and changes made from every side and by every sector of our society. I hope we can pass this bill and send it to the President, and let us show the Nation that the Y2K crisis will not cripple our courts, will not disrupt our economy, and will not slow our progress toward a 21st century world.

I thank the Chair, and I yield the floor.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 610

Mr. DODD. Mr. President, I am grateful to Senator KERRY of Massachusetts for offering his amendment, which allows us now to have a full debate on what is a comprehensive amendment. It covers a whole series of provisions which are included in the pending bill before the Senate.

Let me try, if I can, to take each of the critical provisions in the amendment, address them, and explain why I believe, despite the good intentions of its author, it would do significant damage to the underlying purpose of the bill that Senator McCAIN and Senator WYDEN and myself and others have offered to the Senate for its consideration.

I said at the outset of my remarks earlier today that this bill is very narrow in scope, very narrow in duration, and limited to a fact situation which most Americans, I think, have a growing awareness of today.

In 204 days the millennium clock will turn, and there is a very serious set of issues that could affect many Americans and many people outside of our shores: that is the so-called Y2K glitch or bug in computers based on information that is included in embedded chips and other items within these computers which would read the date of the year 2000 incorrectly.

I am, of course, simplifying the situation. I think the Senate is well are aware of the danger inherent in the Y2K problem. That problem could, of course, create serious disruptions in a variety of mission-critical functions in telecommunications, transportation, medical care, Federal services, and the like.

Over the last year and a half the Senator from Utah and I, as chairman and vice chairman of the Y2K Special Committee, have conducted some 21 hearings to examine where we were with the Y2K problem, what the Federal Government was doing, what State governments were doing, what local municipal governments were doing, and what the private sector and nonprofits were doing in order to remediate the problem; to fix the problem as soon as possible; and, where that may not be possible, to have contingency planning to avoid the kind of potential disruptions that those who are most knowledgeable about this issue suggest could occur.

Over that period of time we have seen significant improvement in the remediation done by the private and public sector, State and local governments, all across this country. In fact, we are at the point where we believe, as of this date, in June, with some 204 days to go, the country is by and large in good shape. We should not anticipate or be worried about any major disruptions here in the United States. There could be exceptions to that but, by and large, we think that is the situation today.

One of the things we are trying to do is see to it that when January 1 arrives, the best effort of a business—small, medium, or large—does not go for naught as a result of its inability to detect problems with embedded chips that ultimately result in Y2K-related failures.

Last year we passed a bill on disclosure to encourage the various sectors of our society to share as much information as possible with each other so that we could contribute to the remediation effort and avoid the kinds of problems some are anticipating will occur after January 1. That bill created a safe harbor provision, which allowed for the sharing of information—not sharing of lies and knowingly false information, but sharing as much knowledgeable information that businesses had—without worrying that someone would come around later and say, "what you said in June of the year 1999 was not exactly right," and, therefore, you would be subject to litigation.

That bill was passed overwhelmingly by this body and the other body and signed into law. It is making, we think, a significant contribution to avoiding the kinds of problems that we could have had after January 1 of the year 2000. But it does not eliminate all the problems. In fact, no one can pass a piece of legislation that will eliminate all the difficulties.

We realize with those problems that may emerge that you could have disruptions as a result of the failure to detect such things as faulty embedded chips. So this legislation before us is designed to be a complementary piece of legislation to the disclosure act of last year, a complementary piece of legislation to the efforts of Senator BENNETT, myself, and others who have worked on that committee, who strived to encourage, jawbone, do whatever we could, to minimize the kind of difficulties Americans could face.

We do not claim we have achieved all of that yet. But with the adoption of this bill, a 3-year bill, a 36-month bill, we say to potential plaintiffs and defendants: If, in fact, a problem arises that under any other circumstances might give rise to a lawsuit, we want you to try to avoid that lawsuit, if you can. We want you to try to work out the problem. We want you to spend your time, your money, and your efforts to fix the Y2K problem, not to run to the nearest courthouse and then spend weeks and months, potentially years, at the cost of millions of dollars, litigating an issue and not solving the underlying problem which is causing the kind of disruptions this issue can potentially cause.

That is the purpose of this bill. That is the rationale behind it: to try to avoid rushing to the courthouse.

We are a litigious society. We love lawsuits. Most Americans are painfully aware of this. There is nothing wrong with going to court to try to solve your problems. But I think most would agree that if you can avoid going to the courtroom to solve your problems, you can get better results in many instances.

So this legislation is designed specifically to avoid rushing to the courthouse for 36 months—not for a lifetime, not for eternity, but for 36 months—during the critical period where this issue is upon us, to see if we can't work out these difficulties. We only do that for 36 months with issues directly related to the Y2K issue, not any matter that comes up, but specifically the Y2K issue. We do so in a very limited way.

Specifically, we do not prohibit lawsuits. We merely are trying to see if we cannot come up with an alternative vehicle to solve the problems.

Mr. President, what Senator KERRY of Massachusetts has done is offered a series of ideas that he and those who have joined him believe will enhance the underlying legislation. They state —and I believe them—that they are desirous of making this a better bill, of making it less likely that we are going to have a race to the courthouse.

As you analyze what they have proposed, despite their good intentions it would appear they are doing just the opposite of their intentions. I can accept, although I do not entirely understand, those who are just fundamentally opposed to what we are trying to do, and then offering a series of provisions which would gut our very underlying intent. I do not support it. I vehemently oppose it. But I can't understand how a rationale could be made for you to oppose the idea of trying to avoid litigation for 36 months, if you can, on this Y2K issue.

Let me take, if I can, some of the provisions included specifically in the Kerry proposal and explain why I think those provisions directly undercut the underlying intent of the McCain-Wyden-Dodd proposal.

One deals with the bill's proportionate liability provisions. As I read the legislation, the Kerry bill, on page 13 of this proposal, states that notwithstanding the proportionate liability sections, the liability of a defendant in a Y2K action is joint and several if the defendant fails to demonstrate by a preponderance of the evidence that prior to December 31, 1999, the defendant identified the potential for Y2K failure, and then, in paragraph two, provided information calculated to reach persons likely to experience Y2K failures. Consider what those two provisions would do. Those are findings of fact, not findings of law. So even if a defendant has made some effort to identify potential Y2K failures, and made efforts to provide information calculated to reach the likely persons, you know very well that those are questions of fact, not of law. I would be hard pressed to identify a judge that was not going to say that questions of fact go to a jury.

As a result, there will be litigation on the very issue upon which my colleague from Massachusetts is trying to avoid litigation. Again, I can understand why some may disagree with the proportional liability provisions of the bill. They do not like the idea of having proportional liability. But I think it is only fair and just, under these fact situations. Otherwise what you get, very clearly, is attorneys who will go shop around for some company that is infinitesimally involved but simultaneously has deep pockets, and that becomes your defendant. They will then try to get that fractionally involved defendant as becoming totally responsible and culpable for the Y2K failure.

That is directly contrary to what we are trying to do here in this bill, directly contrary to what we are trying to do with the 90-day cooling off period, directly contrary to our saying that you have to go after the people responsible for the injury. By suggesting here that if they would just identify the potential Y2K problems and provide information to reach the persons likely to experience these failures, it seems to me that you have undercut entirely the desired goal in the underlying bill by avoiding the proportional liability provisions of the legislation. It is these provisions that we think will do a great deal to minimize the rush to the courthouse.

These matters just do not end up in court miraculously. It takes an energetic and aggressive bar that wants to pursue them. That would be the case, in my view, if this amendment were adopted.

Again, these are findings of fact, not of law. No judge that I know of would dismiss a case where there are findings of fact to be determined. Those should go to a jury. Therefore, your motion to dismiss fails. Therefore, you are in court. Therefore, you have destroyed what we are trying to accomplish with this 36-month bill, just to deal with a Y2K issue, where the issue ought to be to try to resolve the problems the American public faces.

As a practical matter, we have 204 days left before the millennium clock turns. If you adopt these provisions here over the next 204 days, instead of remediating the problem, setting up your contingency planning, which is what you ought to be doing at this point, we will have people running around here trying to figure out ways to meet some standard here so they can avoid the joint and several liability provisions.

I can see them suggesting that we ought to be spending resources here to identify potential Y2K failures and provide information to persons likely to be subjected to those failures. With 204 days to go—if my colleague from Utah were here, I think he would echo these comments—we need everyone in this country involved in this issue spending every available moment of time and every bit of resources fixing these problems instead of trying to avoid the kind of legal hurdles placed in the way that the Kerry amendment would require, if his amendment were to be adopted.

An excellent point that should be made is that this proportional liability section would also encourage results where U.S. companies could end up paying for the wrongs of foreign companies, non-U.S. companies. It has been stated over and over again, and I can tell you that it is true based on our information, that Y2K remediation efforts abroad are lagging. If a U.S. plaintiff can't recover against a non-U.S. company, he is going to try to recover against the closest deep pocket in this country. So you end up having U.S. companies that have made a significant remediation effort having to bear all the burden because a foreign manufacturer has not done the job as well. The plaintiff has a hard time reaching that potential defendant, so he races to the most fractionally involved U.S. company in order to get their full compensation. That is just not fair.

The amendment's contracts preservation section does not preserve contracts. Although it is essential that Y2K contract rights be fully enforceable, the bill's formulation allows contractual provisions to be set aside, even by vague State common law rules. This approach would give State court judges the power to throw out contract provisions they don't like.

One thing that has been sacrosanct is, when there is a contractual relationship, that is what prevails. If the parties enter into a contract, then the contract rules. If you are going to allow, as you would if the Kerry amendment is adopted, State court judges to undo contracts, because you don't like contract law but you want tort law, then you are expanding an area of the law that we have never done. Where there is a contract in place, the contract rules. If you are going to allow State courts to undo that and then allow attorneys to shop around the country until they find a State jurisdiction where they have avoided these contracts, you have just gutted this bill.

If you want to gut the bill, gut the bill. If you want to destroy this effort, destroy the effort. But do not stand up simultaneously and tell me you are trying to enhance what we are trying to do and then allow State courts to gut contract law in this country.

The Kerry amendment also makes liability for economic losses more expansive than current law. Under current law in most jurisdictions, plaintiffs who are in a contractual relationship with the defendant cannot circumvent the contract by trying out the tort idea.

I understand lawyers want to do this. We don't like the contract my client entered into, so let's try going to the tort idea here. Not terribly clever, not terribly unique, pretty commonplace. But we are not going to all of a sudden say that contracts are no longer valid here.

In essence, if you adopt this amendment, at least this part of it, that is what you are doing. If there is a good contract, then the contract rules. The idea you can circumvent that contract by seeking to bring a tort suit to recover your economic losses permits all intentional torts to go forward, whether or not the parties have a preexisting relationship. Whatever else you may like about this amendment, that provision alone ought to cause it to be overwhelmingly defeated.

The amendment's carveout for noncommercial suits, in my view, will permit a huge range of abusive actions. The Kerry proposal carves out suits by individuals from most of the provisions of this bill. I believe that abusive class actions on behalf of consumers are one of the greatest dangers in the Y2K area, because such suits are easily created and controlled by plaintiffs' lawyers. That also was the case in the securities area prior to the enactment of the securities legislation, a bill that we adopted several years ago.

Again, in this area, the McCain-Wyden-Dodd bill does protect class action lawsuits. They are not done away with here. We simply try to tighten up the rules under which class actions can be brought, and I think wisely so. We don't want to be going back and saying basically that in these areas you can file vague complaints where no one can determine what the charges are against you. Remember, in this area of Y2K—unlike securities litigation where clearly the defendants are going to be securities firms and the like—a small business can be a plaintiff and a defendant very quickly. It is not going to be as clear as to who the consumers are here.

Is one going to suggest to me that a small business where there is a computer glitch that all of a sudden gets sued is a nonconsumer, in a sense? I think we are trying to draw lines here that don't apply in the area of law that we have crafted with the McCain-Wyden-Dodd bill.

So by suggesting that all the other provisions of law are OK here is to basically just say this bill has been defeated. If that amendment is offered as a single freestanding amendment, we may as well not take the time of the Senate to go further. I will recommend that you pull the bill down because, frankly, then you have said this proposal here has no merit.

So I am not suggesting these are all the provisions of the Kerry amendment, but they are the ones I think are most egregious and which I think would do the most damage to the underlying effort that the Senators from Oregon and Arizona, and others, have tried to craft here.

Again, this is a bill for 36 months, that is it. We have 204 days left to do something to minimize a serious problem. I hope we have no problems come January 1 and February, and that all of the talk about a serious Y2K problem turns out to be wrong. Then we can look back and say maybe we didn't need this bill. But I would rather be standing here and have that happen than to be sitting around in January and all of a sudden watch serious problems occur, people racing to courtrooms all over the country because this body didn't think 36 months set aside in this area was a worthy exercise to defend against a potential problem that could cause Americans a lot of difficulty.

For once, this body, the Congress, is taking action in anticipation of a problem. What we normally do is wait for the problems to happen and then scurry around trying to fix them. Here in June we are trying to do something to avoid potential catastrophes in January. I commend my colleagues again—those who have been involved in this—for having the wisdom to step up and try to take meaningful action here.

Do we have a perfect bill? No, I can't tell you that. We realize we are sailing in uncharted waters here. But we think we are on the right side of this and our footing is strong—36 months, narrow in scope and time—to try to avoid the millions, if not billions, of dollars that ultimately taxpayers and consumers may end up paying for a lot of worthless lawsuits to satisfy the appetites of a few narrow members of the bar. I think it is a risk worth taking. I think in the long run the American public will support our efforts. With all due respect to my colleague from Massachusetts, for whom I have a great deal of admiration, we fundamentally disagree. Were his proposal to be adopted, I believe it would do significant, if not irreparable, damage to the McCain-Wyden-Dodd approach we have drafted and submitted for our colleagues' consideration.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I ask unanimous consent that the following amendments on this side be in order and these amendments only:

Senator MURKOWSKI, two amendments; Senator INHOFE, one amendment; Senator GREGG, one amendment; Senator LOTT, one amendment; Senator SESSIONS, two amendments.

Although it may be redundant, I add to that the amendments that were already agreed to in yesterday's CONGRESSIONAL RECORD: Senator HOLLINGS, three amendments; Senator KERRY, one amendment; Senator BOXER, one amendment; Senator FEINSTEIN, one amendment; Senator FEINGOLD, one amendment; Senator GRAHAM of Florida, one amendment; Senator LEAHY, one amendment; Senator DODD, one amendment; Senator EDWARDS, two amendments; Senator DASCHLE, one amendment.

Would it be agreeable to Senator HOLLINGS if that is included in the unanimous consent agreement?

Mr. HOLLINGS. Yes. I thank the distinguished Senator. The Feinstein and Dodd amendments are now cared for. As listed in the calendar for today, it is correct. We agree.

Mr. McCAIN. I ask unanimous consent that those amendments be the only ones in order in consideration of the bill.

Mr. HOLLINGS. The Senator from Florida, Mr. GRAHAM, has switched with the Senator from New Jersey, Mr. TORRICELLI.

Mr. McCAIN. The amendment under Senator GRAHAM will now be listed under Senator TORRICELLI.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I also want to mention that I think the Senator from Massachusetts wants to discuss this amendment again. We are prepared to enter into a time agreement with the Senator from Massachusetts when he returns to the floor for his further discussion of the amendment. Perhaps we can enter into an agreement at that time. I will also be contacting Members whose amendments are still listed as relevant to reach time agreements with them so that perhaps by the close of business this evening we could have time agreements allocated, if possible. If not, we will just proceed with the amending process tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak in support of the Y2K Act. I commend Senator McCAIN for the leadership he has provided the Senate on an issue that is of critical importance to small businesses across this country. I do not know if we have highlighted enough the cost of the Y2K problem on small business. That is what I would like to briefly address. I also thank the Chamber of Commerce for the effort they have made to bring this problem to the attention of the Congress and to the public.

I support protecting businesses from unnecessary and frivolous litigation that will arise from the Y2K problem. While businesses are hard at work trying to fix potential problems arising from the Year 2000, others are trying to exploit it through excessive and expensive litigation. It has been reported in that the cost of litigation in the U.S. arising from this problem will range from $200 billion to $1 trillion. It is just incredible. The Senate Commerce Committee has reported that up to 48 lawsuits relating to the Y2K problem have already been filed. What has been described as a "tremendous new business opportunity" for lawyers is done at the expense of the private business sector, in particularly small businesses. Small businesses are most at risk from Y2K failures because many have not begun to realize the potential problem and they do not have the capital to remedy any Y2K difficulties.

This bill goes a long way toward preventing litigation from the Y2K problem by establishing punitive damage caps, alternative dispute resolution, and proportional liability. While this bill will limit the amount of frivolous litigation, it will not prevent those who are blatantly negligible in becoming Y2K compliant or have caused personal injuries as a result of their noncompliance from escaping their responsibilities. They will still be held responsible.

Although I believe S. 96 will prevent and limit any litigation arising from the Y2K problem, I am still concerned that the greatest beneficiaries of the Year 2000 computer problem will be the trial lawyers. I am disheartened that there is no provision in this bill that places a reasonable cap on attorneys' fees. An attorney fees' cap will help prevent excessive litigation against small businesses by creating a financial disincentive for trial lawyers. Unlike the big corporations who have millions to spend on solving the Y2K problem and defending themselves in any Y2K civil action, the small businesses do not have the financial resources and are therefore the primary targets of any potential Y2K litigation. A reasonable and fair attorney fees' cap will decrease the amount of excessive and frivolous litigation arising from the Y2K problem. But without a reasonable cap, I am concerned that the Y2K problem could become a boondoggle for the trial lawyers at the expense of small businesses. However, in the interest of passing this legislation, I will not be offering an attorney's fee amendment at this time. I do hope that the Senate will be able to consider and debate this issue in the future.

That having been said, I ask that the Senate move quickly to pass this legislation and protect small businesses from potential Y2K litigation.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as one of the original cosponsors of both S. 96 and the bipartisan amendment that now constitutes the base bill before the Senate, I am, of course, strongly in support of that proposal and opposed to the Kerry amendment, even including all of the changes, almost all of which are constructive, that have been added to it during the course of its development.

But in reflecting on both my support of the base bill and my opposition to the Kerry amendment, I wish to reflect on the fact that most, though not all, of the major actors in this bill have been Members of the Senate for a decade or so. Each of them can remember that it is a decade or less ago that one of the constant refrains on the floor of the Senate—and for that matter, throughout our society—was our deep concern about American competitiveness.

Volumes of the CONGRESSIONAL RECORD are filled with speeches about the fact we were losing ground to many of our competitors, most particularly the Japanese, because of their work ethic, because of their educational system, or for a half dozen other reasons. Probably the last such speech was made on the floor of this Senate more than half a decade ago.

It is obvious that the United States, whatever its problems then, has had a magnificent recovery and dominates the economic and technical world by as great a margin as it ever has had during the course of the 20th century.

While all kinds of American geniuses are responsible for this change, I think it is safe to say that the extraordinary, imaginative, entrepreneurial work of the men and women whose companies make up the Year 2000 Coalition supporting this legislation have the greatest responsibility and deserve the greatest amount of credit for changes in the nature of our economy and of our society and the way in which we live, the way in which we communicate with one another and the way in which we preserve and enhance knowledge. These factors have changed as much in this last decade as in the previous century.

It is, therefore, the very people and the very companies that have done more to enhance the quality of life in the United States and the quality of life around the world who have done more to break down barriers between people and regions and nations. It is these people who seek the modest relief proposed in this bill, these people who are so responsible for our economic success.

I have been handed a letter to the distinguished junior Senator from Massachusetts from the Year 2000 Coalition. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YEAR 2000 COALITION,
June 8, 1999.

Hon. JOHN F. KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senators McCain and Wyden, with amendments to be offered by Senator Dodd. This is also supported by Senators Hatch, Bennett, Gorton, Feinstein and others. S. 96 is the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.

While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the amendment to S. 96 that is being circulated in your name. We urge you to support S. 96 and to not introduce an amendment to it. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S. 96 is a vote in favor of Y2K remediation, instead of litigation.

This letter was also sent to the following Senators: Robb, Daschle, Reid, Breaux, and Akaka.

Sincerely,

Aerospace Industries Association, Airconditioning & Refrigeration Institute, Alaska High-Tech Business Council, Alliance of American Insurers, American Bankers Association, American Bearing Manufacturers Association, American Boiler Manufacturers Association, American Council of Life Insurance, American Electronics Association, American Entrepreneurs for Economic Growth, American Gas Association, American Institute of Certified Public Accountants, American Insurance Association, American Iron & Steel Institute, American Paper Machinery Association, American Society of Employers, American Textile Machinery Association, American Tort Reform Association, America's Community Bankers, Arizona Association of Industries, Arizona Software Association, Associated Employers, Associated Industries of Missouri, Associated Oregon Industries, Inc.

Association of Manufacturing Technology, Association of Management Consulting Firms, BIFMA International, Business and Industry Trade Association, Business Council of Alabama, Business Software Alliance, Chemical Manufacturers Association, Chemical Specialties Manufacturers Association, Colorado Association of Commerce and Industry, Colorado Software Association, Compressed Gas Association, Computing Technology Industry Association, Connecticut Business & Industry Association, Inc., Connecticut Technology Association, Construction Industry Manufacturers Association, Conveyor Equipment Manufacturers Association, Copper & Brass Fabricators Council, Copper Development Association, Inc., Council of Industrial Boiler Owners, Edison Electric Institute, Employers Group, Farm Equipment Manufacturers Association, Flexible Packaging Association.

Food Distributors International, Grocery Manufacturers of America, Gypsum Association, Health Industry Manufacturers Association, Independent Community Bankers Association, Indiana Information Technology Association, Indiana Manufacturers Association, Inc., Industrial Management Council, Information Technology Association of America, Information Technology Industry Council, International Mass Retail Council, International Sleep Products Association, Interstate Natural Gas Association of America, Investment Company Institute, Iowa Association of Business & Industry, Manufacturers Association of Mid-Eastern PA, Manufacturer's Association of Northwest Pennsylvania, Manufacturing Alliance of Connecticut, Inc., Metal Treating Institute, Mississippi Manufacturers Association, Motor & Equipment Manufacturers Association, National Association of Computer Consultant Business.

National Association of Convenience Stores, National Association of Hosiery Manufacturers, National Association of Independent Insurers, National Association of Manufacturers, National Association of Mutual Insurance Companies, National Association of Wholesaler-Distributors, National Electrical Manufacturers Association, National Federation of Independent Business, National Food Processors Association, National Housewares Manufacturers Association, National Marine Manufacturers Association, National Retail Federation, National Venture Capital Association, North Carolina Electronic and Information Technology Association, Technology New Jersey, NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies, Optical Industry Association, Printing Industry of Illinois-Indiana Association, Power Transmission Distributors Association, Process Equipment Manufacturers Association, Recreation Vehicle Industry Association.

Reinsurance Association of America, Securities Industry Association, Semiconductor Equipment and Materials International, Semiconductor Industry Association, Small Motors and Motion Association, Software Association of Oregon, Software & Information Industry Association, South Carolina Chamber of Commerce, Steel Manufacturers Association, Telecommunications Industry Association, The Chlorine Institute, Inc., The Financial Services Roundtable, The ServiceMaster Company, Toy Manufacturers of America, Inc., United States Chamber of Commerce, Upstate New York Roundtable on Manufacturing, Utah Information Technology Association, Valve Manufacturers Association, Washington Software Association, West Virginia Manufacturers Association, Wisconsin Manufacturers & Commerce.

Mr. GORTON. This letter was signed by companies or groups too numerous for me either to name or to count. They explicitly state support of the Year 2000 Coalition for S. 96 in the form in which it finds itself now, explicitly opposing the Kerry amendment to that bill.

Personally, I think that letter deserves great weight and our most solemn consideration without regard to any of the details of the debate on the differences between S. 96 with its bipartisan amendment and the Kerry amendment. When one goes into the details of those differences, the justification for this letter becomes even more apparent.

My long-time friend and distinguished rival in this matter, the Senator from South Carolina, and I have differed on a substantial number of legal concepts that go far beyond Y2K legislation. He knows, as does the distinguished occupant of the Chair, that my own personal preference—and I suspect the preference of the Year 2000 Coalition—would be to abolish the concept of joint liability in its entirety. The concept of joint liability is one pursuant to which a person, a group, a defendant, only partially or even marginally responsible for a given legal wrong, nonetheless can be held responsible for all of the damages caused by all of the defendants against whom a judgment is entered.

On its surface and beneath its surface, such a concept is extraordinarily difficult to justify.

In the case of potential Y2K litigation, it is even more difficult to justify, as in any typical Y2K lawsuit there may well be dozens of defendants—the manufacturers of all of the elements of what can be an extremely complicated software and hardware production, its distributors, both wholesale and retail, and perhaps many others. The risks to companies, whether sophisticated or unsophisticated in the nuances of the law, the panic created in them, the disruption of their priorities, both in the development of new technology and dealing with potential Y2K litigation, is impossible to overestimate.

At first, this bill, or any bill that has seriously been considered here on subjects like this, abolishes in its entirety the concept of joint liability. Even though I prefer the original S. 96 to this proposal, it is a matter that has been worked out very carefully by a group of Republicans and Democrats—one of the most important of whom is the Senator from Connecticut who is present on the floor—to be a result that has broad support not only in this Chamber but around the country as a whole.

Just as the Senator from Connecticut and many of his colleagues have compromised on some elements they wish like to have in the bill, so have we on our side, and we have with respect to joint liability. There are some very real limits on it and S. 96, as it appears before the Senate now, and there are a few in the Kerry substitute, but they are largely illusionary.

A second field in which there are differences in this bill has to do with punitive damages. How anyone even in this isolated Chamber could come up with a proposition that software companies, members of this Year 2000 Coalition, are so indifferent to the problems of Y2K that somehow or another they deserve to be punished—not in a criminal court but by the potential loss of unlimited punitive damages—is difficult for me to imagine. It is clear by the vehement opposition to limits on punitive damages that there are those in the legal profession who at least hope for the bonanza of huge punitive damage awards, however difficult it is to imagine the justification for such awards as we debate this matter. Or perhaps it would be more accurate to say they hope they can force settlements, even on the part of companies they believe have not been negligent at all, because of the threat, the mere possibility of a very large punitive damage award.

I represent one of the handful of States in the United States of America that does not permit punitive damages in civil litigation, that believes that punishment should be a part of the criminal law and not the civil law. I have not noticed, in a long career, that justice is unavailable to plaintiffs in the courts of the State of Washington on that account. I believe we would have a more responsible legal system, a more fair and more just legal system, if the concept of punitive damages in civil litigation was abolished across the country. It is not going to be. It was not even in the product liability legislation of which I have been a sponsor in the past. It was not in the original form of this bill, and it is not in the form that appears before us now.

But there are some distinct limitations on punitive damages for relatively small companies, companies that could obviously be bankrupted by punitive damage awards—a bankruptcy that, I submit, in almost every case would not benefit the economy or the people of the United States. Yet, for all practical purposes, even those minor limitations are removed from this bill in the Kerry amendment.

Finally, the Kerry amendment allows for the single form of litigation that may most disturb the members of the Year 2000 Coalition, class actions on the part of consumers, actions in which almost invariably the plaintiffs are nominal plaintiffs, actions in which many of the plaintiffs often do not even know they are plaintiffs, actions that very frequently have been far more on behalf of the lawyers who bring them than on the nominal class of plaintiffs themselves. To allow such actions seems to me to be a serious mistake and seriously to undermine the entire goal of Y2K relief.

In summary, I do not think S. 896, as modified, is a terribly strong bill. I think it provides a degree of appropriate relief to a fundamentally vital element of the American economy and the advancement of our own standard of living in a fashion which is important to that industry and in a fashion that is beneficial to that industry. But I do not think it goes far enough. Others think it goes too far. I do believe, however, we have now reached a conclusion that will be supported by a significant majority of the Members of the Senate, members of both parties.

I can no longer say, with the changes that have been made in it, that the Kerry amendment is useless, that it provides no relief at all. It does include in it some constructive elements, some which may be appropriate for consideration during a conference subcommittee meeting between the House and the Senate as we put this bill in final form. But in comparison with the base bill before us, it does not provide appropriate relief. It does not meet the minimum needs of the year 2000 Coalition. It does not meet the minimum needs of a standard of reasonable justice with respect to a single problem that will go away shortly after the beginning of the new millennium in a piece of legislation that will not become a part of the permanent law of the United States, because it will not be needed.

So, I return to the remarks with which I began. The members of this coalition, the signatories to this letter, have done an extraordinary service, not only to themselves, not only to the American people and the American economy, but to the entire world and to the task of building bridges among people in the entire world. They have asked for help for a single specific problem that faces them and that faces us and will for a few short months and for a relatively short period of time thereafter. They deserve that relief. They deserve it as promptly as we can possibly pass it. And they deserve it with our enthusiastic support.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, as a Senator from Virginia, with one of the most vibrant high-tech communities anywhere in the country, I am acutely aware of the problems the Y2K bug presents. And I want a bill. I have worked with the high-tech community in Virginia, particularly Northern Virginia, but throughout the State since my days as Lieutenant Governor and as Governor.

During the time I was Governor, I created a task force on high technology and they came up with 44 recommendations, the most prominent of which was to create a Center for Innovative Technology, which, for the benefit of our colleagues, is housed in that funny-shaped building very close to Dulles International Airport. Colocated with it was the Software Productivity Consortium, because we wanted to be able to provide a central point for consideration of all the issues and concerns of the technology industry and a way to broker the release of the scientific work on technology-related projects.

So, I come with a lengthy background of working with the high-technology community and a specific interest in getting legislation that will address the Y2K problem.

The potential wave of litigation which could accompany the turn of the century could, in fact, be crushing, and many businesses have indicated that the threat of litigation could keep them from devoting the necessary resources to addressing their own Y2K problems. A reasonable bill, which would weed out frivolous lawsuits and encourage parties to remediate their Y2K disputes outside the courtroom, would be to everyone's benefit. But while there is general agreement that some sort of bill should pass, regrettably, we do not yet have consensus on exactly what language should be in this bill.

Passage of almost any legislation requires some elements of compromise. We have seen that process ongoing. Indeed, I entered this debate several weeks ago—actually, now months ago—to help find the necessary consensus on this issue. Given the rapidly approaching new year, as well as the dwindling number of legislative days left in the Senate, it is important for us to act on this legislation now. Further delay will only make it more difficult to reach the consensus most of us are looking for.

With the tight timeline we are facing, I am concerned with the direction the debate still seems to be taking. Notwithstanding my own misgivings about certain provisions in S. 96, the administration strongly objects to the bill in its current form, and the President has promised that if Congress sends S. 96 to the White House without significant modifications, he will veto it. Thus, we are presented with a dilemma. If we want a bill that will solve a legitimate problem, we need a bill that the President will sign or at the very least will not veto, or we need 67 hard votes in order to override a veto. Otherwise, we are just playing with politics. I regret to say I am afraid that is where we are now. We do not at this point, on this language, have the necessary 67 hard votes.

The President has promised to veto this bill if it comes to him in its current form. So we are going through an exercise to polarize and politicize an issue instead of providing a solution to an issue.

I appreciate the very hard work that my distinguished colleague from Massachusetts has put in trying to find the necessary language that would provide the relief that is legitimate and on which virtually everyone in the Chamber can agree and still get the President to sign.

If we continue to approach this legislation with a vehicle we know the President has already promised to veto, we are not giving the industry the relief they so critically need. All we are doing is scoring political and debating points, but we are not coming up with a solution. We have that dilemma.

I am, therefore, a cosponsor of the legislation offered by my distinguished friend, the Senator from Massachusetts, because the White House has indicated they will sign that particular legislation if these changes are made. It has line-by-line changes to certain provisions, and they are relatively limited at this point.

I applaud the good will that has prevailed on both sides to this point in reaching this particular position, but we are still not there. For this reason, I hope that our colleagues will support the amendment that has been drafted and negotiated by my distinguished partner from Massachusetts because, at that point, we will have a bill. It will not be a perfect bill, but it also will not be a vetoed bill.

It is inconceivable to me, given the many demands that have come to this Chamber from all of the interests that are involved, that we could ever come up with a perfect bill, but at least we will have protection from the kinds of lawsuits that the industry is most concerned about, and we will have it in time to make decisions to remediate some of the problems they could otherwise deal with if they were free from the threat of litigation in this particular area.

I thank my colleague from Massachusetts for his patience in working out the amendment which is now before us, and I urge my colleagues to pass this particular amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 610

Mr. KERRY. Mr. President, I know my colleagues on the other side are anxious to know how we will proceed. Senator DASCHLE intends to speak, and I suspect that may be it on our side. I am sure our colleagues on the other side will be thrilled to hear that, and we can move forward.

I want to say a couple of things about what has been said in the last hour of debate. Some of my colleagues have mentioned the "vagueness" of the standard that is being applied to ask whether or not a company ought to determine if they have a potential for Y2K liability. First of all, there is no vagueness whatsoever in any company's capacity to determine on its own, through its technological knowledge, whether or not it has a potential of liability, and that is because of the nature of the problem.

We are talking about inventing chips with time-sensitive digitalization on "00" and its capacity for interpretation. People can run through their programs and run through the demand list, so to speak, on that program and pretty thoroughly test it to make the kind of determination about potentiality. Anybody who has sufficiently done that is going to qualify automatically for proportionality.

To the degree that my colleagues complain and say, well, gee, they are coming in here with this standard that might have to go to jury—the Senator from Connecticut is worried about a standard that goes to the jury—turn to their bill, page 28, Section 9: Duty to Mitigate.

> Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers. . . .

So there is an issue for the jury. There is an issue. They have no problem putting the responsibility on the plaintiff. They have no problem at all finding a vague standard, so to speak, using their terminology. I do not believe our standard is vague, but they have no problem at all requiring the jury to determine the reasonableness of what the defendants have done. And the plaintiff is going to have to prove it.

So that is part of the imbalance of this bill. Every step of the way, there is a shifting, a change in tort law, a requirement for a higher standard that goes beyond the original purpose.

I have heard my colleagues say the purpose of this bill is to help technology companies that are an important part of the American mainstream, economic bloodline, if you will, for all of our country. I agree with that. I absolutely agree with that. I do not want frivolous lawsuits. I do not want lawyers lining up for some kind of constructed settlement process that is based on a fiction.

But our bill does not provide for that. Our bill is very clear in the way in which it requires a period of cure, just as S. 96 does, a period of mitigation, just as S. 96 does. It requires the same underlying relationship with contract law, with one exception—where you have an intentional, willful, reckless action by a company. No one for the other side has been able to answer the public policy question of why any entity that acts recklessly, with wanton, willful purpose, ought to be exonerated from a standard that holds them accountable. I do not think any American, average citizen, who is subjected to the consequences of those kinds of actions would believe that is true.

Finally, on proportionality, the argument was just made by the Senator from Washington that you ought to have this proportionality available to a company. I agree with him. But it ought to be available to a company that has at least made a de minimis effort, a de minimis effort to determine whether its own product might have the potential to have a Y2K problem.

I think our colleagues are going to have a hard time explaining why a company should not have to at least show that it inventoried its own products to determine that. It would be irresponsible, in the context of a bill that is supposed to encourage mitigation and encourage remedy and cure, to suggest that companies should not be encouraged to go out and determine what they may have done wrong. It is just inconsistent.

So I believe our effort is a bona fide effort to do precisely what the sponsors of S. 96 want to do. I believe it achieves it in a more fair and evenhanded way. I believe that, as a consequence of the White House agreement with our position, ultimately we are going to have to adjust.

I say to my friends in the high-technology industry, I hope they will carefully read the language in our proposed amendment. If one of them wants to come to me and suggest language that is clearer, to suggest how they could conform in a reasonable way that they are not afraid of, I will adopt that language.

If any one of them wants to show me a reasonable way to have a standard here that makes them a good citizen or qualifies them as such, I am all for it. I have not yet found a CEO of a company who has been able to suggest to me anything except wanting to not be sued as a rationale for why, from a public policy perspective, we should change the law of this country prospectively in an anticipatory fashion to change a longstanding relationship. And I do not think that case will be made.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President.

I would like to take just a few minutes, as we wait for the minority leader to address some of the concerns that have been raised by the Senator from Massachusetts, to describe why I and the Democratic leader of the Y2K efforts, Senator DODD, believe that the Kerry amendment, though certainly sincere, is really a glidepath, an invitation, to frivolous lawsuits with respect to this Y2K matter.

I come today to say we know we are going to have problems early in the next century. That has been documented on a bipartisan basis by the Y2K committee. What we are concerned about is not compounding the problem with frivolous lawsuits. Regrettably, the KERRY proposal is going to do just that.

What the Senator from Connecticut and I have tried to do is to talk first about the vagueness of the language in the Kerry proposal. This notion that you would simply have to identify "potential" with respect to the Y2K issue and Y2K problems is just going to be a lawyers' full employment program. What is going to happen is, you are going to have frivolous cases brought; you will very quickly have companies, particularly small business defendants, move to dismiss those cases because they are patently frivolous.

Because the Kerry standard is so vague, a judge is going to have really no alternative other than to send that to a jury. So I think that provision, identifying "potential," is a real lightning rod for frivolous lawsuits. That would be our first concern.

The second, it seems to me, is that the Senator from Massachusetts has, to a great extent, mixed together, commingled, the principles of punitive damages and proportionality. I would like to try to step back for a minute and see if I can clarify that.

The Senator from Massachusetts has spoken repeatedly, he has come to the floor repeatedly, and said that under the bipartisan legislation, if defendants are engaged in reckless, irresponsible, wanton conduct, there is going to be no remedy for the plaintiff in those situations.

The fact of the matter is, under proportionality—clearly laid out in our legislation—you are liable to the extent that you contributed to the problem. That is true if you are a small business, if you are one of the Fortune 500 businesses—it is true no matter who you are. Under our language, with respect to proportionality, you are liable for what you contribute. It is just that simple.

With respect to punitive damages, besides keeping in place the State evidentiary standards on punitive damages, what we in fact say is the only people we are really going to try to protect are those who are such a key part of the technology engine for our country, and that is the Nation's small businesses.

Finally, colleagues, I think there is some confusion with respect to this issue of economic losses as well. The Senator from Massachusetts has said that in some way the bipartisan proposal we bring has narrowed the availability of coverage for economic losses. We very specifically, in our legislation, make clear that existing State contract and tort law is kept in place.

What the dispute is all about is that the Senator from Massachusetts, and perhaps others, is in effect trying to tortify existing contract law. They would like to try to create some torts for 36 months in the Y2K area where those torts do not exist today in existing law.

My reputation, my background is as a consumer advocate. That is what I was doing with the Gray Panthers for 7 years before I was elected to the Congress, what I have tried to do for 18 years in both the House and the Senate. I feel very strongly about protecting consumers, and there are areas where it is appropriate to create new torts. Certainly, I have created a few causes of action during my years of service in the Congress.

If I can just finish, then I will be glad to yield to the Senator from Massachusetts. I think it would be a mistake, given the extraordinary potential for economic calamity in the next century, to change the law with respect to economic loss. We are neither broadening it nor narrowing it. We are keeping it in place. I know that those State laws with respect to economic loss do not do a lot of the things that the Senator from Massachusetts thinks are important, but that is, in fact, what we do in our legislation.

I want to be clear, our legislation does nothing, absolutely nothing, to limit remedies that are available to plaintiffs when, in fact, they are victims of a personal injury or wrongful death. So if an individual, early in January of the next century, is in an elevator, for example, and the computer in the elevator breaks, and the individual tragically falls to his or her death or suffers a grievous bodily injury, all existing tort law remedies apply in that kind of instance.

The bill that is before the Senate now is a very different one than the one that was voted on on a partisan basis by the Senate Commerce Committee. In fact, in the Senate Commerce Committee, I joined the Senator from Massachusetts in saying that it was wholly inadequate in terms of protecting the rights of consumers. I happen to think the bill the House of Representatives passed is wholly inadequate.

The legislation that we have now is a balanced bill. The defendants have strong obligations to cure defects. The plaintiffs have an obligation to mitigate damages. I think our failure to pass this bill, which has now included 10 major changes to favor consumers and plaintiffs since the time it left the Commerce Committee, our failure to pass this bill, I think, is a failure to meet our responsibilities as it relates to this technology engine that is driving so much of our Nation's prosperity.

I think when we look at the potential for calamity early in the next century, I don't think there is any dispute that we are going to have a significant number of problems. The question is, does the Senate want to compound those problems by triggering a round of unnecessary and frivolous litigation?

I hope we won't do that. I urge my colleagues to oppose the Kerry amendment.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the comments of the Senator from Oregon now have highlighted the sort of difference between what they say they do and the reality of what is done here.

I am not going to ask the reporter to read back the comments, but let me just quote the Senator. He can tell me if I have said differently. The Senator just said on the floor of the Senate that the Kerry bill seeks to create new torts. Am I correct? Am I stating what the Senator said?

Mr. WYDEN. Mr. President, if the Senator will yield, I am happy to engage him.

I am saying that our proposal protects State contract law with respect to economic losses. It seems to me that the gentleman's proposal, in wanting to change existing State contract law, is clearly moving us in a different area which legal experts have come to describe, pretty arcanely, as the notion of tortifying contract law doctrine, yes.

Mr. KERRY. Let me say to my colleague, he has just confirmed what I said. He is insinuating that we are creating a new tort.

I want to make it very clear, what the Senator and Senator McCAIN and others are doing is taking away the right of State law, with respect to existing contract law, to be applied. They are saying that if a State allows a particular tort with respect to economic loss, they can't do it.

I will be very specific about it. My provision with respect to economic loss does exactly what the provision of the Senator from Oregon and the Senator from Arizona does. We are both trying to hold on to contracts, to avoid contract limitations on liability, and not to have people move into tort. Neither of us want contract law to become tort. So we both prevent that.

Here is the distinguishing feature. What we do that Senator McCAIN and company do not do is, we say the following: If the defendant committed an intentional tort, you are not going to void the contract law, except—and this is the only exception—where the tort involves misrepresentation or fraud regarding the attributes or capabilities of the product that is the basis of the underlying claim.

Mr. WYDEN. Will the Senator yield on one point?

Mr. KERRY. In a moment I will yield.

Mr. WYDEN. Is that available under current law?

Mr. KERRY. I want to make this clear, Mr. President. Under the McCain bill, if a party is induced by fraud to enter into a contract, they can't recover damages for that. So what if in a conversation they say to the salesperson of the company: Is your product Y2K compliant? And the person says: Oh, absolutely, our product has been Y2K compliant. We are terrific, blah, blah, blah.

If they intentionally were to induce them into the contract on misrepresentation and they lose business as a result of that, they are being denied the ability to sue for that by S. 96.

I think that is wrong. I don't know, again, what public policy interest is served by suggesting that fraud and misrepresentation ought to be protected. Why should they be protected?

Mr. WYDEN. Will the Senator yield?

Mr. KERRY. I will yield for an answer to the question. Why should fraud or misrepresentation be protected?

Mr. WYDEN. We apply State contract law to these economic losses. What we say is, you get your economic loss under current law if your State law lets you. The Senator from Massachusetts is absolutely right. There is a sincere difference of opinion here. We are saying economic losses should be governed by State contract law. The Senator from Massachusetts says that he would like to go with a different concept. That is the difference of opinion here.

Mr. KERRY. Let my say to my colleague, with all due respect, that he is dead wrong. He is even more so dead wrong, because moments ago they adopted an amendment by the Senator from Colorado, the Allard amendment, which makes it very clear that State law is superseded. That is the amendment they adopted. So State law takes precedence, period, end of issue. You cannot protect people from misrepresentation or fraud, and there is no public policy rationale for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, with consent across the aisle, I believe, I ask unanimous consent that there be 1 hour equally divided on the Kerry amendment No. 610, followed by a vote on or in relation to the amendment, with no amendments to the amendment being in order prior to the vote, but that the vote will take place at a time to be determined by the managers.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if my friend from Washington could hold that unanimous consent request for a few minutes. We have to make a couple calls.

Mr. GORTON. I will withdraw the request for the moment.

The PRESIDING OFFICER. Who seeks time? The Senator from Nevada.

Mr. REID. Mr. President, I am here to speak as one of those who is a cosponsor of the amendment now pending, the Kerry amendment. People have spent a tremendous amount of time coming up with the various proposals that are now before the Senate. I commend and applaud those who have worked so hard on this issue. I see on the floor my friend from Oregon. He has spent not hours and days, but weeks on this legislation. I commend him for the efforts he has made.

I do, however, say that in addition to the work he has done as a principal author of the bill, the junior Senator from Massachusetts has also spent a tremendous amount of time on this issue—as much if not more than my friend from the State of Oregon. The problem we have with this legislation—and we all recognize that it is extremely important—is that we have 204 days left until Y2K. We don't have time to play partisan politics and wait until the next session to produce a bill.

With 204 days left, we have to get to some serious legislation here and get something that is not perfect, but doable. I suggest that the amendment I am cosponsoring, which the chief author, the Senator from Massachusetts, has spoken at some length on, is legislation that the President will sign. We have to take that into consideration.

In the last several months I have traveled around the country meeting with high-tech companies, small businessmen and women, and individuals who have done so much to help this robust economy in which we are now involved. These individuals who run these companies want a bill. They don't want or expect a perfect bill, but they want a bill. They want a bill that would become legislation. They want a bill that would meet the demands they have. These small business men and women are successful enough, and certainly smart enough, to realize that with 204 days left there is a lot that has to be done. They would much rather have something signed into law than nothing at all.

We have to make sure that whatever we do is reasonable. The Kerry amendment is reasonable. The amendment now pending before this body is reasonable. We reward people for making an effort to address the Y2K problem. We also discourage frivolous lawsuits. I hope this amendment will receive a resounding vote.

I submit to this body that what we are doing is offering an amendment to the underlying bill that would make the legislation something the President would sign. We hope that when this bill, with this amendment, gets out of here, it will go to conference, and at the conference the differences will be worked out.

As it now stands, the underlying bill simply will not be signed by the President. I submit to my friend from the State of Oregon, who has worked so hard on this, that his legislation will not be signed. They have amended the McCain legislation, but the President of the United States will not sign this legislation. He has said this orally and he has said it in writing.

So I think, we have to push something through, in good faith, to help this problem that we have, something that would be signed by the President. I hope that people of good will on both sides of the aisle will join together and offer support for the underlying amendment.

Mr. GORTON. Mr. President, I ask unanimous consent that there be 1 hour equally divided on the Kerry amendment No. 610, followed by a vote on or in relation to the amendment, with no amendments in order prior to the vote, with the vote to take place at a time to be determined by the managers.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object. I actually didn't hear it.

Mr. GORTON. It provides for 1 hour equally divided, with no more amendments while that hour is going on, and that the time for the vote will be determined by the managers of the bill.

Mr. KERRY. The managers, plural?

Mr. GORTON. Yes.

Mr. KERRY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time?

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to talk as in morning business for up to 10 minutes, and that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG pertaining to the introduction of S. 1193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 610

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thought our colleagues might find it worthwhile to know that there are literally dozens of organizations, representing a significant percentage of the gross domestic product of this country, that endorse the McCain-Wyden-Dodd legislation, the Y2K bill. Beginning with the aerospace industry organizations, running through to the Wisconsin Manufacturers and Commerce Association, the West Virginia Manufacturers Association, Valve Manufacturers, Service Masters—all of the high-tech organizations, many of the State organizations—the North Carolina Electronic and Information Technology Association, Technology of New Jersey—it just goes on down this long list. My colleagues may want to have some idea and sense of the people we have worked with mostly now for many months to try to craft this legislation in a timely fashion.

This list represents almost 70 percent of the gross domestic product of the United States and thousands and thousands of working men and women in this country who would like to see Congress come up with some answer of how to solve the Y2K problem and yet not create a cost and an action that doesn't solve the problem but ends up with more costs and without resolving the very serious issue that Y2K poses. I ask unanimous consent that list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YEAR 2000 COALITION,
June 8, 1999.

DEAR SENATOR: The Year 2000 Coalition hand-delivered the attached letter to Senators KERRY, ROBB, DASCHLE, REID, BREAUX, and AKAKA, who have prepared a staff working draft of a proposed amendment to S. 96, The Y2K Act. The Coalition supports passage of S. 96 with incorporated amendments to be offered by Senator DODD. We have urged the Senators that are working on the staff draft to support S. 96.

Sincerely,

Aerospace Industries Association; Airconditioning & Refrigeration Institute; Alaska High-Tech Business Council; Alliance of American Insurers; American Bankers Association; American Bearing Manufacturers Association; American Boiler Manufacturers Association; American Council of Life Insurance; American Electronics Association; American Entrepreneurs for Economic Growth; American Gas Association; American Institute of Certified Public Accountants; American Insurance Association; American Iron & Steel Institute; American Paper Machinery Association; American Society of Employers; American Textile Machinery Association; American Tort Reform Association; America's Community Bankers; Arizona Association of Industries; Arizona Software Association; Associated Employers; Associated Industries of Missouri; Associated Oregon Industries, Inc.; Association of Manufacturing Technology; Association of Management Consulting Firms; BIFMA International Business and Industry Trade Association; Business Council of Alabama; Business Software Alliance; Chemical Manufacturers Association; Chemical Specialties Manufacturers Association; Colorado Association of Commerce and Industry; Colorado Software Association; Compressed Gas Association; Computing Technology Industry Association; Connecticut Business & Industry Association, Inc.; Connecticut Technology Association; Construction Industry Manufacturers Association; Conveyor Equipment Manufacturers Association; Copper & Brass Fabricators Council; Copper Development Association, Inc.; Council of Industrial Boiler Owners; Edison Electric Institute; Employers Group; Farm Equipment Manufacturers Association; Flexible Packaging Association; Food Distributors International; Grocery Manufacturers of America; Gypsum Association; Health Industry Manufacturers Association; Independent Community Bankers Association; Indiana Information Technology Association; Indiana Manufacturers Association, Inc.; Industrial Management Council; Information Technology Association of America; Information Technology Industry Council; International Mass Retail Council; International Sleep Products Association; Interstate Natural Gas Association of America; Investment Company Institute; Iowa Association of Business & Industry; Manufacturers Association of Mid-Eastern PA; Manufacturer's Association of Northwest Pennsylvania; Manufacturing Alliance of Connecticut, Inc.; Metal Treating Institute; Mississippi Manufacturers Association; Motor & Equipment Manufacturers Association; National Association of Computer Consultant Business; National Association of Convenience Stores; National Association of Hosiery Manufacturers; National Association of Independent Insurers; National Association of Manufacturers; National Association of Mutual Insurance Companies; National Association of Wholesaler-Distributors; National Electrical Manufacturers Association; National Federation of Independent Business; National Food Processors Association; National Housewares Manufacturers Association; National Marine Manufacturers Association; National Retail Federation; National Venture Capital Association; North Carolina Electronic and Information Technology Association; Technology New Jersey; NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies; Optical Industry Association; Printing Industry of Illinois-Indiana Association; Power Transmission Distribution Association; Process Equipment Manufacturers Association; Recreation Vehicle Industry Association; Reinsurance Association of America; Securities Industry Association; Semiconductor Equipment and Materials International; Semiconductor Industry Association; Small Motors and Motion Association; Software Association of Oregon; Software & Information Industry Association; South Carolina Chamber of Commerce; Steel Manufacturers Association; Telecommunications Industry Association; The Chlorine Institute, Inc.; The Financial Services Roundtable; The ServiceMaster Company; Toy Manufacturers of America, Inc.; United States Chamber of Commerce; Upstate New York Roundtable on Manufacturing; Utah Information Technology Association; Valve Manufacturers Association; Washington Software Association; West Virginia Manufacturers Association; Wisconsin Manufacturers & Commerce.

Mr. DODD. Mr. President, again, I listened to the debate on the Kerry amendment. Again, as I stated earlier, I went down the various points of the proposal. The amendment basically is designed to open up the McCain legislation to the kinds of unbridled litigation that can occur in this area.

As I said earlier, we have not argued that we have crafted a perfect bill. It is our fervent hope that this legislation will become unnecessary, because the problems that many anticipate we hope will not occur. But if they do occur, if, as some claim, we are going to face serious problems in this country, then we think it is the wiser course of action for Congress to enact legislation that would encourage the resolution of the Y2K problem.

That is what we have attempted to do with this bill. We have had to compromise it, because it asks for compromise. Senator WYDEN, our distinguished colleague from Oregon, is responsible for at least 11 or 12 changes, that I know of, in this bill from its original crafting. I worked on three or four of the ones dealing with the punitive damages and directors' and officers' liability in the States in this bill. We have compromised slightly. But every day you have to move the goal post to serve yet another constituency.

We would like to have a bill that everyone would support. It would be wonderful to have a piece of legislation that 100 Senators would get behind. But candidly, you have a handful—really just a handful—of law firms that are opposed to this, it is a total misstatement to suggest that the trial bar in general is opposed to this bill. It is a couple of law firms in this country that are opposed to this bill. That is the fact of the matter. Because of a couple of law firms, we have an amendment that I am confident these law firms are very attracted to, like, and support for the obvious reasons. It basically makes this bill meaningless or worse; it actually expands an area of the law that didn't exist prior to the consideration of this bill. It is one thing if you want to change the bill. It is another matter to take existing law and create yet new opportunities. That is what the Kerry amendment does. When you allow State law to obviate contract law, you are not only disagreeing with our bill but you are disagreeing with existing law.

For Members to come in and support this amendment, understand that if it carries and ends up being adopted, it will encourage the adoption of it. Then we are not only not dealing with the Y2K problem, we are expanding areas of litigation that do not presently exist. Whatever disagreements you have with the underlying bill, if you want to vote against that bill, fine; but don't expand areas of litigation.

With all due respect to my colleague from Massachusetts, clearly his amendment does that. I think it would be a tragedy, as we are trying to shut down and reduce the proliferation of litigation, that we find we are expanding those opportunities.

Again, a lot of compromise has been involved in this and a lot of time and a lot of effort to bring it to this point.

Again, I have a great deal of respect for those who disagree with this work product. They have a different point of view—one that I disagree with, but I respect. To come in and to somehow suggest that we are improving this legislation and that we are in fact minimizing the possibility of further litigation with the adoption of the Kerry amendment is just not the case. You are expanding the opportunities for litigation.

For those reasons, the high-tech communities of this country feel strongly about this amendment, and for good reason.

When the amendment comes up for a final vote, I urge my colleagues to reject it and to let us move along and try to pass this legislation, and send a message that we care about this issue and want to minimize the problems the Y2K issue can present.

I do not know if there is any more time. I know there is some talk about other Members who wish to come over. I urge them to do this. This has been going on for 6 hours now. We have 21 other amendments to consider. My hope is that we can get this completed fairly quickly and at least have one or two votes today before we adjourn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are now under controlled time, are we not?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. How does that stand? How much time does each side have at this point?

The PRESIDING OFFICER. The Senator from Massachusetts has 26 minutes 50 seconds, and the opposition has 23 minutes 53 seconds.

Mr. KERRY. I yield myself 5 minutes.

I listened to the Senator from Connecticut. I must say that I am a little disappointed, from what I heard, for a simple reason. I haven't come to the floor of the Senate and talked about the Chamber of Commerce. I haven't come to the floor of the Senate and talked about specific companies and interests that are represented or the dynamics this raised. I think to suggest that somehow what I have put on the floor represents the interests of just a few law firms really is an insult to the legislative effort that has taken place here. There is nothing in here that lawyers like. There is a restraint on plaintiffs almost every step of the way. This has been negotiated with many different people. I have sat with high-tech people at great length.

I have tried to do the bidding of the high-tech community to the greatest degree possible. I have listened to them. I have talked to Andy Grove three or four times. In his letter to the committee chairman, he stated that of his four interests, each had been met in this legislation.

We do exactly what the McCain bill does on cure. We do exactly what the McCain bill does on the mitigation. We do exactly what they do with respect to contract preservation. The one distinction in the four ingredients is a requirement that a company be a good citizen by looking over its inventory and making a determination as to what it did or didn't put out into the marketplace that might have the potential for creating a problem.

My colleagues come to the floor say again and again: We want remediation; we want to make it get better; we don't want lawsuits. I don't, either. We want the same remediation.

But if you ask a company to investigate its inventory, in my judgment, you are doing a better job of encouraging them to remediate than if you give them a blanket "out" from under one of the great leverages of our judicial system, which is the joint and several liability. They get it no matter what they do. How that is an invitation to fixing the system and making it better is beyond me.

I think we need to be very clear here. Moreover, we have been told we are changing contract law. We are not changing contract law. We are suggesting contract law ought to be respected, and we are very clear about that. In fact, we uphold the contract law as it is, State for State.

No one has answered this question: Why should a company be able to escape responsibility for an intentional, willful, wanton, reckless or outrageous, willfully committed fraud against an individual when it creates economic loss? If you have economic loss under the provision of S. 96, you are not permitted to sue with respect to the intentional willfulness that took place. Why you want to protect a company that so behaves is beyond me. Another company may have a huge loss of intellectual property; they may drop their entire database; they may not be able to provide their contracts to other companies for months; they have economic loss; there was an intentional defrauding. And we are not going to hold them accountable for that.

We should be clear as to what we are talking about. This is a very moderate, very legitimate effort, just as legitimate without any insinuations of who may be directing the interests of the other side and just as legitimate to legislate a sound approach to Y2K liability.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am reluctant to get into this fight because, as I said before, I am unburdened with legal education. Occasionally when I hear these legal debates, it makes me grateful for the fact that I did not go to law school.

However, I feel the need to stand and comment on some of the things that have been heard and some of the statements that have been made with respect to this particular amendment.

It is my understanding that anybody who commits an intentional act of fraud has no relief as a result of this bill. If anybody can contradict that, I will be happy to hear it, because I do not want, in any way, to be part of supporting a bill that protects people from intentional fraud. That is not my purpose.

I must stand, as the chairman of the Senate Special Committee On The Year 2000 Technology Problem, and tell my colleagues that this is a unique situation. This has the potential of creating a unique chain of events that requires a unique solution. That is the purpose of the McCain-Dodd-Wyden bill, and that is why the bill has a 3-year sunset in it. We are not changing the world forever. We are crafting, as carefully as we can, a piece of legislation to deal with the unique circumstance of the Year 2000.

Mr. KERRY. Will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. KERRY. I appreciate the Senator's comment enormously. I want to call the Senator's attention to the language of the bill. Section 121, Damages and Tort Claims:

> A party to a Y2K action making a tort claim may not recover damages for economic loss involving a defective device or system or service unless——

And you have two conditions under which they could.

No. 1, where the loss is provided in the contract; and, No. 2, if the loss results directly from damage to the property caused by the Y2K failure.

I have a third, and the Senator's folks are opposed to it. Here is the third. The defendant committed an intentional tort. Except where the tort involves misrepresentation or fraud regarding the attributes or capabilities of the product. Does the Senator want to pass a bill without that, without the fraud and misrepresentation?

It is in the bill.

Mr. BENNETT. I see my colleague from Oregon wishes to respond to this and perhaps has a better legal handle on it than I do.

My own layman's reaction would be not to sign a contract that didn't have a provision for fraud in it, as a businessman.

Mr. WYDEN. I appreciate my colleague yielding.

This goes right to the heart of the debate. We essentially say that State contract law will govern in these jurisdictions. The Senator from Massachusetts believes in a variety of instances that there should be other remedies. He is creating other remedies during this 36-month period where we are trying to present frivolous lawsuits.

The key principle here and what is now being debated is that under what Senator McCAIN, Senator BENNETT and Senator DODD, the leader on our side on the Y2K issue, have said, we are going to protect State contract law with respect to economic losses. But we don't feel it is appropriate to try to create new remedies at this time when we are trying to prevent these frivolous lawsuits.

I am very appreciative to the Senator from Utah for yielding to me. I hope our colleagues will see that on this point of economic loss, State contract law is fully protected.

Mr. BENNETT. I yield to the Senator from Connecticut.

Mr. DODD. Let me give a factual example to make the case. Assume you have two identical computer systems, system A and system B, sold by the same manufacturer. They prove to be defective and cause economic damages of $100 million and lost profits to each purchaser, A and B.

System A crashed because of defective wiring, while system B crashed because of the Y2K bug. If Congress enacts the proposal suggested by my colleague from Massachusetts, that would allow no recovery of economic damages in tort cases. Purchaser B in the example would be able to sue for economic losses under the Y2K legislation while purchaser A would not.

There is no justification for such a result. In effect, the net result of the Y2K bill would be to expand liability in Y2K cases. Indeed, it would create an incentive for plaintiff's lawyers to look for any Y2K problem and then make that the predicate for legislation, exactly the opposite of the policy aim of the legislation.

In the faulty wire case, you only get economic damages and you have to apply State law. Under the Y2K legislation as proposed by my colleague from Massachusetts, you are expanding this. We are not trying to expand law here; we are trying to at least follow a similar pattern. So there is a fundamental difference: the defective wire in one case, the defective Y2K problem in the other. You end up with completely different results and encourage, of course, groping around, looking for Y2K issues, rather than defective wire which may be the cause of the problem.

I don't think that is the intent of our colleagues who are generally supportive of the very proposal we have before the Senate. That does expand existing law.

Mr. BENNETT. I thank the Senator from Connecticut. I realize the Senator from Massachusetts wants to engage in this. I ask unanimous consent that such time as is taken up by the Senator from Massachusetts be charged to the time of the Senator from Massachusetts rather than charged against my time.

With that understanding, I am happy to yield to the Senator further.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. That is entirely fair. What I would like to do is just respond and then I will sit down and reserve the remainder of the time.

Let me say to both of my colleagues, and I am glad we are getting to the nub of this, I say this gently and nicely: Both of the presentations that were made are incorrect with respect to what I said. The Senator from Oregon made a bold defense of contract law, and the economic loss argument that he made refers to the preservation of existing contract law. But economic loss is a tort claim. It is a tort claim. His argument is simply irrelevant when he says he is protecting the capacity of the contract law, so to speak, to be preserved within the framework of the economic loss argument. Here is why: My colleague from Connecticut just said we are trying to open this up to some broad, new thing, and the example he cited would not be, in fact, included. It absolutely would be included because our language includes both of the examples that he gave.

If it is provided in the contract, the person would be made whole. Or if it is the result of a Y2K failure, the person would be made whole. Here is the only difference. We go one step further. We do not allow them a whole lot of intentional torts except—and I read from the language—"where the tort involves misrepresentation or fraud." That is the only "new thing" here. So, if the Senator from Connecticut is really concerned, what he is concerned about is that a lawyer might be able to lay out, according to the tough standards in both of our bills, sufficiently precise pleadings with a period to cure.

You may never have a lawsuit because everybody is going to have a 90-day period to cure, and we hope they are going to do exactly that. But if they do not do that and they do meet the sufficiency of the pleadings, and there also is a sufficiency of a showing of fraud or misrepresentation, they ought to get their economic losses. What we are saying is that under S. 96, under the current way it is written, you are denying economic losses if there is fraud or misrepresentation. That is the only "new thing."

The Senator from Connecticut says we are going to open up some great Pandora's box, a whole lot of lawyers bringing cases. We have tough pleading requirements here, really tough. Even after you send in your first notice of a lawsuit, the company is going to get 90 days to fix it. Any company that does not fix it in 90 days probably ought to be held accountable for the fraud and misrepresentation. But your bill says no to fraud and misrepresentation. Ours says yes. I ask anybody which they think is more fair.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, again I witness this clash between great legal minds. Yet, I am informed by a number of other legal minds the Kerry amendment would, in fact, destroy the effect of the bill. As a businessman, I always ended up asking my legal team whether it was appropriate for me to sign a particular lease or contract. I had to learn to depend on good lawyers. I think we have hired good lawyers in this situation and I am accepting their advice. I am moved by the eloquence of my friend from Massachusetts, but I shall not vote with him.

I want to once again focus on what it is we are doing here. We are dealing with a unique situation the likes of which we have never seen in international commerce and probably never will see again. That is why specific legislation is necessary.

Let me go back to a statement made by my friend from Massachusetts in the earlier debate when he said: We want people to be driven to examine their inventory to make sure it is compliant, but if the liability is limited they will not do that. This is not a question of examining your inventory to make sure it is compliant. We are already getting examples of people who have done everything prudent and possible to make sure that things were compliant with Y2K, only to discover after they had done everything prudent that it still didn't work. There are bugs hidden in this kind of problem that cannot in reasonable fashion be discovered in advance. There is a presumption on the part of the Senator from Massachusetts that those bugs were there because of some misrepresentation or fraud. My concern is that there will be that presumption on the part of a lawyer bringing suit if those bugs occur in equipment that at one time or another has passed through the hands of a very wealthy corporation.

This is where proportionality of joint and several liability comes in. If a corporation with deep pockets has at one time or another had its hands, figuratively, on a product where such a Y2K glitch occurs, there will be an obvious invitation to sue that corporation and then settle out of court for a large settlement because the corporation will decide, on business terms, it is cheaper to settle than proceed with the suit.

I have had the experience as CEO of a company of settling a lawsuit where I felt the merits were firmly on our side but where the economics said you do your shareholders a better service by taking this settlement than you do by going to court. I have had personal experience with that. I know how those kinds of decisions are made. In a situation where there will be unforeseen consequences and products that have passed through many hands in order to finally get to where they go, the temptation to sue the deep pockets will be overwhelming unless we pass this legislation. Every lawyer that I have spoken to who has examined the legislation from that point of view has said you cannot adopt the Kerry amendment. It will gut the legislation. It will render the whole thing moot, as far as we are concerned.

So I stand here not as a lawyer but as a businessman who has now, for 3 years, immersed himself in the Y2K issue and, frankly, who feels he understands that issue fairly well. I call on my colleagues to defeat the Kerry amendment, to pass this legislation, and to give to American firms—not just high-tech —give to American firms that will be involved in products that will suffer from Y2K problems the ability to solve those problems without the specter of huge lawsuits and huge settlements hanging over them.

Let me go back to one thing I said and repeat it. As I have been immersed in this issue for the period of time I have, I have come to realize that it is not strictly a high-tech issue. Yes, the high-tech community has been the most visible in pushing for this legislation. But they are by no means the only part of the American economy that will be affected by this issue. There will be municipalities that can be sued. There will be cities around this country that will suddenly discover that essential services do not work, that will have done everything they thought reasonable to get there only to have some glitch that they were unaware of come out of the blue.

Then the lawsuits will start. The question will be who was in the supply chain to produce whatever the device is that failed. Let's see who has the deepest pockets. It may not be a high-tech company at all. States are scrambling now to try to pass their own limited liability. I think that is a mistake. I think the Federal legislation makes a lot more sense. But let us understand, once again, we have a unique situation here. We already have anecdotal evidence that shows us how capricious it can be, in spite of the greatest effort to remediate and be in control. We do not want to turn this into a playground for plaintiffs' lawyers who want to take advantage of the class action circumstance, sue the deepest pockets, take a settlement, and walk away in a way that is of no advantage to anybody.

If we are making a mistake in this bill, if as we draft it there is mischief, it is not permanent mischief because the bill is gone at the end of 3 years. Everything is over at the end of 3 years. No one—no one—will make any attempt to extend it. Certainly I will not. By virtue of what the voters of Utah did, I will be here 3 years from now, if I am still alive, and I will certainly oppose any extension of this bill. I would think everybody would oppose any extension if somebody were to bring it up.

We are facing a unique situation. We have a piece of intelligently crafted legislation to try to deal with that situation, and we should not let ourselves get convinced that we are somehow changing the basis of American jurisprudence for all time as we try to take a prudent step in this particular circumstance.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield myself such time as I use.

Let me begin by paying tribute to both the Senator from Connecticut and the Senator from Utah. I know they have spent a huge amount of time, and they have done for the entire Senate and the country a great service in calling attention to and helping people understand the nature of this problem. I genuinely give both of them great credit for their leadership and their vision, understanding well over, what, 3 years ago that it was a problem and we needed to address it.

Our difference is not in good faith, in purpose, or intent. It is how we will or will not do something. I know my colleague from Utah is a very thoughtful and diligent student of these kinds of issues, and I share with him his own language with respect to the damages of limitation by contract, for instance. This is section 110, page 11, of the bill. It says:

> In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—
>
> (1) by the express terms of the contract; . . . .

Mr. BENNETT. Will the Senator yield? Mr. President, I suggest the Senator is reading from an old version. There is no section 110 in the current——

Mr. KERRY. I apologize, it is now section 11.

Mr. BENNETT. I thank the Senator.

Mr. KERRY. I am reading from the accurate language. The point I am making is that you only allow damages according to the express terms of the contract. That contract could be illegal. That contract could be unenforceable or enforceable under other circumstances under State law. The language we have added simply says "unless enforcement of the term in question would manifestly and directly contravene applicable State law in effect on January 1, 1999." Here is a major difference. You would, in fact, allow the contract to supersede applicable State law even if the contract were illegal. That is the way it reads.

There are serious implications in the language that is in the bill that would have a profound impact, and that is the kind of difference we have tried to address in pulling together our amendment.

I reserve the remainder of our time.

Mr. DODD. May I address——

Mr. KERRY. On your time.

Mr. BENNETT. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we are getting arcane. If a contract is illegal, it is not a contract. Just to say we have a contract, if there is no consent, if all the principles necessary for it to be a valid contract are missing, if a contract is inherently illegal, two people who engage in a contract for illegal purposes is not a contract to be protected under State law.

Mr. KERRY. With all due respect to my colleague, under the language in this bill, you will have given it life because you have, in fact, made it a contract that is binding.

Mr. DODD. We do not protect illegal contracts in this legislation. If there is any question, let the legislative history confirm that. I do not think we need confirmation. Upholding an illegal contract by legislation would require herculean efforts that do not exist in this particular proposal.

I yield the floor to others who may want to speak.

Mr. KERRY. I yield myself 30 seconds. If there is an illegal provision in a legal contract, you have the same problem I just defined. I do not want to get arcane, either. But you have, in the language of this bill, superseded the capacity of that illegality to be either a defense or a problem. That is all we are saying. These ought to be curable issues. We are passing a bill where they have not been cured. I promise you, if you want to create litigation problems, there they are.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, with some trepidation, I am going to read some legal language. As a layman, I have a hard time with this, but I will do my best and I think it is fairly clear. Under section 4 of the act:

> (d) CONTRACT PRESERVATION.—
>
> (1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

State law is preserved. State law is not overridden in this catchall provision, if you will, at this stage. At this point, I will quit trying to practice law.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I will make one additional comment. Mention was made of Andy Grove. The Senator from Connecticut and the Senator from Oregon and I, along with several other Senators, had breakfast with Andy Grove this morning.

Just so the record is clear, the subject of the Kerry amendment came up in that discussion, and Mr. Grove, if I am quoting him correctly, said that his lawyers felt that the Kerry amendment would destroy the bill and leave it with no value. Indeed, my memory says he said that if the Kerry amendment was adopted, they would be better off without any bill. I ask the Senator from Connecticut if he has the same memory or if I am embroidering things.

Mr. DODD. I say to my colleague, we had a very delightful meeting for an hour and a half with Andy Grove. Those were, as I recall them, his sentiments expressed to us. He is someone who has been quoted over and over in the last number of weeks, and we finally got to meet the man quoted endlessly and found out where he stood on this legislation. Four or five of us had the privilege this morning of spending an hour and a half with him and discussing a wide range of issues, including education policy. He was very clear, I thought, in his expression of concerns about this effort and the damage that can be caused by the adoption of this amendment.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. KERRY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 14½ minutes, and the Senator from Utah has 5½ minutes.

Mr. KERRY. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. DASCHLE. Mr. President, I thank my colleagues for the opportunity to express the views of this Senator on a very important amendment.

I think the biggest question facing the Senate today is not whether to support the Y2K liability reform. Most supporters, on both sides of the aisle, agree that we need to protect the high-technology companies from frivolous lawsuits.

For more than a decade, this industry has been the driving force of our economy. Its well-being is extremely important to this country and to all of us.

In South Dakota, Gateway computers is the largest private employer in the State today. I want a bill that provides Gateway—and every other member of this industry—with reasonable protections from frivolous Y2K-related lawsuits.

Businesses need to be able to focus on fixing the problem—not defending against lawsuits.

But the high technology industry is not the only group that faces potential difficulties as a result of this problem.

Consumers and other businesses that use and depend on computers face potential risks as well.

We need to protect consumers who might be hurt by the Y2K bug. We need to protect their right to seek justice in the courts.

A major problem with the underlying bill, as we consider just how we do that, is an issue of great importance to many of us; that is, how we resolve the issue of capping punitive damages that go beyond what is needed to prevent frivolous Y2K-related lawsuits.

The amendment offered by the Senator from Massachusetts, Mr. KERRY, and developed by him, and a number of our colleagues, corrects these problems.

Before I describe the differences between our approach and the underlying bill, it is important to point out that—on most of the basic issues—the two proposals are identical to the pending bill.

Both approaches encourage remediation by giving defendants 90 days to fix a Y2K problem before a lawsuit can be filed.

Both approaches would discourage frivolous lawsuits by allowing either party to request alternative dispute resolution at any time during the 90-day waiting period.

Both approaches require anyone seeking damages to offer reasonable proof—including the nature and amount of the damages—before a class action suit could proceed.

Both approaches would permit class-action lawsuits to be brought only if a majority of the people in the lawsuit suffered real harm by real defects.

Our approach addresses 95 percent—if not 100 percent—of what those in the high-technology community have asked for. It addresses all of the principles they have said are essential.

But there are a number of important ways in which our approaches differ.

Our proposal carefully balances the rights and interests of the industry, and consumers.

It limits its remedies to problems that are truly, legitimately Y2K related.

Our alternative offers high-tech companies more incentives than the underlying bill to fix the problem—now, while there is still time.

We are concerned that the underlying bill may—perhaps inadvertantly—provide such blanket protection against all Y2K problems, including those that could have and should have been avoided, that companies will lose the incentive to fix problems now.

For example, our amendment provides a balanced and reasonable solution to the issue of "proportionality."

The underlying bill preempts State laws on this issue. It would grant defendants proportional liability in almost all Y2K cases—no questions asked.

Our amendment, simply says that Y2K defendants would have to pass a simple test to quality for this protection.

It is sometimes referred to as the "good corporate citizen" test. And I know my colleague from Massachusetts has discussed this in some detail this afternoon. All a company has to do to pass the test is to show that it has identified potential problems and made a good-faith effort to alert potential victims.

This is a major concession. But we are willing to make it in this case because of the extraordinary circumstances.

These are reasonable conditions. Every single high tech company we know of has already met it.

If there are others that have not done so, they do not deserve special protection from Congress—plain and simple.

There are a number of other ways in which our amendment improves on the underlying bill:

It does not prohibit consumers from seeking justice in the courts for real and legitimate Y2K-related problems.

The underlying bill would require consumers to meet so many conditions before bringing suit that it would effectively shut the courthouse door.

Our bill establishes strict requirements for class actions to protect against frivolous suits.

The underlying bill shifts virtually all Y2K suits to the Federal courts. This has two effects. In many cases, it makes it harder for consumers to bring a suit. It also increases the strain on an already backlogged Federal court system.

This is strongly opposed by the Judicial Conference—not only because of the additional strain it would place on Federal courts, but also because it would upset the traditional division of responsibility between State and Federal courts.

I might say, I am continually amused by those on the other side of the aisle who have expressed themselves as being advocates of States rights and the Constitution and the requirement that States be given the prerogative in matters of jurisdiction on this and so many other areas; but when my colleagues on the other side of the aisle find it convenient, it seems this shift to Federal responsibility comes so easily. This is just yet another example of that shift. There have been scores of those examples in recent years.

Our alternative would not enforce illegal contract terms.

The underlying bill might. It could enforce any and all contracts—even those that are currently illegal under State and Federal laws.

Our alternative does not protect defendants from liability for intentionally wrongful acts. It allows victims of such acts to sue for economic losses.

The underlying bill protects companies even when they knowingly harm consumers, or use fraud to pressure someone into signing a contract.

Finally, our bill does not include a cap on punitive damages.

The pending bill would limit the amount of punitive damages that smaller businesses and municipalities could be assessed—regardless of whether they acted responsibly.

The people who would benefit from a cap on punitive damages are bad actors who injure others.

Ironically, many of those who would be hurt if this passes are themselves small businesses.

In summary, our amendment is identical to the underlying bill in every important, necessary way.

But, it does differ in ways that are critical to consumers, to businesses, and to the functioning of our courts.

Perhaps the most important difference between our approach and the underlying bill is that our approach is the only version the President will sign. We know that. The administration has said so unequivocally on numerous occasions. Make no mistake, unless the improvements in this amendment are adopted, the President will veto this bill for going too far.

So the choice is ours, and the year 2000 is fast approaching. Do we want to engage in an exercise that would be fruitless? Do we want to waste precious days debating a bill we know will be vetoed and then have to start all over? Do we want to limit frivolous Y2K lawsuits? This year is now more than halfway over. How much more time are we willing to let go before we agree to work together on a real solution?

The bottom line is, we have the power to fix the Y2K problem today. We have before us now an approach that targets the real problem and can be signed into law.

I urge my colleagues to join us in adopting the Kerry-Robb amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I will make one observation, and then I have a motion.

We hear again on the floor the threat of a Presidential veto. We hear that increasingly, as if the President should write legislation and we should supinely accept whatever the President recommends, that our function is simply to listen to the President, pass legislation that he announces in advance is acceptable and, thereby, abdicate our legislative responsibilities.

I am perfectly willing to risk a Presidential veto. I think that is the appropriate posture for a Member of the Senate.

I ask consent that following the debate in relation to amendment No. 610, the Senate proceed to an amendment to be offered by Senator MURKOWSKI or his designee and no other amendments in order prior to 6 p.m., and that at 5:50, there be 10 minutes for explanation followed by a vote in relation to the Kerry amendment No. 610.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I am prepared to yield back all further time on the Kerry amendment, if Senator KERRY is prepared to yield back.

Mr. KERRY. Mr. President, I cannot do that. I think Senator EDWARDS wants to use a little time.

Mr. BENNETT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 1 minute 13 seconds; the Senator from Massachusetts has 3 minutes 47 seconds.

Mr. BENNETT. Mr. President, I reserve the remainder of my time.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to yield back my time, with the understanding that if Senator MURKOWSKI is not permitted to go forward, Senator EDWARDS can talk until he is, and if he has gone forward, that Senator EDWARDS would then be recognized to speak within the confines of the unanimous consent agreement just agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I move to table the Kerry amendment, with the vote to occur at 6, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. For the information of all Senators then, the next vote will occur at 6 in relation to the Kerry substitute.

AMENDMENT NO. 612

(Purpose: To require manufacturers receiving notice of a Y2K failure to give priority to notices that involve health and safety related failures)

Mr. BENNETT. Mr. President, earlier today Senator McCAIN filed an amendment No. 612 to the bill on behalf of Senator MURKOWSKI. It is my understanding this amendment is acceptable to both sides. Therefore, I ask unanimous consent to call up the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative assistant read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. MURKOWSKI, proposes an amendment numbered 612.

The amendment is as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section shall give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

Mr. MURKOWSKI. Mr. President, as we consider S. 96, the Y2K bill, I want to point out an area of concern that will affect many northern states, especially my home state of Alaska. January 1, 2000, will arrive in the middle of winter. Unlike many states in the lower 48, where a power failure on the first of the year is a major inconvenience, a power failure in Alaska can have serious consequences if climate control systems fail.

Earlier this year my home town of Fairbanks saw the thermometer plummet below 40 degrees Fahrenheit. While I do not doubt the industrious nature of my fellow Alaskans who have for so long used their ingenuity and determination to survive in Alaska's cold climate, any delay in resolving a health or safety related failure in Alaska cannot only be costly, but also deadly.

Therefore, I am offering an amendment that would require that companies notified of a Y2K problem must first respond to requests where the Y2K failures affect the health or safety of the public.

Mr. McCAIN. I thank my colleague from Alaska for offering his amendment. I point out that his amendment does not only protect Alaskans. If a consumer radio fails, it's an inconvenience. If a radio used by the Phoenix police department fails, not only does it put the life of the police officer carrying it in jeopardy, but it also jeopardizes the safety of the public he or she protects. A company should give priority in responding to the Phoenix police station's need for Y2K failure assistance.

I am pleased to accept the amendment.

Mr. MURKOWSKI. I thank my friend from Arizona for his attention to this issue.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. The Senator had two amendments. Is this one related to the safety and health conditions? Is that the Murkowski amendment? That is the one. OK. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BENNETT. The Senator from Connecticut may have an objection.

Mr. DODD. I was going to urge that it be set aside for 5 minutes or so. There is an item that I think might make that a bit stronger.

Mr. BENNETT. Mr. President, I ask unanimous consent it be set aside for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, under the previous order, I understand now that Senator EDWARDS will be recognized.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. I thank the Chair.

Mr. President, I will speak briefly to the McCain bill and to Senator KERRY's amendment, which I think should be recognized as a real effort by Senator KERRY to cure some of the problems that exist with the McCain bill.

From my perspective, I think what we are trying to accomplish here is to find a reasonable, moderate approach that both protects the rights and interests of consumers while at the same time ensuring that computer company manufacturers have the protection that they need and deserve.

There has been a lot of talk today about frivolous lawsuits. The McCain bill has very little, if anything, to do with frivolous lawsuits. The two provisions in that bill that all of the Senators have spent a great deal of time on and that have caused the most controversy are joint and several liability and economic loss. Those two provisions have absolutely nothing to do with frivolous lawsuits.

Speaking for myself, and, I think, speaking for Senator KERRY, both of us are opposed to any kind of frivolous lawsuit. I would be willing to support any provision that would provide protection against frivolous lawsuits. The two provisions that we are talking about, the elimination of joint and several liability and the elimination, from my perspective, of the right to recover economic loss, are both things that occur after a defendant has been found responsible. In other words, before you ever get to those two provisions, you have to first determine that there has been some irresponsible behavior on behalf of a defendant.

The idea that those provisions, which are really the most controversial provisions in this bill, have anything to do with frivolous lawsuits just doesn't make any sense. They have absolutely nothing to do with frivolous lawsuits.

For example, joint and several liability has to do with who you can recover against and what percentage or proportion of your damages you can recover, once a jury has determined that the defendant acted irresponsibly or in violation of a contract.

The economic loss provision has to do with whether the small business owner or the consumer is allowed to recover for lost profits, lost overhead, out-of-pocket costs, once it has been determined that, in fact, the defendant is at fault. So the idea that this has anything to do with frivolous lawsuits is just misleading. The bill has very little, if anything, to do with frivolous lawsuits.

If what we are concerned about is getting these cases resolved, creating incentives for consumers, small business people, people who have purchased computers, people who have a Y2K problem, to work with the computer manufacturers, with the people who manufacture the component parts of computers, I think that makes a great deal of sense. But this bill doesn't do that. Instead, what this bill doesn't do, in contrast to Senator KERRY's amendment, is strike a proper balance between providing reasonable protections for computer companies, while at the same time making sure we protect consumers. There has been an awful lot of discussion on the floor today about lawyers and the interests of lawyers. The reality is that lawyers and the discussion about frivolous lawsuits have little or nothing to do with this bill. Lawyers didn't make these computers; lawyers didn't have anything to do with the manufacture of these computer chips. And it is not lawyers who are going to be injured as a result of this bill. The people who are going to be hurt are consumers, the people who have purchased these computers.

I think it is really important that we as Senators focus on the people who are most likely to be injured as a result of the passage of this bill. Now, there are two provisions in the McCain bill that I think Senator KERRY's amendment addresses that are critically important. The first, and the one I want to focus most of my attention on, is a provision about economic losses. This is under section 12 of the bill entitled "Damages and Tort Claims."

What this provision does—and this is a provision of the McCain-Dodd-Wyden bill—is it eliminates the right to recover economic losses by a small businessman if a computer or a computer chip manufacturer irresponsibly creates a Y2K problem. Let me give you an example, and I think this example is very important. A small businessman in Murfreesboro, NC, is in his business establishment one day and a computer salesman comes in the door and says: I have this great computer system I want to sell you that will make your operation more efficient. It will help you operate your cash registers. It will help with your accounting. It will help with your collections. The businessman heard about all these Y2K problems, but he was told by the salesman this system is totally Y2K compliant.

This small businessman, believing what he was told, buys the computer system. Well, come the year 2000, he begins to have problems, and the problems shut down his cash registers, shut down his accounting system, shut down his ability to collect; and this business, which he and his family have been involved in all their lives, all of a sudden has no cash-flow. So they lose profit and they continue to incur overhead, and over a period of 2 or 3 months they essentially lose everything they have spent their lives working on—all as a result of a Y2K problem that, in my example, the computer salesman knew existed when he sold them the computer.

In other words, when he made the statement to this businessman that this system was totally Y2K compliant, he knew full well what he was saying was not true. In fact, the evidence available to him indicated it was not Y2K compliant. So he made a fraudulent misrepresentation, a misstatement to this businessman.

Under that example, under the terms of the McCain bill, this is what that businessman who has been put out of business for the rest of his life—a family business they spent their entire lives building up—is entitled to recover: The cost of his computer.

So if he spent $3,000 on the computer as a result of this misrepresentation by the computer salesman, and he has been put out of business forever, under this bill—which will, by the way, control all of these cases regardless of what State law provides, and I want to talk about that in just a moment—this small businessman is out of business and what he can get back is the cost of his computer. So what the bill does, in essence, is it provides absolute immunity, with the exception of the cost of the computer.

I want to be clear about one other thing. There has been a lot of discussion about punitive damages on the Senate floor. Punitive damages are damages that are awarded to punish a defendant for highly egregious conduct. But punitive damages have nothing whatsoever to do with what I am talking about now. We are now talking about a small businessperson being able to recover lost profits, having to shut down his or her business, having to continue to pay overhead in connection with the operation of that business. These are normal damages to be recovered without reference to punitive damages.

What I am saying is a very simple thing. If this bill passes, then a negligent computer chip manufacturer, a computer salesman, or computer company that sells computers, that outright lies—I am talking about engages in a fraudulent misrepresentation in their sales—can only be held responsible for the cost of the computer. That is exactly what this bill provides.

I respectfully disagree with what my colleague, Senator WYDEN, said earlier today, that all Federal and State remedies for economic loss are left in place. I think exactly the opposite is true. In fact, what this bill does is eliminate, to the extent that a cause of action exists under State law, the ability to recover for economic losses.

So what we have is a huge, huge problem. We have a provision in the bill where, prospectively, we are going to say to small and large businessmen and women around this country that if somebody has made a misrepresentation to you about the computer system you were buying, No. 1, and No. 2, if they irresponsibly and recklessly sold you a computer system that was not Y2K compliant, i.e., they didn't act with reasonable care or they acted negligently, what we are going to let you recover is the cost of your computer; and you cannot recover any of the costs associated with the operation of your business, your lost profits, and all of the costs associated with the day-to-day running of the business.

I don't believe there is an American out there listening to this who would believe that is fair. It is not fair. Now, I might add, for Senators WYDEN, McCAIN and DODD, that there are provisions in this bill that I have absolutely no problem with. I think we want to create incentives for people to work together. We want to create incentives for manufacturers to solve this problem. I think a 90-day cooling off period is a good idea. I think the idea of having an alternative dispute resolution so that folks have a mechanism outside having to file a lawsuit and go to court is a very good idea. These are all very positive things.

The problem is that, ultimately, there are going to be people across this country who, because of somebody acting irresponsibly or somebody misrepresenting something to them, are going to have problems with their business that will cause lost profits, lost overhead, which could ultimately lead to a shutdown of their business. And they will be able to recover absolutely nothing but the cost of their computer. I might add that later I intend to offer an amendment that specifically addresses this problem.

I just don't believe that is what the American people would support. It is fundamentally unfair because what you have is a small businessperson who acted in good faith, innocently, in purchasing a computer system, and as a result of a law passed in this Congress, that person would be out of business, through no fault of his own. But the person who is at fault and is totally responsible for what happened to him is only responsible for paying for the cost of the computer. The bottom line is, if this guy gets hurt and they get caught, what they have to pay is the money they originally got from these folks, which is the cost of the computer. That is fundamentally unfair. It violates every principle of fairness and equity that exists in the law of this country and has existed for over 200 years. That alone is clearly enough that this bill should not be supported.

Senator KERRY's amendment addresses that problem. It also addresses another problem that exists with this bill, which is the issue of joint and several liability. I have talked about this once before on the floor, but I think it is really important for the American people to understand what joint and several liability is. Essentially, it has existed in the law of this country for a couple hundred years now. It says that where you have an innocent—as in my example—small businessman and you have multiple parties on the other side who may be responsible for what happened, under joint and several liability the innocent party never has to pay for the loss, that the loss is shared in some way among the parties who are responsible for that loss. In this case, it may be the computer chip manufacturers; it may be the computer company that actually sold the entire system—a whole multitude of defendants. It is for them to resolve who pays what among themselves. In my case, the small businessman is innocent. And, as a result of the current law on joint and several liability, this innocent party is relieved of having to share the loss with guilty parties.

That is the reason joint and several liability exists. It is the reason it has existed in law in this country for a long time.

Senator KERRY's amendment sets up what I consider to be a very moderate, thoughtful approach—that responds to the computer industry and the high-tech industry's request for some protection against joint and several liability.

What Senator KERRY says is basically, if you come in and show you have acted responsibly as a good citizen, you get proportionate liability; that is, you can never be held responsible for anything more than your fair share of the damages.

It seems to me, although that is not the law in a great number of States in this country, that is a reasonable approach. It is a compromise. There is no question about that. We all recognize that, while I personally believe joint and several liability makes a great deal of sense, because it essentially says as a matter of policy we are going to always make people who are responsible for the loss share that loss, and never the innocent small businessman pay for the loss.

Senator KERRY has attempted to fashion a compromise that provides protection for what I believe to be the great bulk of computer companies that are out there doing business, who have acted responsibly, who can show that they have been good corporate citizens, and when they do that, then they get proportionate liability, which is what they want.

But there is still, I have to say, the most fundamental problem in the McCain-Wyden-Dodd bill, which is the provision about economic losses. Ultimately what it means is, if you can't recover anything but the cost of your computer, we are giving prospective absolute immunity to an industry, not knowing at this point what the losses are going to be for anything except the cost of the computer. It is something we have never done in the history of this country. It would be a remarkable thing to do now.

I have to say in response to some remarks I heard from Senator DODD earlier, whom I greatly admire and respect, that he talks at great length about this being a 36-month or a 3-year loss, that there is not some dramatic change in the law, that it is just 3 years.

Here is the problem. That 3-year period is going to cover every Y2K loss that occurs because of the nature of this problem. These losses are going to come up quickly, and they are going to occur starting in January of the year 2000, or before. By the end of that 3-year period, the problems will have shown themselves, or they will be gone, or they won't exist at all.

When Senator DODD says it is just a 3-year provision, it is a 3-year provision that covers every single Y2K loss that is going to occur. It covers them all. We just have to recognize that when he talks about this being just a 3-year period of time that is being covered, that is what it is. It covers every Y2K loss that may occur.

The bottom line is this: I think it makes great sense to have a bill that provides some reasonable protection for the computer industry. I think Senator KERRY's amendment works very hard at doing that.

I think there are at least two huge problems with the McCain bill, the most dramatic of which, to me, is that no businessman, no matter what has been done to him, whether he has been lied to, whether he has been the victim of irresponsible conduct, whatever it is, all he or she can ever recover is the cost of the computer, even if he or she has been put out of business. I don't believe the American people would think that is fair.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, on this point, Senator EDWARDS is such a magnificent lawyer and I am always reluctant to get into this, but the bottom line in this matter of economic losses is, whatever the plaintiff is entitled to get under State contract law with respect to economic losses is what our bill does. That is just the bottom line. Whatever the plaintiff is entitled to under State contract law is what they are going to get for economic loss—no more, no less. The bill keeps the status quo.

I want to take a minute to go to one example. I want to take a minute to talk about the options available to the typical small business in these kinds of cases.

Let's say we have a company that buys $10,000 worth of computers from another company, and they all crash January 3 of 2000. They lose $1 million worth of business as a result. Obviously, they are unhappy. They write the computer company and they say that crash was the fault of the computer company, the Y2K failure, and they want it fixed, and they want their money, they want their $1 million. I want to take a second and describe what happens in those situations.

The computer company has to get back to the small business within 30 days. It has to make it clear. You have to move. They can say it was a Y2K failure. The computer company says, "It is our fault. We will fix it the way the business wants—the restaurant. We will give you $1 million."

That is that. They can say they will fix the Y2K problem, but they should not be responsible for the whole $1 million. They might say, "We will fix it, but we have to negotiate this out. We are liable for some. You are liable for some."

If the small business isn't satisfied with what the computer company does, they can basically go out and sue immediately in that kind of situation.

The third kind of example would be, the computer company just stiffs the small businessperson, is completely unresponsive to what the small business needs. In that case, the plaintiff, the small businessperson, can go out and file a suit immediately against the computer company.

Finally, we have raised the example of what happens if that computer company is bankrupt and insolvent. At that point, the small businessperson can name in their lawsuit anybody they think is a responsible party. They can name Intel; they can name Microsoft; they can name anybody they want. It is at that point the jury is going to decide what portion of the blame each potential defendant ought to bear.

That strikes us as sensible. That is the principle of proportionality. We are saying that you ought to pick up the burden of the problem you actually produced, but if you did something intentional, if you ripped somebody off, if you engaged in egregious conduct, then joint and several applies.

If we are talking about a low net worth of a defendant, it is the same sort of situation. So the plaintiff isn't left hanging.

As we get towards the final vote, I ask my colleagues to remember that is what a typical small business is entitled to—those four kinds of situations, so that at the end of the day they are going to have their economic losses dealt with just as they would under State contract law—no more, no less.

Really, we have what amounts to only a handful of real protections for this 36-month period. Yes, we do say that if a small business is operating in good faith, we would put some limits on punitive damages. I guess there can be a philosophical difference of opinion on that. Reasonable people can differ. But we think that if a small business acts in good faith, there ought to be some limit in terms of these punitive damages. There are only a handful of protections.

Again, the 30-day period is a limitation on somebody's right to sue. That is why we say if you really think you are stiffed, you can go out and sue immediately. We think it makes sense for a 30-day period to try to cure these problems.

On the proportionality issue, we are making a change to deal with a situation where we think that unless somebody engages in an egregious offense-type of conduct with a low net worth defendant, it is appropriate in this situation to say you are liable for what you actually produced.

In addition to this being a bill that lasts for a short period of time, it does not apply to personal injury problems at all. If somebody is in an elevator and the computer system falls out and the elevator drops 10 floors and somebody is badly injured, all existing tort remedies apply.

I am very hopeful we will have a significant number of our colleagues, particularly on the Democratic side of the aisle, supporting this. There have been 10 major changes made in this legislation since it left the Senate Commerce Committee. Our senior Democrat, the distinguished Senator from South Carolina, was absolutely right—the bill that came out of the Senate Commerce Committee was completely unacceptable in terms of the rights of consumers and the rights of plaintiffs. I joined him in opposing it.

Since that time, we took out the items that were unfair. A lot of them happened to be in the House bill—which is completely unacceptable to me, as well.

This bill is a balanced bill. It tells defendants they have to go out and cure problems; it tells plaintiffs they have to go out and mitigate damages. I hope our colleagues recognize that failure to pass a responsible bill in this area is just like hurling a monkey wrench into the technology engine that is keeping our economy humming. I hope we won't do that.

The Senator from North Carolina asked me, before I went through that enlightening example of small business, to yield. I am happy to do so.

Mr. EDWARDS. I appreciate the work of the Senator from Oregon. We have talked about this matter a good deal. I appreciate the time spent doing that.

We do have a fundamental disagreement. My reading of Section 12 says that people cannot recover economic losses. I think if you can't recover economic losses as a result of the negligence or intentional acts or misrepresentations by a defendant, then essentially that means all you can ever get is the cost of the computer—even if you have been put out of business.

I don't think anybody in America would think that is right, fair, or just.

My first question is if, in fact, all the remedies for recovery of economic loss—that is lost profits, et cetera—are left in place under Federal and State law, why do we need a section, Section 12, on that matter at all in this bill?

Mr. WYDEN. If the Senator will let me reclaim my time, I will read the precedence we are citing with respect to our opinion that our bill covers economic losses in line with State law and common law.

Let me read to the Senator the precedent:

> The prevailing common law rule is that "recovery of intangible economic losses is normally determined by contract law."

That is Prosser, 1984.

Accordingly, the courts have essentially allowed plaintiffs to address these matters in State contract law by Clark v. Int'l Harvester Company, Chrysler v. Taylor, Inglis v. American Motor Company.

Our position is that the economic loss rule in our bill is merely an explicit recognition of this sensible principle, which is in line with the legal precedence I cited, and also Prosser.

Mr. EDWARDS. If the Senator will yield, the problem I have, if it is true that all State and Federal remedies for economic loss are left in place, it seems we would need to say nothing about that in this bill. We could say absolutely nothing and they would remain in place as they are under existing law, or we could have one sentence and that sentence would say "economic losses are permitted as presently exist under applicable Federal or State law."

Instead, I have a 2½ page section on economic loss, and before it ever gets to mentioning Federal or State remedies for economic loss, it sets forth a long description of requirements that have to be met—requirements that don't exist in any State or Federal law.

The reality is this bill sets up requirements that are far more draconian than exist across this country. Then the amendment says if you can meet all of those requirements, and the recovery of these economic losses are permitted under State and Federal law, then you can recover economic losses.

The truth of the matter is, if it were true that economic losses as they presently exist in the law and as they exist across this country—which means people can recover, in my example, more than the cost of their computer; they can recover for lost profits, their overhead, and all the costs associated with that, things that most Americans would consider completely fair, reasonable, and just—if that were true, we do not need a provision about this at all. We sure do not need 2½ pages about it. Or we could do it in one sentence: Existing recoveries for economic losses are permitted under applicable Federal or State law.

Instead, we have 2½ pages. We have a provision that essentially eliminates the right to recover economic losses, even in the case of someone who has had a fraudulent representations made to them about the product they are purchasing.

Can the Senator show me the specific language that simply says all Federal and State law remains in place, without any other requirements?

Mr. WYDEN. I appreciate having the chance to look at any alternative language the Senator from North Carolina wants to pursue.

The Senator raised the question of whether or not plaintiffs ought to be able to circumvent the provisions of State contract law by repackaging suits as tort claims. That has not been allowed by the courts.

If the Senator is talking about something else, we are happy to look at this. What we have in our legal analysis, and I have cited the specific cases that back up our particular point, is an indication that we believe we are protecting plaintiffs and plaintiffs' rights to recover in line with State contract law on economic losses.

If the Senator is not trying to "tortify" contracts, I am certainly willing to work with him on any kind of language.

Mr. EDWARDS. Mr. President, I don't have any problem at all with the idea of protecting existing contracts. I think Senator KERRY's amendment does exactly that. I think the problem we are confronted with—and I have asked this question a couple of times—this 2½ pages on economic loss does not say that State remedies prevail.

I might add, I believe your home State of Oregon allows the recovery of economic losses under the circumstances that I am describing where someone has acted irresponsibly. So we have a bill that will change laws not only in other places around the country but in your home State.

Let me give you an example of what I am talking about.

Mr. WYDEN. If I could reclaim my time to respond to the Senator, first, we made it very clear regarding economic losses. We want to see people recover in line with their State contract law.

If the Senator can show me something in the 2½ pages that he is so alarmed about—he has referred to the 2½ pages now three or four times—if the Senator can show me something in those 2½ pages that indicates that a plaintiff could not recover through their State contract law economic losses, I guarantee myself, Senator DODD, and Senator MCCAIN are interested in working with the Senator on it.

We cannot find anything. We have precedence and we have a legal analysis that backs up our point of view. If the Senator finds something in those 2½ pages that the Senator thinks indicates that a plaintiff cannot recover their economic losses according to State contract law, we will be very open to seeing it.

Mr. EDWARDS. For just a moment, if I could just give an example of what I am referring to, let's suppose a computer has been sold by a computer company that sells a system. They have sold it to a small businessman. There is a Y2K problem and the small business is put out of business. They have lost millions of dollars over the course of several months. What we determine, when the investigation is done, is that what caused the problem is a chip, a computer chip that was sold by a manufacturer with whom this purchaser never had any interaction. Or it was some program that was loaded onto the computer. And the plaintiff never had any relation with the software manufacturer. Of course they would not; they bought the computer at a computer store from some computer salesman.

Under the provisions of this bill, the person who was actually responsible, that is the manufacturer of the computer chip or software that was not Y2K compliant—you cannot recover against that responsible person for economic losses under the express provisions of this paragraph in Section 12. In fact, the Senator and I both know in reality that is what is most likely to happen. What most people are going to confront when they have a Y2K problem is some very isolated, discrete part of their computer system that caused the problem. It is not going to be the entire system. My point being there is no contract between the purchaser and that responsible party, that party in my example who is acting irresponsibly.

What you are doing in this bill is you are absolutely cutting off the right of this innocent businessman to recover anything more than what he has lost, what he has lost out of his pocket, what he has lost as a result of not being able to make sales. This bill is very clear about that, I say to Senator WYDEN. I don't think it can be interpreted in any other way.

Mr. WYDEN. Our interpretation and our legal analysis, which I am happy to give, indicates the plaintiff can recover exactly what they are entitled to today. They are not going to get any more.

I recognize what the agenda is here. I respect that we have a difference of opinion. But the bottom line is—I am happy to give our legal analysis—they can recover exactly what they are entitled to today.

Mr. KERRY. If the Senator will yield for a moment on just a point further, the language in section 2 says "such losses result directly from damage to tangible personal or real other property."

The economic losses my colleague is skillfully referring to may be the much larger losses that come from, say, the intellectual property failure.

Mr. WYDEN. I think the Senator is talking about the tort section.

Mr. KERRY. No, he is referring—excuse me, yes, I am, at this point. But that is a similar complication here of what the Senator is eliminating without being aware that is, in fact, being eliminated.

Mr. WYDEN. Mr. President, if I can reclaim my time, there is a difference of opinion here on the matter of economic losses. In the 2½ pages the Senator from North Carolina has cited, we believe every plaintiff is going to be able to recover exactly what they are entitled to recover today. If in fact there is some evidence to the contrary, we will certainly be happy to pursue that.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. KERRY. Will the Senator yield?

Mr. WYDEN. Let me yield, if I can, to Senator HOLLINGS.

Mr. HOLLINGS. When the Senator says "exactly what he is entitled to under the contract," when I go buy a computer from you, under my contract I am not contracting for any economic loss or loss of customers, or wasted moneys for advertising because the business has closed down, or any of the other economic losses. When the Senator says "exactly under State contract law," the contract is only for the item itself. State contract law is not State tort law. I take it that is the difference. "Exactly what he is entitled to," not under State tort law but under State contract law; isn't that the Senator's position?

Mr. WYDEN. If I could refer the distinguished Senator from South Carolina to the specific section, I have been talking about section 11, contractual damages. I gather the Senator from North Carolina, who is getting us into this area, was largely talking about the tort section. That, of course, is the difference of opinion here. I believe it would be a mistake to try to "tortify" these contractual rights at this time when we are staring, early in the next century, at all of these liabilities.

I have three good friends with whom I agree on probably the vast majority of issues that come up in this body who see it otherwise. I recognize that. But I want to, again, in the name of trying to work things out, make it clear if there is anything in the contract section—in the contract section—that would suggest a plaintiff cannot get the economic losses they are entitled to under State contract law, I am very certain Senator MCCAIN and Senator DODD and I will be happy to look at that. We do have a difference of opinion on this matter involving torts.

Mr. HOLLINGS. How could they be entitled to anything, any economic losses under State contract law when it was not contracted for? You see, you just contract to buy the item. If I go into Circuit City, or whatever it is, and get the computer, I don't say: Now, wait a minute, if something goes wrong with this computer here 60 days from now or something else like that and my business is closed down for 90 days or whatever, then I want the loss of customers, the loss of good will, and all these economic losses. I am only contracting for the item.

So when you say "exactly what he is entitled to under State contract law," it is saying in the same breath he is not entitled to any economic loss under tort law. Isn't that the case?

Mr. WYDEN. The jurisdictions differ. But what we are trying to adhere to, with respect to economic losses and contracts, is the status quo. If there is some evidence we can be shown indicating otherwise, we will be happy to take a look at it.

I have taken an awful lot of time. I yield the floor.

Mr. EDWARDS. Can I ask Senator WYDEN one last question?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from North Carolina.

Mr. EDWARDS. I want to make sure we are clear about this for purposes of our discussion. Does my colleague now concede that for any claim other than under contract, that economic losses are being completely eliminated by this bill? Does he concede that?

Mr. WYDEN. No. Not at all. In fact, let me again read from our legal analysis:

> The economic loss rule is a widely recognized legal principle that has been adopted by the United States Supreme Court in the vast majority of States. It states a party who has suffered only economic damages must generally sue to recover those damages under contract law, not under tort law. Tort law generally applies only where a party has suffered personal injury or damages to property other than the property in dispute.

So we are having, I guess, a duel of legal analyses. But we are happy to share ours. We believe, again, the court precedents and the specific analysis I am citing make it very clear that recovery that is available today for economic losses under State contract law is not being altered in any way by this bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, if I can respond just very briefly, there are two fundamental problems I respectfully disagree with Senator WYDEN about. The first of those problems is he talks at great length about State contract law. I do not have any problem with State contract law being totally enforced. I believe the law generally ought to be enforced and that includes State contract law. The problem is in the real world, most of the time, as Senator HOLLINGS pointed out, to the extent there is any written contract that contract is drafted by the manufacturers. It is not drafted by a small businessman who is buying a computer. So the Senator knows as well as I do it is a farce to say there is going to be a provision in the contract that provides for economic losses. It is not going to be anywhere in any contract, because the contracts have been written by teams of lawyers who drafted these contracts to protect the seller. They are the people who are in the position of economic power.

So the reality is there is not going to be anything in the written contract if there is a written contract. That is one problem.

But there is a second problem that is even larger than that, which is in many cases it is not going to be the contracted-with party who is responsible. The contract is between a purchaser and a seller. The seller is selling a computer system and the negligent or irresponsible party is not the seller who has included many computer chips in his computer system.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the KERRY amendment is now up for 5 minutes of debate on each side, equally divided.

Mr. EDWARDS. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS. If I can finish this thought, the bottom line is in many cases—in fact, in the vast majority of cases—the computer company that is responsible for putting a small businessman out of business, for all the losses that the small businessman incurs is not going to have a contract. In fact, the only way the person who is ultimately responsible can be held accountable is through a cause of action for breach of warranty or breach of product warranty and negligence, and this bill eliminates the right of that small businessman to recover any of his losses other than the cost of the computer.

The result of this discussion is Senator WYDEN now recognizes that, and with all due respect, I do not believe the American people will find that fair.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged to both sides.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this country is facing an unusual and very dangerous legal situation. I understand and appreciate the details given by the Senators as they have debated the nature of contracts and damages and economic loss rule and negligence as compared to contract law. It is pretty complex.

Historically, we have created rules under which to file. For contracts, you have burden of proof. If you file under tort, you have another standard you have to prove. All of those are complex, and we ought to be openminded to make sure we are proceeding in a way so as to create a statute that is effective and will achieve what we want.

It is time for us to face up to the fact that we do need some change in this Y2K computer problem. Our Nation is facing a real challenge. We could end up with massive litigation in every single county in America: lawyers on both sides filing lawsuits arguing over how much business was lost in this grocery store, how much this bank lost; arguing over punitive damages, standards of proof; the computer companies situated in one State are having to defend themselves against 50 separate State laws; sometimes individual judges within individual States, if they do not have guidance, may rule differently than one expects them to rule.

Under the circumstances of this situation, as a person who does believe States ought to do those things they do best, and the Federal Government ought not to take over, when we are dealing with the computer industry—which is not only interstate but international and is a fundamental source of our productivity increases—that industry can be sued thousands of times throughout the country, and as a result, they will be weakened economically, they will be substantially less able to fix a problem that may occur and will spend more and more time with lawyers and on litigation than they need.

We need to create a system which focuses on fixing the problem, and that does mean changing the way we have to do business for this one problem for a maximum of 3 years. This is what we need to do. We do not need to allow our Nation to assault from every possible venue that exists in this country the computer industry, which Alan Greenspan has indicated is one of the primary reasons for our productivity increases as a nation, why our Nation is doing better than other nations, and why we need to keep it that way.

I see the distinguished Senator from Arizona has arrived. There may be some time remaining. I will be glad to yield the floor to him.

The PRESIDING OFFICER. One minute 25 seconds remains.

Mr. DODD. How much time remains on all sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes; the Senator from Alabama has 1 minute 24 seconds. Who yields time?

Mr. SESSIONS. I yield the floor.

Mr. MCCAIN. We reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, over the course of the day, there has been a lot of argument about what we seek to do and do not seek to do. I want to make it very clear. Both sides are seeking a fair and sensible way to address the Y2K problem. There is no argument that one side wants frivolous suits, the other does not. There is no argument that one side somehow wants to keep business from flourishing. We are all on the same side of the high-tech industry and of the capacity of that industry to flourish.

The question is, what is the fairest, most balanced way to effectively approach the question of how we will do that.

Senator EDWARDS from North Carolina has very effectively demonstrated one of the real flaws in the bill as presented by the Senator from Arizona. The economic losses will be denied in a way, particularly in a situation where there is fraud or misrepresentation, that no American deems to be fair.

Equally important, when you balance the fundamental components of this bill on the question of proportional damages and who gets them and when, there is a difference between us in what we assert is the appropriate qualification for businesses to merit the proportional damages.

The McCain bill automatically makes available, with a few small exceptions, those proportional damages to businesses without any fundamental mitigation requirement; that is the essence of this bill. On the other hand, the proposal I submit with Senator DASCHLE, Senator REID, Senator ROBB, Senator AKAKA, Senator MIKULSKI, and others, is a proposal that embraces 90 days for a cure period, just as the McCain bill does. It embraces a responsibility to mitigate, just as the McCain bill does. It preserves contract law, just as the McCain bill does. But it also requires a good citizenship standard, an effort by companies to determine the potential—not the reality—the potential, not to find to a certainty, but to declare the potential that they may have a Y2K problem, and then in good faith to make available to the people with whom they have dealt the information about that potential.

It is hard to believe the Senate would not be willing to embrace the notion that companies ought to embrace the full measure of the purpose of this bill, which is mitigation, by making that good effort in order to determine what their liability may be.

Our bill encourages remediation. It requires notice and opportunity to cure. It imposes additional duty on plaintiffs when the defendant does act responsibly. It requires the plaintiff to undertake certain mitigation efforts which is fairly unprecedented. It discourages frivolous lawsuits by encouraging alternative dispute resolution. It increases the pleading requirements. None of these, incidentally, are things the lawyers have asked for and none of them are things the lawyers like.

It asserts an increased materiality requirement so that the complaint has to identify with specificity the basis of the complaint which they make. We discourage frivolous class action lawsuits with a minimum injury requirement for any class action and a materiality requirement.

We protect business with contract preservation, with strict limitations on damages awarded for economic loss, and also, unlike the McCain bill, we embrace the notion that individual consumers should not be cut out from their capacity to redress their problems.

In the end, I believe the real issue is: Do we want to accomplish what we have set out to do, which means, will the President of the United States sign the bill? The President has made it clear the McCain bill will not be signed into law without the kinds of changes Senator EDWARDS and I and others have articulated.

So we can go through the Pyrrhic exercise or we can try to fully legislate. I think it is clear that we are offering an alternative that is fair, sensible, protects consumers, and at the same time protects businesses in this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I rise today to support what will be offered as the bipartisan amendment to S. 96, the Y2K Act. I also rise to oppose Senator John KERRY's alternative to the Y2K Act.

The Y2K Act has gone through significant and myriad changes. In the spirit of constructive compromise, Senators of both parties have come together to work out their differences to produce S. 1138, the bipartisan Dodd-McCain-Hatch-Feinstein-Wyden-Gorton-Lieberman-Bennett amendment. Why? Because these and other Senators realize the importance of resolving a potential Y2K litigation crisis. These and other Senators have placed the vitality of the nation over any exaggerated loyalty to one political party.

Y2K-related lawsuits pose the greatest danger to industry's efforts to fix the problem. All of us are aware that the computer industry is feverishly working to correct—or remediate, in industry language—Y2K so as to minimize any disruptions that occur early next year.

What we also know is that every dollar that industry has to spend to defend against especially frivolous lawsuits is a dollar that will not get spent on fixing the problem and delivering solutions to technology consumers. Also, how industry spends its precious time and money between now and the end of the year—either litigating or mitigating—will largely determine how severe Y2K-related damage, disruption, and hardship will be.

Many fear that if Congress does not act, the American high tech industry, a leader in the world and a significant source of our exports, will be severely damaged. This is particularly true for the economies of cutting-edge high tech states—such as my home state of Utah—whose private sector is a leader in the information revolution. Why retard the industry that has led the recent boom of the American economy? Why kill the goose that lays the golden egg?

Let me restate what I have said on numerous occasions. The potential financial magnitude of the Y2K litigation problem is enormous. To understand this enormity, we should consider the estimate of Capers Jones, Chairman of Software Productivity Research, a provider of software measurement, assessment and estimation products and services. Mr. Jones suggests that "for every dollar not spent on repairing the Year 2000 problem, the anticipated costs of litigation and potential damages will probably amount to in excess of ten dollars." The Gartner Group estimates that worldwide remediation costs will range between $300 billion to $600 billion. Assuming Mr. Jones is only partially accurate in his prediction—the litigation costs to society will prove staggering. Even if we accept The Giga Information Group's more conservative estimate that litigation will cost just two dollars to three dollars for every dollar spent fixing Y2K problems, overall litigation costs may total $1 trillion.

Even then, according to Y2K legal expert Jeff Jinnett, "this cost would greatly exceed the combined estimated legal costs associated with Superfund environmental litigation . . . U.S. tort litigation. . .and asbestos litigation." Perhaps the best illustration of the sheer dimension of the litigation monster that Y2K may create is Mr Jinnett's suggestion that a $1 trillion estimate for Y2K-related litigation costs "would exceed even the estimated total annual direct and indirect costs of all civil litigation in the United States," which he says is $300 billion per year.

These figures should give all of us pause. At this level of cost, Y2K-related litigation may well overwhelm the capacity of the already crowded court system to deal with it.

Looking at a rash of lawsuits—there already have been 66 Y2K lawsuits filed nationwide and the number is growing—we must ask ourselves, what kind of signals are we sending to computer companies currently engaged in or contemplating massive Y2K remediation? What I fear industry will conclude is that remediation is a losing proposition and that doing nothing is no worse an option for them than correcting the problem. This is exactly the wrong message we want to be sending to the computer industry at this critical time.

I believe Congress should give companies an incentive to fix Y2K problems right away, knowing that if they don't make a good-faith effort to do so, they will shortly face costly litigation. The natural economic incentive of industry is to satisfy their customers and, thus, prosper in the competitive environment of the free market.

This acts as a strong motivation for industry to fix a Y2K problem before any dispute becomes a legal one. This will be true, however, only as long as businesses are given an opportunity to do so and are not forced, at the outset, to divert precious resources from the urgent tasks of the repair shop to the often unnecessary distractions of the court room. A business and legal environment which encourages problem-solving while preserving the eventual opportunity to litigate may best insure that consumers and other innocent users of Y2K defective products are protected.

The bipartisan compromise amendment accomplishes these ends. It is significant to note that the Chair and Vice-Chair of the Senate's Special Committee on the Year 2000 Technology Problem, my good friends and respected colleagues ROBERT BENNETT and CHRISTOPHER DODD, endorse the bipartisan amendment. Both these Senators have developed great expertise in Y2K and related matters during their leadership of the special committee. They were instrumental in crafting the compromise amendment.

The Kerry proposal, on the other hand, is partisan. As I understand it, it was in part drafted with the White House. It has not been endorsed by one Republican. While I firmly believe that Senator KERRY and other Democrat Senators who crafted the amendment sincerely believe that they are doing good, their amendment clearly eviscerates the protections established by S. 96. It reduces the incentives created in the bill for reducing litigation and resolving Y2K problems outside the court room. Let me explain.

The Kerry Amendment significantly weakens the class action section of S. 96. Class actions are a significant source of abuse. I have seen this as Chairman of the Judiciary Committee. Both plantiffs and defendants' attorneys have all too often been successful in rigging the system. Far too often, sweetheart deals are entered into whereby the plaintiff's attorneys negotiate huge fees, the defendants buy litigation peace through a nation-wide class action settlement that acts as res judiciata and bars all, even meritorious, future litigation, and class members are given mere trifles, such as coupons for products that hardly can be considered just compensation.

Far too often, Federal jurisdiction is defeated by joining just one nondiverse class plaintiff—even if the overwhelming number of parties are from differing states. This wrecks the clear purpose of Federal Rule of Civil Procedure 23—to provide for a Federal forum for class actions where the litigation problem is national in scope. A federal forum ameliorates myriad state judicial decisions that are conflicting in scope and onerous to enforce. Now, I am a great proponent of federalism and the right of our states to act as what Justice Brandeis termed national laboratories of change. But it is axiomatic that a national problem needs an uniform solution. That is the justification for Congress' Commerce Clause power and its consequent promulgation of Rule 23. That is the justification for the Y2K Act itself, in which the Y2K defect is clearly a national problem in need of a Federal answer.

Because of the short 2 or 3 year time-span for litigation, all of these problems are magnified in the Y2K context. There already have been filed 31 Y2K class action lawsuits with all the attendant problems associated with class action abuse. Before all is said and done, I expect many more to be filed. S. 96 deals with the problems generated by class actions in two ways: first, a certification requirement to demonstrate a common material defect is mandated. This assures that class action joinder is available only if common questions of law and fact exist. Second, minimal diversity is allowed. Thus, a substantial number of parties must be from different states and joinder of one or two nondiverse parties cannot defeat Federal jurisdiction. Moreover, to assure that Federal courts are not saturated with class actions independently filed or removed from state court, the amount in controversy must be over one million dollars.

To its credit, the Kerry Amendment adopts the common material defects showing requirement. But it is silent as to the need for minimal diversity to assure that the Federal courts will have jurisdiction over what is after all a national problem. To be sure, I am aware that the Judicial Conference opposes this provision fearing a substantial increase in Federal class actions. But I am also aware of their tendency to overreact. They made no study of the issue. Their concerns were mere ipse dixits, statements made as true with no foundation as to their truth.

To the contrary, the nonpartisan Congressional Budget Office has made a study of both S. 96, the bill reported out of Commerce, and S. 461, the Hatch-Feinstein Y2K measure, the bill reported out of the Judiciary Committee. Both bills have nearly identical provisions.

Concerning the class action provisions of S. 461, CBO first recognized that because of the incentives found in the bill it expects "that parties to lawsuits would be encouraged to reach a settlement. Thus, we anticipate that many lawsuits would not result in trial, which can be [time-consuming] and expensive." CBO went on and noted that "some class action lawsuits could be shifted from state to federal court under S. 461 because the bill would ease restrictions for filing such actions in Federal court." What is important, however, is their ultimate conclusion: "On balance, CBO estimates that the savings from eliminating trials for many lawsuits would more than offset any increased costs that might be incurred from trying additional class action lawsuits in federal court." (My emphasis). In other words, in the only study done of the class action issue, it is concluded that the Y2K Act's class action provision would not result in the flooding of the federal courts with unneeded and expensive litigation.

A provision of S. 96 that the Kerry Amendment actually strikes is the punitive damages limitation provision. Now both S. 96 and S. 461 contained caps on punitive damage awards. The caps applied to all prevailing parties and limited punitive damages to the greater of three times compensatory damages or $250,000, or the lesser of that amount if a small business was the defendant. The reason for these caps are clear. Runaway punitive damages have hindered economic growth and productivity nationwide. Businesses are often forced to settle spurious suits when faced with millions in punitive damages. Thus, prices for goods and services are unnecessarily raised with consumers suffering the most. Because of the concentrated time period, this problem will be magnified for Y2K actions.

The bipartisan Dodd-McCain-Hatch-Feinstein amendment modifies the punitive damage provision. In the spirit of compromise, the caps were limited to small business and individuals with a net worth of less than $500,000. There were two reasons for this change. The first is that small businesses and most individuals would be ruined by immense punitive dmamages. The other reason is that punitive damages in this situation do not serve the intended deterrent effect. In fact, insolvency and bankruptcy creates a counterincentive to remediate Y2K glitches. Why would a small business voluntarily notify customers of potential Y2K defects if the business could face ruin for its good citizenship?

But Senator KERRY even opposes this watered down provision. The reason for Senator KERRY's opposition for even this moderate provsion is that even caps for small business would allegedly reduce the deterrent effect of those damages. Surely, however, the prospect of treble damages provides adequate incentives for companies that need monetary threats to make efforts at compliance. The current, unlimited punitive regime simply encourages suits by lawyers who hope to hit the lottery, while driving up the settlement value of insubstantial claims.

Let me turn to the proportionate liability section of S. 96. It is good to see that Senator KERRY has moved closer to our position. Prior drafts of his amendment completely weakened this provision. Senator KERRY's latest attempt in most respects is verbatim the same as the bipartisan amendment.

The system of modified proportionate liability in S. 96 makes sense as a matter of both equity and of litigation management. Based on the already existing proportionate liability provision of the Federal Private Securities Litigation Reform Act of 1995, it ensures that defendants will not be forced to pay for injuries that are not their fault. It discourages specious lawsuits because plaintiffs' lawyers will not be able to take advantage of the archaic joint and several liability doctrine whereby a deep-pocket defendant will inevitably have to pay the entire judgment so long as a jury can be persuaded to find it is even one percent responsible. And the proportionate lability section will avoid coercive settlements prevalent in a joint and several liability scheme.

The Kerry provision essentially adopts the proposal in S. 96, which recognizes that it is unfair to assume that defendants should be forced to pay for damages that are not their fault. But the Kerry draft also eliminates proportionate liability if the defendant fails to inform the plaintiff of a potential Y2K problem before December 31, 1999. This is true even if the defendant business demonstrates that it was innocent, or had no knowledge of the defect. Suppose a retailer, having no reason to believe the manufactured product sold was defective, could not and did not notify the purchaser of the Y2K defect. In that case the retailer would be subject to joint and several liability under Kerry. The result is that deep-pocketed defendants who are subject to strike suits will have to assume that they face limitless liability, and, therefore, will have no choice but to pay a coercive settlement, even if the defendant was innocent of any knowledge of the defect.

The Kerry Amendment duty to mitigate requirement has been so limited that it will not encourage remediation. The amendment provides that plaintiffs cannot recover damages for injuries that they could have reasonably avoided in light of information provided to the plaintiff by the defendant. It does not impose such a limit if the plaintiff obtained the relevant information from third parties or other sources. The provision in the Kerry Amendment is much more narrow than the general common law of the duty to mitigate. If the plaintiff in fact obtained information from any source that would have allowed it to avoid injury, it makes no sense to allow the plaintiff to ignore that information, to suffer the injury, and then to force someone else to pay its damages.

There is another significant problem with the Kerry Amendment. The amendment eliminates all intentional torts—except where the tort involves fraud or misrepresentation about the product—from the scope of S. 96's codification of the Economic Loss Rule, regardless of the relationship between the parties. This exemption would significantly narrow existing law in many states and undermine the purpose of the Rule in cases involving two contracting parties.

Breach of contract, intentional or otherwise, does not generally give rise to a tort claim; it is simply breach of contract. The Economic Loss Rule thus prevents tort remedies—such as lost profits and other economic losses—where the parties were in privity and could have negotiated consequential damages and other economic losses. The rapidly emerging trend, therefore, among the States is to apply the Economic Loss Rule to bar fraud claims where those claims merely restate claims for breach of contract. The Rule does not, however, bar fraud claims arising independent of a contract. Additionally, the Kerry Amendment would significantly override State law and allow recovery of economic loss in cases of intentional torts even where such recovery would be prohibited by State law. This seems to create a new cause of action for recovery of economic loss in cases of intentional torts and is unacceptable. The Kerry Amendment also would apply the Economic Loss Rule to only actual defects and not anticipated failures. Thus many lawsuits based on anticipated failures would not fall under the Economic Loss Rule.

Finally, the Kerry Amendment carve-out for noncommercial suits will permit a huge range of abusive actions. Carving out noncommercial suits—including class actions—will permit a huge range of abusive actions. Abusive class actions on behalf of consumers are one of the greatest dangers in the Y2K area because such suits are easily created and controlled by plaintiffs' lawyers. While the Kerry Amendment does apply the minimum injury certification requirement to individual class actions, it does not apply to the proportionate liability and other substantive provisions in such cases. Besides, why should not consumers get the benefit of the bill's terms, which will speed remediation and negate the need for costly lawsuits, as CBO opined.

It is clear that the Kerry Amendment has serious flaws. I sincerely believe that Senator KERRY and the sponsors of his amendment are well-meaning. Their goals are in harmony with ours. But they are mistaken if they believe that their proposal would solve the Y2K problem. That is why I ask all Senators to support S. 96, as modified by S. 1138, the Dodd-McCain-Hatch-Feinstein amendment.

Mr. LOTT. Mr. President, as the Senate considers S. 96, the Y2K Act, I rise to first praise the bipartisan work of Senator McCAIN and Senator WYDEN. They have worked tirelessly to construct an effective, fair bill that will address the important issue of liability as it relates to the Year 2000—or Y2K. There are enough challenges for America's industry and governments to ensure that they are Y2K compliant. We all know how vexing computer problems can be.

This bill is constructive, positive legislation. It allows companies in the information technology industry to focus their limited resources on solving Y2K related problems in computer software by preventing frivolous litigation. Litigation which would divert those limited resources away from solving Y2K programming deficiencies.

With only 205 days left until the globe turns the page on the calendar to a new century and a new millennium, the Y2K problem is a crucial matter and must be fixed.

Lawsuits are already being filed regarding the Y2K problem, and Congress must act now to ensure that frivolous suits are prevented. Our legal system allows those who have indeed suffered because of the fault of another party to have their grievances adjudicated in court. This bill protects that process. This bill allows plaintiffs to bring suit for Y2K related problems if these problems are not addressed. This bill, however, prevents and places limits on opportunistic and unwarranted suits.

Senator McCAIN and Senator WYDEN have worked closely together to address this relevant matter, and I congratulate them for their efforts. Their approach has gained support from a substantial number of our colleagues—from both sides of the aisle.

I would also like to recognize the efforts of Senator HATCH and the Judiciary Committee. They too have brought additional attention and clarity to the issue of Y2K liability problems. Senator BENNETT and the Special Committee on the Year 2000 Technology Problem have also been invaluable in educating the Senate. Although his task force does not have legislative authority, he has explored all facets of the public policy dilemma. The Special Committee has continued to investigate this matter and provide education on preparations for the new century.

Yes, there were three separate efforts from three different vantage points to ensure that the Senate gets to a solution rapidly. The participating Senators have brought expertise and legitimate concerns from their various roles and responsibilities within the Senate. All of our colleagues will benefit from their collective efforts.

I am delighted that, without further delay, the full Senate can now begin consideration of S. 96—the result of the diligent efforts of many. I am proud to be a cosponsor and urge all Senators to support a solution that ensures America's continued prosperity.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I remind my colleagues of a letter that has already been made a part of the Record from the Year 2000 Coalition, which has more organizations and groups in it probably than I have ever seen—the entire high-tech community—addressed to Senator KERRY:

"We urge you to support S. 96 and to not introduce an amendment to it."

"[T]he Coalition does not support the amendment . . . that is being circulated in your name."

Have no doubt about where the high-tech community is on this amendment.

I ask unanimous consent for 2 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. I thank my colleague.

Let me just again state to my colleagues, this is a 3-year bill. We are not changing tort law for all time. We are not even changing tort law. This is narrow in scope. It affects just Y2K issues for a limited duration to try to resolve the Y2K issues.

Let me say to my friend from Massachusetts, again, I respect what his intentions may be, but the adoption of the Kerry amendment expands, rather than contracts, the area of law we are trying to deal with here.

My colleague from Oregon has stated it well. You cannot, because you do not like the contract, all of a sudden decide you want to get into torts. I appreciate a plaintiff's lawyer wanting to do that, but we ought to be trying to fix these problems, not litigate these problems. That is what the McCain bill is designed to do.

My fervent hope is my colleagues will understand the fundamental difference and support the underlying legislation and not allow this bill to be destroyed, in effect, by adopting a measure here that would create more litigation, more problems, make it far more difficult for Americans who are going to be afflicted by this problem with the Y2K issue. With all due respect to its authors, I urge the rejection of the amendment and the support of the underlying McCain bill.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired. The question is on agreeing to the motion to table amendment No. 610. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Cochran
Collins
Coverdell
Craig
DeWine
Dodd
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—41

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Specter
Torricelli
Wellstone

NOT VOTING—2

Campbell
Crapo

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator LEAHY now be recognized to offer an amendment with debate limited to 30 minutes equally divided, and following that debate the Senate proceed to vote in relation to the Leahy amendment with no amendments in order prior to the vote.

Before I finish this unanimous consent request, for the benefit of my colleagues, I do not intend to use the full 15 minutes on this side. I think my colleagues can anticipate a time for a pretty rapid vote by the time Senator LEAHY is finished.

Finally, I ask my colleagues who have amendments on the list of 12 amendments to agree to time agreements, so perhaps we could dispense with this bill tomorrow at an early moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask my time not begin until the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont is recognized.

AMENDMENT NO. 611 TO AMENDMENT NO. 608

(Purpose: To exclude consumers from the Act's restrictions on seeking redress for the harm caused by Y2K computer failures)

Mr. LEAHY. Mr. President, I call up amendment No. 611.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes an amendment numbered 611 to amendment No. 608.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXCLUSION FOR CONSUMERS.

(a) CONSUMER ACTIONS.—This Act does not apply to any Y2K action brought by a consumer.

(b) DEFINITIONS.—In this section:

(1) CONSUMER.—The term "consumer" means an individual who acquires a consumer product for purposes other than resale.

(2) CONSUMER PRODUCT.—The term "consumer product" means any personal property or service which is normally used for personal, family, or household purposes.

Mr. LEAHY. Mr. President, this bill as presently drafted would preempt the consumer protection laws of each of the 50 states and restrict the legal rights of consumers who are harmed by Y2K computer failures.

Why is this bill creating new protections for large corporations while taking away existing protections for the ordinary citizen?

We all know that individual consumers do not have the same knowledge or bargaining power in the marketplace as businesses with more resources. Many consumers may not be aware of potential Y2K problems in the products that they buy for personal, family or household purposes.

Consumers just go to the local store downtown or in the neighborhood mall to buy a home computer or the latest software package. They expect their new purchase to work. But what if it does not work because of a Y2K problem?

Then the average consumer should be able to use his or her home state's consumer protection laws to get a refund, replacement part or other justice.

The liability limits in S. 96 would protect companies whose acts or omissions result in harm to consumers' products or services—even if those companies manufactured or sold products that they knew would fail when the date changes to the Year 2000.

Is that fair?

Let me give you a real life example of how an ordinary person might be harmed by this bill. In 1999, Joe Consumer buys a computer program and on the package is the claim: "This software is guaranteed to serve you well for years to come." But in the fine print in the shrink wrap that comes with the software is a disclaimer of all warranties, either express or implied.

Joe Consumer's software package, that he brought in 1999, is not Y2K compliant. He calls and writes the software company to get it fixed but all he gets in response is a form letter telling him to buy the latest upgrade.

Under this bill, Joe Consumer would have to wait 90 days for his day in court and might not have a remedy at all.

Joe Consumer would normally be able to pursue justice based on a failure of the implied warranty of merketability of the software because it was not Y2K compliant. Or he would normally be able to pursue justice under his state consumer protection laws. And he normally would be able to pursue justice with other consumers harmed by this Y2K defective software on a fairer and more efficient class-action basis. But not under S. 96.

This bill says that the written contract prevails, even if it limits or excludes warranties. Enforceable written contracts under this bill would include the fine-print, boiler-plate language that is standard in the packaging of computer hardware or software.

A consumer does not have any power to negotiate this fine print, boilerplate, shrink-wrap. This shrink wrap is all one sided in favor of the computer manufacturer. In fact, in some cases, computer manufacturers even try to take away the right of a consumer to go to court in the fine print of their shrink wrap. In addition, this bill would override the Uniform Commercial Code and all state laws that protect consumers by making certain warranty disclaimers unenforceable. The consumer protections in the U.C.C. and state law protect individual consumers from having unfair terms imposed on them by manufacturers of products with far greater economic power.

But this bill makes all state consumer protection laws null and void against the fine print terms of any computer manufacturer's shrink wrap. Maybe we should rename this bill, the "Y2K Shrink Wrap Protection Act."

Moreover, S. 96 would severely restrict the use of class actions by consumers even when common questions of fact and law predominate in their cases and the class action would be a fair and efficient method to resolving their dispute. The use of class actions in state courts permit consumers to band together to seek justice in ways that an individual could not afford to take on alone. These state laws were enacted to protect the average consumer.

But these basic consumer protections would be eliminated under this bill's Federal peremption provisions.

And no new Federal rights for consumers would replace these lost state consumer protections under this bill. That is not right.

My amendment uses the same consumer exclusion language in last year's Hatch-Leahy Year 2000 Information and Readiness Disclosure Act. My amendment contains the same definition of consumer and consumer product that was in that consensus measure, which passed the full Senate by a unanimous vote and was signed into law about seven months ago. Our bill become law because it was balanced, in sharp contrast to S. 96 as currently drafted.

I would hope the full Senate could agree to this amendment since it uses the same language that we agreed to last year on the Y2K information sharing law.

Last year, when we passed Y2K legislation to encourage remediation efforts, we clearly let stand existing consumer protections under state law. This same policy should apply to the pending legislation, which currently proposes to limit a consumer's legal rights even in cases involving fraud or other intentional misbehavior by product manufacturers or sellers.

In fact, the precedent for using last year's Year 2000 Information and Readiness Disclosure Act as a model for S. 96 have already been set. S. 96 includes an exclusion for governments acting in a regulatory, supervisory or enforcement capacity. The exact language in the bill was lifted from the Y2K information disclosure law of last year. I believe this government exception make sense, particularly for SEC enforcement actions, and improves the underlying bill.

Moreover, section 13(d) of S. 96 also explicitly provides that the protections for sharing information in our Y2K law shall apply to this bill.

If the protections for businesses from last year's Y2K information disclosure law are good enough for this bill, then the exclusion from last year's Y2K law for consumers should also be good enough for this bill. Last year's Y2K information disclosure law was a balanced measure in part because it protected consumers from its provisions. Adding the same consumer carve out by adopting my amendment would give balance to this one-sided bill.

Passing this amendment would improve the chances of S. 96 actually being signed into law by the President, instead of being vetoed as a bill that protects special interests at the expense of the average consumer. My amendment is supported by consumer rights associations including Consumers Union, Public Citizen, Consumers Federation of America, and the United States Public Interest Research Group. I ask unanimous consent that a letter from these consumer advocates in support of the Leahy amendment be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. Mr. President, allowing consumers access to their home state consumer protection laws is the right thing to do. I urge my colleagues to vote for this amendment.

EXHIBIT 1

CONSUMERS UNION, PUBLIC CITIZEN,
CONSUMER FEDERATION OF AMERICA, U.S. PIRG,
June 8, 1999.

DEAR SENATOR: As the full Senate prepares to consider S. 96, The McCain-Wyden-Dodd legislation limiting the liability of companies responsible for Y2K computer processing failures, the undersigned consumer groups remain concerned about the negative effects this legislation will have on consumers with legitimate Y2K claims. While we would support legislation to provide incentives to companies to evaluate and address Y2K problems and product defects, we believe that S. 96 will have the opposite consequences.

Insulating companies from Y2K liability will only serve to protect those who have done the least to address their problems and will render consumers far more vulnerable as a result. We ask that you support the Leahy amendment, which would exempt consumer cases from this legislation. Most experts expect Y2K litigation to be brought primarily by businesses against other businesses. These litigants will have contracts with one another that have been drafted to protect their individual interests. Consumers will not have benefit of these protections in the marketplace.

In addition, there is federal precedent for a consumer carve-out in Y2K legislation. The language of the Leahy amendment is the same language that appears in the law passed last year, the Y2K Readiness and disclosure Act. Among the provisions of S. 96 that are most harmful to consumers:

Elimination of Joint and Several Liability. The sweeping change in this longstanding tort concept will likely leave consumers uncompensated for damages if one or more defendants cannot be held liable for the full amount of loss suffered. The two narrow exceptions to this provision will be of little benefit to most plaintiffs, and many could be left without full compensation, even for their economic losses.

Class Actions Removed to Federal Court. Any class action with aggregated damages of $1 million or more could be removed to federal court, where cases are likely to face a large backlog of cases and thus long delays and additional expense. S. 96 also requires notification by return mail to each potential plaintiff in a class action, a provision that may well make bringing these cases financially and practically impossible—leaving class members without a remedy.

Caps on Punitive Damages. S. 96 caps punitive damage at $250,000 or three times compensatory damages, whichever is less, for defendants with a net worth less than $500,000 or businesses with fewer than 50 employees, unless plaintiffs can prove the defendant specifically intended to injure them. Caps on punitive damages send the wrong signals to the most irresponsible companies, acting as a disincentive to fix problems before they occur.

Disclaimer of Implied Warranties. In most states, products are warranted to be fit for the purpose for which they are sold. Under S. 96, warranty disclaimers on the packaging or software—the fine print that consumers rarely read—may keep consumers from recovering for defective products and the losses they cause, unless they are proven to manifestly contradict state law, a difficult standard to meet.

For these reasons, we ask you to support Senator Leahy's consumer protection consumer carve-out amendment.

EXAMPLES OF HOW SENATE Y2K LIABILITY BILL IS UNFAIR TO CONSUMERS

The examples below demonstrate the ways in which S. 96 would make it difficult, if not impossible, for consumers with legitimate claims to get full compensation from responsible parties. This legislation will have a direct effect on consumers and will likely result in many consumers being left without a remedy for Y2K problems.

THE CASE OF THE NON-COMPLIANT SOFTWARE

In 1998, Mrs. Betty Barnes purchases a new home computer, paying an extra $500 for special software that will allow her to pay her bills and manage her household finances using the system. One year later, Mrs. Barnes finds that the software is not Y2K compliant and will not work after the Year 2000. She calls the store where she bought the software to get a version of the software that will work. The store tells her a "patch" to correct the problem is available but will cost an additional $250. Mrs. Barnes then writes to the software manufacturer asking for a fix for the defective program. The manufacturer writes back within 30 days telling her that she will have to pay $250 for the Y2K compliant version of the program.

Under the bill, Mrs. Barnes must wait an additional 60 days before she can bring any legal action against the software manufacturer. The manufacturer has met its obligation by responding to the letter even though the company did not agree to fix the problem for a reasonable price. Mrs. Barnes has no right to a free fix or a reasonably priced upgrade under S. 96. She must wait 60 days even if the manufacturer has proposed an unfair solution to the problem. Mrs. Barnes has no bargaining power to force the manufacturer to offer a more fair solution.

S. 96 does have an exception to the 60-day waiting period: Mrs. Barnes can sue for injunctive relief. She speaks to a lawyer and finds out this will not help her in her case. Injunctive relief is difficult to obtain; it requires proof of (1) irreparable injury if the problem is not dealt with immediately, (2) a strong likelihood of winning on the merits and (3) no adequate remedy at law. Mrs. Barnes is unlikely to be able to prove irreparable injury. Even if she could, her likelihood of prevailing on the merits is diminished by the federal law that makes it harder for plaintiffs in Y2K cases to win. (She could show that she has no adequate remedy at law because she cannot sue at this stage.)

Mrs. Barnes is forced to wait for two months before she can file suit. During this time, she is unable to use the software for which she paid $500.00—she can't balance her checkbook, she can't pay her insurance or mortgage, she can't do her taxes.

After the 60-day period expires, Mrs. Barnes lawyer files suit against the software manufacturer. under S. 96, she has to plead her case with specificity, even though she knows little at this point about her case except that her software isn't Y2K compliant and she has been barred from conducting any discovery while the 60 day period ran out. The manufacturer moves to dismiss the case, arguing that S. 96 protects them from Mrs. Barnes' suit. The software package has a disclaimer that says, in fine print, "there are no warranties, express or implied, that apply to the sale of this product." Under S. 96, the terms of a contract—including a warranty—prevail over any consumer protection statutes in state law unless the language in the contract is deemed to "manifest and directly" contradict state law. The software company argues that the state law that disfavors this kind of disclaimer does not "manifestly and directly" contradict state law. Since this is an issue of first impression, each side must present legal arguments on this issue, adding much cost and delay to the suit. If Mrs. Barnes loses, she will have no legal recourse, even if the manufacturer knowingly sold her defective software.

Luckily, Mrs. Barnes survives the motion to dismiss. She and her lawyer now have the chance to conduct discovery. They learn that there are a number of companies involved in manufacturing of her particular software, and they move to add them as defendants. The companies based in the United States claim little or no responsibility for the Y2K failure. They all point to a Japanese software maker as the source of the problem. Mrs. Barnes can't sue the Japanese software maker since it does not do business in the U.S. If the jury finds that the Japanese company is the defendant most at fault, S. 96's limitations on joint and several liability will mean Mrs. Barnes can never recover fully for her damages.

Without evidence of specific intent to injure nor knowing commission of fraud, as required under S. 96, Mrs. Barnes cannot hold all defendants jointly and severally liable. Mrs. Barnes learns that the U.S. manufacturer recklessly placed this software on the market without bothering to check that is was Y2K compliant. But "reckless conduct" isn't enough under S. 96 to allow the court to hold the U.S. manufacturer liable for the entire injury, even though the injury could not have occurred without its participation. Since Mrs. Barnes damages are not equal to 10% of her net worth as required under S. 96, she is not eligible to use that provision to bring the case for an "uncollectible" share. Mrs. Barnes can get only that percentage the jury says the U.S. manufacturer is responsible for causing.

If the Japanese company is judgment-proof, the U.S. manufacturer could be responsible for up to 50% more of its initial share. If the jury finds the U.S. manufacturer was 20% liable and the Japanese company was 80% liable, and Mrs. Barnes can't collect from the Japanese company, the U.S. manufacturer is responsible for 50% more than its original share, a total of 30%. Mrs. Barnes can never recover the other 70% damages she is owned.

THE CASE OF THE CONSUMER CLASS ACTION

S. 96 provisions on class actions will result in meritorious cases being dismissed, leaving consumers with no practical means for collecting damages.

Assume the same facts as above, but this time Mrs. Barnes learns that a number of other consumers have bought the same software and are having the same problems. Together they file a class action suit in Mrs. Barnes' home state against the manufacturer. They are able to meet the material defect requirement imposed on those filing class actions as well as the heightened pleading standards. The manufacturer, noting that there are plaintiffs from a number of different states, under the rules of S. 96 would be entitled to file a motion to remove the case to federal court. The federal court, required to resolve differences between and among state laws, decides there are not enough common issues of law among the various state laws, and the class action is returned to the state. The class is disbanded there. While individuals are free to bring suit on their own, each case is for such small monetary value, few consumers or lawyers are interested or willing to pursue the case individually. Mrs. Barnes can't find a lawyer to take her case and she is left without a remedy.

THE CASE OF THE CHEMICAL DISASTER

Mrs. Jacqueline Jensen owns a home several streets away from the Acme Chemical Company. Like 85 million other Americans, she lives and works within 5 miles of the one or more of the nation's 66,000 facilities that handle or store high hazard chemicals.

On January 1, 2000 Acme's safety system fails and hazardous chemicals are released into the air and onto the land in the neighborhoods, forcing Mrs. Jensen and others to evacuate their homes. People are allowed back to their homes after 2 days, but Mrs. Jensen's property is contaminated, including her well. Mrs. Jensen retains an attorney and files a tort claim to recover for the damage to her property.

Acme Chemical claims that a Y2K computer failure was partially at fault for the safety system malfunction. Mrs. Jensen did not know Y2K was a defense, so she and her lawyer did not look up the new statute or file a per-litigation notice before filing suit. Under S. 96, Acme treats the complaint as the notice, even though it does not contain all of the required information because Mrs. Jensen and her lawyer initially had no idea this was a Y2K case and there was a new law to follow in addition to the requirements of filing a civil suit under state law.

Under S. 96, even when consumers' homes and surrounding properly is contaminated, they cannot file suit right away, even though they aren't waiting for a computer malfunction to be fixed. The waiting period applies to all cases, even those where it is not relevant. Mrs. Jensen must wait 30 days for Acme to respond to her notice/complaint. In 30 days Acme responds by saying it cannot pay for the cleanup and lost value of Mrs. Jensen's home. Nonetheless, Mrs. Jensen still must wait an additional 60 days to refile her lawsuit. S. 96 only requires defendants to state what steps, if any, they will take within 60 days for the additional waiting period to commence. All discovery is stayed during this period, so Mrs. Jensen and her attorney have no way to gather additional information about the events surrounding the chemical spill.

In two months, Mrs. Jensen refiles her suits against Acme and Safety Systems, Inc., the company that installed its computers. Under S. 96, she must plead her case with particularity in the complaint. While she can state her damages as required, she has difficulty specifying the material defect that caused the accident and specific evidence of the defendants' state of mind since she has still not been able to do discovery in the case. The defendants move to dismiss the complaint for failure to meet the pleading requirements. After briefs back and forth debating what the new law requires, the judge does dismiss the case but without prejudice, allowing Mrs. Jensen an opportunity to file an amended complaint (now her third).

Somehow, Mrs. Jensen finds enough information to survive another motion to dismiss and finally has her day in court. After hearing the case, the jury finds that both defendants acted recklessly and outrageously for not identifying and fixing the Y2K problems at the plant, and awards Mrs. Jensen $300,000 to compensate her for her property damages and the need to replace her water supply. The jury finds that Acme is 70 percent responsible and Safety Systems 30% liable. The jury also finds by clear and convincing evidence that Acme's conduct is so outrageous as to warrant punitive damages and assesses a one million-dollar punitive damage award. The jury also finds substantial evidence that Safety Systems knew the system it installed might not work and that it should have fixed the Y2K problem, which is enough for them to be assessed punitive damages under state law, but Mrs. Jensen could not make that showing by clear and convincing evidence as required by S. 96.

Under S. 96, a consumer who suffers harm limited in amount of punitive damages she can collect. The total amount of Mrs. Jensen's award from the jury is $1.3 million dollars—$1,210,000 against Acme ($210,000 compensatory and $1,000,000 punitive) and $90,000 against Safety Systems. Acme employes 40 people, so the punitive damages awarded against them is reduced by the judge according to the cap under S. 96 to $250,000. The adjusted award is now $550,000 against Acme and Safety Systems.

Acme cannot pay for all of the damage caused by the accicent to Mrs. Jensen and her neighbors and files for bankruptcy. Safety Systems pays Jensen $90,000, but this is not nearly enough to let her clean up her property and get a new water supply—especially after she pays her legal costs. She tries to collect from Acme, but without success. After 3 months, she applies to the court to require Safety Systems to pay the rest of the compensatory damage award. Under state law, they could be required to pay the full amount, but under S. 96, the maximum they would have to pay is 30% of the uncollectible share but no more than 50% over Safety Systems' own contribution. Under this formula, Mrs. Jensen is able to collect an additional $45,000 from Safety Systems, leaving her with a actual unrecoverable damages to her property—i.e. direct economic loss—of $165,000 exclusive of legal fees and costs.

Although the jury found that Safety Systems acted recklessly, they do not have to pay the full amount of the compensatory award—even if they could afford to do so.

Under her state's law, Mrs. Jensen would have received $1,300,000, that is, full compensation for her losses from the responsible parties. Because of S. 96, Mrs. Jensen will be left with only $135,000, not nearly enough to compensate for her loss and pay her legal fees and costs.

THE CASE OF THE DISCLOSED MEDICAL RECORDS

Mrs. Sally Sargent lives in a small town. Her physician is treating her for HIV. She has been seen at the local hospital during bouts of pneumonia, but more recently has been on drugs that have improved her overall health and enabled her to work. Her biggest fear is that her employer will learn of her HIV status, which will surely mean the loss of her job in a rather straight-laced company and that her children will be ostracized at school. She has been assured by the hospital that all of her records will be kept confidential.

The hospital records department ignored its potential Y2K problem, though they were warned by hospital administrators to check the record system for Y2K bugs. As a result, the hospital's computer records are mistakenly distributed to abroad group of hospital personnel. One of those hospital employees has a child who attends school with Mrs. Sargent's daughter. This mother becomes very agitated, calls the school with the information, and before long the rumor about Mrs. Sargent's medical condition gets around to the whole community. Mrs. Sargent's daughter is ostracized from her classmates, and she herself suffers great emotional distress. When her employer discovers she has HIV, she is fired from her job.

Under S. 96, her emotional distress and mental suffering claim is not exempted from the bill, as are personal injury cases involving physical injuries. Failing to exempt cases brought for emotional distress and mental suffering, if they happen to occur unaccompanied by physical injury, is grossly unfair to individuals who have suffered real harm. In this case, Mrs. Sargent would have to meet all of the procedural hurdles and substantive legal limitations if she tried to sue the hospital for negligent or intentional infliction of emotional distress and her lost wages and related damages.

Mr. McCAIN. Mr. President, this amendment, for all intents and purposes, will emasculate the bill. It will deny consumers, those least able to pay for attorneys, to hire attorneys to solve any Y2K problems, the average consumer the ability to resolve a problem quickly, within a maximum of 90 days, without litigation.

It also allows more of the Tom Johnson-type lawsuits: No requirement that there be an actual injury, no requirement that there be a real problem. This would negate the attempt by S. 96 to limit frivolous lawsuits.

I yield back the remainder of my time.

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 20 seconds.

Mr. LEAHY. I understand the distinguished Democratic leader desires to speak, so I will hold the floor for a moment.

Mr. McCAIN. Does the Senator want an up-or-down vote?

Mr. LEAHY. Please.

So colleagues will understand, in last year's Y2K bill which this Senate passed unanimously, which the President signed into law, we had basic consumer protections and business protections. In this bill, we bring forward business protections but we don't bring forward the consumer protections we passed last year.

Let's be consistent; let's make sure we give consumers at least as much protection as we give businesses. That is what I am asking for and all I am asking for in the Leahy amendment. I also say if it passes, it improves the chance of this actually being signed into law.

I yield to the distinguished Senator from South Dakota.

Mr. DASCHLE. I thank the distinguished Senator from Vermont. I applaud the Senator for his amendment.

12,000TH VOTE FOR SENATOR STEVENS

Mr. DASCHLE. Today, I call the attention of all my colleagues to a very important and historic achievement by one of the Senate's most remarkable Members. With this vote, TED STEVENS will cast his 12,000th vote in his career.

It is certainly fitting that Senator STEVENS represents Alaska in the United States Senate. He has lived in that great state and worked for its residents since before it was a state. In fact, as Solicitor of the Department of the Interior, TED was instrumental in setting the groundwork for Alaska's admission to the Union in 1959.

In 1964, TED was elected to the Alaska House of Representatives. Two years later, his colleagues elected him House Majority Leader, an honor that surprises none of us who have first hand knowledge of TED's legendary tenacity, legislative acumen and dedication to his constituents.

Senator STEVENS brought that determination and skill to the Senate in 1968. I'm sure that every Senator has his or her own anecdote to document TED's dedication and effectiveness as a legislator.

TED once declared that his constituents "sent me here to stand up for the state of Alaska." No one who served with TED over the past thirty years can doubt his commitment to do just that.

In fact, some surely wonder at times if he isn't more of an ambassador than a Senator.

TED has endeavored to ensure that promises made to Alaska under the Statehood Act are kept. He helped pass the Native Claims Act in 1971 and played a pivotal role in bringing the oil pipeline to Alaska in 1973. He joined with Senator Warren Magnuson in coauthoring the 200 mile fishing limit that protects all coastal states from encroachment by foreign fishing fleets and helps sustain America's fisheries.

In the late 1970s, when President Carter made the creation of wilderness areas in Alaska a national priority, TED worked with his characteristic focus and tenacity to ensure that the Alaska Lands Act protected his state's interests as much as possible. After the *Exxon Valdez* accident in 1989, TED managed legislation that not only financed the cleanup of the despoiled coastline, but also required double-hulling on tankers.

Senator STEVENS has worked tirelessly and effectively for Alaska. But his accomplishments are certainly not limited to the 49th state. TED's career documents his far reaching influence on national policy and dedication to the institution of the Senate as well.

TED has been a leader in the defense area for his entire career, as chairman of the Defense Appropriations Subcommittee and now the full Appropriations Committee. And he has developed recognized expertise in science and technology issues through his long and distinguished service on the Commerce Committee as well.

TED has a deep affection for the Senate and has labored to preserve the character, integrity and prerogatives of the institution. He has chaired the Rules Committee and served in the leadership as Majority Whip.

TED STEVENS is recognized for his nononsense style, limitless energy and ability to get things done—not to mention an impressive collection of neckties.

Everybody in the Senate knows that TED's word is good, and he has earned the high esteem of his colleagues through his hard work and devotion to his job.

Mr. President, it is indeed a pleasure to serve with TED STEVENS, and to count him as a friend. I congratulate TED on his achievement, and thank him for his numerous contributions to his state, his country and the United States Senate.

Mr. KENNEDY. Mr. President, I congratulate my colleague from Alaska, Senator TED STEVENS on reaching his 12,000th vote. He is a remarkable colleague and I admire the outstanding leadership that he has shown on so many issues. Senator STEVENS is a person of great integrity and energy and works tirelessly for his state of Alaska. I have worked closely with him on many occasions and it is with admiration that we celebrate his 12,000th vote.

His accomplishments as Chair of the Appropriations Committee are too numerous to list. Handling the nation's spending is a complex, difficult task, yet, Senator STEVENS handles this responsibility with finesse and great skill.

Senator STEVENS is active on a range of issues that are of great importance nationally and to his home state of Alaska. He is a great advocate for fishing families, a great protector of Native-Americans, and a leader on promoting quality health care and research. His leadership on national defense is also remarkable.

Senator STEVENS holds a special place in his heart for children and his advocacy on behalf of early education will help us achieve the nation's school readiness goals. He was one of the first in the Senate to recognize the importance of new brain research documenting the vital role of early stimulation during the first three years of life, and he is a leading advocate for early education. Working to ensure that every child reaches his or her full potential, Senator STEVENS has introduced legislation that will improve the quality and accessibility of early programs for millions of children under the age of 6. He is committed to making sure that children receive the educational boost they need to start school ready to read and ready to learn. With Senator STEVENS leadership, I know we will make school readiness a reality for every child in this country.

Senator STEVENS also recognizes the importance of the family and the central role that parents play in their children's lives. While others talk about putting families first, Senator STEVENS acts on that commitment by including funds on his appropriations bills for this purpose. Recently, he introduced an amendment to the Juvenile Justice bill that will provide essential funds to strengthen supports for parents.

Put simply, Senator STEVENS is a credit to Alaska, the Senate, and this country. He is a great Senator and a good friend. We are fortunate to be able to celebrate his 12,000th vote with him, and look forward to many more votes in the future from this great Senator from Alaska.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I commend Senator DASCHLE for his comments about Senator STEVENS. He is about to cast his 12,000th vote.

Senator DASCHLE observed the interesting array of TED STEVENS' tie. My favorite one is the Tasmanian devil. When he comes in with that tie on, you know an appropriations bill is fixing to be moved through the Senate. But he has been a great Member of the Senate. He is a great friend. He is a credit to his State of Alaska.

He has had an unbelievable career, including being a Flying Tiger, the 14th Air Force, in World War II. He is a graduate of UCLA and Harvard Law School. He has overcome that. He was a solicitor at the Interior Department under the Eisenhower administration, and he certainly was a powerful advocate for Alaska statehood. He served in the Alaska House of Representatives. He was appointed to the Senate in 1968, and he has been elected five times since.

My greatest experience with the distinguished Senator from Alaska was when he served as the whip of the majority in the Senate, and I was the whip for the minority in the House. Unlike what most people think, where there is this natural difficulty between the House and the Senate, he was never anything but helpful to me personally. He helped the two institutions work together. Because of his leadership, we addressed a number of important problems for the legislative activities and the security of the U.S. Capitol Building.

His wife Catherine and six children are here, a wonderful assemblage of people. Catherine does a great job at keeping Senator STEVENS on the straight and narrow. She is a wonderful lady. We thank her for the sacrifice she makes in allowing Senator STEVENS to be here, sometimes through late nights, to allow him to accumulate these 12,000 votes.

On behalf of the Senate, I extend our appreciation and thanks to Senator STEVENS, a great Senator from Alaska, for what he has done for his State and for our Nation.

(Applause, Senators rising.)

Mr. STEVENS. Thank you very much. I appreciate it.

Mr. President, I am humbled and honored by the statements of our two leaders in the Senate. It is true I have a deep reverence for this body. When I was in the Eisenhower administration, I sat up in the gallery many nights during the period when the Senate was considering Alaska's statehood. I gained the reverence that I have for the body now from those experiences.

It is truly an honor to serve in this body. Some people, I guess, have taken it a little bit for granted. I still pinch myself every once in a while to make sure I am allowed the opportunity to be present in this body, to be a U.S. Senator.

I value the friendships I have had on both sides of the aisle more deeply than I can say.

I am very proud to say for other reasons many members of my family are here in the gallery tonight. Our daughter, Lily, graduates from high school tomorrow. Tonight the National Guard has flown my grandson, John Covich, into Washington to give me an award from the USO and the National Guard. So this is a double celebration for me.

Just having the privilege to still be alive and be part of this body is more than anyone can know after the accident that I had years ago and the feeling I had about life then turned around. It turned around primarily because of the friendship and the helping hand I got from every Member of the Senate who was here then, and I continue to value the friendship of every one of you tonight. Thank you very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield the remainder of my time.

Mr. LEAHY. Mr. President, if there is any time remaining, I yield it back. I am pleased to give my friend a chance to cast the 12,000th vote on this amendment. He is one of the best friends I have ever had in the Senate.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 611. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—32

Akaka
Boxer
Breaux
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Reed

Reid
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone

NAYS—65

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bryan
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
DeWine
Dodd
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—3

Biden
Crapo
Gregg

The amendment (No. 611) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

GUN SHOW LOOPHOLE

Mr. SCHUMER. Mr. President, this morning's headline says it all: "House GOP Backs NRA's Gun Show Bill."

Many of us in the Senate worry that the good work done in this Chamber will be undone in the House. It is hard to believe that the House leadership is deaf to the pleas of the families who want Washington to quit playing patty-cake with the gun lobby and pass a real bill that closes the gun show loophole.

The measure we passed in the Senate was modest—far too modest for many people's taste. But we said, let us limit it so it does not hurt the legitimate gun owner but at the same time will close loopholes that allow kids and criminals to get guns.

Now in the House, because the NRA is actually in the back room, pen in hand, drafting legislation, we fear that that legislation will be a sham. Anything less than an airtight Brady background check at gun shows is a sham. Redefining what a gun show is and making many gun shows exempt from the law, in effect, to not allow the FBI to make background checks in the time they need so that criminals cannot get guns, is all happening right now in the House.

The only thing I can say to my former colleagues in the House, still my friends, is this: You will not get away with it. When some in this Chamber tried to change the rules, to make it seem as if they were doing something, but winking at the NRA, they were thwarted. The same thing will happen in the House.

There has been a sea change in the views of the American people. Do the American people want to repeal the second amendment or confiscate hunting rifles? No way. But do they believe modest measures that will move us along and prevent kids and criminals from getting guns are in order, no matter what the NRA says? You bet.

I urge the House leadership to come clean, to step forward, to pass the same legislation we passed in the Senate on gun shows without any loopholes, and allow the families in Littleton and the American people to breathe one large sigh of relief that we finally have begun to make progress in preventing kids and criminals from getting guns.

I yield the floor and thank my colleagues.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 8, 1999, the Federal debt stood at $5,607,597,460,814.09 (Five trillion, six hundred seven billion, five hundred ninety-seven million, four hundred sixty thousand, eight hundred fourteen dollars and nine cents).

One year ago, June 8, 1998, the federal debt stood at $5,495,352,000,000 (Five trillion, four hundred ninety-five billion, three hundred fifty-two million).

Five years ago, June 8, 1994, the federal debt stood at $4,605,626,000,000 (Four trillion, six hundred five billion, six hundred twenty-six million).

Ten years ago, June 8, 1989, the federal debt stood at $2,787,738,000,000 (Two trillion, seven hundred eighty-seven billion, seven hundred thirty-eight million).

Fifteen years ago, June 8, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,088,331,460,814.09 (Four trillion, eighty-eight billion, three hundred thirty-one million, eight hundred fourteen dollars and nine cents) during the past 15 years.

DSCC AND INVASIONS OF PRIVACY

Mr. BURNS. Mr. President, I rise today to alert my colleagues to what may be a very disturbing precedent. My office recently received a copy of a letter dated May 18 and sent from the Democratic Senatorial Campaign Committee to the Department of Health and Human Services. I want to read the first paragraph:

I am writing to request documents pursuant to the Freedom of Information Act, 5 U.S.C. 552 et seq., involving all correspondence, inquiries and other information requested by or provided to the following United States Senators for the time periods noted.

There are some 10 Republican Senators that are listed here over the last 10 years. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEMOCRATIC SENATORIAL
CAMPAIGN COMMITTEE,
Washington, DC, May 18, 1999.

HHS Freedom of Information Officer,
Washington, DC.
Re: Freedom of Information Act Request.

I am writing to request documents pursuant to the Freedom of Information Act, 5 U.S.C. §552 *et seq.* ("FOIA"), involving all correspondence, inquiries and other information requested by or provided to the following United States Senators for the time periods noted: Spencer Abraham, 1995-present; John Ashcroft, 1995-present; Conrad Burns, 1989-present; Bill Frist, 1995-present; Slade Gorton, 1981–1986, 1989-present; Rod Grams, 1995-present; James Jeffords, 1989-present; John Kyl, 1995-present; Rick Santorum, 1991-present; Olympia Snowe, 1995-present.

I seek all direct correspondence between the Senators or members of their staff and your office, including letters, written material, reports, constituent requests and other relevant material. I am not seeking any secondary material such as phone logs, e-mails, notations of conversations and so on. Since this is a request covering a number of years, I am willing to discuss ways to make this request more manageable to your office. Please contact me at the number above or on my direct line at (202) 485–3109.

In the event any of the documents I have requested are not available for disclosure in their entirety, I request you release any material that may be reasonably separated and released, as provided by Code of Federal Regulations. Furthermore, for any documents, or portions thereof, that are determined to be exempt from disclosure, I request that you exercise your discretion to disclose the materials, absent a finding that sound grounds exist to invoke the exemption, as provided by the Code of Federal Regulations. I also request that you state the specific legal and factual grounds for withholding any documents or portions of documents. Finally, please identify each document that falls within scope of this request but is withheld from release.

If any requested documents are located in, or originated in, another installation or bureau, I request that you refer this request or any relevant portion of this request to the appropriate installation or bureau.

I am willing to pay all reasonable costs incurred in locating and duplicating these materials. Please contact me prior to processing to approve any fees or charges incurred in excess of $125.

To help assess my status for copying and mailing fees, please note that I am a representative of a political organization gathering information for research purposes only, and not for any commercial activity.

I look forward to your response within ten days after the receipt of this request and

> please do not hesitate to call me with any questions.
>
> Sincerely,
>
> ALEXIS L. SCHULER,
> *Research Director.*

Mr. BURNS. Mr. President, in this letter, the DSCC is making a broad request under the Freedom of Information Act regarding any information sent from my office to HHS or received from the Department. But it just doesn't include me. I have already said that. It includes a lot of Senators—10 of them, in fact, all Republicans, all up for reelection this year.

The Freedom of Information Act request covers, "all correspondence, inquiries and other information requested by or provided to" my office over the past 10 years in the Senate, including "all direct correspondence between the Senators or members of their staff and the HHS, including letters, written material, reports, constituent requests [very important] and other relevant materials." In other words, they want access to our casework.

I have written to President Clinton demanding that he put an immediate stop to this or any similar action. What we are witnessing here is an unprecedented attempt to corrupt the nonpolitical casework system of Senate offices for political gain. I find these efforts repugnant, and if there are any Americans alive who think politics can't sink any lower, they need to look no further than right here.

Through the letter to the HHS, the Democratic Senatorial Campaign Committee wants more than just to peer into private correspondence of political enemies; it wants to leer into the private lives of those who contact their Senator seeking help with Federal agencies. I have made tens of thousands of contacts on behalf of Montanans who asked me to help them with problems they are having with the Federal Government.

These are problems which, if publicly revealed, could possibly ruin their lives. Many of these people are at the end of their emotional rope. Some of them are at the end of their financial world.

It is beyond belief that the DSCC would consider ruining the lives of ordinary Americans to be all in a day's work in order to defeat this old Senator. This effort would put a permanent chill on the ability of Senators to help constituents in need. It saddens me to think that those who view a Senator's help as their last resort may now believe they have nowhere to turn.

Just today, my office received a letter from a man in Billings, MT, whose wife we helped to receive treatment for breast cancer. As a Federal employee, she was having a hard time receiving the treatment. And she was entitled to it. After she asked for our assistance, we were able to resolve the matter for her and she got the care she needed. When her cancer spread, the Federal bureaucracy told her she couldn't get the care she needed close to home.

Quoting his letter to me:

> After becoming totally frustrated with the whole process, we just gave up. But this time we decided to fight the issue again. I turned to the Senator's office again to enlist his help. And again in what seemed to be a flash of light, the situation has been resolved.

Our office again stepped in. We cut the redtape. We helped her receive the additional radiation therapy while staying at her home in Billings.

These are the people who depend on our help—real people whose lives are literally on the line. But the man who sent me the letter specifically asked that his name not be used in order to protect his privacy and, yes, that of his wife.

Is it right that he should be subject to a Freedom of Information request, that some bureaucrat somewhere could decide on a whim to release this personal, sensitive information? It is hard to comprehend that the DSCC would use the time and the resources of the administration for political purposes in such a massive research effort, regardless of who ultimately pays.

This effort is as constitutionally breathtaking as it is politically suspect. All those who value their civil rights should be outraged at this attempt to invade the privacy of countless unwary citizens. If indeed Federal law permits it, it is an absolute shame. It is enough to make me wonder whether Americans should now expect politicians to use any means to achieve their ends—laws, morals, and ethics be damned.

Our President has said he deplores the politics of personal destruction. However, in this case we are not talking about the destruction of one political opponent, but the lives of innocent Americans. And I am sickened by it. I ask the President and all Americans to stand up against this kind of invasion of privacy, all in the name of gaining an electoral advantage.

My political opponents are welcome to engage me anytime, anywhere, on my record, which I am proud to stand on. But when you try to drag the lives of innocent Montanans into your ugly schemes, I will fight with every breath in my body. It is a sad day.

I yield the floor.

EXTENSION OF NORMAL-TRADE-RELATIONS WITH CHINA

Mr. FEINGOLD. Mr. President, I rise today to support a joint resolution disapproving the extension of normal-trade-relations status to China.

This is the fourth time that I have joined with other Senators to support such a resolution because I believe that trade policy is an effective tool that the United States can and should use with respect to the policies of the Chinese Government. I am pleased to join Senator SMITH in supporting his resolution.

On June 3, President Clinton announced his intention to extend the normal-trade-relations trading status to China. As I understand it, without actually affecting the practical application of tariff treatment, legislation last year replaced the term "most-favored-nation" in seven specific statutes with the new phrase "normal trade relations." Regardless of which phrase you use, I find this policy unacceptable. Although we have expected the President to make such a decision, I can only say that under the current circumstances I am once again disappointed in the President's decision. In fact, I have objected to the President's policy since 1994, when he first de-linked the issue of human rights from our trading policy. The argument made then was that trade privileges and human rights are not interrelated. At the same time, it was said, through "constructive engagement" on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

Clearly events of the last few months have shown the fallacy of that assumption.

I have yet to see persuasive evidence that closer economic ties alone are going to transform China's authoritarian system into a democracy. Unless we continue to press the case for improvement in China's human rights record, using the leverage of the Chinese Government's desires to expand its economy and increase trade with us, I do not see how U.S. policy can help conditions in China get much better. De-linking trade and human rights has resulted only in the continued despair of millions of Chinese people, and there is no evidence that NTR or MFN or whatever you want to call it, has significantly influenced Beijing to improve its human rights policies. Basic freedoms—of expression, of religion, of association—are routinely denied. The rule of law, at least as we understand it, does not exist for dissenters in China.

Virtually every review of the behavior of China's Government demonstrates that not only has there been little improvement in the human rights situation in China, but in many cases, it has worsened—particularly in the weeks preceding the tenth anniversary of the Tiananmen Square massacre. In fact, China has resumed its crackdown on dissidents who might have attempted to commemorate the anniversary of the Tiananmen Square massacre. Human rights groups have documented the detention of more than

50 dissidents since May 13, with a number still in custody. These have included two detained for helping to organize a petition calling on the government to overturn its verdict on Tianamen. The detainees include former student leaders at Tiananmen, a member of the fledgling Democracy Party, intellectuals, and journalists. Those not detained have reportedly been under constant surveillance amid calls by China's top prosecutor for a clampdown on "all criminal activities that endanger state security," including such activities as signature gathering and peaceful protest.

More generally, five years after the President's decision to de-link MFN from human rights, the State Department's most recent Human Rights Report on China still describes an abysmal situation. According to the report. "The Government continued to commit widespread and well-documented human rights abuses. * * * Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process." This list does not even touch on restrictions on freedom of expression, association, and religion or the continuing abusive family planning practices.

In my view, it is impossible to come to any other conclusion except that "constructive engagement" has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest. We have so few levers that we can use against China. And if China is accepted by the international community as a superpower without regard to the current conditions there, it will believe it can continue to abuse human rights with impunity. The more we ignore the signals and allow trade to dictate our policy, the worse we can expect the human rights situation to become.

This year—1999—is likely to be the most important year since 1989 with respect to our relations with China. We face many thorny issues with China, including the accidental embassy bombing, faltering negotiations regarding accession to the World Trade Organizations and the recent release of the Cox report on Chinese espionage.

But even with all that is going on, the United States and others in the international community yet again failed to pass a resolution regarding China at the United Nations Commission on Human Rights in Geneva earlier this spring, largely because China lobbied hard to prevent it. Despite China's efforts to avert a resolution, the United States must also shoulder some of the blame for the failure to achieve passage—our early equivocation on whether we would sponsor a resolution and our late start in garnering support for it no doubt also contributed to the lack of accomplishment in Geneva. While we would certainly prefer multilateral condemnation of China's human rights practices, the failure to achieve that at the UN Commission on Human Rights proves that it is even more important for the United States to use the levers that we do have to pressure China's leaders. We can not betray the sacrifices made by those who lost their lives in Tiananmen Square by tacitly condoning through our silence the continuing abuses.

We know that putting pressure on the Chinese Government can have some impact. China released dissident Harry Wu from prison when his case threatened to disrupt the First Lady's trip to Beijing for the U.N. Conference on Women, and its similarly released both Wei Jingsheng and Wang Dan around the same time that China was pushing to have the 2000 Olympic Games in Beijing. After losing that bid, and once the spotlight was off, the Chinese government rearrested both Wei and Wang. These examples only affirm my belief that the United States should make it clear that human rights are of real—as opposed to rhetorical—concern to this country.

If moral outrage at blatant abuse of human rights is not reason enough for a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of real political and economic self-interest. We must not forget that we currently have a substantial trade deficit with China. Over the past few years, the U.S. trade deficit with China has surged. It has risen from $6.2 billion in 1989 to nearly $57 billion in 1998. Political considerations aside, a deficit of that size represents a formidable obstacle to "normal" trading relations with China at any point in the near future. Other strictly commercial U.S. concerns have included China's failure to provide adequate protection of U.S. intellectual property rights, the broad and pervasive use of trade and investment barriers to restrict imports, illegal textile transshipments to the United States, the use of prison labor for the manufacture of products exported to the United States, as well as questionable economic and political policies toward Hong Kong.

This does not present a picture of a nation with whom we should have normal trade relations. Or, if the Administration accepts these practices as "normal", perhaps we need to redefine what normal trade relations are. These are certainly not practices that I wish to accept as normal.

My main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar exercise of NTR renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, for those who care about human rights, about freedom of religion, and about America's moral leadership in the world, I urge support for S.J. Res 27 disapproving the President's decision to renew normal-trade-relations status for China.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3575. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of State Permit Programs Under RCRA Subtitle D" (FRL # 6354–7), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3576. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Enhanced Inspection and Maintenance Program Network Effectiveness Demonstration" (FRL # 6355–2), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3577. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, Siskiyou County Air Pollution Control District, and Bay Area Air Quality Management District" (FRL # 6353–1), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3578. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District" (FRL # 6356–1), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3579. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio" (FRL # 6353–2), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3580. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins" (FRL # 6355–5), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3581. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives: Modification of Compliance Baseline" (FRL # 6354–5), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3582. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Service Contracting—Avoiding Improper Personal Services Relationships" (FRL # 6353–9), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3583. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Enhanced Inspection and Maintenance Program" (FRL # 6356–4) and "Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors" (FRL # 6058–6), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3584. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable" (FRL # 6344–4), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3585. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Kresoxim-methyl; Pesticide Tolerances" (FRL # 6085–4), received June 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3586. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Certain Plant Regulators; Cytokinins, Auxins, Gibberellins, Ethylene, and Pelargonic Acid; Exemptions from the Requirements of a Tolerance" (FRL # 6076–5) and "Sethoxydim; Pesticide Tolerance" (FRL # 6080–9), June 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3587. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rescission of Guides for the Watch Industry" (16 CFR Part 245), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3588. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Grand Canal, Florida (CGD07–98–048)" (RIN2115–AE47) (1999–0019), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3589. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Marblehead, MA to Halifax, Nova Scotia Ocean Race (CGD01–99–062)" (RIN2115–AA97) (1999–0026), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3590. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Hospitalized Veterans Cruise, Boston Harbor, MA (CGD01–99–055)" (RIN2115–AA97) (1999–0027), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3591. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Independence Day Celebration, Cumberland River Mile 190.0–191.0, Nashville, TN (CGD08–99–036)" (RIN2115–AE46) (1999–0018), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3592. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648–AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3593. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648–AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3594. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notification of an Exemption and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648–AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3595. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways; Kahului, HI; Docket No. 97–AWP–35 {6–3/6–3}" (RIN2120–AA66) (1999–0186), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3596. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9 and C–9 [Military) Series Airplanes; Docket No. 98–NM–110 {6–3/6–3}"

(RIN2120–AA64) (1999–0233), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3597. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cesna Aircraft Company Model 402C Airplanes; Request for Comments, Docket No. 99–CE–21 {6–3/6–3}" (RIN2120–AA64) (1999–0234), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3598. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; Docket No. 97–NM–51 {6–3/6–3}" (RIN2120–AA64) (1999–0235), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3599. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Aircraft Engines CF34 Series Turbofan Engines; Docket No. 98–ANE–19 {5–28/6–3}" (RIN2120–AA64) (1999–0237), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3600. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket No. 98–NM–223 {6–3/6–3}" (RIN2120–AA64) (1999–0236), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–172. A petition from citizens of the State of Tennessee relative to the President of the United States; ordered to lie on the table.

POM–173. A resolution adopted by the House of the Legislature of the State of Hawaii relative to the Food Quality Protection Act; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION NO. 56

Whereas, the safe and responsible use of pesticides for agricultural, food safety, structural, public health, environmental, and other purposes has significantly advanced the overall welfare of Hawaii's citizens and the environment; and

Whereas, the 1996 Food Quality Protection Act (FQPA) establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

Whereas, FQPA requires the U.S. Environmental Protection Agency (EPA) to ensure that all pesticide tolerances meet these new standards by reassessing one-third of the 9,700 current pesticide tolerances by August 1999, and all current tolerances in ten years; and

Whereas, risk determinations based on sound science and reliable real-world data are essential for accurate decisions, and the best way for EPA to obtain this data is to require its development and submission by the registrants through the data call-in process; and

Whereas, risk determination made in the absence of reliable, science-based information is expected to result in the needless loss of pesticides and certain uses of other pesticides; and

Whereas, the needless loss of pesticides and certain pesticide uses will result in fewer pest control options for Hawaii and would be harmful to the economy of Hawaii by jeopardizing agriculture, one of the few industries that has shown great strength during the recent years of the State's flat economy, and fewer pest control options for urban and suburban uses that will result in significant loss of personal property and increased human health concerns; and

Whereas, the needless loss of pesticides will jeopardize the state and county government's ability to protect public health and safety on public property and to protect our natural environmental resources, for example, from aggressive alien species; and

Whereas, the flawed implementation of FQPA is likely to result in significant increases in food costs to consumers, thereby putting the nutritional needs of children, the poor, and the elderly at unnecessary risk; and

Whereas, the Clinton Administration has directed EPA and the U.S. Department of Agriculture (USDA) to jointly work toward implementing FQPA in a manner that assures that children will be adequately protected and that risk determinations related to pesticide tolerances and registrations will be based on accurate, science-based information; and

Whereas, the cost of developing data to quantify real-world risk is prohibitive and minor use data may not be financed by pesticide registrants and the State, and pesticide users may fund studies to support minor uses. Now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, That the U.S. Congress is hereby respectfully requested to direct the Administrator of the EPA to:

(1) initiate rulemaking to ensure that the policies and standards EPA intends to apply in evaluating pesticide tolerances and making realistic risk determinations are based on accurate information, real-world data available through the data call-in process, and sound science, and are subject to adequate public notice and comment before EPA issues final pesticide tolerance determinations;

(2) Provide interested persons the opportunity to produce data needed to evaluate pesticide tolerances so that EPA can avoid making faulty final pesticide tolerance determinations based upon unrealistic default assumptions;

(3) Implement FQPA in a manner that will not adversely disrupt agricultural production nor adversely effect the availability or diversity of the food supply, nor jeopardize the public health or environmental quality through the needless loss of pesticide tolerances for non-agricultural activities;

(4) Delay the August 1999, deadline until 2001 or until EPA, USDA, industry leaders, and manufacturers can provide science-based data as to use, application, and residue of the pesticides under review; and

(5) Implement the registration of new crop protection products for minor and major crops; and be it further

Resolved, That pesticide registrants and EPA are requested to support minor use registrations by reserving a meaningful portion of the risks projected from the use of pesticides or a class of pesticides for minor uses; and be it further

Resolved, That certified copies of the Resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, members of Hawaii's Congressional Delegation, the Administrator of EPA, the Secretary of the U.S. Department of Agriculture, the Governor of the State of Hawaii, and the President of the American Crop Protection Association.

POM–174. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to post-harvest treatment of oysters and other shellfish; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 106

Whereas, American consumers have always enjoyed and depended on the availability of choice in their consumption of various products, and consumption of oysters and other shellfish have always been a special treat for American consumers throughout the country; and

Whereas, emerging technologies have made it possible for consumers of oysters and other shellfish to choose between the traditional raw shellfish product and shellfish products which have been treated or pasteurized; and

Whereas, because a very small segment of American consumers have health considerations which must be weighed while others have concerns about the change in the condition, taste, texture, and price of treated shellfish, the ability to make a choice between these consideration should be maintained; and

Whereas, America's shellfish industry is heavily populated with small self-employed harvesters and producers for which the added expense of required post-harvest treatment of their product might make the difference between continued operation and a harvester having to find employment in another industry; and

Whereas, America's oyster and shellfish industry has worked diligently to educate consumers with certain health conditions about the risks associated with the consumption of certain types of shellfish, and these education efforts have been highly successful in the reduction of health impacts from the consumption of shellfish: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to oppose U.S. Food and Drug Administration rules requiring post-harvested treatment of oysters and other shellfish; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–175. A resolution adopted by the Legislature of Guam relative to job-training and unemployment; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 101 (LS)

Be it resolved by I Liheslaturan Guåhan:

Whereas, Guam is in the midst of a severe economic recession at the same time that the mainland United States is enjoying unprecedented prosperity, with unemployment officially pegged at fourteen percent (14%), but likely higher; and

Whereas, as a result of the economic crisis in Asia, Guam has seen alarmingly steep declines in tourism arrivals, tourist spending and off-Island investment; and

Whereas, major airlines have reduced the number of flights to and from Guam, resulting in major layoffs in those airlines; and

Whereas, other major businesses on Guam, in all sectors, have also downshzed a considerable number of employees; and

Whereas, numbers of temporary government of Guam employees are likely to lose their positions over the balance of the year; and

Whereas, the downsizing of the military presence on Guam has resulted in the loss of thousands of Federal civil service positions on Guam; and

Whereas, in contrast to the National trend, welfare and food stamp recipients on Guam are increasing; and

Whereas, the continued decline in government of Guam revenues due to the economic recession extremely limits the ability of the government of Guam to help these thousands of people in need; and

Whereas, Guam requires more job-training and job-partnership programs in order to train our displaced workforce in areas where career development in the private sector is likely and to upgrade work skills for displaced employees, for the purpose of developing long-term private sector careers for our underemployed people; and

Whereas, the illegal immigration of more than two thousand (2,000) individuals from China further compounds the problem by straining local resources and further limiting the amount of available jobs as a certain number of illegal aliens may be occupying jobs, especially in the construction industry; and

Whereas, the Compacts of Free Association, which allow for open migration from the Freely Associated States, also have impact in this area during such tough economic times: Now, therefore, be it

Resolved, That *I Mina'Bente Sinko Na Lihesiaturan Guåhan* (Twenty-Fifth Guam Legislature) does hereby, on behalf of the people of Guam, respectfully request the Congress of the United States of America to authorize *I Liheslaturan Guåhan* (Guam Legislature) to appropriate some or all of the Ten Million Dollars ($10,000,000), currently earmarked to Guam for infrastructure costs due to the impact of the Compacts of Free Association, for use in job training and job development, entrepreneurial and business development programs as shall be enacted by the laws of Guam; and be it further

Resolved, That *I Mina'Bente Sinko Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request the Guam Delegate to the United States House of Representatives to sponsor such amendment to the Department of the Interior Fiscal Year 2000 budget, and fully support this Resolution in the U.S. Congress; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States; to the Honorable Albert Gore, Jr., President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Honorable Bruce Babbit, Secretary of the United States Department of the Interior; to the Honorable Robert A. Underwood, Guam Congressional Delegate to the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, *I Maga'lahen Guåhan* (Governor of Guam).

POM–176. A joint resolution adopted by the Legislature of the State of Colorado relative to the Postal Rate Commission; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99–027

Whereas, The United States Postal Service, an agency of the federal government, holds a monopoly on first-class mail and certain bulk mail services and generates annual multi-million dollar surpluses from its services; and

Whereas, The United States Postal Service has in recent years expanded its activities beyond its core mission of universal mail service to include many competitive and nonpostal related business products and services, such as consumer goods, telephone calling cards, and cellular towers, in direct competition with Colorado private sector enterprises; and

Whereas, The United States Postal Service has used surplus revenues from universal mail service to expand into these competitive and nonpostal activities with no evidence that these activities benefit the citizens of Colorado by improving regular mail service; and

Whereas, The United States Postal Service enjoys monopoly advantages in the marketplace over private sector enterprises, with its ability to maintain lower prices for competitive products due to the multi-million dollar surpluses generated from first-class postage; and

Whereas, The United States Postal Service enjoys many marketplace advantages not available to private sector enterprises, including exemptions from state and local taxes, parking fees, local zoning ordinances, vehicle use taxes, vehicle licensing fees, and other state and local government regulations, that deprive Colorado state and local governments of needed revenue and fees to offset the effect of the United States Postal Service's operations on highways, law enforcement, and air quality; and

Whereas, The Postal Rate Commission does not have binding authority over the actions or activities of the United States Postal Service related to setting postal rates, entering new business sectors, or using surplus revenues from first-class mail to compete with the private sector: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That we, the members of the Sixty-second General Assembly, hereby urge the United States Congress, particularly the members for Colorado's Congressional delegation, to introduce and pass legislation in the 106th Congress to strengthen the oversight power and the authority of the Postal Rate Commission to include:

(1) Subpoena power to examine all records and financial data of the United States Postal Service in order to make informed decisions on postal rate increases, pricing actions, and product offerings;

(2) Jurisdiction and final approval authority on all domestic and international postal rate adjustments; and

(3) Authority over all competitive and nonpostal business endeavors, including all products and services outside the scope of universal mail service; and be it further

Resolved, That copies of this Joint Resolution be sent to each member of the United States Congress.

POM–177. A joint resolution adopted by the Legislature of the State of Colorado relative to post-census local review; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99–032

Whereas, The decennial census provides the foundation of our electoral democracy; and

Whereas, The decennial census represents an immense mobilization of resources; and

Whereas, The success of the 2000 census depends upon the cost involvement of local governments before, during, and after the census; and

Whereas, Local governments must have trust in all aspects of the 2000 census, including the final numbers; and

Whereas, The precensus program known as the "Local Update of Census Addresses," or "LUCA," is a good program but inadequate without a final review; and

Whereas, Over 21,000 local governments are currently not participating in the LUCA program; and

Whereas, The Census Bureau involved local governments in a program known as "Post-Census Local Review" during the 1990 census; and

Whereas, The Census Bureau has discontinued this valuable program for the 2000 census, to the displeasure of most cities in the United States; and

Whereas, In the 1990 census, 80,000 households that would otherwise have been missed were added to the final count, despite a 15-day time limit, through Post-Census Local Review; and

Whereas, Every household missed contributes to the undercount; and

Whereas, Congress must make every legal effort to have the most accurate census possible; and

Whereas, Congress is considering legislation, known as the "Local Quality Control Act," H.R. 472, to reinstate the Post-Census Local Review program and give the option to 39,000-plus local governments to check for Census Bureau mistakes before the numbers become final; and

Whereas, The National League of Cities, which represents 17,000 cities, enthusiastically supports Post-Census Local Review and H.R. 472; and

Whereas, The National Association of Towns and Townships, which represents 11,000 mostly rural towns and townships, supports Post-Census Local Review and H.R. 472; and

Whereas, The National Association of Developmental Organizations, whose members represent approximately 77 million Americans, or one-third of the U.S. population, supports Post-Census Local Review and H.R. 472; and

Whereas, The Secretary of Commerce's Census 2000 Advisory Committee recommended that he reinstate Post-Census Local Review for the 2000 census; and

Whereas, Without Post-Census Local Review, local governments will not have a final check before the Census Bureau's count of their cities or towns is reported to the President of the United States: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That the Sixty-Second General Assembly of the State of Colorado hereby declares its support for the immediate passage of Post-Census Local Review legislation, H.R. 472, as an important local government tool to instill trust in the census process and ensure that no households are missed by the Census Bureau in the 2000 census; and be it further

Resolved, That copies of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the President and Vice-President of the United States, the U.S. Secretary of Commerce, and to each member of the congressional delegation from the State of Colorado.

POM–178. A joint resolution adopted by the Legislature of the State of Colorado relative to the Year 2000 Census; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99–012

Whereas, Article I, section 2, clause 3 of the United States Constitution requires an "actual enumeration" of the population every ten years, and Congress oversees all aspects of each decennial enumeration; and

Whereas, The purpose of the decennial census, as set forth in the U.S. Constitution, is to apportion the seats in the U.S. House of Representatives among the several states; and

Whereas, An accurate and legal decennial census is necessary to perform that function properly; and

Whereas, An accurate and legal decennial census is necessary to enable states to comply with federal constitutional mandates governing congressional districts and with federal and state constitutional mandates governing state legislative districts; and

Whereas, In order to ensure an accurate count and to minimize the potential for political manipulation, the actual enumeration mandated by the U.S. Constitution requires a traditional headcount and prohibits statistical estimates of the population; and

Whereas, Title 13, United States Code, section 195 expressly prohibits the use of statistical sampling to enumerate the population for the purpose of reapportioning the U.S. House of Representatives; and

Whereas, After the constitutional requirement to apportion seats in the U.S. House of Representatives among the states has been satisfied, the states must perform the critical task of redrawing the boundary lines for congressional and state legislative districts, which also requires the use of census data; and

Whereas, The United States Supreme Court, in *Department of Commerce et al.* v. *United States House of Representatives et al.*, together with *Clinton, President of the United States, et al.* v. *Glavin et al.*, ruled on January 25, 1999, that the federal Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating population for purposes of apportioning seats in the U.S. House of Representatives; and

Whereas, In reaching its findings, the U.S. Supreme Court found that the use of statistical sampling to adjust census numbers would result in voters suffering vote dilution in state and local elections, thus violating the constitutional guarantee of "one person, one vote"; and

Whereas, The use of statistically adjusted census data would expose the State of Colorado to protracted litigation over congressional and state legislative redistricting plans at great cost to the taxpayers; and

Whereas, Every reasonable and practical effort should be made to obtain the fullest and most accurate population count possible, including appropriate funding for state and local census outreach and education programs, as well as post-census local review: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That the Colorado General Assembly calls on the United States Bureau of the Census to conduct the 2000 decennial census consistent with the U.S. Supreme Court ruling in the *Department of Commerce* and *Glavin* cases, which requires a traditional headcount of the population and bars the use of statistical sampling to create or adjust the count.

(2) That the Colorado General Assembly opposes the use of P.L. 94–171 data for congressional and state legislative redistricting that have been determined in any way through statistical inferences made using random sampling techniques or other statistical methodologies to add or subtract persons from the census counts.

(3) That the Colorado General Assembly demands that it receive P.L. 94–171 data for congressional and state legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent with the *Departmemt of Commerce* and *Glavin* cases, which require a traditional headcount of the population and bar the use of statistical sampling to create or adjust the count.

(4) That the Colorado General Assembly urges Congress, as the branch of the federal government assigned the responsibility for overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

Resolved, That a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the President and Vice-President of the United States, and the Director of the Bureau of the Census in the U.S. Department of Commerce.

POM–179. A joint resolution adopted by the Legislature of the State of Colorado relative to the redesign study relating to the Cherry Creek Dam; to the Committee on Appropriations.

SENATE JOINT RESOLUTION 99–023

Whereas, The terms "probable maximum flood" and "probable maximum precipitation" as used by the United States Army Corps of Engineers are misleading terminology because they are both improbable events with respect to the Cherry Creek Basin; and

Whereas, The United States Army Corps of Engineers has assumed the Cherry Creek Dam will fail following an extraordinarily improbable chain of events; and

Whereas, The probable maximum precipitation is a theoretical maximum only and has somewhere between a one in one million to a one in one billion chance of occurring in any single year; and

Whereas, The site specific probable maximum precipitation study completed for the United States Army Corps of Engineers by the National Weather Service has erroneously applied meteorological procedures and fails to include documented historical paleo flood evidence; and

Whereas, This error is further compounded by the erroneous assumption that the topographic effects of the Palmer Divide will increase the rainfall in the Cherry Creek Basin; and

Whereas, The probable maximum flood used by the United States Army Corps of Engineers is more than twice the flood estimates prepared by other dam safety officials; and

Whereas, Probable maximum precipitation estimates in the western United States are typically about 3 times the 100-year rainfall event; and

Whereas, The United States Army Corps of Engineers has used 7 times the 100-year rainfall event; and

Whereas, The United States Army Corps of Engineers and the National Weather Service have refused an independent peer review, even though the Federal Energy Regulatory Commission regularly requires such peer reviews as part of its licensing procedures for hydro power facilities at dams, and the Colorado State Engineer has a similar policy for reviews of probable maximum precipitation studies and is currently in phase II of a study funded by Colorado Senate Bills 94–029 and 97–008 to develop an alternative model to predict extreme rainfall amounts for basins above 5,000 feet mean sea level; and

Whereas, Such an independent peer review panel should consist of local experts in the fields of extreme precipitation and flood hydrology that have knowledge of Colorado's unique climatological conditions; and

Whereas, The March 5, 1999, "peer" review response submitted by the United States Army Corps of Engineers is simply another in-house review prepared by the National Weather Service, is not an independent analysis, and does not address the full range of issues that are typically addressed in a proper independent peer review; and

Whereas, The proposed construction of upstream dry dams will displace many Coloradans from their homes and businesses and destroy hundreds of acres of active agricultural land and open space; and

Whereas, Any government agency proposal to spend from $50 to $250 million of taxpayer money must be based on data and assumptions that are as accurate as possible; and

Whereas, Because all alternatives being considered by the United States Army Corps of Engineers will have substantial negative impact on homes and families near the dam and upstream of the dam and adversely affect property values, the cost of any real estate that would properly be condemned should be included in determining the cost of any alternatives considered: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That no further funding of the United States Army Corps of Engineers should be provided for the Cherry Creek Basin Study until the United States Army Corps of Engineers completes on independent peer review of the National Weather Service data in order to determine the appropriate design flood for the Cherry Creek Basin; and be it further

Resolved, That copies of this joint resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional delegation, the Governor of the State of Colorado, the Commander of the United States Army Corps of Engineers, and the Colorado Water Conservation Board.

POM–180. A joint resolution adopted by the Legislature of the State of Colorado relative to national missile defense; to the Committee on Armed Services.

SENATE JOINT RESOLUTION 99–029

Whereas, Colorado is the thirty-eighth state to enter the federal union of the United States of America and is entitled to all the rights, privileges, the obligations that the union affords and requires, including the obligation of the federal government to provide for the common defense; and

Whereas, The federal government has not provided for the common defense of the United States, including Colorado, against attack by long-range ballistic missiles; and

Whereas, The United States currently has no defense against long-range ballistic missiles despite possessing sophisticated military installations, such as the NORAD command center in Cheyenne Mountain; and

Whereas, The people of Colorado recognize the evolution and proliferation of missile delivery systems and weapons of mass destruction, including nuclear, chemical, and biological weapons, in foreign states such as North Korea, Iran, Iraq, Libya, China, and Russia who are sharing ballistic missile and nuclear weapons technology among themselves; and

Whereas, There is a growing threat to the United States and its territories, deployed forces, and allies by aggressors in foreign states and rogue nations that are seeking chemical, biological, and nuclear weapons capability and a means to deliver such capability using long-range ballistic missiles; and

Whereas, On August 31, 1998, without any advance detection by the U.S. intelligence community and to the surprise of the Chairman of the Joint Chiefs of Staff, communist North Korea tested its Taepo Dong 1 Long-Range Ballistic Missile; and

Whereas, With its estimated range of 3,000 to 6,000 miles, this type of three-stage ballistic missile is capable of reaching the United States, and, if used as a fractional orbital bombardment system, the missile has an unlimited range; and

Whereas, In 1996, communist China threatened the United States with ballistic missile attack if it intervened in the dispute between China and Taiwan and, in 1995 and 1996, communist China launched ballistic missiles near Taiwan to threaten that country; and

Whereas, China has conducted at least forty-five nuclear tests, and in 1998, the Central Intelligence Agency reported that thirteen of China's eighteen long-range missiles were targeted at U.S. cities; and

Whereas, In addition to the long-range ballistic missiles it currently possesses, China is also building new long-range ballistic missiles; and

Whereas, In 1993, in response to its economic difficulties and decline in conventional military capability, Russia's leaders issued a national security policy placing greater reliance on nuclear deterrence; and

Whereas, Russia still has over 20,000 nuclear weapons, and the risk of an accident or loss of control over Russian ballistic missile forces could occur with little or no warning to the U.S.; and

Whereas, Russia poses a risk to the United States as a major exporter of ballistic missile technology, enabling countries hostile to the United States to threaten or attack the United States with ballistic missiles; and

Whereas, The congressional chartered Commission to Assess the Ballistic Missile Threat to the United States led by former Secretary of Defense Donald Rumsfeld unanimously recommended that the U.S. analyses, practices, and policies that depend on expectations of extended warning of deployment of ballistic missiles be reviewed and, as appropriate, be revised to reflect the reality of an environment in which there may be little or no warning of development and launch of said missiles; and

Whereas, In March 1999 the United States Congress passed legislation declaring it the policy of the United States to deploy a national missile defense, in recognition of the threats we face: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That the President, Congress, and the government of the United States are hereby strongly urged:

(1) To take all actions necessary to provide for the common defense and protect on an equal basis all people, resources, and states of the United States from the threat of missile attack, regardless of the physical location of each state of the union;

(2) To include all fifty states in every National Intelligence Estimate of missile threat of the United States;

(3) To take all necessary measures to ensure that all fifty states are protected from weapons delivered by long-range ballistics missiles or by means of terrorists;

(4) To make the safety and common defense of all fifty states a priority over any international treaty or obligation;

(5)(a) To deploy a common defense against long-range ballistic missiles capable of providing multiple opportunities to intercept a ballistic missile or intercepting a ballistic missile in its boost phase (its most vulnerable position);

(b) To deploy a defense fully exploiting the advantages of using defenses in space; and

(c) To deploy such a defense using accelerated funding and streamlined acquisition procedures to minimize the time for deployment; and

(6) To hold appropriate Congressional committee hearings that include the testimony of defense experts and administration officials to enable the citizens of the United States to understand the nature and extent of their vulnerability to ballistic missile attack and their level of security against such an attack; and be if further

Resolved, That copies of this Resolution be sent to the President of the United States; the Vice-president of the United States; the Speaker of the United States House of Representatives; the chairmen of the Appropriations committees of the United States House of Representatives and the United States Senate; the chairmen of the Armed Services committees of the United States House of Representatives and the United States Senate; and each member of the Colorado Congressional delegation.

POM–181. A joint resolution adopted by the Legislature of the State of Maine relative to reauthorization of the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Maine the nearly 500 dairy farms producing milk valued annually at over $100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is the best interest of Maine consumers and businesses; and

Whereas, Maine is a member of the Northeast Interstate Dairy compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of October 1999 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to ensure consumers of an adequate, local supply of pure and wholesome milk; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers and consumers: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the president of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

POM–182. A resolution adopted by the Commission of Knox County, Tennessee relative to the Tennessee Valley Authority; to the Committee on Environment and Public Works.

POM–183. A concurrent resolution adopted by the General Assembly of the State of Missouri relative to tobacco settlement funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 14

Whereas, in late November, 1998, Missouri accepted the 206 billion dollar settlement agreement negotiated between 46 states and the tobacco industry;

Whereas, the states' attorneys general crafted the settlement agreement to protect states' interests, consistent with the lawsuits filed on behalf of the states;

Whereas, the settlement agreement reflects difficult policy decisions and years of effort among the states which bore the risk and expense of litigating their claims against a strong tobacco industry;

Whereas, the federal government neither participated in nor assisted with the litigation and negotiation of the states' claims, yet now seeks to seize a substantial portion of the resulting payments due to the states;

Whereas, the federal government bases its claim on federal right to recoupment for medicaid expenses, a claim which was not promoted by the federal government in any litigation prior to the settlement of the states' claims;

Whereas, by the terms of the settlement, Missouri would receive approximately 6.7 billion dollars by 2025, yet faces an estimated potential loss of 3.9 billion dollars of this amount to the federal government;

Whereas, Missouri rightfully should determine the best use of the settlement proceeds achieved through state effort, using state resources and motivated by state concerns: Now, therefore, be it

Resolved by the members of the Missouri Senate and the Ninetieth General Assembly, the House of Representatives concurring therein, That the President of the United States and the members of Missouri's Congressional delegation recognize the effort and resources expended by Missouri to promote and protect its interests throughout the litigation and negotiation of claims against the tobacco industry; and be it further

Resolved, That the General Assembly of the State of Missouri requests that the President of the United States and the members of Missouri's Congressional delegation protect the proceeds negotiated by Missouri in settlement of its claims by refusing to divert, seize or recoup any portion of the settlement proceeds for federal purposes; and be it further

Resolved, That the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to William Jefferson Clinton, President of the United States, to each member of Missouri's Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM–184. A concurrent resolution adopted by the General Assembly of the State of Missouri relative to tobacco settlement funds; to the Committee on Finance.

RESOLUTION

Whereas, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

Whereas, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

Whereas, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

Whereas, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

Whereas, the U.S. Department of Health and Human Services has suspended recoupment activities; and

Whereas, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

Whereas, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

Whereas, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medical statute must be enacted to exempt tobacco settlement funds from recoupment: Now, therefore, be it

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and be it further

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and be it further

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and be it further

Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM–185. A petition from the Georgia State Properties Commission relative to a proposed interstate compact between Georgia and South Carolina; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 880. A bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program (Rept. No. 106–70).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 698. A bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska, and for other purposes (Rept. No. 106–71).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes (Rept. No. 106–72).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. CLELAND, for Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment as the Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3033:

To be general

Gen. Eric K. Shinseki, 3256.

By Mr. ROBERTS, for Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5043:

To be general

Lt. Gen. James L. Jones, Jr., 2699.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. GREGG):

S. 1189. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 1190. A bill to apply the Consumer Product Safety Act to firearms and ammunition; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON):

S. 1191. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1192. A bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the "Lake Tahoe National Scenic Forest and Recreation Area", and to promote environmental restoration around the Lake Tahoe Basin; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 1193. A bill to improve the safety of animals transported on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. ASHCROFT, Mr. GRAMM, Mr. KYL, Mr. HAGEL, Mr. INHOFE, Mr. FRIST, Mr. BOND, Mr. THURMOND, Mrs. HUTCHISON, Mr. MCCONNELL, Mr. ENZI, Mr. WARNER, Mr. DEWINE, Mr. SESSIONS, Mr. COCHRAN, Mr. BUNNING, Mr. ROBERTS, Mr. GORTON, Mr. SHELBY, Mr. THOMAS, and Mr. MACK):

S. 1194. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1195. A bill to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COVERDELL:

S. 1196. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself Mr. SMITH of New Hampshire, Mr. LEVIN, and Mr. SCHUMER):

S. 1197. A bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. BOND, and Mr. LOTT):

S. 1198. A bill to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. HELMS):

S. Res. 113. A resolution to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEWINE, Mr. BIDEN, Mr. WARNER, Mr. DASCHLE, Mr. CRAPO, Mr. HOLLINGS, Mr. BENNETT, Mr. KERRY, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. FITZGERALD, Mrs. MURRAY, Ms. SNOWE, Mr. ROBB, Mr. MACK, Mr. TORRICELLI, Mr. ABRAHAM, Mr. WELLSTONE, Mr. BURNS, Mr. CLELAND, Mrs. HUTCHISON, Mr. DODD, Mr. SPECTER, Mr. DURBIN, Mr. CAMPBELL, Mr. EDWARDS, Mr. FRIST, Mr. INOUYE, Mr. GORTON, Mrs. FEINSTEIN, Mr. LOTT, Mr. REID, Mr. ASHCROFT, Mr. GRAHAM, Mr. COCHRAN, Mr. JOHNSON, Mr. JEFFORDS, Mr. KERREY, Mr. CHAFEE, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BAYH, Mr. CRAIG, Mr. REED, Mr. NICKLES, and Mr. KOHL):

S. Res. 114. A resolution designating June 22, 1999, as "National Pediatric AIDS Awareness Day"; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. Con. Res. 38. A concurrent resolution expressing the sense of Congress that the Bureau of the Census should include in the 2000 decennial census all citizens of the United States residing abroad; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. GREGG):

S. 1189. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MICROCAP FRAUD PREVENTION ACT OF 1999

Ms. COLLINS. Mr. President, today I am introducing the Microcap Fraud Prevention Act of 1999 which will equip Federal law enforcement authorities with new tools to prosecute the fight against microcap securities fraud that costs unwary investors an estimated $6 billion annually.

While cold-calling families at dinnertime and high-pressure sales remain a favorite tactic of microcap con artists, the Internet is providing a new and inviting frontier for the commission of microcap frauds. I find it particularly disturbing that despite the best efforts of regulatory authorities, microcap scam artists often commit repeat offenses. Similarly, under current law, persons barred from other segments of the financial industry, such as banking or insurance, can easily bring their deceptive practices into our securities markets.

I am very pleased to have the cosponsorship of two of my distinguished colleagues in introducing this important legislation. Senator CLELAND and Senator GREGG are united with me in a commitment to ensure that security regulators have the necessary authority to crack down on securities fraud. Senator CLELAND has a longstanding interest in protecting investors from securities scams. Senator GREGG also has been a leader in this arena in his position as the chairman of the subcommittee with jurisdiction over the SEC's budgets.

In drafting this legislation, I was also pleased to have the invaluable assistance of the Securities and Exchange Commission and the North American Securities Administrators Association which represents State securities regulators. In fact, Richard H. Walker, the SEC's Director of Enforcement, and Peter C. Hildreth, the President of NASAA, have submitted letters endorsing my legislation. I ask unanimous consent that these letters be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. COLLINS. Mr. President, the Collins-Cleland-Gregg legislation is the product of hearings of the Permanent Subcommittee on Investigations which I chair. We first started looking at this issue in 1997 and held our first hearing in September of that year. Those hearings revealed that microcap securities fraud is pervasive, so much so that regulators estimated that it cost investors $6 billion in losses annually, according to an article in the Wall Street Journal.

The damage from these microcap scams, however, is not confined to investor losses. They also damage the reputation of legitimate small companies and limit their ability to raise capital through the securities markets. Ironically, the strong performance of the securities markets over the past several years has provided an ideal breeding ground for these microcap scams as more and more Americans invest in stocks. In fact, according to the SEC, in 1980, only 1 in 18 individual Americans participated in the securities markets. Today, 1 in 3 Americans participate in the securities markets. There has been a tremendous growth in more and more American households investing in equities.

In a typical microcap fraud, an unscrupulous broker, often acting through an intermediary, purchases large blocks of shares in a small company with dubious business and financial prospects. The company stock may be nearly worthless, but the brokers repeatedly cold call customers, promise glowing returns and drive up the stock through high-pressure sales tactics. Inevitably, after the manipulators sell their shares at a profit, the artificially inflated price plummets, leaving thousands of unsophisticated investors with worthless stock and heavy losses. The manipulators then count their ill-gotten gains and move on to their next target.

The subcommittee's investigation demonstrated that the rapid growth of the Internet has also provided a new frontier for the commission of microcap securities frauds. At hearings held by the subcommittee last March, expert witnesses testified that while the Internet provides many, many benefits to online investors, such as lower trading costs and a wealth of investment information, the medium is inviting to con men as well.

Specifically, the Internet makes it easier and cheaper for microcap scam artists to contact potential victims and to perpetrate pump-and-dump schemes or related securities frauds. Rather than having to cold call potential victims one at a time, con men with home computers and Internet access can reach millions of potential investors with the click of a mouse. At a very low cost, these cybercrooks can deceive many more victims using professionally designed web sites, online financial newsletters or bulk e-mail. SEC officials testified that the agency now receives hundreds of e-mail complaints per day, an estimated 70 percent of which involve potential Internet securities frauds.

For example, a constituent of mine from Ellsworth, ME, who appeared at the subcommittee's hearings, testified that he lost more than $20,000 in a sophisticated Internet securities scam. My constituent has an engineering degree, and he has been investing for nearly 10 years. This demonstrates the potential risk that Internet fraud poses to even experienced investors. Although the SEC has brought charges against the alleged perpetrators of this scam, it is, unfortunately, very unlikely that my constituent will ever be able to recover his losses.

Whether they use cold calls, the Internet, or both, microcap scam artists rarely strike only once. The subcommittee's investigations have found that when regulators close down one microcap scam, often after very lengthy proceedings, it is very common for the perpetrators to pop up in connection with yet another securities fraud.

Moreover, individuals who have committed consumer frauds in other financial services industries, such as insurance or banking, frequently move on to work in the securities industry. Our regulatory system must be able to prevent these individuals who have violated the law from migrating freely from one financial sector to another.

I commend the actions of the Securities and Exchange Commission and the State securities regulators in aggressively fighting microcap securities fraud, but they are simply overwhelmed with the magnitude of the problem.

The SEC has established a special unit to monitor the Internet for potential microcap or similar stock securities scams and has initiated 83 enforcement actions against approximately 250 individuals and companies who have allegedly committed Internet securities frauds.

Similarly, in July of 1998, the State securities regulators, represented by NASAA, announced that the State securities regulators had filed 100 enforcement actions in a "sweep" against illegal boiler room operations. Approximately 64 of these enforcement actions involved brokers peddling microcap stocks. Despite these commendable efforts, however, the SEC and State regulators face significant challenges just to keep up with the explosive growth of microcap securities fraud, particularly on the Internet.

The legislation that I am introducing today is designed to bolster the SEC's ability to protect investors from ever-increasing microcap frauds while ensuring that legitimate small companies can continue to raise capital through securities offerings. To accomplish these objectives, the bill will streamline the microcap fraud investigative process and provide the SEC with the tools it needs to suspend or ban rogue brokers, particularly those who have a history of committing fraudulent offenses.

Specifically, our legislation will do the following:

First, it will allow the SEC to bring enforcement actions against securities fraud violators on the basis of enforcement actions brought by State securities regulators. Currently, State regulators can rely on SEC-initiated enforcement actions, but the SEC does not have reciprocal authority. Consequently, the SEC must often conduct duplicative investigations before the agency can bring enforcement actions against microcap securities frauds first identified at the State level but which operate on a nationwide basis. With the new authority proposed by our legislation, the SEC and the State regulators will be able to maximize the impact of their limited enforcement resources.

Second, our legislation would permit the SEC to keep out of the securities business unscrupulous individuals from other sectors of the financial services industry. As I stated previously, persons with histories of violations too often roam freely throughout the financial services industry and commit new frauds. The bill would allow the SEC to prevent individuals who have ripped off consumers in insurance or banking scams from similarly defrauding America's small investors.

Third, our legislation will broaden the current penny stock bar to include fraudulent violations in the microcap markets. Under current law, the SEC can suspend or bar individuals who commit serious penny stock frauds involving stocks that cost less than $5. You may be surprised to learn, however, that the law permits such violators to participate in micro-cap securities offerings, because even though the total capitalization of these companies is small, each of their shares costs more than $5. Our bill will close this loophole by allowing the SEC to suspend or bar individuals who have committed serious penny stock fraud from participating in both the penny stock and micro-cap securities markets either as registered brokers or in related positions, such as promoters.

Fourth, our proposal will expand the statutory officer and director bar to include all publicly traded companies. Current law applies only to companies that report to the SEC, leaving the door open for violators to serve as officers or directors of all other companies. Our proposal would extend the bar to include all publicly traded businesses, including "Pink Sheet" or Over The Counter ("OTC") Bulletin Board companies, which are often the vehicles for micro-cap fraud schemes.

Finally, our bill will strengthen the SEC's ability to take enforcement actions against repeat violators. Currently, the SEC must request that the Justice Department initiate criminal contempt proceedings against individuals who violate SEC orders or court injunctions, which can be a very burdensome and timely process. Our legislation would allow the SEC to seek immediate civil penalties for repeat violators without the need to file criminal contempt proceedings.

Our Nation is blessed with the strongest and safest security markets in the world. This is a tribute to both the industry and its regulators. Unfortunately, as our markets bring benefits to more and more Americans, they also attract those who would exploit unsuspecting investors through manipulative practices.

By virtue of their small size and relative obscurity, microcap securities are the most susceptible to manipulation. By giving the SEC the tools it needs to combat this fraud, this legislation will benefit not only individual investors, but also the vast majority of legitimate small businesses who contribute so much to our Nation's growth and prosperity.

I urge my colleagues to join in supporting the Microcap Fraud Prevention Act of 1999.

I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Ms. COLLINS. Thank you, Mr. President.

EXHIBIT NO. 1

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, May 24, 1999.

Hon. SUSAN M. COLLINS,
Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COLLINS: I commend both you and your Subcommittee for addressing the important issue of fraud in the market for microcap securities. As I said in my March 23, 1999 testimony before your Subcommittee, fighting fraud in this market has been one of the Commission's more significant challenges this decade. The hearings you held help to focus the issues and educate investors, and the principles in the bill you plan to introduce will help leverage the Commission's resources to combat microcap fraud.

As you know, Chairman Levitt testified on microcap fraud before your Subcommittee in September 1997. He noted then that with our resources remaining relatively constant, we must "rely increasingly on innovative and efficient ways of minimizing fraud and of maximizing the deterrence achievable with the Commission's limited resources." In my own view, the concepts underlying "The Microcap Fraud Prevention Act of 1999" would be of great assistance to us in this regard. Most importantly, the bill would give us valuable new tools to close off participation in the microcap market by those who would prey on innocent investors.

In recent years, the Commission has made significant inroads in the fight against microcap fraud. I appreciate your efforts to address this serious problem through hearings and legislation that support our enforcement efforts. I believe your bill would significantly advance the cause and help make our markets safer for investors. My staff and I look forward to continuing to work with you and your Subcommittee on this legislation.

Very truly yours,
RICHARD H. WALKER,
Director,
Division of Enforcement.

NORTH AMERICAN SECURITIES,
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, May 17, 1999.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the membership of North American Securities Administrators Association, Inc. ("NASAA")[1], I commend you for recognizing and confronting the problem of fraud in the microcap securities market. At your invitation NASAA testified before you and the members of the Permanent Subcommittee on Investigations, and took part in your fact-finding mission. We appreciate your efforts to protect the investing public from frauds and for introducing legislation to enhance enforcement efforts in this area.

As you know, several years ago, state securities administrators recognized the problem of fraud in the microcap market. Since then the states have led enforcement efforts and filed numerous actions against microcap firms. There are systematic problems in this area, but they can be addressed effectively if state and federal regulators and policymakers work together on meaningful solutions.

NASAA wholeheartedly supports the intent of The Microcap Fraud Prevention Act of 1999. It would be an important step in combating abuses in the microcap market and maintaining continued public confidence in our markets.

I pledge the support of NASAA's membership to continue to work with you to secure passage of this important legislation.

Sincerely,

PETER C. HILDRETH,
New Hampshire Securities Director,
NASAA President.

EXHIBIT NO. 2

S. 1189, MICROCAP FRAUD PREVENTION ACT OF 1999—SECTION-BY-SECTION SUMMARY

SEC. 1. SHORT TITLE: "MICROCAP FRAUD PREVENTION ACT OF 1999"

Explanation: The purpose of the bill is to protect investors against fraud in the microcap securities market, and for other purposes.

SEC. 2. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

This section amends the Securities Exchange Act of 1934 to grant the SEC authority to take actions against registered persons who have violated the law. It allows SEC enforcement actions to be predicated on state enforcement actions and take steps to prevent the entry into the securities industry of individuals who have committed fraud in other sectors of the financial services industry.

Explanation: Currently, state securities laws do not allow state regulators to obtain civil relief having nation-wide effect. Rather, state regulators only have jurisdiction to prohibit defendants from doing business in their state. Wrongdoers are thus free to perpetrate fraud in any other state where they have not been separately barred. This section amends Exchange Act section 15(b)(4)(G) to allow the SEC to bring a follow-up administrative proceeding to suspend or bar regulated persons who either (1) have been barred by a state securities administrator from operating within that state or (2) is subject to a final order for fraudulent, manipulative, or deceitful conduct.

The SEC would not have the authority to follow-up on ex parte temporary restraining orders. Such orders are imposed immediately by state regulators and do not provide alleged violators with a chance to present a defense until after the order has already been entered. The SEC would have the ability to act on these state actions if, after adjudication, the defendant were ultimately found to have committed a violation or reached a settlement agreement.

Currently, the Securities Exchange Act does not permit the SEC to take administrative actions to bar or suspend from the securities industry individuals who have committed serious violations—i.e. fraud—in other financial industries, such as the insurance or banking sectors. This section amends Exchange Act 15(b)(4)(G) to authorize the SEC (1) to take administrative action seeking bars or suspensions against a broker-dealer or associated person based on orders issued by federal regulators of other financial services industries and (2) to allow the SEC to take follow-up actions when a foreign financial regulatory authority has previously found violations in other financial sectors. To ensure parity and close off any remaining loopholes, corresponding changes have also been made to Exchange Act sections 15B(c), 15C(c), and 17A(c) to extend this provision to those who seek to associate with municipal securities dealers, government securities dealers, and transfer agents.

SEC. 3. AMENDMENTS TO THE INVESTMENT ADVISERS ACT OF 1940

This section amends Investment Advisers Act section 203 to allow the SEC to bring a follow-up administrative proceeding to suspend or bar investment advisors who are subject to certain federal, state, or foreign orders. This sections also amends section 203(f) of the act to permit the SEC to bar a person associated with an investment adviser on the basis of a felony conviction.

Explanation: This section makes the same changes to the Investment Adviser Act that Section 2 of the bill makes to the Exchange Act. Both allow SEC enforcement actions to be predicated on certain federal, state, or foreign enforcement actions against individuals found to have committed fraudulent or similar acts in the financial services sector.

SEC. 4. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

This section amends Investment Company Act section 9(b)(4) to allow the SEC to bring a follow-up administrative proceeding to suspend or bar individuals covered by the Investment Company Act who are subject to certain federal, state, or foreign orders.

Explanation: This section makes the same changes to the Investment Company Act that Section 2 of the bill makes to the Exchange Act. Both allow SEC enforcement actions to be predicated on certain federal, state, or foreign enforcement actions against individuals found to have committed fraudulent or similar acts in the financial services sector.

SEC. 5. CONFORMING AMENDMENTS

This section amends various provisions of the Securities Exchange Act of 1934 to authorize the SEC to take administrative actions against individuals—based on the findings of certain federal, state, or foreign enforcement actions—who seek to associate with municipal securities dealers, government securities brokers and dealers, and clearing agencies. The section also amends the Securities Exchange Act of 1934, so that actions by state securities commissions and other regulators can trigger a statutory disqualification. This section will focus statutory disqualifications on serious violations of state law, particularly fraud and similar offenses.

Explanation: This section seeks to prevent individuals who have committed fraud in other financial services sectors from entering the securities industry. The section also expands the definition of violations that trigger automatic statutory bars from the securities industry.

SEC. 6. BROADENING OF PENNY STOCK BAR

This section amends Exchange Act section 15(b)(6) to expand the penny stock bar to cover a broader category of offerings.

Expanation: This section would extend the penny stock bar to all offerings other than those involving securities traded on the NYSE, AMEX, NASDAQ, NMS, or investment company securities. While there is no formal definition of "micro-cap" security, this statutory amendment would cover what are generally referred to as "micro-cap" securities.

SEC. 7. COURT AUTHORITY TO PROHIBIT OFFERINGS OF NON-COVERED SECURITIES

This section amends Exchange Act section 21(d)(5) to provide federal court judges the authority to impose the remedy outlined in Section 9 of the bill.

Explanation: This section would allow the SEC to obtain all necessary relief more efficiently and expeditiously by requesting, in appropriate cases, a district court to issue a penny stock bar order. This authority would be provided as an alternative to the SEC's current ability to seek such orders only through administrative proceedings.

SEC. 8. BROADENING OF OFFICER AND DIRECTOR BAR

This section amends Exchange Act section 21(d)(2) in order to broaden the scope of the officer and director bar.

Explanation: Current law allows persons barred from serving as an officer or director of companies that report to the SEC to serve as officers or directors of other companies. This section removes the limitation to SEC reporting companies, and instead covers all publicly traded companies—those registered pursuant to Exchange Act section 12, those required to file reports pursuant to Exchange Act section 15(d), and those whose securities are "quoted in any quotation medium."

SEC. 9. VIOLATIONS OF COURT ORDERED BARS

This section adds section 21(i) to the Exchange Act to give the SEC a more direct remedy against recidivist violators of prior bar orders.

Explanation: This section makes it a stand-alone violation of the securities laws for a person to engage in conduct that violated a prior order barring him from acting as an officer, director or promoter. It allows the SEC to take direct enforcement action (seeking per-day money penalties, among other remedies) against a recidivist without the need for criminal authorities to bring a contempt proceeding.

By Mr. DORGAN (for himself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON):

S. 1191. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INTERNATIONAL PRESCRIPTION DRUG PARITY ACT

Mr. DORGAN. Mr. President, I rise to introduce a piece of legislation on behalf of myself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON. These three Senators, and I hope others as well, have joined me in introducing this bill, the International Prescription Drug Parity Act, today.

This piece of legislation deals with the question of prescription drugs. By consent of the Chair, I would like to show on the floor of the Senate today examples of the issue that is addressed by this piece of legislation.

With your consent, I will show two bottles of the drug Claritin, a medication most people are familiar with. Claritin is a popular anti-allergy drug. These two bottles contain the same pills, produced by the same company, in the same strength, in the same quantity. One difference: a big difference in price. This bottle is purchased in the United States—in North

Dakota, to be exact. This bottle of 10 milligram, 100 tablets cost North Dakotans $218, wholesale price. This bottle—same drug, same company, same strength, same quantity—was purchased in Canada. They didn't pay $218 in Canada; they paid $61. Why the difference for the same drug, same dosage, same quantity, same company? In Canada, it costs $61; U.S. consumers pay $218.

Here is another example—and I have a lot of examples. But with the consent of the Chair, I will only use two today.

This is Cipro, a prescription drug to treat infections. Both bottles are made by the same company. We have the same number of pills, 500 milligram, 100 tablets—same drug, same company, same pill. In North Dakota, the wholesale price for this bottle is $399; in Canada, it is $171. The North Dakotan pays—or the U.S. consumer pays because this is true all over our country—$399, or 233 percent more than for the same drug in Canada. The question is, Why? The question is, With a global economy, why would a pharmacist simply not drive up to Canada and buy the same drugs and offer them for a lower price to their customers? The answer to that is, there is a law that restricts the importation of drugs into this country, except by the manufacturers of the drug themselves. That is kind of a sweetheart law, it seems to me. We want to change that.

If the manufacturer that produces these pills has been inspected by the Food and Drug Administration and the same drugs are marketed everywhere, why on Earth, in a global economy, cannot our consumers access a lesser price? Incidentally, this pricing inequity does not just exist with Canada; it is the same with Mexico, Germany, France, Italy, England, Germany—you name it. It is true around the world. We pay a much higher price for most prescription drugs than consumers anywhere else in the world. The United States is the consumer that pays a much higher price for the same pill, in the same bottle, produced by the same manufacturer.

With our bill we say, let's decide that what is good for the goose is good for the gander. If the pharmaceutical companies can access the raw materials which they use to produce their medicine from all around the world and produce a pill and put it in a bottle, it seems to me that the customer here in the United States ought to also benefit from free trade, as long as the drug is FDA approved and comes from a plant that is inspected by the FDA.

The drug industry will say that safety is an issue. It is no issue with respect to my bill. Safety is not an issue here at all. I am saying—and my colleagues are as well—if medicine approved by the FDA and produced in a plant inspected by the FDA is to be marketed around the world, but the American is to pay the highest price—in some cases by multiples of four and five —let us use the global economy to let U.S. pharmacists and prescription drug distributors access that medicine wherever it exists at a lower price, and pass along those savings to American consumers.

Back in 1991, the General Accounting Office studied 121 drugs and found that, on average, prescription drugs in the United States are priced 34 percent higher than the exact same products in Canada. I just did a comparison of the retail prices on both sides of the border of 12 of the most prescribed drugs, and discovered that, on average, U.S. prices exceeded the Canadian prices by 205 percent.

I mentioned before that Claritin costs the American consumer 358 percent more. We American consumers pay 358 percent more than the consumer does north of the border. And incidentally, the Canadian prices have been adjusted to U.S. dollars. Does this make sense? Of course not. Studies show that the same drug that costs $1 in our country costs 71 cents in Germany, 65 cents in the United Kingdom, 57 cents in France, and 51 cents in Italy. All we are saying is that if this global economy is good for companies that produce the drugs, it ought to be good for the consumer.

In 1997, the top 10 pharmaceutical companies had an average profit margin of 28 percent. The Wall Street Journal reported that profit margins in the drug industry are the "envy of the corporate world." The manufacturers produce wonderful medicines, and I am all for it. But I want them at an affordable price for the American consumer. I am flat sick and tired of the American consumer being the consumer of last resort who pays a much higher price than anybody else in the world for the same drug, in the same bottle, produced by the same company. It doesn't make sense.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 7 minutes.

Mr. DORGAN. Let me go for another minute, and then I will yield to my colleague from Minnesota, who will have 7 minutes remaining on the 15 minutes.

As I have indicated, Senator JOHNSON from South Dakota and Senator SNOWE from Maine are also cosponsors. We expect other cosponsors to join us. Frankly, the reason we have introduced this legislation is that there is an unfair pricing practice that exists with respect to prescription drugs in this country. It is fundamentally unfair for a pharmaceutical manufacturer to say that we will produce a drug, and, by the way, when we decide to sell it we will sell it all around the world, but we will choose to sell it to the American consumer at a much higher price than any other customer in the world.

That is unfair to the American consumer.

What prevents the local corner pharmacist from going elsewhere to buy these prescription drugs in France or in Canada or elsewhere? A law that says you can't import a drug into this country unless it is imported by the manufacturer. What a ridiculous piece of legislation that was passed over a decade ago.

If this global economy works, let's make it work for the consumers and not just for the big companies.

Our legislation only pertains to this circumstance: If the drug has been approved by the FDA and the facility where that drug is bought are inspected by the FDA, then those drugs have a right to come into this country not just by the manufacturer but by local pharmacists and distributors who want to access that drug at a less expensive price in other parts of the world and pass along the savings to American consumers. That makes good sense to me.

I have a lot more to say, but I will say it at a later time. I yield my remaining time to my colleague, Senator WELLSTONE from Minnesota, who is joined by Senator JOHNSON of South Dakota and Senator SNOWE of Maine as cosponsors of this legislation.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me first of all say to my colleague from North Dakota that I am really pleased to join him in this effort, along with Senator SNOWE and Senator JOHNSON.

The International Prescription Drug Parity Act makes prescription drugs more affordable for millions of Americans by applying the principles of free trade and competition.

I want to give special thanks to a wonderful grassroots citizen organization from Minnesota called the Minnesota Senior Federation. If we had organizations such as this all around the country, we would have such effective citizen politics, and I guarantee we would be passing legislation that would make an enormous positive difference in the lives of the people in our country.

This legislation provides relief from price gouging of American consumers by our own pharmaceutical industry. Those who really pay the price are those who are chronically ill. Many of those who are clinically ill are the elderly. It is not uncommon anywhere in our country to run across an elderly couple or single individual who is paying up to 30, 40, or 50 percent of their monthly budget just for prescription drug costs.

In my State of Minnesota, only 35 percent of senior citizens have any prescription drug cost coverage at all.

This legislation is very simple. I say to Senator DORGAN that what I liked the best about this legislation, and the reason I think it will command widespread support, is its eloquent simplicity.

We are just saying that if you have drugs which are FDA approved and manufactured in our country, and now they are in Canada, for example, and cost half of what they cost senior citizens to pay for that drug in our own country, it shouldn't just be the pharmaceutical companies that can bring those drugs back in. You ought to enable pharmacists or distributors to go to Canada and purchase these drugs which have been FDA approved, and then bring them back to our country and sell these drugs at a discount rate for our citizens in our country.

This is the best of competition. This is the best of what we mean by free trade.

I want to be clear. This legislation will amend the Food, Drug and Cosmetic Act. The FDA Commissioner was in Minnesota 2 weeks ago and senior citizens were pressing her on this question. She was cautious. But what she was saying was that we would need some legislation; we would need some change to be able to do what Senator DORGAN is talking about. We would amend this piece of legislation to allow American pharmacists and distributors to import prescription drugs into the United States as long as these drugs meet strict FDA standards. That is it. The FDA isn't directly involved, but the FDA is critically involved in the sense that these drugs have to meet all the FDA standards.

This piece of legislation is simple. It is straightforward. It is very proconsumer, very pro-senior citizen, very procompetition, very pro-free trade. As I think about the gatherings that I go to in my State—I bet this applies to New Jersey, I see Senator TORRICELLI here, and Senator REED of Rhode Island—anywhere in the country. You can't go to a community meeting, and you can't go in into a cafe and meet with people without having people talk about the price of prescription drugs. It is just prohibitively expensive. This piece of legislation will make an enormous difference.

It could be that there is some opposition to this piece of legislation. I can see some vested economic interests who may figure out reasons to be opposed to it, but I will say that this piece of legislation would go a long way in dealing with the problem of price gouging right now and making sure that these prescription drugs that can be so important to the health of senior citizens, the people in the disabilities community and other citizens as well that they will be able to purchase these drugs, and they will be able to afford these drugs, which can make an enormous difference in improving the quality of their health.

I introduce this legislation, along with Senator DORGAN, and we are joined by Senator JOHNSON and Senator SNOWE. I believe we will have strong bipartisan support for this bill.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senators have a total of 9 minutes 54 seconds.

Mr. DORGAN. Mr. President, if I might just make a comment to the Senator from Minnesota, all of us have the experience of going around our States and talking to especially senior citizens, who take a substantial amount of prescription drugs—many of them wonderful, lifesaving drugs but at a substantial cost. Many of them have no health insurance coverage for these costs.

Let me say at the outset, lest anyone think I don't appreciate what goes on, that the research done at the Federal level and the research done by the pharmaceutical companies have produced lifesaving, remarkable medicines. I commend all of those folks for that, including these companies. I am only debating the price issue here.

I ran into a woman one day. She was in her eighties. She had heart disease, diabetes, and was living on somewhere around $400 a month of total income. She said to me: Mr. Senator, I can't afford to take the drugs the doctor says I must take for my heart difficulties and for my diabetes. What I do is buy the drugs, and then I cut the pills in half and take half of the dose so it lasts twice as long. It is the only way. Even then I can hardly afford to pay for food.

That is what the problem is here. The problem is that these pharmaceutical drugs are overpriced relative to what every other consumer in the rest of the world is paying for them. I am talking of other consumers in France, in Germany, Italy, England, Canada, and Mexico—you name it. That doesn't make any sense to me. Why should our senior citizens—all consumers for that matter—be paying 300-percent more for the same drug in virtually the same bottle produced by the same company inspected by the FDA than a consumer 20 miles north in Canada is paying?

I just came from a meeting near the border of North Dakota and Canada. I was talking to people, again, about that disparity. The Senator from Minnesota has exactly the same situation.

The pharmacists at the corner drugstore are saying: Why can't I go up there and buy some of these medications? I know that it is the same pill which comes from the same plant.

The reason is the law prevents him from bringing it back, and we want to change that.

Mr. WELLSTONE. Mr. President, I say to my colleagues, when we talk about citizens becoming frustrated and sometimes angry, either two things are going on.

First of all, you can find people to talk to everywhere, especially senior citizens who are paying 30, 40, or 50 percent of their monthly budget just for these costs. They cut the pill in half and take only half of what they need, or they cut down on food. It is drugs versus food, or versus something else. They should not be faced with those choices.

But what adds insult to injury is to then know that the same drug manufactured quite often in the same place with the same FDA approval purchased in Canada costs half the price.

We are simply saying let our pharmacists and let our distributors in our country be able to purchase those prescription drugs in Canada and bring them back and sell them at a discount to our consumers. That is what this legislation says.

If you want to talk about a piece of legislation that speaks to the interests and circumstances of people's lives, I think this legislation will make an enormous difference.

I am prepared to fight very hard to make sure that we pass this legislation.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1192. A bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the "Lake Tahoe National Scenic Forest and Recreation Area," and to promote environmental restoration around the Lake Tahoe Basin; to the Committee on Energy and Natural Resources.

THE LAKE TAHOE RESTORATION ACT

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking Senator HARRY REID who has worked so hard with me on the Lake Tahoe Restoration Act. I would also like to thank my friends and colleagues Senator BARBARA BOXER and Senator DICK BRYAN for cosponsoring this important legislation.

This legislation really comes directly out of the Tahoe Summit. I am one that spent her childhood at lake Tahoe, but I had not been back for a number of years. When I went there for the Tahoe Summit in 1997 with the President, I saw things I had never seen before at Lake Tahoe.

I saw the penetration of MTBE in the water. I saw the gasoline spread over the water surface. I saw that in fact 30 percent of the South Lake Tahoe water supply has been eliminated by MTBE. I saw 25 percent of the magnificent forest that surrounds the lake dead or dying. I saw land erosion problems on a major level that were bringing all kinds of sediment into the lake and which had effectively cut its clarity by thirty feet since the last time I had visited. And then I learned that the experts believe that in ten years the clouding of the amazing crystal water clarity would be impossible to reverse and in thirty years it would be lost forever.

For me, that was a call to action, and today I am proud to introduce the Lake Tahoe Restoration Act. This legislation will designate federal lands in the Lake Tahoe Basin as a National Scenic Forest and Recreation area and will authorize $300 million of Federal monies on a matching basis over ten years for environmental restoration projects to preserve the region's water quality and forest health.

Lake Tahoe is the crown jewel of the Sierra Nevada and its clear, blue water is simply remarkable. Some people may not know that Lake Tahoe contributes $1.6 billion dollars every year to the economy from tourism alone. However, one in every seven trees in the forest surrounding Emerald Bay is either dead or dying. Insect infestations and drought have killed over 25 percent of the trees in the forests surrounding Lake Tahoe, creating a severe risk of wildfire.

The Tahoe Regional Planning Agency estimates that restoring the lake and its surrounding forests will cost $900 million dollars over the next ten years. This is not a cursory evaluation but a careful evaluation made by this agency over several years.

Local governments and businesses in Lake Tahoe have agreed to raise $300 million locally in the next ten years for this effort. The Tahoe Transportation and Water Quality Coalition, a coalition of 18 businesses and environmental groups, including Placer County, El Dorado County, the City of South Lake Tahoe, Douglass County in Nevada and Washoe County in Nevada have all agreed. This is an extraordinary commitment for a region with only 50,000 year round residents.

The Governors of California and Nevada have pledged to provide another $300 million, but only if the Federal government will step up and provide $300 million of its own because we must remember that 77 percent of the forest is owned by the Federal Government.

President Clinton took an important first step in 1997 when he held an environmental summit at Lake Tahoe and promised $50 million over two years for restoration activities around the lake. These commitments included: $4.5 million to reduce fire risk at the lake; $3.5 million for public transportation; $4 million for acquisition of environmentally sensitive land; $1.3 million dollars to decommission old, unused logging roads that are a major source of sediment into Lake Tahoe; $7.5 million to replace an aging waste water pipeline that threatens to leak sewage into the lake; and $3 million for scientific research.

Unfortunately, the President's commitments lasted for only two years, so important areas like land acquisition and road decommissioning were not funded at the levels the President tried to accomplish. So what is needed is a more sustained, long-term effort, and one that will meet the federal government's $300 million dollar responsibility to save the environment at Lake Tahoe.

The Lake Tahoe Restoration Act will build upon the President's commitment to Lake Tahoe and authorize full funding for a new environmental restoration program at the lake.

The bill designates U.S. Forest Service lands in the Lake Tahoe basin as the Lake Tahoe National Scenic Forest and Recreation Area. This designation, which is unique to Lake Tahoe, is strongly supported by local business, environmental, and community leaders. The designation will recognize Lake Tahoe as a priceless scenic and recreational resource.

The legislation explicitly says that nothing in the bill gives the U.S. Forest Service regulatory authority over private or non-federal land. The bill also requires the Forest Service to develop an annual priority list of environmental restoration projects and authorizes $200 million over ten years to the forest service to implement these projects on federal lands. The list must include projects that will improve water quality, forest health, soil conservation, air quality, and fish and wildlife habitat around the lake.

In developing the environmental restoration priority list, the Forest Service must rely on the best available science, and consider projects that local governments, businesses, and environmental groups have targeted as top priorities. The Forest Service also must consult with local community leaders.

The bill requires the Forest Service to give special attention on its priority list to four key activities: acquisition of environmentally sensitive land from willing sellers, erosion and sediment control, fire risk reduction, and traffic and parking management, including promotion of public transportation.

The Lake Tahoe Restoration Act also requires that $100 million of the $300 million over ten years be in payments to local governments for erosion control activities on non-federal lands. These payments will help local governments conduct soil conservation and erosion mitigation projects, restore wetlands and stream environmental zones, and plant native vegetation to filter out sediment and debris.

I have been working on the Lake Tahoe Restoration Act for over a year, in conjunction with Senator REID and over a dozen community groups at Lake Tahoe. The Lake Tahoe Transportation and Water Quality Coalition, a local consensus group of 18 businesses and environmental groups, has worked extremely hard on this bill, and I am grateful for their input and support.

Thanks in large part to their work, the bill has strong, bi-partisan support from nearly every major group in the Tahoe Basin. The bill is supported by the League to Save Lake Tahoe, the South Lake Tahoe Chamber of Commerce, and the Lake Tahoe Gaming Alliance, to name just a few. Major environmental groups also support the bill, including the Sierra Club, Wilderness Society, and California League of Conservation Voters.

The bottom line is that time is running out for Lake Tahoe. We have ten years to do something major or the water quality deterioration is irreversible.

We have a limited period of time, or the 25 percent of the dead and dying trees and the combustible masses that it produced are sure to catch fire, and a major forest fire will result.

Mr. President, this crown jewel deserves the attention, and the fact that the federal government owns 77 percent of that troubled area makes the responsibility all so clear.

I am hopeful that the United States Senate will move quickly to consider the Lake Tahoe Restoration Act. I urge my colleagues in the Senate to join me in preserving this national treasure for generations to come.

By Mr. LAUTENBERG:

S. 1193. A bill to improve the safety of animals transported on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SAFE AIR TRAVEL FOR ANIMALS ACT

Mr. LAUTENBERG. Mr. President, I have a piece of legislation which I rise to introduce. This legislation is designed to protect a segment of our population that can't protect itself. I am talking about pets—dogs, cats, and others that travel by air. I want to put this into perspective. Over 70 million households in America have pets—70 million. So it affects a significant portion of our population. Pets become family members and they become a source of significant affection and attachment. In some cases, they are the vision for those who are sightless. They establish precious relationships.

Over the last 5 years, there have been over 2,500 documented instances of dogs and cats experiencing severe injury in air travel, and 108 cats and dogs have died just as a result of exposure to excessive temperatures.

Pets aren't baggage. They are part of a family, in many instances, and they ought to be treated that way when they accompany their masters when they fly. Over 500,000 pets a year are transported by air across this country. News reports have detailed stories of pets being left out on hot days, sitting on tarmacs while flights were delayed, or stuffed into cargo holds with little or no airflow, causing them to injure themselves in the desperation to escape this entrapment and very difficult environment.

Some pets have actually had heavy baggage placed directly on top of their carriers. It is unacceptable. We can and must prevent these inhumane practices.

So today I am introducing The Safe Air Travel for Animals Act. This bill responds to the tragic stories we have heard involving the death or injury of many beloved pets while traveling by airplane.

The legislation has three goals. First, it ensures that airlines are held accountable for mistreatment of our pets, to ensure that animals are not treated like a set of golf clubs or other baggage. This legislation will put airlines on a tight leash.

Second, the bill provides consumers with the right to know if an airline has a record of mistreatment or accidents with pets.

Third, the bill addresses the problems of the aircraft themselves, making sure that the cargo hold is as safe as it possibly can be for animal travel.

Airlines need to be held accountable for the harm they permit to happen to our pets. Right now, airlines are only liable to owners for up to $1,250 for losing, injuring, or killing a pet.

That is no different from what they would be liable for if they lost your suitcase. Under my bill, that limit for liability will be double.

Now, anyone who owns a pet knows how expensive veterinary bills can be. If an animal is injured or dies as a result of flying, my bill would require the airlines to pay for the costs of veterinary care.

Mr. President, my bill also provides consumers with the right to know about the conditions they face when they transport their animals by plane. My bill requires airlines to immediately report any incidents involving loss, injury or death of animals.

Most importantly, the bill puts this information into the hands of the flying public. Pet owners should know which airlines are doing a good job, and which need to do better. Just as consumers favor airlines with solid, on-time records, they will also favor the airlines that have a good safety record with our pets. And, an airline that does a good job will want this information in the hands of consumers.

Finally, the bill addresses the problem of the aircraft themselves. The airline industry is undergoing a retrofitting process, as required by the FAA, of all "class D" cargo holds, to prevent fires.

These are special holds that have the facility to turn off the oxygen in the event of smoke or fire. But that also means that that is an execution for the pets that are in those holds.

I believe that the industry should use this opportunity to see what improvements can be made to allow for better oxygen flow and temperature control to protect our pets.

Mr. President, we must do more to prevent unnecessary deaths caused by lack of oxygen flow or exposure to heat.

With this bill, travelers will feel more secure about using air travel to transport their pets.

I hope that my colleagues will join me in support of this legislation.

By Mr. COVERDELL:

S. 1196. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

THE NATIONAL FORENSIC SCIENCE IMPROVEMENT ACT

Mr. COVERDELL. Mr. President, today I introduce the National Forensic Science Improvement Act, a bill designed to address the growing backlog in our nation's crime labs. Across the country, state and local crime labs, Medical Examiners' and Coroners' offices face alarming shortages in forensic science resources. While other areas of our criminal justice system such as the courts and prison systems have benefitted from federal assistance, the highly technical and expensive forensic sciences have received little attention. Mr. President, my bill will help correct this problem.

There are 600 qualified state and local crime laboratories in the United States which deliver 90% of the total forensic science services in this country. In a 1996 national survey of 299 crime labs it was found that 8 out of 10 labs have experienced a growth in the caseload which exceeds the growth in budget and/or staff. Mr. President, I need go no further to demonstrate that this is a national problem. Without the swift processing of evidence our criminal justice system cannot operate as it is intended. I believe it is time to take a step to address specifically the problems our crime labs face.

The National Forensic Science Improvement Act has been endorsed by organizations such as the National Governors Association, the National Association of Attorneys General, the Association of State Criminal Investigative Agencies and the International Association of Chiefs of Police who see it as a flexible approach to a problem that indeed has far-ranging consequences. Mr. President, it is my belief that Congress must work to ensure justice in this country is neither delayed nor denied. Right now across the country backlogs in crime labs are denying the swift administration of justice and with this bill we have a ready solution.

In crafting this bill I have worked closely with the Georgia Bureau of Investigation which is suffering heavily under a growing caseload. At its headquarters in Decatur, GA the GBI has a number of cataloging systems that are not yet computerized. Further, they lack the funding to create computer networks that would connect not only their forensic equipment with internal computers, but would also allow them to share information with crime labs across the country. While the Governor has taken steps to provide the GBI with more funding for forensic sciences, it remains clear that federal assistance is needed.

Last year the Senate passed the Crime Identification Technology Act. This important measure, which I supported, was a good step towards improving the technology employed by law enforcement across the country. I believe my bill is the next logical step in this body's effort to improve the manner in which justice is administered in this country.

By Mr. ROTH (for himself, Mr. SMITH of New Hampshire, Mr. LEVIN, and Mr. SCHUMER):

S. 1197. A bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DOG AND CAT PROTECTION ACT OF 1999

Mr. ROTH. Mr. President, I rise today to introduce legislation that runs to the heart of who we are and what we hold dear and meaningful in our lives.

There is a special relationship between men, women, children, and their family pets—particularly their dogs and cats.

I have been profoundly affected in my life because of the animals that transcended emotional boundaries to become true and meaningful friends—even a part of the family. I can name every dog I've owned since I was a boy.

I can tell you their qualities, their peculiarities, their preferences and dislikes. Even now, my wife Jane and I—our children and grandchildren—are surrounded by the most loyal St. Bernards in the world. They—as all the pets we've had—speak volumes about strong and lasting friendship.

You can understand, given this background, that I am outraged to learn that there are clothing articles imported into America that are made from the fur of these precious animals.

I'm outraged to learn that dog and cat fur is being used in a wide variety of products, including fur coats and jackets.

I'm outraged to learn from the Humane Society of the United States that more than two million dogs and cats are killed annually as part of the fur trade, and that many retailers in the U.S. who sell these items are doing so unaware of their content.

To respond to this growing problem, I'm introducing legislation today, the Dog and Cat Protection Act of 1999, to prohibit the domestic sale, manufacture, transportation, and distribution of products made with cat or dog fur.

My legislation requires all fur products to be labelled, closing a loophole in the current law, and it will ban deceptive or misleading labelling of these products so consumers and retailers can buy with confidence, knowing that they are not supporting this tragic process.

With this legislation, our message will be clear: No matter where in the world this merchandise is made, there will be no legitimate market for it here—not in the United States.

This is important legislation. It will provide uniformity of regulations and prevent conflicts between states. It will give the Justice Department the ability to enforce the law and prosecute those who may try to get around it.

And the U.S. Customs Service would be able to function as the first line of defense. I appreciate the work being done by the Humane Society of the United States and many other important organizations to heighten our awareness of these kinds of issues.

And I look forward to working with my colleagues to see this legislation enacted into law. Thank you, Mr. President.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dog and Cat Protection Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur-trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) As demonstrated by forensic tests, dog and cat fur products are being imported into the United States, in some cases with deceptive labeling to conceal the use of dog or cat fur.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs.

(4) Foreign fur producers use dogs and cats bred for their fur, and also use strays and stolen pets.

(5) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(b) Purposes.—The purposes of this Act are—

(1) to prohibit the sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products;

(2) to require accurate labeling of fur species so that consumers in the United States can make informed choices; and

(3) to prohibit the trade in, both imports and exports of, dog and cat fur products, to ensure that the United States market does not encourage the slaughter of dogs or cats for their fur, and to ensure that the purposes of this Act are not undermined.

SEC. 3. DEFINITIONS.

In this Act:

(1) Dog fur.—The term "dog fur" means the pelt or skin of any animal of the species *canis familiaris*.

(2) Cat fur.—The term "cat fur" means the pelt or skin of any animal of the species *felis catus*.

(3) United states.—The term "United States" means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

(4) Commerce.—The term "commerce" means transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

(5) Dog or cat fur product.—The term "dog or cat fur product" means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

(6) Person.—The term "person" includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity.

(7) Interested party.—The term "interested party" means any person having a contractual, financial, humane, or other interest.

(8) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(9) Duly authorized officer.—The term "duly authorized officer" means any United States Customs officer, any agent of the Federal Bureau of Investigation, or any agent or other person authorized by law or designated by the Secretary to enforce the provisions of this Act.

SEC. 4. PROHIBITIONS.

(a) Prohibition on Manufacture, Sale, and Other Activities.—No person in the United States or subject to the jurisdiction of the United States may introduce into commerce, manufacture for introduction into commerce, sell, trade, or advertise in commerce, offer to sell, or transport or distribute in commerce, any dog or cat fur product.

(b) Imports and Exports.—No dog or cat fur product may be imported into, or exported from, the United States.

SEC. 5. LABELING.

Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking "; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein".

SEC. 6. ENFORCEMENT.

(a) In General.—The Secretary, either independently or in cooperation with the States, political subdivisions thereof, and interested parties, is authorized to carry out operations and measures to eradicate and prevent the activities prohibited by section 4.

(b) Inspections.—A duly authorized officer may, upon his own initiative or upon the request of any interested party, detain for inspection and inspect any product, package, crate, or other container, including its contents, and all accompanying documents to determine compliance with this Act.

(c) Seizures and Arrests.—If a duly authorized officer has reasonable cause to believe that there has been a violation of this Act or any regulation issued under this Act, such officer may search and seize, with or without a warrant, the item suspected of being the subject of the violation, and may arrest the owner of the item. An item so seized shall be held by any person authorized by the Secretary pending disposition of civil or criminal proceedings.

(d) Burden of Proof.—The burden of proof shall lie with the owner to establish that the item seized is not a dog or cat fur product subject to forfeiture and civil penalty under section 7.

(e) Action by U.S. Attorney.—Upon presentation by a duly authorized officer or any interested party of credible evidence that a violation of this Act or any regulation issued under this Act has occurred, the United States Attorney with jurisdiction over the suspected violation shall investigate the matter and shall take appropriate action under this Act.

(f) Citizen Suits.—Any person may commence a civil suit to compel the Secretary to implement and enforce this Act, or to enjoin any person from taking action in violation of any provision of this Act or any regulation issued under this Act.

(g) Reward.—The Secretary may pay a reward to any person who furnishes information which leads to an arrest, criminal conviction, civil penalty assessment, or forfeiture of property for any violation of this Act or any regulation issued under this Act.

(h) Regulations.—

(1) In general.—The Secretary shall issue final regulations, after notice and opportunity for public comment, to implement this Act within 180 days after the date of enactment of this Act.

(2) Fees.—The Secretary may charge reasonable fees for expenses to the Government connected with permits or certificates authorized by this Act, including expenses for—

(A) processing applications;

(B) reasonable inspections; and

(C) the transfer, handling, or storage of evidentiary items seized and forfeited under this Act.

All fees collected pursuant to this paragraph shall be deposited in the Treasury in an account specifically designated for enforcement of this Act and available only for that purpose.

SEC. 7. PENALTIES.

(a) Civil Penalty.—Any person who violates any provision of this Act or any regulation issued under this Act may be assessed a civil penalty of not more than $25,000 for each violation.

(b) Criminal Penalty.—Any person who knowingly violates any provision of this Act or any regulation issued under this Act shall, upon conviction for each violation, be imprisoned for not more than 1 year, fined in accordance with title 18, United States Code, or both.

(c) Forfeiture.—Any dog or cat fur product that is the subject of a violation of this Act or any regulation issued under this Act shall be subject to seizure and forfeiture to the same extent as any merchandise imported in violation of the customs laws.

(d) Injunction.—Any person who violates any provision of this Act or any regulation issued under this Act may be enjoined from further sales of any fur products.

(e) Applicability.—The penalties in this section apply to violations occurring on or after the date of enactment of this Act.

By Mr. SHELBY (for himself, Mr. BOND, and Mr. LOTT):

S. 1198. A bill to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL ACCOUNTABILITY FOR REGULATORY INFORMATION ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Accountability for Regulatory Information Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) many Federal regulations have improved the quality of life of the American public, however, uncontrolled increases in regulatory costs and lost opportunities for better regulation cannot be continued;

(2) the legislative branch has a responsibility to ensure that laws passed by Congress are properly implemented by the executive branch; and

(3) in order for the legislative branch to fulfill its responsibilities to ensure that laws passed by Congress are implemented in an efficient, effective, and fair manner, the Congress requires accurate and reliable information on which to base decisions.

SEC. 3. REPORTS ON REGULATORY ACTIONS BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—Section 801(a)(2) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B)(i) After an agency publishes a regulatory action, a committee of either House of Congress with legislative or oversight jurisdiction relating to the action may request the Comptroller General to review the action under clause (ii).

"(ii) Of requests made under clause (i), the Comptroller General shall provide a report on each regulatory action selected under clause (iv) to the committee which requested the report (and the committee of jurisdiction in the other House of Congress) not later than 180 calendar days after the committee request is received. The report shall include an independent analysis of the regulatory action by the Comptroller General using any relevant data or analyses available to or generated by the General Accounting Office.

"(iii) The independent analysis of the regulatory action by the Comptroller General under clause (ii) shall include—

"(I) an analysis by the Comptroller General of the potential benefits of the regulatory action, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits;

"(II) an analysis by the Comptroller General of the potential costs of the regulatory action, including any adverse effects that cannot be quantified in monetary terms and the identification of those likely to bear the costs;

"(III) an analysis by the Comptroller General of any alternative regulatory approaches, which have been identified, that could achieve the same goal in a more cost-effective manner or that could provide greater net benefits, and, if applicable, a brief explanation of any statutory reasons why such alternatives could not be adopted;

"(IV) an analysis of the extent to which the regulatory action would affect State or local governments; and

"(V) a summary of how the results of the Comptroller General's analysis differ, if at all, from the results of the analyses of the agency in promulgating the regulatory action.

"(iv) In consultation with the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, the Comptroller General shall develop procedures for determining the priority and number of those requests for review under clause (i) that will be reported under clause (ii).

"(C) Federal agencies shall cooperate with the Comptroller General by promptly providing the Comptroller General with such records and information as the Comptroller General determines necessary to carry out this section.".

(b) DEFINITIONS.—Section 804 of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(2) by inserting after paragraph (1) the following:

"(2) The term 'independent analysis' means a substantive review of the agency's underlying assessments and assumptions used in developing the regulatory action and any additional analysis the Comptroller General determines to be necessary."; and

(3) by inserting after paragraph (3) (as redesignated by paragraph (1) of this subsection) the following:

"(4) The term 'regulatory action' means—

"(A) notice of proposed rule making;

"(B) final rule making, including interim final rule making; or

"(C) a rule.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out chapter 8 of title 5, United States Code, $5,200,000 for each of fiscal years 2000 through 2003.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 335

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 446

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 512

At the request of Mr. GORTON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 676

At the request of Mr. CAMPBELL, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 680

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 737

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 737, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the medicaid program.

S. 820

At the request of Mr. MACK, his name was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 914

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 918

At the request of Mr. KERRY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 1034

At the request of Mr. AKAKA, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1034, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the medicare program for pap smear laboratory tests.

S. 1070

At the request of Mr. BOND, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1130

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1130, a bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.

SENATE JOINT RESOLUTION 27

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of Senate Joint Resolution 27, A joint resolution disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.

SENATE JOINT RESOLUTION 28

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 28, a joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. ROBB), the Senator from Nebraska (Mr. HAGEL), the Senator from Alaska (Mr. STEVENS), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of Senate Resolution 81, a resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 96

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

SENATE RESOLUTION 113—TO AMEND THE STANDING RULES OF THE SENATE TO REQUIRE THAT THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES BE RECITED AT THE COMMENCEMENT OF THE DAILY SESSION OF THE SENATE

Mr. SMITH of New Hampshire (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 113

Whereas the Flag of the United States of America is our Nation's most revered and preeminent symbol;

Whereas the Flag of the United States of America is recognized and respected throughout the world as a symbol of democracy, freedom, and human rights;

Whereas, in the words of the Chief Justice of the United States, the Flag of the United States of America "in times of national crisis, inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of overriding importance . . . and serves as a reminder of the paramount importance of pursuing the ideals that characterize our society";

Whereas the House of Representatives of the United States has opened each of its daily sessions with the Pledge of Allegiance to the Flag of the United States of America since 1988; and

Whereas opening each of the daily sessions of the Senate of the United States with the Pledge of Allegiance to the Flag of the United States would demonstrate reverence for the Flag and serve as a daily reminder to all Senators of the ideals that it represents: Now, therefore, be it

Resolved, That paragraph 1(a) of rule IV of the Standing Rules of the Senate is amended by inserting after "prayer by the Chaplain" the following: "and after the Presiding Officer leads the Senate in reciting the Pledge of Allegiance to the Flag of the United States".

Mr. SMITH of New Hampshire. Mr. President, the resolution that I am submitting today provides that immediately following the prayer such as we just heard this morning by Chaplain Ogilvie, at the beginning of each daily session of the Senate, the Presiding Officer of the Senate would lead the Senate in the Pledge of Allegiance to the flag of the United States.

I am pleased and honored that the chairman of the Rules Committee, Senator MCCONNELL, as well as Senator FEINSTEIN, Senator HELMS, an Senator LOTT, have joined me as original cosponsors of this resolution.

The flag of the United States is our most revered and preeminent symbol, and the flag is recognized and respected throughout the world as a symbol of democracy, freedom, and human rights. As you know, the House of Representatives has such a flag salute in the morning at the beginning of each day. I think it is appropriate that the Senate follow suit. It is probably long overdue.

The Chief Justice of the United States, William Rehnquist, has written that the flag of the United States of America "in times of national crisis, inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of overriding importance . . . and serves as a reminder of the paramount importance of pursuing the ideals that characterize our society."

Many Americans, including my father, have given their lives to protect freedom and democracy as symbolized by this flag. Our family was presented with a flag at the burial, as so many other families of veterans have also experienced. It means a great deal, and I think it is appropriate that we salute the flag every morning to start our business.

Since 1988, as I said, the House of Representatives has demonstrated its reverence and respect for the flag, and all of the ideals for which it stands, by opening its morning session with the Pledge of Allegiance.

I wish to give credit to a constituent of mine. I would like to take credit for the idea—perhaps I should have thought of it—but it came from Rebecca Stewart of Enfield, NH, who recently contacted my office and suggested that the Senate should do what the House does—open each session with the Pledge of Allegiance. I thought that was a great idea and contacted several members of the Senate Rules Committee to get a sense of the level of support on that committee for the idea, and I was pleased and delighted by the response from Rules.

The result then is the resolution I am submitting today. I might also in conclusion point out that Monday, June 14, is Flag Day. It would be a great tribute if we could get this resolution to the floor and pass it sometime on or before Monday, June 14. We do have time this week to do that. It is my hope we can move this legislation out of Rules quickly and bring it to the floor. I understand Senator MCCONNELL will be in the Chamber to speak on this matter very shortly.

Mr. President, I trust that the Senate will see fit to promptly adopt this resolution. I hope that it will receive the unanimous support of my colleagues in the Senate.

Mr. MCCONNELL. Mr. President, the senior Senator from New Hampshire, Mr. BOB SMITH, introduced a rules change which I, as chairman of the Rules Committee, am happy to cosponsor. I commend our colleague, Senator BOB SMITH, for an excellent and outstanding idea.

Since 1892, Americans have expressed their reverence for the flag of this Nation and all it represents by reciting the Pledge of Allegiance. The Pledge was first recited at the 1892 World's Fair to commemorate the 400th anniversary of the discovery of America. Since that time, hundreds and thousands of civic organizations and schoolchildren have taken time before turning to their work to recite these moving words:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Mr. President, I can remember as a schoolchild in Athens, Alabama, standing at my desk, placing my hand over my heart, fixing my eyes upon the flag, and reciting these eloquent words. I suspect many of our colleagues here in the Senate had the same experience in school as they were growing up.

Even at that early age, pledging allegiance to the flag encouraged me to think about the history and ideals of this Nation. It was an important ritual for schoolchildren then. It should be an important ritual for the Senate now.

Presently, we begin each day's business here in the Senate with a prayer. This solemn act reminds us of certain principles and values that we as a people hold dear. Similarly, daily recitation of the pledge would serve as an inspirational start to each legislative day.

The pledge is a time for reflecting on the inspiring history and ideals of liberty and freedom that the Stars and Stripes represents. Setting aside this time each day will serve to remind Americans of the venerated place the flag holds in our country and our culture.

Mr. President, among my most prized possessions is the American flag which honored, as he was laid to rest, my father's service to our Nation. That flag rests proudly on the marble mantel in my Senate office.

A clinical assessment of that flag would conclude that it is some mixture of cotton fabric, dyed red, white, and blue. But for me, it harkens back to the selfless patriotism of a father who fought for his Nation during World War II, a father who instilled in his son an awe and abiding respect for this great Nation we are all so fortunate to call home.

Old Glory has been a beacon of hope for over 200 years, a touchstone for patriotic Americans, and a source of comfort and pride for individuals at home and abroad. In the words of Senator Charles Sumner, "In a foreign land, the flag is companionship, and country itself, with all its endearments."

The flag is, without question, a powerful symbol the world over. For nearly every American, it is the most powerful patriotic inspiration.

It is my distinct honor today to cosponsor this resolution as chairman of the Senate Rules Committee. I also want to commend my good friend from New Hampshire, Senator BOB SMITH, for an excellent idea and for his leadership on this issue. The Senate should promptly pass this resolution to begin every day in the Senate Chamber with the pledge of allegiance to our flag and to the Republic for which it stands, the Republic to which we have dedicated ourselves as Senators.

SENATE CONCURRENT RESOLUTION 38—EXPRESSING THE SENSE OF CONGRESS THAT THE BUREAU OF THE CENSUS SHOULD INCLUDE IN THE 2000 DECENNIAL CENSUS ALL CITIZENS OF THE UNITED STATES RESIDING ABROAD

Mr. ABRAHAM submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS THAT THE BUREAU OF THE CENSUS SHOULD INCLUDE IN THE 2000 DECENNIAL CENSUS ALL CITIZENS OF THE UNITED STATES RESIDING ABROAD.

(a) FINDINGS.—Congress finds the following:

(1) The Bureau of the Census has announced its intention to exclude more than 3,000,000 citizens of the United States living and working overseas from the 2000 decennial census because such citizens are not affiliated with the Federal Government.

(2) The Bureau of the Census has stated its desire to make the 2000 decennial census "the most accurate ever".

(3) Exports by the United States of goods, services, and expertise play a vital role in strengthening the economy of the United States—

(A) by creating jobs based in the United States; and

(B) by extending the influence of the United States around the globe.

(4) Citizens of the United States living and working overseas strengthen the economy of the United States—

(A) by purchasing and selling United States exports; and

(B) by creating business opportunities for United States companies and workers.

(5) Citizens of the United States living and working overseas play a key role in advancing the interests of the United States around the world as highly visible economic, political, and cultural ambassadors.

(6) In 1990, as a result of widespread bipartisan support in Congress, the Bureau of the Census enumerated all United States Government officials and other citizens of the United States affiliated with the Federal Government living and working overseas for the apportionment of representatives among the several States and for other purposes.

(7) In the 2000 decennial census, the Bureau of the Census again intends to so enumerate all such officials and other citizens of the United States.

(8) The Overseas Citizens Voting Rights Act of 1975 gave citizens of the United States residing abroad the right to vote by absentee ballot in any Federal election in the State in which the citizen was last domiciled over 2 decades ago.

(9) Citizens of the United States who live and work overseas, but who are not affiliated with the Federal Government, vote in elections and pay taxes.

(10) Organizations that represent individuals and companies overseas, including both Republicans Abroad and Democrats Abroad,

support the inclusion of all citizens of the United States residing abroad in the 2000 decennial census.

(11) The Internet facilitates easy maintenance of close contact with all citizens of the United States throughout the world.

(12) All citizens of the United States living and working overseas should be included in the 2000 decennial census.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bureau of the Census should enumerate all citizens of the United States residing overseas in the 2000 decennial census; and

(2) legislation authorizing and appropriating the funds necessary to carry out such an enumeration should be enacted.

SENATE RESOLUTION NO. 114—DESIGNATING JUNE 22, 1999, AS "NATIONAL PEDIATRIC AIDS AWARENESS DAY"

Mr. HATCH (for himself, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEWINE, Mr. BIDEN, Mr. WARNER, Mr. DASCHLE, Mr. CRAPO, Mr. HOLLINGS, Mr. BENNETT, Mr. KERRY, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. FITZGERALD, Mrs. MURRAY, Ms. SNOWE, Mr. ROBB, Mr. MACK, Mr. TORRICELLI, Mr. ABRAHAM, Mr. WELLSTONE, Mr. BURNS, Mr. CLELAND, Mrs. HUTCHISON, Mr. DODD, Mr. SPECTER, Mr. DURBIN, Mr. CAMPBELL, Mr. EDWARDS, Mr. FRIST, Mr. INOUYE, Mr. GORTON, Mrs. FEINSTEIN, Mr. LOTT, Mr. REID, Mr. ASHCROFT, Mr. GRAHAM, Mr. COCHRAN, Mr. JOHNSON, Mr. JEFFORDS, Mr. KERREY, Mr. CHAFEE, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BAYH, Mr. CRAIG, Mr. REED, Mr. NICKLES, and Mr. KOHL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 114

Whereas acquired immune deficiency syndrome (referred to in this resolution as "AIDS") is the 7th leading cause of death for children in the United States;

Whereas approximately 15,000 children in the United States are currently infected with human immunodeficiency virus (referred to in this resolution as "HIV"), the virus that causes AIDS;

Whereas the number of children who have died from AIDS worldwide since the AIDS epidemic began has reached 2,700,000;

Whereas it is estimated that an additional 40,000,000 children will die from AIDS by the year 2020;

Whereas perinatal transmission of HIV from mother to child accounts for 91 percent of pediatric HIV cases;

Whereas studies have demonstrated that the maternal transmission of HIV to an infant decreased from 30 percent to less than 8 percent after therapeutic intervention was employed;

Whereas effective drug treatments have decreased the percentage of deaths from AIDS in the United States by 47 percent in both 1998 and 1999;

Whereas the number of children of color infected with HIV is disproportionate to the national statistics with respect to all children;

Whereas The Elizabeth Glaser Pediatric AIDS Foundation has been devoted over the past decade to the education, research, prevention, and elimination of acquired immune deficiency syndrome (AIDS); and

Whereas the people of the United States should resolve to do everything possible to control and eliminate this epidemic that threatens our future generations: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all of the individuals who have devoted their time and energy toward combatting the spread and costly effects of acquired immune deficiency syndrome (AIDS) epidemic, designates June 22, 1999, as "National Pediatric AIDS Awareness Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. HATCH. Mr. President, I rise to submit a Senate Resolution recognizing June 22, 1999, as "National Pediatrics AIDS Awareness Day." I am sponsoring this resolution today with my colleague Senator BOXER from California and 52 of our other colleagues of the Senate.

Senator BOXER and I are cochairs for the 10th anniversary of the Elizabeth Glaser Pediatric AIDS Foundation, which promises to be a wonderful event. But, more importantly, through the generosity of many individuals and organizations, substantial funds will be raised to further the research necessary to defeat this disease which threatens so many lives—including children.

Infection of children with the human immunodeficiency virus (HIV) is very different than infection in adults. Infected children get sick faster; their immune systems may deteriorate more quickly; treatment protocols are very different; and they often involve more complications. Almost all children with HIV infection have acquired the virus from their mothers. In the late 1980s and early 1990s, before preventive treatments were available, an estimated 1,000–2,000 babies were born with HIV infection each year in the United States.

Today, because of scientific and medical breakthroughs in pharmaceutical therapies, the mother-to-infant transmission rate has dropped from 43% in 1992 to 8% in 1997. The investment in prevention alone has resulted in avoiding an estimated 656 HIV infections and saves $105.6 million in medical care costs. Thus we are indeed seeing results from the time, energy, and resources being expended to fight this dreaded disease. My hat is off to those front line researchers and clinicians who have devoted themselves to this task.

While significant advances have been made in decreasing pediatric HIV infection, we must continue to work tirelessly to develop an HIV vaccine that will enable the safe and effective immunization of children and adults. We must better understand why HIV/AIDS disproportionately affects children of color and find cures to eradicate this epidemic. For our children living with HIV, we must provide them with the best possible therapeutic and social support to ensure their long, high quality life. I urge all senators to join me on June 22 at the National Building Museum to celebrate the successes which have been achieved in fighting HIV and AIDS among our youth and to renew our pledge to fight this disease until it disappears from the face of this earth.

Mrs. BOXER. Mr. President, I am very honored to rise today with my good friend, Senator HATCH, to submit a resolution designating June 22 as National Pediatric AIDS Awareness Day.

I am proud that we have the cosponsorship of 52 of our colleagues, which demonstrates a broad interest in the issue of children and AIDS.

Incredibly, AIDS is the seventh leading cause of death for children in the United States. We have lost 2.7 million precious children to this epidemic—a staggering and sobering statistic.

Our resolution recognizes and commemorates the children, families, and countless others in the health and education communities who have dedicated their substantial time and efforts to prevention and eradication of AIDS.

It also recognizes the 10th anniversary of the Elizabeth Glaser Pediatric AIDS Foundation, an outstanding charitable organization which has devoted years of effort to the education, research, and prevention of HIV transmission and disease.

I hope the Senate will act quickly on this resolution to recognize the devastating effects of this terrible disease on millions of American children and their families, and to honor the contributions of thousands of others who are working to end the epidemic.

AMENDMENTS SUBMITTED

Y2K ACT

McCAIN (AND OTHERS) AMENDMENT NO. 608

Mr. McCAIN (for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN) proposed an amendment to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) Table of Sections.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind: bystander liability; control.
Sec. 14. Appointment of special masters or magistrate judges for Y2K actions.
Sec. 15. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) Purposes.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K action.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted from a Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K failure.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) Government entity.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) Material defect.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) Personal injury.—The term "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) State.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) Contract.—The term "contract" means a contract, tariff, license, or warranty.

(8) Alternative dispute resolution.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) General Rule.—This Act applies to any Y2K action brought in a State or Federal court after January 1, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) No New Cause of Action Created.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) Claims for Personal Injury or Wrongful Death Excluded.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) Contract Preservation.—

(1) In general.—Subject to paragraph (2), in any Y2K action any written contractual

term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

(f) APPLICATION WITH YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Nothing in this Act supersedes any provision of the Year 2000 Information and Readiness Disclosure Act.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant described in paragraph (2) in a Y2K action may not exceed the lesser of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) DEFENDANT DESCRIBED.—A defendant described in this paragraph is a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, or organization with fewer than 50 full-time employees.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Paragraph (1) does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant (other than a defendant who has entered into a settlement agreement with the plaintiff)—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Norwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge arising out of the action. The order shall bar all future claims for contribution arising out to the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same

damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) Statute of Limitations for Contributions.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) More Protective State Law Not Pre-empted.— Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) In General.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail (with either return receipt requested or other means of verification that the notice was sent) to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) Person to Whom Notice To Be Sent.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) Response to Notice.—

(1) In general.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) Willingness to engage in ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) Inadmissability.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) Presumptive time of receipt.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) Failure to Respond.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff, the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) Remediation Period.—

(1) In general.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) Extension by agreement.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) Multiple extensions not allowed.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) Statutes of limitation, etc., tolled.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) Failure to Provide Notice.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) Effect of Contractual or Statutory Waiting Periods.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) State Law Controls Alternative Methods.—Nothing in this section supersedes or otherwise pre-empts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) Provisional Remedies Unaffected.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) Special Rule for Class Actions.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) Application With Rules of Civil Procedure.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedures.

(b) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) Material Defects.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the compliant a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) Required State of Mind.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contracts; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) In General.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable Federal or State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal and State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by the standard of evidence under applicable State law in effect before January 1, 1999.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves, by the standard of evidence under applicable State law in effect before January 1, 1999, that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do not include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

(d) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT APPLY.—The protections for the exchanges of information provided by section 4 of the Year 2000 Information and Readiness Disclosure Act (Public Law 105–271) shall apply to this Act.

SEC. 14. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATE JUDGES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate judge to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 15. Y2K ACTIONS AS CLASS ACTIONS.

(a) MATERIAL DEFECT REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A)(i) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(ii) the primary defendants are citizens of that State; and

(iii) the claims asserted will be governed primarily by the law of that State; or

(B) the primary defendants are States, State officials, or other government entities against whom the United States District Court may be foreclosed from ordering relief.

(d) EFFECT ON RULES OF CIVIL PROCEDURE.—Except as otherwise provided in this section, nothing in this section supersedes any rule of Federal or State civil procedure applicable to class actions.

Amend the title so as to read: An Act to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year's date through fostering an incentive for businesses to continue fixing and testing their systems, to communicate with other businesses, resolve year-2000 business disputes without litigation, and to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.

ALLARD AMENDMENT NO. 609

Mr. ALLARD proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At the end of the amendment, add the following:

SEC. . APPLICABILITY OF STATE LAW.

Nothing in this Act shall be construed to affect the applicability of any State law that provides greater limits on damages and liabilities than are provided in this Act.

KERRY (AND OTHERS) AMENDMENT NO. 610

Mr. KERRY (for himself, Mr. ROBB, Mr. DASCHLE, Mr. REID, Mr. BREAUX, Mr. AKAKA, and Ms. MIKULSKI) proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 986, supra; as follows:

Strike all after the word "**SECTION**" and insert the following:

1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Proportionate liability.
Sec. 6. Pre-litigation notice.
Sec. 7. Pleading requirements.
Sec. 8. Duty to mitigate.
Sec. 9. Application of existing impossibility or commercial impracticability doctrines.

Sec. 10. Damages limitation by contract.
Sec. 11. Damages in tort claims.
Sec. 12. State of mind; control.
Sec. 13. Appointment of special masters or magistrate judges for Y2K actions.
Sec. 14. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted from a Y2K failure, or a claim or defense is related to a Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(6) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(7) ALTERNATIVE DISPUTE RESOLUTION.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) APPLICATION OF ACT LIMITED.—Except as otherwise indicated, this Act applies only to claims for commercial loss between incorporated or unincorporated businesses, associations, organizations, and enterprises, including any sole proprietorship, corporation, company (including any joint stock company), association, partnership, trust, or governmental entity.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

(f) Securities Actions Excluded.—This Act does not apply to a securities claim brought under the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 5. PROPORTIONATE LIABILITY.

(a) In General.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a noncontractual Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) Proportionate Liability.—

(1) Determination of responsibility.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs concerning the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff.

(2) Contents of special interrogatories or findings.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) Factors for consideration.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) Joint Liability for Intentional Tort or Failure to Remediate.—

(1) In general.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several—

(A) if the trier of fact specifically determines that the defendant committed an intentional tort; or

(B) unless the defendant demonstrates by a preponderance of the evidence both that the defendant—

(i) identified the potential for Y2K failure of the device or system used or sold by the defendant that experienced the Y2K failure alleged to have caused the plaintiff's harm; and

(ii) provided information calculated to reach persons likely to experience Y2K failures of that device or system concerning reasonable steps to avert or mitigate the potential Y2K failure.

(2) Intentional tort.—For purposes of paragraph (1) of this subsection, reckless conduct by the defendant does not constitute commission of an intentional tort by the defendant.

(3) Right to contribution not affected.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant determined under paragraph (1) of this subsection to be jointly and severally liable.

(d) Special Rules.—

(1) Uncollectible share.—

(A) In general.—Notwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant.

(B) Overall limit.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) Subject to contribution.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) Special right of contribution.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that over defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) Nondisclosure to jury.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) Settlement Discharge and General Right of Contribution.—With the exception of contribution in the case of an uncollectible share, nothing in this section shall be construed to preempt or modify any State law or rule governing discharge of defendants who enter into settlements or the right of any jointly and severally liable defendant to seek contribution from any other person.

(f) More Protective State Law Not Pre-empted.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 6. PRE-LITIGATION NOTICE.

(a) In General.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a verifiable written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) Person to Whom Notice To Be Sent.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person if the prospective plaintiff has reasonable access to the Internet.

(c) Response to Notice.—

(1) In general.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) Willingness to engage in ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) Inadmissability.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) Presumptive time of receipt.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) Failure to Respond.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) Remediation Period.—

(1) In general.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) Extension by agreement.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) Multiple extensions not allowed.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 7. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATRE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 8. DUTY TO MITIGATE.

In addition to any duty to mitigate imposed by State law, if the defendant has made available to purchasers or users, as appropriate, of the defendant's product or services information concerning means of remedying or avoiding the Y2K failure alleged to have caused plaintiff's damages, damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any such information, whether made available by the defendant or others, of which the plaintiff was, or reasonably should have been, aware.

SEC. 9. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commerical impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 10. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract, unless enforcement of the term in question would manifestly and directly contravene applicable State law on January 1, 1999, directly addressing that term; or

(2) by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 11. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss involving a defective device or system or service unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party;

(2) such losses result directly from damage to property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure), and such damages are permitted under applicable Federal or State law; or

(3) the defendant committed an intentional tort, except where the tort involves misrepresentation or fraud regarding the attributes or capabilities of the product that forms the basis for the underlying claim.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

(e) DEVICE OR SYSTEM.—For purposes of subsection (a), a "device or system" means any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions.

SEC. 12. STATE OF MIND; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by the standard of evidence under applicable State law in effect before January 1, 1999.

(b) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

(c) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Nothing in this Act shall alter or affect any of the obligations, protections, or duties established by the Year 2000 Information and Readiness Disclosure Act.

SEC. 13. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 14. Y2K ACTIONS AS CLASS ACTIONS.

(A) MINIMUM INJURY REQUIREMENT.—A Y2K class action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NATURE AND AMOUNT OF DAMAGES.—In any Y2K class action in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K class action, there shall be filed with the complaint a statement of specific information regarding the manifestations of the materials defects and the facts supporting a conclusion that the defects are material as to a majority of the members of the class.

(d) REQUIRED STATE OF MIND.—In any Y2K class action in which a claim is asserted on which the plaintiff class may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(e) APPLICATION TO INDIVIDUALS AND NON-COMMERCIAL LOSS.—The provisions of this section shall apply to claims brought by individuals, to claims by entities described in section 4(c) and to claims for non-commecial as well as commercial loss; but shall not apply to claims for wrongful death or personal injury.

LEAHY AMENDMENT NO. 611

Mr. LEAHY proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXCLUSION FOR CONSUMERS.

(a) CONSUMER ACTIONS.—This Act does not apply to any Y2K action brought by a consumer.

(b) DEFINITIONS.—In this section:

(1) CONSUMER.—The term "consumer" means an individual who acquires a consumer product for purposes other than resale.

(2) CONSUMER PRODUCT.—The term "consumer product" means any personal property or service which is normally used for personal, family, or household purposes.

MURKOWSKI AMENDMENT NO. 612

Mr. BENNETT (for Mr. MURKOWSKI) proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section shall give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

MURKOWSKI AMENDMENT NO. 613

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

At the end of section 5(b)(3), strike "plaintiff." and insert the following: "plaintiff or that the defendant sold the product or service that is the subject of the Y2K action after the date of enactment of this Act knowing that the product or service will have a Y2K failure, without a signed waiver from the plaintiff."

GREGG AMENDMENT NO. 614

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. . SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term "agency" means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term "first-time violation" means any first-time violation within the last 3 years, directly resulting from a Y2K failure, of a Federal rule or regulation; and

(3) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section, each agency shall establish 1 point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affects the small business concern's ability to comply with federal regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in the harm of life or property;

(4) upon identification of a first-time violation the small business concern wishing to receive a waiver began immediate actions to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

INHOFE AMENDMENT NO. 615

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

On page , between lines and , insert the following:

( ) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term "defendant" includes a State or local government.

(ii) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term "local government" means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term "Y2K upset"—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

SESSIONS AMENDMENTS NOS. 616–617

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to the bill, S. 96, supra; as follows:

AMENDMENT NO. 616

At an appropriate place in section 15, add the following section:

SEC. . ADMISSIBLE EVIDENCE.

A defendant in any Y2K action shall be entitled to introduce into evidence communications between the defendant and its federal and state regulator and the results of any regulatory review conducted with respect to the defendant's efforts to prevent a Y2K failure from occurring.

AMENDMENT NO. 617

At an appropriate place at the end of section 5 add the following:

SUBSECTION . RATIONAL RELATIONSHIP.

In any action covered by this Act, punitive damages shall not be awarded unless the amount of the punitive award is rationally related to the totality of the defendant's wrongdoing.

BOXER AMENDMENT NO. 618

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 618, supra; as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, to conduct a hearing on "Financial Privacy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Wednesday, June 9, 1999, at 9:30 a.m. on S. 837—Auto Choice Reform Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 9, 1999, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 3 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, June 9, 1999, at 10 a.m. for a hearing on oversight of national security methods and processes relating to the Wen-Ho Lee espionage investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 9:30 a.m. to conduct an oversight hearing on internet gaming. The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a markup on "S. 918, Military Reservists Small Business Relief Act of 1999." The markup will be held on Wednesday, June 9, 1999, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 2 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a second hearing on project delivery and streamlining of the Transportation Equity Act for the 21st Century, Wednesday, June 9, 9:30 a.m., hearing room SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 9, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to continue the oversight conducted by the subcommittee at the April 6, 1999, Hood River, on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAXINE WHITNEY

• Mr. LAUTENBERG. Mr. President, the mark of a truly great person may be identified by their generosity, and generosity is the reason I rise today. I would like to honor Mrs. Maxine Whitney, a long-time Fairbanks, AK resident, businesswoman and philanthropist, for her multi-million dollar contribution of Native Alaskan artwork to the Prince William Sound Community College in Valdez, AK.

For the past 50 years in Alaska, Mrs. Whitney and her husband, Jesse, have traveled extensively in rural Alaska to gain a deeper understanding and appreciation of Native people and cultures. During their travels, Maxine amassed what is reportedly the world's largest private collection of Native Alaskan art and artifacts.

Maxine's hobby of collecting Native Alaskan art soon became a much larger commitment when she purchased a small private museum in Fairbanks to house her treasures. For nearly 20 years, Maxine's Eskimo Museum showcased Native Alaskan history and the important contribution Native culture has had on the formation of Alaskan society. Mrs. Whitney maintained the museum from 1969 until the late 1980s.

Maxine's dedication to the arts is apparent from her recent donation of her extensive collection of Native Alaska art to Prince William Sound Community College, part of the University of Alaska education system. The collection, known as the Jesse & Maxine Whitney Collection, is the nucleus of the college's Alaska Cultural Center. This multi-million dollar donation will provide a means for all visitors to the center to learn about past and present Native Alaskan cultures as well as the history of Alaska.

Mrs. Whitney's dedication to keeping the Native Alaskan history alive should be celebrated. Her generous gift will enhance the knowledge and appreciation of Native cultures. It is people like Maxine Whitney, a patron of the arts and education, who enrich our lives with their gracious gifts.

In donating the Whitney Collection, Maxine has provided a world-renowned educational gem for all who visit the collection . . . she has provided a unique legacy for all Alaskans, and for all Americans. Thank you Maxine Whitney.•

THE HOTEL DOHERTY 75TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate the Doherty family as they celebrate the 75th Anniversary of the Hotel Doherty on June 5, in Clare, Michigan.

The Hotel Doherty was established in 1924 by the late Michigan State Senator A.J. Doherty, Clare's mayor at the time. The Doherty was built to replace the Caulkins House in 1920, with local people donating the money to purchase the land.

The Hotel Doherty is one of the last historic landmark hotels in Michigan. What makes it even more unique is that it has remained as a single-family owned and operated business during all 75 years.

Clare's downtown business district has remained vibrant with the help of the Hotel Doherty. The Doherty is an excellent example of how small businesses are the backbone of Michigan's economy. I commend the Doherty family on their 75 years of business and I wish them all the best for future generations.•

JUNE DAIRY MONTH

• Mr. FEINGOLD. Mr. President, June is a very special month for this nation's dairy industry. It is the month farmers and consumers join together to commemorate the contributions and history of our great dairy industry by celebrating National Dairy Month.

Even before the 1937 inception of National Dairy Month, Wisconsin led the nation in milk and cheese production. Even today, Wisconsin leads the nation in cheese volume, processing nearly 90 percent of the more than 22 billion pounds of milk produced into cheese. More than 350 varieties of cheese are produced in the state, including, Cheddar, American, Muenster, Brick, Blue and Italian, not to mention the famous Limburger cheese variety, which is only produced in Wisconsin. Also, Wisconsin buttermakers produce nearly 25 percent of the America's butter supply.

National Dairy Month is the American consumer's oldest and largest celebration of dairy products and the people who have made the industry the success it is today. During June, Wisconsinities will hold nearly 100 dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events. These events all highlight the quality, variety and great taste of Wisconsin dairy products and honor the producers who make it all possible.

June Dairy Month is a time to celebrate America's dairy industry and Wisconsin dairy's proud tradition and heritage of quality. It provides Wisconsin's dairy farmers a special time to reflect on their accomplishments and those of their ancestors, and to look forward to continued success in the future.

Wisconsin was nicknamed America's Dairyland in the 1930s, but it became a leader in the industry soon after the first dairy cow came to Wisconsin in the 1800's. Dairy history and the state's history have been intertwined from the beginning. Why, before Wisconsin was even declared a state, Wisconsin's first cheese "factory" established when one clever Wisconsinite combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Other Wisconsin dairy firsts include: the development of Colby cheese in 1874, the creation of brick cheese in 1875, the first dairy school in America—established in 1891 at the University of Wisconsin at Madison, the first statewide dairy show in the U.S. in 1928, and the creation of the world-record holding 40,060 pound, Grade-A Cheddar cheese in 1988. And Wisconsin also can claim one of the best-tasting inventions in the history of dairy industry: the creation of the first ice cream sundae in 1881.

Also unique to Wisconsin's dairy industry is the crowing of "Alice in Dairyland." This lucky young woman serves as the state's dairy ambassador all over the country, and often in other parts of the world. Last year's Alice, Jennifer Hasler of Monroe, represented Wisconsin well as she promoted Wisconsin's agriculture in California, Arizona, Minnesota and even Japan. She generated millions of dollars in unpaid advertising for hard working Wisconsin farmers. I congratulate her on her achievements and her hard work and wish the new Alice good luck in her year serving Wisconsin agriculture.

I am proud to honor this great American tradition—proud to honor the dairy producers not only in Wisconsin, but also those across this great nation.•

GIRL SCOUT TROOP 327 CELEBRATES 25 YEARS OF SERVICE

• Mr. ABRAHAM. Mr. President, I rise to recognize the 54 participants of Girl Scout Troop 327 from Wayne County, Michigan, as they celebrate 25 years of continuous service at the Mackinac Island Scout Camp.

Based in Grosse Pointe, the Troop recruits girls from Livonia, Dearborn, and the entire east side of Detroit. This combined group from the Michigan Metro Girl Scout Council will be traveling to Mackinac Island on Thursday, June 24, 1999 to celebrate their 25th Anniversary of service to the Island.

While on the Island, the Girl Scouts will continue their commitment to be better citizens through community service and goodwill deeds. In cooperation with the Mackinac Island State Park Commission, they plan to greet visitors in various public buildings, give directions to tourists, paint dilapidated park benches, and clean up heavily traveled park trails. The beauty of the Island will undoubtedly be preserved because of the Girl Scouts' service and dedication.

Past experiences have enabled Troop 327 to gain a wealth of information about the world around them. As members of Governor Engler's Honor Guard, the girls have been responsible for raising 26 United States flags over the country's National Cemeteries, Post Cemetery, and another at the Governor's summer residence. Through their experiences, the Girl Scouts have become more mature while gaining valuable life and human relations skills.

Earning the "Gold Award" and "Silver Award" for their active participation in community service, members of the Troop continue to exemplify their self-professed national motto: "Girl Scouting: where girls grow strong."

As individuals, communities and businesses strive to make positive impacts on the world, our younger community sets an example for every generation to follow. I urge my colleagues to join me in praising these girls for their continued efforts. The service provided by Girl Scout Troop 327 has left a mark on their lives, and in future weeks their service will positively affect those who visit Mackinac Island from around the world.●

EXPRESSING RESPECT AND GRATITUDE TO THE ARMED FORCES OF THE UNITED STATES

Mr. WARNER. Mr. President, with a deep sense of humility, I believe the Senate should close its proceedings today by paying our profound and deepest respect to the men and women of the Armed Forces of the United States of America and their comrades in arms from 18 other nations, NATO, for having taken an enormous risk in performing with a degree of excellence that by any standard can be judged by all who understand military operations as in keeping with the finest traditions of our military and the military of other nations of the world.

Their actions to bring about what appears to be a cessation of hostilities, certainly in the air, at this time receives our profound gratitude and our prayers for their safety.

I, moments ago, spoke with the Secretary of Defense to pass on to our old colleague from the Senate a "well done." I had the opportunity, as did many here in the Senate, to work with him on a regular basis throughout this crisis period in Kosovo, and I commend him for maintaining a very strong hand on this situation, particularly at times when it became very difficult.

We have discussed the command from the Chairman of the Joint Chiefs, chiefs of services, down through the CINCs, to the privates, whether they be in the air, on the sea, on the land. Again, they performed their job with great professional skill and dedication. It was not an easy job, because there was a good deal of uncertainty, and that uncertainty still remains as to exactly how this mission was carried out and whether it could have been done differently. But nevertheless, some 3,000-plus sorties were flown by the men and women in the aircraft of eight nations, supported by ground personnel at bases throughout that region, 17 bases alone in Italy.

I had the privilege last week, as a matter of fact a week ago today I was in Albania with General Jackson, who will be heading the ARRC force and who broke the news of the agreement between the military side with the representatives from Yugoslavia, General Clark and Admiral Ellis. I wish to say to these commanders that, again, it was their leadership which instilled a sense of confidence and conviction in their subordinates that this job had to be done, that we had to stay the course, and the professionalism we have witnessed now in the air operation.

I was asked momentarily, does this represent a victory or how would you characterize it? I simply said to the press early today, and to my colleagues I say now, it is far too early to try to make those judgments. The Senate Armed Services Committee, which I am privileged to chair, will hold a series of hearings on what went right and what went wrong and what, most particularly, will be the strategy of our forces for the future if faced with another situation of the seriousness and the complexity of this one in Kosovo.

I visited this region last September. As I stood there in Albania and Macedonia and observed the terrain, which is identical in many ways to that in Kosovo, I thought back to the refugees at that time huddling in the hills. I said on the floor of the Senate there would be a need then, as there is now, for a ground military force to stabilize the situation, stabilize it so while the ground forces of NATO will go in, eventually other nongovernmental organizations from all over the world will come to help these people who were tragically driven from their homes and villages by a very brutal military force under the direction of President Milosevic, a man who has conducted himself with complete disregard of all international law and human rights.

Again, I return to the troops. While the air operation, hopefully, will be secured, if not already, within hours, we have remaining before us the challenge on the ground, and the ground forces will now take up their professional responsibilities. May the hand of God rest upon their shoulders, because they will be faced with land mines and booby traps, all types of uncertainty. They will have to perform tasks not unlike those of a mayor of a village, to the extremes of how to deal with this hidden weaponry and a tragic situation of returning people to a devastated homeland.

The KLA will present challenges. In some instances, they fought with great courage. But now they must reconcile themselves to the fact that this international force, indeed NATO and the United Nations, must resolve the situation in a peaceable manner.

So while victory cannot be pronounced now, not until the ground forces go in and perform their challenging tasks, I say clearly that NATO has taken another major, significant step in the international community toward reaching its five basic goals. Those goals have been stated on this floor and in the press many times.

I salute all. In my discussions with Secretary Cohen, we made reference to the President. The President is Commander in Chief. The words that Secretary Cohen used—and I have a great respect for Bill Cohen, having served with him here some 18 years in the Senate—were that the President was steady. He stayed steady at every turn in these events, stayed focused and gave it his attention. In every way, I think the comments of the Secretary of Defense were very respectful. Clearly, in the minds of all of us, we have to credit the President with holding together the 19 nations.

It was essential that that coalition under the NATO charter remain together throughout this first phase—that is, the air phase—and now they must remain together throughout an equally difficult and challenging phase, that of securing the ground.

As I said, when I was there one week ago with General Jackson, General Clark, Admiral Ellis, and other military commanders, it is clear that the magnitude of the uncertainty relating to the landmines and booby traps, and indeed the problems associated with moving the Serb forces out, pose a challenge that, in many respects, has never been faced by a U.S. military force. But I have confidence in those commanders and in the men and women who will boldly undertake this task.

So I wish to just pay my humble respects, and I will follow this operation very clearly, in terms of our duties in the Senate and on the Armed Services Committee and, most assuredly, in our prayers for their safety and for the safety of those Kosovars who were driven from their homes and now have hope to once again return.

NOMINATIONS OF GENERAL SHINSEKI AND GENERAL JONES

Mr. WARNER. Mr. President, the Armed Services Committee met yesterday under the advise and consent role with respect to General Shinseki to be Chief of Staff of the United States Army, and General Jones to become Commandant of the Marine Corps. I want to say with the deepest personal reverence that in my 21 years in the Senate, I cannot recall ever being moved as strongly by the remarks of a fellow Senator as I was yesterday when the senior Senator from Hawaii, Mr. INOUYE, addressed the Armed Services Committee and introduced General Shinseki.

While I would like to read these remarks, it is better that they just be printed in the RECORD. I urge all Senators to examine these remarks. They are extraordinary. They come from the heart of a Senator who has served his country with the greatest distinction, and his praise for a fellow Hawaiian who came up under circumstances not unlike his, although removed by a generation or so.

I ask unanimous consent to have the remarks of Senator INOUYE printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HONORABLE DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

Senator INOUYE. Thank you very much, Mr. Chairman, for this opportunity to say a few words in behalf of our President's nominee for the 34th Chief of Staff of the United States Army. General Shinseki began his military career as a commissioned officer 34 years ago, almost exactly, on June 9, 1965. He received his commission as a Second Lieutenant after receiving a baccalaureate degree from the United States Military Academy at West Point.

After a few weeks of preparation, he was sent to Vietnam. On his first tour of duty there he distinguished himself, and he received his first purple heart. He was sent back to the States to be hospitalized, and a few years later he was back in Vietnam. On his second tour of duty there as a captain he once again distinguished himself, but he was wounded very seriously, losing part of his foot.

Notwithstanding that, he applied for a waiver and requested that he be given the opportunity to continue his service to our Nation. This was granted, and he continued his illustrious career, and in 1997 became a four-star General. As Chairman Warner indicated, in March of 1994 he was made Commanding General of the First Cavalry Division.

In July 1997 he became Commander-in-Chief of the United States Army in Europe, and Commander-in-Chief of the Seventh Army. He was also Commander of the Stabilization Force on Bosnia.

As indicated by Chairman Warner, there is no question that General Shinseki is eminently qualified for this, and if I may at this juncture be a bit more personal, this is a special day for many of us in the United States. In February of 1942, the United States Selective Service System, because of the hysteria of that time, that all Japanese, citizens or otherwise, be designated 4C. 4C, as you know Mr. Chairman, is the designation of an enemy alien.

It was a day of shame for many of us, although it was not deserved, and we petitioned the Government to permit us to demonstrate ourselves and a year later President Roosevelt declared that Americanism is a matter of mind and heart. Americanism is not, and has never been, a matter of racial color, and authorized the formation of a special Japanese-American combat unit, and the rest is history.

But what I wish to point out is that this young man sitting to my right was born in November of 1942. At the time of his birth he was an enemy alien, and today, to the great glory of the United States, I have the privilege of presenting him as the 34th Chief of Staff, Army nominee. This, Mr. Chairman, can happen only in the United States. I cannot think of any other place where something of this nature can happen.

He is the grandson of a Japanese laborer from Hiroshima who arrived in Hawaii in the late 1800's, about 1888, raised his children, and raised his grandson to love America, and I believe he succeeded eminently.

Mr. Chairman, on this day the shame that has been on our shoulders all these years has been clearly washed away by this one action, and for that I am very grateful to this Nation. I am grateful to the President, and I believe that we have before us one of the great illustrious warriors of our Nation. And I hope that this committee will vote to approve his nomination as the 34th Chief of Staff of the U.S. Army.

It is my pleasure, Mr. Chairman, to present to the Committee, General Shinseki.

Mr. WARNER. Mr. President, this afternoon, the Senate Armed Services Committee reported out favorably the nominations of General Shinseki and General Jones, and I anticipate tomorrow the Senate will move on those nominations.

As chairman, I designated Senator ROBERTS, a former U.S. Marine, to place the nomination by the committee, as approved, of General Jones to the Senate; and Senator CLELAND of Georgia, an Army veteran of great distinction and an officer who served in Vietnam, will place before the Senate the nomination of General Shinseki.

Once again, I close by saluting the Secretary of Defense, the men and women of the Armed Forces of the United States, and our allies for their courage and perception in meeting the challenges proposed in Kosovo. I wish them well in the future.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 96–114, as amended, the appointment of George Gould of Virginia to the Congressional Award Board.

ORDERS FOR THURSDAY, JUNE 10, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 10. I further ask that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of S. 96, the Y2K liability legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, tomorrow, the Senate will immediately resume consideration of the Y2K legislation. The Senate hopes to complete action on that legislation tomorrow afternoon. Following the debate on S. 96, the Senate may begin consideration of the State Department authorization bill, any appropriations bills available, or any legislative or executive items on the calendar. Therefore, Senators can expect votes throughout tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, June 10, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1999:

DEPARTMENT OF STATE

JOHN E. LANGE, OF WISCONSIN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DELANO EUGENE LEWIS, SR., OF NEW MEXICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

SHEILA A.R. ROBBINS, 9286

To be lieutenant

VINCE W. BAKER, 9879
ROBIN L. BARNES, 5740
GERALD A. COOK, 5284
KENNETH A. FAULKNER, SR., 9937
JORGE I. MADERAL, 3053
PAMELLA A. MYERS, 2026
LEE A.C. NEWTON, 1591-V. ROSA, 7867
JAMES D. SANTAMOUR, 6192
KATHERINE A. SCHNEIRLA, 6017
WILLIAM B. STEVENS, 5614
ICHAEL R. TASKER, 2181

To be lieutenant (junior grade)

MICHAEL D. APRICENO, 7104
JOHN F. BAEHR, 0067
GREGORY D. BUCHANAN, 2003
DAVID D. CARNAL, 2084
ROBERT M. COHEN, 1737
MICHAEL A. DAVIS, JR., 6200
KRISTIAN M. DORAN, 0182
GEORGE C. ESTRADA, 9398
DARREN R. HALE, 3531
JOSHUA R. HALL, 2551
MOONI JAFAR, 0807
PATRICK M. KELLY, 0300
MANUEK X. LUGO, 2045
JESSE L. MAGGITT, 7392
RALPH J. MAINES, 4411
CECIL L. MC QUAIN, 0589
BERNARD T. MEEHAN II, 0991
JOAQUIN J. MOLINA, 1772
DAVID M. REED II, 5865
JOHN F. WEBB, 9753
CAROLYN M. WISNER, 4746
CHERYL WOEHR, 7506
ALEXANDER Y. WOLDEMARIAM, 3466

To be ensign

ROBERT M. ALLEYNE, 6332
GREGORY BALLENGER, 4604
MATTHEW L. BETIT, 7056
ANDREW F. BRACKENRIDGE, 1811
KEVIN F. BRAVOFERRER, 8227
LEBRON BUTTS II, 0150
CHRIS D. CASTLEBERRY, 2959
MARK A. CUTLER, 4665
MICHAEL W. DAVIDSON, 5920
JEFFREY P. DAVIS, 5536
DAMON C. DEQUENNE, 4978
RICHARD J. DIXON, JR., 3898
MARTIN L. EDMONDS, 2067
ASHTON F. FEEHAN, 6166
DAVID P. FRIEDLER, 6288
JONATHAN GRAY, 3191
MICHAEL S. GUILFORD, 9978
MICHAEL D. HALTOM, JR., 6794
ALEXANDER F. HARPER, 5881
RAIICHON A. HILTS, 3734
NICHOLAS H. HONG, 0944
ANDREW G. KREMER, 0158
ELLEN Y. KWAME, 2896
ANDREW J. LEWIS, 9902
MIGUEL A. LEYVA, 4126
CHRISTIAN M. MAHLER, 4829
WILLIAM J. MARTZ, 6575
DAVID B. MC KELVY, 1396
SEAN A. MENTUS, 3869
TROY C. MORSE, 9113
JAMES H. MURPHY, 6717
VICTOR D. OLIVER, 2519
LEE A. PARKER, 9499
RICHARD A. PHILLIPS, 4932
RICHARD C. PLEASANTS, 6966
JEREMY C. POWELL, 3966
LYNN J. PRIMEAUX, 6452
MICHAEL R. RODMAN, 7414
LIAM M. SARACINO, 1982
BRIAN S. SCHLICHTING, 6587
SALEEM K. TAFISH, 7557
DAVID A. TONINI, 7515
GEORGE B. TOSH, 5397
TAWNYA R. TSCHACHE, 7428
JEFFREY W. UTLEY, 6254
DANIEL E. WILBURN, 8345

HOUSE OF REPRESENTATIVES—*Wednesday, June 9, 1999*

The House met at 10 a.m.

The Reverend Samuel Thomas, Jr., Capitol City Seventh Day Adventist Church, Sacramento, California, offered the following prayer:

Eternal God our Father, we bless Your name this morning and thank You for the great country that You have given us, and we ask, Lord, that Your presence would be in this assembly and that You would empower us, Lord, by Your presence to do that which is right before Thee.

We thank You, Lord, in how You have carved out our country to be prophetically significant for all times, and we ask, Lord, that as we consider the things of earth, we would not forget the things of heaven.

This we ask in the blessed name of our Lord Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1554. An act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1554) "An Act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on the Judiciary, Mr. HATCH, Mr. THURMOND, Mr. DEWINE, Mr. LEAHY, and Mr. KOHL; and from the Committee on Commerce, Science, and Transportation, Mr. MCCAIN, Mr. STEVENS, and Mr. HOLLINGS; to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize the gentlewoman from Washington (Ms. DUNN) for 1 minute, and then 15 1-minutes on each side.

INTRODUCTION OF GUEST CHAPLAIN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, it is with pleasure I rise today to recognize Pastor Samuel Thomas, Jr. Pastor Thomas led the Congress in our opening prayer this morning.

In reflecting on his uplifting words for our country, I would like to give you a brief glimpse of Pastor Thomas' contribution to our society.

Pastor THOMAS was born in Nashville, Tennessee, and raised in Atlanta, Georgia. He has been a teacher, a student, a broadcaster, a banker, a husband and, perhaps most importantly, a wonderful father to his two children, Samuel and Christine.

His life's journey has included teaching new ministerial students at his alma mater in Huntsville, Alabama and co-producing a television broadcast that airs around the world. In addition, he serves his community as senior pastor of Capitol City Seventh Day Adventist Church in Sacramento, California.

When I met Pastor Thomas, he had flown to Seattle, Washington, to preside over funeral services for my next-door neighbor and very dear friend George Erickson. His compelling testimony of his own life and his kindness and strength at a painful time touched us all. I want not only to welcome Pastor Samuel Thomas and thank him for his prayer today, but I also want to thank him for serving as such an exemplary role model to all of us who seek to be both compassionate and strong.

PASS GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, 2 weeks ago the U.S. Senate did the right thing and passed modest gun safety legislation to keep guns out of the hands of our kids. Now it is time the House of Representatives do the right thing.

I was saddened to read in the paper this morning that the Republican leadership is playing games with gun safety legislation. Two weeks ago, instead of allowing us to vote on the gun safety package passed by the other body, the Republican leadership told us that they needed more time for hearings to proceed in the regular order. Now what we have found out is that what they really needed was more time for the National Rifle Association to wage a grassroots campaign and to water down gun safety legislation.

The Republican leadership is pulling a bait and switch on the American people. It is time to stop playing games with the deadly serious issue of gun safety for children. We should vote on the Senate gun safety package, not a watered down, NRA written, loophole filled, sham bill.

Madam Speaker, this is the people's House, it is not the NRA's House, and the American people want gun safety legislation. Let us have a fair and open debate on gun safety legislation.

RECOGNITION OF THE 125TH ANNIVERSARY OF THE KATONAH FIRE DEPARTMENT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Madam Speaker, I rise today to proudly mark the 125th anniversary of the Katonah, New York Volunteer Fire Department. It truly takes hard work and dedication by its members to provide quality fire protection services for over a century.

Formed in 1874, just after a major fire which nearly resulted in the destruction of the entire town, the Katonah Fire Department has grown to over 100 active, hardworking volunteer firemen and emergency medical service personnel.

The history of this incredible organization has turned out to be a long and illustrious story of bravery and commitment to the residents of Katonah. They have progressed dramatically over the 125 years of existence from an old horse and carriage to the firefighting tactics and equipment of today.

Today, more than ever, all over the country, we need people to volunteer to serve in our local fire and ambulance corps. The people of Katonah are proud of our men and women who volunteer to risk their lives every day to respond to any emergency at a moment's notice.

Congratulations to them. Let us salute them on this auspicious occasion for the undaunted hard work they do to make Katonah a safer place.

FLAG DAY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, in America it is illegal to burn trash, but we can burn the flag. It is illegal to remove a label from a mattress, but we can literally rip the stars and stripes off our flag. It is illegal to damage a mailbox, but we can destroy our flag.

Beam me up. A people that does not honor and respect their flag is a people that does not honor and respect their country nor their neighbors.

Today is Flag Day. I say if we want to make a political statement, we can burn our bras, burn our BVDs, but we should leave Old Glory alone. Every day should be Flag Day.

TRANSPORTING MINORS ACROSS STATE LINES FOR ABORTION SHOULD BE FEDERAL MISDEMEANOR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, yesterday a subcommittee approved a bill to make it a Federal misdemeanor for strangers to transport minor girls across State lines in order to avoid State abortion parental consent or notification laws. My bill is designed to punish those who take teenagers to other States for a secret abortion, thereby deceiving parents and avoiding the parental consent laws.

This commonsense legislation, which currently enjoys the support of almost 130 Members, will prevent our children from falling prey to strangers. The idea that any nonparent can take one's 13-year-old daughter to another State for a secret and potentially fatal abortion should be appalling to any parent and should convince this Congress to move swiftly on the bill.

I commend the members of the Subcommittee on the Constitution of the Committee on the Judiciary for protecting the basic right of parents to participate in all decisions involving their minor children, and I ask that the Committee on the Judiciary and the full House do the same as soon as possible.

CRA

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Madam Speaker, as we seek to provide banks and other financial companies with an environment that would allow them to expand their powers and become more competitive globally, it is our responsibility to make certain that our constituents, the financial institutions' customers, are also provided with an environment that would allow them to prosper.

Since 1977, banks and thrifts have made over $1 trillion in loan pledges to low-income areas. CRA investments have been widely credited with dramatically increasing home ownership, restoring distressed communities, and helping small businesses and meeting the unique credit needs of rural America.

I cosponsored an amendment offered in the Committee on Banking and Financial Services that would make bank affiliates that sell bank-like financial products subject to CRA review on those products. If they want to play on the same ball field they have to play by the same rules.

If this amendment is enacted in the House, on the House floor, bank affiliates will be pleasantly surprised to see that the same result will occur as my banking colleagues did; there is a profit to be made in low-income rural and minority communities.

CRA has been good for banks and great for our communities.

VIOLENCE AMONG OUR YOUTH

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, school violence and violence in society concerns all of us. What do we do about it? Well, we have tried gun control. We have insisted on parental control. We have suggested the schools could control more.

I do not believe our young people are born violent. It can be learned. We have found that out in the culture of the Hitler Nazi regime where he taught his youth, or there may be other ways that we can learn violence.

In America, we have allowed a culture of violence to promote it, besides guns, besides lack of parental control. What is that? It is our movies, our television, our video games.

I would like to see more leadership in addressing the thing that our students spend more time with. Let us try strict liability with television, videos and movies.

BOMBING FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, bombing for peace. This is the new strategy from NATO. While engaging in peace negotiations, NATO has intensified the bombing. Bombing for peace.

During peace talks, B-52s dropped cluster bombs along the Kosovo-Albania borders. NATO says that as a result about 600 Serb troops in the field were pulverized by the cluster bombs during peace talks. Besides those troops killed, there will be countless Kosovars and Serbs injured by thousands of cluster bombs which will remain unexploded until discovered by accident, by children playing, by people walking home to Kosovo.

Peace bombs. There is no such thing as bombing for peace. We bomb for war; we negotiate for peace. We cannot do both at once and keep credibility. Let us hope we can finally get a peace agreement and let us demand an end to the bombing.

MINORITY LEADER WOULD CUT DEFENSE AND RAISE TAXES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, the gentleman from Missouri (Mr. GEPHARDT), the House minority leader, was apparently caught off guard recently and said out loud what he really thinks about defense spending and about taxes. He said, and I quote, and I have it on this chart, "You have got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it."

That is right. He proposed to raise taxes and cut defense. And then, even more amazing is that he was given a chance to clarify his remarks in a letter to the editor of the Washington

Times. Did he say that he would oppose tax increases? Did he say he would retract his words? Did he repudiate the notion that what this country needs is to weaken our military and raise taxes? No. He wrote, "I have no intention of proposing or supporting any tax increases."

No intention? The last time we heard that was 1992, only 1 year before President Clinton gave us the greatest tax increase in our Nation's history.

SUPPORT IMPROVEMENT IN NATION'S SCHOOLS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, we can no longer ignore the disparities in our school systems and allow young people to suffer in crammed, outdated public school buildings.

Daily, Americans are forced to send their children to schools with leaky roofs and unsafe ventilation. With the classroom enrollment rate growing, children must endure overcrowding and dangerous conditions.

It is vital that we bring education to the forefront of our deliberations. We will not be able to meet the Nation's educational needs with temporary remedies. We must make this a nonpartisan issue and create permanent solutions. By joining with other Members of Congress and supporting school construction and modernization, we secure the welfare of our children.

□ 1015

It is imperative for the survival of this great Nation to prepare students to enter the global market and enable them to become productive members of the community. Reduced classroom size, qualified teachers, and new technology provide the opportunities students need to succeed.

Our future depends upon the schooling of the children who sit in American classrooms today. As a Member of the 106th Congress, I am duty-bound to protect the interests of the American people. The steps and directions we choose to take today will decide the future of our Nation. To meet the impending demands of the 21st century, we must do everything in our collective power now to ensure the education of our children.

OLD HABITS DIE HARD

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, as we just heard, the House Democrat leader said something the other day that might give American taxpayers cause for concern. A lot of people have been fooled by the talk about "new Democrats" and the "third way" and other such deceptions that liberals must use to remain politically viable.

But every once in a while a Democrat leader slips and reveals what their party actually stands for, the same thing they have always stood for since the 1960s.

Listen again to this comment by the minority leader: "You've got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it."

So there we have it. Cut defense and raise taxes. No wonder all those flag burners and left-wing activists from the 1960s found a home in the Democratic Party. It is a party whose leaders, after all these years it seems, do not support a strong military and simply cannot wait to get back in power so they can pass another tax hike.

Old habits die hard.

SCHOOL CONSTRUCTION AND MODERNIZATION

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Madam Speaker, I would like to certainly call upon all my colleagues to join us in bringing the issue of school construction and modernization up for debate this year.

In my home State of California, we are facing a very critical and potential crisis in providing adequate school facilities for our children. With the number of students increasing in grades K through 12 by about 270,000 during the next 5 years, California will need 10,000, 10,000, new classrooms. That is six new classrooms each day for the next 5 years.

In addition to building new classrooms, more than two-thirds of existing school buildings are in desperate need of repair. State and local resources are currently only covering half of these construction costs and modernization needs.

We, therefore, all of us, owe it to our children from throughout the United States to address this issue right here in Washington. The children of my State who are the future of California and the children of other States are depending on us to take action to build and renovate our schools.

FAILED CLINTON ADMINISTRATION POLICY ON NORTH KOREA

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, the Clinton administration's policy on North Korea has failed on several counts.

In exchange for making North Korea the largest recipient of U.S. assistance in East Asia, Pyongyang promised to terminate its nuclear weapons program and any efforts to develop or deploy long-range ballistic missiles.

While there are several indications that the North Koreans have not kept their end of the bargain, last summer's launch of a three-stage ballistic missile over Japan is the most egregious example of this rogue nation's disregard for their commitments.

With Pyongyang calling for further concessions from the U.S., I believe it is important for Congress to make it clear to the administration that we will not provide additional money or ease economic sanctions unless there is clear and convincing evidence that the North Koreans are living up to the requirements of the 1994 Agreed Framework.

To do anything less would be a severe abdication of our responsibility to defend the national security of the United States.

NATIONAL HOMEOWNERSHIP WEEK

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Madam Speaker, I rise to hail National Homeownership Week.

Homeownership is one of the core values we have, I think, as Americans and one of the most fundamental bases for stability in our communities. This record homeownership rate of over 67 percent did not happen without leadership from the Clinton administration, from former Secretary Cisneros and current Secretary Andrew Cuomo.

I think we all should be very proud of this accomplishment and the focus that led us to this result. Since 1993, we have nearly 8 million new homeowners. That is a million more families each year that have achieved homeownership. That has come about, obviously, because we have made the right decisions with regards to our budget since then. We have lower mortgage rates and higher employment, and new policy has helped in many areas for first-time homeowners, minority homeownership and, of course, dealing with senior citizens and reverse mortgages contracts.

But we have much work to go before we are done. Many of our cities, for instance, have less than 50 percent homeownership. And by, of course, establishing a stake in these communities, we can be very helpful to changing the success of these urban areas. But we have to keep programs like CRA and HMDA in place, the FHA program, which has been so important, to continue the progress with regards to homeownership. These polices work hand in hand with the partnership approach involving the private sector, home builders, realtors, mortgage bankers, title insurers, Fannie Mae, and Freddie Mac, and, of course, financial institutions, banks, not for profit roles like the community reinvestment act and a myriad of national polices that are tailored to respond in today's marketplace.

I urge my colleagues and citizens across the country to celebrate this great event, National Homeownership Week, Homeownership the American dream is alive and well, Madam Speaker.

820TH RED HORSE COMBAT ENGINEER SQUADRON

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, the Air Force has a motto of "service before self." That is a fitting description of the 204 members of the 820th Red Horse Combat Engineer squadron from Nellis Air Force Base, who will be departing for Albania very soon.

Their mission will be to repair critical roads and bridges to help prepare the way for a safe and expeditious return of the Kosovar refugees who were displaced from their homes in this unfortunate conflict.

Having seen the environment that they will be working in firsthand, I can tell my colleagues that their work will be challenged. However, I am very confident that their skills, training, and motivation will be equal to the task.

As the struggle for a peaceful solution to the Kosovo conflict is played out on the TV and in our newspapers, it is the soldiers, sailors, airmen, and Marines who continue to work hard in the background, focused on accomplishment of their mission.

I want to say thanks to all our troops deployed in support of Operation Allied Force and to the men and women of the 820th Red Horse Squadron, their families and loved ones. Good luck in your deployment. Godspeed. A quick return. But most importantly, thank you for your service and sacrifice for this nation.

GUN CONTROL LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I think in the next couple of days we will have an opportunity to do what is right for America and do what is right for our young people.

Although we are not marking up the juvenile justice crime bill in the House Committee on the Judiciary, of which I am a member of the Subcommittee on Crime, we will have an opportunity to come to this floor.

I do not believe that we should pass any juvenile justice crime bill that does not have provisions for mental health services to enhance and give to our children the kind of resources they may need. We should not pass a bill that does not have parental responsibility and parental education about how to help with raising our children to the extent of giving them resources when our children are troubled. And we should not pass a bill that does not have real gun safety, with an ammunition clip restriction, with a restriction on gun shows, and the instant check and the waiting period.

We should realize, Madam Speaker, that we now can stand collectively as Americans and confront this issue not in an attacking mode but a collaborative mode. We must stand up together to respond to the crisis of school violence not only in rural America and urban America but the longstanding concept that this whole country has too many guns.

I do not believe our hunters in the far west or the far east would argue against gun safety and responsibility.

Let us all stand against the negatives of the National Rifle Association and collectively as Americans for safety for our children.

IN APPRECIATION OF MEDIA COVERAGE OF OKLAHOMA STORM

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Oklahoma. Madam Speaker, I rise today to express my heartfelt appreciation to all of the radio and TV stations that provided around-the-clock coverage during the recent storm that ravaged the State of Oklahoma.

The advanced emergency weather warnings provided by these stations and their employees allowed Oklahomans to find safe cover before tornadoes struck their neighborhoods and communities. This outstanding service saved countless lives.

Not only did these local broadcasters provide early storm warnings, but they continued to offer accurate and useful information to their audiences during the chaos that followed the terrible storm.

I know I speak for all Oklahomans as I thank them for their tireless efforts during this tragedy.

WHERE DOES DEMOCRAT LEADERSHIP STAND ON TAXES?

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, President Clinton ran on a middle-class tax cut back in 1992. However, once in office, he raised taxes by a record amount; in fact, the largest tax increase in American history.

The tax increase would have continued, but in 1994 the American people elected the first Republican majority in the House of Representatives in 40 years. Republicans then forced the President to accept a tax cut, a tax cut he did not want and a tax cut that was ardently opposed by his folks here in the House, the Democrats.

So where does the Democratic leadership, who so desperately want to take back the House of Representatives, stand on taxes? Well, on a tour promoting his new book, A Better Place, just the other day, the gentleman from Missouri (Mr. GEPHARDT), the leader of the Democrats in the House said, and it has been quoted before but I think it bears hearing it again, "You've got to have a combination of taking it out of the defense budget and raising revenue." In other words taxes. "We can argue about how to do that, closing loopholes or even raising taxes to do it."

Well, there it is: Cut defense and raise taxes. That is not my idea of a better place.

PARTY OF THOMAS JEFFERSON IS DEAD

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, how is it that the party of Thomas Jefferson, who was a champion of the common man, has become the enemy of middle-class families? How is it that the party of Jefferson, champion of freedom from oppressive government, now rushes to embrace expansion of government and every conceivable encroachment on human liberty?

Just consider the evidence. "New Democrat" Bill Clinton won office in 1992 by promising a middle-class tax cut. He then promptly passed the largest tax increase in our history. And now we have the leader of the Democrat Party in Congress, the distinguished gentleman from Missouri (Mr. GEPHARDT) who is on record saying just over a week ago, and I have the quote here, and since repetition is the soul of learning and I am an old school teacher, why, it bears repeating: "You've got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it."

Yes, the party of Thomas Jefferson is dead, long dead, deader than Elvis. A weaker and weaker military and higher and higher taxes on average middle-class Americans, that is apparently the Democrat way.

PATIENT RIGHT TO PEDIATRIC CARE ACT OF 1999

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute.)

Mr. SHERWOOD. Madam Speaker, a long journey must begin with a single step. I rise to tell my colleagues that we have taken a small but important first step towards improving health care access for children.

I introduced the Patient Right to Pediatric Care Act this week to assure parents that they can choose a pediatrician as their child's primary care provider. I am not a doctor, but I am a father. And one of the things I have learned as a parent is that the health care needs of children differ greatly from those of adults.

Some health care groups prudently limit access to certain specialists. But a pediatrician's skill in caring for children is unique. I believe that parents must be allowed to decide if their child's routine health care should be provided by a physician who specializes in pediatrics.

My legislation is one of several bills which will make up the Health Care Quality and Access Act, a responsible approach to health care reform, which Members on both sides of the aisle can and should support.

MILITARY IS LOW PRIORITY FOR CLINTON ADMINISTRATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, if my colleagues look at this chart which shows the extraordinary decline in defense spending under the Clinton administration, they might be alarmed at just how low a priority the military has been given in recent years.

But this chart does not tell the whole story. This chart shows the cuts in procurement spending, the kind of spending that impacts military readiness years down the road.

Here we see the very cuts of our military capabilities have been slashed, especially during the first 2 years of this administration, when antimilitary Democrats controlled Congress.

□ 1030

The scary part about these cuts is that future Presidents will have to worry about them long after the current President is out of office. Spending on new weapon systems, modernizing old ones and upgrading the state-of-the-art equipment have all taken a back seat during this administration to new Washington programs that mainly benefit special interests.

Republicans want the best military possible. Military strength tends to guarantee the peace. Weakness invites aggression. When will the other side learn this lesson?

HUMAN RIGHTS ABUSES IN SUDAN MAKE KOSOVO LOOK LIKE A SUNDAY SCHOOL PICNIC

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Madam Speaker, the day before yesterday I returned from the Sudan where I had gone with a group of other congressmen to bring attention to the plight of the south Sudanese, to bring attention of the country of the United States to the horrible abuses that are going on in Sudan. In a nutshell, Madam Speaker, Sudan makes Kosovo look like a Sunday school picnic in terms of the human rights abuses being perpetrated in that country.

We have heard from the President for the last several months about all of the reasons why we had to go into Kosovo, but I assure my colleagues that for every reason he gave us regarding Kosovo I could give 10 that pertain to the Sudan. The human rights abuses there are far greater; 2 million dead so far in their Civil War, true genocide going on, true slavery being undertaken by the north, raids into the south.

It is amazing, Madam Speaker, that the attention of the United States is so easily drawn to Europe and so difficult to draw to the African continent.

LET US GET THE COMMUNIST CHINESE OUT OF OUR NUCLEAR LABS

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Madam Speaker, 2 weeks ago the long-awaited Cox report was released. I keep this chart because I think it is important for the American people to realize that while this administration was drastically cutting our defense budget, we were giving away our nuclear secrets to the Chinese. This should not, cannot and must not happen as we begin the debate on the all important defense budget today in that bill.

Because the administration leaks to the New York Times, we have come to know one of the most stunning bombshells about theft of our sensitive nuclear secrets by the Communist Chinese at our nuclear lab. We also know that the other side of the aisle is in mark contrast to the statements of the gentleman from California (Mr. COX) in this unanimous report. The partisan statements have begun while pleading with Republicans not to be partisan.

Let us go back to the Vice President's reaction to the loss of our most sensitive nuclear weapons information. First words out of his mouth were to blame someone else, Ronald Reagan, and the Secretary of Energy, Bill Richardson, has cautioned over and over again let us not over react.

Madam Speaker, let us do react. It is time that we got the Communist Chinese out of our labs, protected our secrets and protect this country. We find out the absolute worst possible case has come to pass, the Communist Chinese penetration of our nuclear laboratories is total. We knew about it since 1995. We have done virtually nothing about it.

Madam Speaker, let us do something now. Our future is at stake.

DEMOCRAT LEADERSHIP STILL OUT OF TOUCH AND STILL CLEARLY ANTI-MILITARY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, today we have before us the defense reauthorization bill, and it is a very important bill in that it reverses the trend of massive defense cuts.

Now it is interesting, as we go into the debate, actually on the eve of the debate, we have the Democrat Majority Leader speaking basically the Democrat policy on defense which was we have got to have a combination of taking money, and I am going to paraphrase it, but when he says taking it out, taking money out of defense and raising revenue, raising taxes. We can argue about how to do that, closing loopholes or even raising taxes to do it, but the point is here we have a defense, and I will show my colleagues another chart which traces defense spending under the Clinton administration, particularly since 1993, how it has been cut massively during the period of time that we have had increased deployments, we have had equipment that lacks spare parts, we need modernization, and we are losing lots of good soldiers because the quality of life has gone down so much. But despite this decrease, the Majority Leader of the Democrat party is saying again we need to squeeze it out of defense, we need to cut defense spending, and this in the face of a President who is selling missile technology to China.

Madam Speaker, it does not make sense.

I hope people will support this bill, and I hope that we can get the Democrats to join us. I believe that we will get a lot of Democrats with us, but it is too bad that the Democrat leadership is still out of touch and still clearly anti-military.

THE JOURNAL

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAYES. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 62, not voting 17, as follows:

[Roll No. 178]

YEAS—355

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf.
Woolsey
Wu
Wynn
Young (FL)

NAYS—62

Aderholt
Baird
Baldacci
Bilbray
Bonior
Borski
Brown (OH)
Clay
Clyburn
Costello
Crane
Crowley
DeFazio
English
Filner
Gephardt
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Hulshof
Hutchinson
Johnson, E.B.
Kucinich
Lewis (GA)
LoBiondo
Markey
Martinez
McDermott
McGovern
McNulty
Miller, George
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Pickett
Pombo
Pomeroy
Ramstad
Riley
Sabo
Schaffer
Slaughter
Stenholm
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Weller
Wicker

NOT VOTING—17

Boucher
Brady (TX)
Brown (CA)
Cummings
Doyle
Gutierrez
Kanjorski
Luther
McCrery
McHugh
Meek (FL)
Pascrell
Paul
Rogan
Stark
Waters
Young (AK)

□ 1054

So the Journal was approved.

The result of the vote was announced as above recorded.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 204) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 204

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Resources: Mr. HOLT of New Jersey;

Committee on Science: Mr. BAIRD of Washington; Mr. HOEFFEL of Pennsylvania; Mr. MOORE of Kansas;

Committee on Veterans' Affairs: Mr. HILL of Indiana; Mr. UDALL of New Mexico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, the amendment by Representative Cox of California printed on June 8, 1999, in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

(e) Consideration of the last five amendments in part A of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of United States policy relating to the conflict in Kosovo, and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 5. (a) The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

(b) Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record of June 8, 1999, by Representative Cox of California and described in section 2(b) of this resolution, if offered by Representative Cox or his designee. That amendment shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points order against that amendment are waived.

SEC. 6. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 7. After passage of H.R. 1401, it shall be in order to take from the Speaker's table the bill S. 1059 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House. All points of order against that motion are waived.

SEC. 8. House Resolution 195 is laid on the table.

□ 1100

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 1401, the Fiscal Year 2000 Department of Defense Authorization Act. The rule waives all points of order against consideration of the bill.

The rule provides for 1 hour of general debate, equally divided between the Chairman and ranking minority member of the Committee on Armed Services. The rule makes in order the Committee on Armed Services amendment in the nature of a substitute now printed in the bill, which shall be considered as read.

The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Committee on Rules report and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purposes of debate.

Amendments printed in Part B of the Committee on Rules report may be offered en bloc. The rule makes in order an amendment by the gentleman from California (Mr. COX) printed on June 8, 1999, in the CONGRESSIONAL RECORD.

The rule provides that except as specified in section 5 of the resolution, amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for a division of the question.

The rule provides that except as otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The rule waives all points of order against the amendments printed in the Committee on Rules report and those amendments en bloc described in section 3 of the resolution.

The rule provides an additional period of general debate prior to the consideration of the last 5 amendments in Part A of the Committee on Rules report for 1 hour, which shall be confined to the subject of United States policy relating to the conflict in Kosovo.

The rule authorizes the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in Part B of the Committee on Rules report or germane modifications thereto which shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided between the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question.

The rule provides that for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the en bloc amendments.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule permits the chairman of the Committee of the Whole to recognize for consideration of any amendment printed in the report out of order in which printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

The rule provides that before consideration of any other amendment, it will be in order to consider the amendment printed in the CONGRESSIONAL RECORD on June 8, 1999, by the gentleman from California (Mr. COX), if offered by the gentleman from California or his designee, which will be considered as read, debatable for 1 hour, equally divided and controlled by the proponent and an opponent, will not be subject to amendment, and will not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and waives all points of order against the amendment.

The rule provides for one motion to recommit with or without instructions. The rule provides that after passage of H.R. 1401, it shall be in order to take from the Speaker's table S. 1059 and to consider the Senate bill in the House.

The rule waives all points of order against the Senate bill and against its consideration. The rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House, and waives all points of order against the motion.

Finally, the rule provides that House Resolution 195 is laid upon the table.

Madam Speaker, this new rule for the Fiscal Year 2000 Department of Defense Authorization Act differs from the old rule, H.R. 195, in two important ways. First, it makes in order several amendments relating to the Kosovo conflict. The old rule self-executed out Section 1006 of the authorization bill, which would end funding for a war in Kosovo on October 1.

The new rule permits the gentleman from Missouri (Mr. SKELTON) to offer an amendment that would strike Section 1006, and it permits four amendments that would make it harder for the President to fund an extended military operation in the Balkans.

This new rule also includes a bipartisan amendment offered by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) to implement the Cox report and to crack down on spying at nuclear labs.

In other words, Madam Speaker, the new rule provides for a full and fair debate on Kosovo and this whole issue, and allows for a bipartisan legislative answer to security lapses at our weapons facilities. This is something that all Members should support.

The underlying legislation, H.R. 1401, is a good bill. It is a bill that would allow us all to rest a little easier at night knowing that our national defense is stronger and that our troops are being taken care of.

We now know that China has stolen our nuclear technology, something that the Soviet Union could not do during the entire Cold War. We live in a dangerous world, but Congress is doing something about it. We are working to protect our friends and family back home from our enemies abroad.

We are helping to take some of our enlisted men off of food stamps by giving them a 4.8 percent raise, and we are providing for a national missile defense system so we can stop a warhead from China, if that day ever comes. We are boosting the military's budget for weapons and ammunition, and we are tightening security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Madam Speaker, the Committee on Rules received more than 90 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could. We made over half of them in order.

The rule allows for a full and open debate on all the major sources of controversy, including publicly funded abortions and nuclear lab security. It allows for a debate on a lot of smaller issues, too. So I urge my colleagues to support this rule and to support the underlying bill, because now more than ever we must provide for our national security.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my Republican colleagues bring us another rule for the Department of Defense authorization. This rule I feel safe in saying will pass, and thus this morning the Republican leadership will not be faced with the embarrassing prospect of having to pull yet another rule from the floor.

I will support the rule, Madam Speaker, but I do so only because of my support for the DOD authorization and the importance of getting on with the business of the House. That being said, I must point out that this new rule presents us with yet another prospect of embarrassment. This time the embarrassment will fall on the entire House of Representatives, if not on our country.

In Cologne, the nations of Western Europe, the United States, and Russia have finally managed to negotiate a peace settlement with the regime which has systematically carried out horrifically bloody and brutal acts in Kosovo.

The terms of the actual troop withdrawal are still a matter of negotiation between the military forces of NATO and Yugoslavia. But Madam Speaker, however fragile the prospect, the nations of the world who subscribe to the rule of law are on the verge of accomplishing the goal of removing the brutish oppressors from Kosovo.

So in the midst of the peace negotiations, the House now has under consideration a rule which holds out the prospect of cutting off support for the operations in Kosovo on September 30, and the Fowler amendment, which would prohibit ground troops in Yugoslavia unless authorized by Congress.

□ 1115

Now, Madam Speaker, I am among those who pray fervently that this conflict has come to an end. But I am also among those who believe that dictating the terms of a peace can only be conducted from a position of strength and resolve.

What kind of message are we about to send to Milosevic and his band of thugs and murderers? Now is not the time to have this particular debate. This rule and the debate it permits, as reported by the Republican majority, is inappropriate and ill-advised.

Today's rule, authored by the Republican majority, is a travesty. By authorizing votes to cut off spending in Kosovo while we are on the verge of a dramatic victory, the majority makes the House of Representatives a laughing stock and demonstrates to the entire world that we are irrelevant. Let me repeat, the majority has chosen irrelevance. This is a sad day for this institution.

There are those among the Republican majority who contend that the last rule for this bill failed because of lack of Democratic support. I would answer with two points. First, it is the obligation of the majority to lead, not to lay blame. Second, the Republican majority gave many Democratic Members no choice but to oppose the meager offerings handed to them 2 weeks ago.

For example, this rule, unlike its predecessor, makes in order an amendment which has the support of the ranking member of the China Select Committee. Two weeks ago, the Republican majority summarily cut the gentleman from Washington (Mr. DICKS) out of the process. This rule will allow the House to consider recommendations of the COX-DICKS committee matters that are of the utmost importance to our national security. Accordingly, many Democrats who opposed the last rule will see this one in a different light.

Every year, this body debates our role in NATO, the cost associated with our continued military presence in Europe, and the expectations we as a NATO partner should have for the other nations in the alliance. Yet, surprisingly, the last rule precluded such a debate, thus generating a great deal of opposition in certain quarters in the Democratic Caucus. The rule before us today will allow debate on this issue, again perhaps reducing opposition to the rule.

But, Madam Speaker, this rule does not provide the opportunity for the ranking member of the Committee on Commerce to offer an amendment he presented to the Committee on Rules along with his chairman and the chairman and ranking member of the Committee on Science. The Dingell amendment speaks directly to a matter of jurisdiction of both the Committee on Commerce and Committee on Science that has been included in the Committee on Armed Services' bill. Yet, the House has once again been precluded from considering this matter.

Madam Speaker, amendments offered by the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, as well as similar amendments offered by the gentlewoman from California (Ms. WATERS), relating to business opportunities for minority and other disadvantaged small businesses, have been shut out of the process.

These are issues of importance to the Democratic Members of this body, Madam Speaker, and it would not be much of a surprise if Members supporting those positions were to vote against the rule.

Madam Speaker, it is time for the House to move on this vitally important proposal. In spite of the substantial shortcomings of this rule, I will support it and urge my colleagues to do so as well.

Madam Speaker, I reserve the balance of my time.

Mrs. MYRICK. Madam Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Speaker, I rise to respond to the gentleman from Texas (Mr. FROST). He talks about embarrassment of the leadership in pulling a rule from the floor. As one of the Members on this side of the aisle who had concern about the rule last week, I want to respond to this and explain what I think leadership means.

I think that leaders listen. I think that leaders build consensus. I think that leaders reach out to others, of whatever party or whatever persuasion or whatever part of the country, to pull people together. I think leaders recognize when they have made little mistakes and make corrections of those mistakes.

I think we have a pretty good coach on this side of the aisle. He coached wrestling, but most of us watch football. When the quarterback sees a broken play, a good quarterback will call a time-out and pull things back together. That is what leadership means, and that is why I am proud to be a part of this great House.

Mrs. MYRICK. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I thank my dear friend, the gentlewoman from Charlotte, North Carolina (Mrs. MYRICK), who, as I said at the close of last night's Committee on Rules hearing, that she did a superb job of managing this rule when it came up 2 weeks ago tomorrow, and she is doing an even better job today, as I am sure. So I thank her for her fine work.

This is a very important piece of legislation, and I believe that we have been able to successfully work in a bipartisan way to address many of the concerns that are there.

Contrary to the remarks that were just made by the gentleman from Dallas, Texas (Mr. FROST), we did make 47 amendments in order; and that is an awful lot of amendments. There are a lot of Democratic amendments that have been made in order. We have got lots of amendments that are done in a bipartisan way here. We will have, I suspect, 20 hours of debate that will take place on this very important piece of legislation.

So it is true that we were not able to satisfy every single concern out there, either on the Democratic side or on the Republican side. But I think that what we have got is a very, very reasonable balanced approach. It is an important piece of legislation, one of the most important issues that we can possibly address.

We as Republicans have made a strong commitment that we are going to focus on the issues of improving public education, providing tax relief for working Americans, preserving Social Security and Medicare, and the very important issue of our national security.

Frankly, this administration, as we all know, has deployed 265,000 troops to 139 countries, obviously interested in security around the world, I guess; but when it has come to a strong commitment to make sure that our forces are equipped and ready to go, we have not seen the kind of support that is necessary. This measure which the gentleman from South Carolina (Mr. SPENCE) will be managing will help us address that challenge.

We also are dealing with a very important report that has come out on China and the transfer of technology. Again that is done in a bipartisan way.

So I think that we have got a very good measure here, and I encourage both Democrats and Republicans alike to support what is a balanced rule.

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Madam Speaker, I came to the floor 2 weeks ago when this bill was first offered to this House, thanking the Republican leadership for striking language in the Committee on Rules that would have prohibited any funds from this bill being used in operations in Yugoslavia. I am very disappointed today to note that when this bill comes back to the floor, it once again includes that objectionable language.

Here we are at a critical point in time in the peacekeeping operations, the peacekeeping negotiations, and we find that our Republican leadership desires to cut off funding for all operations in Yugoslavia on September 30.

This House passed on March 11 a resolution authorizing the use of ground troops for a peacekeeping operation. I offered at that time an amendment to that bill which provided that the troops of the United States would be limited to 15 percent of the total force. This House, by agreement in an amendment crafted at the conclusion of that debate, accepted that language along with other reporting requirements. That was a sound and reasonable thing to do.

I am advised by Mr. Berger this morning that the negotiations now regarding peacekeeping would limit the U.S. troop participation again to 15 percent of the total force. It is totally irresponsible for this House to be considering legislation that would ban the use of any funds, as of September 30, for peacekeeping operations in the Republic of Yugoslavia.

We have come a long way in this battle of trying to save a million and a half refugees who have been left homeless by this conflict. It is my hope that this House will stand together in its resolve and with the international community that has said no to Milosevic, that has said no to genocide, that has said no to murder and rape, and has said yes to peace. It is my hope that the House will adopt the Skelton amendment, which will strike this objectionable language from the bill, the only provision, by the way, that I have heard the White House say would cause a veto of this legislation.

Now is the time to stand for peace. Now is the time to stand with the international community that has stood with us in the NATO effort to end the bloodshed and the slaughter and the genocide in Yugoslavia. At the end of the 20th century, we must send a clear message to the world that the United States and its allies will stand for peace and stand against the kind of campaign that President Milosevic has waged against his own people.

For 78 days, our bombing campaign has continued. We must see it through to a successful conclusion. I urge my colleagues to accept the Skelton amendment when it is brought to the floor.

Mrs. MYRICK. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Madam Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time, and I rise in support of this complicated but fair rule and this very important Department of Defense authorization bill that the gentlewoman is bringing forward for our attention so capably today.

First, with respect to the rule, Members know that this has been an extraordinarily challenging process. I think that this rule is now ripe for Members' consideration. I congratulate the gentleman from California (Chairman DREIER) and our committee for persistence in navigating what obviously would be described as complex waters, bringing this bill to the floor, particularly the role of the gentlewoman from North Carolina (Mrs. MYRICK) that has been helpful.

We did the best we could to ensure that the most important areas of debate were covered and to ensure that Members had options to vote on with regard to those major issues. So there will be plenty of debate on these subjects.

As for the underlying bill, Madam Speaker, I applaud our colleagues, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for bringing forward a bill that helps chart the future of our Nation's defenses as we embark on the next century. I would point out there is one from each side of the aisle in that combination; in other words, bipartisan.

We have repeatedly emphasized the fact that our military has been systematically underfunded and stretched well beyond its means for the past years under the Clinton-Gore administration. As a result, our armed services today have been provided with too little while being asked to do too much. We all know that.

Now, with the engagements in Kosovo, Iraq, ongoing missions on the Korean peninsula and a host of other unresolved missions underway, such as perhaps Haiti and Bosnia, we are seeing all too clearly the cracks and strains of a fighting force whose readiness is threatened, whose morale is eroded, and whose training and equipment have declined dangerously.

This legislation falls upon the commitment that this House made just a few weeks ago in the supplemental funding bill that such harmful and pennywise shortsightedness should be brought to an end.

Madam Speaker, as chairman of the Permanent Select Committee on Intelligence, I know too well about the very real consequences we face because of poor planning and lack of long-term commitment on the part of policymakers to investing in a robust and modern defense capability. My committee shares jurisdiction with the Committee on Armed Services over a host of important military intelligence programs obviously.

I am happy to say we have always worked in very close concert to ensure that the oversight of those programs is seamless, and I am very pleased with the product before us today. Eyes, ears, and brains are among the most important elements of a strong, smart, and effective defense. That is what good intelligence is all about: force protection, force enhancement. I am grateful for the support that this bill provides.

Madam Speaker, America's attention in recent weeks has been riveted by the events of Kosovo and by those disturbing revelations closer to home about foreign penetration of our labs and failure of the Clinton-Gore administration to provide proper protection of our most important national secrets.

If there is a silver lining to those two significant front-page matters is that they have helped galvanize public opinion about the imperative of protecting our national security. It is not only protecting our men and women in the Armed Forces and our interests here and overseas, but also protecting the security of our most important national secrets. They matter.

This legislation will provide the vehicle for important debate on how we can best accomplish these crucial goals. I urge all Members and all Americans to pay close attention. There really is nothing more important that this Federal Government can or should be doing than providing for the national defense. I believe Americans are counting on this Congress to make up for the shortfalls in the Clinton-Gore administration that have lead us to the situation we find today in our defense. I urge support.

I would like to respond to the gentleman from Texas (Mr. FROST), my friend and colleague on the Committee on Rules, and say simply that I think it would be a huge embarrassment in not serving the public properly in a representative form of government for us not to discuss the Kosovo situation when we are talking about the defense authorization bill.

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

□ 1130

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and allowing me to speak on this rule.

As the ranking Democrat on the Committee on Armed Services, I fully endorse this rule. I fully endorse the provisions that have been made therein. The rule, as my colleagues know, was pulled some several days ago. The Committee on Rules went back, rewrote the rule, allowed several amendments, and I think that they did the right thing and I thank them for it.

The gentleman from California (Mr. DREIER), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Texas (Mr. FROST), and the others on that committee, I think, wrote a proper rule, which I do support, with the proper amendments.

The second thing I wish to mention is that this is an excellent bill. I have been on the Committee on Armed Services for a number of years and, in my opinion, in looking at the legislation, in light of the fact that we have won the Cold War and there is an uncertain future and there are those in uniform today that are questioning whether they stay in or whether they make a career of it, this bill gives great incentive for them to reconsider and consider making a career of the military, because we are doing some very good things for them in the pay, in the pension and for their families.

In my opinion, this bill is the best that we have had since the early 1980s. I am very, very pleased and I thank the gentleman from South Carolina (Mr. SPENCE) for his leadership as the chairman, and it is a privilege to work with him and others on the committee that have been excellent to work with. It is a bipartisan committee. We sent this bill out of committee with a 55 to 1 vote.

I see my friendless gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement of the Committee on Armed Services. He and the gentleman from Virginia (Mr. SISISKY) work so well. As a matter of fact, they did such good work there are no major amendments touching the procurement part of this legislation. It is a tribute to them, and to all of those who worked very, very, hard on this legislation. Of course, the staff did a wonderful job, and I cannot brag about them enough, a bipartisan staff, and I thank them.

But I must say, Mr. Speaker, in all sincerity, this bill has a wart on it. It is a major wart. We can cut it off by an amendment that I am offering, or I will offer sometime during this debate. It is interesting to note that we are winning or we have won, NATO and America, the battle of Kosovo of 1999, and yet there are those, sadly, with great melancholy in my heart, I see that they want to pull defeat from victory by cutting off funds for those wonderful young men and young women and what they are doing to secure peace in Europe, which has a direct effect not only in the rest of Europe but on the United States.

So with that, I will vote for the rule, and I urge support on my amendment when that comes to pass.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from North Carolina for bringing this rule forward, and I urge all Members to support the rule and particularly several amendments, one being the COX-DICKS amendment, the Spence amendment. Both have suggestions on dealing with the nuclear labs and the theft of nuclear properties from the United States.

We had an expression in the restaurant business, too many cooks and not enough bottlewashers. Well, in pre-1974, we had the Atomic Energy Commission; in 1974, we then initiated the Energy Reorg Act; and in 1977, President Carter had the idea to create the Department of Energy and we transferred the functions of the Energy Research Development Administration into the lab. And we know now from the testimony of the Cox report that that was the period in time in which the nuclear secrets were starting to be stolen.

So I would suggest to my colleagues the best remedy is what is suggested by the gentleman from South Carolina (Mr. SPENCE), and that requires the Secretary of Defense to establish a plan to transfer from the DOE the national security functions. In the amendment of the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) they ask the President to review and come back to Congress and potentially recommend a similar type scenario.

My colleagues, over the next several weeks we will hear a lot of bellyaching from this body about blaming the Chinese. Let us get even. Let us blame them for stealing our secrets. But my colleagues, the United States Congress, the United States Government, invited them into our labs. Shame on us. Shame on us for having lax security, shame on us for not protecting, shame on us for not having things like the gentleman from California (Mr. HUNTER) recommends today, counterintelligence clarifications, security practices, polygraph tests to make sure people are not walking home with their briefcases full of our own technology. So in the next several weeks, rather than pointing fingers at the Chinese Government, let us look inwardly at the problems we have created ourselves.

Let us also focus on some underlying amendments such as the gentleman from Florida (Mr. GOSS) recommends on Haiti and removal of troops. The gentleman from New Jersey (Mr. FRANKS), the gentleman from Connecticut (Mr. SHAYS) and myself have an amendment on troop removal and troop reduction in Europe. We cannot be everywhere for everyone, and the American taxpayers cannot afford it. So I urge support of the rule and urge support of the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in opposition to the rule. This rule has many reasons for being opposed, but I confine myself to one glaring defect. The rule would prohibit the House from considering a very important and ill-considered provision of the bill. The provision would require the Secretary of Energy to assign all national security functions, including safeguards, security, health, safety, and environment to the Assistant Secretary for Defense Programs.

This is not putting the fox in charge of the chicken house, this is putting an imbecile in charge of an important national function and major national concerns. It is this secretary, in his many incarnations and in many diverse identities, that has been a major part of the problems that we have confronted over the years.

When I was the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, we investigated a continuous series of lapses on security. We brought them constantly to the attention of the administration, and nothing was done because it was all handled by the institutional holder of this particular office. The practical result of this is to assure the people that if we are concerned with the security of the national labs and other aspects of our activities within the Department of Energy, we are entrusting that responsibility to probably, institutionally, the most incapable individual in that particular place.

I have submitted an amendment to strike this section. It was a bipartisan amendment which had the support of the gentleman from Virginia (Mr. TOM BLILEY), the chairman of the Committee on Commerce; the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science; and the gentleman from California (Mr. BROWN), the ranking member. The amendment also had the strong support of Energy Secretary Bill Richardson, who, being aware of the situation there, has recommended that the bill be vetoed if that provision is left in the bill.

Despite the bipartisan nature of this amendment and the fact that the bill could face a veto over the provision, the rule will not even allow the House to decide the issue. That is an action of extraordinary arrogance and high-handedness on the part of the Republican leadership and on the part of the Committee on Rules. And I say that if we really want to continue jeopardizing the well-being and the security of these labs and of important national secrets, continuing to trust this responsibility to this part of the Department of Energy is a major mistake, one on which, having made our choice of fools, we can be absolutely assured that we will now reap the whirlwind.

This is something which should not be done because the security of the United States says otherwise. This is a part of the Department of Energy, which has continuously presided over failures in security at the national laboratories and at other parts of the Department of Energy. So to continue this kind of folly is simply to assure that a major calamity follows.

I urge my colleagues to reject this rule. This rule is high-handed arrogance on the part of the Committee on Rules, the Republican leadership, and also on the part of the Committee on Armed Services, which is now taking care of one of their buddies and all of his special interest lobbyists that have been cutting a fat hog at the expense of the security of the United States.

Let me give just a brief background on what this provision is all about. Currently, the Assistant Secretary for Defense Programs is responsible for our national security programs, such as weapons production and management of the nuclear stockpile. However, over time, certain oversight functions have been given to independent offices within the Department, because Secretaries have concluded that the program offices were giving too little priority to needs such as safeguards, security, safety, and the environment.

For example, during the Bush Administration, then-Secretary James Watkins established an independent Office of Safeguards and Security, after security lapses were documented at Rocky Flats and other facilities. Similarly, after asking independent "tiger teams" to assess the safety of our weapons facilities, Secretary Watkins was so concerned that he was forced to close many of them for repairs. This ultimately led to a Defense Facilities Safety Board, and an independent office of Health, Safety, and the Environment. This office also assumed responsibility for the clean up of weapons sites, such as Hanford, where decades of neglect had left thousands of gallons of nuclear waste seeping into the environment.

Now we are facing yet further evidence of an erosion of safeguards and security at our DOE labs. Once again we are finding that those in charge of those facilities are still failing to give these matters proper attention. This can be expected when program managers have competing priorities. Secretary Richardson has proposed creating a senior officer reporting directly to the Secretary with the single responsibility of ensuring security.

Instead, the bill would do the exact opposite, and return us to the sixties and seventies, where there was no independent oversight of security, safeguards, health, safety, and the environment.

I do not want to suggest that reorganizations alone can ever solve the problems of safeguards and security. However, requiring the Secretary to assign responsibility for these functions to the same program managers with competing priorities is certainly the wrong answer. That was the organization of the 60's, 70's and 80's. Those were the years when these facilities went into unsafe disrepair, when neighboring communities were polluted in the air and in the water, and when secrets were stolen. Obviously, more needs to be done to beef up our safeguards and security, but returning responsibility to those who created the problem is not the answer.

My attached letter to Warren Rudman underscores my view that independent assessments of security are required, and I ask unanimous consent to insert it at this point.

Responsible reforms are needed at the Energy Department, but this bill contains one poorly conceived change. Because this rule does not allow us even to vote on this change, the rule should be defeated.

Mr. Speaker, I also provide for the RECORD documentation which relates to my comments about this very serious matter.

COMMITTEE ON COMMERCE,
Washington, DC, March 24, 1999.

Hon. WARREN RUDMAN,
President's Foreign Intelligence Advisory Board,
Washington, DC.

DEAR WARREN: First, let me congratulate you on your recent appointment to lead the bipartisan review of security threats to the

U.S. nuclear weapons laboratories over the last twenty years. I am hopeful that your review will finally focus appropriate attention on a very serious and longstanding problem that has been ignored, mismanaged, and/or covered up during several Administrations. Unfortunately, your effort is only the latest in a long line of reviews undertaken by, among others, the General Accounting Office (GAO), the Department of Energy (DOE) and its Inspector General, the U.S. Nuclear Command and Control System Support Staff, and various Congressional committees, the results of which have been uniformly ignored by the responsible officials.

I am also writing to offer you my assistance as you undertake this review. During my 14-year tenure as chairman, the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce conducted several classified and unclassified inquiries into this matter. (This letter discusses the unclassified portion of our work.) We found a disturbing pattern of security weaknesses in the contractor-run national weapons laboratories, along with extraordinary lax oversight by the Department of Energy (DOE). As you may already know, these problems included: laboratories refusing to implement basic security precautions; DOE Secretaries and other officials ignoring repeated warnings of security problems; and bureaucratic obfuscation of the problems that meant that even the National Security Council and the President received inaccurate, misleading information. Although our main focus initially was terrorism and physical security, our concerns soon broadened to encompass other significant security deficiencies and the system's management problems.

The Subcommittee, on a bipartisan basis, sought continuously to bring these problems to light, and to fix the underlying weaknesses, such as the lack of independent security oversight, that allowed problems to persist. This work required a sustained effort over several years, work made more difficult because of the recalcitrance of the contractors running the national laboratories. You should expect significant difficulties in arriving at a full understanding of the problems, particularly if, given your right deadline, you are forced to rely on those contractors and government officials responsible for managing the laboratories over the last twenty years.

The Subcommittee's work on this matter began in 1981 in response to efforts to undermine independent review of security threats. The Department of Energy's Assistant Secretary of Energy for Defense Programs had become concerned in 1979 about the level of security at the weapons laboratories. As recommended by the General Accounting Office (GAO) in 1977, and also the Inspector General, he established an independent, interagency group that reported directly to him on the adequacy of safeguards at these facilities. This program employed some of the best experts in the country in terrorism, sabotage, protection of classified material and related activities. This group found that the safeguards at the most critical facilities—which included Los Alamos—were in shambles while, at the same time, DOE's Office of Safeguards and Security was giving the facilities a clean bill of health.

However, in 1981, when a new Administration took over, the Assistant Secretary was replaced by a high-ranking official from Los Alamos National Laboratory who immediately shut down the independent assessment program. In 1982, in a classified report to the Subcommittee, GAO strongly recommended (in part because DOE was submitting misleading reports to the National Security Council) the reinstitution of an independent assessment program which would report directly to the Under Secretary of the DOE. Two hearings by the Subcommittee in 1982 and 1983 focused on the organizational problems at DOE and the GAO recommendation. In 1983, the Committee adopted, with strong bipartisan support, an amendment to the DOE Defense Authorization bill establishing an independent Office of Safeguards Evaluation reporting directly to the Secretary. Unfortunately, the bill never received floor consideration.

Attempts by the Subcommittee and others in 1983–84 to establish an independent evaluations office within DOE were turned down by the Secretary and the Assistant Secretary for Defense Programs, who wanted the evaluations program under his control. Independence was critical because, during the Subcommittee's work, top officials misled the Subcommittee and harassed a DOE whistleblower. In 1984, the Subcommittee held a hearing on the Department's attempts to strip the employee's security clearance and issued a report. The Department rewarded the harassers with promotions, bonuses and medals. In 1984, the Department also terminated an investigation by its Inspector General into management adequacy in the safeguards and security program.

The Subcommittee also attempted to alert President Reagan to its concerns. In 1984, however, DOE officials told the President there was nothing to be concerned about. In January 1986, prior to his briefing by DOE on the status of safeguards and security, I wrote a letter to President Reagan listing general problem areas. These included: credibility of the inspection and evaluation program; inadequately trained guard forces; inadequate protection against insider threats; inability to track and recover special nuclear materials and weapons if they were stolen; inadequate protection of classified information; inverse reward and punishment system for the contractors; and lack of funding for safeguards and security upgrades. (A copy of that letter is enclosed.) In response, based on information provided by the national laboratories and DOE officials, Secretary of Energy Herrington wrote of "significant progress" and "improvements," and Admiral Poindexter said he was "impressed with the progress being made."

The Subcommittee continued its work during President Bush's Administration. Among other matters, it looked at inadequate personnel security clearance practices at the laboratories where it was immediately clear that there were inadequate resources to do an effective job. That situation has not changed to this day. The Subcommittee also began to review the foreign visitors program—as did Senator Glenn, then chair of the Senate Governmental Affairs Committee—and the mysterious shutdown of an investigation into drug problems and property controls at Lawrence Livermore Laboratory.

At the same time, Secretary Watkins' Safeguards and Security Task Force recommended establishing independent oversight functions which would report directly to the Under Secretary. Once again, the recommendation was not implemented, although Secretary Watkins did move the Office of Security Evaluation out from under Defense Programs.

In 1991, the Subcommittee also reviewed the role the Department may have played in allowing Iraq to augment its nuclear capability. In May of 1989, DOE employees attempted to alert Secretary Watkins to the fact that Iraq was shopping for strategic nuclear technologies. They were not allowed to brief the Secretary. But in August of 1989, three Iraqi scientists attended the "Ninth Symposium (International) on Detonation" sponsored by the three weapons labs, the Army, Navy, and the Air Force. It was described by a DOE official as the place to be "if you were a potential nuclear weapons proliferant." At the time, DOE didn't even have a nonproliferation policy nuclear weapons proliferant." At the time, DOE didn't even have a nonproliferation policy, and Secretary Watkins was not briefed on the Iraqi threat until May of 1990.

In 1991 and 1992, the Subcommittee received six GAO reports critical of DOE's safeguards and security efforts. These covered weaknesses in correcting discovered deficiencies, incomplete safeguards and security plans, weak internal controls, unreliable data on remedial efforts, inadequate accountability for classified documents, and security force weaknesses. Two other GAO reports noted that even basic control measures for non-classified property were not in place at the Lawrence Livermore National Laboratory, nor was DOE oversight adequate.

Subcommittee staff met with Secretary O'Leary and her senior staff in 1993 to outline these concerns. At the time of the Republican takeover of the House in January 1995, when my chairmanship ended, the problems had not gone away, and recent GAO reports find little, if any, improvements. In March of 1998, the U.S. Nuclear Command and Control System Support Staff, an independent, federal-level organization chartered by Presidential Directive to assess and monitor all equipment, facilities, communications, personnel and procedures used by the federal government in support of nuclear weapons operations, recommended once again a high-level, independent office to review safeguards and security at DOE.

Many of us in the Congress have tried for years to address the chronic problems at DOE's national laboratories. You now have the opportunity to take an independent, comprehensive, and bipartisan look at these security weaknesses. Independence from those who have failed to solve these problems—which includes officials at DOE and representatives of the laboratory contractors who implement and establish policies at the labs as if they are academic researchers, not the guardians of our weapons secrets—is essential for your review to accomplish more than the prior reviews. Similarly, the independence of any future evaluations office will be essential to any lasting progress.

Your review will not be easy work, but I stand ready to help.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Ranking Member.

Enclosures.

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 28, 1986.

Hon. RONALD W. REAGAN,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Subcommittee on Oversight and Investigations understands that you will soon be briefed by senior officials of the Department of Energy (DOE) on the adequacy of safeguards and security at DOE nuclear weapons facilities. The Subcommittee has been conducting an extensive review into the adequacy of DOE's safeguards and security program since mid-1982. On several occasions, I have written to you about the Subcommittee's concerns. The Subcommittee staff has also briefed the staff of the National Security Council and several members of the Council's staff have attended our closed hearings.

While many improvements have been made, serious vulnerabilities remain. Compounding this problem are unresolved management issues and a lack of confidence in the Department's Inspection and Evaluation function, which is supposed to provide independent, credible assurances as to the adequacy of safeguards and security. The Subcommittee will be holding a closed hearing in the near future concerning these issues and others. We will notify the National Security Council of the date of our upcoming hearing.

You have said many times that America will not be held hostage to terrorism. You advocate strong actions to curb this threat to the safety of not only the American people, but to this international community as well. While strong measures against terrorism are absolutely essential, we should also be doing the best job possible to protect our domestic nuclear weapons production facilities from the catastrophic consequences of a terrorist attack.

Unfortunately, the Subcommittee has found that serious safeguards and security vulnerabilities continue to exist at some DOE nuclear weapons sites. The DOE's own internal inspection reports show that plutonium and highly enriched uranium are still highly vulnerable to theft and sabotage at these locations. In meetings with the Subcommittee staff, DOE officials seemed unaware of many of these vulnerabilities. The Subcommittee will continue its vigorous oversight over this critical program until the Department is doing an adequate job to protect the nation's nuclear weapons complex.

The following are several generic problem areas that the subcommittee believes must be resolved in order to have an effective safeguards and security program and which you may want to insure are addressed in your DOE briefing:

Credibility of the DOE's Inspection and Evaluation program—The Subcommittee has evidence that Inspection and Evaluation personnel altered ratings on inspections of safeguards and security interests having important national security significance. The rating system which is used is highly misleading.

Guards forces are inadequately trained—In one exercise using sophisticated testing apparatus known as MILES equipment, the mock terrorists were able to steal plutonium because of a bizarre sequence of blunders on the part of the guard force. One machine gunner had not been trained to load his weapon. Another guard's machine gun jammed and he was not able to unjam it because he had not been trained adequately. A helicopter was dispatched to chase the escaping terrorists. The guards, however, were unable to fire on the terrorists because they had forgotten to bring their weapons. The terrorists disappeared into the woods. This is a contractor guard force that is paid $40 million to guard this critical site. This same guard force has lost M-16 rifles, has refused to allow guards to carry loaded M-16 rifles and shotguns, and has even defied DOE authority, yet received $762,400 in an award fee in 1985 for "excellent" performance.

Inadequate protection against insider threat—During a recent exercise at one of our most critical facilities, an insider was able to smuggle a pistol, with a silencer, and explosives into the facility to be used several days later in a successful attempt to steal bomb parts containing plutonium.

Use of deadly force by security guards—There is a conflict with state law in some states over whether deadly force can be used to prevent the theft of Special Nuclear Materials. The DOE has been "studying" this matter since it was raised in our September 1982 hearing. It is not resolved and, therefore, is a continuing serious weakness.

Lack of coordination with the military; other Federal agencies and local law enforcement for external assistance in the event of an attack—At a Subcommittee hearing in September 1982, concern was raised over the failure of the DOE to provide for proper outside assistance. This issue is far from resolved.

Inability to track and recover Special Nuclear Material and nuclear weapons in the event they are stolen from the DOE—The Subcommittee believes major problems exist. In a recent test, the mock terrorists successfully stole plutonium bomb parts and disappeared. DOE officials admit they would have had a very low probability of locating the terrorists or the bomb parts. To our knowledge, this capability has never been adequately tested.

The Department's inverse rewards and punishment system—The DOE continues to promote and reward officials who have been responsible for safeguards and security problems, including the misleading of the President and the Congress, while holding back the careers of those employees who have tried to improve safeguards and security and to insure that the President and Congress are properly advised of major safeguards and security deficiencies.

Inadequate protection of classified information—The DOE has lost seven sensitive TOP SECRET documents that, to our knowledge, have not been located. Computer systems are vulnerable to compromising highly sensitive, classified data in some DOE locations.

Reduction of funds for safeguards and security upgrades—While the DOE has historically thrown money at its problems, there are essential safeguards and security programs that must be funded adequately. It is important that safeguards and security effectiveness not be hurt due to lack of adequate funding.

We both want adequate protection at these critical facilities. I hope that these concerns will be helpful in your efforts to insure that proper security throughout the nuclear weapons complex does indeed become a reality. Please inform the Subcommittee of your observations after receiving your briefing.

The Subcommittee and its staff will be pleased to assist you and the National Security Council in any way we can.

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on
Oversight and Investigations.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the rule. But let me address some of the things my colleague, the gentleman from Texas (Mr. FROST), said about the bill being pulled last week.

First of all, this House had a vote and voted not to let any of the emergency supplemental spending go for the expansion of the war in Kosovo. When the President heard that we had that vote in the House, he threatened to veto the bill if that provision was in there.

Many of us feel very, very strongly that emergency spending should not be used to expand the involvement in Kosovo. We are flying 86 percent of all the sorties in Kosovo. And 90 percent of the weapons that are being dropped by NATO are from the United States of America. And when I talked to General Clark, he said, "Well, Duke, our allies don't have the standoff weapons." Then they need to pay for part of this war.

With regard to the emergency spending dollars, the Joint Chiefs testified that we need $148 billion more over several years even to bring us up to the levels recommended by the QDR, or the bottom-up review. That is $22 billion a year, and when we add $6 billion more per year for Kosovo, that is $28 billion. And now let us look where we are. The President wants to pull away more dollars in the emergency spending to support Kosovo. Yes, we had a problem with that.

We are still spending $25 million a year in Haiti building infrastructure and roads. How about the infrastructure of the United States?

We are going to be lucky to get out of this with a bill of $100 billion to destroy then rebuild Kosovo. And I know the side of the gentleman from Texas (Mr. FROST) and our side as well, we do not want money to come out of Social Security. But we cannot spend $100 billion in Kosovo and take emergency money and put it in there and not touch Social Security or Medicare or medical research. My friend the gentleman from Wisconsin (Mr. OBEY) said when we wanted to double medical research that that was a fallacy. Well, we cannot double medical research when we spend $100 billion on Kosovo.

The United States and NATO have killed more civilians than Milosevic killed in the year prior to NATO bombing Kosovo; there were 2,012 people killed before the bombing began. And the liberals say, well, Milosevic had a plan to ethically kill. Well, we sure implemented that plan, did we not? We drove out a million Albanians. And when we look at those kids suffering, that's right we had a problem with the bill and wanted to kill it, because the President said he would veto it if we stopped him from expanding Kosovo.

I will not let him be nominated for the Nobel Peace Prize to save his legacy by getting people killed.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

It is extraordinary that the majority cannot stand for the fact that President Clinton has done something right and that we are about to win a great victory in Yugoslavia. It is absolutely extraordinary. Foreign policy historically in this country has been conducted on a bipartisan basis.

We are about to succeed, and yet they stand in the well of the House and want to say what a terrible policy it was and how we should cut off funding. That is an extraordinary result.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I support this rule and I would like to thank the gentleman from California (Mr. DREIER) and the ranking member, the gentleman from Massachusetts (Mr. MOAKLEY) for their indulgence last night as the gentleman from California (Mr. COX) and I put the finishing touches on our bipartisan amendment.

This rule makes in order the COX-DICKS amendment as the first order of business this morning. We have a strong bipartisan response to the security problems at the Department of Energy and the other security problems identified in the report of our committee. I urge every Member to support the amendment.

The gentleman from California (Mr. COX) and I worked in good faith to identify a common ground on these issues. And the amendment, while not perfect in either of our eyes, is a good compromise. We have agreed to work on several issues in conference where we have common goals but where the amendment's language may require perfection and adjustment.

In particular, it was my intention that the amendment would not affect the nuclear navy, and this is an example of an issue that we have committed to work out in conference. We have also agreed to address in conference concerns that by requiring the Department of Defense to hire security personnel at launch campaigns we may undermine existing bilateral agreements with China and Russia. The rule makes in order a range of amendments related to similar security concerns. Members are right to be concerned about this issue, and I think most of these amendments attack the right issues.

□ 1145

In almost every case, our amendment has a very similar or even identical provision to those being offered by other Members. While I respect every Member's right to offer their amendment in order under the rule, I urge those Members to consult our amendment and not offer it where it duplicates provisions that may have already passed the House.

In particular, I cannot support the Ryan amendment, number 7, which largely duplicates the moratorium provision in the COX-DICKS amendment but reduces incentive for security improvements at the labs by extending a punitive moratorium on the labs well after appropriate security measures are in place. I support the rule and urge Members to support the COX-DICKS amendment.

I also want to associate myself with the remarks of the gentleman from Texas. I think this is one of the most extraordinary situations where we would be considering cutting off money for the peacekeeping effort that is going to come after this victory in the air war. And I think we should be here today congratulating the young men and women who have flown 30,000 sorties in Kosovo for the tremendous job that they have done.

We have not lost a single American life in combat. And we have seen also for the first time the use of the B–2 bomber, the use of JDAMs. This has been one of the most effective military operations in the history of the country. And when I go over there and talk to the personnel, their faces are not dragging. They are proud of what they are doing. They are proud of what they have been trained to do, and they are accomplishing it. And they did a tremendous job.

And for this House to be voting on whether we are going to support this effort at this point is utterly ridiculous, and I hope the majority will reconsider their position and support the effort.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to respond to the gentleman from Texas again. He said the President is doing the right thing.

We do not kill more civilians in Kosovo than the Serbs do and call that a victory. We do not increase the forced removal of Albanians faster than the Serbs did and call that a win. We do not cost us a hundred billion dollars in rebuilding Kosovo and the cost of this war and cut money out of Social Security, Medicare, education, and medical research and call that a win. We do not damage our relationship with Russia and China and call this a win.

Yes, I am very, very proud, I say to the gentleman from Washington (Mr. DICKS), of our military. The gentleman knows me by now, and I support them 100 percent.

But I want my colleague to take a look at this document and apply it. It says that eighty percent of the people in this country do not trust the President of the United States. Only 69 percent do not trust Milosevic.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I rise to support this rule, and I call upon the President of the United States to bring an immediate end to the illegal and immoral bombing of the former Republic of Yugoslavia.

From the beginning of the bombing campaign, the Clinton administration has asserted that there are only two alternatives available to us: either do nothing to end the violent oppression of the people of Kosovo, or bomb.

That premise is false. And following it, President Clinton set us on a course that former President Carter correctly described as counterproductive, senseless, and excessively brutal. I would add also, entirely avoidable.

NATO made a grievous miscalculation in offering an ultimatum to Milosevic at Rambouillet that included provisions in Appendix B that amounted to a NATO military occupation of all of Serbia.

Either by design or miscalculation, we abandoned diplomatic channels that were still open in favor of ultimatums and brinksmanship. The result, as we all know, has been the worst humanitarian disaster in Europe since the end of the Second World War.

For the past 2½ months, we have seen vivid evidence of man's capacity for cruelty to his fellow man. Throughout, each side has engaged in a media bidding war each attributing to the other for foreign and domestic political consumption the greater aggression, the greatest atrocity, the most horrific violations of human dignity.

I fear that when this war ends, and I fervently hope that it will end soon, we will be subjected to another media war, with each side claiming victory. I do know that our efforts to help the people of Kosovo have left them a nation of refugees with their civilian infrastructure destroyed. We have become a military ally of a terrorist organization, the KLA, and we have effectively destroyed the non-violent Democratic opposition to Milosevic in Yugoslavia. We have trampled international law, marginalized the United Nations, ignored the War Powers Act, and violated the Geneva Convention's prohibition against targeting civilians.

Closer to home, we have diverted billions of tax dollars from Social Security and nutrition programs to weapons programs, and our relations with nuclear powers China and Russia have been set back to the days of the Cold War.

It is clear to me that there are no winners in this war, no winners, with the possible exception of the weapons makers and the undertakers.

Mr. Speaker, cluster bombs dropped on civilians are never and will never be a form of humanitarian intervention. It is time for us to put aside the egos of men and declare peace for our children. It is time to end the bombing.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am disappointed that today's defense authorization bill does not address the defense burden which the United States continues to shoulder for our European allies.

My colleagues, I think we need a history lesson. Lesson number one: The Second World War ended more than 50 years ago. Lesson number two: The Cold War ended 8 years ago. And in case we forget, we won.

We defeated fascism and we defeated communism. But the defense bill completely ignores this reality.

Right now many of our European allies enjoy a higher standard of living than we do here in America. Somehow these nations can support education, they can support health care, child care, and vital social programs because we keep paying their military bills. It appears that our European allies have gotten used to American taxpayers picking up the tab for their common defense and they do not feel obligated to increase their contributions. I do not know about my colleagues, but I am tired of Uncle Sam acting like Uncle Sucker.

Right now, one U.S. Army division in peaceful Europe costs the United States taxpayers $2 billion a year. With that money we could fund 50,000 new teachers. With $2 billion we could offer a college education, including tuition, fees and books to 500,000 students who could not otherwise afford college.

The time has come. The time has come, Mr. Speaker, for our allies to share the burden of their own defense. The time has come for shared responsibility. The time has come for the United States to reap the investment that we have made in our country so that we can invest in our children, our seniors, and our environment.

That is why I urge my colleagues to support the Shays-Franks amendment to increase burden sharing.

Mrs. MYRICK. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for her excellent leadership of this very, very important rule.

I want to thank the ranking member and all the members of the Committee on Rules who did struggle to put together a rule that was laid against a background of a number of very strong concerns by Members of the House. They have done an excellent job, and I urge all Members to vote for this rule.

My colleagues, let us take a look at the state of defense. That is the situation that this rule and this bill address. The state of defense is that we have a force structure, meaning an Army, a Navy, an Air Force and a Marines that are a little more than half the size that they were just a few years ago.

In 1990, we had 18 army divisions. Today we have been cut down to 10. We had 24 fighter air wings, active air wings. Today we are down to 13. We had 546 navy ships. Today we are down to 325 and dropping.

Now, the gentlewoman that just spoke talked about things that we could do with the money that we could cut from defense. I am here to tell her we have cut an enormous amount of money in defense. This bill is roughly $150 billion less in real dollars than the defense bill that this House passed in 1985. We have slashed defense.

The state of defense is this: We are short on ammunition. Across the spectrum, starting with cruise missiles and going down to the smallest M-16 bullets, we are short even after we passed this bill; and considering the full amount that was put into the supplemental, we will still be short, by our analysis, about $13 billion dollars below the two-war requirement that was laid out as the responsibility for this government to fulfill so that our fighting people would have enough ammo in their bandoliers should we have to fight a two-contingency or two-war situation.

With respect to spare parts, we are down on spare parts. And every time we are told by a member of the Pentagon that spare parts are looking better, that the accounts are being filled, we go out to the field and we find that all the services across the board, the Marine Corps, the Air Force, the Army and the Navy, are down about 10 percent in mission capability.

That means that if we asked the Navy how many of their fighter aircraft are able to do the mission, it is a little over 7 out of 10. That means 3 out of 10 cannot do the mission. With the Marine Corps and the Navy, actually it is down to about 61 percent mission capability. That means 4 out of 10 cannot do their mission.

With respect to personnel, we are going to be about 800 pilots short this year in the Air Force, and that figure is rising. Remember, we do not have a draft. We cannot force people to join the military and serve this country.

I know Members of this House and members of the country, our constituents, are also amazed when they travel abroad or they go to a military base or they talk to our military, our men and women in uniform, and they look at the very difficult jobs that they fulfill every day, jobs that are much less convenient, much less comfortable than most of the jobs on what they call the outside; that is, the civilian economy. And yet they do that because they have a dedication to this country.

We are low on military pay. Since 1980, we have allowed that pay gap between the civilian and the military sector to widen to 13½ percent. That means an electronics technician in the Navy gets, on the average, 13½ percent less than if he was working on the outside. And that is one reason why we are 18,000 sailors short right now and 800 pilots short in the Air Force.

And we are short Apache helicopter pilots. And we are seeing a bigger and bigger separation rate even in Marine aviation, which has also had the highest retention rate. We have lost a lot of aircraft in the last year.

One of the best examples of the best reflection of how old our force is and our equipment is, is how many of them fall down in peacetime and crash. We lost, by our calculations, in the last 14 months, 55 military aircraft crashing in peacetime operations, with 55 fatalities involved, 55 men and women in uniform dying as a result of military aircraft going down in peacetime operations.

We are not replacing aircraft as fast as we are crashing them because we have an inadequate budget. Well, let us go to the budget and what we do with this defense bill. We do increase defense spending a very small amount. We do not come anywhere close to starting to close that $150 billion gap, that cut between what we spent in 1985 and what we spend today, but we are starting to turn the corner.

We put in more money for ammunition, more money for spare parts. We are putting in a little more money for modernization. That means replacing some of those old systems that are crashing on us now with new systems, with new platforms. We are trying to address this problem with respect to the national labs.

Let me just say with respect to the Cox report and the COX-DICKS package that is going to be put into place, I want to applaud my colleagues for putting that together.

I do want to say, with respect to the Ryan amendment, that would give a 2-year moratorium on foreign visitors to the laboratory. I think that is much more reasonable than the 30-day moratorium that has been offered in the report. In that sense, I think there has been some watering down of what I know some of the leaders of the report on both sides of the aisle would like to see.

I do not see any reason to have Iraqis and Iranian nationals coming over from their countries and go into laboratories in our nuclear procurement system, in our nuclear development system, any laboratory in the U.S.

So we have an excellent bill before us.

□ 1200

I do commend our colleagues for putting together a package with respect to lab security with respect to foreign visitors. I think we need to go with the Ryun amendment. I also see the hand of industry to some degree in neutralizing a tough supercomputer transfer to China amendment; that is, we are still going to allow supercomputers to be transferred to China even though we have done no end use verification to speak of in the last couple of years.

Mr. Speaker, this bill starts to turn the corner on rebuilding national security. Let us vote for the rule and vote for the bill and get on with our work.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

We have a great paradox before us today. As the gentleman from Missouri (Mr. SKELTON), the ranking Democrat, outlined, this is a good piece of legislation. It is a terrible rule for a good piece of legislation, and it is a terrible rule because the majority leadership has chosen to make in order an amendment which would deny funds and also to preserve in the bill a provision that they had originally stricken 2 weeks ago but now they have put back in the bill which would deny funds for peacekeeping in Kosovo.

The rest of the bill is fundamentally a good bill. But this is truly extraordinary that as we are on the brink of a great victory and success that members on the majority cannot acknowledge success, cannot acknowledge that we have scored a victory but must persist till the very end in trying to score political points against a President and a policy that they do not like.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Washington.

Mr. DICKS. It is almost as if they just cannot cope with the fact that Bill Clinton, President of the United States, the Commander in Chief, the head of the free world and NATO, has put together this coalition to stop this terrible ethnic cleansing. And I understand some of the arguments that are made but the bottom line is that it has worked. We are on the verge of establishing the peace. Yet we are here voting on whether we are going to cut off the money for the operation. In my whole career, I have not seen anything more ludicrous than this.

Mr. FROST. It is particularly extraordinary because the gentleman and I 10 years ago supported President Bush when he was attempting to succeed against Saddam Hussein and in fact was successful against Saddam Hussein. We went across party lines and joined with the Republican President and rejoiced in the success of a Republican President.

Mr. DICKS. And once the decision was made to go, if the gentleman will continue to yield, there was no undercutting or backstabbing or trying to go back and revisit the decision. The decision was made and then we rallied around the decision and we were proud of our forces when they did an outstanding job. Instead, we still have these votes day after day here to try to undermine the policy, which is ridiculous. We should be supporting this. It is a very successful military campaign, one of the most successful in the history of this country, without the loss of a single life. Two kids in a test situation were killed unfortunately but to execute this air war, it is one of the most incredible things that I have ever seen in my 21 years on the defense subcommittee.

Mr. FROST. Reclaiming my time, as I tried to say throughout this debate, this is really a sad day for us here in the House of Representatives, that the majority feels obligated to grab hold of the President like a dog with a bone and not let go, will not let go in the face of success. I do not understand it, and I do not think people watching this and I do not think people reading about this, whether they are in the United States or whether they are in Europe, will understand what is being done here today. This is a fundamentally good bill. There are a lot of very good things in this bill. Yet the majority spoils this entire consideration today by refusing to accept a successful military operation.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume. Just a couple of things in relation to the comments from the gentleman. I suggest that you ask the Apache crew if there was not a loss of life and also the Kosovo funding amendment passed overwhelmingly in the House. It was a bipartisan agreement, too, I might say. So I want to say that this is not a partisan rule that is being brought to the floor because we are going to have this discussion. There were 99 amendments total presented and 47 of them were made in order. I will say based on the percentages of each Republican and Democrat body that were presented, the percentages are very, very fair. We will have about 20 hours, anyway, of debate on this over the next couple of days. So it is very encouraging to me that we are going to be expressing the will of the House again and the debate that will go on will be very fair and open and allow us to give great discussion for this very fair rule. I also urge all of my colleagues to support the rule so we can have this open and fair debate on the floor.

GENERAL LEAVE

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the rule under consideration.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mr. SAXTON. Mr. Speaker, it is clear that over the course of the last decade the United States' military has been in a constant state of decline. With the current challenges confronting U.S. armed forces in the Yugoslav Republic of Kosovo, our ability to meet worldwide commitments is increasingly strained; our ability to conduct even smaller military operations is at risk, as well. This rule provides an answer to these concerns.

The Joint Chiefs of Staff cited the diminished quality of life, readiness, and modernization requirements that have pervaded the armed forces. With respect to the National Defense bill, allow me to state for the record that this bill begins to address each of these flaws.

The bill increases our forces' quality of life by providing $8.6 billion for military construction and family housing, $3.1 billion more than the administration's request.

The bill specifically addresses the readiness of our military, providing $106.5 billion for operations and maintenance, $2.8 billion more than the administration's request.

The bill ensures that the United States will not maintain the status quo but will continue modernization by providing $3.7 billion for the Ballistic Missile Defense Organization, a $417 million more than the administration's request.

As we near the dawn of a new millennium, the international political situation is growing increasingly unstable. Our current involvement in the Balkans reminds us that the end of the Cold War has brought with it not a more stable world, but an increasingly volatile one. Our only insurance against future confrontations is a powerful and adept military; this bill provides the funding to ensure one. Overall, this bill strengthens our military and ensures the safety of both our troops and our citizens.

This is a good rule, and I strongly urge you to support our troops by voting for it.

Mr. KIND. Mr. Speaker, I rise today to express my disappointment with this rule.

First, I am deeply troubled by the continued, misguided attempt to limit this Nation's ability to execute operation allied force and end the atrocities in the Balkans.

In addition, two weeks ago, when this authorization bill was first brought to the House floor, Mr. DEFAZIO offered an amendment that was ruled out of order. The DeFazio amendment would have increased funding for the youth challenge program by eliminating one corporate-style jet for the military.

Youth Challenge is a program that has been funded through the Army National Guard since 1993. Youth Challenge reaches out to young people aged 16 to 18 who have either dropped out of high school or are at risk for dropping out. Youth Challenge combines academics with physical fitness, job skills training, community service, counseling and leadership training. Privileges are earned through hard work, merit and discipline. Through Youth Challenge, over 12,000 young people received a G.E.D. who otherwise, very likely, would not have received any diploma at all.

I had the privilege of visiting the Wisconsin National Guard Youth Challenge Program last week at Fort McCoy. I was quite impressed by the dedicated staff of National Guard and civilian employees which includes certified teachers, counselors and nurses. Students attend from across the State, and students, parents and community leaders familiar with the program praise its results.

Youth Challenge helps kids who are at the ends of their ropes but who haven't yet fallen. In the wake of recent school shootings, we are all beginning to realize that we must reach out to young people who have become alienated from their peers and estranged from their communities. Youth Challenge works to build self-esteem in its students, and its focus on teamwork, leadership, and public service help reconnect students to their families and communities.

However, Youth Challenge programs nationwide receives many more requests for admission than they can accept given current funding levels. The DeFazio amendment would have helped get this program to more kids in more States.

Mr. Speaker, I tend to be skeptical of military authorizations and appropriations bills, not because I doubt the needs of our men and women in service, but because I doubt that Congress will sincerely act to meet those needs without loading-in special interest and pork barrel projects.

Youth Challenge is the opposite of pork barrel politics. It is a program that could be available nationwide. It enhances the stature and presence of the National Guard in local communities and provides ongoing leadership training to Guard members and gives them a chance to interact with the country's youth.

I understand that an agreement may be worked out to fully-fund Youth Challenge between now and the time we debate defense appropriations. I applaud the efforts of Mr. DEFAZIO, as well as those of Mr. SKELTON and Senators STEVENS and INOUYE in working hard to see that this excellent program is continued.

Mr. Speaker, we are here today to debate planes, ships, bombs and bullets. Youth Challenge is the kind of defense program that truly increases Americans' faith in their government and those entrusted with national security. I hope Members don't lose sight of this in their zeal for political pork and maneuvering.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 75, not voting 6, as follows:

[Roll No. 179]

YEAS—354

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—75

Baldwin
Barrett (WI)
Becerra
Bonior
Capuano
Cardin
Clay
Clyburn
Conyers
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Evans
Fattah
Filner
Gejdenson
Gephardt
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Jackson (IL)
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lee
Lewis (GA)
Lofgren
Martinez
McDermott
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Rangel
Rush
Sabo
Sanders
Schakowsky
Sherman
Stabenow
Stark
Stupak
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Watt (NC)
Wu
Wynn

NOT VOTING—6

Brown (CA)
Chenoweth
Luther
McHugh
Moran (VA)
Waters

☐ 1225

Mr. TOWNS and Mr. FATTAH changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

House Resolution 195 was laid on the table.

Stated for:

Mrs. CHENOWETH. Mr. Speaker, on rollcall No. 179, I was inadvertently detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 200 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1401.

☐ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, with Mr. Nethercutt in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

□ 1230

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, on May 19, the Committee on Armed Services reported H.R. 1401 on a bipartisan vote of 55 to 1. Despite the strong vote on what I believe is a very good bill, our military is still confronting its most serious problem since the hollow military days of the 1970s. The committee's approach to this and previous bills has been shaped by long-standing concerns over the risk America's Armed Forces face today. Although public perception is that the post Cold War world is stable, three basic trends ought to give every American cause for concern.

First, the level of resources that the United States devotes to national defense remains at historical lows. Not since before World War II has defense spending represented such a small proportion of the Nation's Gross Domestic Product as it does today. Despite being the world's wealthiest Nation, a Nation with important interests all over the world and the world's only remaining superpower, we devote only 3 cents out of every dollar of the Nation's GDP to national defense.

Second, our Armed Forces are being tasked at a record pace with an average expanding list of peacekeeping, peacemaking and other contingency missions. From Panama to the Persian Gulf, to Somalia, Rwanda, Haiti, the Balkans, Korea and the Taiwan Straits, our troops are over-extended and operate at levels that simply cannot be sustained over time.

Third, the world is an increasingly dangerous place, especially in regard to the proliferation of ballistic missiles, weapons of mass destruction and other high technology capabilities through our potential adversaries. Many of our theater commanders have told us quite frankly that if we had to fight a large scale war today, we should expect higher casualties among our forces, our allied forces, and civilians.

As a result, it has become increasingly difficult for our military to protect and promote our national security interests around the world. That is why over the past nine months the Joint Chiefs of Staff have concluded that the ability of our Armed Forces to execute the national military strategy involves moderate to high risk, and this disturbing risk assessment was made before the operation in the Balkans began several months ago. Operation Allied Force now qualifies as a third major theater war, entirely separate from any threat or conflict in the Persian Gulf or in Korea. As we continue to read in the media reports, the air war in the Balkans might easily change to a peacekeeping operation on the ground.

The committee has repeatedly expressed its concerns about the declining defense budgets, increasing missions and rising threats for years. With the Joint Chiefs speaking more openly over the past year about these significant risks and problems and shortfalls, the administration seems to be turning the corner on the issue of America's national defense needs.

In his State of the Union speech earlier this year, President Clinton spoke of the need for a "Sustained increase over the next 6 years for readiness, for modernization and for pay and benefits for our troops and their families."

In fact, the President's three themes, quality of life, readiness and modernization, have been the focus of the Committee on Armed Services' efforts for years now. Unfortunately, the reality of the President's defense budget request has fallen short of the rhetoric. The President's defense budget request was riddled with overly optimistic economic assumptions and budget gimmicks, all of it directly linked, even held hostage, to the President's domestic political agenda on Social Security.

But even with all of the political linkages, gamesmanship and gimmicks, the President's fiscal year 2000 defense budget request provided only about one-half of the funding necessary to meet the unfunded requirements identified by the Chiefs of Staff and only about one-half of the unfunded requirements identified over the 6-year budget plan.

It is in this context that the committee has added, consistent with the budget resolution, more than $8 billion to the President's request and has targeted crucial additional funding for a variety of badly needed quality of life, readiness and equipment modernization needs. But despite the committee's best efforts, we are only managing the growing risk to our national security, not eliminating them.

In my view, a high risk strategy is an unacceptable strategy and certainly unworthy of the United States of America. Absent a long term sustained commitment to revitalizing America's Armed Forces, we will continue to run the inevitable risk that comes from asking our troops to do more with less.

As Secretary of Defense Cohen recently said, "We have a situation where we have a smaller force and we have more missions, and so we are wearing out systems, wearing out our people."

Mr. Chairman, in this increasingly dangerous world, there is no such thing as acceptable risk. Unless the Nation fields the forces and provides the resources necessary to execute the national military strategy, the inevitable alternative is for our country to retreat from its responsibilities and interests. This ought to be unacceptable to all Members and to all Americans.

Mr. Chairman, I will leave a discussion of the many specific initiatives contained in this bill to my colleagues on the committee who have worked very hard since February to get us to the point we are at today. However, I would like to recognize the hard work of the subcommittee and panel chairmen and ranking members. Their leadership and bipartisan approach to issues has permitted our committee to significantly improve upon the administration's request in this bill.

In closing, Mr. Chairman, I would also like to thank the staff. Without their expertise and tireless efforts, we would not be here today.

Mr. Chairman, I support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in very strong support of H.R. 1401, the National Defense Authorization Act. For some time now I have been saying that we must make this the year of the troops. This bill goes a long way towards showing the men and women in our military that we are committed to taking care of them and committed to taking care of their families. This is an excellent bill, the best defense bill that we have had in this Chamber since the early 1980s. It deserves support from every Member in this House.

Let me commend our colleague and friend, the Chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and thank him, as well as the subcommittee chairmen and the ranking members of our committee, for their leadership and diligence in putting this legislation together. The overwhelming committee support, a vote of 55 to 1, approved this bill, demonstrates that we on our committee were successful in the efforts in drafting a truly bipartisan measure.

This bill is a very strong bill for our United States national security, which builds upon the President's proposal to increase defense spending by $112 billion over the next 6 years. But, most important, Mr. Chairman, the bill addresses the quality of life issues that are at the top of the agenda for the service members and their families. This is the year of the troops.

The compensation package, which includes a 4.8 percent pay raise, pay table reform, and reform of the retirement system, will help address the problems in our Armed Forces. Other provisions will help in recruiting and retention, which is very, very important. Improvements in the Tricare military healthcare system and an increase in funding for military family housing, all of these go toward quality of life and helping to make life better for those who work in uniform as well as their families.

In addition to quality of life improvements, I am pleased this bill includes increases for funding for procurement of weapons, for ammunition, for equipment, for research and development and for operations and maintenance. This will enable us to modernize our forces to where they should be.

Mr. Chairman, the only reservation about this concerns problems relating to issues about the Federal Republic of Yugoslovia. In particular, section 1006 of this bill prohibits the use of funds authorized from this legislation for the conduct of either combat or peacekeeping operations in the Federal Republic of Yugoslovia. It is way too restrictive. It could result in funds being cut off while our troops are in the field.

As we speak, we, America, the NATO forces, are on the one foot line and they are there nearing a victory. We do not walk away from the ball game with a victory well in hand. Moreover, it sends the wrong message to our troops, to the President of Yugoslovia, Mr. Milosevic. If this language remains in the DOD authorization bill, it will be subject to a veto by the President.

Therefore, I urge all Members to support an amendment which I will have which requires a striking of section 1006.

Mr. Chairman, there are other amendments that I would oppose of the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from Florida (Mrs. FOWLER), both relating to Yugoslovia. I would urge people to support the amendment of the gentleman from Mississippi (Mr. TAYLOR), which outlines the goals for our operations in Yugoslovia.

Basically, Mr. Chairman, this is an excellent bill, with the one wart which I spoke about. Let us pass this bill, but let us also pass the amendment I offer to strike that section which really does not belong here.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of the Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Chairman, I too rise today in strong support of this bill. I believe the committee has done a superb job in fulfilling its role and has done its best to provide the necessary funding and direction to support the readiness of our military forces. Is this enough to fix all of the readiness problems? Unfortunately, no. Is it in the right direction? Absolutely.

For too many years now, the readiness for our military forces has been marred by an ever increasing number of contingency operations without any additional funding to accompany those operations. This pattern has led to the decline of our military readiness which we are all now too familiar with.

At hearings in Washington and in the field, the committee repeatedly heard concerns and pleas for help to address readiness and quality of life problems in our military forces. As in previous years, these concerns focused on lack of spare parts, backlog of maintenance and repair of aging equipment and facilities, and a force that continues to do more with less.

The committee also heard disturbing testimony on the shortfalls and problems at the services major combat training centers. These concerns are not new to us. Stories of back-to-back deployment, cannibalizing combat equipment for spare parts and personnel shortages are not new to me or to anyone else on my subcommittee.

I am happy to report this year that such stories are finally reaching and affecting the administration. Leaders within the Department of Defense, the military services, have at last come forward to express their own concerns with the status of readiness. This year the President's budget did increase the level of spending for operation and maintenance. However, an analysis of the budget quickly revealed that the touted increase in funding was much more than a mirage. Behind the smoke and mirrors, the committee could not find the increases needed to do more than slow down the decline in readiness. Nevertheless, the administration's recognition of the problem is a positive and welcome step forward.

I would like to quickly outline the areas in which the committee is most concerned and was able to increase the level of funding beyond the President's request.

□ 1245

The bill recommends an increase of $271 million for aircraft spare parts, $340 million for depot maintenance, $112 million to improve training center operations, equipment, and facilities, and finally, $1.6 billion to address the backlog of facilities maintenance and shortfalls in base operation funding.

The bill also provides funding to improve the day-to-day life of our military men and women, such as providing additional funding for cold weather gear, maintenance and corrosion control of aging equipment.

As I stated earlier, this bill will not fix all the readiness and quality of life problems of our military forces, but it will go a long way to putting them on the road to recovery.

I want to thank all the members of the subcommittee for their commitment to this area of our national defense. I particularly want to thank the ranking member of the Subcommittee on Military Readiness, my good friend, the gentleman from Texas (Mr. ORTIZ). His leadership and knowledge of the issues has enabled the subcommittee to deal with several difficult issues that have transcended political lines.

I also rise to express my strong support for the recommendations of the Merchant Marine Panel, which I also chair. They are contained in this legislation, as well. The Merchant Marine Panel's recommendation consists of two parts. The first is the annual authorization for the United States Maritime Administration. This bill fully funds the Administration's request for the Maritime Administration, and provides a much needed increase of $7.6 million for the United States Maritime Academy. This money will begin to address the Academy's most serious capital maintenance problems.

In addition, the bill includes a $25 million increase to Title XI shipbuilding loan guarantee programs in order to address the expected shortfall of available shipbuilding loan guarantees.

H.R. 1401 also contains the panel's recommendations for the Panama Canal Commission. I should note that this will be the final authorization for expenditures for the Panama Canal Commission. Since the canal began operations on August 15, 1914, the United States Congress has overseen the operations of this critical waterway. This bill funds the Commission through the first quarter of Fiscal Year 2000, and includes several administrative provisions related to the transfer of the canal from the jurisdiction of the United States to the Republic of Panama on December 31, 1999.

Mr. Chairman, H.R. 1401 is a responsible, meaningful bill that will provide adequate resources for the improvement of readiness in our armed forces, and provides the necessary funding for the United States Maritime Administration and the Panama Canal Commission.

I urge my colleagues to vote yes on this important measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I ask all of my colleagues to support the FY 2000 defense authorization bill. As the ranking member on the Subcommittee on Military Procurement, I think we have produced a balanced bill that begins to reverse the downward spiral of procurement budgets over the last few years.

One of the strong points of the procurement section is that we have authorized multiyear procurements for a number of key programs. They include the Navy's F18–E and F, the Javelin missile, Bradley fighting vehicles, the Army Apache Longbow helicopter and Abrams tank upgrades.

Multiyear procurement is a good way to stabilize production while reducing costs for the taxpayer. I congratulate the gentleman from California (Chairman HUNTER) on deciding to do it. It makes good sense.

I also want to thank him for his leadership in other areas. One in particular is laying out the plan to use alternate technology in the orderly and systematic and safe destruction of chemical weapons.

We have also tried to lay out a plan for the systematic review and oversight of the F–22 program. We all worry about the projected costs of this program, and this bill requires the United States Air Force to inform Congress early about any potential problems. We do this without prejudice, and the one thing we have learned in Yugoslavia is that we need to keep the technical edge.

Another thing I want to mention is that even with what we had, and we had a limited amount of money, that said, I will affirm that the consideration given to all members in matching their interest with the services' unfunded requirement list was fair and evenhanded. We did the best we could under the circumstances in a way that achieves everyone's goal of building a stronger national defense.

For those reasons, I ask all of my colleagues to support the bill.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to start by thanking our chairman, the gentleman from South Carolina (Mr. FLOYD SPENCE) for his great leadership. The gentleman is a very interesting person and a very unique person. He is a guy who has us put together this defense bill without ever making requests for his own district, only giving to us the direction that we do what is right for America. I think under his leadership we have done that in this particular bill. I thank the gentleman from South Carolina for all his friendship and leadership.

I want to thank my friend, too, the gentleman from Virginia (Mr. SISISKY), my compadre and partner in putting this bill together, along with the rest of the members of the Subcommittee on Military Procurement. The gentleman from Virginia is a person with a lot of wisdom. He has a great service background of his own, and he understands the military, he understands people, and he understands systems, and most importantly, business practices. He has injected a lot of those business practices and that philosophy into his work. I want to thank him for that.

I would also thank my good friend, the gentleman from Missouri (Mr. IKE SKELTON), who has fought long and hard especially to give this country long-range air power capability. That challenge is still before us with respect to stealth capability, and I want to thank the gentleman. I know he has been monitoring the success of the B–2 bomber in its recent flights. I know it has done only a fraction of the sorties, yet it has knocked out a very large percentage of the targets. That stealth capability, married up with precision weapons, is a very important thing.

Mr. Chairman, we had a couple of themes a couple of years ago when we realized that we were not going to be building more B–2 bombers. We decided to try to arm as best we could the ones that we have. We put a lot of money, additional money, up against this challenge of arming the B–2 bombers, giving our long-range air wing what it would take to strike targets and to return safely.

We have another theme that we have embarked upon. That is to build and buy as many precision weapons as this country needs, and hopefully actually to produce a margin, a safety margin in our weapons bin so we do not run out of these precision weapons, and especially precision standoff weapons.

Now, everybody knows that for those standoff weapons, they are weapons you can launch from an aircraft. For example, if you are talking about an air launch cruise missile, hundreds of miles before you reach that heavily protected target with your aircraft and put your crew and your pilots in jeopardy you can launch that missile, you can turn around and go back without having to enter that area of jeopardy. That saves pilot's lives, it saves equipment.

We can only do that when we have a sufficient number of long-range standoff systems that are precision systems. I am here to inform my colleagues regretfully that we do not have enough of those systems today.

Similarly, with the Tomahawk cruise missile, which can also launch from many hundreds of miles away and save that pilot that otherwise would have to fly directly over a target and drop an atom bomb. We are restarting that Tomahawk line. That will give us the power hopefully to maintain a standoff capability.

Mr. Chairman, I want to thank all my colleagues who helped to put this bill together, and urge everyone in the House to vote for it. It is a turnaround for defense, it is a turnaround for rebuilding our weapons systems.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might add just a footnote to what my friend, the gentleman from California (Mr. HUNTER) said regarding the B–2. An article was written not long ago about the success of that weapons system, and that it was a great surprise in this conflict regarding Yugoslavia.

However, to those of us that did work hard and long, it is not a surprise that it is working just as planned. We are very, very pleased with those at Whiteman Air Force Base and those pilots and the ground crew who operate the B–2 system.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to echo what my good friend, the gentleman from California (Mr. HUNTER) just stated, for the leadership provided to this committee by our chairman and our good friend, the gentleman from South Carolina (Mr. SPENCE), and, of course, the ranking member, the gentleman from Missouri (Mr. SKELTON), and the rest of the subcommittee chairmen and committee chairmen for the leadership they have given to us.

Mr. Chairman, I rise today in support of H.R. 1401, the defense authorization bill for Fiscal Year 2000. The committee and particularly the Subcommittee on Military Readiness had a very challenging assignment this session. We not only spent time here gathering information, but we had the opportunity of visiting our forces in the field, both here in the United States and in Europe, witnessing firsthand readiness as seen by those brave soldiers, sailors, and airmen who shoulder the responsibility of carrying out our military strategy. For their effort, we can all be proud.

It is personally satisfying to see that some improvements are being made in the readiness posture of the total force, but I do not believe that any of us would agree that we are out of the woods yet. The readiness of the first-to-deploy forces comes at a price of reduced support for deploying future forces and for vital infrastructure support.

I remain concerned that the Department's budget is built on assumptions about savings from efficiencies, outsourcing, and privatization activities that have not materialized in the past and probably would not in the future. Migration of critical maintenance dollars remains a problem.

I will say to my colleagues that this is a good bill. The committee has worked hard. We can be proud of our soldiers who are stationed all around the world. I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Military Construction.

Mr. HEFLEY. Mr. Chairman, I appreciate the gentleman yielding this time to me.

Mr. Chairman, I rise in very strong support of 1401. As the chairman of the Subcommittee on Military Installations and Facilities, I want to draw the attention of the House to the important provisions in this legislation concerning the military construction and family housing programs for the coming fiscal year.

On a bipartisan basis, we have found the budget request inadequate to address the scope of the need identified by the military services. This has been a problem with the President's budget request for some time.

The administration compounded the deficiencies in its budget proposal while building its fiscal year 2000 MILCON program on a risky fiscal foundation. The incremental funding of the military construction program on an outlay rate basis would surely lead to an increase in costs and delays in the delivery of facilities.

H.R. 1401 would reject this proposal on most projects. The leadership of the full committee, the gentleman from South Carolina (Chairman SPENCE) and our ranking Democrat member, the gentleman from Missouri (Mr. IKE SKELTON) worked closely with the subcommittee to try to find a solution that would address the needs of the military services.

H.R. 1401 would restore $3.1 billion in budget authority for military construction. That seems like a lot of money even in this town, and certainly there are a lot of competing demands for these funds. However, we felt very strongly that endorsing the incremental funding concept across-the-board would be shirking our responsibility to the taxpayer. No Member of the committee, Republican or Democrat, was willing to do that.

With these funds, we set out first to fix the broken program left to us by the Department. Nowhere was the need to do this more apparent than in the area of military housing. The administration proposed to construct or renovate over 6,200 units of military family housing and begin the construction or renovation of 43 barracks, dormitories, and BEQs for the single enlisted. That requirement will cost nearly $1.4 billion for the coming fiscal year.

However, the administration asked for only $313 million, 22 cents on the dollar, to meet the fiscal year 2000 requirement. The legislation reported by the Committee on Armed Services would add nearly $1.1 billion to the budget to ensure that this housing is built and occupied as soon as possible. In addition, our recommendations would fund an additional $75 million in military housing projects.

Similarly, we have funded the training, readiness, and other requirements of the active and reserve components at the level required to get the job done, for the most part.

As just one example, the administration funded a $251 million MILCON requirement for the Guard and Reserve at $78 million. This legislation would provide the additional $173 million in funding necessary to move forward on these requirements, and would also provide an additional $187 million in support of the reserve components.

Regrettably, H.R. 1401 will not fix all of the problems in the President's budget request nor could the committee address adequately, in my judgment, the unfunded requirements that continue to pile up due to the broad inattention of the Department to critical infrastructure upgrades. I believe, however, we have done the prudent thing.

With this legislation, we will minimize risk to the most essential military construction projects and programs of the military services. We will dedicate limited, additional resources to meeting the unfunded needs of the military services. We will also continue to urge the Department of Defense to exercise appropriate stewardship on behalf of the taxpayer in the military infrastructure and facilities that serve as the platform for the defense of the Nation. The soldiers, sailors, airmen, and Marines who serve every day deserve no less than that.

In closing, I want to express again my appreciation to the members of the subcommittee I chair, especially the ranking Democratic member, GENE TAYLOR, for their contributions to this bill as well as their patience, understanding, and cooperation as we worked through a difficult budget request. The subcommittee's recommendations were adopted by voice vote in the full committee. This is truly bipartisan legislation and I urge all members to support H.R. 1401.

Mr. Chairman, I would like to encourage my colleagues to support this bill overwhelmingly.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT).

□ 1300

Mr. PICKETT. Mr. Chairman, I commend the committee chairman and the Members and staff for the balanced and responsive bill we have before us that has been thoughtfully and carefully put together within the constraints of a defense budget that continues to decline in purchasing power. In any undertaking of this kind, the defining of and the adherence to a system of priorities is essential for realistic and responsive program.

My comments will relate primarily to the research and development part of the bill. The investment for basic research and for science and technology programs has been maintained at last year's level. It is widely acknowledged that these basic research and technology programs have been the crucial components in developing and fielding technologically superior weapon systems that have given our military forces a decided advantage over their adversaries.

In spite of the success realized in developing and fielding improved weapons systems and weapon system upgrades, there is a constant struggle to appropriately and adequately prepare our forces for the unpredictable and speculative battlefield of the 21st century.

The Army is continuing development of its top-priority new weapons systems, the Crusader Self-Propelled Howitzer and the Comanche helicopter. The Navy is moving ahead with the DD–21 Destroyer, the follow-on to the Nimitz aircraft carrier, and a new class of attack submarine. The Air Force is reaching the end of its development of the F–22 and is moving forward, along with the Navy and Marine Corps, in the development of the Joint Strike Fighter.

These visible priority programs point the way to the military of the future. Nevertheless, the pursuit of lighter and more lethal weapons, the development of speedier and more stealthy equipment, and the quest for successful leap-ahead technologies continues.

The Department of Defense has said many times that, if our forces are called into combat, we do not want a "fair" fight. We want our forces to have a clearly superior capability both in weapon systems and technology. That is the direction in which this bill continues to move our defense program, although I must say that the move is at a slower pace than I believe desirable.

The committee and committee staff have been alert and diligent in reallocating resources to higher priority and more timely projects. Additional support has been provided to missile defense programs.

Mr. Chairman, I ask Members to support this bill because I think that it moves that program in the right direction.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, let me first congratulate the chairman of the committee on his usual fine job.

Mr. Chairman, just before Secretary Cheney was due to leave office the better part of a decade ago, he said that we needed a smaller, more mobile force. He may have had in mind that we needed fewer Army divisions and fewer ships in our Navy and perhaps fewer fighter wings; but I am sure he did not have in mind at the time to hear statements like the ones that have been accurately stated here today relative to back-to-back deployments, relative to lack of spare parts, relative to aging, old aging equipment, relative to the effect on military personnel and decline of readiness. These were not issues that were in Secretary Cheney's mind when he talked about a smaller, more mobile force.

I think that H.R. 1401 is a beginning point to change what we have done to create a more efficient, mobile, smaller force that will meet our readiness needs.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, the bill in front of us takes important steps to address the national security resources that are being seriously neglected, our Nation's arsenals.

Our arsenals are an insurance policy that allow us to mobilize for war, produce special weapons on a moment's notice, as well as bringing technical improvements to current future weapons systems. These are unique capabilities that cannot be replaced.

Unfortunately, the Pentagon's policy of privatization at any cost has brought the arsenals to the breaking point. The loss of workload associated with this policy is draining them of skilled labor. Workers are either getting pink slips or leaving on their own because of an uncertain future. Less workload also means rising overhead costs that make the arsenals less competitive. This has led to a downward spiral, actively promoted by both DOD and the weapons contractors.

However, we can bring work to these facilities and preserve their vital capabilities. This bill does that in two significant ways. One, it extends the pilot program that allows the arsenals to sell manufactured articles and services without regard for their availability from commercial services. This provision, which only applies to defense contracts, will help lower high overhead rates due to low utilization.

Second, the bill contains important report language that gives the arsenals challenge contracting authority for components of the 155mm lightweight Howitzer. This gives the arsenals, who are unsurpassed in Howitzer technology, a chance to assist this important but troubled program, which is 2 years behind the date at this point.

While we still need to reverse DOD's policy of privatization at any cost, these provisions are an important first step in giving our arsenals the workload they need.

I hope my colleagues will support this bill and its important measures to assist our arsenals.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, there are a number of important issues in this bill that will not be discussed adequately. One of them is how we can transform our military to deal with the challenges of the future.

In last year's bill, we required a science board study to look at that question, and they came back and unanimously agreed there are compelling reasons for aggressive, urgent transformation instead of strategic pause. The task force found that "change or die" is a more suitable statement for the current strategic environment.

This bill moves us ahead in some significant ways. It requires us to take a closer look at the use of space. It is essential for the operations going on in Kosovo, but we have got to look beyond that. Operations in space and from space have to be studied.

We put more money into joint experimentation, which is also going to be essential if we make the most out of the resources that we have available. We also require an immediate assessment of innovative use of resources such as whether we should take old Trident submarines and convert them for more conventional purposes.

Those are just some of the ways that in this bill we tried to move ahead, making sure that we are able to meet the challenges that confront us in the future.

I commend the chairman and ranking member on the bill.

Mr. SKELTON. Mr. Chairman, may I inquire as to how much time is remaining on our side as well as the other side, please?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 17½ minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 9 minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time.

Mr. Chairman, I join my colleagues today in strong support of H.R. 1401, the Fiscal Year 2000 Defense Authorization bill. I want to congratulate the Chairman and the ranking member for this very strong bipartisan effort, which is well crafted and will go a long way towards ensuring that the bedrock of our security, our troops, will be well looked after at the dawn of the next millennium.

This bill is essential to stemming the decline in readiness and buttressing the security of the United States and its territories. It is no secret that our forces are tired after 33 major deployments since the Persian Gulf War. We are having problems with recruitment and retention, and we want to make sure that we supply them with the best, take care of their needs and make sure that the infrastructure that we provide them is the best available. This bill does exactly all of those things.

But, Mr. Chairman, on a note of dissent, although H.R. 1401 has a multitude of good provisions, there is one provision, section 1006, that has rather serious overtones. This section, as drafted by the majority, if left unadulterated, will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. This is impossible to enforce and to monitor and has a serious and demoralizing effect upon the morale and welfare of our troops currently engaged in NATO operations.

Paraphrasing my good friend, the gentleman from Mississippi (Mr. TAYLOR), that is a hell of a message to send to our young troops fighting to save lives in the Balkans.

I urge my colleagues to support the efforts to the contrary of the gentleman from Missouri (Mr. SKELTON) and to support his amendment that strikes this language.

I also would like to point out that there are many amendments that will be offered today in light of the release of the Cox report. Some of them are bad policy. Although I support the COX-DICKS amendment, and I will try to speak to that later, I want to strongly urge all Members to exercise caution and restraint when considering all these DOE-related amendments as they may have some serious, unintended consequences for Asian and Pacific Americans. Sometimes in the rush to work hard on security issues, we sometimes stigmatize entire groups of people.

Mr. Chairman, I join my colleagues today in support of H.R. 1401—the fiscal year 2000 Defense Authorization Bill. This bi-partisan effort is well crafted and will go a long way to ensure that the bedrock of our security—our troops—will be well looked after at the dawn of the next millennium. This bill is essential to stemming the decline in readiness and buttressing the security of the United States and its territories.

Mr. Chairman, it appears that the ancient Greek curse—may you live in interesting times—has come true with a vengeance. Our global community is reeling from the effects of the post-Cold War order. Our military forces have been deployed in some 33 operations world-wide since the Persian Gulf War. At the same time our defense budget has been squeezed and capped arbitrarily without consideration or anticipation to the realities of America's security interests.

At the same time, our foreign policy makers have been faced with the very difficult task of defining the future roles and priorities for our foreign interests. Indeed this unenviable task has been made all the more difficult as regional hegemons have challenged the peaceful balance of power that has been maintained by the United States and its allies. The Persian Gulf Region, the Korean Peninsula, East Africa, South and Central Asia and, of course, the Balkans have all been the most recent scenes of instability or armed strife, thus compelling U.S. forces to become engaged in one manner or another. America's foreign policy is not so much like a rudder-less boat; but more like a boat without navigational aids. Our boat's pilot and crew are well intentioned and determined but are unsure of the mission. It is in this environment that we, here in Congress, are charged with building a military for the 21st Century.

Mr. Chairman, on a note of dissent, although H.R. 1401 has a multitude of good provisions, there is one such provision—Section 1006—that has rather odious undertones. The section, as drafted by the Republican majority, if left unadulterated will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. While almost impossible to enforce and monitor, this section has a demoralizing effect upon the morale and welfare of our troops engaged in the NATO operations. Paraphrasing my good friend, Congressman GENE TAYLOR, that's a hell of a message to send to our young troops fighting to save lives in the Balkans. This section is completely unnecessary and sends the wrong message to Slobodan Milosevic. I applaud Congressman SKELTON's efforts to the contrary and urge my colleagues to support his amendment that strikes this language.

Mr. Chairman, there are many amendments that will be offered today, in light of the release of the Cox Report, that are just bad policy. Although I support the bi-partisan Cox/Dicks Amendment, I strongly urge all members to exercise caution and restraint when considering the DOE related amendments as they may have some unintended consequences for Asian-Pacific Americans. Often under the guise of national security, especially when faced with a crisis, it is too easy to follow the road of assumptions. Our nation has done this in the past. We can all recall that during the Oklahoma City bombing that many were too quick to accuse Arab terrorists and thus Muslim-Americans were forced to suffer many indignities. In this current debate, we must recall the talent and dedication toward our national security that Asia-Pacific Americans have contributed to in great numbers.

Nevertheless, Mr. Chairman, some of the measures that the people of Guam are concerned about have been included in this bill. In the realm of military construction, the military facilities located on Guam will benefit from over $100 million in new construction or improvements. Most notable are the MILCON projects for the Guam Army Guard Readiness Center and the U.S. Army Reserve Maintenance Shop—both desperately needed to maintain readiness and operational capabilities. Additionally, we were able to secure language that would allow the Guam Power Authority to upgrade two military transformer substations on Guam. I would like to thank MILCON subcommittee Chairman HEFLEY and Ranking Member TAYLOR, for their wise counsel and decision in recognizing the need for these vital military projects on Guam.

I worked closely with Readiness subcommittee Chairman HERB BATEMAN on language that would further define the economic reporting requirement for A–76 completion studies. This language will, I hope, make the Department of Defense more accountable and thorough in their economic analyses of communities directly impact by an impending decision to perform an A–76 study. I also worked closely with several members from both sides of the isle to prevent the lifting of a moratorium on the outsourcing of DoD security guards. Additionally, I worked closely with Congressmen ABERCROMBIE and YOUNG to exempt Guam from any pilot program for military moving of household goods. This way Guam's small household moving market will be ensured of robust competition and protection from mainland conglomerates. Finally, I submitted additional views along with Messrs. EVANS, SISISKY, ABERCROMBIE, ALLEN and ORTIZ voicing our skepticism over the Department's reliance on A–76 privatization measures to save money while sacrificing needed jobs.

Mr. Chairman, I fully support Mr. BEREUTER amendment to make permanent the waivers included in the FY 1999 Defense Authorization Act that allows the Asia-Pacific Center for Security Studies (which is a component of the Defense Department's U.S. Pacific Command) to accept foreign gifts and donations to the center, and to allow certain foreign military officers and civilian officials to attend conferences, seminars and other educational activities held by the Asia Pacific Center without reimbursing the Defense Department for the costs of such activities. This Center, led by retired Marine Corps Lt. General H.C. Stackpole, is a corner-stone in the engagement program of military-to-military exchanges through out the Asia-Pacific Region. This endeavor is a vital component in the goal of strengthening our ties with both our regional allies and potential allies. I strongly urge its adoption.

Mr. Chairman, the House Armed Services Committee also manages an vital oversight function over the Maritime Administration (MARAD). As ranking member of the Merchant Marine Panel, I worked closely with the panel's chairman, Congressman Herb Bateman, to include directive report language that requires MARAD to report on the incidents of overseas ship repairs of U.S. flagged vessels in the Maritime Security Fleet. This was in response to the Guam Shipyard's unfair experiences with subsidized foreign competition in ship repair. This report places the MARAD on notice that Congress is watching and will respond if necessary. I worked closely with Chairman Bateman on this initiative and would like to thank him for his foresight in including this important provision.

Finally, Mr. Chairman, I included additional views detailing Guam's need for a Weather Reconnaissance Squadron. In the late 1980s, one such unit on Guam was inactivated when it was deemed too costly to justify. Defense officials claimed that since there were no aircraft assets permanently stationed at Andersen, Air Force Base its mission could not be justified. Furthermore, it was maintained that improved weather imagery reconnaissance satellites would be adequate to protect the remaining military assets and the civilian population. The reality of the situation has proved otherwise. The Western Pacific is naked to accurate and readily deployable weather reconnaissance. I hope to work with my colleagues in Congress and the U.S. Air Force to explore this important resource for Guam and the Western Pacific.

Mr. Chairman, I urge the passage of this bill, notwithstanding my personal reservation over the Kosovo spending limitation language.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, today I rise in support of this legislation. Democrats made it a top priority this year to take care of those in the armed services. And as a member of the Subcommittee on Military Personnel, I saw firsthand just how we are doing that.

Our servicemen and women make sacrifices to protect our vital national interests every day. Unfortunately, skilled military personnel are leaving the armed services and several of our services have had difficulty meeting their recruitment goals.

This legislation begins to redress numerous quality-of-life and other problems affecting today's Armed Forces. It restores a basis for the military pay raise process, and it goes a long way towards restoring the career incentive value of the military retirement system.

Veterans in my community continue to voice their concern. They continue to talk about broken promises that our country has made to them. I want to go back to my district this weekend to let them know that their voices have been heard and that we are restoring vitality to the military services.

Let us send a strong message of support to our troops and those men and women who had the ultimate sacrifice for this country.

I urge my colleagues to vote yes on H.R. 1401.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the chairman for yielding me this time, and I compliment the chairman and the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

I rise in strong support and ask my colleagues to vote for H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000.

In all candor, Mr. Chairman, this is a great bill for the troops, one of the strongest I have seen in the 7 years I have served on the Committee on Armed Services.

As a matter of fact, I think we would have to put in big bold print neon lights that this bill says that "people count." It has been an emphasis for a long time for the Subcommittee on Military Personnel of the Committee on Armed Services.

A lot of times, the Pentagon liked to focus on buying ships and planes and all types of other things, and they do not always take care of those who actually are placed at risk. In fact, this is what this bill is going to do. It reflects on what we have heard from the field itself. People have told us what they needed, what needs to be done to help fix the problems they face.

The gentleman from Hawaii (Mr. ABERCROMBIE) and I, together with other members of the Subcommittee on Military Personnel worked hard at listening to the troops and their families throughout the country. As a result, this bill contains first a set of core pay and retirement reforms that were recommended by the chairman and the Joint Chiefs of Staff and the Secretary of Defense; and, second, additional corrective measures like the $440 million that we added beyond the request of the present in an effort to reduce housing costs that service members and their families are paying.

Mr. Chairman, H.R. 1401 is as strong as it is in part because the Secretary of Defense and the Joint Chiefs spoke out forcefully in public to advocate for a core set of reforms and initiatives. I commend them for their effort. I am convinced that without the unanimous leadership of the Joint Chiefs and the Secretary, the core set of recruiting and retention initiatives would neither have been included in the budget request, nor be politically supported in Congress as strong as it presently is.

That the DOD's senior leadership spoke out so forcefully only underscores how serious are DOD's recruiting and retention problems. While we believe that H.R. 1401 will help to address these challenges, we also know that the services' retention and recruiting problems will not be solved in 1 year. Rather, several years of efforts at least will be needed to restore the manpower readiness of the armed services and to win the two-front war of retention and recruiting.

I believe that the committee will continue its strong, long-term commitment to national defense, and I urge my colleagues to not only join in that commitment, but also vote in favor of H.R. 1401. It is a good bill for America. It is a good bill for the men and women in uniform who serve this Nation.

I also want to compliment the gentleman from Hawaii (Mr. ABERCROMBIE). It was a pleasure to work with him on this bill as we move forward a host of bipartisan initiatives to address the serious recruiting, retention, and retirement pay compensation, and other things to help shore up the readiness of our military. I urge my colleagues to join me in voting for H.R. 1401.

□ 1315

Mr. REYES. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, I rise today in support of this bill with one reservation. This bill is good for our troops, good for their families and good for the national security of this country.

For the troops, we have increased readiness accounts to ensure that they have the equipment and the training that they need to be an effective fighting force. For their families, we have increased soldier pay, including even greater increases for experienced mid-level officers and NCOs, who today are being lured into the private sector with better paying salaries. We have fixed the retirement system to put all military personnel in an equal retirement system, and we have increased the basic housing allowance to help ensure that our soldiers and their families are not living in substandard homes.

For national security we have increased the procurement accounts to ensure the current and near-term success of our military, and increased R&D accounts to ensure we maintain our position as a world leader long into the future.

Like many of my Democratic colleagues, however, my main concern with this bill is in the inclusion of the Kosovo language. I intend to support the amendment of the gentleman from Missouri (Mr. SKELTON) to remove that language. If that language is eliminated, this, in my opinion, will be a great bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Chairman, I rise in strong support of H.R. 1401.

I want to thank Chairman SPENCE and ranking member SKELTON for their work in bringing this vital piece of legislation to the floor.

As many of my colleagues follow the military conflict in Kosovo, they may be surprised to hear that much of our success has been a direct result of the B–2 stealth bomber and its critical role as a key strategic component of our armed forces within the US–NATO mission.

Contrary to what opponents have claimed in the past, the B–2 has proved to be extremely durable and reliable, even after flying through terrible rain storms and skies filled with dense clouds. In fact, it was the first manned aircraft to penetrate the Kosovo region at the outset of the air strikes while other types of aircraft were deterred from the bad weather conditions.

As the B–2 missions were increased with the progression of the air strikes, the accuracy and reliability of the B–2 was confirmed. The incredible success of our most advanced strategic bomber only proves how critical it is to our national defense strategy.

With our national security at stake, I am very pleased that H.R. 1401 includes almost $500 million for the modernization of our B–2 fleet—nearly $187 million more than the President had requested. These funds will be used to improve the B–2 stealth and communications capabilities, increase its memory capacity, and update targeting information to support reactive real-time targeting.

Additionally, this critical funding will also provide for a software upgrade to increase the survivability and flexibility of the B–2 when attacking the most heavily defended enemy targets.

I am proud to support H.R. 1401 and strongly urge my colleagues to vote in favor of this legislation.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my distinguished chairman for yielding me this time, and I want to thank the distinguished ranking member and the chairman for their outstanding work on this bipartisan bill.

I also want to thank the gentleman from Virginia (Mr. PICKETT), who I have the pleasure of working with on the Subcommittee on Military Research and Development, who is one of the tireless advocates on behalf of our Nation's national security.

Mr. Chairman, I am pleased to rise and state, as I have many times, the fact that defense in this body has been bipartisan. There are Democrat and Republican leaders who tirelessly fight for what is right for our troops. Our battle has not been within the House, it has actually been between the White House and the Congress. And it has been a bipartisan effort over the past several years to restore dignity and support for our troops.

This year in the R&D portion of our budget we had a very severe problem. The administration, while publicly saying they were going to increase defense spending, actually took a $3 billion cut out of the R&D account lines. They shifted that money over to procurement and called that an increase in defense spending. Now, I still cannot believe they did that. They cut the R&D account by $3 billion, shifted it to procurement, and they called that publicly a $3 billion increase in funding.

They did not talk about what we were doing to those programs that are the future threats to America: The need to research weapons of mass destruction and how to deal with them; the need to deal with issues involving missile defense systems which are an emerging priority for all of us, both theater and national missile defense; and the need to deal with the issue of information dominance or what John Hamre calls cyber terrorism.

So while the administration was talking a good game about refocusing its priority on national security, their words were not in fact following their deeds. These cuts were outrageous and they were beyond what we could live with.

Working with the distinguished chairman and the ranking member of the full committee, we were able to find an additional $1.4 billion to restore a portion of that money that this administration proposed cutting. We could not restore the entire $3 billion, so there are some programs that we should be funding that will not be funded next year, but we did in fact find approximately one-half of that money that we are putting back in.

In fact, in some areas, like information dominance, the supports, the great work of the services, especially the Army with their LIWA facility at Ft. Belvoir, we have increased funding by about $40 million more than what the administration asked for. We have also restored the only cooperative program with the Russians to build a stable relationship on the issue of missile defense. The administration actually proposed canceling the RAMOS project, which would have been devastating to building confidence. We restore that program in this bill and the effort to work in a more transparent way with the Russians.

But let me say this, Mr. Chairman. While we do good things in this bill, we do not solve the problem. We need to understand that the need to commit to more funding is a long-term commitment, and I hope our colleagues will work together toward that end.

Mr. REYES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am a new member of the House Committee on Armed Services, but I understand the importance of a strong military. I support this bill because I believe our Armed Forces have urgent unfunded needs, including the military infrastructure, equipment and spare parts. Most importantly, I believe that this is the year of the troops, and I support a pay raise, pay scale reform, and retirement benefits reform.

I am also glad to see this bill includes $378 million for the Army's Environmental Restoration Account. The fund in this account benefits areas such as the Indiana Army Ammunition Plant in Charleston, Indiana. For many years, the Charleston facility and the men and women who worked there served our national defense by manufacturing essential parts of the ammunition used in combat in World War II, Korea and Vietnam.

Now that our military no longer needs this facility, the Army Corps of Engineers is cleaning up this land and preparing it for the transfer to a civilian reuse authority. I am proud of the thousands of Hoosiers who worked in the ammunition plant over the years, and I am pleased that the army is helping these communities make the site an engine for future economic growth.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I rise in full support of this legislation.

While I rise in support of this bill, and commend our Chairman for his diligent leadership, I believe that even he shares my mixed feelings.

The good news is that for the fifth year in a row we were able to add billions of dollars to the President's grossly inadequate defense budget. This year we add some $8 billion to meet our most critical shortfalls. I sincerely hope that we can keep our word and match this increase during the appropriations process.

I am proud that we funded a 4.8 percent pay raise for the troops—.4 percent more than the President.

That we added $2 billion to basic readiness accounts to reduce the maintenance backlog and purchase spare parts.

That we added $300 million to purchase new Tomahawk missiles to replace the 700 missiles this President has fired in the last year alone.

The bad news is that with all of the good work we did in this bill—it is not nearly enough.

Our investment in national security is dangerously inadequate.

We spend less on defense today as a percentage of federal expenditures than at any time since Pearl Harbor. This trend must be reversed.

The Joint Chiefs of Staff have testified that the President's budget is short by over $23 billion. I believe that we must commit a minimum of $40 billion per year to restore our American military preparedness.

When the Air Force has less missiles than bombers to fire them;

When F–16 fighters are falling from the sky in alarming rates;

When Navy warships leave port with hundreds of battle stations unmanned;

When the Air Force needs to implement a stop-loss for pilots and call up 2,000 reservists to handle a minor military engagement such as Kosovo;

When all of the Services face a $13 billion shortage in basic ammunition, we must begin to act.

The list of casualties in this administration's seven year campaign of military neglect goes on and on. I am still not sure what effect our air assault is having on the Serb military but I am sure that it is further degrading ours.

I commend our Chairman for bringing these issues to our attention and doing the best job we could under the circumstances. But we need to do more. We need to do whatever it takes, including lifting the budget caps to insure America's Armed Forces remain the best equipped, the best trained and the most effective in the world.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong support of this bill.

Mr. Chairman, today we are considering an excellent FY 2000 Defense Authorization bill, and I thank Chairman SPENCE for his leadership in bringing this bill to the floor.

In Committee, we have spent the past several months hearing testimony from armed services personnel and military experts detailing the alarming state of our military.

With rapidly growing threats worldwide to our national security, now is the time to begin to rebuild our military from years of decimation and escalating deployments. Mr. Chairman, this authorization responds to these concerns.

As a former navigator and EWO of B–52 bombers, in the Air Force and a Vietnam veteran, I am particularly excited about the authorizations for upgrades and procurement of Air Force aircraft, as well as the replenishment of ammunition and the modernization of military equipment. Further, the pilot retention reforms contained in the Authorization are essential. We have the best Air Force in the world—no country comes close. Yet we have trouble holding on to the best pilots because we simply do not take care of them.

Most importantly, this Authorization reaches out a hand to military families. The 4.8 percent across-the-board pay increase and pay table reform, the major reform in military bonuses, and the implementation of new housing allowances helps close the pay gap with the private sector and will enable military personnel to better take care of their families.

We frequently ask our men and women in the military to leave their families, fight for our national security, and even die for our freedom and liberty. Yet, we do not provide our service personnel with the pay or equipment it takes to get the job done right. It is appalling that even one of these families must seek welfare just to put food on the table and buy clothes for their children. I honestly believe that the authorization we have before us today will go a long way in correcting this problem.

I urge my colleagues to support this authorization, which will provide for the dedicated soldiers in our armed services and adequately fund our military so that American families are safe from hostile threat.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, this bill is a bold step toward putting America's defense funding back on a sound footing. Our military is currently overextended and underfunded. Right now we have a quarter of a million American troops serving in 135 countries around the world. The military is 40 percent smaller than it was during the Persian Gulf War while operational commitments around the world have increased by 300 percent.

This bill establishes additional quality of life functions for the members of our Armed Services that are going to be of tremendous benefit. We also provide for four new Marine Corps KC–130J tankers, a 14th JSTARS aircraft, long-lead funding for a 15th, and the F–22 advanced tactical fighter.

Finally, we reaffirm our belief that depot maintenance capabilities for critical mission essential systems must be retained organically in the military depot system. The Air Force has chosen an ill-defined and unclear policy to support critical weapon systems in the future. This bill requires the Air Force to report to us on their future sustainment plans and specifically identify the core logistics requirements for the C–17 aircraft, a unique military system that has proven its importance in supporting our deployed forces.

We owe it to our warfighters to ensure that core capabilities will be there when they are called upon in the future. I urge the support of this bill.

Mr. REYES. Mr. Chairman, may I ask how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has 12 minutes remaining, and the gentleman from South Carolina (Mr. SPENCE) has 2 minutes remaining.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me this time. I want to thank the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) and all our colleagues on the committee for bringing this bill to the floor. I support it.

I support it because it supports the men and women who wear the uniform of this country with such pride. I do not believe I have ever seen that strength more on display than I did a few weeks ago when I visited Fort Dix, which is in the District of my friend and neighbor the gentleman from New Jersey (Mr. SAXTON), to visit with the ethnic Albanian refugees who had come to this country from the horror they had faced the in the Balkans.

On the first night that they were in that camp, a little girl about the same age as my oldest daughter, who is 6, saw an American soldier walking toward her. Her reaction was to scream, to turn around and run as fast as she could in the other direction, telling her mother and father and sisters and brothers that they had to run away because the soldiers were coming. It is understandable why she would have had that reaction, given where she grew up.

Her mother went over to her and comforted her and said that she did not have to run away; that here soldiers were different; that this was a different place; that soldiers could be trusted. And she reacted in a way that many of us would want to react in expressing support for people wearing a uniform. She ran in the other direction, she jumped up in the arms of that American soldier and hugged him around the neck as fiercely as she could.

Our people are strong not only because of the strength of the weapons that we give them, of the training that they achieve, but they are strong because of the strength of their character. The best way that we can show our respect for that strength is to raise their pay, and this bill does that; it is to respect their retirement, and this bill does that; it is to provide better living conditions for their families, and this bill does that; and, finally, it is to give them the finest training and the finest weaponry, and this bill does that.

Mr. Chairman, I am proud to support it.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me this time.

At the present time there are 46,000 women, infants and children who belong to our military overseas who are not covered by WIC. Fortunately, thanks to this committee, that will be remedied and we will not have that imbalance. They will get the same benefits that they would get if they, as a matter of fact, were stationed in the United States.

I want to also touch briefly on another area. Some years ago I came before the committee to indicate that we were buying our buoy chains from China, and I wondered where we were going to get them if we were in war, and this committee corrected that. And now we have the military buying weights for their exercise programs from China because they are cheap, because, of course, they are made with slave labor. And they have taken some steps in this legislation to correct that.

So I would hope all would support this effort to make our military strong and proud once again, because for 4 of the last 6 years it has not been treated very well.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, I rise in support of H.R. 1401 and congratulate the gentleman from South Carolina (Mr. SPENCE) and the ranking member, the gentleman from Missouri (Mr. Skelton) for their leadership on this issue.

There is one provision, though, that troubles me, and I respectfully raise it today. Section 113 concerns the U.S. Army's family of medium tactical vehicles. They are trucks for the army. Specifically, this section, 113, allows the U.S. Army to ignore the will of Congress, to drop a proven volume discount for producing the trucks and pursue a second source contract award without proving any economic savings to the government.

Well, that does not make sense. Congress made it clear last year, in law, that we wanted justification from the Army. Now, they did a report to justify it, but they will not release it. Now, what does that tell us?

We should not change the law to allow the Army to go forward on this because it is bad for the taxpayers and it is going to be proven to be very ill-advised. It is my sincere hope, Mr. Chairman, that the distinguished chairman and the ranking member and the Members to be named on the conference committee will provide the best trucks for the Army at the best price to the taxpayers.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to commend the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member, for an excellent bill that I think should get the full support of every Member here.

I also want to especially thank the gentleman from Colorado (Mr. HEFLEY) for rejecting the Clinton administration's flawed and misguided proposal to gut administration's funding for our military construction through the Administration's phased funding scheme. Thankfully, that has been rejected. And I especially want to thank the gentleman from Colorado (Mr. HEFLEY) and the superb work of Phil Grone for including the super lab for Navy Lakehurst.

☐ 1330

Nothing is launched from our aircraft carriers or recovered, the catapults and the arresting gear, unless it has first been prototyped and bugs worked out at Lakehurst.

Lakehurst means safety for our pilots and the likelihood of a successful mission.

Lakehurst has an impeccable record of success, of providing an expertise that keeps our aircraft capable. I am just so glad that this new superlab will be built and provide the synergism and take us into the next millennium. The superlab will give us that ability to continue to have a viable aircraft carrier force. The superlab is absolutely instrumental and important for that endeavor. I want to thank the gentleman from Colorado (Mr. HEFLEY) for his great service to our nation. I urge support for it.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today to express my opposition to this defense authorization bill. I believe that this budget is counterproductive to our domestic requirements and goes far beyond our national security needs.

Today national defense consumes 48 percent of our discretionary budget. The proposed 2000 budget will consume 51 percent of the discretionary budget. American cities receive only 25 cents for every $1 that the Pentagon collects. That 25 cents must be spread thin to protect our environment, feed and house families, educate our children, provide health care for the elderly, and to fund other essential programs.

We must also make sure that our courageous men and women serving in the armed services are adequately compensated for their very courageous duty. However, we must stop giving the Pentagon more money than it asks for or that it requires, to the detriment of our country's basic needs.

I urge a "no" vote on this costly bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to take this opportunity to respond to the previous speaker, who I do have the greatest respect for, who was elected by just as many people as I was elected by and represents just as many people.

But I would encourage her to support the bill. Particularly, I would encourage her to support the bill because I think it is important that the minority Members of this body support an Armed Forces that has a more than fair share of minorities on board.

We have a strange situation in our country where folks are willing to spend their money but not ask their children to serve. We have another group of people whose children serve but who say, you cannot have our money.

We need to correct that. We need to treat those young people who are serving our country with respect. We need to fund the G.I. bill. We need to give them a good barracks. We need to see to it that they are well fed. We need to see to it that there are enough of them that they do not have to be gone from their families all the time.

To my colleagues who are saying, you can have my money but not my son, I would encourage their children to enlist.

The gentleman from Missouri (Mr. SKELTON) and I have visited a corporate board last summer, a company that does 99 percent of its work with the United States Navy; and we asked that board, "How many of you have a young son or young daughter in the Armed Forces?" Not one hand went up.

So I do think that what we are doing today is a step in the right direction. I want to compliment the chairman and the ranking member on that. I would encourage us to go on to fulfill our promise of lifetime health care to our military retirees. I do see that as a readiness problem.

I want to see to it that our young people are able to have their ailments treated and their children born on a base hospital rather than to have to go out and put up with the hassle of Tricare. And above all, we need to start replacing these ancient weapon systems, like the HUEYs, like the CH-46s and 47s, that endanger the very young people that all of us care about, and see to it that they are given weapons worthy of them.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank my colleague and friend for yielding me this time to speak. My statement is in opposition to the Gilman-Goss amendment that is included here in this bill.

Mr. Chairman, I rise in strong opposition to the Gilman-Goss amendment because it would mandate the removal of our military support in Haiti. This amendment undercuts the President's authority as Commander in Chief to deploy forces abroad for noncombat purposes where important United States foreign policy and security interests are at stake.

The withdrawal of our forces from Haiti at this time would send the wrong message, Mr. Chairman. It would have a serious destabilizing effect on Haiti at the very time that they approach their legislative elections. And these legislative elections will lead toward the full restoration of the Parliament and local governments.

It is so significant that at this time we do our best to assist in restoring democracy to Haiti and not take troops out of Haiti but to try, if possible, to add more because this is a very, very crucial time. The supporters of this amendment speak generally of the need to evaluate our commitments carefully and the need to get out of something and not simply accumulate additional constituencies.

All of us agree that we need to evaluate our commitments carefully. Yet adherence to this general principle has very, very little, Mr. Chairman, to do with this debate.

It is instructive that none of the military authorities cited in the "Dear Colleague" letter sent out about my fellow Floridian in support of the amendment states that we can or should withdraw all of our military forces from Haiti at this time. It is also instructive that none of the supporters of this amendment have offered a standard to be used in assessing whether to discontinue a military presence.

What is the standard, Mr. Chairman? It has not been stated. Will there be one standard for Kosovo and one for Haiti? Lots of questions, Mr. Chairman. And I say that we should not support this part of the amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me take this opportunity to commend some very fine airmen and women, in particular those at Whiteman Air Force Base who are flying and working on and maintaining the B-2 stealth bomber.

In this Chamber, for a number of times, we debated the issue as to whether we would build any such bombers. In this conflict over Yugoslavia, they have proven themselves, both the planes as well as the young men and women who work so hard with them and flying them, they have proved themselves to be invaluable. I am proud of them.

Let me say a special word of thanks and gratitude to the leader, Brigadier General Leroy Barnidge, who is the Wing Commander of the 509th bomb group at Whiteman Air Force Base. They are certainly today's heroes, and I thank them for their wonderful efforts for our country.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his leadership for the great work done at Whiteman Air Force Base, for the military construction facilities that are there. I know that he worked hard to make sure that that facility in his district was one of the finest in the country.

He and I had the great privilege of going out there the first day that the B-2 flew in combat and to greet the first 4 pilots who had flown those two planes, 2 pilots per plane. Thirty-one hours round-trip from Whiteman Air Force Base to Kosovo and back.

I think it is a very important point to pause and think about the revolutionary impact of having a stealth bomber with precision-guided weapons. The accuracy, the number of targets that the B-2 hit, is just extraordinary.

Also, I had a chance, I would tell my colleagues, to go and visit with our pilots at Fairfort, England, who flew the B-52s and the B-1s. And we have a small bomber force but a good one.

In this very bill, I want to compliment the gentleman from California (Mr. DUNCAN HUNTER), the chairman, and the gentleman from Virginia (Mr. SISISKY) for putting in the bomber package of money to enhance all of our existing bombers.

I think this war has proven that these bombers are much more valuable than we gave them credit for. And the fact that the B-2 could fly in all weather, day, night, all weather, when nobody else could, was absolutely crucial in keeping the momentum of the air war early on.

So, again, it was an honor to go out with my friend from Missouri. He and I came to Congress the same year. We have fought together four times on this floor to vote for the B-2. And I only wish that in the other body we had had the support to keep this program going, because I think it is one of the historic mistakes of this institution that we did not keep production of this airplane moving forward.

Mr. SKELTON. Mr. Chairman, reclaiming my time, we are very, very blessed to have the number of planes that we have. As my colleague knows, 10 are currently at Whiteman Air Force Base and a good number of them are being used in this effort.

It is interesting to note that only 3 percent of the sorties, the entire sorties, were flown by B-2 stealth bombers but they did some 20 percent of the strikes. That speaks well for the system, for the young men and young women at Whiteman Air Force Base.

I thank the gentleman for his kind words about those people in Missouri who are doing so remarkably well.

Mr. SPENCE. Mr. Chairman, I yield the balance of the time to the gentleman from North Carolina (Mr. HAYES).

The CHAIRMAN. The gentleman from North Carolina (Mr. HAYES) is recognized for 1 minute.

Mr. HAYES. Mr. Chairman, I am proud to rise in support of the defense authorization bill. I commend all of my colleagues, especially the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the ranking member, for a fine bill.

The committee has put forth legislation that signifies the great support this Congress has for the million and a half patriotic Americans who voluntarily defend our freedom.

Mr. Chairman, I recently visited Ft. Bragg in the 8th District of North Carolina. Over the past 6 months, I have been to Ft. Bragg and Pope Air Force Base a number of times. My last visit was unique. I went to the base with my wife, Barbara, to speak with our soldiers and their spouses about issues important to our military families.

Once again, we came away from our discussions thoroughly impressed by the quality of men and women who serve in the Armed Forces. After meeting with three separate groups of personnel, junior enlisted soldiers, senior commissioned officers, and junior officers, it was clear that our troops demonstrate a "can do" spirit and pride in their service unrivaled anywhere in the world. They deserve this bill.

Unfortunately, we also heard stories of hardship from our soldiers and their families that made me ashamed, ashamed that the government of a Nation so rich in military tradition could be so negligent in meeting the needs of our military families. I came away convinced we should add to this budget things that take care of their needs.

Mr. Chairman, I am pleased to report that the House Committee on Armed Services has successfully accomplished its mission and this bill reflects our efforts. We have included in the bill measures which will enhance quality of life for our personnel and their families, 4.8 percent increase in pay, reform pay tables, repealed REDUX.

Mr. Chairman, I look forward to returning to Bragg and Pope and telling those wonderful young soldiers that this is indeed the year of the troops. I thank the committee. Our troops protect us. We must support them. This bill does that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to discuss two recent events in my life; in order to better relate the common concerns among our troops and veterans. Our veterans and troops are concerned about military pay and benefits, readiness, and modernization shortfalls confronting our military services.

Mr. Chairman, it has nearly been a month since I joined a congressional delegation that traveled to Germany, Albania, Macedonia, Italy and Belgium. While it was somewhat disheartening to see the effects of this tragedy up close, it was comforting to see the courageous spirit that persevered among our troops and the many non-government organizations aiding in the current crisis in the Balkans.

It is incomprehensible to imagine the scope of this tragedy until you see it in person. On the ground and among the refugees, I was able to interact and listen to the stories of this human tragedy. Putting faces behind tragic accounts, I heard about the killing of innocent men and boys, the wanton burning of homes, and the brutal rape of Kosovar women.

In addition to confronting the humanitarian crisis, I had the good fortune of interacting with our troops. I am pleased to report that our troops had high spirits and that they remain committed to the NATO operation. As is customary with U.S. Armed Forces their preparedness, attention to detail, and commitment to duty and country was very impressive.

Mr. Chairman, I also had the privilege of joining in the 50th Anniversary of the Houston Department of Veterans Affairs Medical Center. This Medical Center is dedicated to upholding President Lincoln's call "to care for him who shall have borne the battle." The men and women of this facility have answered the challenge of their dedication by providing the best medical care to veterans residing in the Houston community and southeast Texas.

The common theme from my two experiences has been the unwavering dedication to our nation's defense and national security interests displayed by our veterans in the past and by our young men and women today in the Balkan region and throughout the world. Mr. Speaker, as we approach the Memorial Day holiday we owe it to our nation to pass a defense authorization that will provide for a viable and cost effective defense. We owe it to the young service men and women I met during my trip to the Balkan region and to the veterans in the Houston Veterans Affairs Medical Center to address their concerns and issues.

Mr. Chairman, this bill authorizes a total of $288.8 billion for defense programs. This request is approximately $8.3 billion (3%) more than the administration's request. On May 21, President Clinton signed H.R. 1141, which included an additional $1.8 billion to pay for increases in military pay and pensions in fiscal year 2000. Thus, the total increase over Clinton's defense budget request would be more than $10 million.

This bill does reflect Congress's continuing efforts to address systemic quality of life, readiness and modernization shortfalls. The bill addresses those programs like pay, housing, retirement that have the most noticeable and direct effect on service personnel and their families. The bill also addresses other significant areas of military readiness including meeting the recruitment challenge and the training of our soldiers.

While this bill addresses significant quality of life issues and provides significant funds for modernization and procurement of weapons systems, it fails in three significant aspects. First, this bill prohibits the use of FY 2000 funds authorized in this bill for ongoing operations in Yugoslavia, and directs the administration to submit a supplemental budget in the military operations continue into FY 2000.

Mr. Chairman, if this body adopts this provision we would be sending the wrong message to the Yugoslavian President Slobodan Milosevic. As negotiations continue and the air campaign inflicts continuing damage on the Yugoslavian army and police units, this body cannot send mixed signals. This measure of the defense authorization bill will only encourage Milosevic to hold out against the NATO terms.

This body must remain committed to NATO's objective of a peaceful multi-ethnic democratic Kosovo in which all its people live in security. You know when I was walking among the refugees in that camp in Albania, I had the chance to ask many of them, if they thought NATO's action were to blame for their current situation. Mr. Speaker, every person in that camp placed the responsibility for this crisis squarely at the feet of Milosevic. The body cannot relent from our mission of peace and must ensure that Milosevic pays a heavy price for his present policy of repression.

The second area in which this bill fails, is its failure to eliminate a provision that interferes with a woman's right of choice. The fiscal 1996 defense authorization law bars female service members or military dependents stationed overseas from obtaining abortions in U.S. military hospitals abroad, even if they pay for the procedure, except in cases where the pregnancy threatens the woman's life.

This bill slightly expands current law by allowing the use of appropriated funds to support abortions for military beneficiaries whose pregnancy is the result of an act of forcible rape or incest—but only when such incidents have been reported to a law enforcement agency. Though this change is welcome the law still denies women who have volunteered to serve their country, their legally protected right to choose abortion, simply because they are stationed overseas. Prohibiting women from using their own funds to obtain abortion services at overseas military facilities continues to endanger women's health.

Finally, I oppose the extent of funding increases for defense programs proposed in H.R. 1401. The democratic alternative provides for an increase over FY 1999 levels and ensures that critical readiness needs are met. Our plan allows for weapons modernization and proposes a generous military compensation package for our service men and women. But our plan ensures that other critical priorities like education and agriculture receive sufficient funding.

This bill could be improved in these three areas while still providing for a viable defense and more importantly addressing the needs of our service men and women and of our veterans.

Ms. GRANGER. Mr. Chairman, I want to commend Chairman SPENCE and the members of the House Armed Services Committee for their hard work and dedication to our nation's armed services. Like many members who spoke today, I am very concerned about the current state of our military and the very serious breech of national security information at our nation's Department of Energy Research laboratories. Once again, the Republican Congress has done the best we can to provide for our national defense, but the reality remains that more resources are needed if the United States is going to remain the world's last remaining Superpower.

Members who know me, know that I am very supportive of the Marines' MV–22 "Osprey" and I believe—like the Acting Secretary of the Air Force—that we need many more new F–16s. But, I never forget the number one asset—and the best weapons—in our armed services: the men and women who proudly serve our nation.

I have had the opportunity to visit with our servicemen and women around the world on several occasions since I was elected to Congress. After each visit I have come away with a greater appreciation for the dedication and capabilities of our military men and women.

There is no question they are the best trained and most effective fighting force in the world. But we cannot take them for granted. We cannot continue to deploy them at the current rate. We cannot continue to ask them to do more with very old equipment, in some cases. We cannot continue to expect to retain our best officers and enlisted personnel when there is such a substantial pay differential between the military and civilian jobs.

There has been much discussion of the Joint Chiefs of Staff's list of immediate unfunded requirements—totaling around $20 billion. This is very serious, but it should come as no surprise when you consider the way this administration has vastly increased the operations tempo of our military, while vastly under-funding its personnel, procurement, R&D, and modernization needs.

That is a nice way of saying the Clinton administration's military and foreign polices have strained our military to the breaking point, first by failing to adequately invest in our national security and then by committing our forces to a disturbing number of missions around the world.

H.R. 1401 deserves the support of every member of the House of Representatives because it addresses many of the disturbing long-term trends in our military, such as: (1) declining service-wide mission capable rates for aircraft; (2) equipment shortfalls; (3) service-wide problems with aging equipment; (4) acute shortfalls in basic ammunition in the Army and the Marine Corps; and (5) personnel shortages.

All of these problems are very serious, but let me talk about aging equipment for a moment. The Marine Corps' new MV–22 tilt-rotor aircraft will replace a helicopter that is almost 40 years old, the CH–46. How many of you would drive a car that is 40 years old?

We're not talking about a vintage car that you take out of the garage on nice, sunny, spring days. We're talking about a helicopter that we pack our young marines into and ask them to accomplish missions in dangerous situations—situations in which there can be no margin for error!

This is an intolerable situation. While I applaud the Armed Services Committee's decision to add an additional MV–22 to the president's request, I strongly urge the House conferees to support the Senate's decision to add two MV–22s to the administration's FY 2000 budget request.

I also want to thank the administration and the Armed Services Committee for recognizing the need for new F–16s, and that current operations are only increasing the need for new F–16s in the future. I strongly urge my colleagues on the Appropriations Defense Subcommittee to follow that sentiment of the House today, and the Senate, by fully funding the F–16 in fiscal year 2000.

In conclusion, it is clear that we cannot continue to willingly send our troops all over the world when here at home we are unwilling to give our troops the equipment and the pay they need and deserve. To those who say we cannot afford to have the best military in the world, I say we cannot afford not to have it. To those who say we do not need the best military in the world, I say the events of the last few weeks show that we do.

I am pleased to support passage of H.R. 1401 and I urge all of my colleagues to support our armed forces by voting for this very important legislation.

Mr. GOODLING. Mr. Chairman, the United States has long been the leader in manufacturing. Our ingenuity and efficiency drove our economy from a largely agrarian society to the pulsing industrial powerhouse that it is today. However, over the years, many foreign countries with government controlled economies have steadily cut into our markets because their subsidized products clearly have an economic advantage in our open markets.

While I applaud efforts of the United States government to level the playing field by controlling the flood of subsidized imports, I cannot condone the actions by our government that facilitate the continued import of these cheap products. I encountered these troubles during the 103rd Congress when I shepherded legislation through the Congress requiring the U.S. Coast Guard to purchase buoy chain manufactured in the United States because an overabundance of their purchases relied on foreign sources. Today, a similar problem is occurring when the Department of Defense purchases free weight strength training equipment.

Despite having quality, domestically manufactured products available to provide to our troops, various installations of the United States Armed Services are purchasing free weight strength training equipment manufactured in foreign countries, predominantly in the Peoples Republic of China. As a result, many of our troops are training with equipment that not only is manufactured by a Communist government that has worked to undermine the national security of the United States, but also might be manufactured with slave labor.

These cheap, lower-grade Chinese products are imported by American fitness companies and sold to our government under domestic labels at the expense of our domestic manufacturers. Consequently, American producers have suffered.

Buy American legislation was enacted to protect our domestic labor market by providing a preference for American goods in government purchases. This Act is critical to protecting the market share of our domestic producers from foreign government-subsidized manufacturers. However, the Buy American Act is not always obeyed.

According to an audit conducted last year by the Inspector General of the Department of Defense, an astonishing 59 percent of the contracts procuring military clothing and related items did not include the appropriate clause to implement the Buy American Act. This troubles me because many of our domestic producers are the ones that feel the blow.

Despite this audit and the subsequent instruction by the Defense Department to its procurement officials that the Buy American Act must be adhered to, to date, at least five defense installations provide predominately foreign made free weight products for their personnel to weight train. Unfortunately, I believe this may signify a trend in purchases of foreign manufactured free weights under the Department of Defense.

For this reason, I have offered an amendment that would prohibit the Secretary of Defense from procuring free weight equipment used by our troops for strength training and conditioning if those weights were not domestically manufactured.

Should Congress not agree with my estimation as to the depth of this problem and fail to end repeat occurrences, I prepared a second amendment that would require the Inspector General to further investigate the Defense Department's compliance with purchases of the Buy American Act for free weight strength training equipment. However, I think it is important to note that while this approach could successfully highlight the problem, it would only delay the process, thereby, further punishing our domestic producers.

No one can argue that the physical fitness of our troops is vital. It is well known in the Pentagon that when you're physically fit, you're also mentally prepared for any conflict. It is the cornerstone of readiness. In fact, a recent survey of nearly 1,000 Marine Corps officers, whose results appeared in a May 5 article of the Marine Corps Times, cited fitness as the number one program offered under the Morale, Welfare and Recreation program.

In addition, the importance of using free weights to train our military cannot be understated. The Marine Corps Times article further demonstrated the need for free weights by explaining the access to free weights was the number one requested activity by deployed units and the second most popular request by units about to be deployed; second only to E-mail access. Clearly, the demand for free weights is present.

However, the fact that some of our troops use Chinese manufactured weights when a higher quality domestic product is available, I find remarkable.

Although the Department of Defense may have taken steps to curb Buy American Act procurement abuses in the aftermath of the Inspector General's report on clothing procurement, I am concerned that widespread abuses of foreign free weight procurements may continue unless Congress acts to end this practice.

I believe Congress needs to protect our domestic interests by ensuring that U.S. manufacturers are insulated from cheap imports being sold to the United States government, and that our troops train with a high quality product manufactured in the United States, not Communist China. Accordingly, it is my intention to prohibit our military from spending U.S. tax dollars on free weight strength training products that are produced by a Communist government that has little respect for our national security and human rights.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2000".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army programs.
Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 113. Revision to conditions for award of a second-source procurement contract for the Family of Medium Tactical Vehicles.

Subtitle C—Navy Programs

Sec. 121. F/A-18E/F Super Hornet aircraft program.

Subtitle D—Chemical Stockpile Destruction Program

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 142. Alternative technologies for destruction of assembled chemical weapons.

Subtitle E—Other Matters

Sec. 151. Limitation on expenditures for satellite communications.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.
Sec. 212. Revisions in manufacturing technology program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Additional program elements for ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 241. Designation of Secretary of the Army as executive agent for high energy laser technologies.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Transfer to Defense Working Capital Funds to support Defense Commissary Agency.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Reimbursement of Navy Exchange Service Command for relocation expenses.

Subtitle C—Environmental Provisions

Sec. 321. Remediation of asbestos and lead-based paint.

Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Expansion of annual report on contracting for commercial and industrial type functions.
Sec. 332. Congressional notification of A–76 cost comparison waivers.
Sec. 333. Improved evaluation of local economic effect of changing defense functions to private sector performance.
Sec. 334. Annual reports on expenditures for performance of depot-level maintenance and repair workloads by public and private sectors.
Sec. 335. Applicability of competition requirement in contracting out workloads performed by depot-level activities of Department of Defense.
Sec. 336. Treatment of public sector winning bidders for contracts for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.
Sec. 337. Process for modernization of computer systems at Army computer centers.
Sec. 338. Evaluation of total system performance responsibility program.
Sec. 339. Identification of core logistics capability requirements for maintenance and repair of C–17 aircraft.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Continuation of enrollment at Department of Defense domestic dependent elementary and secondary schools.
Sec. 343. Technical amendments to Defense Dependents' Education Act of 1978.

Subtitle F—Military Readiness Issues

Sec. 351. Independent study of Department of Defense secondary inventory and parts shortages.
Sec. 352. Independent study of adequacy of department restructured sustainment and reengineered logistics product support practices.
Sec. 353. Independent study of military readiness reporting system.
Sec. 354. Review of real property maintenance and its effect on readiness.
Sec. 355. Establishment of logistics standards for sustained military operations.

Subtitle G—Other Matters

Sec. 361. Discretionary authority to install telecommunication equipment for persons performing voluntary services.
Sec. 362. Contracting authority for defense working capital funded industrial facilities.
Sec. 363. Clarification of condition on sale of articles and services of industrial facilities to persons outside Department of Defense.
Sec. 364. Special authority of disbursing officials regarding automated teller machines on naval vessels.
Sec. 365. Preservation of historic buildings and grounds at United States Soldiers' and Airmen's Home, District of Columbia.
Sec. 366. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.
Sec. 367. Treatment of Alaska, Hawaii, and Guam in defense household goods moving programs.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Appointments to certain senior joint officer positions.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in number of Army and Air Force members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Selected Reserve end strength flexibility.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Recommendations for promotion by selection boards.
Sec. 502. Technical amendments relating to joint duty assignments.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Continuation on Reserve active status list to complete disciplinary action.
Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.
Sec. 513. Eligibility for consideration for promotion.
Sec. 514. Retention until completion of 20 years of service for reserve component majors and lieutenant commanders who twice fail of selection for promotion.
Sec. 515. Computation of years of service exclusion.
Sec. 516. Authority to retain reserve component chaplains until age 67.
Sec. 517. Expansion and codification of authority for space-required travel for Reserves.
Sec. 518. Financial assistance program for specially selected members of the Marine Corps Reserve.
Sec. 519. Options to improve recruiting for the Army Reserve.

Subtitle C—Military Technicians

Sec. 521. Revision to military technician (dual status) law.
Sec. 522. Civil service retirement of technicians.
Sec. 523. Revision to non-dual status technicians statute.

Sec. 524. Revision to authorities relating to National Guard technicians.
Sec. 525. Effective date.
Sec. 526. Secretary of Defense review of Army technician costing process.
Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

Subtitle D—Service Academies

Sec. 531. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
Sec. 532. Compliance by United States Military Academy with statutory limit on size of Corps of Cadets.
Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
Sec. 534. Exclusion from certain general and flag officer grade strength limitations for the superintendents of the service academies.

Subtitle E—Education and Training

Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
Sec. 542. Authority for Army War College to award degree of master of strategic studies.
Sec. 543. Authority for air university to award graduate-level degrees.
Sec. 544. Correction of Reserve credit for participation in health professional scholarship and financial assistance program.
Sec. 545. Permanent expansion of ROTC program to include graduate students.
Sec. 546. Increase in monthly subsistence allowance for senior ROTC cadets selected for advanced training.
Sec. 547. Contingent funding increase for Junior ROTC program.
Sec. 548. Change from annual to biennial reporting under the Reserve component Montgomery GI Bill.
Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.

Subtitle F—Decorations and Awards

Sec. 551. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 552 Sense of Congress concerning Presidential Unit Citation for crew of the U.S.S. INDIANAPOLIS.

Subtitle G—Other Matters

Sec. 561. Revision in authority to order retired members to active duty.
Sec. 562. Temporary authority for recall of retired aviators.
Sec. 563. Service review agencies covered by professional staffing requirement.
Sec. 564. Conforming amendment to authorize Reserve officers and retired regular officers to hold a civil office while serving on active duty for not more than 270 days.
Sec. 565. Revision to requirement for honor guard details at funerals of veterans.
Sec. 566. Purpose and funding limitations for National Guard Challenge Program.
Sec. 567. Access to secondary school students for military recruiting purposes.
Sec. 568. Survey of members leaving military service on attitudes toward military service.
Sec. 569. Improvement in system for assigning personnel to warfighting units.
Sec. 570. Requirement for Department of Defense regulations to protect the confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2000 increase in military basic pay and reform of basic pay rates.
Sec. 602. Pay increases for fiscal years after fiscal year 2000.
Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Aviation career incentive pay for air battle managers.
Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.
Sec. 616. Diving duty special pay.
Sec. 617. Reenlistment bonus.
Sec. 618. Enlistment bonus.
Sec. 619. Revised eligibility requirements for reserve component prior service enlistment bonus.
Sec. 620. Increase in special pay and bonuses for nuclear-qualified officers.
Sec. 621. Increase in authorized monthly rate of foreign language proficiency pay.
Sec. 622. Authorization of retention bonus for special warfare officers extending period of active duty.
Sec. 623. Authorization of surface warfare officer continuation pay.
Sec. 624. Authorization of career enlisted flyer incentive pay.
Sec. 625. Authorization of judge advocate continuation pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.
Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.
Sec. 633. Emergency leave travel cost limitations.

Subtitle D—Retired Pay Reform

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.
Sec. 642. Authorization of 15-year career status bonus.
Sec. 643. Conforming amendments.
Sec. 644. Effective date.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

Sec. 651. Effective date of disability retirement for members dying in civilian medical facilities.
Sec. 652. Extension of annuity eligibility for surviving spouses of certain retirement eligible reserve members.
Sec. 653. Presentation of United States flag to retiring members of the uniformed services not previously covered.
Sec. 654. Accrual funding for retirement system for commissioned corps of National Oceanic and Atmospheric Administration.

Subtitle F—Other Matters

Sec. 671. Payments for unused accrued leave as part of reenlistment.
Sec. 672. Clarification of per diem eligibility for military technicians serving on active duty without pay outside the United States.
Sec. 673. Overseas special supplemental food program.
Sec. 674. Special compensation for severely disabled uniformed services retirees.
Sec. 675. Tuition assistance for members deployed in a —— contingency operation.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

Sec. 701. Provision of health care to members on active duty at certain remote locations.
Sec. 702. Provision of chiropractic health care.
Sec. 703. Continuation of provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.
Sec. 704. Removal of restrictions on use of funds for abortions in certain cases of rape or incest.

Subtitle B—TRICARE Program

Sec. 711. Improvements to claims processing under the TRICARE program.
Sec. 712. Authority to waive certain TRICARE deductibles.

Subtitle C—Other Matters

Sec. 721. Pharmacy benefits program.
Sec. 722. Improvements to third-party payer collection program.
Sec. 723. Authority of Armed Forces medical examiner to conduct forensic pathology investigations.
Sec. 724. Trauma training center.
Sec. 725. Study on joint operations for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Sale, exchange, and waiver authority for coal and coke.
Sec. 802. Extension of authority to issue solicitations for purchases of commercial items in excess of simplified acquisition threshold.
Sec. 803. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
Sec. 804. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.
Sec. 805. Extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 806. Facilitation of national missile defense system.
Sec. 807. Options for accelerated acquisition of precision munitions.
Sec. 808. Program to increase opportunity for small business innovation in defense acquisition programs.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Limitation on amount available for contracted advisory and assistance services.

Sec. 902. Responsibility for logistics and sustainment functions of the Department of Defense.
Sec. 903. Management headquarters and headquarters support activities.
Sec. 904. Further reductions in defense acquisition and support workforce.
Sec. 905. Center for the Study of Chinese Military Affairs.
Sec. 906. Responsibility within Office of the Secretary of Defense for monitoring OPTEMPO and PERSTEMPO.
Sec. 907. Report on military space issues.
Sec. 908. Employment and compensation of civilian faculty members of Department of Defense African Center for Strategic Studies.
Sec. 909. Additional matters for annual report on joint warfighting experimentation.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of prior emergency military personnel appropriations.
Sec. 1004. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1005. Consolidation of various Department of the Navy trust and gift funds.
Sec. 1006. Budgeting for operations in Yugoslavia.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.
Sec. 1012. Authority to consent to retransfer of former naval vessel.
Sec. 1013. Report on naval vessel force structure requirements.
Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
Sec. 1015. Authority to provide advance payments for the National Defense Features program.

Subtitle C—Matters Relating to Counter Drug Activities

Sec. 1021. Support for detection and monitoring activities in the eastern Pacific Ocean.
Sec. 1022. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
Sec. 1023. United States military activities in Colombia.

Subtitle D—Other Matters

Sec. 1031. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
Sec. 1032. Notice to congressional committees of compromise of classified information within defense programs of the United States.
Sec. 1033. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1034. Annual report by Chairman of Joint Chiefs of Staff on the risks in executing the missions called for under the National Military Strategy.
Sec. 1035. Requirement to address unit operations tempo and personnel tempo in Department of Defense annual report.
Sec. 1036. Preservation of certain defense reporting requirements.
Sec. 1037. Technical and clerical amendments.
Sec. 1038. Contributions for Spirit of Hope endowment fund of United Service Organizations, Incorporated.
Sec. 1039. Chemical defense training facility.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Increase of pay cap for nonappropriated fund senior executive employees.
Sec. 1102. Restoration of leave for certain Department of Defense employees who deploy to a combat zone outside the United States.
Sec. 1103. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Report on strategic stability under START III.
Sec. 1202. One-year extension of counterproliferation authorities for support of United Nations weapons inspection regime in Iraq.
Sec. 1203. Military-to-military contacts with Chinese People's Liberation Army.
Sec. 1204. Report on allied capabilities to contribute to major theater wars.
Sec. 1205. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for specified purposes.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds for chemical weapons destruction.
Sec. 1306. Limitation on use of funds for biological weapons proliferation prevention activities.
Sec. 1307. Limitation on use of funds until submission of report and multiyear plan.
Sec. 1308. Requirement to submit report.
Sec. 1309. Report on Expanded Threat Reduction Initiative.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization to accept electrical substation improvements, Guam.
Sec. 2206. Correction in authorized use of funds, Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Military housing improvement program.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.
Sec. 2407. Condition on obligation of military construction funds for drug interdiction and counter-drug activities.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1996 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Contributions for North Atlantic Treaty Organizations Security Investment.
Sec. 2802. Development of Ford Island, Hawaii.
Sec. 2803. Restriction on authority to acquire or construct ancillary supporting facilities for housing units.
Sec. 2804. Planning and design for military construction projects for reserve components.
Sec. 2805. Limitations on authority to carry out small projects for acquisition of facilities for reserve components.
Sec. 2806. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Extension of authority for lease of land for special operations activities.
Sec. 2812. Utility privatization authority.
Sec. 2813. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
Sec. 2814. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2832. Land conveyance, Army Reserve Center, Kankakee, Illinois.
Sec. 2833. Land conveyance, Fort Des Moines, Iowa.
Sec. 2834. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
Sec. 2835. Land conveyances, Army docks and related property, Alaska.
Sec. 2836. Land conveyance, Fort Huachuca, Arizona.
Sec. 2837. Land conveyance, Army Reserve Center, Cannon Falls, Minnesota.
Sec. 2838. Land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.
Sec. 2839. Land exchange, Rock Island Arsenal, Illinois.
Sec. 2840. Modification of land conveyance, Joliet Army Ammunition Plant, Illinois.
Sec. 2841. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.

PART II—NAVY CONVEYANCES

Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
Sec. 2852. Land conveyance, Naval and Marine Corps Reserve Center, Orange, Texas.
Sec. 2853. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Conveyance of fuel supply line, Pease Air Force Base, New Hampshire.
Sec. 2862. Land conveyance, Tyndall Air Force Base, Florida.
Sec. 2863. Land conveyance, Port of Anchorage, Alaska.
Sec. 2864. Land conveyance, Forestport Test Annex, New York.

Subtitle E—Other Matters

Sec. 2871. Expansion of Arlington National Cemetery.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Limitation on use at Department of Energy laboratories of funds appropriated for the initiatives for proliferation prevention program.
Sec. 3132. Prohibition on use for payment of Russian Government taxes and customs duties of funds appropriated for the initiatives for proliferation prevention program.
Sec. 3133. Modification of laboratory-directed research and development to provide funds for theater ballistic missile defense.
Sec. 3134. Support of theater ballistic missile defense activities of the Department of Defense.

Subtitle D—Commission on Nuclear Weapons Management

Sec. 3151. Establishment of commission.
Sec. 3152. Duties of commission.
Sec. 3153. Reports.
Sec. 3154. Powers.
Sec. 3155. Commission procedures.
Sec. 3156. Personnel matters.
Sec. 3157. Miscellaneous administrative provisions.
Sec. 3158. Funding.
Sec. 3159. Termination of the commission.

Subtitle E—Other Matters

Sec. 3161. Procedures for meeting tritium production requirements.
Sec. 3162. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3163. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
Sec. 3164. Department of Energy records declassification.
Sec. 3165. Management of nuclear weapons production facilities and national laboratories.
Sec. 3166. Notice to congressional committees of compromise of classified information within nuclear energy defense programs.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Elimination of congressionally imposed disposal restrictions on specific stockpile materials.

TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Short title.
Sec. 3402. Authorization of appropriations for fiscal year 2000.
Sec. 3403. Amendments to title XI of the Merchant Marine Act, 1936.
Sec. 3404. Extension of war risk insurance authority.
Sec. 3405. Ownership of the JEREMIAH O'BRIEN.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Office of Transition Administration.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,415,211,000.

(2) For missiles, $1,415,959,000.

(3) For weapons and tracked combat vehicles, $1,575,096,000.

(4) For ammunition, $1,196,216,000.

(5) For other procurement, $3,799,895,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,804,051,000.

(2) For weapons, including missiles and torpedoes, $1,764,655,000.

(3) For shipbuilding and conversion, $6,687,172,000.

(4) For other procurement, $4,260,444,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of 1,297,463,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $612,900,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,647,651,000.

(2) For missiles, $2,303,661,000.

(3) For ammunition, $560,537,000.

(4) For other procurement, $7,077,762,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,107,839,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $10,000,000.

(2) For the Air National Guard, $10,000,000.

(3) For the Army Reserve, $10,000,000.

(4) For the Naval Reserve, $10,000,000.

(5) For the Air Force Reserve, $10,000,00.

(6) For the Marine Corps Reserve, $10,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,012,000,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b), the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for each of the following programs.

(1) The Javelin missile system.

(2) M2A3 Bradley fighting vehicles.

(3) AH-64D Longbow Apache attack helicopters.

(4) The M1A2 Abrams main battle tank upgrade program combined with the Heavy Assault Bridge program.

(b) REQUIRED REPORT.—The Secretary of the Army may not enter into a multiyear contract under subsection (a) for a program named in one of the paragraphs of that subsection until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Army multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term "applicable procurement account" means, with respect to the multiyear contract under subsection (a), the Department of the Army procurement account from which funds to discharge obligations under the contract will be provided.

(B) The term "service procurement total" means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Army treated in the aggregate.

SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking "fiscal years 1998 and 1999" and inserting "fiscal years 1998 through 2001";

(2) in subsection (b), by striking "fiscal year 1998 or 1999" and inserting "the period during which the pilot program is being conducted"; and

(3) by adding at the end the following new subsection:

"(d) UPDATE OF REPORT.—Not later March 1, 2001, the Inspector General of the Department of Defense shall submit to Congress an update of the report required to be submitted under subsection (c) and an assessment of the success of the pilot program.".

SEC. 113. REVISION TO CONDITIONS FOR AWARD OF A SECOND-SOURCE PROCUREMENT CONTRACT FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

The text of section 112 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1973) is amended to read as follows:

"(a) LIMITATION ON SECOND-SOURCE AWARD.—The Secretary of the Army may award a full-rate production contract (known as a Phase III contract) for production of the Family of Medium Tactical Vehicles to a second source only after the Secretary submits to the congressional defense committees a certification in writing of the following:

"(1) That the total quantity of trucks within the Family of Medium Tactical Vehicles program that the Secretary will require to be delivered (under all contracts) in any 12-month period will be sufficient to enable the prime contractor to maintain a minimum production level of 150 trucks per month.

"(2) That the total cost to the Army of the procurements under the prime and second-source contracts over the period of those contracts will be the same as or lower than the amount that would be the total cost of the procurements if such a second-source contract were not awarded.

"(3) That the trucks to be produced under those contracts will be produced with common components that will be interchangeable among similarly configured models.

"(b) DEFINITIONS.—In this section:

"(1) The term 'prime contractor' means the contractor under the production contract for the Family of Medium Tactical Vehicles program as of the date of the enactment of this Act.

"(2) The term 'second source' means a firm other than the prime contractor.".

Subtitle C—Navy Programs

SEC. 121. F/A-18E/F SUPER HORNET AIRCRAFT PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b) and (c), the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for the F/A-18E/F aircraft program.

(b) REQUIRED REPORT.—The Secretary of the Navy may not enter into a multiyear contract under subsection (a) until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Navy multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term "applicable procurement account" means, with respect to the multiyear contract under subsection (a), the Aircraft Procurement, Navy account.

(B) The term "service procurement total" means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Navy treated in the aggregate.

(c) LIMITATION WITH RESPECT TO OPERATIONAL TEST AND EVALUATION.—The Secretary of the Navy may not enter into a multiyear procurement contract authorized by subsection (a) until—

(1) the Secretary of Defense submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 continuous days of a Congress (as determined under subsection (d)) elapses after the submission of that certification.

(d) REQUIRED CERTIFICATION.—A certification referred to in subsection (c)(1) is a certification by the Secretary of Defense of each of the following:

(1) That the results of the Operational Test and Evaluation program for the F/A-18E/F aircraft indicate—

(A) that the aircraft meets the requirements for operational effectiveness and suitability established by the Secretary of the Navy; and

(B) that the aircraft meets key performance specifications established by the Secretary of the Navy.

(2) That the cost of procurement of that aircraft using a multiyear procurement contract as authorized by subsection (a), assuming procurement of 222 aircraft, is at least 7.4 percent less than the cost of procurement of the same number of aircraft through annual contracts.

(e) CONTINUITY OF CONGRESS.—For purposes of subsection (c)(2)—

(1) the continuity of a Congress is broken only by an adjournment of the Congress sine die at the end of the final session of the Congress; and

(2) any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.

Subtitle D—Chemical Stockpile Destruction Program

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) PROGRAM ASSESSMENT.—(1) The Secretary of Defense shall conduct an assessment of the

current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) CHANGES AND CLARIFICATIONS REGARDING PROGRAM.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

"(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

"(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

"(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.";

(2) in subsection (f)(2), by striking "(c)(4)" and inserting "(c)(5)"; and

(3) in subsection (g)(2)(B), by striking "(c)(3)" and inserting "(c)(4)".

(c) DEFINITIONS.—As used in this section:

(1) The term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

Section 142(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

"(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Assessment program shall manage the development and testing of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program.

"(2) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1999, a plan for the transfer of oversight of the Assembled Chemical Weapons Assessment program from the Under Secretary to the Secretary.

"(3) Oversight of the Assembled Chemical Weapons Assessment program shall be transferred from the Under Secretary of Defense for Acquisition and Technology to the Secretary of the Army pursuant to the plan submitted under paragraph (2) not later than 90 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C. 1521).

"(4) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall ensure coordination of the activities and plans of the program manager for the Assembled Chemical Weapons Assessment program and the program manager for Chemical Demilitarization during the demonstration and pilot plant facility phase for an alternative technology.

"(5) For those baseline demilitarization facilities for which the Secretary decides that implementation of an alternative technology may be recommended, the Secretary may take those measures necessary to facilitate the integration of the alternative technology.".

Subtitle E—Other Matters

SEC. 151. LIMITATION ON EXPENDITURES FOR SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"§2282. Purchase or lease of communications services: limitation

"The Secretary of Defense may not obligate any funds after September 30, 2000, to buy a commercial satellite communications system or to lease a communications service, including mobile satellite communications, unless the Secretary determines that the system or service to be purchased or leased has been proven through independent testing—

"(1) not to cause harmful interference to, or to disrupt the use of, colocated commercial or military Global Positioning System receivers used by the Department of Defense; and

"(2) to be safe for use with such receivers in all other respects.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2282. Purchase or lease of communications services: limitation.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,708,194,000.

(2) For the Navy, $8,358,529,000.

(3) For the Air Force, $13,212,671,000.

(4) For Defense-wide activities, $9,556,285,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,248,465,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND DEMONSTRATE ADVANCED TECHNOLOGIES FOR ADVANCED CAPABILITY COMBAT VEHICLES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish and carry out a program to provide for the evaluation and competitive demonstration of concepts for advanced capability combat vehicles for the Army.

(b) COVERED PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into between the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Consideration and evaluation of technologies having the potential to enable the development of advanced capability combat vehicles that are significantly superior to the existing M1 series of tanks in terms of capability for combat, survival, support, and deployment, including but not limited to the following technologies:

(A) Weapon systems using electromagnetic power, directed energy, and kinetic energy.

(B) Propulsion systems using hybrid electric drive.

(C) Mobility systems using active and semi-active suspension and wheeled vehicle suspension.

(D) Protection systems using signature management, lightweight materials, and full-spectrum active protection.

(E) Advanced robotics, displays, man-machine interfaces, and embedded training.

(F) Advanced sensory systems and advanced systems for combat identification, tactical navigation, communication, systems status monitoring, and reconnaissance.

(G) Revolutionary methods of manufacturing combat vehicles.

(2) Incorporation of the most promising such technologies into demonstration models.

(3) Competitive testing and evaluation of such demonstration models.

(4) Identification of the most promising such demonstration models within a period of time to enable preparation of a full development program capable of beginning by fiscal year 2007.

(c) REPORT.—Not later than January 31, 2000, the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) An identification of the funding required for fiscal year 2001 and for the future-years defense program to carry out the program.

(4) A description and assessment of the acquisition strategy for combat vehicles planned by the Secretary of the Army that would sustain the existing force of M1-series tanks, together with a complete identification of all operation, support, ownership, and other costs required to carry out such strategy through the year 2030.

(5) A description and assessment of one or more acquisition strategies for combat vehicles,

alternative to the strategy referred to in paragraph (4), that would develop a force of advanced capability combat vehicles significantly superior to the existing force of M1-series tanks and, for each such alternative acquisition strategy, an estimate of the funding required to carry out such strategy.

(d) FUNDS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $56,200,000 shall be available only to carry out the program under subsection (a).

SEC. 212. REVISIONS IN MANUFACTURING TECHNOLOGY PROGRAM.

(a) ADDITIONAL PURPOSE OF PROGRAM.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) to address broad defense-related manufacturing inefficiencies and requirements;".

(b) REPEAL OF COST-SHARE GOAL.—Subsection (d) of such section is amended by striking paragraph (3).

Subtitle C—Ballistic Missile Defense

SEC. 231. ADDITIONAL PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 223(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Upper Tier."; and

(3) by adding at the end the following new paragraphs:

"(14) Space Based Infrared System Low.

"(15) Space Based Infrared System High.".

Subtitle D—Other Matters

SEC. 241. DESIGNATION OF SECRETARY OF THE ARMY AS EXECUTIVE AGENT FOR HIGH ENERGY LASER TECHNOLOGIES.

(a) DESIGNATION.—The Secretary of Defense shall designate the Secretary of the Army as the Department of Defense executive agent for oversight of research, development, test, and evaluation of specified high energy laser technologies.

(b) LOCATION FOR CARRYING OUT OVERSIGHT FUNCTIONS.—The functions of the Secretary of the Army as such executive agent shall be carried out through the Army Space and Missile Defense Command at the High Energy Laser Systems Test Facility at White Sands Missile Range, New Mexico.

(c) FUNCTIONS.—The responsibilities of the Secretary of the Army as such executive agent shall include the following:

(1) Developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that projects of the Department of Defense involving specified high energy laser technologies are initiated and administered effectively.

(2) Assessing and making recommendations to the Secretary of Defense regarding the capabilities demonstrated by specified high energy laser technologies and the potential of such technologies to meet operational military requirements.

(d) SPECIFIED HIGH ENERGY LASER TECHNOLOGIES.—For purposes of this section, the term "specified high energy laser technologies" means technologies that—

(1) use lasers of one or more kilowatts; and

(2) have potential weapons applications.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,476,694,000.

(2) For the Navy, $22,785,215,000.

(3) For the Marine Corps, $2,777,429,000.

(4) For the Air Force, $21,514,958,000.

(5) For Defense-wide activities, $10,968,614,000.

(6) For the Army Reserve, $1,512,513,000.

(7) For the Naval Reserve, $965,847,000.

(8) For the Marine Corps Reserve, $137,266,000.

(9) For the Air Force Reserve, $1,730,937,000.

(10) For the Army National Guard, $3,141,049,000.

(11) For the Air National Guard, $3,185,918,000.

(12) For the Defense Inspector General, $130,744,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $199,214,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $811,700,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Defense Health Program, $10,496,687,000.

(23) For Cooperative Threat Reduction programs, $444,100,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Quality of Life Enhancements, $1,845,370,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $90,344,000.

(2) For the National Defense Sealift Fund, $434,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL FUNDS TO SUPPORT DEFENSE COMMISSARY AGENCY.

(a) ARMY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Army shall transfer $346,154,000 of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(b) NAVY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $263,070,000 of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(c) MARINE CORPS OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $90,834,000 of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(d) AIR FORCE OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Air Force shall transfer $309,061,000 of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(e) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, other amounts in the Defense Working Capital Funds available for the purpose of funding operations of the Defense Commissary Agency; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfers required by this section are in addition to the transfer authority provided in section 1001.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. REIMBURSEMENT OF NAVY EXCHANGE SERVICE COMMAND FOR RELOCATION EXPENSES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $8,700,000 shall be available to the Secretary of Defense for the purpose of reimbursing the Navy Exchange Service Command for costs incurred by the Navy Exchange Service Command, and ultimately paid by the Navy Exchange Service Command using nonappropriated funds, to relocate to Virginia Beach, Virginia, and to lease headquarters space in Virginia Beach.

Subtitle C—Environmental Provisions

SEC. 321. REMEDIATION OF ASBESTOS AND LEAD-BASED PAINT.

(a) USE OF CERTAIN CONTRACTS.—The Secretary of Defense shall use Army Corps of Engineers indefinite delivery, indefinite quantity contracts for the remediation of asbestos and

lead-based paint at military installations within the United States in accordance with all applicable Federal and State laws and Department of Defense regulations.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) with regard to a military installation that requires asbestos or lead-based paint remediation if the military installation is not included in an Army Corps of Engineers indefinite delivery, indefinite quantity contract. The Secretary shall grant any such waiver on a case-by-case basis.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. EXPANSION OF ANNUAL REPORT ON CONTRACTING FOR COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS.

Section 2461(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" before the first sentence;

(2) in the second sentence, by striking "The Secretary shall" and inserting the following:

"(3) The Secretary shall also"; and

(3) by inserting after the first sentence the following new paragraph:

"(2) The Secretary shall include in each such report a summary of the number of work year equivalents performed by employees of private contractors in providing services to the Department (including both direct and indirect labor attributable to the provision of the services) and the total value of the contracted services. The work year equivalents and total value of the services shall be categorized by Federal supply class or service code (using the first character of the code), the appropriation from which the services were funded, and the major organizational element of the Department procuring the services.".

SEC. 332. CONGRESSIONAL NOTIFICATION OF A-76 COST COMPARISON WAIVERS.

(a) NOTIFICATION REQUIRED.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) CONGRESSIONAL NOTIFICATION OF COST COMPARISON WAIVER.—(1) Not later than 10 days after a decision is made to waive the cost comparison study otherwise required under Office of Management and Budget Circular A–76 as part of the process to convert to contractor performance any commercial activity of the Department of Defense, the Secretary of Defense shall submit to Congress a report describing the commercial activity subject to the waiver and the rationale for the waiver.

"(2) The report shall also include the following:

"(A) The total number of civilian employees or military personnel adversely affected by the decision to waive the cost comparison study and convert the commercial activity to contractor performance.

"(B) An explanation of whether the contractor was selected, or will be selected, on a competitive basis or sole source basis.

"(C) The anticipated savings to result from the waiver and resulting conversion to contractor performance.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison".

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison.".

SEC. 333. IMPROVED EVALUATION OF LOCAL ECONOMIC EFFECT OF CHANGING DEFENSE FUNCTIONS TO PRIVATE SECTOR PERFORMANCE.

Section 2461(b)(3)(B) of title 10, United States Code, is amended by striking clause (ii) and inserting the following new clause (ii):

"(ii) The local community and the local economy, identifying and taking into consideration any unique circumstances affecting the local community or the local economy, if more than 50 employees of the Department of Defense perform the function.".

SEC. 334. ANNUAL REPORTS ON EXPENDITURES FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS BY PUBLIC AND PRIVATE SECTORS.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

"(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

"(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General's views on whether—

"(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

"(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.".

SEC. 335. APPLICABILITY OF COMPETITION REQUIREMENT IN CONTRACTING OUT WORKLOADS PERFORMED BY DEPOT-LEVEL ACTIVITIES OF DEPARTMENT OF DEFENSE.

Section 2469(b) of title 10, United States Code, is amended by inserting "(including the cost of labor and materials)" after "$3,000,000".

SEC. 336. TREATMENT OF PUBLIC SECTOR WINNING BIDDERS FOR CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CERTAIN MILITARY INSTALLATIONS.

Section 2469a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC ENTITIES.—The Secretary of Defense or the Secretary concerned may not impose on a public sector entity awarded a contract for the performance of any depot-level maintenance and repair workload described in subsection (b) any requirements regarding management systems, reviews, oversight, or reporting different from the requirements used in the performance and management of other depot-level maintenance and repair workloads by the entity, unless specifically provided in the solicitation for the contract.".

SEC. 337. PROCESS FOR MODERNIZATION OF COMPUTER SYSTEMS AT ARMY COMPUTER CENTERS.

(a) COVERED ARMY COMPUTER CENTERS.—This section applies with respect to the following computer centers of the of the Army Communications Electronics Command of the Army Material Command:

(1) Logistics Systems Support Center in St. Louis, Missouri.

(2) Industrial Logistics System Center in Chambersburg, Pennsylvania.

(b) DEVELOPMENT OF MOST EFFICIENT ORGANIZATION.—Before selecting any entity to develop and implement a new computer system for the Army Material Command to perform the functions currently performed by the Army computer centers specified in subsection (a), the Secretary of the Army shall provide the computer centers with an opportunity to establish their most efficient organization. The most efficient organization shall be in place not later than May 31, 2001.

(c) MODERNIZATION PROCESS.—After the most efficient organization is in place at the Army computer centers specified in subsection (a), civilian employees of the Department of Defense at these centers shall work in partnership with the entity selected to develop and implement a new computer system to perform the functions currently performed by these centers to—

(1) ensure that the current computer system remains operational to meet the needs of the Army Material Command until the replacement computer system is fully operational and successfully evaluated; and

(2) to provide transition assistance to the entity for the duration of the transition from the current computer system to the replacement computer system.

SEC. 338. EVALUATION OF TOTAL SYSTEM PERFORMANCE RESPONSIBILITY PROGRAM.

(a) REPORT REQUIRED.—Not later than February 1, 2000, the Secretary of the Air Force shall submit to Congress a report identifying all Air Force programs that—

(1) are currently managed under the Total System Performance Responsibility Program or similar programs; or

(2) are presently planned to be managed using the Total System Performance Responsibility Program or a similar program.

(b) EVALUATION.—As part of the report required by subsection (a), the Secretary of the Air Force shall include an evaluation of the following:

(1) The manner in which the Total System Performance Responsibility Program and similar programs support the readiness and warfighting capability of the Armed Forces and complement the support of the logistics depots.

(2) The effect of the Total System Performance Responsibility Program and similar programs on the long-term viability of core Government logistics management skills.

(3) The process and criteria used by the Air Force to determine whether or not Government employees can perform sustainment management functions more cost effectively than the private sector.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the date on which the report required by subsection (a) is submitted to Congress, the Comptroller General shall review the report and submit to Congress a briefing evaluating the report.

SEC. 339. IDENTIFICATION OF CORE LOGISTICS CAPABILITY REQUIREMENTS FOR MAINTENANCE AND REPAIR OF C-17 AIRCRAFT.

(a) IDENTIFICATION REPORT REQUIRED.—Building upon the plan required by section 351 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law

105–261), the Secretary of the Air Force shall submit to Congress a report identifying the core logistics capability requirements for depot-level maintenance and repair for the C–17 aircraft. To identify such requirements, the Secretary shall comply with section 2464 of title 10, United States Code. The Secretary shall submit the report to Congress not later than February 1, 2000.

(b) EFFECT ON EXISTING CONTRACT.—After February 1, 2000, the Secretary of the Air Force may not extend the Interim Contract for the C–17 Flexible Sustainment Program before the end of the 60-day period beginning on the date on which the report required by subsection (a) is received by Congress.

(c) COMPTROLLER GENERAL REVIEW.—During the period specified in subsection (b), the Comptroller General shall review the report submitted under subsection (a) and submit to Congress a report evaluating the following:

(1) The merits of the report submitted under subsection (a).

(2) The extent to which the Air Force is relying on systems for core logistics capability where the workload of Government-owned and Government-operated depots is phasing down because the systems are phasing out of the inventory.

(3) The cost effectiveness of the C-17 Flexible Sustainment Program—

(A) by identifying depot maintenance and materiel costs for contractor support; and

(B) by comparing those costs to the costs originally estimated by the Air Force and to the cost of similar work in an Air Force Logistics Center.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) MODIFIED DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2000.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2000, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2000 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended by striking "in that fiscal year are" and inserting "during the preceding school year were".

SEC. 342. CONTINUATION OF ENROLLMENT AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164 of title 10, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) by adding at the end the following new subsection:

"(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) A dependent of a member of the armed forces or a dependent of a Federal employee may continue enrollment in an educational program provided by the Secretary of Defense pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

"(2) A dependent of a member of the armed forces, or a dependent of a Federal employee, who was enrolled in an educational program provided by the Secretary pursuant to subsection (a) while a junior in that program may be enrolled as a senior in that program in the next school year, notwithstanding a change in the enrollment eligibility status of the dependent that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

"(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program provided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.".

SEC. 343. TECHNICAL AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.

The Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561) is amended as follows:

(1) Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is amended by striking "recieve" and inserting "receive".

(2) Section 1403 (20 U.S.C. 922) is amended—

(A) by striking the matter in that section preceding subsection (b) and inserting the following:

"ADMINISTRATION OF DEFENSE DEPENDENTS' EDUCATION SYSTEM

"SEC. 1403. (a) The defense dependents' education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this title.";

(B) in subsection (b), by striking "this Act" and inserting "this title";

(C) in subsection (c)(1), by inserting "(20 U.S.C. 901 et seq.)" after "Personnel Practices Act";

(D) in subsection (c)(2), by striking the period at the end and inserting a comma;

(E) in subsection (c)(6), by striking "Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics" and inserting "the Assistant Secretary of Defense designated under subsection (a)";

(F) in subsection (d)(1), by striking "for the Office of Dependents' Education";

(G) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by striking "Whenever the Office of Dependents' Education" and inserting "Whenever the Department of Defense Education Activity";

(iii) by striking "after the submission of the report required under the preceding sentence" and inserting "in a manner that affects the defense dependents' education system"; and

(iv) by striking "an additional report" and inserting "a report"; and

(H) in subsection (d)(3), by striking "the Office of Dependents' Education" and inserting "the Department of Defense Education Activity".

(3) Section 1409 (20 U.S.C. 927) is amended—

(A) in subsection (b), by striking "Department of Health, Education, and Welfare in accordance with section 431 of the General Education Provisions Act" and inserting "Secretary of Education in accordance with section 437 of the General Education Provisions Act (20 U.S.C. 1232)";

(B) in subsection (c)(1), by striking "by academic year 1993–1994"; and

(C) in subsection (c)(3)—

(i) by striking "IMPLEMENTATION TIMELINES.—In carrying out" and all that follows through "a comprehensive" and inserting "IMPLEMENTATION.—In carrying out paragraph (2), the Secretary shall have in effect a comprehensive";

(ii) by striking the semicolon after "such individuals" and inserting a period; and

(iii) by striking subparagraphs (B) and (C).

(4) Section 1411(d) (20 U.S.C. 929(d)) is amended by striking "grade GS–18 in section 5332 of title 5, United States Code" and inserting "level IV of the Executive Schedule under section 5315 of title 5, United States Code".

(5) Section 1412 (20 U.S.C. 930) is amended—

(A) in subsection (a)(1)—

(i) by striking "As soon as" and all that follows through "shall provide for" and inserting "The Director may from time to time, but not more frequently than once a year, provide for"; and

(ii) by striking "system, which" and inserting "system. Any such study";

(B) in subsection (a)(2)—

(i) by striking "The study required by this subsection" and inserting "Any study under paragraph (1)"; and

(ii) by striking "not later than two years after the effective date of this title";

(C) in subsection (b), by striking "the study" and inserting "any study";

(D) in subsection (c)—

(i) by striking "not later than one year after the effective date of this title the report" and inserting "any report"; and

(ii) by striking "the study" and inserting "a study"; and

(E) by striking subsection (d).

(6) Section 1413 (20 U.S.C. 931) is amended by striking "Not later than 180 days after the effective date of this title, the" and inserting "The".

(7) Section 1414 (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

"(6) The term 'Director' means the Director of the Department of Defense Education Activity.".

Subtitle F—Military Readiness Issues

SEC. 351. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE SECONDARY INVENTORY AND PARTS SHORTAGES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of—

(1) current levels of Department of Defense inventories of spare parts and other supplies, known as secondary inventory items, including wholesale and retail inventories; and

(2) reports and evidence of Department of Defense inventory shortages adversely affecting readiness.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretary of Defense shall select a private sector entity or other entity outside the Department of Defense that has experience in parts and secondary inventory management.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity

conducting the study under this section to specifically evaluate the following:

(1) How much of the secondary inventory retained by the Department of Defense for economic, contingency, and potential reutilization during the five-year period ending December 31, 1998, was actually used during each year of the period.

(2) How much of the retained secondary inventory currently held by the Department could be declared to be excess.

(3) Alternative methods for the disposal or other disposition of excess inventory and the cost to the Department to dispose of excess inventory under each alternative.

(4) The total cost per year of storing secondary inventory, to be determined using traditional private sector cost calculation models.

(d) TIMETABLE FOR ELIMINATION OF EXCESS INVENTORY.—As part of the consideration of alternative methods to dispose of excess secondary inventory, as required by subsection (c)(3), the entity conducting the study under this section shall prepare a timetable for disposal of the excess inventory over a period of time not to exceed three years.

(e) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings and conclusions concerning each of the matters specified in subsection (c), and the disposal timetable required by subsection (d). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (f).

(f) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than September 1, 2000, the Secretary of Defense shall submit to Congress a report containing the following:

(1) The report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(2) A plan to address the issues of excess and excessive inactive inventory and part shortages and a timetable to implement the plan throughout the Department.

(g) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (f), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (e) and the report submitted by the Secretary under subsection (f).

SEC. 352. INDEPENDENT STUDY OF ADEQUACY OF DEPARTMENT RESTRUCTURED SUSTAINMENT AND REENGINEERED LOGISTICS PRODUCT SUPPORT PRACTICES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of restructured sustainment and reengineered logistics product support practices within the Department of Defense, which are designed to provide spare parts and other supplies to military units and installations as needed during a transition to war fighting rather than relying on large stockpiles of such spare parts and supplies. The purpose of the study is to determine whether restructured sustainment and reengineered logistics product support practices would be able to provide adequate sustainment supplies to military units and installations should it ever be necessary to execute the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to conduct the study under this section.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate (and recommend improvements in) the following:

(1) The assumptions that are used to determine required levels of war reserve and prepositioned stocks.

(2) The adequacy of supplies projected to be available to support the fighting of two, nearly simultaneous, major theater wars, as required by the National Military Strategy.

(3) The expected availability through the national technology and industrial base of spare parts and supplies not readily available in the Department inventories, such as parts for aging equipment that no longer have active vendor support.

(d) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings, conclusions, and recommendations concerning each of the matters specified in subsection (c). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (e).

(e) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(f) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (e), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (d) and the report submitted by the Secretary under subsection (e).

SEC. 353. INDEPENDENT STUDY OF MILITARY READINESS REPORTING SYSTEM.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of requirements for a comprehensive readiness reporting system for the Department of Defense as provided in section 117 of title 10, United States Code (as added by section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1990).

(2) The Secretary shall provide for the study to be conducted by the Rand Corporation. The amount of a contract for the study may not exceed $1,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider the requirements for providing an objective, accurate, and timely readiness reporting system for the Department of Defense meeting the characteristics and having the capabilities established in section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than March 1, 2000. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than April 1, 2000.

SEC. 354. REVIEW OF REAL PROPERTY MAINTENANCE AND ITS EFFECT ON READINESS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the impact that the consistent lack of adequate funding for real property maintenance of military installations during the five-year period ending December 31, 1998, has had on readiness, the quality of life of members of the Armed Forces and their dependents, and the infrastructure on military installations.

(b) MATTERS TO BE INCLUDED IN REVIEW.—In conducting the review under this section, the Secretary of Defense shall specifically consider the following for the Army, Navy, Marine Corps, and Air Force:

(1) For each year of the covered five-year period, the extent to which unit training and operating funds were diverted to meet basic base operations and real property maintenance needs.

(2) The types of training delayed, canceled, or curtailed as a result of the diversion of such funds.

(3) The level of funding required to eliminate the real property maintenance backlog at military installations so that facilities meet the standards necessary for optimum utilization during times of mobilization.

(c) PARTICIPATION OF INDEPENDENT ENTITY.—(1) As part of the review conducted under this section, Secretary of Defense shall select an independent entity—

(A) to review the method of command and management of military installations for the Army, Navy, Marine Corps, and Air Force;

(B) to develop, based on such review, a service-specific plan for the optimum command structure for military installations, to have major command status, which is designed to enhance the development of installations doctrine, privatization and outsourcing, commercial activities, environmental compliance programs, installation restoration, and military construction, and

(C) to recommend a timetable for the implementation of the plan for each service.

(2) The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to carry out this subsection.

(d) REPORT REQUIRED.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the results of the review required under this section and the plan for an optimum command structure required by subsection (c), together with the Secretary's comments and recommendations regarding the plan.

SEC. 355. ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense, in consultation with senior military commanders and the Secretaries of the military departments, shall establish standards for deployable units of the Armed Forces regarding—

(1) the level of spare parts that the units must have on hand; and

(2) similar logistics and sustainment needs of the units.

(b) BASIS FOR STANDARDS.—The standards to be established under subsection (a) shall be based upon the following:

(1) The unit's wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

(c) SUFFICIENCY CAPABILITIES.—The standards to be established under subsection (a) shall reflect those spare parts and similar logistics capabilities that the Secretary of Defense considers sufficient for units of the Armed Forces to successfully execute their missions under the conditions described in subsection (b).

(d) RELATION TO READINESS REPORTING SYSTEM.—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

(e) RELATION TO ANNUAL FUNDING NEEDS.—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

(f) REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.

Subtitle G—Other Matters

SEC. 361. DISCRETIONARY AUTHORITY TO INSTALL TELECOMMUNICATION EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of designated persons providing voluntary services accepted under subsection (a)(3) and pay the charges incurred for the use of the equipment for authorized purposes.

"(2) Notwithstanding section 1348 of title 31, the Secretary concerned may use appropriated or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast Guard, the department in which the Coast Guard is operating, to carry out this subsection.

"(3) The Secretary of Defense and, with respect to the Coast Guard, the Secretary of the department in which the Coast Guard is operating, shall prescribe regulations to carry out this subsection.".

SEC. 362. CONTRACTING AUTHORITY FOR DEFENSE WORKING CAPITAL FUNDED INDUSTRIAL FACILITIES.

Section 2208(j) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "or remanufacturing" and inserting ", remanufacturing, and engineering";

(2) in paragraph (1), by inserting "or a subcontract under a Department of Defense contract" before the semicolon; and

(3) in paragraph (2), by striking "Department of Defense solicitation for such contract" and inserting "solicitation for the contract or subcontract".

SEC. 363. CLARIFICATION OF CONDITION ON SALE OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

Section 2553(g) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'not available', with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality, within the time required, or at prices less than the price available through an industrial facility of the armed forces.".

SEC. 364. SPECIAL AUTHORITY OF DISBURSING OFFICIALS REGARDING AUTOMATED TELLER MACHINES ON NAVAL VESSELS.

Section 3342 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) With respect to automated teller machines on naval vessels of the Navy, the authority of a disbursing official of the United States Government under subsection (a) also includes the following:

"(1) The authority to provide operating funds to the automated teller machines.

"(2) The authority to accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.".

SEC. 365. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME, DISTRICT OF COLUMBIA.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is amended by adding at the end of subtitle A the following new section:

"SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME

"(a) HISTORIC NATURE OF FACILITY.—Congress finds the following:

"(1) Four buildings located on six acres of the establishment of the Retirement Home known as the United States Soldiers' and Airmen's Home are included on the National Register of Historic Places maintained by the Secretary of the Interior.

"(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members of the Armed Forces, are insufficient to both maintain and operate the Retirement Home for the benefit of the residents of the Retirement Home and adequately maintain, repair, and preserve these historic buildings and grounds.

"(3) Other sources of funding are available to contribute to the maintenance, repair, and preservation of these historic buildings and grounds.

"(b) AUTHORITY TO ACCEPT ASSISTANCE.—The Chairman of the Retirement Home Board and the Director of the United States Soldiers' and Airmen's Home may apply for and accept a direct grant from the Secretary of the Interior under section 101(e)(3) of the National Historic Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of maintaining, repairing, and preserving the historic buildings and grounds of the United States Soldiers' and Airmen's Home included on the National Register of Historic Places.

"(c) REQUIREMENTS AND LIMITATIONS.—Amounts received as a grant under subsection (b) shall be deposited in the Fund, but shall be kept separate from other amounts in the Fund. The amounts received may only be used for the purpose specified in subsection (b).".

SEC. 366. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

(a) MANNER OF CONVEYANCE.—Subsection (a)(1) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650) is amended by striking "convey by sale" and inserting "convey, by sale or lease,".

(b) TIME FOR CONVEYANCE.—Subsection (a)(2) of such section is amended to read as follows:

"(2) The Armed Forces Retirement Home Board shall sell or lease the property described in subsection (a) within 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.".

(c) MANNER, TERMS, AND CONDITIONS OF CONVEYANCE.—Subsection (b) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph: "(1) The Armed Forces Retirement Home Board shall determine the manner, terms, and conditions for the sale or lease of the real property under subsection (a), except as follows:

"(A) Any lease of the real property under subsection (a) shall include an option to purchase.

"(B) The conveyance may not involve any form of public/private partnership, but shall be limited to fee-simple sale or long-term lease.

"(C) Before conveying the property by sale or lease to any other person or entity, the Board shall provide the Catholic University of America with the opportunity to match or exceed the highest bona fide offer otherwise received for the purchase or lease of the property, as the case may be, and to acquire the property."; and

(2) in paragraph (2), by adding at the end the following new sentence: "In no event shall the sale or lease of the property be for less than the appraised value of the property in its existing condition and on the basis of its highest and best use.".

SEC. 367. TREATMENT OF ALASKA, HAWAII, AND GUAM IN DEFENSE HOUSEHOLD GOODS MOVING PROGRAMS.

(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—Alaska, Hawaii, and Guam shall not be included as a point of origin in any test or demonstration program of the Department of Defense regarding the moving of household goods of members of the Armed Forces.

(b) SEPARATE REGIONS; DESTINATIONS.—In any Department of Defense household goods moving program that is not subject to the prohibition in subsection (a)—

(1) Alaska, Hawaii, and Guam shall each constitute a separate region; and

(2) Hawaii and Guam shall be considered international destinations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personel as of September 30, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,037.

(3) The Marine Corps, 172,518.

(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "372,696" and inserting "371,781";

(2) in paragraph (3), by striking "172,200" and inserting "172,148"; and

(3) in paragraph (4), by striking "370,802" and inserting "360,877".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 403. APPOINTMENTS TO CERTAIN SENIOR JOINT OFFICER POSITIONS.

(a) PERMANENT EXEMPTION AUTHORITY.—Paragraph (5) of section 525(b) of title 10, United States Code, is amended by striking subparagraph (C).

(b) PERMANENT REQUIREMENT FOR MILITARY DEPARTMENT SUBMISSIONS FOR CERTAIN JOINT 4-STAR DUTY ASSIGNMENTS.—Section 604 of such title is amended by striking subsection (c).

(c) CLARIFICATION OF CERTAIN LIMITATIONS ON NUMBER OF ACTIVE-DUTY GENERALS AND ADMIRALS.—Paragraph (5) of section 525(b) of such title is further amended by adding at the end of subparagraph (A) the following new sentence: "Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the number of general and flag officers that may be designated under section 526(b) of this title.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,678.

(6) The Air Force Reserve, 73,708.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,563.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,025.

(6) The Air Force Reserve, 1,078.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2000 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,474.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

SEC. 414. INCREASE IN NUMBER OF ARMY AND AIR FORCE MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	843	140
Lieutenant Colonel or Commander	1,595	520	746	90
Colonel or Navy Captain	471	188	297	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	403	20
E–8	2,585	429	1,029	94".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 415. SELECTED RESERVE END STRENGTH FLEXIBILITY.

Section 115(c) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $72,115,367,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RECOMMENDATIONS FOR PROMOTION BY SELECTION BOARDS.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the number determined under this subsection within a grade (or grade and competitive category) is less than one, the board may recommend one such officer from within that grade (or grade and competitive category).".

SEC. 502. TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.

(a) JOINT DUTY ASSIGNMENTS FOR GENERAL AND FLAG OFFICERS.—Subsection (g) of section 619a of title 10, United States Code, is amended to read as follows:

"(g) LIMITATION FOR GENERAL AND FLAG OFFICERS PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIVER.—A general officer or flag officer who before January 1, 1999, received a waiver of subsection (a) under the authority of this subsection (as in effect before that date) may not be appointed to the grade of lieutenant general of vice admiral until the officer completes a full tour of duty in a joint duty assignment.".

(b) NUCLEAR PROPULSION OFFICERS.—Subsection (h) of that section is amended—

(1) by striking "(1) Until January 1, 1997, an" inserting "An";

(2) by striking "may be" and inserting "who before January 1, 1997, is";

(3) by striking ". An officer so appointed"; and

(4) by striking paragraph (2).

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CONTINUATION ON RESERVE ACTIVE STATUS LIST TO COMPLETE DISCIPLINARY ACTION.

(a) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14518. Continuation on reserve active status list to complete disciplinary action

"When an action is commenced against a Reserve officer with a view to trying the officer by court-martial, as authorized by section 802(d) of this title, the Secretary concerned may delay the separation or retirement of the officer under this chapter until the completion of the disciplinary action under chapter 47 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 1407 is amended by adding at the end the following new item:

"14518. Continuation on reserve active status list to complete disciplinary action.".

SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY TO COMPLETE A MEDICAL EVALUATION.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) When authorized by the Secretary of Defense, the Secretary of the military department concerned may order a member of a reserve component to active duty, with the consent of that member, to receive authorized medical care, to be medically evaluated for disability or other purposes, or to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

"(2) A member ordered to active duty under this subsection may be retained with the member's consent, when the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member otherwise is authorized by law.

"(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the Governor or other appropriate authority of the State concerned.".

SEC. 513. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) AMENDMENT.—Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) OFFICERS ON EDUCATIONAL DELAY.—A Reserve officer who is in an educational delay status for the purpose of attending an approved institution of higher education for advanced training, subsidized by the military department concerned in the form of a scholarship or stipend, is ineligible for consideration for promotion while in that status. The officer shall remain on the Reserve active status list while in such an educational delay status.''.

(b) Retroactive Effect.—The Secretary concerned, upon application, shall expunge from the record of any officer a nonselection for promotion if the nonselection occurred during a period the officer was serving in an educational delay status that occurred during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act.

SEC. 514. RETENTION UNTIL COMPLETION OF 20 YEARS OF SERVICE FOR RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

Section 14506 of title 10, United States Code, is amended by striking ''section 14513'' and all that follows and inserting ''section 14513 of this title on the later of—

''(1) the first day of the month after the month in which the officer completes 20 years of commissioned service; or

''(2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.''.

SEC. 515. COMPUTATION OF YEARS OF SERVICE EXCLUSION.

The text of section 14706 of title 10, United States Code, is amended to read as follows:

''(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer's years of service include all service of the officer as a commissioned officer of a uniformed service other than—

''(1) service as a warrant officer;

''(2) constructive service; and

''(3) service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as an officer designated as a chaplain or judge advocate, provided such service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

''(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of service preceding the member's service in a student status.''.

SEC. 516. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

Section 14703(b) of title 10, United States Code, is amended by striking ''(or, in the case of a Reserve officer of the Army in the Chaplains or a Reserve officer of the Air Force designated as a chaplain, 60 years of age)''.

SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE-REQUIRED TRAVEL FOR RESERVES.

(a) Codification.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Space-required travel for Reserves

''A member of a reserve component is authorized to travel in a space-required status on aircraft of the armed forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation) between those locations. A member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12323. Space-required travel for Reserves.''.

(b) Effective Date.—Section 12323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 518. FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS OF THE MARINE CORPS RESERVE.

(a) In General.—Chapter 1205 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12216. Financial assistance for members of the Marine Corps platoon leader's class program

''(a) Program Authority.—The Secretary of the Navy may provide payment of not more than $5,200 per year for a period not to exceed three consecutive years of educational expenses (including tuition, fees, books, and laboratory expenses) to an eligible enlisted member of the Marine Corps Reserve for completion of—

''(1) baccalaureate degree requirements in an approved academic program that requires less than five academic years to complete; or

''(2) doctor of jurisprudence or bachelor of laws degree requirements in an approved academic program which requires not more than three years to complete.

''(b) Eligible Reservists.—To be eligible for receipt of educational expenses as authorized by subsection (a), an enlisted member of the Marine Corps Reserve must—

''(1) either—

''(A) be under 27 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a baccalaureate degree program described in subsection (a)(1), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 30 years of age on such date; or

''(B) be under 31 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a doctor of jurisprudence or bachelor of laws degree program described in subsection (a)(2), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 35 years of age on such date;

''(2) be satisfactorily enrolled at any accredited civilian educational institution authorized to grant baccalaureate, doctor of jurisprudence or bachelor of law degrees;

''(3) be selected as an officer candidate in the Marine Corps Platoon Leader's Class Program and successfully complete one increment of military training of not less than six weeks' duration; and

''(4) agree in writing—

''(A) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

''(B) to serve on active duty for a minimum of five years; and

''(C) under such terms and conditions as shall be prescribed by the Secretary of the Navy, to serve in the Marine Corps Reserve until the eighth anniversary of the receipt of such appointment.

''(c) Appointment.—Upon satisfactorily completing the academic and military requirements of the Marine Corps Platoon Leaders Class Program, an officer candidate may be appointed by the President as a Reserve officer in the Marine Corps in the grade of second lieutenant.

''(d) Limitation on Number.—Not more than 1,200 officer candidates may participate in the financial assistance program authorized by this section at any one time.

''(e) Remedial Authority of Secretary.—An officer candidate may be ordered to active duty in the Marine Corps by the Secretary of the Navy to serve in an appropriate enlisted grade for such period of time as the Secretary prescribes, but not for more than four years, when such person—

''(1) accepted financial assistance under this section; and

''(2) either—

''(A) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

''(B) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

''(C) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

''(d) Persons Not Qualified for Appointment.—Except under regulations prescribed by the Secretary of the Navy, a person who is not physically qualified for appointment under section 532 of this title and subsequently is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct may request a waiver of obligated service of such financial assistance.''.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12216. Financial assistance for members of the Marine Corps platoon leader's class program.''.

(c) Computation of Service Creditable.—Section 205 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(f) Notwithstanding subsection (a), a commissioned officer appointed under sections 12209 and 12216 of title 10 may not count in computing basic pay a period of service after January 1, 2000, that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning while serving as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.''.

(d) Transition Provision.—An enlisted member of the Marine Corps Reserve selected for training as officer candidates under section 12209 of title 10, United States Code, before October 1, 2000 may, upon submitting an appropriate application, participate in the financial assistance program established in subsection (a) if—

(1) the member is eligible for financial assistance under the qualification requirements of subsection (a);

(2) the member submits to the Secretary of the Navy a request for such financial assistance not later than 180 days after the date of the enactment of this Act; and

(3) the member agrees in writing to accept an appointment, if offered in the Marine Corps Reserve, and to comply with the length of obligated service provisions in subsection (a)(2)(D) of section 12216 of title 10, United States Code, as added by subsection (a).

(e) LIMITATION ON CREDITING OF PRIOR SERVICE.—In computing length of service for any purpose, a person who requests financial assistance under subsection (d) may not be credited with service either as an officer candidate or concurrent enlisted service, other than concurrent enlisted service while serving on active duty other than for training while a member of the Marine Corps Reserve.

SEC. 519. OPTIONS TO IMPROVE RECRUITING FOR THE ARMY RESERVE.

(a) REVIEW.—The Secretary of the Army shall conduct a review of the manner, process, and organization used by the Army to recruit new members for the Army Reserve. The review shall seek to determine the reasons for the continuing inability of the Army to meet recruiting objectives for the Army Reserve and to identify measures the Secretary could take to correct that inability.

(b) REORGANIZATION TO BE CONSIDERED.—Among the possible corrective measures to be examined by the Secretary of the Army as part of the review shall be a transfer of the recruiting function for the Army Reserve from the Army Recruiting Command to a new, fully resourced recruiting organization under the command and control of the Chief, Army Reserve.

(c) REPORT.—Not later than July 1, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report setting forth the results of the review under this section. The report shall include a description of any corrective measures the Secretary intends to implement.

Subtitle C—Military Technicians

SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STATUS) LAW.

(a) DEFINITION.—Subsection (a)(1) of section 10216 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "section 709" and inserting "section 709(b)"; and

(2) in subparagraph (C), by inserting "civilian" after "is assigned to a".

(b) DUAL STATUS REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting "(dual status)" after "military technician" the second place it appears; and

(2) in paragraph (2)—

(A) by striking "The Secretary" and inserting "Except as otherwise provided by law, the Secretary"; and

(B) by striking "six months" and inserting "up to 12 months".

SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§10218. Army and Air Force Reserve Technicians: conditions for retention; mandatory retirement under civil service laws

"(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Army Reserve or the Air Force Reserve as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

"(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated, subject to subsection (e), not later than 30 days after the date on which dual status is lost.

"(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

"(ii) shall, subject to subsection (e), be separated or retired—

"(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

"(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

"(A) being separated from the Selected Reserve; or

"(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

"(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity shall, subject to subsection (e), be separated not later than six months after the date of the enactment of this section.

"(2)(A) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

"(ii) shall, subject to subsection (e), be separated or retired—

"(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

"(3) An individual employed by the Army Reserve or the Air Force Reserve as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

"(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

"(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

"(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

"(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

"(e) ANNUAL LIMITATION ON MANDATORY RETIREMENTS.—Until October 1, 2004, the Secretary of the Army and the Secretary of the Air Force may not during any fiscal year approve a total of more than 25 mandatory retirements under this section. A technician who is subject to mandatory separation under this section in any fiscal year and who, but for this subsection, would be eligible to be retired with an unreduced annuity shall, if not sooner separated under some other provision of law, be eligible to be retained in service until mandatorily retired consistent with the limitation in this subsection.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10218. Army and Air Force Reserve Technicians: conditions for retention; mandatory retirement under civil service laws.".

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting "six months" for "30 days".

(b) EARLY RETIREMENT.—Section 8414(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) An employee who was hired as a military reserve technician on or before February 10, 1996 (under the provisions of this title in effect before that date), and who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of being separated from the Selected Reserve of the employee's reserve component or ceasing to hold the military grade specified by the Secretary concerned for the position held by the employee is entitled to an annuity.

"(2) An employee who is initially hired as a military technician (dual status) after February 10, 1996, and who is separated from the Selected Reserve or ceases to hold the military grade specified by the Secretary concerned for the position held by the technician—

"(A) after completing 25 years of service as a military technician (dual status), or

"(B) after becoming 50 years of age and completing 20 years of service as a military technician (dual status),

is entitled to an annuity.".

(c) CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended as follows:

(1) Section 8415(g)(2) is amended by striking "military reserve technician" and inserting "military technician (dual status)".

(2) Section 8401(30) is amended to read as follows:

"(30) the term 'military technician (dual status)' means an employee described in section 10216 of title 10;".

(d) DISABILITY RETIREMENT.—Section 8337(h) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "or section 10216 of title 10" after "title 32";

(B) by striking "such title" and all that follows through the period and inserting "title 32 or section 10216 of title 10, respectively, to be a member of the Selected Reserve.";

(2) in paragraph (2)(A)(i)—

(A) by inserting "or section 10216 of title 10" after "title 32"; and

(B) by striking "National Guard or from holding the military grade required for such employment" and inserting "Selected Reserve"; and

(3) in paragraph (3)(C), by inserting "or section 10216 of title 10" after "title 32".

SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS STATUTE.

(a) REVISION.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "military" after "non-dual status" in the matter preceding paragraph (1); and

(B) by striking paragraphs (1) and (2) and inserting the following:

"(1) was hired as a technician before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve; or

"(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve."; and

(2) by adding at the end the following new subsection:

"(c) PERMANENT LIMITATIONS ON NUMBER.—(1) Effective October 1, 2007, the total number of non-dual status technicians employed by the Army Reserve and Air Force Reserve may not exceed 175. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

"(2) Effective October 1, 2001, the total number of non-dual status technicians employed by the National Guard may not exceed 1,950. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.".

(c) CONFORMING AMENDMENTS.—The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 1007 of such title are each amended by striking the penultimate word.

SEC. 524. REVISION TO AUTHORITIES RELATING TO NATIONAL GUARD TECHNICIANS.

Section 709 of title 32, United States Code, is amended to read as follows:

"§ 709. Technicians: employment, use, status

"(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in—

"(1) the administration and training of the National Guard; and

"(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

"(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

"(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

"(2) Be a member of the National Guard.

"(3) Hold the military grade specified by the Secretary concerned for that position.

"(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member's grade and component of the armed forces .

"(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

"(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

"(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

"(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, u position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

"(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

"(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

"(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

"(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

"(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

"(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

"(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned; and

"(5) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

"(g) Sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

"(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

SEC. 525. EFFECTIVE DATE.

The amendments made by sections 523 and 524 shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1737) or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.

SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS.

(a) REVIEW.—The Secretary of Defense shall review the process used by the Army, including use of the Civilian Manpower Obligation Resources (CMOR) model, to develop estimates of the annual authorizations and appropriations required for civilian personnel of the Department of the Army generally and for National Guard and Army Reserve technicians in particular. Based upon the review, the Secretary shall direct that any appropriate revisions to that process be implemented.

(b) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the process referred to in subsection (a) does the following:

(1) Accurately and fully incorporates all the actual cost factors for such personnel, including particularly those factors necessary to recruit, train, and sustain a qualified technician workforce.

(2) Provides estimates of required annual appropriations required to fully fund all the technicians (both dual status and non-dual status) requested in the President's budget.

(3) Eliminates inaccuracies in the process that compel both the Army Reserve and the Army National Guard either (A) to reduce the number of military technicians (dual status) below the statutory floors without corresponding force structure reductions, or (B) to transfer funds from other appropriations simply to provide the required funding for military technicians (dual status).

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review undertaken under this section, together with a description of corrective actions taken and proposed, not later than March 31, 2000.

SEC. 527. FISCAL YEAR 2000 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

The number of civilian employees who are non-dual status technicians of a reserve component of the Army or Air Force as of September 30, 2000, may not exceed the following:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 342.

Subtitle D—Service Academies

SEC. 531. WAIVER OF REIMBURSEMENT OF EXPENSES FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(b) NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(c) AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

SEC. 532. COMPLIANCE BY UNITED STATES MILITARY ACADEMY WITH STATUTORY LIMIT ON SIZE OF CORPS OF CADETS.

(a) COMPLIANCE REQUIRED.—(1) The Secretary of the Army shall take such action as necessary to ensure that the United States Military Academy is in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001-2001 academic year.

(2) The Secretary of the Army may provide for a variance to the USMA cadet strength limit—

(A) as of the day before the last day of the 1999-2000 academic year of not more than 5 percent; and

(B) as of the day before the last day of the 2000-2001 academic year of not more than 2½ percent.

(3) For purposes of this subsection—

(A) the USMA cadet strength limit is the maximum of 4,000 cadets established for the Corps of Cadets at the United States Military Academy by section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note), reenacted in section 4342(a) of title 10, United States Code, by the amendment made by subsection (b)(1); and

(B) the last day of the 2001–2002 academic year is the day on which the class of 2002 graduates.

(b) REENACTMENT OF LIMITATION.—

(1) ARMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "is as follows:" in the matter preceding paragraph (1) and inserting "(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.".

(2) NAVY.—Section 6954 of such title is amended—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, midshipmen are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(g) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.".

(3) AIR FORCE.—Section 9342 of such title is amended—

(A) in subsection (a), by striking "is as follows:" in the matter preceding paragraph (1) and inserting "(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.".

(4) CONFORMING REPEAL.—Section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note) is repealed.

SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND DEAN OF THE FACULTY, UNITED STATES AIR FORCE ACADEMY.

(a) DEAN OF THE ACADEMIC BOARD, USMA.—Section 4335 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.".

(b) DEAN OF THE FACULTY, USAFA.—Section 9335 of title 10, United States Code, is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

"(b) While serving as Dean of the Faculty, an officer of the Air Force who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty.".

SEC. 534. EXCLUSION FROM CERTAIN GENERAL AND FLAG OFFICER GRADE STRENGTH LIMITATIONS FOR THE SUPERINTENDENTS OF THE SERVICE ACADEMIES.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under paragraph (1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2). An officer while serving as Superintendent of the United Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).".

Subtitle E—Education and Training

SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE INTERNATIONAL STUDENT PROGRAM AT THE SENIOR MILITARY COLLEGES.

(a) IN GENERAL.—(1) Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§2111b. Senior military colleges: Department of Defense international student program

"(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.

"(b) PURPOSES.—The purposes of the program shall be—

"(1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and

"(2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.

"(c) COORDINATION WITH THE SENIOR MILITARY COLLEGES.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

"(d) RECOMMENDATIONS FOR ADMISSION OF STUDENTS UNDER THE PROGRAM.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

"(e) DOD FINANCIAL SUPPORT.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2111b. Senior military colleges: Department of Defense international student program.".

(b) EFFECTIVE DATE.—The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000.

(c) REPEAL OF OBSOLETE PROVISION.—Section 2111a(e)(1) of title 10, United States Code, is amended by striking the second sentence.

(d) FISCAL YEAR 2000 FUNDING.—Of the amounts made available to the Department of Defense for fiscal year 2000 pursuant to section 301, $2,000,000 shall be available for financial support for international students under section 2111b of title 10, United States Code, as added by subsection (a).

SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) AUTHORITY.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

§4321. United States Army War College: master of strategic studies degree

"Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4321. United States Army War College: master of strategic studies degree.".

SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO AWARD GRADUATE-LEVEL DEGREES.

(a) IN GENERAL.—Subsection (a) of section 9317 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY.—Upon recommendation of the faculty of the appropriate school, the commander of the Air University may confer—

"(1) the degree of master of strategic studies upon graduates of the Air War College who fulfill the requirements for that degree;

"(2) the degree of master of military operational art and science upon graduates of the Air Command and Staff College who fulfill the requirements for that degree; and

"(3) the degree of master of airpower art and science upon graduates of the School of Advanced Air power Studies who fulfill the requirements for that degree.".

(b) CLERICAL AMENDMENTS.—(1) The heading for that section is amended to read:

"§9317. Air University: graduate-level degrees".

(2) The item relating to that section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

"9317. Air University: graduate-level degrees.".

SEC. 544. CORRECTION OF RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONAL SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Section 2126(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "only for" and all that follows through "Award of" and inserting "only for the award of"; and

(B) by striking subparagraph (B);

(2) in paragraph (3) by striking "paragraph (2)(A), a member" and inserting "paragraph (2), a member who completes a satisfactory year of service in the Selected Reserve";

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following new paragraph (5):

"(5) A member of the Selected Reserve who is awarded points or service credit under this subsection shall not be considered to have been in an active status, by reason of the award of the points or credit, while pursuing a course of study under this subchapter for purposes of any provision of law other than sections 12732(a) and 12733(3) of this title.".

SEC. 545. PERMANENT EXPANSION OF ROTC PROGRAM TO INCLUDE GRADUATE STUDENTS.

(a) PERMANENT AUTHORITY FOR THE ROTC GRADUATE PROGRAM.—Paragraph (2) of section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under the program.".

(b) AUTHORITY TO ENROLL IN ADVANCED TRAINING PROGRAM.—Section 2101(3) of title 10, United States Code, is amended by inserting "students enrolled in an advanced education program beyond the baccalaureate degree level or to" after "instruction offered in the Senior Reserve Officers' Training Corps to".

SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS SELECTED FOR ADVANCED TRAINING.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking "$150 a month" and inserting "$200 a month".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR ROTC PROGRAM.

(a) IN GENERAL.—(1) Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§2033. Contingent funding increase

"If for any fiscal year the amount appropriated for the National Guard Challenge Program under section 509 of title 32 is in excess of $62,500,000, the Secretary of Defense shall (notwithstanding any other provision of law) make the amount in excess of $62,500,000 available for the Junior Reserve Officers' Training Corps program under section 2031 of this title, and such excess amount may not be used for any other purpose.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Contingent funding increase.".

(b) EFFECTIVE DATE.—Section 2033 of title 10, United States Code, as added by subsection (a), shall apply only with respect to funds appropriated for fiscal years after fiscal year 1999.

SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING UNDER THE RESERVE COMPONENT MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 16137 of title 10, United States Code, is amended to read as follows:

"§16137. Biennial report to Congress

"The Secretary of Defense shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this chapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during those fiscal years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended to read as follows:

"16137. Biennial report to Congress.".

SEC. 549. RECODIFICATION AND CONSOLIDATION OF STATUTES DENYING FEDERAL GRANTS AND CONTRACTS BY CERTAIN DEPARTMENTS AND AGENCIES TO INSTITUTIONS OF HIGHER EDUCATION THAT PROHIBIT SENIOR ROTC UNITS OR MILITARY RECRUITING ON CAMPUS.

(a) RECODIFICATION AND CONSOLIDATION FOR LIMITATIONS ON FEDERAL GRANTS AND CONTRACTS.—(1) Section 983 of title 10, United States Code, is amended to read as follows:

"§983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

"(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at the covered educational entity; or

"(2) a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

"(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department from gaining entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

"(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at the covered educational entity:

"(A) Names, addresses, and telephone listings.

"(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

"(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to a covered educational entity if the Secretary of Defense determines that—

"(1) the covered educational entity has ceased the policy or practice described in that subsection; or

"(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

"(d) COVERED FUNDS.—The limitations established in subsections (a) and (b) apply to the following:

"(1) Any funds made available for the Department of Defense.

"(2) Any funds made available in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

"(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

"(1) shall transmit a notice of the determination to the Secretary of Education and to Congress; and

"(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the covered educational entity for contracts and grants.

"(f) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each covered educational entity that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).

"(g) COVERED EDUCATIONAL ENTITY.—In this section, the term 'covered educational entity' means an institution of higher education, or a subelement of an institution of higher education.".

(2) The item relating to section 983 in the table of sections at the beginning of such chapter is amended to read as follows:

"983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.".

(b) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 503 note).

(2) Section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270; 10 U.S.C. 503 note).

Subtitle F—Decorations and Awards

SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 17, 1998, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 552. SENSE OF CONGRESS CONCERNING PRESIDENTIAL UNIT CITATION FOR CREW OF THE U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress reaffirms the findings made in section 1052(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA–35)—

(1) served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from December 7, 1941 to July 29, 1945;

(2) with her courageous and capable crew, compiled an impressive combat record during the war in the Pacific, receiving in the process 10 battle stars in actions from the Aleutians to Okinawa;

(3) rendered invaluable service in anti-shipping, shore bombardment, anti-air, and invasion support roles and serving as flagship for the Fifth Fleet under Admiral Raymond Spruance and flagship for the Third Fleet under Admiral William F. Halsey; and

(4) transported the world's first operational atomic bomb from the United States to the Island of Tinian, accomplishing that mission at a record average speed of 29 knots.

(b) FURTHER FINDINGS.—Congress further finds that—

(1) from participation in the earliest offensive actions in the Pacific during World War II to her pivotal role in delivering the weapon that brought the war to an end, the U.S.S. INDIANAPOLIS and her crew left an indelible imprint on the Nation's struggle to eventual victory in the war in the Pacific; and

(2) the selfless, courageous, and outstanding performance of duty by that ship and her crew throughout the war in the Pacific reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should award a Presidential Unit Citation to the crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and skill displayed by the members of the crew of that vessel throughout World War II.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Subtitle G—Other Matters

SEC. 561. REVISION IN AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY.

(a) PERIOD OF RECALL SERVICE FOR RETIRED MEMBERS ORDERED TO ACTIVE DUTY.—Section 688(e) of title 10, United States Code, is amended by striking "for more than 12 months within 24 months" and inserting "for more than 36 months within 48 months".

(b) LIMITATION ON NUMBER.—Section 690(b)(1) of such title is amended by striking "Not more than 25 officers" and inserting "In addition to the officers subject to subsection (a), not more than 150 officers".

(c) EXCLUSION FROM LIMITATION OF MEMBERS OF RETIREE COUNCILS.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph:

"(D) Any officer assigned to duty as a member of the Army, Navy, or Air Force Retiree Council for the period of active duty to which ordered.".

(d) EXCLUSION FROM LIMITATION OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—Section 690 of such title is further amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) EXCLUSION FROM LIMITATIONS OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—A retired officer ordered to active duty for a period of 60 days or less shall not be counted for the purposes of subsection (a) or (b).".

SEC. 562. TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

(a) AUTHORITY.—During the retired aviator recall period, the Secretary of a military department may recall to active duty any retired officer having expertise as an aviator to fill staff positions normally filled by active duty aviators. Any such recall may only be with the consent of the officer recalled.

(b) LIMITATION.—No more than a total of 500 officers may be on active duty at any time under subsection (a).

(c) TERMINATION.—Each officer recalled to active duty under subsection (a) during the retired aviator recall period shall be released from active duty not later than one year after the end of such period.

(d) WAIVERS.—Officers recalled to active duty under subsection (a) shall not be counted for purposes of section 668 or 690 of title 10, United States Code.

(e) RETIRED AVIATOR RECALL PERIOD.—For purposes of this section, the term "retired aviator recall period" means the period beginning on October 1, 1999, and ending on September 30, 2002.

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the use of the authority under this section, together with the Secretary's recommendation for extension of that authority.

SEC. 563. SERVICE REVIEW AGENCIES COVERED BY PROFESSIONAL STAFFING REQUIREMENT.

Section 1555(c)(2) of title 10, United States Code, is amended by inserting "the Navy Council of Personnel Boards and" after "Department of the Navy,".

SEC. 564. CONFORMING AMENDMENT TO AUTHORIZE RESERVE OFFICERS AND RETIRED REGULAR OFFICERS TO HOLD A CIVIL OFFICE WHILE SERVING ON ACTIVE DUTY FOR NOT MORE THAN 270 DAYS.

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "180 days" and inserting "270 days"; and

(2) in subparagraph (C), by striking "180 days" and inserting "270 days".

SEC. 565. REVISION TO REQUIREMENT FOR HONOR GUARD DETAILS AT FUNERALS OF VETERANS.

(a) COMPOSITION OF HONOR GUARD DETAILS.—Subsection (b) of section 1491 of title 10, United States Code, is amended by striking "consists of" and all that follows through the period and inserting "consists of not less than two persons, who shall, at a minimum, perform a ceremony to fold and present a United States flag to the deceased veteran's family and who shall (unless a bugler is part of the detail) have the capability to play a recorded version of Taps. At least one member of an honor guard detail provided in response to a request to the Department of Defense shall be a member of the same armed force as the deceased veteran.".

(b) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of a military department may provide material, equipment, and training to support nongovernmental organizations, as necessary for the support of honor guard activities.".

(c) IMPLEMENTING OSD REGULATIONS.—Subsection (e) of such section, as redesignated by subsection (b)(1), is amended by striking the last two sentences and inserting the following: "The Secretary shall require that procedures be established by the Secretaries of the military departments for coordinating and responding to requests for honor guard details, for establishing standards and protocols for, responding to requests for and conducting military funeral honors, and for providing training and quality control.".

(d) WAIVER AUTHORITY.—Such section is further amended by inserting after subsection (f), as redesignated by subsection (b)(1), the following new subsection:

"(g) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any of the provisions of this section when the Secretary determines that such a waiver is necessary because of a contingency operation or when the Secretary otherwise considers such a waiver to be necessary to meet military requirements. The authority to make such a waiver may not be delegated to any official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.".

"(2) Whenever a waiver is granted under paragraph (1), the Secretary of Defense shall promptly submit notice of the waiver to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(e) Coverage of Certain Reservists.—Such section is further amended by striking the period at the end of subsection (h), as redesignated by subsection (b)(1), and inserting "and includes a deceased member or former member of the Selected Reserve described in section 2301(f) of title 38.".

(f) Authority To Accept Voluntary Services.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

"(4) Voluntary services as a member of an honor guard detail under section 1491 of this title.".

(g) Effective Date.—(1) Section 1491 of title 10, United States Code, as amended by this section, shall apply with respect to funerals of veterans that occur after December 31, 1999.

(2) Subsection (a) of such section is amended by striking "that occurs after December 31, 1999".

(h) National Guard Funeral Honors Duty.—(1) Section 114 of title 32, United States Code, is amended—

(A) by striking "honor guard" both places it appears and inserting "funeral honors"; and

(B) by striking "otherwise required" and inserting ", but may be performed as funeral honors duty as prescribed in section 115 of this title".

(2) Chapter 1 of such title is amended by adding at the end the following new section:

"§115. Funeral honors duty performed as a Federal function

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of title 10).

"(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 1273(a)(2)(E) of title 10 and compensation under section 435 of title 37 if authorized by the Secretary concerned.

"(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this section and the provisions of title 10, title 37, and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

"(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.".

(3)(A) The heading of section 114 of such title is amended to read as follows:

"§114. Funeral honors functions at funerals for veterans".

(B) The table of sections at the beginning of chapter 1 of such title is amended by striking the item relating to section 114 and inserting the following:

"114. Funeral honors functions at funerals for veterans.
"115. Funeral honors duty performed as a Federal function.".

(i) Ready Reserve Funeral Honors Duty.—(1)(A) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

"§12503. Ready Reserve: funeral honors duty

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title). However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

"(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 12732(a)(2)(E) of this title and compensation under section 435 of title 37 if authorized by the Secretary concerned.

"(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title; title 37, and title 38, including provisions relating to the determination of eligibility for and receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

"(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12503. Ready Reserve: funeral honors duty.".

(2)(A) Section 12552 of such title is amended to read as follows:

"§12552. Funeral honors functions at funerals for veterans

"Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title.".

(B) The item relating to such section in the table of sections at the beginning of chapter 1215 of such title is amended to read as follows:

"12552. Funeral honors functions at funerals for veterans.".

(j) Crediting for Retirement Purposes.—Paragraph (2) of section 12732(a) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (D) the following new subparagraph:

"(E) One point for each day in which funeral honors functions were performed under section 12503 of this title or section 115 of title 32."; and

(2) by striking "and (D)" in the last sentence of such paragraph and inserting "(D), and (E)".

(k) Allowance for Funeral Honors Duty.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§435. Funeral honors duty: flat rate allowance

"(a) Allowance Authorized.—Under uniform regulations prescribed by the Secretary of Defense, a member of the Ready Reserve of an armed force may be paid an allowance of $50, at the discretion of the Secretary concerned, for funeral honors duty performed pursuant to section 12305 of title 10 or section 115 of title 32, if the member is engaged in the performance of that duty for at least two hours.

"(b) Relation to Performance of Funeral Honors Duty.—The allowance under this section shall constitute the single, flat-rate monetary allowance authorized for the performance of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32 and shall constitute payment in full to the member, regardless of grade in which serving.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"435. Funeral honors duty: flat rate allowance.".

SEC. 566. PURPOSE AND FUNDING LIMITATIONS FOR NATIONAL GUARD CHALLENGE PROGRAM.

(a) Program Authority and Purpose.—Subsection (a) of section 509 of title 32, United States Code, is amended to read as follows:

"(a) Program Authority and Purpose.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may use the National Guard to conduct a civilian youth opportunities program, to be known as the 'National Guard Challenge Program', which shall consist of'at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.".

(b) Annual Funding Limitation.—Subsection (b) of such section is amended by striking "$50,000,000" and inserting "$62,500,000".

SEC. 567. ACCESS TO SECONDARY SCHOOL STUDENTS FOR MILITARY RECRUITING PURPOSES.

Section 503 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.".

SEC. 568. SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE.

(a) Exit Survey.—The Secretary of Defense shall develop and implement a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

(b) Matters To Be Covered.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Command climate.

(3) Attitude toward civilian and military leadership.

(4) Attitude toward pay and benefits.

(5) Job satisfaction.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

(c) Report to Congress.—Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service.

SEC. 569. IMPROVEMENT IN SYSTEM FOR ASSIGNING PERSONNEL TO WARFIGHTING UNITS.

(a) Review of Personnel Assignment Systems.—The Secretary of each military department shall review the military personnel system under that Secretary's jurisdiction in order to identify those policies that prevent warfighting units from being fully manned.

(b) Revision to Policies.—Following the review under subsection (a), the Secretary shall alter the policies identified in the review with the goal of raising the priority in the personnel system for the assignment of personnel to warfighting units.

(c) Report.—Not later than December 31, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the changes to the military personnel system under that Secretary's jurisdiction that have been, or will be, adopted under subsection (b).

(d) Definition.—For the purposes of this section, the term "warfighting unit" means a battalion, squadron, or vessel that (1) has a combat, combat support, or combat service support mission, and (2) is not considered to be in the supporting establishment for its service.

SEC. 570. REQUIREMENT FOR DEPARTMENT OF DEFENSE REGULATIONS TO PROTECT THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN DEPENDENTS AND PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) In General.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse

"(a) Regulations.—The Secretary of Defense shall prescribe in regulations such policies and procedures as the Secretary considers necessary to provide the maximum possible protection for the confidentiality of communications described in subsection (b) relating to misconduct described in that subsection. Those regulations shall be consistent with—

"(1) the standards of confidentiality and ethical standards issued by relevant professional organizations;

"(2) applicable requirements of Federal and State law;

"(3) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

"(4) such other factors as the Secretary, in consultation with the Attorney General, considers appropriate.

"(b) Covered Communications.—Subsection (a) applies to communications between—

"(1) a dependent of a member of the armed forces who—

"(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

"(B) has engaged in such misconduct; and

"(2) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.".

(b) GAO Study.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense and Congress a report on the results of the study. The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(c) Initial Regulations.—The initial regulations under section 1562 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 90 days after the date on which the Secretary of Defense receives the report of the Comptroller General under subsection (b). In prescribing those regulations, the Secretary shall ensure that those regulations are consistent with the findings of the Comptroller General in that report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) Waiver of Section 1009 Adjustment.—The adjustment to become effective during fiscal year 2000 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) January 1, 2000, Increase in Basic Pay.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services are increased by 4.8 percent.

(c) Reform of Basic Pay Rates.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0-9	0.00	0.00	0.00	0.00	0.00
0-8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
0-7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
0-6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
0-5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
0-4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
0-3[3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
0-2[3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
0-1[3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
0-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0-9	0.00	0.00	0.00	0.00	0.00
0-8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
0-7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
0-6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
0-5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
0-4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
0-3[3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
0-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
0-10[2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
0-9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
0-8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
0-7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
0-6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
0-5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
0-4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
0-3[3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
0-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades 0-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90
0-2E	0.00	0.00	0.00	3,009.00	3,071.10
0-1E	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
0-3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
0-2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
0-1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
0-3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
0-2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
0-1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W-3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W-2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W-1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80

WARRANT OFFICERS—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W-4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W-3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W-2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W-1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	[3] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E-8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[2]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E-8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[1] *Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.*

[2] *Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.*

[3] *In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is $930.30.*

(d) LIMITATION ON PAY ADJUSTMENTS.—Section 1009(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" before "Whenever"; and

(2) by adding at the end the following new paragraph:

"(2) On and after April 30, 1999, the actual basic pay for commissioned officers in grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule, and the actual basic pay for all other officers and enlisted members may not exceed the rate of pay for level V of the Executive Schedule.".

SEC. 602. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL YEAR 2000.

Effective on October 1, 2000, subsection (c) of section 1009 of title 37, United States Code, is amended to read as follows:

"(c) PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) Subject to subsection (d), an adjustment taking effect under this section during a fiscal year shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of—

"(A) 0.5 percent; plus

"(B) the percentage calculated as provided under section 5303(a) of title 5.

"(2) The calculation required by paragraph (1)(B) shall be made without regard to whether rates of pay under the statutory pay systems (as defined in section 5302 of title 5) are actually increased during that fiscal year under section 5303 of such title by the percentage so calculated.".

SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2000 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount that may be paid during fiscal year 2000 for the basic allowance for housing for military housing areas inside the United States, $442,500,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting "January 1, 2001".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2000,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title, as redesignated by section 618(b), is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "October 1, 1998," and all that follows through the period at the end and inserting "December 31, 2000.".

SEC. 614. AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS.

(a) AVAILABILITY OF INCENTIVE PAY.—Section 301a(b) of title 37, United States Code is amended by adding at the end the following new paragraph:

"(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, is entitled to monthly incentive pay at a rate equal to the greater of the following:

"(A) The rate applicable under this subsection.

"(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member's entitlement to aviation career incentive pay under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL PAY TO AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) ELIGIBILITY CRITERIA.—Subsection (b) of section 301b of title 37, United States Code, is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking "grade O–6" and inserting "grade O–7";

(3) by inserting "and" at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(b) AMOUNT OF BONUS.—Subsection (c) of such section is amended by striking "than—" and all that follows through the period at the end and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(c) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(d) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is amended by striking the second sentence.

(e) DEFINITIONS REGARDING AVIATION SPECIALTY.—Subsection (j) of such section is amended—

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraph (4) as paragraph (2).

(f) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 616. DIVING DUTY SPECIAL PAY.

(a) INCREASE IN PAYMENT AMOUNT.—Subsection (b) of section 304 of title 37,. United States Code, is amended—

(1) by striking "$200" and inserting "$240"; and

(2) by striking "$300" and inserting "$340".

(b) RELATION TO HAZARDOUS DUTY INCENTIVE PAY.—Subsection (c) of such section 304 is amended to read as follows:

"(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous duties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 617. REENLISTMENT BONUS.

(a) MINIMUM MONTHS OF ACTIVE DUTY.—Subsection (a)(1)(A) of section 308 of title 37, United States Code, is amended by striking "twenty-one months" and inserting "17 months".

(b) AMOUNT OF BONUS.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A)(i), by striking "ten" and inserting "15"; and

(2) in subparagraph (B), by striking "$45,000" and inserting "$60,000".

SEC. 618. ENLISTMENT BONUS.

(a) INCREASE IN BONUS AMOUNT.—Subsection (a) of section 308a of title 37, United States Code, is amended by striking "$12,000" and inserting "$20,000".

(b) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

"(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "BONUS AUTHORIZED; BONUS AMOUNT.—" after "(a)";

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by inserting "REPAYMENT OF BONUS.—" after "(c)"; and

(3) in subsection (d), as redesignated by subsection (b)(2) of this section, by inserting "TERMINATION OF AUTHORITY.—" after "(d)".

SEC. 619. REVISED ELIGIBILITY REQUIREMENTS FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS.

Paragraph (2) of section 308i(a) of title 37, United States Code, is amended to read as follows:

"(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

"(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

"(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

"(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

"(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

"(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

"(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.".

SEC. 620. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking "$15,000" and inserting "$25,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of such title is amended by striking "$10,000" and inserting "$20,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of such title is amended—

(1) in subsection (a)(1), by striking "$12,000" and inserting "$22,000"; and

(2) in subsection (b)(1), by striking "$5,500" and inserting "$10,000".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 621. INCREASE IN AUTHORIZED MONTHLY RATE OF FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE.—Section 316(b) of title 37, United States Code, is amended by striking "$100" and inserting "$300".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 622. AUTHORIZATION OF RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) Bonus Authorized.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§318. Special pay: special warfare officers extending period of active duty

"(a) Special Warfare Officer Defined.—In this section, the term 'special warfare officer' means an officer of a uniformed service who—

"(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

"(2) is serving in a position for which that specialty or designator is authorized.

"(b) Retention Bonus Authorized.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement, on or after October 1, 1999, to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(c) Eligible Officers.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

"(1) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

"(2) has completed at least 6, but not more than 14, years of active commissioned service; and

"(3) has completed any service commitment incurred to be commissioned as an officer.

"(d) Amount of Bonus.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the agreement.

"(e) Proration.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

"(f) Payment Methods.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

"(2) The amount of the retention bonus may be paid as follows:

"(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

"(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

"(g) Additional Pay.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(h) Repayment.—(1) If an officer who has entered into an agreement under subsection (b) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(i) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 37, United States Code is amended by adding at the end the following new item:

"318. Special pay: special warfare officers extending period of active duty.".

SEC. 623. AUTHORIZATION OF SURFACE WARFARE OFFICER CONTINUATION PAY.

(a) Incentive Pay Authorized.—Chapter 5 of title 37, United States Code, is amended by inserting after section 318, as added by section 622, the following new section:

"§319. Special pay: surface warfare officer continuation pay

"(a) Eligible Surface Warfare Officer Defined.—In this section, the term 'eligible surface warfare officer' means an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is qualified and serving as a surface warfare officer;

"(2) has been selected for assignment as a department head on a surface vessel; and

"(3) has completed any service commitment incurred through the officer's original commissioning program.

"(b) Special Pay Authorized.—An eligible surface warfare officer who executes a written agreement, on or after October 1, 1999, to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface ship may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed $50,000.

"(c) Proration.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

"(d) Payment Methods.—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

"(e) Additional Pay.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(f) Repayment.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty as a department head on a surface ship specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, to the extent that the Secretary of the Navy determines conditions and circumstances warrant, any or all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) Regulations.—The Secretary of the Navy shall prescribe regulations to carry out this section.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 318 the following new item:

"319. Special pay: surface warfare officer continuation pay".

SEC. 624. AUTHORIZATION OF CAREER ENLISTED FLYER INCENTIVE PAY.

(a) Incentive Pay Authorized.—Chapter 5 of title 37, United States Code, is amended by inserting after section 319, as added by section 623, the following new section:

"§320. Incentive pay: career enlisted flyers

"(a) Eligible Career Enlisted Flyer Defined.—In this section, the term 'eligible career enlisted flyer' means an enlisted member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

"(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

"(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

"(4) satisfies the operational flying duty requirements applicable under subsection (c).

"(b) Incentive Pay Authorized.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

"(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

"(c) Operational Flying Duty Requirements.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

"(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

"(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member's failure to perform the operational flying duty required during the first 10, 15, or 20 years of

aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or 12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

"(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

"(d) MONTHLY MAXIMUM INCENTIVE PAY.—The monthly rate for incentive pay under this section may not exceed the amounts specified in the following table for the applicable years of aviation service:

"Years of aviation service:	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400

"(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard, who is entitled to compensation under section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to $\frac{1}{30}$ of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

"(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving special pay under section 301(a) or 304 of this title may not be paid incentive pay under this section for the same period of service.

"(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

"(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

"(i) DEFINITIONS.—In this section:

"(1) The term 'aviation service' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

"(2) The term 'operational flying duty' means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 319 the following new item:

"320. Incentive pay: career enlisted flyers.".

SEC. 625. AUTHORIZATION OF JUDGE ADVOCATE CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 320, as added by section 624, the following new section:

"§321. Special pay: judge advocate continuation pay

"(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term 'eligible judge advocate' means an officer of the armed forces on full-time active duty who—

"(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

"(2) has completed any service commitment incurred through the officer's original commissioning program.

"(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement, on or after October 1, 1999, to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid an amount not to exceed $60,000.

"(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

"(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

"(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, to the extent that the Secretary determines conditions and circumstances warrant, any or all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section."

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 320 the following new item:

"321. Special pay: judge advocate continuation pay.".

(b) STUDY AND REPORT ON ADDITIONAL RECRUITMENT AND RETENTION INITIATIVES.—(1) The Secretary of Defense shall conduct a study regarding the need for additional incentives to improve the recruitment and retention of judge advocates for the Armed Forces. At a minimum, the Secretary shall consider as possible incentives constructive service credit for basic pay, educational loan repayment, and Federal student loan relief.

(2) Not later than March 31, 2000, the Secretary shall submit to Congress a report containing the findings and recommendations resulting from the study.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PROVISION OF LODGING IN KIND FOR RESERVISTS PERFORMING TRAINING DUTY AND NOT OTHERWISE ENTITLED TO TRAVEL AND TRANSPORTATION ALLOWANCES.

Section 404(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "If transient government housing is unavailable, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a)."; and

(2) in paragraph (3)—

(A) by inserting after "paragraph (1)" the following: "and expenses of providing lodging in kind under such paragraph"; and

(B) by adding at the end the following new sentence: "Use of Government charge cards is authorized for payment of these expenses.".

SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES FOR MEMBERS MAKING THEIR FIRST PERMANENT CHANGE OF STATION.

(a) AUTHORITY TO PAY OR REIMBURSE.—Section 404a(a) of title 37, United States Code, is amended

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by inserting "or" after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) in the case of an enlisted member who is reporting to the member's first permanent duty station, from the member's home of record or initial technical school to that first permanent duty station;".

(b) DURATION.—Such section is further amended—

(1) in the second sentence, by striking "clause (1)" and inserting "paragraph (1) or (3)"; and

(2) in the third sentence, by striking "clause (2)" and inserting "paragraph (2)".

SEC. 633. EMERGENCY LEAVE TRAVEL COST LIMITATIONS.

Section 411d(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or".

Subtitle D—Retired Pay Reform

SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY TO MEMBERS ELECTING NEW 15-YEAR CAREER STATUS BONUS.

(a) RETIRED PAY MULTIPLIER.—Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting "has elected to receive a bonus under section 321 of title 37," after "July 31, 1986,".

(b) COST-OF-LIVING ADJUSTMENTS.—Paragraph (3) of section 1401a(b) of such title is amended to read as follows:

"(3) POST-AUGUST 1, 1986 MEMBERS.—

"(A) MEMBERS ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who elected to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member (unless the percent determined under paragraph (2) is less than 1 percent) by the difference between—

"(i) the percent determined under paragraph (2); and

"(ii) 1 percent.

"(B) MEMBERS NOT ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who did not elect to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member—

"(i) if the percent determined under paragraph (2) is equal to or greater than 3 percent, by the difference between—

"(I) the percent determined under paragraph (2); and

"(II) 1 percent; and

"(ii) if the percent determined under paragraph (2) is less than 3 percent, by the lesser of—

"(I) the percent determined under paragraph (2); or

"(II) 2 percent.".

(c) RECOMPUTATION OF RETIRED PAY AT AGE 62.—Section 1410 of such title is amended—

(1) by inserting "(a) IN GENERAL.—" before "In the case of";

(2) by inserting after "62 years of age," the following: "in accordance with subsection (b) or (c), as applicable.

"(b) MEMBERS RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who received a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a)";

(3) by striking "that date" and inserting "the effective date of the recomputation"; and

(4) by adding at the end the following:

"(c) MEMBERS NOT RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who did not receive a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a) so as to be the amount equal to the amount of retired pay to which the member or former member would be entitled on the effective date of the recomputation if increases in the retired pay of the member or former member under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3)(B) of that section).".

SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS BONUS.

(a) CAREER SERVICE BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 321, as added by section 625, the following new section:

"§ 322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

"(a) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term 'eligible career bonus member' means a member of a uniformed service serving on active duty who—

"(1) first became a member on or after August 1, 1986; and

"(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

"(b) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

"(1) elects to receive the bonus under this section; and

"(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10, if the member is not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service.

"(c) ELECTION METHOD.—The election under subsection (b)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under such subsection is irrevocable.

"(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be paid in one lump sum of $30,000.

"(2) The bonus shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (b)(1) and the written agreement required under subsection (b)(2), if applicable.

"(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who satisfies the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty.

"(2) The notification shall include the following:

"(A) The procedures for electing to receive the bonus.

"(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

"(f) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in subsection (b)(2), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 321 the following new item:

"322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.".

SEC. 643. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO SURVIVOR BENEFIT PLAN PROVISION.—Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(b) RELATED TECHNICAL AMENDMENTS.—Chapter 71 of such title is amended as follows:

(1) Section 1401a(b) is amended by striking the heading for paragraph (1) and inserting "INCREASE REQUIRED.—".

(2) Section 1409(b)(2) is amended by inserting "CERTAIN" in the paragraph heading after "REDUCTION APPLICABLE TO".

SEC. 644. EFFECTIVE DATE.

The amendments made by sections 641, 642, and 643 shall take effect on October 1, 1999.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

SEC. 651. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

"§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

"(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

"(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

"(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

"(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

"1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.".

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

SEC. 652. EXTENSION OF ANNUITY ELIGIBILITY FOR SURVIVING SPOUSES OF CERTAIN RETIREMENT ELIGIBLE RESERVE MEMBERS.

(a) COVERAGE OF SURVIVING SPOUSES OF ALL GRAY AREA RETIREES.—Section 644(a)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1800) is amended by striking "during the period beginning on September 21, 1972, and ending on" and inserting "before".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to annuities payable for months beginning after September 30, 1999.

SEC. 653. PRESENTATION OF UNITED STATES FLAG TO RETIRING MEMBERS OF THE UNIFORMED SERVICES NOT PREVIOUSLY COVERED.

(a) Nonregular Service Military Retirees.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

"§12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay

"(a) Presentation of Flag.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

"(b) Multiple Presentations Not Authorized.—A member is not eligible for presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) No Cost to Recipient.—The presentation of a flag under this section shall be at no cost to the recipient.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.".

(b) Public Health Service.—Title II of the Public Health Service Act is amended by inserting after section 212 (42 U.S.C. 213) the following new section:

"PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT

"Sec. 213. (a) Upon the release of an officer of the commissioned corps of the Service from active commissioned service for retirement, the Secretary of Health and Human Services shall present a United States flag to the officer.

"(b) Multiple Presentations Not Authorized.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) No Cost to Recipient.—The presentation of a flag under this section shall be at no cost to the recipient.".

(c) National Oceanic and Atmospheric Administration.—The Coast and Geodetic Survey Commissioned Officers' Act of 1948 is amended by inserting after section 24 (33 U.S.C. 853u) the following new section:

"Sec. 25. (a) Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary of Commerce shall present a United States flag to the officer.

"(b) Multiple Presentations Not Authorized.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) No Cost to Recipient.—The presentation of a flag under this section shall be at no cost to the recipient.".

(d) Effective Date.—Section 12605 of title 10, United States Code (as added by subsection (a)), section 413 of the Public Health Service Act (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.

(e) Conforming Amendments to Prior Law.—Sections 3681(b), 6141(b), and 8681(b) of title 10, United States Code, and section 516(b) of title 14, United States Code, are each amended by striking "under this section" and all that follows through the period and inserting "under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.".

SEC. 654. ACCRUAL FUNDING FOR RETIREMENT SYSTEM FOR COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) Inclusion of NOAA Officers in DOD Military Retirement Fund.—Section 1461 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "and the Department of Commerce" after "Department of Defense";

(2) in subsection (b)—

(A) by inserting "and the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a et seq.)" in paragraph (1) after "this title";

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) the programs under the jurisdiction of the Department of Commerce providing annuities for survivors of members and former members of the NOAA Corps."; and

(3) by adding at the end the following new subsection:

"(c) In this chapter, the term 'NOAA Corps' means the National Oceanic and Atmospheric Administration Commissioned Corps and its predecessors.".

(b) Payments From the Fund.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking "and Marine Corps" and inserting "Marine Corps, and the NOAA Corps"; and

(2) in paragraph (4)—

(A) by inserting "and the Department of Commerce" after "Department of Defense"; and

(B) by striking "armed forces" and inserting "uniformed services".

(c) Reports by Board of Actuaries.—Section 1464(b) of such title is amended by inserting "and the Secretary of Commerce with respect to the NOAA Corps" after "Secretary of Defense".

(d) Department of Commerce Contributions to the Fund.—Section 1465 of such title is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) Not later than January 1, 2000, the Secretary of Commerce shall provide to the Board the amount that is the present value (as of October 1, 1999) of future benefits payable from the Fund that are attributable to service in the NOAA Corps performed before October 1, 1999. That amount is the NOAA Corps original unfunded liability of the Fund. The Board shall determine the period of time over which that unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with that schedule shall be made as provided in section 1466(b) of this title.".

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by inserting "and the Secretary of Commerce" after "Secretary of Defense" in the matter preceding subparagraph (A);

(ii) by inserting "and the Department of Commerce contributions with respect to the NOAA Corps" after "Department of Defense contributions" in the matter preceding subparagraph (A); and

(iii) by adding at the end the following new subparagraph:

"(C) The product of—

"(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(C) at the time of the next actuarial valuation under subsection (c); and

"(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the NOAA Corps."; and

(B) in paragraph (2)—

(i) by inserting "and the Department of Commerce" after "Department of Defense"; and

(ii) by inserting "and shall include separate amounts for the Department of Defense and the Department of Commerce" after "section 1105 of title 31".

(3) Subsection (c)(1) is amended—

(A) by inserting "and the Secretary of Commerce with respect to the NOAA Corps" in the first sentence after "Secretary of Defense";

(B) by striking "and" at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the NOAA Corps.".

(e) Payments Into the Fund.—Section 1466 of such title is amended—

(1) in subsection (a)—

(A) by inserting "and the Secretary of Commerce with respect to the NOAA Corps" after "Secretary of Defense";

(B) by striking "Department of Defense" after "each month as the";

(C) by inserting "and 1465(c)(1)(C)" in paragraph (1)(A) after "section 1465(c)(1)(A)";

(D) by inserting "and by members of the NOAA Corps" in paragraph (1)(B) before the period; and

(E) by inserting "or members of the NOAA Corps" before the period at the end of the last sentence of that subsection;

(2) in subsection (b)(2), by inserting "and the NOAA original unfunded liability" after "original unfunded liability"; and

(3) by adding at the end the following new subsection:

"(c)(1) The Secretary of Transportation shall process, on behalf of the Fund, payments under section 1463 of this title to members on the retired list of the NOAA Corps and to survivors of members and former members of the NOAA Corps.

"(2) Payments made by the Secretary of Transportation under paragraph (1) shall be charged against the Fund.".

(f) Effective Date.—The amendments made by this section shall take effect on October 1, 1999.

Subtitle F—Other Matters

SEC. 671. PAYMENTS FOR UNUSED ACCRUED LEAVE AS PART OF REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "conditions or" and inserting "conditions,"; and

(B) by adding before the semicolon the following: ", or a reenlistment of the member (regardless of when the reenlistment occurs)"; and

(2) in subsection (b)(2), by striking ", or entering into an enlistment,".

SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR MILITARY TECHNICIANS SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) Authority to Provide Per Diem Allowance.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).".

(b) Types of Overseas Operations.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

(c) Effective Date.—The amendment made by subsection (a) shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.432).

SEC. 673. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) Program Required.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "Authority.—The Secretary of Defense may" and inserting "Program Required.—The Secretary of Defense shall".

(b) Funding Source.—Subsection (b) of such section is amended to read as follows:

"(b) Funding Mechanism.—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).".

(c) Program Administration.—Subsection (c) of such section is amended—

(1) by striking paragraph (1)(B) and inserting the following:

"(B) In determining income eligibility standards for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A). The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.";

(2) in paragraph (2), by adding before the period at the end the following: ", particularly with respect to nutrition education and counseling"; and

(3) by adding at the end the following new paragraph:

"(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).".

(d) Conforming Amendment.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the overseas special supplemental food program established under section 1060a(a) of title 10, United States Code.".

SEC. 674. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) Authority.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) Authority.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) Amount.—The amount to be paid (subject to the availability of appropriations) to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) Eligible Disabled Uniformed Services Retiree Defined.—In this section, the term 'eligible disabled military retiree' means a member of the uniformed services in a retired status (who is retired under a provision of law other than chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) Qualifying Service-Connected Disability Defined.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) Status of Payments.—Payments under this section are not retired pay.

"(f) Source of Funds.—(1) Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(2) If the amount of funds available to the Secretary concerned for any fiscal year for payments under this section is less than the amount required to make such payments to all eligible disabled uniformed services retirees for that year, the Secretary shall make such payments first to retirees described in paragraph (1) of subsection (b), then (to the extent funds are available) to retirees described in paragraph (2) of that subsection, and then (to the extent funds are available) to retirees described in paragraph (3) of that subsection.

"(g) Other Definitions.—In this section:

"(1) The terms 'compensation' and 'service-connected' have the meanings given those terms in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) Effective Date.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED IN A —— CONTINGENCY OPERATION.

Section 2007(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "and";

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.".

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

SEC. 701. PROVISION OF HEALTH CARE TO MEMBERS ON ACTIVE DUTY AT CERTAIN REMOTE LOCATIONS.

(a) In General.—The Secretary of Defense shall enter into agreements with designated providers under which such providers will provide health care services in or through managed care plans to an eligible member of the Armed Forces who resides within the service area of the designated provider. The provisions in section 722(b)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) shall apply with respect to such agreements.

(b) Adherence to TRICARE Prime Remote Program Policies.—A designated provider who provides health care to an eligible member described in subsection (a) shall, in providing such care, adhere to policies of the Department of Defense with respect to the TRICARE Prime Remote program, including policies regarding coordination with appropriate military medical authorities for specialty referrals and hospitalization.

(c) Reimbursement Rates.—The Secretary shall negotiate with each designated provider reimbursement rates that do not exceed reimbursement rates allowable under TRICARE Standard.

(d) Definitions.—In this section:

(1) The term "eligible member" has the meaning given that term in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1074 note).

(1) The term "designated provider" has the meaning given that term in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note).

SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.

(a) In General.—Section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended—

(1) in the heading, by striking "Demonstration Program";

(2) in subsection (a), by adding at the end the following new paragraph:

"(4) During fiscal year 2000, the Secretary shall continue to furnish the same chiropractic care in the military medical treatment facilities designated pursuant to paragraph (2)(A) as the chiropractic care furnished during the demonstration program.";

(3) in subsection (c)—

(A) in paragraph (3), by striking "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives" and inserting "Committees on Armed Services of the Senate and the House of Representatives"; and

(B) in paragraph (5), by striking "May 1, 2000" and inserting "January 31, 2000";

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by striking "; and" at the end of subparagraph (C) and inserting a semicolon;

(ii) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) if the Secretary submits an implementation plan pursuant to subsection (e), the preparation of such plan."; and

(B) by adding at the end the following new paragraph:

"(5) The Secretary shall—

"(A) make full use of the oversight advisory committee in preparing—

"(i) the final report on the demonstration program conducted under this section; and

"(ii) the implementation plan described in subsection (e); and

"(B) provide opportunities for members of the committee to provide views as part of such final report and plan.";

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection:

"(e) IMPLEMENTATION PLAN.—If the Secretary of Defense recommends in the final report submitted under subsection (c) that chiropractic health care services should be offered in medical care facilities of the Armed Forces or as a health care service covered under the TRICARE program, the Secretary shall, not later than March 31, 2000, submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for the full integration of chiropractic health care services into the military health care system of the Department of Defense, including the TRICARE program. Such implementation plan shall include—

"(1) a detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system;

"(2) the proposed scope of practice for chiropractors who would provide services to covered beneficiaries under chapter 55 of title 10, United States Code;

"(3) the proposed military medical treatment facilities at which such services would be provided;

"(4) the military readiness requirements for chiropractors who would provide services to such covered beneficiaries; and

"(5) any other relevant factors that the Secretary considers appropriate.".

(b) CONFORMING AMENDMENT.—The item relating to section 731 in the table of contents at the beginning of such Act is amended to read as follows:

"731. Chiropractic health care."

SEC. 703. CONTINUATION OF PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE.—(1) The Secretary of Defense may, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code), for domiciliary or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing section 1077(b)(1) of such title.

(2) A determination under this paragraph is a determination that discontinuation of payment for domiciliary or custodial care services or transition to provision of care under the individual case management program authorized by section 1079(a)(17) of such title would be—

(A) inadequate to meet the needs of the eligible beneficiary; and

(B) unjust to such beneficiary.

(b) ELIGIBLE BENEFICIARY DEFINED.—As used in this section, the term "eligible beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

SEC. 704. REMOVAL OF RESTRICTION ON USE OF FUNDS FOR ABORTIONS IN CERTAIN CASES OF RAPE OR INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting "or in a case in which the pregnancy is the result of an act of forcible rape or incest which has been reported to a law enforcement agency" before the period.

Subtitle B—TRICARE Program

SEC. 711. IMPROVEMENTS TO CLAIMS PROCESSING UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095b the following new section:

"§ 1095c. TRICARE program: facilitation of processing of claims

"(a) REDUCTION OF PROCESSING TIME.—(1) With respect to claims for payment for medical care provided under the TRICARE program, the Secretary of Defense shall implement a system for processing of claims under which—

"(A) 95 percent of all mistake-free claims must be processed not later than 30 days after the date that such claims are submitted to the claims processor; and

"(B) 100 percent of all mistake-free claims must be processed not later than 100 days after the date that such claims are submitted to the claims processor.

"(2) The Secretary may, under the system required by paragraph (1) and consistent with the provisions in chapter 39 of title 31, United States Code (commonly referred to as the 'Prompt Payment Act'), require that interest be paid on claims that are not processed within 30 days.

"(b) REQUIREMENT TO PROVIDE START-UP TIME FOR CERTAIN CONTRACTORS.—(1) The Secretary of Defense shall not require that a contractor described in paragraph (2) begin to provide managed care support pursuant to a contract to provide such support under the TRICARE program until at least nine months after the date of the award of the contract. In such case the contractor may begin to provide managed care support pursuant to the contract as soon as practicable after the award of the contract, but in no case later than one year after the date of such award.

"(2) A contractor under this paragraph is a contractor who is awarded a contract to provide managed care support under the TRICARE program—

"(A) who has not previously been awarded such a contract by the Department of Defense; or

"(B) who has previously been awarded such a contract by the Department of Defense but for whom the subcontractors have not previously been awarded the subcontracts for such a contract.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095b the following new item:

"1095c. TRICARE program: facilitation of processing of claims.".

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the status of claims processing backlogs in each TRICARE region;

(2) the estimated time frame for resolution of such backlogs;

(3) efforts to reduce the number of change orders with respect to contracts to provide managed care support under the TRICARE program and to make such change orders in groups on a quarterly basis rather than one at a time;

(4) the extent of success in simplifying claims processing procedures through reduction of reliance of the Department of Defense on, and the complexity of, the health care service record;

(5) application of best industry practices with respect to claims processing, including electronic claims processing; and

(6) any other initiatives of the Department of Defense to improve claims processing procedures.

(c) DEADLINE FOR IMPLEMENTATION.—The system for processing claims required under section 1095c(a) of title 10, United States Code (as added by subsection (a)), shall be implemented not later than 6 months after the date of the enactment of this Act.

(d) APPLICABILITY.—Section 1095c(b) of title 10, United States Code (as added by subsection (a)), shall apply with respect to any contract to provide managed care support under the TRICARE program negotiated after the date of the enactment of this Act.

SEC. 712. AUTHORITY TO WAIVE CERTAIN TRICARE DEDUCTIBLES.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095c (as added by section 711) the following new section:

"§ 1095d. TRICARE program: waiver of certain deductibles

"(a) WAIVER AUTHORIZED.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

"(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of less than one year; or

"(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of less than one year.

"(b) ELIGIBLE DEPENDENT.—As used in this section, the term 'eligible dependent' means a dependent described subparagraphs (A), (D), or (I) of section 1072(2) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095c the following new item:

"1095d. TRICARE: program waiver of certain deductibles.".

Subtitle C—Other Matters

SEC. 721. PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074f the following new section:

"§ 1074g. Pharmacy benefits program

"(a) PHARMACY BENEFITS.—(1) The Secretary of Defense, after consultation with the other administering Secretaries, shall establish an effective, efficient, integrated pharmacy benefits program under this chapter (hereinafter in this section referred to as the 'pharmacy benefits program').

"(2)(A) The pharmacy benefits program shall include a uniform formulary of pharmaceutical agents, which shall assure the availability of pharmaceutical agents in a complete range of therapeutic classes. The selection for inclusion on the uniform formulary of particular pharmaceutical agents in each therapeutic class shall be based on the relative clinical and cost effectiveness of the agents in such class.

"(B) The Secretary shall establish procedures for the selection of particular pharmaceutical agents for the uniform formulary, and shall begin to implement the uniform formulary not later than October 1, 2000.

"(C) Pharmaceutical agents included on the uniform formulary shall be available to eligible covered beneficiaries through—

"(i) facilities of the uniformed services, consistent with the scope of health care services offered in such facilities;

"(ii) retail pharmacies designated or eligible under the TRICARE program or the Civilian Health and Medical Program of the Uniformed Services to provide pharmaceutical agents to eligible covered beneficiaries; or

"(iii) the national mail order pharmacy program.

"(3) The pharmacy benefits program shall assure the availability of clinically appropriate pharmaceutical agents to members of the armed forces, including, if appropriate, agents not included on the uniform formulary described in paragraph (2).

"(4) The pharmacy benefits program may provide that prior authorization be required for certain categories of pharmaceutical agents to assure that the use of such agents is clinically appropriate. Such categories shall be the following:

"(A) High-cost injectable agents.

"(B) High-cost biotechnology agents.

"(C) Pharmaceutical agents with high potential for inappropriate use.

"(D) Pharmaceutical agents otherwise determined by the Secretary to require prior authorization.

"(5)(A) The pharmacy benefits program shall include procedures for eligible covered beneficiaries to receive pharmaceutical agents not included on the uniform formulary. Such procedures shall include peer review procedures under which the Secretary may determine that there is a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary, in which case the pharmaceutical agent shall be provided under the same terms and conditions as an agent on the uniform formulary.

"(B) If the Secretary determines that there is not a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary under the procedures established pursuant to subparagraph (A), such pharmaceutical agent shall be available through at least one of the means described in paragraph (2)(C) under terms and conditions that may include cost sharing by the eligible covered beneficiary in addition to any such cost sharing applicable to agents on the uniform formulary.

"(6) The Secretary of Defense shall, after consultation with the other administering Secretaries, promulgate regulations to carry out this subsection.

"(7) Nothing in this subsection shall be construed as authorizing a contractor to penalize an eligible covered beneficiary with respect to, or decline coverage for, a maintenance pharmaceutical that is not on the list of preferred pharmaceuticals of the contractor and that was prescribed for the beneficiary before the date of the enactment of this section and stabilized the medical condition of the beneficiary.

"(b) ESTABLISHMENT OF COMMITTEE.—(1) The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish a pharmaceutical and therapeutics committee for the purpose of developing the uniform formulary of pharmaceutical agents required by subsection (a), reviewing such formulary on a periodic basis, and making additional recommendations regarding the formulary as the committee determines necessary and appropriate. The committee shall include representatives of pharmacies of the uniformed services facilities, contractors responsible for the TRICARE retail pharmacy program, contractors responsible for the national mail order pharmacy program, providers in facilities of the uniformed services, and TRICARE network providers. Committee members shall have expertise in treating the medical needs of the populations served through such entities and in the range of pharmaceutical and biological medicines available for treating such populations.

"(2) Not later than 90 days after the establishment of the pharmaceutical and therapeutics committee by the Secretary, the committee shall submit a proposed uniform formulary to the Secretary .

"(c) ADVISORY PANEL.—(1) Concurrent with the establishment of the pharmaceutical and therapeutics committee under subsection (b), the Secretary shall establish a Uniform Formulary Beneficiary Advisory Panel to review and comment on the development of the uniform formulary. The Secretary shall consider the comments of the panel before implementing the uniform formulary or implementing changes to the uniform formulary.

"(2) The Secretary shall determine the size and membership of the panel established under paragraph (1), which shall include members that represent nongovernmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries.

"(d) PROCEDURES.—In the operation of the pharmacy benefits program under subsection (a), the Secretary of Defense shall assure through management and new contractual arrangements that financial resources are aligned such that the cost of prescriptions is borne by the organization that is financially responsible for the health care of the eligible covered beneficiary.

"(e) PHARMACY DATA TRANSACTION SERVICE.—Not later than April 1, 2000, the Secretary of Defense shall implement the use of the Pharmacy Data Transaction Service in all fixed facilities of the uniformed services under the jurisdiction of the Secretary, the TRICARE network retail pharmacy program, and the national mail order pharmacy program.

"(f) DEFINITION OF ELIGIBLE COVERED BENEFICIARY.—As used in this section, the term 'eligible covered beneficiary' means a covered beneficiary for whom eligibility to receive pharmacy benefits through the means described in subsection (a)(2)(C) is established under this chapter or another provision of law.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074f the following new item:

"1074g. Pharmacy benefits program.".

(b) DEADLINE FOR ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish the pharmaceutical and therapeutics committee required under section 1074g(b) of title 10, United States Code, not later than 30 days after the date of enactment of this Act.

(c) REPORTS REQUIRED.—Not later than April 1 and October 1 of fiscal years 2000 and 2001, the Secretary of Defense shall submit to Congress a report on—

(1) implementation of the uniform formulary required under subsection (a) of section 1074g of title 10, United States Code (as added by subsection (a));

(2) the results of a confidential survey conducted by the Secretary of prescribers for military medical treatment facilities and TRICARE contractors to determine—

(A) during the most recent fiscal year, how often prescribers attempted to prescribe non-formulary or non-preferred prescription drugs, how often such prescribers were able to do so, and whether covered beneficiaries were able to fill such prescriptions without undue delay;

(B) the understanding by prescribers of the reasons that military medical treatment facilities or civilian contractors preferred certain pharmaceuticals to others; and

(C) the impact of any restrictions on access to non-formulary prescriptions on the clinical decisions of the prescribers and the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries;

(3) the operation of the Pharmacy Data Transaction Service required by subsection (e) of such section 1074g; and

(4) any other actions taken by the Secretary to improve management of the pharmacy benefits program under such section.

(d) STUDY FOR DESIGN OF PHARMACY BENEFIT FOR CERTAIN COVERED BENEFICIARIES.—(1) Not later than April 15, 2001, the Secretary of Defense shall prepare and submit to Congress—

(A) a study on a design for a comprehensive pharmacy benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act; and

(B) an estimate of the costs of implementing and operating such design.

(2) The design described in paragraph (1)(A) shall incorporate the elements of the pharmacy benefits program required to be established under section 1074g of title 10, United States Code (as added by subsection (a)).

SEC. 722. IMPROVEMENTS TO THIRD-PARTY PAYER COLLECTION PROGRAM.

Section 1095 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "the reasonable costs of" and inserting "reasonable charges for";

(B) by striking "such costs" and inserting "such charges"; and

(C) by striking "the reasonable cost of" and inserting "a reasonable charge for";

(2) by amending subsection (f) to read as follows:

"(f) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section. Such regulations shall provide for the computation of reasonable charges for inpatient services, outpatient services, and other health care services. Computation of such reasonable charges may be based on—

"(1) per diem rates;

"(2) all-inclusive per visit rates;

"(3) diagnosis-related groups;

"(4) rates prescribed under the regulations prescribed to implement sections 1079 and 1086 of this title; or

"(5) such other method as may be appropriate.";

(3) in subsection (g), by striking "the costs of"; and

(4) in subsection (h)(1), by striking the first sentence and inserting "The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier, and any other plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for health care services or products.".

SEC. 723. AUTHORITY OF ARMED FORCES MEDICAL EXAMINER TO CONDUCT FORENSIC PATHOLOGY INVESTIGATIONS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§130b. Authority of armed forces medical examiner to conduct forensic pathology investigations

"(a) IN GENERAL.—The Armed Forces Medical Examiner may conduct a forensic pathology investigation, including an autopsy, to determine the cause or manner of death of an individual in any case in which—

"(1) the individual was killed, or from any cause died an unnatural death;

"(2) the cause or manner of death is unknown;

"(3) there is reasonable suspicion that the death was by unlawful means;

"(4) the death appears to be from an infectious disease or the result of the effects of a hazardous material that may have an adverse effect on the installation or community in which the individual died or was found dead; or

"(5) the identity of the deceased individual is unknown.

"(b) LIMITATIONS ON AUTHORITY.—(1) The authority provided under subsection (a) may only be exercised with respect to an individual in a case in which—

"(A) the individual died or is found dead at an installation garrisoned by units of the armed forces and under the exclusive jurisdiction of the United States;

"(B) the individual was, at the time of death, a member of the armed forces on active duty or inactive duty for training or a member of the armed forces who recently retired under chapter 61 of this title and died as a result of an injury or illness incurred while on active duty;

"(C) the individual was a civilian dependent of a member of the armed forces and died or was found dead at a location outside the United States;

"(D) the Armed Forces Medical Examiner determines, pursuant to an authorized investigation by the Department of Defense of matters involving the death of an individual or individuals, that a factual determination of the cause or manner of the death of the individual is necessary; or

"(E) pursuant to an authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or other Federal agency, an official of such agency with authority to direct a forensic pathology investigation requests that an investigation be conducted by the Armed Forces Medical Examiner.

"(2) The authority provided in subsection (a) shall be subject to the primary jurisdiction, to the extent exercised, of a State or local government with respect to the conduct of an investigation or, if outside the United States, of authority exercised under any applicable Status-of-Forces or other international agreement between the United States and the country in which the individual died or was found dead.

"(c) DESIGNATION OF PATHOLOGIST.—The Armed Forces Medical Examiner may designate any qualified pathologist to carry out the authority provided in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"130b. Authority of armed forces medical examiner to conduct forensic pathology investigations.".

SEC. 724. TRAUMA TRAINING CENTER.

(a) START-UP COSTS.—Of the funds authorized to be appropriated in section 301(22) for the Defense Health Program, $4,000,000, shall be used for startup costs for a Trauma Training Center to enhance the capability of the Army to train forward surgical teams.

(b) AMENDMENT TO EXISTING AUTHORITY.—Section 742 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2074) is amended to read as follows:

"SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA TRAINING CENTER.

"The Secretary of the Army is hereby authorized to establish a Trauma Training Center in order to provide the Army with a trauma center capable of training forward surgical teams.".

SEC. 725. STUDY ON JOINT OPERATIONS FOR THE DEFENSE HEALTH PROGRAM.

Not later than October 1, 2000, the Secretary of Defense shall prepare and submit to Congress a study identifying areas with respect to the Defense Health Program for which joint operations might be increased, including organization, training, patient care, hospital management, and budgeting. The study shall include a discussion of the merits and feasibility of—

(1) establishing a joint command for the Defense Health Program as a military counterpart to the Assistant Secretary of Defense for Health Affairs;

(2) establishing a joint training curriculum for the Defense Health Program; and

(3) creating a unified chain of command and budgeting authority for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR COAL AND COKE.

(a) IN GENERAL.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "petroleum or natural gas" and inserting "a defined fuel source";

(B) in paragraph (1)—

(i) by striking "petroleum market conditions or natural gas market conditions, as the case may be," and inserting "market conditions for the defined fuel source"; and

(ii) by striking "acquisition of petroleum or acquisition of natural gas, respectively," and inserting "acquisition of that defined fuel source"; and

(C) in paragraph (2), by striking "petroleum or natural gas, as the case may be," and inserting "that defined fuel source";

(3) in subsection (b), by striking "petroleum or natural gas" in the second sentence and inserting "a defined fuel source";

(4) in subsection (c), by striking "petroleum" and all that follows through the period and inserting "a defined fuel source or services related to a defined fuel source by exchange of a defined fuel source or services related to a defined fuel source.";

(5) in subsection (d)—

(A) by striking "petroleum or natural gas" in the first sentence and inserting "a defined fuel source"; and

(B) by striking "petroleum" in the second sentence and all that follows through the period and inserting "a defined fuel source or services related to a defined fuel source."; and

(6) by adding at the end the following new subsection:

"(f) DEFINED FUEL SOURCES.—In this section, the term 'defined fuel source' means any of the following:

"(1) Petroleum.

"(2) Natural gas.

"(3) Coal.

"(4) Coke.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.".

SEC. 802. EXTENSION OF AUTHORITY TO ISSUE SOLICITATIONS FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD.

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

SEC. 803. EXPANSION OF APPLICABILITY OF REQUIREMENT TO MAKE CERTAIN PROCUREMENTS FROM SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(6) M2 machine gun.

"(7) M60 machine gun.".

SEC. 804. REPEAL OF TERMINATION OF PROVISION OF CREDIT TOWARDS SUBCONTRACTING GOALS FOR PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.

Section 2410d(c) of title 10, United States Code, is repealed.

SEC. 805. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking "2000." and inserting "2003".

SEC. 806. FACILITATION OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) AUTHORIZATION OF WAIVER OF REQUIREMENT FOR COMPLETION OF INITIAL OT&E BEFORE PRODUCTION BEGINS.—Notwithstanding section 2399(a) of title 10, United States Code, the Secretary of Defense may make a determination to proceed with production of a national missile defense system without regard to whether initial operational testing and evaluation of the system has been completed.

(b) REQUIREMENT FOR COMPLETION OF INITIAL OT&E.—If the Secretary makes such a determination as provided by subsection (a), the Secretary shall ensure that such a national missile defense system successfully completes an adequate operational test and evaluation as soon as practicable following that determination and before the operational deployment of such system.

(c) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, in writing, upon making a determination that production of a national missile defense system may be carried out before initial operational testing and evaluation of that system has been completed, as authorized by subsection (a).

SEC. 807. OPTIONS FOR ACCELERATED ACQUISITION OF PRECISION MUNITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Current inventories of many precision munitions of the United States do not meet the requirements of the Department of Defense for two Major Theater Wars, and with respect to some precision munitions, such requirements will not be met even after planned acquisitions are made.

(2) Production lines for certain critical precision munitions have been shut down, and the start-up production of replacement precision munitions leaves a critical gap in acquisition of follow-on precision munitions.

(3) Shortages of conventional air-launched cruise missiles and Tomahawk missiles during Operation Allied Force indicate the critical need to maintain robust inventories of precision munitions.

(b) Reports.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements of the Department of Defense for quantities of precision munitions for two Major Theater Wars, and when such requirements will be met for each precision munition.

(2) Not later than March 15, 2000, the Secretary shall submit to the congressional defense committees a report on—

(A) the options recommended by the teams formed under subsection (c) for acceleration of acquisition of precision munitions; and

(B) a plan for implementing such options.

(c) Recommendations for Options.—The Secretary of Defense shall form teams of experts from industry and the military departments to recommend to the Secretary options for accelerating the acquisition of precision munitions in order that, with respect to any such munition for which the requirements of the Department of Defense for two Major Theater Wars are not expected to be met by October 1, 2002, such requirements may be met for such munitions by such date.

SEC. 808. PROGRAM TO INCREASE OPPORTUNITY FOR SMALL BUSINESS INNOVATION IN DEFENSE ACQUISITION PROGRAMS.

(a) Requirement to Implement Program.—The Secretary of Defense shall implement a program to provide for increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(b) Elements of Program.—The program required by subsection (a) shall consist of the following elements:

(1) The Secretary shall establish procedures through which small-business concerns may submit challenge proposals to existing components of acquisition programs of the Department of Defense which shall be designed to encourage small-business concerns to recommend cost-saving and innovative ideas to acquisition program managers.

(2) The Secretary shall establish a challenge proposal review board, the purpose of which shall be to review and make recommendations on the merit and viability of the challenge proposals submitted under paragraph (1). The Secretary shall ensure that such recommendations receive active consideration for incorporation into applicable acquisition programs of the Department of Defense at the appropriate point in the acquisition cycle.

(c) Report.—The Secretary of Defense shall report to Congress annually on the implementation of this section and the progress of providing increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(d) Small-Business Concern Defined.—In this section, the term "small-business concern" has the same meaning as the meaning of such term as used in the Small Business Act (15 U.S.C. 631 et seq.).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. LIMITATION ON AMOUNT AVAILABLE FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) Reduction.—From amounts appropriated for the Department of Defense for fiscal year 2000, the total amount obligated for contracted advisory and assistance services may not exceed the amount equal to the sum of the amounts specified in the President's budget for fiscal year 2000 for those services for components of the Department of Defense reduced by $100,000,000.

(b) Limitation Pending Receipt of Required Report.—Not more than 90 percent of the amount available to the Department of Defense for fiscal year 2000 for contracted advisory and assistance services (taking into account the limitation under subsection (a)) may be obligated until the Secretary of Defense submits to Congress the first annual report under section 2212(c) of title 10, United States Code.

SEC. 902. RESPONSIBILITY FOR LOGISTICS AND SUSTAINMENT FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) Under Secretary of Defense for Acquisition and Technology.—(1) The position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense is hereby redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics. Any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology shall be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Section 133 of title 10, United States Code, is amended—

(A) in subsections (a), (b), and (e)(1), by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) in subsection (b)—

(i) by striking "logistics," in paragraph (2);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iii) by inserting after paragraph (2) the following new paragraph (3):

"(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;".

(b) New Deputy Under Secretary for Logistics and Materiel Readiness.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133a the following new section:

"§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness

"(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

"(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

"(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology and Logistics may assign, including—

"(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

"(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition and Technology, and providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

"(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.".

(2) Section 5314 of title 5, United States Code, is amended by inserting after the paragraph relating to the Deputy Under Secretary of Defense for Acquisition and Technology the following new paragraph:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(c) Revisions to Law Providing for Deputy Under Secretary for Acquisition and Technology.—Section 133a(b) of title 10, United States Code, is amended—

(1) by striking "his duties" in the first sentence and inserting "the Under Secretary's duties relating to acquisition and technology"; and

(2) by striking the second sentence.

(d) Conforming Amendments to Chapter 4.— Chapter 4 of such title is further amended as follows:

(1) Sections 131(b)(2), 134(c), 137(b), and 139(b) are amended by striking "Under Secretary of Defense for Acquisition and Technology" each place it appears and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

(2) The heading of section 133 is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to section 133 and inserting the following:

"133. Under Secretary of Defense for Acquisition, Technology, and Logistics.";

and

(B) by inserting after the item relating to section 133a the following new item:

"133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(e) Additional Conforming Amendments.—Section 5313 of title 5, United States Code, is amended by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

SEC. 903. MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) Revision to Defense Directive Relating to Management Headquarters and Headquarters Support Activities.—Not later than October 1, 2000, the Secretary of Defense shall issue a revision to Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities", so as to incorporate in that directive the following:

(1) A threshold specified by command (or other organizational element) such that any headquarters activity below the threshold is not considered for the purpose of the directive to be a management headquarters or headquarters support activity.

(2) A definition of the term "management headquarters and headquarters support activities" that (A) is based upon function (rather than organization), and (B) includes any activity (other than an operational activity) that reports directly to such an activity.

(3) Uniform application of those definitions throughout the Department of Defense.

(b) Technical Amendments to Update Limitation on OSD Personnel.—Effective October 1, 1999, section 143 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Effective October 1, 1999, the" and inserting "The"; and

(B) by striking "75 percent of the baseline number" and inserting "3,767".

(2) by striking subsections (b), (c), and (f); and

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

SEC. 904. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2000 so that the total number of such personnel as of October 1, 2000, is less than the total number of such personnel as of October 1, 1999, by at least 25,000.

(b) DEFENSE ACQUISITION AND SUPPORT PERSONNEL DEFINED.—For purposes of this section, the term "defense acquisition and support personnel" means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992), and any other organizations which the Secretary may determine to have a predominantly acquisition mission.

SEC. 905. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.

(a) FINDINGS.—The Congress finds the following:

(1) The strategic relationship between the United States and the People's Republic of China will be very important for future peace and security, not only in the Asia-Pacific region but around the world.

(2) The United States does not view China as an enemy, nor consider that the coming century necessarily will see a new great power competition between the two nations.

(3) The end of the cold war has eliminated what had been the one fundamental common strategic interest of the United States and China, that of containing the Soviet Union.

(4) The sustained economic rise, stated geopolitical ambitions, and increasingly confrontational actions of China cast doubt on whether the United States will be able to form a satisfactory strategic partnership with the People's Republic of China and will pose challenges that will require careful management in order to preserve peace and protect the national security interests of the United States.

(5) The ability of the Department of Defense, and the United States Government more generally, to develop sound security and military strategies is hampered by a limited understanding of Chinese strategic goals and military capabilities. The low priority accorded the study of Chinese strategic and military affairs within the Government and within the academic community has contributed to this limited understanding.

(6) There is a need for a United States national institute for research and assessment of political, strategic, and military affairs in the People's Republic of China. Such an institute should be capable of providing analysis for the purpose of shaping United States military strategy and policy with regard to China and should be readily accessible to senior leaders within the Department of Defense, but should maintain academic and intellectual independence so that that analysis is not first shaped by policy.

(b) ESTABLISHMENT OF CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2166. National Defense University: Center for the Study of Chinese Military Affairs

"(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs (hereinafter in this section referred to as the 'Center') as part of the National Defense University. The Center shall be organized as an independent institute under the University.

"(2) The Director of the Center shall be appointed by the Secretary of Defense. The Secretary shall appoint as the Director an individual who is a distinguished scholar of proven academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs.

"(b) MISSION.—The mission of the Center is to study the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives.

"(c) AREAS OF STUDY.—The Center shall conduct research relating to the People's Republic of China as follows:

"(1) To assess the potential of that nation to act as a global great power, the Center shall conduct research that considers the policies and capabilities of that nation in a regional and world-wide context, including Central Asia, Southwest Asia, Europe, and Latin America, as well as the Asia-Pacific region.

"(2) To provide a fuller assessment of the areas of study referred to in paragraph (1), the Center shall conduct research on—

"(A) economic trends relative to strategic goals and military capabilities;

"(B) strengths and weaknesses in the scientific and technological sector; and

"(C) relevant demographic and human resource factors on progress in the military sphere.

"(3) The Center shall conduct research on the armed forces of the People's Republic of China, taking into account the character of those armed forces and their role in Chinese society and economy, the degree of their technological sophistication, and their organizational and doctrinal concepts. That research shall include inquiry into the following matters:

"(A) Concepts concerning national interests, objectives, and strategic culture.

"(B) Grand strategy, military strategy, military operations, and tactics.

"(C) Doctrinal concepts at each of the four levels specified in subparagraph (B).

"(D) The impact of doctrine on China's force structure choices.

"(E) The interaction of doctrine and force structure at each level to create an integrated system of military capabilities through procurement, officer education, training, and practice and other similar factors.

"(d) FACULTY OF THE CENTER.—(1) The core faculty of the Center should comprise scholars capable of providing diverse perspectives on Chinese political, strategic, and military thought. Center scholars shall demonstrate the following competencies and capabilities:

"(A) Analysis of national strategy, military strategy, and doctrine.

"(B) Analysis of force structure and military capabilities.

"(C) Analysis of—

"(i) issues relating to weapons of mass destruction, military intelligence, defense economics, trade, and international economics; and

"(ii) the relationship between those issues and grand strategy, science and technology, the sociology of human resources and demography, and political science.

"(2) A substantial number of Center scholars shall be competent in the Chinese language. The Center shall include a core of junior scholars capable of providing linguistics and translation support to the Center.

"(e) ACTIVITIES OF THE CENTER.—The activities of the Center shall include other elements appropriate to its mission, including the following:

"(1) The Center should include an active conference program with an international reach.

"(2) The Center should conduct an international competition for a Visiting Fellowship in Chinese Military Affairs and Chinese Security Issues. The term of the fellowship should be for one year, renewable for a second.

"(3) The Center shall provide funds to support at least one trip per analyst per year to China and the region and to support visits of Chinese military leaders to the Center.

"(4) The Center shall support well defined, distinguished, signature publications.

"(5) Center scholars shall have appropriate access to intelligence community assessments of Chinese military affairs

"(f) STUDIES AND REPORTS.—The Director may contract for studies and reports from the private sector to supplement the work of the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2166. National Defense University: Center for the Study of Chinese Military Affairs.".

(c) IMPLEMENTATION REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report stating the timetable and organizational plan for establishing the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b).

(d) STARTUP OF CENTER.—The Secretary shall establish the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b), not later than March 1, 2000, and shall appoint the first Director of the Center not later than June 1, 2000.

SEC. 906. RESPONSIBILITY WITHIN OFFICE OF THE SECRETARY OF DEFENSE FOR MONITORING OPTEMPO AND PERSTEMPO.

Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.".

SEC. 907. REPORT ON MILITARY SPACE ISSUES.

(a) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on United States military space policy. The report shall address current and projected United States efforts to fully exploit space in preparation for possible conflicts in 2010 and beyond. The report shall specifically address the following:

(1) The general organization of the Department of Defense for addressing space issues, the functions of the various Department of Defense and military agencies, components, and elements with responsibility for military space issues, the practical effect of creating a new

military service with responsibility for military operations in space, and the advisability of establishing an Assistant Secretary of Defense for Space.

(2) The manner in which current national military space policy is incorporated into overall United States national space policy.

(3) The manner in which the Department of Defense is organized to develop doctrine for the military use of space.

(4) The manner in which military space issues are addressed by professional military education institutions, to include a listing of specific courses offered at those institutions that focuses on military space policy.

(5) The manner in which space control issues are incorporated into current and planned experiments and exercises.

(6) The manner in which military space assets are being fully exploited to provide support for United States contingency operations.

(7) United States policy toward the use of commercial launch vehicles and facilities for the launch of military assets.

(8) The current interagency coordination process regarding the operation of military space assets, including identification of interoperability and communications issues.

(9) Policies and procedures for sharing missile launch early warning data with United States allies and friendly countries.

(10) Issues regarding the capability to detect threats to United States space assets.

(11) The manner in which the presence of space debris is expected to affect United States military space launch policy and the future design of military spacecraft.

(12) Whether military space programs should be funded separately from other service programs and whether the Global Positioning System should be funded through a Defense-wide appropriation account.

(b) CLASSIFICATION AND DEADLINE FOR REPORT.--The report required by subsection (a) shall be prepared in both classified and unclassified form and shall be submitted not later than March 1, 2000.

SEC. 908. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS OF DEPARTMENT OF DEFENSE AFRICAN CENTER FOR STRATEGIC STUDIES.

(a) FACULTY.—Subsection (c) of section 1595 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The African Center for Strategic Studies.".

(b) DIRECTOR AND DEPUTY DIRECTOR.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(4) The African Center for Strategic Studies.".

SEC. 909. ADDITIONAL MATTERS FOR ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) With respect to interoperability of equipment and forces, any recommendations that the commander considers appropriate, developed on the basis of joint warfighting experimentation, for reducing unnecessary redundancy of equipment and forces, including guidance regarding the synchronization of the fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts.

"(6) Recommendations for mission needs statements and operational requirements related to the joint experimentation and evaluation process.

"(7) Recommendations based on the results of joint experimentation for the relative priorities for acquisition programs to meet joint requirements.".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 1401 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY MILITARY PERSONNEL APPROPRIATIONS.

There is authorized to be appropriated the amount of $1,838,426,000 appropriated to the Department of Defense for military personnel accounts in section 2012 of the 1999 Emergency Supplemental Appropriations Act.

SEC. 1004. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105 note), is repealed.

SEC. 1005. CONSOLIDATION OF VARIOUS DEPARTMENT OF THE NAVY TRUST AND GIFT FUNDS.

(a) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND MUSEUM FUND.—(1) Subsection (a) of section 6973 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of the Navy may accept, hold, administer, and spend gifts and bequests of personal property, and loans of personal property other than money, made on the condition that the personal property be used for the benefit of, or in connection with, the Naval Academy or the Naval Academy Museum, its collection, or its services.

"(2) Gifts or bequests of money, and the proceeds from the sales of property received as a gift or bequest, shall be deposited in the Treasury in the fund called 'United States Naval Academy Gift and Museum Fund'. The Secretary may disburse funds deposited under this paragraph for the benefit or use of the Naval Academy or the Naval Academy Museum subject to the terms of the gift or bequest.".

(2) Subsection (c) of such section is amended by striking "United States Naval Academy general gift fund" both places it appears and inserting "United States Naval Academy Gift and Museum Fund".

(3) Such section is further amended by adding at the end the following new subsection:

"(d) The Secretary shall develop written guidelines to be used in determining whether the acceptance of money, personal property, or loans of personal property under subsection (a) would—

"(1) reflect unfavorably upon the ability of the Department of the Navy to carry out its responsibilities in a fair and objective manner;

"(2) reflect unfavorably upon the ability of any employee of the Department of the Navy to carry out the employee's official duties in a fair and objective manner; or

"(3) compromise the integrity, or the appearance of the integrity, of Navy programs or any employee involved in such programs.".

(b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—Section 6974 of title 10, United States Code, is repealed.

(c) REPEAL OF NAVAL HISTORICAL CENTER FUND.—Section 7222 of such title is repealed.

(d) TRANSFER OF FUNDS.—The Secretary of the Navy shall transfer—

(1) all funds in the United States Naval Academy Museum Fund as of the date of the enactment of this Act to the United States Naval Academy Gift and Museum Fund established by section 6973(a) of title 10, United States Code, as amended by subsection (a); and

(2) all funds in the Naval Historical Center Fund as of the date of the enactment of this Act to the Department of the Navy General Gift Fund established by section 2601(b)(2) of such title.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 603 of title 10, United States Code, is amended by striking the item relating to section 6974.

(2) The table of sections at the beginning of chapter 631 of such title is amended by striking the item relating to section 7222.

SEC. 1006. BUDGETING FOR OPERATIONS IN YUGOSLAVIA.

(a) IN GENERAL.—None of the funds appropriated pursuant to the authorizations of appropriations in this Act may be used for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia.

(b) SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—If the President determines that it is in the national security interest of the United States to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia during fiscal year 2000, the President shall transmit to the Congress a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any such operation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-WAIT PERIOD REQUIRED BEFORE TRANSFER OF A VESSEL STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended to read as follows:

"(d) Congressional Notice-and-Wait Period.—(1) A transfer under this section may not take effect until—

"(A) the Secretary submits to Congress notice of the proposed transfer; and

"(B) 30 days of session of Congress have expired following the date on which the notice is sent to Congress.

"(2) For purposes of paragraph (1)(B)—

"(A) the period of a session of Congress is broken only by an adjournment of Congress sine die at the end of the final session of a Congress; and

"(B) any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.".

SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF FORMER NAVAL VESSEL.

(a) In General.—Subject to subsection (b), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST 391)) to the USS LST Ship Memorial, Inc., a not-for-profit organization operating under the laws of the State of Pennsylvania.

(b) Conditions for Consent.—The President should not exercise the authority under subsection (a) unless the USS LST Memorial, Inc. agrees—

(1) to use the vessel for public, nonprofit, museum-related purposes; and

(2) to comply with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the United States of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE REQUIREMENTS.

(a) Requirement.—Not later than February 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Service of the Senate and the Committee on Armed Services of the House of Representatives a report on naval vessel force structure requirements.

(b) Matters To Be Included.— The report shall provide—

(1) a statement of the naval vessel force structure required to carry out the National Military Strategy, including that structure required to meet joint and combined warfighting requirements and missions relating to crisis response, overseas presence, and support to contingency operations; and

(2) a statement of the naval vessel force structure that is supported and funded in the President's budget for fiscal year 2001 and in the current future-years defense program.

SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM FOR THE DEPARTMENT OF DEFENSE.

(a) Program Authorization.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7233. Auxiliary vessels: extended lease authority

"(a) Authorized Contracts.—After September 30, 1999, the Secretary of the Navy, subject to subsection (b), may enter into contracts with private United States shipyards for the construction of new surface vessels to be long-term leased by the United States from the shipyard or other private person for any of the following:

"(1) The combat logistics force of the Navy.

"(2) The strategic sealift force of the Navy.

"(3) Other auxiliary support vessels for the Department of Defense.

"(b) Contracts Required To Be Authorized by Law.—A contract may be entered into under subsection (a) with respect to a specific vessel only if the Secretary is specifically authorized by law to enter into such a contract with respect to that vessel.

"(c) Funds for Contract Payments.—The Secretary may make payments for contracts entered into under subsection (a) and under subsection (g) using funds available for obligation from operation and maintenance accounts during the fiscal year for which the payments are required to be made. Any such contract shall provide that the United States is not required to make a payment under the contract (other than a termination payment, if required) before October 1, 2001.

"(d) Term of Contract.—In this section, the term 'long-term lease' means a lease, bareboat charter, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

"(e) Option To Buy.—A contract entered into under subsection (a) may include options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount equal to the lesser of (1) the unamortized portion of the cost of the vessel plus amounts incurred in connection with the termination of the financing arrangements associated with the vessel, or (2) the fair market value of the vessel.

"(f) Domestic Construction.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

"(1) shall have been constructed in a shipyard within the United States; and

"(2) upon delivery, shall be documented under the laws of the United States.

"(g) Vessel Operation.—(1) The Secretary shall operate a vessel held by the Secretary under a long-term lease under this section through a contract with a United States domiciled corporation with experience in the operation of vessels for the United States. Any such contract shall be for a term as determined by the Secretary.

"(2) The Secretary may provide a crew for any such vessel using civil service mariners only after an evaluation and competition taking into account—

"(A) the fully burdened cost of a civil service crew over the expected useful life of the vessel;

"(B) the effect on the private sector manpower pool; and

"(C) the operational requirements of the Department of the Navy.

"(h) Contingent Waiver of Other Provisions of Law.—A contract authorized by this section may be entered into without regard to section 2401 or 2401a of this title if the Secretary of Defense makes the following findings with respect to that contract:

"(1) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

"(2) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

"(3) The use of such contract or the exercise of such option is in the interest of the national defense.

"(i) Source of Funds for Termination Liability.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

"(1) amounts originally made available for performance of the contract;

"(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

"(3) funds appropriated for those costs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7233. Auxiliary vessels: extended lease authority.".

(b) Definition of Department of Defense Sealift Vessel.—Section 2218(k)(2) of title 10, United States Code, is amended—

(1) by striking "that is—" in the matter preceding subparagraph (A) and inserting "that is any of the following:";

(2) by striking "a" at the beginning of subparagraphs (A), (B), and (E) and inserting "A";

(3) by striking "an" at the beginning of subparagraphs (C) and (D) and inserting "An";

(4) by striking the semicolon at the end of subparagraphs (A), (B), and (C) and inserting a period;

(5) by striking "; or" at the end of subparagraph (D) and inserting a period; and

(6) by adding at the end the following new subparagraphs:

"(F) A large medium-speed roll-on/roll-off ship.

"(G) A combat logistics force ship.

"(H) Any other auxiliary support vessel.".

SEC. 1015. AUTHORITY TO PROVIDE ADVANCE PAYMENTS FOR THE NATIONAL DEFENSE FEATURES PROGRAM.

(a) In General.—Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k)(1) The Secretary of Defense, after making a determination of economic soundness for any proposed offer, may provide advance payments to a contractor by lump sum or annual payments (or a combination thereof) for the following costs associated with inclusion or incorporation of defense features in a commercial vessel:

"(A) Costs to build, procure, and install the defense features in the vessel.

"(B) Costs to periodically maintain and test the defense features on the vessel.

"(C) Any increased costs of operation or any loss of revenue attributable to the inclusion or incorporation of the defense feature on the vessel."

"(D) Any additional costs associated with the terms and conditions of the contract to install and incorporate defense features.

"(2) For any contract under which the United States provides advance payments under paragraph (1) for the costs associated with incorporation or inclusion of defense features in a commercial vessel, the contractor shall provide to the United States such security interests, which may include a preferred mortgage under section 31322 of title 46, on the vessel as the Secretary may prescribe to project the interests of the United States relating to all costs associated with incorporation or inclusion of defense features in such vessel or vessels.

"(3) The functions of the Secretary under this subsection may not be delegated to an officer or

employee in a position below the head of the procuring activity, as defined in section 2304(f)(6)(A) of this title.''.

(b) EFFECTIVE DATE.—Subsection (j) of section 2218 of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 1999.

Subtitle C—Matters Relating to Counter Drug Activities

SEC. 1021. SUPPORT FOR DETECTION AND MONITORING ACTIVITIES IN THE EASTERN PACIFIC OCEAN.

(a) OPERATION CAPER FOCUS.—Of the amount authorized to be appropriated by section 301(20) for drug interdiction and counter-drug activities, $6,000,000 shall be available for the purpose of conducting the counter-drug operation known as Caper Focus, which targets the maritime movement of cocaine on vessels in the eastern Pacific Ocean.

(b) FUNDS FOR CONVERSION OF WIDE APERTURE RADAR FACILITY TO OPERATIONAL STATUS.—Of the amount authorized to be appropriated by such section, $17,500,000 shall be available for the purpose of—

(1) converting the Over-The-Horizon Radar facility known as the Wide Aperture Radar Facility in southern California from a research to operational status; and

(2) using the facility on a full-time basis to detect and track both air and maritime drug traffic in the eastern Pacific Ocean and to monitor the international border in the southwestern United States.

(c) CONTRIBUTION OF ASSETS.—The Secretary of the Air Force shall make available for use at the Wide Aperture Radar Facility described in subsection (b) two OTH-B Continental 100 KW transmitters and necessary spare parts to ensure the conversion of the facility to operational status.

(d) TEST AGAINST GO-FAST BOATS.—As part of the conversion of the Wide Aperture Radar Facility described in subsection (b) to operational status, the Secretary of Defense shall evaluate the ability of the facility to detect and track the high-speed maritime vessels typically used in the transportation of illegal drugs by water.

(e) PROGRESS REPORT.—Not later than April 15, 2000, the Secretary of Defense shall submit a report to Congress evaluating the effectiveness of the Wide Aperture Radar Facility described in subsection (b) in counter-drug detection monitoring and border surveillance.

SEC. 1022. CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

SEC. 1023. UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.

Section 1033(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 U.S.C. 1881) is amended—

(1) by redesignating paragraph (4) as paragraph (5) and, in such paragraph, by striking ''National Security'' and inserting ''Armed Services''; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) Not later than January 1 of each year, the Secretary shall submit to the congressional committees a report detailing the number of United States military personnel deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.''.

Subtitle D—Other Matters

SEC. 1031. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§229. Amounts for declassification of records

''(a) SPECIFIC IDENTIFICATION IN BUDGET.—The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''229. Amounts for declassification of records.''.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $20,000,000.

SEC. 1032. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN DEFENSE PROGRAMS OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall notify the committees specified in subsection (c) of any information, regardless of its origin, that the Secretary receives that indicates that classified information relating to any defense operation, system, or technology of the United States is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Defense.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives.

(d) FOREIGN POWER.—For purposes of this section, the terms ''foreign power'' and ''agent of a foreign power'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1033. REVISION TO LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) REVISED LIMITATION.—Subsections (a) and (b) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) are amended to read as follows:

''(a) FUNDING LIMITATION.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be obligated or expended for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

''(A) 76 B–52H bomber aircraft.

''(B) 18 Trident ballistic missile submarines.

''(C) 500 Minuteman III intercontinental ballistic missiles.

''(D) 50 Peacekeeper intercontinental ballistic missiles.

''(2) The limitation in paragraph (1) shall cease to apply upon a certification by the President to Congress of the following:

''(A) That the effectiveness of the United States strategic deterrent will not be decreased by reductions in strategic nuclear delivery systems.

''(B) That the requirements of the Single Integrated Operational Plan can be met with a reduced number of strategic nuclear delivery systems.

''(C) That reducing the number of strategic nuclear delivery systems will not, in the judgment of the President, provide a disincentive for Russia to ratify the START II treaty or serve to undermine future arms control negotiations.

''(3) If the Presidents submits the certification described in paragraph (2), then effective upon the submission of that certification, funds available to the Department of Defense may not be obligated or expended to maintain a United States force structure of strategic nuclear delivery systems with a total capacity in warheads that is less than 98 percent of the 6,000 warhead limitation applicable to the United States and in effect under the Strategic Arms Reduction Treaty.

''(b) WAIVER AUTHORITY.—If the START II treaty enters into force, the President may waive the application of the limitation in effect under paragraph (1) or (3) of subsection (a), as the case may be, to the extent that the President determines such a waiver to be necessary in order to implement the treaty.''.

(b) COVERED SYSTEMS.—(1) Subsection (e) of such section is amended to read as follows:

''(e) STRATEGIC NUCLEAR DELIVERY SYSTEMS DEFINED.—For purposes of this section, the term 'strategic nuclear delivery systems' means the following:

''(1) B–52H bomber aircraft.

''(2) Trident ballistic missile submarines.

''(3) Minuteman III intercontinental ballistic missiles.

''(4) Peacekeeper intercontinental ballistic missiles.''.

(2) Subsection (c)(2) of such section is amended by striking ''specified in subsection (a)''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2), by striking ''during the strategic delivery systems retirement limitation period'' and inserting ''during the fiscal year during which the START II Treaty enters into force''; and

(2) by striking subsection (g).

SEC. 1034. ANNUAL REPORT BY CHAIRMAN OF JOINT CHIEFS OF STAFF ON THE RISKS IN EXECUTING THE MISSIONS CALLED FOR UNDER THE NATIONAL MILITARY STRATEGY.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) RISKS UNDER NATIONAL MILITARY STRATEGY.—(1) Not later than January 1 each year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman's assessment of the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy.

''(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission *to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman's assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary's plan for mitigating that risk.".*

SEC. 1035. REQUIREMENT TO ADDRESS UNIT OPERATIONS TEMPO AND PERSONNEL TEMPO IN DEPARTMENT OF DEFENSE ANNUAL REPORT.

(a) REPORTING REQUIREMENTS.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§486. Unit operations tempo and personnel tempo: annual report

"(a) INCLUSION IN ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 113(c) of this title a description of the operations tempo and personnel tempo of the armed forces.

"(b) SPECIFIC REPORTING REQUIREMENTS.—To satisfy subsection (a), the report shall include the following:

"(1) A description of the methods by which each of the armed forces measures operations tempo and personnel tempo.

"(2) A description of the personnel tempo policies of each of the armed forces and any changes to these policies since the preceding report.

"(3) A table depicting the active duty end strength for each of the armed forces for each of the preceding five years and also depicting the number of members of each of the armed forces deployed over the same period, as determined by the Secretary concerned.

"(4) An identification of the active and reserve component units of the armed forces participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation, that were conducted during the period covered by the report and the duration of their participation.

"(5) For each of the armed forces, the average number of days a member of that armed force was deployed away from the member's home station during the period covered by the report as compared to recent previous years for which such information is available.

"(6) For each of the armed forces, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed during the period covered by the report, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

"(c) DEFINITIONS.—In this section:

"(1) The term 'operations tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

"(2) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties, including the rate at which members are required, as a result of these duties, to spend nights away from home.

"(3) The term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Department of the Navy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"486. Unit operations tempo and personnel tempo: annual report.".

SEC. 1036. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f), 221, 226, 401(d), 667, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2537, 2662(b), 2706(b), 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 10541, 10542, and 12302(d).

(2) Sections 301a(f) and 1008 of title 37, United States Code.

(3) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2, 98h–5).

(4) Section 4(a) of Public Law 85–804 (50 U.S.C. 1434(a)).

(5) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

(6) Section 3134 of the National Defense Authorization Act, Fiscal Year 1991 (42 U.S.C. 7274c).

(7) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

(8) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(9) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291).

(10) Section 12 of the Act of March 9, 1920 (popularly known as the "Suits in Admiralty Act") (46 App. U.S.C. 752).

SEC. 1037. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 136(a) is amended by inserting "advice and" after "by and with the".

(2) Section 180(d) is amended by striking "grade GS–18 of the General Schedule under section 5332 of title 5" and inserting "Executive Schedule Level IV under section 5376 of title 5".

(3) Section 192(d) is amended by striking "the date of the enactment of this subsection" and inserting "October 17, 1998".

(4) Section 374(b) is amended—

(A) in paragraph (1), by aligning subparagraphs (C) and (D) with subparagraphs (A) and (B); and

(B) in paragraph (2)(F), by striking the second semicolon at the end of clause (i).

(5) Section 664(i)(2)(A) is amended by striking "the date of the enactment of this subsection" and inserting "February 10, 1996".

(6) Section 777(d)(1) is amended by striking "may not exceed" and all that follows and inserting "may not exceed 35.".

(7) Section 977(d)(2) is amended by striking "the lesser of" and all that follows through "(B)".

(8) Section 1073 is amended by inserting "(42 U.S.C. 14401 et seq.)" before the period at the end of the second sentence.

(9) Section 1076a(j)(2) is amended by striking "1 year" and inserting "one year".

(10) Section 1370(d) is amended—

(A) in paragraph (1), by striking "chapter 1225" and inserting "chapter 1223"; and

(B) in paragraph (5), by striking "the date of the enactment of this paragraph" and inserting "October 17, 1998,".

(11) Section 1401a(b)(2) is amended—

(A) by striking "MEMBERS" and all that follows through "The Secretary shall" and inserting "MEMBERS.—The Secretary shall";

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and realigning those subparagraphs, as so redesignated, so as to be indented four ems from the left margin.

(12) Section 1406(i)(2) is amended by striking "on or after the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "after October 16, 1998".

(13) Section 1448(b)(3)(E)(ii) is amended by striking "on or after the date of the enactment of the subparagraph" and inserting "after October 16, 1998,".

(14) Section 1501(d) is amended by striking "prescribed" in the first sentence and inserting "described".

(15) Section 1509(a)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" in subparagraphs (A) and (B) and inserting "November 18, 1997,".

(16) Section 1513(1) is amended by striking ", under the circumstances specified in the last sentence of section 1509(a) of this title" and inserting "who is required by section 1509(a)(1) of this title to be considered a missing person".

(17) Section 2208(l)(2)(A) is amended by inserting "of" after "during a period".

(18) Section 2212(f) is amended—

(A) in paragraphs (2) and (3), by striking "after the date of the enactment of this section" and inserting "after October 17, 1998,"; and

(B) in paragraphs (2), (3) and (4), by striking "as of the date of the enactment of this section" and inserting "as of October 17, 1998".

(19) Section 2302c(b) is amended by striking "section 2303" and inserting "section 2303(a)".

(20) Section 2325(a)(1) is amended by inserting "that occurs after November 18, 1997," after "of the contractor" in the matter that precedes subparagraph (A).

(21) Section 2469a(c)(3) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997".

(22) Section 2486(c) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998," in the second sentence and inserting "November 18, 1997,".

(23) Section 2492(b) is amended by striking "the date of the enactment of this section" and inserting "October 17, 1998".

(24) Section 2539b(a) is amended by striking "secretaries of the military departments" and inserting "Secretaries of the military departments".

(25) Section 2641a is amended—

(A) by striking ", United States Code," in subsection (b)(2); and

(B) by striking subsection (d).

(26) Section 2692(b) is amended—

(A) by striking "apply to—" in the matter preceding paragraph (1) and inserting "apply to the following:";

(B) by striking "the" at the beginning of each of paragraphs (1) through (11) and inserting "The";

(C) by striking the semicolon at the end of each of paragraphs (1) through (9) and inserting a period; and

(D) by striking "; and" at the end of paragraph (10) and inserting a period.

(27) Section 2696 is amended—

(A) in subsection (a), by inserting "enacted after December 31, 1997," after "any provision of law";

(B) in subsection (b)(1), by striking "required by paragraph (1)" and inserting "referred to in subsection (a)"; and

(C) in subsection (e)(4), by striking "the date of enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997".

(28) Section 2703(c) is amended by striking "United States Code,".

(29) Section 2837(d)(2)(C) is amended by striking "the National Defense Authorization Act for Fiscal Year 1996" and inserting "this section".

(30) Section 7315(d)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997,".

(31) Section 7902(e)(5) is amended by striking ", United States Code,".

(32) The item relating to section 12003 in the table of sections at the beginning of chapter 1201 is amended by inserting "in an" after "officers".

(33) Section 14301(g) is amended by striking "1 year" both places it appears and inserting "one year".

(34) Section 16131(b)(1) is amended by inserting "in" after "Except as provided"

(b) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 402(b) (112 Stat. 1996) is amended by striking the third comma in the first quoted matter and inserting a period.

(2) Section 511(b)(2) (112 Stat. 2007) is amended by striking "section 1411" and inserting "section 1402".

(3) Section 513(a) (112 Stat. 2007) is amended by striking "section 511" and inserting "section 512(a)".

(4) Section 525(b) (112 Stat. 2014) is amended by striking "subsection (i)" and inserting "subsection (j)".

(5) Section 568 (112 Stat. 2031) is amended by striking "1295(c)" in the matter preceding paragraph (1) and inserting "1295b(c)".

(6) Section 722(c)(1)(D) (112 Stat. 2067) is amended by striking "subsection (c)" and inserting "subsection (d)".

(c) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 557(b) (111 Stat. 1750) is amended by inserting "to" after "with respect".

(2) Section 563(b) (111 Stat. 1754) is amended by striking "title" and inserting "subtitle".

(3) Section 644(d)(2) (111 Stat. 1801) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (7) and (8)".

(4) Section 934(b) (111 Stat. 1866) is amended by striking "of" after "matters concerning".

(d) OTHER LAWS.—

(1) Effective as of April 1, 1996, section 647(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 370) is amended by inserting "of such title" after "Section 1968(a)".

(2) Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

*(A) by striking "pilot" in subsection (a), "**PILOT**" in the heading of subsection (a), and "**PILOT**" in the section heading; and*

(B) in subsection (c)(1)—

(i) by striking "2,000" in the first sentence and inserting "5,000"; and

(ii) by striking the second sentence.

(3) Sections 8334(c) and 8422(a)(3) of title 5, United States Code, are each amended in the item for nuclear materials couriers—

(A) by striking "to the day before the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "to October 16, 1998"; and

(B) by striking "The date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "October 17, 1998".

(4) Section 113(b)(2) of title 32, United States Code, is amended by striking "the date of the enactment of this subsection" and inserting "October 17, 1998".

(5) Section 1007(b) of title 37, United States Code, is amended by striking the second sentence.

(6) Section 845(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by striking "(e)(2) and (e)(3) of such section 2371" and inserting "(e)(1)(B) and (e)(2) of such section 2371".

SEC. 1038. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOWMENT FUND OF UNITED SERVICE ORGANIZATIONS, INCORPORATED.

(a) GRANTS AUTHORIZED.—Subject to subsection (c), the Secretary of Defense may make grants to the United Service Organizations, Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code, to contribute funds for the USO's Spirit of Hope Endowment Fund.

(b) GRANT INCREMENTS.—The amount of the first grant under subsection (a) may not exceed $2,000,000. The amount of the second grant under such subsection may not exceed $3,000,000, and subsequent grants may not exceed $5,000,000.

(c) MATCHING REQUIREMENT.—Each grant under subsection (a) may not be made until after the United Service Organizations, Incorporated, certifies to the Secretary of Defense that sufficient funds have been raised from non-Federal sources for deposit in the Spirit of Hope Endowment Fund to match, on a dollar-for-dollar basis, the amount of that grant.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $25,000,000 shall be available to the Secretary of Defense for the purpose of making grants under subsection (a).

SEC. 1039. CHEMICAL DEFENSE TRAINING FACILITY.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General quantities of non-stockpile lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of non-stockpile lethal chemical agents that may be transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of non-stockpile lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of non-stockpile lethal chemical agents that are maintained by the Department of Defense for research, development, test, and evaluation of chemical defense material and for live-agent training of chemical defense personnel and other individuals by the Department of Defense.

(3) The Secretary of Defense may not transfer non-stockpile lethal chemical agents under this section until—

(A) the Chemical Defense Training Facility referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary certifies that the Attorney General is prepared to receive such agents.

(4) Quantities of non-stockpile lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General and the Administrator of the Environmental Protection Agency, shall report annually to Congress regarding the disposition of non-stockpile lethal chemical agents transferred under this section.

(c) NON-STOCKPILE LETHAL CHEMICAL AGENTS.—In this section, the term "non-stockpile lethal chemical agents" includes those chemicals in the possession of the Department of Defense that are not part of the chemical weapons stockpile and that are applied to research, medical, pharmaceutical, or protective purposes in accordance with Article VI of the Conventional Weapons Convention Treaty.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. INCREASE OF PAY CAP FOR NONAPPROPRIATED FUND SENIOR EXECUTIVE EMPLOYEES.

Section 5373 of title 5, United States Code, is amended—

(1) in the first sentence, by striking "Except as provided" and inserting "(a) Except as provided in subsection (b) and"; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.".

SEC. 1102. RESTORATION OF LEAVE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES WHO DEPLOY TO A COMBAT ZONE OUTSIDE THE UNITED STATES.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) For purposes of this subsection, the deployment of an emergency essential employee of the Department of Defense to a combat zone outside the United States shall be deemed an exigency of the public business, and any leave that is lost by an employee as a result of such deployment (regardless of whether such leave was scheduled) shall be—

"(i) restored to the employee; and

"(ii) credited and available in accordance with paragraph (2).

"(B) For purposes of this paragraph, the term 'Department of Defense emergency essential employee'—

"(i) means a civilian employee of the Department of Defense, including a nonappropriated fund instrumentality employee (as defined by section 1587(a)(1) of title 10) whose assigned duties and responsibilities would be necessary during a period that follows the evacuation of nonessential personnel during a declared emergency or the outbreak of combat operations or war; and

"(ii) includes an employee who is hired on a temporary or permanent basis.".

SEC. 1103. EXPANSION OF GUARD-AND-RESERVE PURPOSES FOR WHICH LEAVE UNDER SECTION 6323 OF TITLE 5, UNITED STATES CODE, MAY BE USED.

(a) IN GENERAL.—Section 6323 of title 5, United States Code, is amended in the first sentence by inserting ", inactive-duty training (as defined in section 101 of title 37)," after "active duty".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply with respect to

any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. REPORT ON STRATEGIC STABILITY UNDER START III.

(a) Report.—Not later than September 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report, to be prepared by the Defense Science Board in consultation with the Director of Central Intelligence, on the strategic stability of the future nuclear balance between (1) the United States, and (2) Russia and other potential nuclear adversaries.

(b) Matters To Be Included.—The Secretary shall include in the report the following:

(1) The policy guidance defining the military-political objectives of the United States against potential nuclear adversaries under various nuclear conflict scenarios.

(2) The target sets and damage goals of the United States against potential nuclear adversaries under various nuclear conflict scenarios and how those target sets and damage goals relate to the achievement of the military-political objectives identified under paragraph (1).

(3) The strategic nuclear force posture of the United States and of Russia that may emerge under a further Strategic Arms Reduction Treaty (referred to as "START III") and how capable the United States forces envisioned under that posture would be for the achievement of the damage goals and the military objectives against potential nuclear adversaries referred to in paragraphs (1) and (2).

(4) The Secretary's assessment of (A) whether Russian strategic forces under a START III treaty would, or would not, likely be smaller, more vulnerable, and less capable of launch-on-tactical-warning than at present, and (B) in light of such assessment, whether incentives for Russia to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present under a START III treaty.

(5) The Secretary's assessment of (A) whether China and so-called nuclear rogue states probably will, or will not, remain incapable in the foreseeable future of carrying out a launch-on-tactical-warning and be more vulnerable to United States conventional or nuclear attack than at present, and (B) in light of such assessment, whether incentives for China and nuclear rogue states to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present.

(6) The Secretary's assessment of whether asymmetries between the United States and Russia that are favorable to Russia in active and passive defenses may be a significant strategic advantage to Russia under a START III treaty.

(7) The Secretary's assessment of whether asymmetries between the United States and Russia that are highly favorable to Russia in tactical nuclear weapons might erode strategic stability.

(8) The Secretary's assessment of whether a combination of Russia and China against the United States in a nuclear conflict could erode strategic stability under a START III treaty.

(9) The Secretary's assessment of whether doctrinal asymmetries between the United States and Russia, such as the expansion by Russia of the warfighting role of nuclear weapons while the United States is de-emphasizing the utility and purpose of nuclear weapons, could erode strategic stability.

(c) Classification.—The report shall be submitted in classified form and, to the extent possible, in unclassified form.

SEC. 1202. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS WEAPONS INSPECTION REGIME IN IRAQ.

Effective October 1, 1999, section 1505(f) of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a(f)) is amended by striking "1999" and inserting "2000".

SEC. 1203. MILITARY-TO-MILITARY CONTACTS WITH CHINESE PEOPLE'S LIBERATION ARMY.

(a) Principles for Military-to-Military Contacts.—(1) It is the policy of the United States that military-to-military contacts between the United States Armed Forces and the People's Liberation Army of the People's Republic of China should be based on the principles of reciprocity and transparency and that those contacts should be managed within the executive branch by the Department of Defense.

(2) For purposes of this section—

(A) reciprocity is measured by the frequency and purpose of visits, the size of delegations, and similar measures; and

(B) transparency is measured by the degree of access to facilities and installations, to military personnel and units, and to exercises, and similar measures.

(b) Limitations.—The Secretary of Defense shall require that members of the People's Liberation Army (when participating in any such military-to-military contact or otherwise) be excluded from the following:

(1) Inappropriate exposure (as determined by the Secretary) to the operational capabilities of the Armed Forces, including the following:

(A) Force projection.

(B) Nuclear operations.

(C) Advanced logistics.

(D) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(E) Intelligence, surveillance, and reconnaissance operations.

(F) Joint warfighting experiments and other activities related to a transformation in warfare.

(G) Military space operations.

(H) Other advanced capabilities of the Armed Forces.

(2) Arms sales or military-related technology transfers.

(3) Release of classified or restricted information.

(4) Access to a Department of Defense laboratory.

(c) Certification by Secretary.—The Secretary of Defense may authorize military-to-military contacts with the People's Liberation Army during any calendar year only after the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not earlier than one month before the beginning of that year, a certification in writing that such contacts during that year—

(1) will be conducted in a manner consistent with the principles of reciprocity and transparency; and

(2) are in the national security interest of the United States.

(d) Annual Report.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

SEC. 1204. REPORT ON ALLIED CAPABILITIES TO CONTRIBUTE TO MAJOR THEATER WARS.

(a) Report.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the current military capabilities of allied nations to contribute to the successful conduct of the major theater wars as anticipated in the Quadrennial Defense Review of 1997.

(b) Matters To Be Included.—The report shall set forth the following:

(1) The identity, size, structure, and capabilities of the armed forces of the allies expected to participate in the major theater wars anticipated in the Quadrennial Defense Review.

(2) The priority accorded in the national military strategies and defense programs of the anticipated allies to contributing forces to United States-led coalitions in such major theater wars.

(3) The missions currently being conducted by the armed forces of the anticipated allies and the ability of the allied armed forces to conduct simultaneously their current missions and those anticipated in the event of major theater war.

(4) Any Department of Defense assumptions about the ability of allied armed forces to deploy or redeploy from their current missions in the event of a major theater war, including any role United States Armed Forces would play in assisting and sustaining such a deployment or redeployment.

(5) Any Department of Defense assumptions about the combat missions to be executed by such allied forces in the event of major theater war.

(6) The readiness of allied armed forces to execute any such missions.

(7) Any risks to the successful execution of the military missions called for under the National Military Strategy of the United States related to the capabilities of allied armed forces.

(c) Submission of Report.—The report shall be submitted to Congress not later than June 1, 2000.

SEC. 1205. LIMITATION ON FUNDS FOR BOSNIA PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2000.

(a) Limitation.—(1) Of the amounts authorized to be appropriated by section 301(24) of this Act for the Overseas Contingency Operations Transfer Fund, no more than $1,824,400,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations.

(2) The President may waive the limitation in paragraph (1) after submitting to Congress the following:

(A) The President's written certification that the waiver is necessary in the national security interests of the United States.

(B) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(C) A report setting forth the following:

(i) The reasons that the waiver is necessary in the national security interests of the United States.

(ii) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or *supporting, Bosnia peacekeeping operations for fiscal year 2000.*

(iii) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(D) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2000 costs associated with United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(b) BOSNIA PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section, the term "Bosnia peacekeeping operations" has the meaning given such term in section 1204(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2000 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301, and any other funds appropriated after the date of the enactment of this Act, for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $444,100,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $177,300,000.

(2) For strategic nuclear arms elimination in Ukraine, $43,000,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For security enhancements at chemical weapons storage sites in Russia, $24,600,000.

(5) For weapons transportation security in Russia, $15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $60,900,000.

(7) For weapons storage security in Russia, $90,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $20,000,000.

(9) For biological weapons proliferation prevention activities in Russia, $2,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $1,800,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 or any subsequent fiscal year for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose. However, the total amount obligated for Cooperative Threat Reduction programs for such fiscal year may not, by reason of the use of the authority provided in the preceding sentence, exceed the total amount authorized for such programs for such fiscal year.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (3) through (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act, and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act, may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for elimination of conventional weapons or the delivery vehicles of such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides that the United States may verify that material stored at the facility is of weapons origin.

(b) LIMITATION ON CONSTRUCTION.—No funds appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.

SEC. 1306. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL WEAPONS PROLIFERATION PREVENTION ACTIVITIES.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for biological weapons proliferation prevention activities in Russia until the Secretary of Defense submits to the congressional defense committees the reports described in sections 1305 and 1308 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2164, 2166).

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT AND MULTIYEAR PLAN.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress—

(1) a report describing—

(A) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(B) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency; and

(2) an updated version of the multiyear plan for fiscal year 2000 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2883).

SEC. 1308. REQUIREMENT TO SUBMIT REPORT.

Not later than December 31, 1999, the Secretary of Defense shall submit to Congress a report including—

(1) an explanation of the strategy of the Department of Defense for encouraging states of the former Soviet Union that receive funds through Cooperative Threat Reduction programs to contribute financially to the threat reduction effort;

(2) a prioritization of the projects carried out by the Department of Defense under Cooperative Threat Reduction programs; and

(3) an identification of any limitations that the United States has imposed or will seek to impose, either unilaterally or through negotiations with recipient states, on the level of assistance provided by the United States for each of such projects.

SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INITIATIVE.

Not later than December 31, 1999, the President shall submit to Congress a report on the Expanded Threat Reduction Initiative. Such report shall include a description of the plans for ensuring effective coordination between executive agencies in carrying out the Expanded Threat Reduction Initiative to minimize duplication of efforts.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2000".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$9,800,000
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$32,500,000
California	Fort Irwin	$32,400,000
	Presidio of Monterey	$7,100,000
Colorado	Fort Carson	$4,400,000
	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$71,700,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$3,900,000
Kentucky	Blue Grass Army Depot	$6,000,000
	Fort Campbell	$39,900,000
	Fort Knox	$1,300,000
Louisiana	Fort Polk	$6,700,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$27,100,000
New York	Fort Drum	$23,000,000
North Carolina	Fort Bragg	$125,400,000
	Sunny Point Military Ocean Terminal	$3,800,000
Oklahoma	Fort Sill	$33,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$52,350,000
	Fort Hood	$84,500,000
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$43,800,000
	Fort Myer	$2,900,000
	Fort Story	$8,000,000
Washington	Fort Lewis	$23,400,000
CONUS Various	CONUS Various	$36,400,000
	Total	$967,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	$21,000,000
	Bamberg	$23,200,000
	Mannheim	$4,500,000
Korea	Camp Casey	$31,000,000
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total	$86,400,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
Virginia	Fort Lee	97 Units	$16,500,000
		Total	$40,500,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carryout architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,384,417,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $879,550,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,205,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $80,200,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967), $18,800,000.

(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2183), $35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) $22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) $10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington); and

(5) $10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $7,750,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	*Installation or location*	*Amount*
Arizona	*Marine Corps Air Station, Yuma*	*$24,220,000*
	Navy Detachment, Camp Navajo	*$7,560,000*
California	*Marine Corps Air-Ground Combat Center, Twentynine Palms*	*$34,760,000*
	Marine Corps Base, Camp Pendleton	*$38,460,000*
	Marine Corps Logistics Base, Barstow	*$4,670,000*
	Marine Corps Recruit Depot, San Diego	*$3,200,000*
	Naval Air Station, Lemoore	*$24,020,000*
	Naval Air Station, North Island	*$54,420,000*
	Naval Air Warfare Center, China Lake	*$4,000,000*
	Naval Air Warfare Center, Corona	*$7,070,000*
	Naval Air Warfare Center, Point Magu	*$6,190,000*
	Naval Hospital, San Diego	*$21,590,000*
	Naval Hospital, Twentynine Palms	*$7,640,000*
	Naval Postgraduate School	*$5,100,000*
Florida	*Naval Air Station, Whiting Field, Milton*	*$5,350,000*
	Naval Station, Mayport	*$9,560,000*
Georgia	*Marine Corps Logistics Base, Albany*	*$6,260,000*
Hawaii	*Marine Corps Air Station, Kaneohe Bay*	*$5,790,000*
	Naval Shipyard, Pearl Harbor	*$10,610,000*
	Naval Station, Pearl Harbor	*$18,600,000*
	Naval Submarine Base, Pearl Harbor	*$29,460,000*
Idaho	*Naval Surface Warfare Center, Bayview*	*$10,040,000*
Illinois	*Naval Training Center, Great Lakes*	*$57,290,000*
Indiana	*Naval Surface Warfare Center, Crone*	*$7,270,000*
Maine	*Naval Air Station, Brunswick*	*$16,890,000*
Maryland	*Naval Air Warfare Center, Patuxent River*	*$4,560,000*
	Naval Surface Warfare Center, Indian Head	*$10,070,000*
Mississippi	*Naval Air Station, Meridian*	*$7,280,000*
	Naval Construction Battalion Center Gulfport	*$19,170,000*
Nevada	*Naval Air Station, Fallon*	*$7,000,000*
New Jersey	*Naval Air Warfare Center Aircraft Division, Lakehurst*	*$15,710,000*
North Carolina	*Marine Corps Air Station, New River*	*$5,470,000*
	Marine Corps Base, Camp Lejeune	*$21,380,000*
Pennsylvania	*Navy Ships Parts Control Center, Mechanicsburg*	*$2,990,000*
	Norfolk Naval Shipyard Detachment, Philadelphia	*$13,320,000*
South Carolina	*Naval Weapons Station, Charleston*	*$7,640,000*
	Marine Corps Air Station, Beaufort	*$18,290,000*
Texas	*Naval Station, Ingleside*	*$11,780,000*
Virginia	*Marine Corps Combat Development Command, Quantico*	*$20,820,000*

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck	$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port Hadlock	$3,440,000
	Naval Undersea Warfare Center, Keyport	$6,700,000
	Puget Sound Naval Shipyard, Bremerton	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	$6,300,000
	Total	$751,570,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	$8,150,000
Greece	Naval Support Activity, Souda Bay	$6,380,000
Italy	Naval Support Activity, Naples	$26,750,000
	Total	$124,370,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Naval Base Pearl Harbor	133 Units	$30,168,000
	Naval Base Pearl Harbor	96 Units	$19,167,000
		Total	$75,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $162,350,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,084,107,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $737,910,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,370,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,010,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $256,015,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For the construction of berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2189), $12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $19,300,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately $610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

SEC. 2206. CORRECTION IN AUTHORIZED USE OF FUNDS, MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$32,800,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
Arkansas	Little Rock Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Edwards Air Force Base	$5,500,000
	Travis Air Force Base	$11,200,000
Colorado	Peterson Air Force Base	$40,000,000
	Schriever Air Force Base	$16,100,000
	U.S. Air Force Academy	$17,500,000
CONUS Classified	Classified Location	$16,870,000
Florida	Eglin Air Force Base	$18,300,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
	Tyndall Air Force Base	$10,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$5,950,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$9,600,000
Kentucky	Fort Campbell	$6,300,000
Mississippi	Columbus Air Force Base	$5,100,000
	Keesler Air Force Base	$27,000,000
Missouri	Whiteman Air Force Base	$24,900,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$18,600,000
New Jersey	McGuire Air Force Base	$11,800,000
New Mexico	Kirtland Air Force Base	$14,000,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Minot Air Force Base	$3,000,000
Ohio	Wright-Patterson Air Force Base	$35,100,000
Oklahoma	Tinker Air Force Base	$23,800,000
	Vance Air Force Base	$12,600,000
South Carolina	Charleston Air Force Base	$18,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
	Randolph Air Force Base	$3,600,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$15,550,000
	McChord Air Force Base	$7,900,000
	Total	$632,270,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Italy	Aviano Air Base	$3,700,000
Korea	Osan Air Base	$19,600,000
Portugal	Lajes Field, Azores	$1,800,000
United Kingdom	Ascension Island	$2,150,000
	Royal Air Force Feltwell	$3,000,000
	Royal Air Force Lakenheath	$18,200,000
	Royal Air Force Mildenhall	$17,600,000
	Royal Air Force Molesworth	$1,700,000
	Total	$76,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000
Kansas	McConnell Air Force Base	Safety Improvements.	$1,363,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
Nebraska	Offutt Air Force Base	72 Units	$12,352,000
New Mexico	Hollomon Air Force Base	76 Units	$9,800,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total	$197,411,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,093,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $124,492,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,874,053,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $602,270,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $32,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $338,996,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $6,600,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$206,800,000
Defense Education Activity	Laurel Bay, South Carolina	$2,874,000
	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
Defense Logistics Agency	Defense Distribution New Cumberland,Pennsylvania	$5,000,000
	Elmendorf Air Force Base, Alaska	$23,500,000
	Eielson Air Force Base, Alaska	$26,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$1,300,000
Defense Manpower Data Center	Presidio, Monterey, California	$28,000,000
National Security Agency	Fort Meade, Maryland	$2,946,000
Special Operations Command	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
	Fort Benning, Georgia	$10,200,000
	Fort Bragg, North Carolina	$20,100,000
	Mississippi Army Ammunition Plant, Mississippi	$9,600,000
	Naval Amphibious Base, Coronado, California	$6,000,000
TRICARE Management Agency	Andrews Air Force Base, Maryland	$3,000,000
	Cheatham Annex, Virginia	$1,650,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Fort Lewis, Washington	$5,500,000
	Fort Riley, Kansas	$6,000,000
	Fort Sam Houston, Texas	$5,800,000
	Fort Wainwright, Alaska	$133,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Moody Air Force Base, Georgia	$1,250,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Naval Air Station, Paturent River, Maryland	$4,150,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Patrick Air Force Base, Florida	$1,750,000
	Travis Air Force Base, California	$7,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Total	$587,420,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Drug Interdiction and Counter-Drug Activities	Manta, Ecuador	$25,000,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Curacao, Netherlands Antilles	$11,100,000
Defense Education Activity	Andersen Air Force Base, Guam	$44,170,000
	Naval Station Rota, Spain	$17,020,000
	Royal Air Force, Feltwell, United Kingdom	$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$24,300,000
	Moron Air Base, Spain	$15,200,000
National Security Agency	Royal Air Force, Menwith Hill Station, United Kingdom	$500,000
Tri-Care Management Agency	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Ramstein Air Force Base, Germany	$7,100,000
	Royal Air Force, Lakenheath, United Kingdom	$7,100,000
	Yongsan, Korea	$41,120,000
	Total	$204,950,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated by section 2405(a)(8)(C), $78,756,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $6,558,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,618,965,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $204,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,024,000.

(6) For Energy Conservation projects authorized by section 2404 of this Act, $6,558,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $705,911,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, $78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102–190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586); and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3040), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982); and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program by striking "$179,000,000" in the amount column and inserting "$203,500,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$549,954,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking "$179,000,000" and inserting "$203,500,000".

SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

In addition to the conditions specified in section 1022 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table in section 2401(b) under the heading "Drug Interdiction and Counter-Drug Activities" may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in *section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.*

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $191,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $123,878,000; and

(B) for the Army Reserve, $92,515,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $151,170,000; and

(B) for the Air Force Reserve, $48,564,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1997 Project Authorization

State	*Installation or location*	*Project*	*Amount*
Colorado	*Pueblo Army Depot*	*Ammunition Demilitarization Facility*	*$203,500,000*

Navy: Extension of 1997 Project Authorization

State	*Installation or location*	*Project*	*Amount*
Virginia	*Marine Corps Combat Development Command*	*Infrastructure Development*	*$8,900,000*

Navy: Extension of 1997 Family Housing Authorizations

State	*Installation or location*	*Family Housing*	*Amount*
Florida	*Mayport Naval Station*	*100 units*	*$10,000,000*
Maine	*Brunswick Naval Air Station*	*92 units*	*$10,925,000*
North Carolina	*Camp Lejuene*	*94 units*	*$10,110,000*
South Carolina	*Beaufort Marine Corps Air Station*	*140 units*	*$14,000,000*
Texas	*Corpus Christi Naval Complex*	*104 units*	*$11,675,000*
	Kingsville Naval Air Station	*48 units*	*$7,550,000*
Washington	*Everett Naval Station*	*100 units*	*$15,015,000*

Army National Guard: Extension of 1997 Project Authorization

State	*Installation or location*	*Project*	*Amount*
Mississippi	*Camp Shelby*	*Multi-Purpose Range (Phase II)*	*$5,000,000*

SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2202 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Family Housing Authorization

State	*Installation or location*	*Family Housing*	*Amount*
California	*Camp Pendleton*	*138 units*	*$20,000,000*

Army National Guard: Extension of 1996 Project Authorizations

State	*Installation or location*	*Project*	*Amount*
Mississippi	*Camp Shelby*	*Multipurpose Range Complex (Phase I)*	*$5,000,000*
Missouri	*National Guard Training Site, Jefferson City*	*Multipurpose Range*	*$2,236,000*

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

Section 2806(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including support for the actual implementation of a military operations plan approved by the North Atlantic Council".

SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2814. Special authority for development of Ford Island, Hawaii

"(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

"(2) The Secretary of the Navy may not exercise any authority under this section until—

"(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

"(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

"(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

"(A) is excess to the needs of the Navy and all of the other armed forces; and

"(B) will promote the purpose of this section.

"(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

"(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

"(A) is excess to the needs of the Navy and all of the other armed forces; and

"(B) will promote the purpose of this section.

"(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

"(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

"(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

"(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

"(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

"(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

"(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

"(4) The Secretary of the Navy may enter into a lease under this subsection only if the lease is specifically authorized by a law enacted after the date of the enactment of this section.

"(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

"(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

"(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

"(A) The construction or improvement of facilities at Ford Island.

"(B) The restoration or rehabilitation of real property at Ford Island.

"(C) The provision of property support services for property or facilities at Ford Island.

"(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

"(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

"(A) a detailed description of the transaction; and

"(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

"(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

"(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the 'Ford Island Improvement Account'.

"(2) There shall be deposited into the account the following amounts:

"(A) Amounts authorized and appropriated to the account.

"(2) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

"(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

"(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

"(B) To carry out improvements of property or facilities at Ford Island.

"(C) To obtain property support services for property or facilities at Ford Island.

"(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

"(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

"(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

"(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

"(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

"(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

"(1) Sections 2667 and 2696 of this title.

"(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

"(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

"(l) PROPERTY SUPPORT SERVICE DEFINED.—In this section, the term 'property support service' means the following:

"(1) Any utility service or other service listed in section 2686(a) of this title.

"(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2814. Special authority for development of Ford Island, Hawaii.".

(b) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.".

SEC. 2803. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting "(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—" before "Any project"; and

(2) by adding at the end the following new subsection:

"(b) RESTRICTION.—The ancillary supporting facilities authorized by subsection (a) may not be in direct competition with any resale activities provided by the Defense Commissary Agency or the Army and Air Force Exchange Service, the Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the armed forces which is *conducted for the morale, welfare and recreation of members of the armed forces.''.*

SEC. 2804. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting ''design,'' after ''planning,''.

SEC. 2805. LIMITATIONS ON AUTHORITY TO CARRY OUT SMALL PROJECTS FOR ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS.

(a) UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) An unspecified minor construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, except that the expenditure or contribution for the project may not exceed $3,000,000.''.

(b) USE OF OPERATION AND MAINTENANCE FUNDS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (b) of such section is amended by inserting after ''or less'' the following: ''(or $1,000,000 or less if the project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening).''.

SEC. 2806. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.''.

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking ''persons in the private sector'' and inserting ''an eligible entity''; and

(B) by striking ''such persons'' and inserting ''the eligible entity''; and

(2) in subsection (b)(1)—

(A) by striking ''any person in the private sector'' and inserting ''an eligible entity''; and

(B) by striking ''the person'' and inserting ''the eligible entity''.

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking ''nongovernmental entities'' and inserting ''an eligible entity'';

(2) in subsection (c)—

(A) by striking ''a nongovernmental entity'' both places it appears and inserting ''an eligible entity''; and

(B) by striking ''the entity'' each place it appears and inserting ''the eligible entity'';

(3) in subsection (d), by striking ''nongovernmental'' and inserting ''eligible''; and

(4) in subsection (e), by striking ''a nongovernmental entity'' and inserting ''an eligible entity''.

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking ''private''.

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

''§ 2875. Investments''.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

''2875. Investments.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

SEC. 2812. UTILITY PRIVATIZATION AUTHORITY.

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Subsection (c) of section 2688 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.''.

(b) DEFINITION OF UTILITY SYSTEM.—Subsection (g)(2)(B) of such section is amended by striking ''Easements'' and inserting ''Real property, easements,''.

(c) FUNDS TO FACILITATE PRIVATIZATION.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j); and

(2) by inserting after subsection (f) the following new subsection:

''(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).''.

SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting ''involving real property under the control of the Secretary of a military department'' after ''transactions''; and

(2) by adding at the end the following new paragraph:

''(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.''.

SEC. 2814. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term ''Utah national defense lands'' means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study in cooperation with the Secretary of the Air Force and the Secretary of the Army and coordinate the study with the Secretary of the Interior.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan , amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).''.

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: ''After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after ''this part'' the following: ''and no later than 60 days after the closure of the Account under subsection (a)(3)''; and

(2) in subsection (e), by striking ''the termination of the authority of the Secretary to carry out a closure or realignment under this part'' and inserting ''the closure of the Account under subsection (a)(3)''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Fort Des Moines Black Officers Memorial, Inc., a nonprofit corporation organized in the State of Iowa (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at Fort Des Moines, Iowa, and containing the post chapel (building #49) and Clayton Hall (building #46) for the purpose of permitting the Corporation to develop and use the parcel as a memorial and for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the "Borough"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.

(a) JUNEAU NATIONAL GUARD DOCK.—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Services Commission of the State of Arizona (in this section referred to as the "Commission"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Commission to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commission.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting

of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605) is amended—

(1) by inserting "(1)" before "The conveyance"; and

(2) by adding at the end the following new paragraph:

"(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation.".

SEC. 2841. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE CENTER, ORANGE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Orange County Navigation and Port District of Orange County, Texas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the Naval and Marine Corps Reserve Center in Orange, Texas, which consists of approximately 2.4 acres and contains the facilities designated as Buildings 135 and 163, for the purpose of permitting the District to develop the parcel for economic development, educational purposes, and the furtherance of navigation-related commerce.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air

Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. CONVEYANCE OF FUEL SUPPLY LINE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—In conjunction with the disposal of property at former Pease Air Force Base, New Hampshire, under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of the Air Force may convey to the redevelopment authority for Pease Air Force Base all right, title, and interest of the United States in and to the deactivated fuel supply line at Pease Air Force Base, including the approximately 14.87 acres of real property associated with such supply line.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) may only be made if the redevelopment authority agrees to make the fuel supply line available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the redevelopment authority.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the "City"), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the "Port"), all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the "Town"), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. EXPANSION OF ARLINGTON NATIONAL CEMETERY.

(a) LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIRGINIA.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over the following parcels of land situated in Arlington, Virginia:

(A) Certain lands which comprise approximately 26 acres bounded by Columbia Pike to the south and east, Oak Street to the west, and the boundary wall of Arlington National Cemetery to the north including Southgate Road.

(B) Certain lands which comprise approximately 8 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, property of the Virginia Department of Transportation to the west, Columbia Pike to the north, and Joyce Street to the east.

(C) Certain lands which comprise approximately 2.5 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, Joyce Street to the west, Columbia Pike to the north, and the cloverleaf interchange of Route 100 and Columbia Pike to the east.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the parcels of land transferred under paragraph (1) into Arlington National Cemetery.

(3) REMEDIATION OF LAND FOR CEMETERY USE.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall provide for the removal of any improvements on the parcels of land and, in consultation with the Superintendent of Arlington National Cemetery, the preparation of the land for use for interment of remains of individuals in Arlington National Cemetery.

(4) NEGOTIATION WITH LOCAL OFFICIALS.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall enter into negotiations with appropriate State and local officials to acquire any real property, under the jurisdiction of such officials, that separates such parcels of land from each other.

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report explaining in detail the measures required to prepare the land for use as a part of Arlington National Cemetery.

(6) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction over the parcels of land under this subsection not later than the earlier of—

(A) January 1, 2010; or

(B) the date when those parcels are no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

(b) MODIFICATION OF BOUNDARY OF ARLINGTON NATIONAL CEMETERY.—

(1) IN GENERAL.—The Secretary of the Army shall modify the boundary of Arlington National Cemetery to include the following parcels of land situated in Fort Myer, Arlington, Virginia:

(A) Certain lands which comprise approximately 5 acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(B) Certain lands which comprise approximately 3 acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report describing additional parcels of land located in Fort Myer, Arlington, Virginia, that may be suitable for use to expand Arlington National Cemetery.

(3) SURVEY.—The Secretary of the Army may determine the exact acreage and legal description of the parcels of land described in paragraph (1) by a survey.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,541,500,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,258,700,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,763,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,640,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $123,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, 2,640,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(iii) The total amount authorized to be appropriated pursuant to clause (ii) is the sum of the amounts authorized to be appropriated in that clause, reduced by $10,000,000.

(B) For inertial fusion, $475,700,000, to be allocated as follows:

(i) For operation and maintenance, $227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $19,500,000, to be allocated for technology partnership only.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,046,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,897,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $148,679,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,700,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $21,800,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $33,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $31,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95–D–102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(C) The total amount authorized to be appropriated pursuant to subparagraph (B) is the sum of the amounts authorized to be appropriated in that subparagraph, reduced by $10,000,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $236,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,652,368,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,092,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,006,419,000, to be allocated as follows:

(A) For operation and maintenance, $918,129,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,290,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,005,848,000, to be allocated as follows:

(A) For operation and maintenance, $2,951,297,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $54,551,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, Title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $240,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $327,109,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by $20,000,000, to be *derived from environmental restoration and waste management, environment, safety, and health programs.*

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,772,459,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $658,200,000, to be allocated as follows:

(A) For verification and control technology, $454,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $221,000,000, to be allocated as follows:

(I) For operation and maintenance, $215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(ii) For arms control, $233,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For international nuclear safety, $15,300,000.

(D) For security investigations, $10,000,000.

(E) For emergency management, $21,000,000.

(F) For highly enriched uranium transparency implementation, $15,750,000.

(G) For program direction, $83,050,000.

(2) INTELLIGENCE.—For intelligence, $36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, $31,200,000.

(4) WORKER AND COMMUNITY TRANSITION.—For worker and community transition, $20,000,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $239,000,000, to be allocated as follows:

(A) For operation and maintenance, $168,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $104,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $79,231,000.

(B) For program direction, $24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(8) NAVAL REACTORS.—For naval reactors, $681,000,000, to be allocated as follows:

(A) For naval reactors development, $660,400,000, to be allocated as follows:

(i) For operation and maintenance, $636,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101 general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $73,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $228,000,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98–PVT–5, environmental management and waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 60 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 60-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee

on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. LIMITATION ON USE AT DEPARTMENT OF ENERGY LABORATORIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) LIMITATION.—Not more than 25 percent of the funds appropriated for any fiscal year for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may be spent at the Department of Energy laboratories.

(b) EFFECTIVE DATE.—The limitation in subsection (a) applies with respect to funds appropriated for any fiscal year after fiscal year 1999.

SEC. 3132. PROHIBITION ON USE FOR PAYMENT OF RUSSIAN GOVERNMENT TAXES AND CUSTOMS DUTIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

Funds appropriated for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may not be used to pay any tax or customs duty levied by the government of the Russian Federation.

SEC. 3133. MODIFICATION OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT TO PROVIDE FUNDS FOR THEATER BALLISTIC MISSILE DEFENSE.

(a) CONDUCT OF PROGRAMS.—The Secretary of Energy shall ensure that the national laboratories carry out theater ballistic missile defense development programs in accordance with—

(1) the memorandum of understanding between the Secretary of Energy and the Secretary of Defense required by section 3131(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note); and

(2) such regulations as the Secretary of Energy may prescribe.

(b) FUNDING.—Of the funds provided by the Department of Energy to the national laboratories for national security activities, the Secretary of Energy shall provide a specific amount, equal to 3 percent of such funds, to be used by such laboratories for theater ballistic missile defense development programs.

(c) NATIONAL LABORATORIES.—For purposes of this section, the term "national laboratories" has the meaning given such term in section 3131(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note).

(d) KINETIC ENERGY WARHEAD PROGRAMS.—(1) Notwithstanding subsection (a), during fiscal year 2000 the Secretary of Energy shall use the funds required to be made available pursuant to subsection (b) for theater ballistic missile defense development programs for the purpose of the development and test of advanced kinetic energy ballistic missile defense warheads based on advanced explosive technology, the designs of which—

(A) are compatible with the Army Theater High-Altitude Area-Wide Defense (THAAD) system, the Navy Theater Wide system, the Navy Area Defense system, and the Patriot Advanced Capability-3 (PAC-3) system; and

(B) will be available for ground lethality testing not later than one year after the date of the enactment of this Act.

(2) Of the funds made available for purposes of paragraph (1), one-half shall be made available for work at Los Alamos National Laboratory and one-half shall be made available for work at Lawrence Livermore National Laboratory.

(3) If the Secretary does not use the full amount referred to in paragraph (1) for the purposes stated in that paragraph, the remainder of such amount shall be used in accordance with subsection (a).

(e) REDUCTION IN LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.—Subsection (c) of section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a) is amended by striking "6 percent" and inserting "3 percent".

SEC. 3134. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available only for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034).

(c) METHOD OF FUNDING.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

Subtitle D—Commission on Nuclear Weapons Management

SEC. 3151. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Nuclear Weapons Management" (hereinafter in this subtitle referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members, appointed as follows:

(1) Two members shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the House of Representatives.

(3) Two members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(4) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the Senate.

(5) One member, who shall serve as chairman of the Commission, shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate, acting jointly, in consultation with the ranking minority party member of the Committee on Armed Services of the House of Representatives and the ranking minority party member of the Committee on Armed Services of the Senate.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in nuclear weapons policy, organization, and management matters.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(f) SECURITY CLEARANCES.—The Secretary of Defense shall expedite the processing of appropriate security clearances for members of the Commission.

SEC. 3152. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall examine the organizational and management structures within the Department of Energy and the Department of Defense that are responsible for the following, as they pertain to nuclear weapons:

(1) Development of nuclear weapons policy and standards.

(2) Generation of requirements.

(3) Inspection and certification of the nuclear stockpile.

(4) Research, development, and design.

(5) Manufacture, assembly, disassembly, refurbishment, surveillance, and storage.

(6) Operation and maintenance.

(7) Construction.

(8) Sustainment and development of high-quality personnel.

(b) STRUCTURES.—The organizational and management structures to be examined under subsection (a) shall include the following:

(1) The management headquarters of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(2) Headquarters support activities of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(3) The acquisition organizations in the Department of Energy and the Department of Defense.

(4) The nuclear weapons complex, including the nuclear weapons laboratories, the nuclear weapons production facilities, and defense environmental remediation sites.

(5) The Nuclear Weapons Council and its standing committee.

(6) The United States Strategic Command.

(7) The Defense Threat Reduction Agency.

(8) Policy-oriented elements of the Government that affect the management of nuclear weapons, including the following:

(A) The National Security Council.

(B) The Arms Control and Disarmament Agency.

(C) The Office of the Under Secretary of Defense for Policy.

(D) The office of the Deputy Chief of Staff of the Air Force for Air and Space Operations.

(E) The office of the Deputy Chief of Naval Operations for Plans, Policy, and Operations.

(F) The headquarters of each combatant command (in addition to the United States Strategic Command) that has nuclear weapons responsibilities.

(G) Such other organizations as the Commission determines appropriate to include.

(c) EVALUATIONS.—In carrying out its duties, the Commission shall—

(1) evaluate the rationale for current management and organization structures, and the relationship among the entities within those structures;

(2) evaluate the efficiency and effectiveness of those structures; and

(3) propose and evaluate alternative organizational and management structures, including alternatives that would transfer authorities of the Department of Energy for the defense program and defense environmental management to the Department of Defense.

(d) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 3153. REPORTS.

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than October 15, 2000, and a final report containing its findings and conclusions not later than January 1, 2001.

SEC. 3154. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Department of Energy, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 3155. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 3156. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 3157. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense and the Secretary of Energy shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 3158. FUNDING.

(a) SOURCE OF FUNDS.—Funds for activities of the Commission shall be provided from—

(1) amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000; and

(2) amounts appropriated for the Department of Energy for program direction for weapons activities and for defense environmental restoration and waste management for fiscal year 2000.

(b) DISBURSEMENT.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense and the Secretary of Energy shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 3159. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its final report under section 3153.

Subtitle E—Other Matters

SEC. 3161. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.

(a) ACCELERATOR PRODUCTION PLAN.—Not later than January 15, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan (in this section referred to as an "accelerator production plan") to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production by expediting the completion of the design and the initiation of the construction of a particle accelerator for the production of tritium.

(b) TECHNOLOGY FOR TRITIUM PRODUCTION.—If the Nuclear Regulatory Commission does not grant to the Tennessee Valley Authority the amended licenses described in subsection (c) by December 31, 2002, the Secretary of Energy shall on January 1, 2003—

(1) designate particle accelerator technology as the primary technology for the production of tritium;

(2) designate commercial light water reactor technology as the backup technology for the production of tritium; and

(3) implement the accelerator production plan.

(c) AMENDED LICENSES.—The amended licenses referred to in subsection (b) are the amended licenses for the operation of each of the following commercial light water reactors:

(1) Watts Bar reactor, Spring City, Tennessee.

(2) Sequoya reactor, Daisy, Tennessee.

SEC. 3162. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2002.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

(c) REPORT.—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the recipients specified in paragraph (3) a report describing how the Department has used the authority to pay voluntary separation incentive payments under subsection (a).

(2) The report under paragraph (1) shall include the occupations and grade levels of each employee paid a voluntary separation incentive payment under subsection (a) and shall describe how the use of the authority to pay voluntary separation incentive payments under such subsection relates to the restructuring plans of the Department.

(3) The recipients specified in this paragraph are the following:

(A) The Office of Personnel Management.

(B) The Committee on Armed Services of the House of Representatives.

(C) The Committee on Armed Services of the Senate.

(D) The Committee on Government Reform of the House of Representatives.

(E) The Committee on Governmental Affairs of the Senate.

SEC. 3163. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking "the Secretary" in the second sentence and all that follows through "provide educational assistance" and inserting "the Secretary shall provide educational assistance";

(2) by striking the semicolon after "complex" in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended by inserting "are United States citizens who" in the matter preceding paragraph (1) after "program".

(c) COVERED FACILITIES.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

"(5) The Lawrence Livermore National Laboratory, Livermore, California.

"(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

"(7) The Sandia National Laboratory, Albuquerque, New Mexico.".

(d) AGREEMENT REQUIRED.—Subsection (f) of such section is amended to read as follows:

"(f) AGREEMENT.—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

"(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.".

(e) PLAN.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

SEC. 3164. DEPARTMENT OF ENERGY RECORDS DECLASSIFICATION.

(a) IDENTIFICATION IN BUDGET.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for national security programs for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts necessary for programmed activities during that fiscal year to declassify records to carry out Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) LIMITATION.—The total amount expended by the Department of Energy during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $8,500,000.

SEC. 3165. MANAGEMENT OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.

(a) AUTHORITY AND RESPONSIBILITY OF ASSISTANT SECRETARY FOR DEFENSE PROGRAMS.—The Secretary of Energy, in assigning functions under section 203 of the Department of Energy Organization Act (42 U.S.C. 7133), shall assign direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories in all matters relating to national security to the Assistant Secretary assigned the functions under section 203(a)(5) of that Act.

(b) COVERED FUNCTIONS.—The functions assigned to the Assistant Secretary under subsection (a) shall include, but not be limited to, authority over, and responsibility for, the national security functions of those facilities and laboratories with respect to the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation and guidance.

(4) Resource requirements determination and allocation.

(5) Program direction.

(6) Administration of contracts to manage and operate nuclear weapons production facilities and national laboratories.

(7) Environment, safety, and health operations.

(8) Integrated safety management.

(9) Safeguard and security operations.

(10) Oversight.

(11) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

(c) REPORTING OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.—In all matters relating to national security, the nuclear weapons production facilities and the national laboratories shall report *to, and be accountable to, the Assistant Secretary.*

(d) DELEGATION BY ASSISTANT SECRETARY.—The Assistant Secretary may delegate functions assigned under subsection (a) only within the headquarters office of the Assistant Secretary, except that the Assistant Secretary may delegate to a head of a specified operations office functions including, but not limited to, supporting the following activities at a nuclear weapons production facility or a national laboratory:

(1) Operational activities.

(2) Program execution.

(3) Personnel.

(4) Contracting and procurement.

(5) Facility operations oversight.

(6) Integration of production and research and development activities.

(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

(e) REPORTING OF OPERATIONS OFFICES.—For each delegation made under subsection (d) to a head of a specified operations office, that head of that specified operations office shall shall directly report to, and be accountable to, the Assistant Secretary.

(f) DEFINITIONS.—As used in this section:

(1) The term "nuclear weapons production facility" means any of the following facilities:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(2) The term "national laboratory" means any of the following laboratories:

(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) The Lawrence Livermore National Laboratory, Livermore, California.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) The term "specified operations office" means any of the following operations offices of the Department of Energy:

(A) Albuquerque Operations Office, Albuquerque, New Mexico.

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

(C) Oakland Operations Office, Oakland, California.

(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

SEC. 3166. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.

(a) IN GENERAL.—The Secretary of Energy shall notify the committees specified in subsection (c) of any information, regardless of its origin, that the Secretary receives that indicates that classified information relating to military applications of nuclear energy is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Energy.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(d) FOREIGN POWER.—For purposes of this section, the terms "foreign power" and "agent of a foreign power" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. ELIMINATION OF CONGRESSIONALLY IMPOSED DISPOSAL RESTRICTIONS ON SPECIFIC STOCKPILE MATERIALS.

Sections 3303 and 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) are repealed.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. SHORT TITLE.

This title may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2000".

SEC. 3402. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $34,893,000 for fiscal year 2000, of which—

(A) $31,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3403. AMENDMENTS TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—Section 1108(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279a(a)) is amended by striking so much as precedes "guarantee of an obligation" and inserting the following:

"(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—(1) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel that will serve as security for the guarantee, the Secretary may accept and hold, in escrow under an escrow agreement with the obligor—

"(A) the proceeds of that obligation, including such interest as may be earned thereon; and

"(B) if required by the Secretary, an amount equal to 6 month's interest on the obligation.

"(2) The Secretary may release funds held in escrow under paragraph (1) only if the Secretary determines that—

"(A) the obligor has paid its portion of the actual cost of construction, reconstruction, or reconditioning; and

"(B) the funds released are needed—

"(i) to pay, or make reimbursements in connection with payments previously made for work performed in that construction, reconstruction, or reconditioning; or

"(ii) to pay for other costs approved by the Secretary, with respect to the vessel or vessels.

"(3) If the security for the".

(b) AUTHORITY TO HOLD OBLIGOR'S CASH AS COLLATERAL.—Title XI of the Merchant Marine Act, 1936 is amended by inserting after section 1108 the following:

"SEC. 1109. DEPOSIT FUND.

"(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

"(b) AGREEMENT.—

"(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

"(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

"(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

"(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

"(d) WITHDRAWALS.—

"(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

"(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

"(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.".

SEC. 3404. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "June 30, 2000" and inserting "June 30, 2005".

SEC. 3405. OWNERSHIP OF THE JEREMIAH O'BRIEN.

Section 3302(l)(1)(C) of title 46, United States Code, is amended by striking "owned by the United States Maritime Administration" and inserting "owned by the National Liberty Ship Memorial, Inc.".

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 2000 until the termination of the Panama Canal Treaty of 1977.

(b) LIMITATIONS.—Until noon on December 31, 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $100,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $58,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting "(A)" after "(5)" and by adding at the end the following:

"(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.".

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.—

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of such office shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this section the term "Office of Transition Administration" means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–175, amendments en bloc described in section 3 of House Resolution 200, the amendment by the gentleman from California (Mr. COX) printed on June 8, 1999, in the appropriate portion of the CONGRESSIONAL RECORD, and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Consideration of the last five amendments in Part A of the report shall begin with an additional period of general debate, which shall be confined to the subject of United States policy relating to the conflict in Kosovo, and shall not exceed one hour, equally divided and controlled by the chairman and ranking minority member.

It shall be in order at any time for the Chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in Part B of the report not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

□ 1345

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD of June 8, 1999 by the gentleman from California (Mr. COX) described in section 2(b) of the resolution, if offered by Mr. COX, or his designee. That amendment shall be considered read, shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 14 OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in the CONGRESSIONAL RECORD offered by Mr. COX:

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

SEC. 1401. REPORT ON COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA AND OTHER COUNTRIES WITH THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) REPORT REQUIRED.—Not later than October 31, 1999, the President shall transmit to Congress a report on the compliance, or lack of compliance (both as to acquiring and transferring missile technology), by the People's Republic of China, with the Missile Technology Control Regime, and on any actual or suspected transfer by Russia or any other country of missile technology to the People's Republic of China in violation of the Missile Technology Control Regime. The report shall include a list specifying each actual or suspected violation of the Missile Technology Control Regime by the People's Republic of China, Russia, or other country and, for each such violation, a description of the remedial action (if any) taken by the United States or any other country.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall also include information concerning—

(1) actual or suspected use by the People's Republic of China of United States missile technology;

(2) actual or suspected missile proliferation activities by the People's Republic of China;

(3) actual or suspected transfer of missile technology by Russia or other countries to the People's Republic of China; and

(4) United States actions to enforce the Missile Technology Control Regime with respect to the People's Republic of China, including actions to prevent the transfer of missile technology from Russia and other countries to the People's Republic of China.

SEC. 1402. ANNUAL REPORT ON TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Annual Report.—The President shall transmit to Congress an annual report on transfers to the People's Republic of China by the United States and other countries of technology with potential military applications, during the 1-year period preceding the transmittal of the report.

(b) Initial Report.—The initial report under this section shall be transmitted not later than October 31, 1999.

SEC. 1403. REPORT ON IMPLEMENTATION OF TRANSFER OF SATELLITE EXPORT CONTROL AUTHORITY.

Not later than August 31, 1999, the President shall transmit to Congress a report on the implementation of subsection (a) of section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note), transferring satellites and related items from the Commerce Control List of dual-use items to the United States Munitions List. The report shall update the information provided in the report under subsection (d) of that section.

SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

(a) Security at Foreign Launches.—As a condition of the export license for any satellite to be launched outside the jurisdiction of the United States, the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) be prepared by the Department of Defense, and agreed to by the licensee, and that the plan set forth the security arrangements for the launch of the satellite, both before and during launch operations, and include enhanced security measures if the launch site is within the jurisdiction of the People's Republic of China or any other country that is subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(2) That each person providing security for the launch of that satellite—

(A) be employed by, or under a contract with, the Department of Defense;

(B) have received appropriate training in the regulations prescribed by the Secretary of State known as the International Trafficking in Arms Regulations (hereafter in this section referred to as "ITAR");

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as "Secret".

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

(b) Defense Department Monitors.—The Secretary of Defense shall—

(1) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(2) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(3) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis); and

(4) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity.

SEC. 1405. REPORTING OF TECHNOLOGY PASSED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) Monitoring of Information.—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) Transmission to Other Agencies.—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) Retention of Records.—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) Guidelines.—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Review.—The Secretary of Energy, the Secretary of Defense, and the Secretary of State, in consultation with other appropriate departments and agencies, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. As part of the review, the Secretary shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers.

(b) Report.—The Secretary of Energy shall submit to Congress a report on the results of the review under subsection (a). The report shall be submitted not later than six months after the date of the enactment of this Act and shall be updated not later than the end of each subsequent 1-year period.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) Revised HPC Verification System.—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) Definition.—As used in this section and section 1406, the term "high performance computer" means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) Adjustment of Composite Theoretical Performance Levels for Post-shipment Verification.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 is amended by adding at the end the following:

"(e) Adjustment of Performance Levels.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in that subsection.".

SEC. 1408. PROCEDURES FOR REVIEW OF EXPORT OF CONTROLLED TECHNOLOGIES AND ITEMS.

(a) Recommendations for Prioritization of National Security Concerns.—The President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify, on a continuing basis, those controlled technologies and items the export of which is of greatest national security concern relative to other controlled technologies and items.

(b) Recommendations for Executive Department Approvals for Exports of Greatest National Security Concern.—With respect to controlled technologies and items identified under subsection (a), the President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify procedures for export of such technologies and items so as to provide—

(1) that the period for review by an executive department or agency of a license application for any such export shall be extended to a period longer than that otherwise required when such longer period is considered necessary by the head of that department or agency for national security purposes; and

(2) that a license for such an export may be approved only with the agreement of each executive department or agency that reviewed the application for the license, subject to appeal procedures to be established by the President.

(c) Recommendations for Streamlined Licensing Procedures for Other Exports.—With respect to controlled technologies and items other than those identified under subsection (a), the President shall submit to Congress the President's recommendations for modifications to licensing procedures for export of such technologies and items so as to streamline the licensing process and provide greater transparency, predictability, and certainty.

SEC. 1409. NOTICE OF FOREIGN ACQUISITION OF UNITED STATES FIRMS IN NATIONAL SECURITY INDUSTRIES.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 2170(b)) is amended—

(1) by inserting "(1)" before "The President";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) Whenever a person engaged in interstate commerce in the United States is the subject of a merger, acquisition, or takeover described in paragraph (1), that person shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover. Whenever any executive department or agency becomes aware of any such planned merger, acquisition, or takeover, the head of that department or agency shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover.".

SEC. 1410. FIVE-AGENCY INSPECTORS GENERAL EXAMINATION OF COUNTERMEASURES AGAINST ACQUISITION BY THE PEOPLE'S REPUBLIC OF CHINA OF MILITARILY SENSITIVE TECHNOLOGY.

Not later than January 1, 2000, the Inspectors General of the Departments of State, Defense, the Treasury, and Commerce and the Inspector General of the Central Intelligence Agency shall submit to Congress a report on the adequacy of current export controls and counterintelligence measures to protect against the acquisition by the People's Republic of China of militarily sensitive United States technology. Such report shall include a description of measures taken to address any deficiencies found in such export controls and counterintelligence measures.

SEC. 1411. OFFICE OF TECHNOLOGY SECURITY IN DEPARTMENT OF DEFENSE.

(a) ENHANCED MULTILATERAL EXPORT CONTROLS.—

(1) NEW INTERNATIONAL CONTROLS.—The President shall work (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to establish new binding international controls on technology transfers that threaten international peace and United States national security.

(2) IMPROVED SHARING OF INFORMATION.—The President shall take appropriate actions (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

(b) OFFICE OF TECHNOLOGY SECURITY.—(1) There is hereby established in the Department of Defense an Office of Technology Security. The Office shall support United States Government efforts to—

(1) establish new binding international controls on technology transfers that threaten international peace and United States national security; and

(2) improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

At the end of subtitle A of title XXXI (page 419, after line 3), insert the following new section:

SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) INCREASED FUNDS FOR COUNTERINTELLIGENCE CYBER SECURITY.—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by $8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by $4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by $1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by $2,000,000.

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Protection of National Security Information

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the "National Security Information Protection Improvement Act".

SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS REQUIRED.—The President shall transmit to Congress a report, not less often than every six months, on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to the theft of sophisticated United States nuclear weapons design information and the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than January 1, 2000.

SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY SHOULD CONTINUE TO MAINTAIN NUCLEAR WEAPONS RESPONSIBILITY.

Not later than January 1, 2000, the President shall transmit to Congress a report regarding the feasibility of alternatives to the current arrangements for controlling United States nuclear weapons development, testing, and maintenance within the Department of Energy, including the reestablishment of the Atomic Energy Commission as an independent nuclear agency. The report shall describe the benefits and shortcomings of each such alternative, as well as the current system, from the standpoint of protecting such weapons and related research and technology from theft and exploitation. The President shall include with such report the President's recommendation for the appropriate arrangements for controlling United States nuclear weapons development, testing, and maintenance outside the Department of Energy if it should be determined that the Department of Energy should no longer have that responsibility.

SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN INTELLIGENCE AND OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—The Department of Energy Organization Act is amended by inserting after section 212 (42 U.S.C. 7143) the following new sections:

"OFFICE OF FOREIGN INTELLIGENCE

"SEC. 213. (a) There shall be within the Department an Office of Foreign Intelligence, to be headed by a Director, who shall report directly to the Secretary.

"(b) The Director shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

"(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 214. (a) There shall be within the Department an Office of Counterintelligence, to be headed by a Director, who shall report directly to the Secretary.

"(b) The Director shall carry out all counterintelligence activities in the Department relating to the defense activities of the Department.

"(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

"(d)(1) The Director shall keep the intelligence committees fully and currently informed of all significant security breaches at any of the national laboratories.

"(2) For purposes of this subsection, the term 'intelligence committees' means the Permanent Select Committee of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 212 the following new items:

"Sec. 213. Office of Foreign Intelligence.
"Sec. 214. Office of Counterintelligence.".

SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall establish and maintain at each national laboratory a counterintelligence program for the defense-related activities of the Department of Energy at such laboratory.

(b) HEAD OF PROGRAM.—The Secretary shall ensure that, for each national laboratory, the head of the counterintelligence program of that laboratory—

(1) has extensive experience in counterintelligence activities within the Federal Government; and

(2) with respect to the counterintelligence program, is responsible directly to, and is hired with the concurrence of, the Director of Counterintelligence of the Department of Energy and the director of the national laboratory.

SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility, other than a national laboratory, at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINATIONS.

(a) COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense activities of the Department of Energy. The program shall consist of the administration on a regular basis of a polygraph examination to each covered person who has access to a program that the Director of Counterintelligence and the Assistant Secretary assigned the functions under section 203(a)(5) of the Department of Energy Organization Act determine requires special access restrictions.

(b) COVERED PERSONS.—For purposes of subsection (a), a covered person is any of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) ADDITIONAL POLYGRAPH EXAMINATIONS.—In addition to the polygraph examinations administered under subsection (a), the Secretary, in carrying out the defense activities of the Department—

(1) may administer a polygraph examination to any employee of the Department or of any contractor of the Department, for counterintelligence purposes; and

(2) shall administer a polygraph examination to any such employee in connection with an investigation of such employee, if such employee requests the administration of a polygraph examination for exculpatory purposes.

(d) REGULATIONS.—(1) The Secretary shall prescribe any regulations necessary to carry out this section. Such regulations shall include procedures, to be developed in consultation with the Director of the Federal Bureau of Investigation, for identifying and addressing "false positive" results of polygraph examinations.

(2) Notwithstanding section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) or any other provision of law, the Secretary may, in prescribing regulations under paragraph (1), waive any requirement for notice or comment if the Secretary determines that it is in the national security interest to expedite the implementation of such regulations.

(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—This section shall not be construed to affect the authority under any other provision of law of the Secretary to administer a polygraph examination.

SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

"a. Any individual or entity that has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and that commits a gross violation or a pattern of gross violations of any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this subtitle relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $500,000 for each such violation.

"b. The Secretary shall include, in each contract entered into after the date of the enactment of this section with a contractor of the Department, provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.".

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections in the first section of that Act is amended by inserting after the item relating to section 234 the following new items:

"234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.
"234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "$20,000" and inserting "$400,000"; and

(2) in clause b., by striking "$10,000" and inserting "$200,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking "$20,000" and inserting "$400,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking "$2,500" and inserting "$50,000".

SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress a certification described in paragraph (3).

(3) A certification referred to in paragraph (2) is a certification by the Director of Counterintelligence of the Department of Energy, with the concurrence of the Director of the Federal Bureau of Investigation, that all security measures are in place that are necessary and appropriate to prevent espionage or intelligence gathering by or for a sensitive country, including access by individuals referred to in paragraph (1) to classified information of the national laboratory.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—In the case of a program undertaken pursuant to an international agreement between the United States and a foreign nation, the moratorium under subsection (b) shall not apply to the admittance to a facility that is important to that program of a citizen of that foreign nation whose admittance is important to that program.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "background review", commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOREIGN VISITORS AND EMPLOYEES TO DEPARTMENT OF ENERGY FACILITIES ENGAGED IN DEFENSE ACTIVITIES.

(a) SECURITY CLEARANCE REVIEW REQUIRED.—The Secretary of Energy may not allow unescorted access to any classified area, or access to classified information, of any facility of the Department of Energy engaged in the defense activities of the Department to any individual who is a citizen of a foreign nation unless—

(1) the Secretary, acting through the Director of Counterintelligence, first completes a security clearance investigation with respect to that individual in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department; or

(2) a foreign government first completes a security clearance investigation with respect to that individual in a manner that the Secretary of State, pursuant to an international agreement between the United States and that foreign government, determines is equivalent to the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department.

(b) EFFECT ON CURRENT EMPLOYEES.—The Secretary shall ensure that any individual who, on the date of the enactment of this Act, is a citizen of a foreign nation and an employee of the Department or of a contractor of the Department is not discharged from such employment as a result of this section before the completion of the security clearance investigation of such individual under subsection (a) unless the Director of Counterintelligence determines that such discharge is necessary for the national security of the United States.

SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background review required by that section determined that information relevant to security exists with respect to that individual.

SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called "red team" of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related computer used in the performance of the defense-related duties of such employee during the period of that employee's access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITIONS.—For purposes of this section:

(1) The term 'DOE defense-related computer" means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term "computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term "authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term "employee" includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

SEC. 3195. DEFINITION OF NATIONAL LABORATORY.

For purposes of this subtitle, the term "national laboratory" means any of the following:

(1) The Lawrence Livermore National Laboratory, Livermore, California.

(2) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from California (Mr. COX) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

I am delighted that the amendment that the gentleman from Washington (Mr. DICKS) and I are offering today has, like the report of our select committee itself, been brought to the floor in a bipartisan fashion, endorsed in this case by every Republican and Democratic member of our select committee. In addition, the amendment is supported by the representatives of the congressional districts in which our national weapons laboratories are located: the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Tennessee (Mr. WAMP) and the gentlewoman from California (Mrs. TAUSCHER). The amendment is also supported by the gentleman from New York (Mr. GILMAN) and the gentleman from South Carolina (Mr. SPENCE) of the Committees on International Relations and Armed Services as well as by the gentleman from California (Mr. DREIER) of the Committee on Rules. All of these people have contributed in important ways to fashioning the amendment that is before us.

Last year, this House created the Select Committee on U.S. Security and Military/Commercial Concerns With the People's Republic of China to investigate efforts by the PRC to acquire American high technology for military purposes. It was my privilege to chair that committee and to serve with leaders on national security and foreign policy from both sides of the aisle, in particular our ranking Democratic member the gentleman from Washington (Mr. DICKS), at the time the ranking Democratic member also of the Permanent Select Committee on Intelligence. The vice chairman of our select committee was the gentleman from Florida (Mr. GOSS), who was then and is now the chairman of the Permanent Select Committee on Intelligence. The gentleman from Nebraska (Mr. BEREUTER), who serves as the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, was also a leader on the select committee, as were the gentleman from Utah (Mr. HANSEN) and the gentleman from South Carolina (Mr. SPRATT), senior members of the Committee on Armed Services, and the gentleman from Pennsylvania (Mr. WELDON), who on the Committee on Armed Services is the chairman of the Subcommittee on Military Research and Development. The gentlewoman from California (Ms. ROYBAL-ALLARD) and the gentleman from Virginia (Mr. SCOTT) were strong contributors to our committee and to the fashioning of this amendment.

I want to pay tribute to these of my colleagues who are hardworking and patriotic members who spent months on a very difficult and grueling investigation essentially behind closed doors without any notice by the rest of our colleagues. During that period of time we heard 150 hours of testimony from 75 different witnesses and reviewed over half a million pages of evidentiary material. The amendment that we are bringing to the floor today is a start on the implementation of the 38 recommendations of this select committee. Most of the legislative recommendations that our select committee has made fall within the jurisdiction of standing committees of the House of Representatives and of the other body, and for that reason are not being offered today, notwithstanding that we had half a year of hearings on our recommendations before reaching them. We are deferring at the request of those committees to their jurisdiction, but we hope and expect inasmuch as our recommendations were laid at their feet on the 3rd of January of this year that very shortly we will be back on the floor with the lion's share of the recommendations that our select committee has made.

What we have prepared for consideration today as a start on that process is an amendment that will require the Department of Defense to prepare the Technology Transfer Control Plans for satellite launches in the People's Republic of China, a very significant substantive matter into which the select committee inquired. The amendment will also require that the Department of Defense have highly trained employees to provide round-the-clock monitoring and security for these foreign launches that we have thought was always being provided ever since this program was adopted a decade ago. The amendment will require improved controls over information transmitted to the PRC during the course of launches. It will require the President to report on how he is implementing a key reform already adopted by the Congress last year, the transfer of satellite export control authority from the Commerce Department to the State Department.

Our select committee also recommended an improved intelligence community focus on the People's Republic of China's intelligence efforts directed against the United States, including reports to the Congress on PRC espionage and on technology transfers to the PRC. And we have recommended and called for in this amendment a five-agency inspectors general counterintelligence review of countermeasures against PRC technology acquisition. This amendment directly implements a recommendation in that respect of the select committee. Our report also calls for stronger multilateral governance of exports of certain militarily useful goods and technologies. We found that the United States should insist on PRC compliance with the MTCR, the Missile Technology Control Regime, and this amendment calls for follow-up on that.

We found that the United States should work to revive the strong multilateral proliferation controls that were dismantled in 1994. Our amendment responds by requiring the President to submit a full report on PRC compliance with the Missile Technology Control Regime, including a list of violations, and any remedial actions that he has taken. We require the President to work for new binding international controls on harmful technology transfers, so that when the United States controls an export, as in many cases we already do, we do not go it alone and we find that only our producers and our workers are injured with no national security benefit because someone else is rushing in to make the sale. We had a system just like this in 1994. It was allowed to dissipate and we need to show international leadership and put that system back together.

In furtherance of that goal, this amendment creates a new Office of Technology Security in the Department of Defense, dedicated exclusively to support of these efforts. Our report unanimously concluded that no adequate verification exists that high-powered computers, what used to be called supercomputers, now high-performance computers, that are exported to the PRC are being used for civilian rather than military purposes. We have called for the establishment of an open transparent system, an effective verification regime in the PRC by September of this year as a condition for export licensing and the continued sale of the current speeds of computers and even faster ones in the future.

We have also called for a comprehensive annual assessment of the national security implications of such exports. We direct the President in this amendment to revise the existing verification agreement with the PRC to include real on-site inspections. We have agreed in a bilateral with the PRC already in principle that this should occur but that bilateral is shot full of holes and we need to make it work. We need to have end use verification without notice, on demand, negotiated simply as a term of trade, not in any way calling into question the national sovereignty of the PRC. And we further require in this amendment a comprehensive annual report on the national security implications of these exports.

These are important improvements, but I want to emphasize this represents, even after we pass this amendment, unfinished business by this Congress. We have much work to do. Some additional hearings undoubtedly will be required but most importantly markups and the movement of legislation through our standing committees of jurisdiction to the floor so that we can do the heavy lifting that is called for in the full 38 of our recommendations, some 26 of which are touched upon although not implemented in full in the amendment that is before us today. In that regard, I am very happy that the gentleman from New York (Mr. GILMAN) of the Committee on International Relations has assured me that his committee will move legislation addressing these recommendations in the immediate future.

Our report found wholesale inexcusable security weaknesses at our Nation's national weapons laboratories, among the most sensitive national defense sites in our country. Our report recommended a battery of urgent reforms, and this amendment comprehensively implements them. We establish offices of foreign intelligence and counterintelligence within the Energy Department, reporting directly to the Secretary of Energy, as well as counterintelligence programs at each national laboratory. We require a DOE counterintelligence polygraph program, something that should have been in place frankly for a long time. We establish a moratorium on foreign visitor programs with a national security waiver that the Energy Secretary can issue until such time as there is certified and in place a program with adequate security measures. We bar access by foreigners to classified areas and information at Department of Energy facilities until they have been cleared, until the foreign visitors have been cleared for security. And we clarify and confirm that the Federal Government has every right, has now and in fact always has had every right to search defense-related computers throughout the DOE complex.

In conclusion, this is a balanced response to an urgent problem. It is a first of several important steps that we need to take. I want in closing to thank again the staff of the committees of jurisdiction that have worked with us in bringing this amendment to the floor and the staff of our select committee, including in particular our select committee staff director Dean McGrath, special counsel Mike Sheehy, the policy committee's executive director Ben Cohen and Jonathan Burks, Walker Roberts of the Committee on International Relations staff, Robert Rangel of the Committee on Armed Services staff, Andrew Hunter with the gentleman from Washington (Mr. DICKS) and Hugh Brady with the gentleman from South Carolina (Mr. SPRATT). Their hard work has served the national interest.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent that in concluding my remarks, my time be handled by the gentlewoman from California (Ms. LEE).

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume. We had a select committee, and the select committee issued a report. In that report they stated that the appropriate congressional committees report legislation. But apparently we have now tried a new tack. To prevent opposition for this legislation, a lot of the most important provisions apparently have been removed. We now have nine or ten reports from the administration. I know we all look forward to getting more reports from the administration and that will be helpful to all of us. But I am fearful that the entire process is leading to a frenzy that will shut down American industry. And if there is anything that would harm American national security, it is our leadership in these very high tech fields. When we look at where computers come from these days, we find that we do not control all the computers. Approximately 14 of the top 25 manufacturers of workstations are not U.S. companies but foreign competitors. And even in the most powerful supercomputers, Hitachi, NEC and Fujitsu manufacture 20 percent of them. Now, when we look at what supercomputers are, we find that you can buy the next generation of Intel, which will have a 500 megahertz system, is what we are used to calling it, but if you put it in MTOPS, the same numbers the government uses, you will find that this computer which has a board that you can put eight chips in will operate at 16,000 MTOPS.

Now, when I first got to Congress, the Defense Department and the State Department prevented the sale of American machine tools, because our machine tools were so good they did not want the Russians to get them. We did that for so long that we no longer were the leader in machine tools. And finally when we caught the Russians getting a machine tool of the quality they wanted, what they bought was a Toshiba. If we are not very careful here, we will do little to increase our security as far as theft of American development, scientific and defense-related, but we will cripple the industries that give us the lead.

□ 1400

If we start trying to block the kind of sales that are commercially available, countries will not just sit back and say, well, I cannot get it in the United States, so I am not going to go to Japan, I am not going to go to Taiwan, I am not going to go to Israel and Moscow and all the other places these products are available.

So, while we have this great instinct at the moment to respond to what clearly has been a problem, if we do not do it in a comprehensive manner, I think we will do more damage to American national security than we will to those trying to pilfer our secrets.

It is clear that what we need to do is rather than simply broaden our controls we need to narrow our controls and focus them on choke point technologies, fissionable material, the things that make weapons and the technologies we can control. If we try to control a product that is available in Radio Shack in Beijing, we are kidding ourselves.

Now in the discussions of having the follow on to COCOM to be a more effective force, we have now been through two administrations, and COCOM, even when the Soviet Union was at its height, we always had problem with our allies selling the technologies we wanted to control. With the end of COCOM, we have barely been able to get them to sit down in the room to discuss these technologies, but they are certainly not restricting the sale.

So what I see happening here is in an attempt to create the image of action we are taking steps that may not be harmful today but certainly are not, one, the comprehensive solution that we need in the comprehensive review and certainly violate the committee's own statement again where the committee stated that the appropriate congressional committees should report the legislation.

That is not a turf fight; that is about people who look at the entire issue, balance America's interest, both in security and economic, take a look at what is doable rather than simply ad hoc adding section after section.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the distinguished gentleman from Connecticut for yielding as this Member needs to start a classified briefing with Dr. Perry on his North Korea visit.

I wanted to say that I understand the gentleman's concern, for example, about the potential loss of jurisdiction for the House International Relations Committee. I had those jurisdiction concerns myself, and still do to some extent, although part of yesterday was spent in discussing and negotiating, in effect, on this amendment's language with the gentleman from California (Mr. COX) and indirectly with the gentleman from Washington (Mr. DICKS). Also, I am a member of the select committee that has done the work leading to this amendment by the gentleman from California, and I thank the gentleman from California for his kind remarks.

Sections 1401 through 1411 are, for the most part, with International Relations jurisdiction. We have seen changes in this amendment, but also I think it is incumbent on us to recognize that we need to look at the language of this amendment very closely, clearly before conference is conducted, to see if, in fact, the amendment might have unintended consequences that are not visible now. But I also think, as Chairman COX suggested that our International Relations Committee needs to conduct oversight, as several other committees do as we proceed to the implementation of the recommendations in the Cox Committee's recommendations. I do understand the desire of the gentleman from California (Mr. COX) to have action on his amendment now, and I think he has made great accommodations to our jurisdictional consensus.

As my colleagues know, the recommendations, the 38, were unanimously approved by the Cox select committee. Now comes the difficult task of writing appropriate legislation. So I do understand the concerns of the distinguished gentleman from Connecticut heard here today relating to jurisdiction. I think we on the International Relations Committee ought to commit ourselves to trying to move quickly on oversight but also to refine the language of this amendment as necessary in the next several weeks.

Mr. GEJDENSON. Reclaiming my time, I just add that, as my colleagues know, giving Members of Congress not even 24 hours to see the language on amendment of this nature is also problematic. I understand the negotiations were going on until the very end, but this is too serious to do on an ad hoc basis with a section here and a section there.

Mr. Chairman, I think if we look at that, at one point televisions were American. Next thing we know, they did not make them in America virtually. At one point machine tools, we have the leadership in manufacturing machine tools; it went to Japan. High tech is easier to move, cheaper to move and is available in lots of other countries. We are not careful, we are going to kill the American expertise and superiority in this area.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in support of the COX-DICKS amendment. The amendment is bipartisan and represents a good common ground that members of both parties can support. Most importantly, it will help to solve the important security problems we have at the Department of Energy, and before I go any further I want to echo and associate myself with the remarks of the gentleman from California who served this House in a very successful and distinguished way as chairman of the committee, the select committee, and it was about a year ago that we started down this road, and he has done an excellent job representing the House, and I am proud to associate myself with this amendment to start implementing the recommendations of our select committee. And I, too, want to compliment the staff, particularly the investigative staff who did a principle amount of the work on this very important issue.

I am proud that the House has managed to address this problem in a bipartisan fashion. We have had several bumps and long terms along the road, but we have arrived in the right place I believe. I commend the gentleman from California (Mr. Cox) for working hard to ensure the bipartisan agreement was possible. The amendment we have crafted, while not perfect, is a good one. I urge members to vote for this amendment to help solve the glaring security problems at the Department of Energy. Our new Secretary, Bill Richardson, is doing a great job there to solve these problems with the help of Ed Curran who is in charge of counter intelligence. We can help him, and we should.

This amendment codifies major portions of Presidential Decision Directive 61, PDD 61, to establish strong, independent Office of Counter intelligence at DOE with direct access to the Secretary, and I might point out in fairness the President had made his decision on this directive in February of 1998, four months before our select committee was established, and it took awhile to get the recommendations of Mr. Curran in place, but Secretary Richardson is doing that with great force and vigor.

This also, this amendment also requires regular polygraphing of employees handling sensitive nuclear information, greatly increases civil and criminal penalties for mishandling or release of classified information, imposes a strong moratorium on foreign visitors to national labs until strong security measures are in place, re-enforces prohibitions on giving classified information to foreign nationals, requires a comprehensive annual report on security and counter intelligence at all DOE defense facilities, requires a report and red team analysis of DOE computer vulnerabilities including funding for a new cyber security program and requires DOE employees to consent to searches of their work computers used in DOE defense activity as a condition of receiving security clearance.

Mr. Chairman, these measures are tough but appropriate, and they give Energy Secretary Richardson the authority he needs to solve the problem. That should be our goal today. Let us stay away from the blame game.

As I mentioned, this amendment is not perfect. It will require some further work in conference on a few issues. In particular it was my intention that this amendment would not affect the nuclear Navy, and we have committed to work on this issue in the context of conference committee, and in fact it is my belief that this amendment does not reach the nuclear Navy labs.

We have also agreed to address in conference the concerns that we may undermine existing bilateral agreements with China and Russia and interfere in launch campaigns with our European allies by requiring the Department of Defense to hire security personnel at launch campaigns. By the way, this was one of my recommendations, and I hope that we can keep it in place. We need to continue to work on it.

Again I want to thank the gentleman from California (Mr. COX) for working with me on this amendment, and I urge every member to support it.

I think in addressing what my good friend, the gentleman from Connecticut (Mr. GEJDENSON) has said earlier, it was our intent and our hope that each of the committees of Congress that has jurisdiction would take action, and of course the defense authorization bill gave us a vehicle working with members of the defense committee, the gentleman from Missouri (Mr. SKELTON), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Pennsylvania (Mr. WELDON) and others who are members of the committee in a bipartisan fashion to draft this amendment. So we are trying our very best to live up not only to our select committee's recommendation, but also to respect the jurisdiction of the House and the committees in the House, many of whom were involved in the drafting of this amendment.

So, again it has been a great pleasure to work with the gentleman from California (Mr. COX) and his staff on drafting this amendment and working on the select committee report. I think it was good that in a time of upheaval here in the House, during impeachment that we could come to a bipartisan agreement on an important national security issue.

Mr. COX of California. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), Chairman of the Permanent Select Committee on Intelligence and the Vice Chairman of the Select Committee.

Mr. GOSS. Mr. Chairman, I want to take the opportunity in this debate to restate to the whole House and to the whole world the important work that was done by the subcommittee of the gentleman from California (Mr. COX). I think it is very fair to say that it was bipartisan, it was unanimous, and it was extraordinarily significant, and that just did not happen by circumstance.

I rise in strong support of the bipartisan amendment that we have got before us today. Obviously the amendment provides reasonable steps to start the process, to carry out some, not all, of the recommendations of the Cox committee.

I want to commend very much publicly the gentleman from California (Mr. COX) and ranking member (Mr. DICKS), other members of the committee, for their excellent work, for their very strong leadership in what I think is obviously a vital national security matter, and anybody who reads the report would have to come to that same conclusion. It was a pleasure to be associated with that effort.

However I speak as Chairman of the Permanent Select Committee on Intelligence and Vice Chairman of the Cox Committee on China both today because I have tried to serve as a bridge between the two organizations. Obviously the intelligence peace is just one part of what the Cox committee did, but it is a very important part, and now that the Cox report has been released, those committee chairmen with jurisdiction over various aspects of our findings on the Cox committee can get down to the business and will get down to the business of taking legislative and other steps to implement the recommendations in the bipartisan undertaking that that committee was. Hence the amendment today.

With this in mind, Mr. Chairman, I have asked that the Permanent Select Committee on Intelligence move forward in 6 specific areas. First we will examine all manner of Chinese directed espionage against the United States. That is no small matter. Second, we will examine Chinese directed covert action type activities conducted against the United States such as the use of agents of influence and efforts to subvert or otherwise manipulate the United States political process, something that is near and dear to our hearts and must not be tampered with. Third, we will examine counterintelligence programs, past, present and proposed, for the Department of Energy, Department of Defense, for the national labs, with the emphasis on the adequacy of the proposed enhancements and the structural changes meant to manage them. Fourth, we will investigate the issue of whether the Permanent Select Committee on Intelligence was kept properly advised of developments by the FBI and the Department of Energy. This is important because there is conflicting testimony, and oversight is a tradition in this House, but it is also a responsibility in this House. It is built on trust and candor, and we must have that between the branch of government. So that is an area that must be cleared up.

Fifth, we will examine issues relating to the role the intelligence community plays in supporting policymakers in determining U.S. export and technology transfer policies. Certainly there is an argument that can be made that we were a little over zealous in selling things that perhaps we should have been more cautious about. That in no way takes away from the thought that my friend and colleague from Connecticut has expressed that we must have access to the international marketplace. Quality of life in this country, jobs in this country, depend on our ability to export, but we need to be smart about what we export and make sure it is always to our advantage. And finally, we will examine the policy of treating advanced counter intelligence investigations principally as law enforcement rather than national security matters.

□ 1415

We have to determine whether it is more important that a spy end up behind bars, even if it takes years of investigation, than for the hemorrhaging of the national security data that can be stopped.

In addition, our FY 2000 intelligence authorization included provisions that respond directly to problems raised in the Cox report and some of the matters in this amendment. These include new funds for such things as red teaming CIA's China analysis, improving CIA information security, background investigations, understanding and defeating foreign denial and deception techniques which are out there, and running more and better offensive operations against hostile foreign intelligence services, which we in fact know are conducting espionage against the United States of America, its personnel and its secrets.

We provided funds to improve the Department of Energy's counterintelligence capabilities, analysis of foreign nuclear programs, cyber security and other such matters. We are increasing funds for FBI agent training in counterintelligence and DOD acquisition and information systems protection. We are funding more linguistic capabilities across the intelligence community and many more details we are beefing up. It is important we do this because we have let down. This amendment helps us. We are in support of it.

Ms. LEE. Mr. Chairman, I yield one minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. It is worthy of our support. It is a comprehensive approach put together by experts after extensive study. Let me commend the committee that took testimony and studied this issue at length. In particular, the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) did first class work thereon.

There is no doubt that this amendment is prepared by a bipartisan group, and it is certainly timely, because we recently discovered these problems. While it might not be perfect, it is a great start for us to move into the conference with the Senate.

I commend the sponsors and those who worked so hard on this amendment. I urge my colleagues to support it. Again, I commend the gentleman from California (Mr. COX), the gentleman from Washington (Mr. DICKS), and those members of the committee who put so much effort into it.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman I rise in support of the amendment. As a member of the select committee, I want to congratulate the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for the bipartisan manner in which they handled this very important national security matter.

I would also like to publicly thank my two colleagues for offering our committee's recommendations to the defense authorization bill before us today. I urge Members of this body to support and accept the bipartisan and unanimous findings and recommendations of the committee by voting for this amendment.

This language, the language in the amendment, gives Congress the common ground needed to enhance the Nation's intelligence infrastructure and prevent our country from repeating many of the episodes which occurred over the past few years.

Mr. Chairman, we could take the next few hours taking partisan potshots that criticize this agency or that administration or in fact any Congress over the last 20 years for not taking any of the perceived and real espionage threats seriously. However, I believe that this House can contribute much more to our country today and begin to move forward by focusing on fixing the problem, rather than casting blame. This amendment addresses a number of concerns and offers several steps to strengthen this country's national security. This is a strong bipartisan constructive effort to solve the national security problems that our committee examined over the past year, and I urge my colleagues to adopt the amendment.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in support of the amendment before us today, and I wanted to thank the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), as well as the gentleman from Texas (Mr. THORNBERRY), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from South Carolina (Mr. SPRATT) and their staffs for this hard work on this amendment over the last month. This is a serious effort by serious people who spent considerable time and thought on this problem, and I thank them for their efforts to make our laboratories safe from our Nation's adversaries.

Let me say a word or two about these laboratories. Millions and millions of people here and abroad now enjoy personal and political freedom because these labs, employing some of the greatest minds in the world, have allowed us to defend ourselves against the enemies of freedom. The list of Nobel Prize winners from America's national labs is staggering. The number of scientific breakthroughs is breathtaking. The number of seminal discoveries is unparalleled in any other group of institutions in the world. These labs are treasures for science and for freedom. It should not surprise us then that these laboratories have been the target of systematic, relentless assault by the People's Republic of China.

Over the last few months, through the investigation of the gentleman from California (Mr. COX) and his committee, we have seen the breakdown of institutions of government. We have seen one hand of government not know what the other hand of government was doing. There were errors and omissions and miscommunications and failures of policy and procedure.

In all of this, one fact remains: With only one exception that we know about, the employees of the laboratories remained loyal Americans, putting the Nation's interests above their own. That is why this amendment is so important. It recognizes that the problem is not the people; it is the system, and this amendment addresses the problems in the system, across a broad spectrum of activities.

It directs a review of the organizational structure of our nuclear weapons complex; it establishes an office of counterintelligence and foreign intelligence within the Department of Energy; it requires each lab to have a counterintelligence program; and it establishes a counterintelligence polygraph program; it enhances civil and monetary penalties; and deals with the issue of foreign visitors in a way that protects our national secrets, while allowing our scientists to be engaged in a broader scientific community. It also addresses the emerging problem of computer security, ensuring there is an annual evaluation, an operational evaluation, of national laboratory computer systems.

I want to commend the select committee on its analysis and its identification of the serious problem of our failure as a Nation to protect our national secrets. This amendment goes a long way toward beginning the restoration of that security.

Ms. LEE. Mr. Chairman, I yield two minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in strong support of the COX-DICKS amendment. Working with the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) and my other colleagues has exemplified the bipartisan spirit and cooperation that the nation deserves in formulating a sensible response to the security deficiencies at our national laboratories.

The report that the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) released last month was startling in that it exposed 20 years of systemic failure in our counterintelligence operation that spanned several administrations. Our intelligence agencies failed to embrace new technologies and our counterintelligence units failed to protect our secrets above all else. Our gravest error has been the lack of an individual clearly responsible for protecting our Nation's secrets.

This amendment, Mr. Chairman, will take us a long way in solving the structural deficiencies in our counterintelligence operation and improving security at the laboratories. It establishes a structural chain of command with ultimate authority for protecting our secrets with the Secretary of Energy and it gives the Secretary the tools to do it, such as polygraph examination of scientists with access to the most sensitive information and increased financial penalties for employees who mishandle classified material.

We are fortunate that Energy Secretary Richardson has stepped forward to assume that responsibility. This legislation provides him with the authority and tools he needs to manage the job.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in support of this legislation, but I do want to make two points. The first point I want to make is I want to congratulate both the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) because this is not a new issue for the Committee on Armed Services. In fact, during the last several years, it has been a tireless effort on behalf of both the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) to address the very concerns that were dealt with in great detail by the Cox committee.

I can remember having debates on this floor about the elimination, largely pushed by our government, of COCOM and that process that greatly troubled Members on both sides of the aisle. I can remember amendments on past defense bills where we focused on the need to deal with the proliferation of the exportation of computers and high technology. So I want to give appropriate credit to the authorizing committee for the leadership role it has played in the past on these issues.

Secondarily, I want to make the statement that this amendment is not the end. It is the beginning. This does not solve all of our problems. Our problems are not just with the labs. In fact, many of the problems at our labs are created by ourselves when in the 1993–94 time frame we did away with the color coded classification status and we put a moratorium on the FBI background checks. Those were things we did ourselves. We should not have done it back then, and now we are trying to right that wrong. But this does not solve all of our problems, and we must commit ourselves to work on all of the recommendations contained in the Cox committee report, which I had the pleasure of serving on.

Mr. Chairman, the bottom line here is that this is not just a problem of our laboratories, it is a problem of our export policies, and this is not to say that we want to stop our country from exporting abroad. It is a case of providing a common sense approach, working with American industry, to make sure we are competitive, but that we do not open the door for all kinds of technologies to be sold to Tier III nations or those nations that our State Department lists as terrorist nations.

As I said when we released the Cox committee report, the basic problem in my mind was the failure of our government to protect the American people. I am sure we can blame China or we can blame companies, but, in the end, our government has failed us. This takes one step forward to try to begin to address those concerns.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I rise in support of the amendment and I salute the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for taking the lead in working this amendment out.

This amendment started as a bipartisan effort to address the counterintelligence problem at DOE. It included the gentleman from Texas (Mr. THORNBERRY), the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Washington (Mr. DICKS), and myself.

When our amendment was not made in order under the first rule, a number of other amendments which really duplicate component parts of this were made in order. They are still made in order under this rule, which creates a problem. We were principally working as an alternative to a moratorium proposed by the gentleman from Kansas (Mr. RYUN) in an amendment which will later be brought up which would effectively, in my opinion, ban the foreign visitors program at the national laboratories. We tried to come up with constructive alternative to that, something that would put in this counterintelligence where needed, strengthen security, but not abolish the program.

After the rule was not made in order, the gentleman from California (Mr. COX) joined our effort to come up with a bipartisan compromise, and he added provisions to the amendment that relate to export controls. We have spent a couple of days trying to iron those out. While there are still wrinkles, we have a bill that we think is an acceptable piece of work and one we can support.

I still find problems with it and want to serve notice that we have got work to do in conference. For example, just to take as one example, section 1407. We direct the President to negotiate an agreement with China that will include end use verification of any high performance computers that are exported to China.

□ 1430

I agree with that goal, but I am also realistic. I doubt any sovereign nation which has not been defeated in war would agree to end use verification without notice. I question the wisdom of legislating unattainable objectives.

Nonetheless, this is better than the original draft. It is a good compromise. We still have some work to do in conference. I am particularly pleased with section 3109. This addresses the controversial issue of foreign visitors to our labs.

We have crafted a bipartisan provision in the Cox/Dicks amendment that will make the necessary security improvements to our labs without crippling international programs that are critical to national security, Nunn-Lugar, our lab-to-lab programs with the FSU, the former Soviet Union, to make sure bomb grade plutonium and uranium will not fall into the hands of countries which we do not want to have it, or terrorist organizations; training the IAEA inspectors, things like that that are constructive, useful, and can only take place at the labs because that is where the expertise lies.

Our provision allows the program to stand but puts new restrictions on it. The Ryun amendment in my opinion would require a 2-year moratorium that effectively bans the program. We think we have a good bipartisan solution here. We recommend the entire amendment.

We would also say to Members as other amendments come up that this amendment really takes care of the Ryun amendment. It is a better solution. This amendment makes unnecessary, I would suggest, the amendment offered by the gentleman from California (Mr. HUNTER) on polygraph because we codify the polygraphs requirements the administration is now putting in place.

This also makes unnecessary a number of other amendments because we have subsumed them and included them in this particular amendment. It is a good amendment. I recommend its adoption.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I rise in support of this amendment. I have been part of a group that has worked for several weeks on an appropriate, constructive proposal to deal with some of the security problems we have found.

I was concerned, frankly, that some of the ideas floating around here were simply a reaction, without thinking and working through the implications. I was also concerned that some of them focus on just little pieces of the problem without looking at the broader problem.

I think this amendment is balanced. It does deal with the wide range of security problems. It is commonsense, but yet it significantly improves the security at our nuclear weapons labs and other places, but it also allows important work to continue, work that is in our national interest. It does not cut off our nose to spite our face.

I think the other key point to be made is this is not the complete response. I agree completely with what the gentleman from California (Chairman COX) has said, that we have more work to do. The Cox committee said, for example, we need to look at whether the Department of Energy is even equipped to handle the Department of Energy's nuclear weapons complex. GAO has said the same thing. We have got more work to do to get to the bottom of the problems which arose here.

Ms. LEE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the task the Select Committee on the People's Republic of China was given was to investigate breaches in national security, and it was a difficult one. Espionage charges against certain spies or foreign agents was expected to emanate from this investigation. A lot of the information that was alluded to was put in parenthesis to indicate that further investigations were ongoing and that the administration did not wish to have all of this information disclosed at this time.

There were a few charges, most of them previously noted, some including convictions and many others are still under investigation.

It described, I think, more importantly the general technique used by the People's Republic of China. There was detailed discussion regarding theft of certain classified information in the report. It described the actions of certain U.S. satellite manufacturers which served to transfer technology relevant to nuclear missile development. It highlighted the failures of the U.S. security system to protect these important nuclear secrets.

I think that all of these are important disclosures on how these breaches of national security occurred. I think the committee needs to be applauded for pointing this out and bringing it to the attention of the Congress of the United States.

I rise today, however, to caution my colleagues on the implementation of these concerns we have heard articulated today, that we do not indirectly or maybe purposefully encourage race-baiting our loyal American citizens who are following the law, making important contributions in our nuclear labs and in other sensitive areas in private industry, making important, notable achievements to our scientific knowledge and our database, to our country; and that these individuals, if they are Chinese or Asians generally, are not singled out for special considerations, for special testing, for security investigations, perhaps even having their security clearances pulled while ongoing further investigations happen.

I think it is important for people not to say, we have three volumes of reports and it is significant, and rely on the newspaper's account. I call to the attention of this body three pages at least, page 91, pages 40, 41, and page 2, and commend this Congress to read it.

Volume I, Page 91 is particularly disconcerting to most of us who are concerned about the potential of scapegoating loyal Americans. Page 91 says, "The PRC employs various approaches to coop U.S. scientists to obtain classified information. These approaches include appealing to common ethnic heritage, arranging visits to ancestral homes and relatives, paying for trips and travel to the PRC, flattering the guest's knowledge and intelligence, holding elaborate banquets to honor these guests, and doggedly peppering U.S. scientists with technical questions."

On page 40, Mr. Chairman, it says "U.S. scientists who are overseas in the PRC are prime targets for approaches by professional and nonprofessional PRC organizations who would like to coopt them. Select committees have received information about Chinese American scientists from the U.S. nuclear design labs being identified in this manner."

Page 41 says, "The number of PRC nationals attending educational institutions in the U.S. presents another opportunity for the PRC to collect sensitive technology. It is estimated that at any given time, there are over 100,000 PRC nationals who are attending U.S. universities who have remained in the U.S. after graduating."

It goes on further to say, "The Select Committee judges that the PRC is increasingly looking to PRC scholars who remain in the U.S. as assets who have developed a network of personal contacts that can be helpful to the PRC."

I submit that all of this suggestive language enlarges the reach of the investigation and interjects doubt and suspicion regarding all of the Chinese American citizens who are here who are in fact loyal American citizens.

I caution this Congress to pay attention to the potential harm this kind of allegation can bring to this large, loyal segment of our American community.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the House majority whip.

Mr. DELAY. Mr. Chairman, I rise in support of this amendment brought to us by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), and I congratulate the two of them for an outstanding job and a great service to the

American people. Also I commend their committee. The American people owe them a great deal of praise for the work they have done.

American national security has been squandered for too long. It is time for this Congress to correct that problem. The revelations in the Cox report could not be more startling. The People's Republic of China orchestrated a multifaceted cabal of spies to methodically steal all of America's nuclear secrets. This theft by the Communist Chinese was so complete that the bipartisan Committee on National Security has concluded that the PRC's nuclear weapons design is now on a par with our own.''

I know the press is trying to sweep this story under the rug. The fiasco exposed in the Cox report is being painted as simply another innocent and unavoidable blunder where no one is to blame. In other words, it is no big deal. But considering the military ambitiousness of Red China, there can be no doubt that this is only the tip of the iceberg. They are going full steam ahead with their nuclear weapons program, and using our technology to build it.

Because of gross negligence at the White House, future PRC warheads aimed at the United States will largely be the product of American expertise. Predictably, the Clinton administration is trying to ride out this storm, like it always does. The difference is this tempest puts our whole Nation at risk. There can be no compromises when the security of America is at stake. We have to shore up security and counterintelligence failures, and begin a serious battle against espionage.

This amendment does that by establishing new procedures to combat the vulnerability of classified technology. It also requires the President to submit detailed reports to Congress on security matters concerning our arsenals in Red China.

This amendment is only the beginning. Much more must be done, because there are consequences to the President's careless disregard to protect classified information, and it is time we tackle that problem. Americans can be reassured, and China should know that this issue will not fade away. This is just the first step.

China must not mistake the weakness of our President for the weakness of the American people. Congress must be strong where the administration has been weak. We need to flex our muscles and let the world know that America takes its national security seriously.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, first I want to commend both the chairman, the gentleman from California (Mr. COX) and the ranking member, the gentleman from Washington (Mr. DICKS) on this report, and for working diligently on the issues of security presented by the recent situation that we face at the Department of Energy. I want to particularly thank them for the deliberate nature in which they addressed these issues, and also for not politicizing it, unlike some people who have come to the floor.

In times of concern over national security, we must remind ourselves that sparing no effort to ensure our national security should not be at the expense of our basic beliefs about the civil rights of our people as a whole, as members of ethnic groups, and as individuals. In times of heightened concern about the national security, it is sometimes all too easy to conclude that there may be groups of people among us who are contributing to our national insecurity.

The most tragic example in American history was the treatment of Japanese Americans during World War II, but in recent memory we have stigmatized Arab Americans, especially in the immediate reaction to the Oklahoma bombing.

Of course, we have many allegations of racial and ethnic profiling in many communities around the country. It is vitally important to our national security to continue to ensure the security of our military secrets, but also our civil rights. We should spare no effort to ensure that no one is profiled or stigmatized or asked additional questions or given special treatment or subjected to lie detector tests because of their ethnic background.

We must stand firmly for the national security of our military knowledge and our military technology, but equally firm for civil rights and fair treatment, which marks our society as unique in the world.

I wish to express my concern that Asian-Pacific Americans are not placed under a cloud of suspicion, and that all of the procedures being suggested today, as I know they have by both the gentleman from California (Chairman COX) and the ranking member, the gentleman from Washington (Mr. DICKS),that every one be examined for any potential problems. Let us make sure that all our security concerns really deal only with security concerns.

Mr. COX. Mr. Chairman, I yield 3½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I am pleased to rise in strong support of the Cox/Dicks amendment, which implements key recommendations of the Select Committee on the U.S. National Security amd Military/Commercial Concerns for the People's Republic of China.

I want to thank the gentleman from California (Mr. COX) for working with our Committee on International Relations to modify many of those provisions in his amendment that fall within our committee's jurisdiction. I am both gratified and saddened by the success of the Select Committee.

The gentleman from California (Mr. COX), the gentleman from Washington (Mr. DICKS), and their colleagues on the Select Committee, including the gentleman from Nebraska (Mr. BEREUTER), one of the subcommittee members, have provided an outstanding service by exposing not only Chinese espionage against the crown jewels of our defense establishment, but in bringing to light the failure of the Clinton administration to safeguard our military secrets and in putting trade and commerce ahead of our national security.

The advances in nuclear weapons and ballistic missiles that China will reap from their acquisition of American science and technology directly undermine the fundamental national security of our Nation.

□ 1445

The impact of the loss of these military-related secrets to the national interests of our Nation and to peace and stability of Asia, though, is incalculable.

In addition, we must be greatly concerned about the prospects of Chinese proliferation of stolen American nuclear and missile secrets to rogue regimes and others in the Middle East and in South Asia.

Beijing's aggressive actions have in fact proven what many have long suspected: that the Chinese view our Nation, not as a strategic partner, but as a chief strategic obstacle to its own geopolitical ambitions.

The continued assertion by this administration that the United States and China are strategic partners is naive and misguided and certainly cannot be found in Chinese actions and policies to date.

Regrettably, the Clinton administration's response to this threat to our national interest is at best anemic. The Congress has a great deal to do to rectify the problems that have properly been identified by the Cox committee.

This legislative package is the sound first step in addressing those problems. Our Committee on International Relations stands committed to working with the Committee on Armed Services in fully investigating these issues and in implementing the Cox committee's recommendations.

The Committee on International Relations has already held two hearings to hear testimony from the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), and we have already acted on one of the select committee's recommendations. That provision is included in the measure that we will be taking up next week, H.R. 973, the Security Assistance Act of 1999. That bill includes a provision to impose higher civil and criminal penalties against companies which violate our export laws.

I urge my colleagues to support the amendment and to support the COX-DICKS report.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I want to take the occasion of the debate on the report, on the COX-DICKS report, to comment on comments made by our colleagues, the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Guam (Mr. UNDERWOOD) regarding the issue of sensitivity on the issue of our Asian-American community.

But sensitivity is not really enough of a word. We certainly have to be sensitive as we go forward that the FBI in its investigations does not look into the background of anyone because of their ethnic background or their surname. Certainly they must be sensitive, but we have to make certain that one of the casualties of this investigation is not the good reputations of the people who have been so important to our national security—people from our Asian-American community, with their brilliance, with their patriotism, with their dedication.

I hope that as we go forward with all of these amendments and all of the investigations that will continue, that we do not shed a light of suspicion on individuals or companies or concerns in America. I happen to be blessed in my district with a large Asian-American population, mostly Chinese American. Many of those families have been there longer than my own. They have been there for many generations. Some have been there for only many days. But all of them love America.

They came here for a reason. We are the freest country in the world, and we cannot let this espionage investigation jeopardize that. Our country's attitude toward people and their rights cannot be a casualty of this investigation. I am particularly concerned, as one who has never pulled a punch in criticizing China and its activities in terms of human rights, proliferation and trade. I want to say here unequivocally that the jeopardizing of our rights in this country would be a more destructive consequence than any espionage we can find in this investigation.

Mr. COX. Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I intend to support this amendment. But I really have real concerns when there are those who would use national security to achieve partisan political advantage. However, in their zealous effort to make this a partisan political issue, even though it goes back 2 decades and even though it includes efforts during Republican administrations to have some turn us back to the Stone Age.

There was an original amendment which would have restricted the export of your basic laptop computer to China. That simply is not reality.

We need to proceed as we move on beyond this amendment cautiously with this debate. This near faux pax would have been disastrous for American industry while having no impact on China. We need to carefully consider how to best address our national security while simultaneously taking into consideration the reality of today's global marketplace, and we need to understand that America does not have a monopoly on advanced technology.

Now, the Subcommittee on International Economic Policy and Trade, of which I am the ranking Democrat, has jurisdiction over the Nation's export control policies. I am disconcerted that we have not had an opportunity to consider the proposals contained in the amendment before us in the subcommittee or in the full committee.

So we look forward to working on those issues in the days ahead. But the issues raised in the COX-DICKS report are not partisan issues. Democrats and Republicans are equally concerned about our national security.

So let us proceed with caution and address the issues raised by the report in a responsible manner, with the full input of the relevant committees, industries, and government agencies. Let us not unfairly stigmatize Americans of Asian descent who have contributed to the greatness of this country.

I believe that everyone in this Chamber wants to ensure the national security of the United States. But we also have to do it in a way that keeps the tip of the iceberg in terms of America's technology away from those others who may not have it in the global marketplace, but make sure we are competitive in all other respects. No one has a cornerstone on national security interest in this Chamber.

Ms. LEE. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Chairman, I have heard some of the debate here. Some try to make it seem that this is a Clinton-era problem. It is hard to make that argument with problems that date back to 1982. Some of the Members who spoke on the floor said, oh, this is just because we lost COCOM. COCOM left us. We never lost it. They left us once the Soviet Union fell apart.

We cannot get our allies to agree to fully significant controls. The Bush administration could not save it, and the Clinton administration could not save it. We have to deal with that reality, or we will take actions here that will only injure American dominance in these high-tech areas.

Ms. LEE. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want to, just as we end this debate, again thank the gentleman from California (Mr. COX) and his staff for the cooperation we have had in drafting this amendment. I think this amendment will go a long ways to dealing with the security problems at our national labs.

I can tell my colleagues, Secretary Bill Richardson, Ed Curran, one of our finest FBI leaders in this country, are committed to finally getting this problem cured and resolved. This is the heart and soul of this amendment. It is the heart and soul of our report.

I want to thank all of my colleagues, the gentleman from South Carolina (Mr. SPRATT), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from California (Ms. ROYBAL-ALLARD) for their leadership on the committee.

We had a good team, and the Republicans had a good team. Let us have an overwhelming vote for this COX-DICKS amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the COX-DICKS amendment. It is one thing to spin that administration to administration had problems; it is another thing for the President of the United States to know about it, be briefed in 1996, and do nothing. That is what in my opinion is criminal.

Let me give my colleagues a couple of ideas. I encourage all of my colleagues to go and get the classified brief. We had an asset, I cannot tell my colleagues what it is on the floor. We were building a countermeasure for that asset. It would not have worked. We got the asset. It not only saved the billion dollars, now we can build it.

Secondly, we have an asset against our fighter pilots. Ninety percent of the time, both in the intercept and in the engagement, our pilots die. We have that asset. It also helps us design what we need into the joint strike fighter, what we do into the F-22.

Doing the opposite things gives the Chinese, not only saving billions of dollars for a W-88 warhead and our technology, but it allows them to be more dangerous in the weapons that they could put at the United States. So this COX-DICKS amendment is very very important. It is a good first step.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to thank the two authors of the report along with all the committee members who participated in it.

This amendment is very strong in a couple of ways. It gives at least a temporary review to the Department of Defense for militarily critical technology that could be sent to potential adversaries. That is a very important thing.

It also tries to reinstate a structure, a multilateral structure where we can persuade our friends, other nations, our allies to join with us in restricting militarily critical technology from going to potential enemies.

Now, let me just say there is unfinished business in this report and in this amendment. After this thing passes, we will still have supercomputers going to China where we have no end use verification. We will still be sending American satellites to China for launch by their Long March rockets which also is a mainstay of their nuclear and strategic assets.

We will still, after a fairly short moratorium, be allowing visits to the 65 scientists who came from Algeria, Cuba, Libya, Iran, and Iraq into our national weapons labs.

There is unfinished business. I look forward to voting for this amendment and moving ahead to complete the job.

Mr. COX. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from California (Mr. COX) has 1 minute remaining and the right to close.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

I would like, as essentially all of the other speakers have done thus far, once again to thank the gentleman from Washington (Mr. DICKS), the ranking member on the select committee, and thank all of the chairmen and ranking members of the committees of jurisdiction who have worked with us on this amendment.

This amendment does not cover many of the important topics of our recommendations. Some of the debate here has focused on export controls on computers. There is nothing about export controls on computers in this amendment.

It is also important to recognize that hard work remains ahead for our standing committees. I think that the ranking member and I will be testifying before several of them to move this legislation along.

Lastly, some mention has been made on the floor about racial and ethnic profiling by the Communist Party of China. The CCP ethnic and racial profiling that is detailed in our report is a significant distinction between the Communist Party and America.

In this country, the liberty and dignity of the individual are paramount. We do not think of people as members of groups or essentially tools of the State. That is why what we are investing in our armed services, in our intelligence community, and our national laboratories is so important. It is for the pursuit of freedom, not just for Americans, but for people around the world. That is ultimately the purpose to which this amendment is directed. I urge my colleagues to support it.

Ms. ROYBAL-ALLARD. Mr. Chairman, as a member of the Select Committee on China, I rise in support of the Dicks/Cox amendment to the Department of Defense Authorization bill.

Chairman COX and Ranking Member NORM DICKS have crafted a responsible, bi-partisan amendment that addresses many of the problems the Select Committee found during its six month investigation.

This amendment implements most of the President's recommendations for tightening security at our national labs, including establishing an independent Office of Counterintelligence at the Department of Energy with direct line to the Secretary of Energy. It requires polygraphing of all Department of Energy lab employees who have access to sensitive nuclear information, and increases the civil and criminal penalties for mishandling of classified information. The amendment also tightens the security of the computer system at the national labs.

In addition, the amendment places a temporary moratorium on foreign visitors from sensitive countries to our national labs until these strong security and counter-intelligence measures are in place. It also requires, the Department of Energy to submit a comprehensive annual report to Congress on security and counterintelligence at all DOE defense facilities to ensure that these measures are indeed protecting our national security.

In the area of technology exports, the amendment implements many of the Select Committee's recommendations, including requiring a comprehensive report on the adequacy of current export controls in preventing the loss of militarily significant technology to China. It also requires a report on the effect of High Performance Computers sold to China, and requires that the President negotiate with China to ensure that the computers we export to them are used for their stated purpose.

Another area that the committee investigated was the adequacy of U.S. policies regarding security at Chinese satellite launch sides. Unfortunately, what we found was that there are numerous problems with the security personnel hired by U.S. satellite companies. These include, guards sleeping on the job, an insufficient number of security personnel at launch site, and guards reporting to work under the influence of alcohol. The committee also found numerous deficiencies in the Defense Department's monitoring an oversight of satellite launches in China.

Therefore, I am pleased that the Dicks/Cox amendment includes provisions to address these problems, such as mandating new minimum standards for security guards on satellite launch campaigns, requiring the Department of Defense to develop technology transfer control plans and requiring that the Department of Defense contract the guard force for security at the launch sites. Finally, the amendment ensures that the Defense Department monitors assigned to foreign launches have the adequate training and support to properly execute their jobs.

In closing, I'd like to echo the statements of my colleagues on the Select Committee. Many of the findings contained in the Cox Committee report are indeed grave. This responsible amendment is an important first step towards addressing these findings and ensuring that our national security is protected. For that reason, I hope my colleagues in Congress will vote in favor of this important, bipartisan amendment.

☐ 1500

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. COX).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 6, as follows:

[Roll No. 180]

AYES—428

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr

Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Hinchey
Lucas (OK)
Luther
McHugh
Waters

☐ 1521

Mr. METCALF changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2000

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–180) on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Pursuant to House Resolution 200 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1401.

☐ 1522

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, with Mr. NETHERCUTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from California (Mr. COX) printed in the CONGRESSIONAL RECORD of June 8, 1999, had been disposed of.

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 106–175.

AMENDMENT NO. 3 OFFERED BY MR. COSTELLO

Mr. COSTELLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 3 offered by Mr. COSTELLO:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

"a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

"b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.".

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

"Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.
"Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the Committee on Rules for making my amendment in order. I applaud the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for their amendment. However, I believe there is a loophole in their amendment.

The COX-DICKS amendment does not cover all contractors and it does not cover not-for-profit contractors. My amendment addresses this problem by ensuring that any lab contractor who violates rules relating to the safeguarding and security of sensitive information or data will be held accountable.

My amendment to the Atomic Energy Act gives the Secretary of Energy the discretion to decide when and how the fines for national security breaches would be imposed. If the breach of national security is unintentional and without consequence, the Secretary could choose to impose a small fine or waive the fine and issue a warning instead.

The Act also gives the Secretary the flexibility to promulgate a different rule from the collection of fees for not-for-profit contractors. My amendment has not removed any of the flexibility afforded the Secretary in the Atomic Energy Act. Instead, I have given the Secretary the discretion to impose fines on all liable contractors. When a contractor employee knowingly, willfully, or repeatedly breaks the rules, the contractor should be held accountable and not automatically exempted.

Last month when I offered this amendment in the full Committee on Science to H.R. 1656, the DOE authorization bill, it passed unanimously.

When Secretary Richardson testified before the Committee on Science last month, he agreed with me that penalties should be imposed for national security infractions for all lab contractors, including not-for-profit contractors.

Mr. Chairman, my amendment is very simple. It is to the point. It levels the playing field and, in my opinion, provides accountability to anyone working at any of our labs throughout the United States, be they for-profit or not-for-profit contractors.

Mr. Chairman, I ask my colleagues to adopt the amendment.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I certainly support the intent of this amendment. It is a good amendment. There is some language that I would like to work with the gentleman from Illinois prior to going to conference. There are some concerns regarding fines and how it affects the taxpayers of California because the University of California and other public institutions.

I would like the assurance of the gentleman that we will work together to come to some agreeable language that will work for everyone concerned.

Mr. COSTELLO. Mr. Chairman, reclaiming my time, I would be happy to work with the gentleman. And I not only have had conversations with him concerning this issue, but also the gentlewoman from California (Mrs. TAUSCHER) who I would like to yield to now to express some concerns, as well.

Mrs. TAUSCHER. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from Illinois (Mr. COSTELLO).

As I understood it, the Costello amendment would subject Department of Energy laboratory contractors to financial penalties for violations of security procedures. I agree with my colleague that laboratory contractors must be held accountable for security lapses by their employees. Such accountability is necessary if we are to ensure that the security procedures that we put in place are properly administered. Protecting our Nation's secrets must be a top priority of our national laboratories. I am pleased that the House just voted to adopt the COX-DICKS amendment that enhances security at the labs.

I am concerned, however, that the amendment of the gentleman makes no distinction between laboratory contractors that are for-profit organizations and those that are not-for-profit organizations.

□ 1530

There are key differences between how these two types of organizations function. For example, subjecting the University of California, which is a public institution, to the same fines and penalties as a for-profit corporation would potentially penalize all of the tax-paying residents of the State of California for the operations of a Federal facility in pursuit of a national mission. I believe that in leveling civil penalties against these contractors, we must account for the differences inherent in their organizations. I am hopeful that this legislation moves forward and as it moves forward we can continue to work together to address concerns about applying civil penalties against not-for-profit laboratory contractors.

Mr. COSTELLO. Mr. Chairman, reclaiming my time, I appreciate the gentlewoman's comments and concerns. I assure her, as I do my other friend from California and the California delegation, that I intend to work with them to address this issue in conference. The goal of my amendment is to create a level playing field for both for- and not-for-profit contractors. The goal in our Committee on Science, of course, was to try and level the playing field and as we move this legislation forward and hopefully if this amendment is adopted by the committee, we will work in conference to address the issues that you have raised here.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding me this time. I rise to support the legislation. I believe that we have a challenge to promote good scientific research, to do it in a manner that includes many of our citizens here in the United States, to reflect the diversity of this Nation, to promote collaboration but also to secure the important security issues of this country.

With that, I would simply ask, since I happen to come from a community that has a great emphasis on scientific research, NASA is located in my area, many of my universities like the University of Houston, Texas Southern University, Rice University and many others who I have not called their names, collaborate with the Department of Energy and other such entities such as the Department of Defense. I would simply like to yield to the gentleman to inquire whether his amendment would in any way inhibit or put a particular hardship on the very good research that many of our not-for-profit, nonprofit institutions are engaged in.

I yield to the gentleman from Illinois.

Mr. COSTELLO. I would say to the gentlewoman that the intent of the amendment is not to penalize in any way any university in the State of Texas or for that matter in my State of Illinois that are involved in research at our national labs. But it is intended to give the Secretary of Energy the ability to penalize any not-for-profit corporation that is doing work for our labs that repeatedly and intentionally violates the security regulations and rules that we have adopted. So I would assure her as I have the members of the California delegation that we will work in conference to address the issue.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I want to thank the gentleman and particularly for the fact that he has given this issue over to the Secretary of Energy in his wisdom and discretion, I think that is very important. I thank the gentleman very much for his amendment. I look forward to supporting this amendment.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I would like to commend the gentleman for his amendment. It is a good one. As the chairman I am prepared to accept it.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the committee.

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time. We have examined the amendment on this side, we fully understand it and find it acceptable.

Mr. COSTELLO. Mr. Chairman, I ask that the House adopt my amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 106–175.

AMENDMENT NO. 4 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. HUNTER:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

(A) Special Access Programs;

(B) Personnel Security And Assurance Programs; and

(C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term "counterintelligence polygraph examination" means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from California (Mr. HUNTER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume. This amendment expands and I think makes somewhat more concise the polygraph provision in the umbrella COX-DICKS amendment that was just passed. We are all concerned obviously with the losses that have been categorized before us throughout the media, that have been the subject of this major piece of legislation, and one answer to that, of course, is to do more polygraphs, do them on a regular basis. In looking at the language that was proposed by the special committee, that language directs itself to what are known as special access programs. What my amendment does is expand that to include people who have access to nuclear weapons design, which is the very subject of the technology that was stolen, and fissile material, that is nuclear weapons material. So people who have access in those very important areas are similarly subjected to polygraphs.

The other aspect of our amendment is that the amendment also designates that these polygraphs should be given every 5 years, no less than every 5 years, which we think is a reasonable rate. That is the difference.

Mr. Chairman, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume. I discussed this amendment with the offeror of the amendment, the gentleman from California (Mr. HUNTER). While he assured me that this requirement of the counterintelligence polygraph would be universal in the sense that it would apply to all employees that fit into the category of being an employee of a high-risk program in the Department of Energy, I just wanted to confirm with the gentleman from California (Mr. HUNTER) at this point if that is the real intent and meaning of this amendment.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. HUNTER. I would say to my colleague, yes, that is the intent of the amendment and the amendment very clearly states that the counterintelligence polygraph program shall be administered to each covered person who has access to these high-risk programs. And those high-risk programs are, of course, the nuclear weapons design programs, special access programs, and access to the material that we make nuclear weapons out of. Very clearly this is totally ethnic neutral, it is race neutral, it has no reference to the backgrounds of these people. If you qualify and are given a clearance under one of these high-risk programs, you have to take the polygraph test. So it is very fairly in this particular amendment, very fairly delineated to apply to all people who have to get those particular clearances.

Mrs. MINK of Hawaii. Mr. Chairman, I have a further question of my colleague. Who is to manage the polygraph program? Who is to design it? And how is it to be applied to these employees in these high-risk programs? Whose guidance will the Department of Energy be following? The CIA, the FBI or exactly who?

Mr. HUNTER. No, the director of the Office of Counterintelligence of the Department of Energy shall administer this program for the Secretary of Energy.

Mrs. MINK of Hawaii. Now, the polygraph would be directed specifically to questions referring to leaks of sensitive information and not those things that refer to the privacy of the individuals or their associations in private life outside the context of the laboratory, or will it go into matters of their social behavior, their family relationships with other persons who may not be employed in the labs? How extensive is this polygraph going to be in its search for information which would be critical to the national security of these laboratories?

Mr. HUNTER. Of course, there is a certain discipline and a certain structure to polygraphs that are directed to people who have access to highly secret material. And, of course, one very important point, and I know the gentleman from Indiana (Mr. ROEMER) is concerned about this, too, is that the polygraph and the polygraph examination and the people who undertake it do so with a high degree of integrity, that is, that they limit it to intelligence areas that will give them information, only information as to whether or not the subjects may have been subject to a security breach. And, secondly, that the polygraph is given in a very professional manner and is given by very professional people with a high degree of integrity. I know that is a concern, and I think that is something that we simply have to monitor very closely. But again the Secretary of Energy is charged with this program. He is charged with it and he carries it out through his director of the Office of Counterintelligence of the Department of Energy. So you have the President's Cabinet member overseeing this particular program. I think we should pay a great deal of attention to make sure that it is administered with a high degree of integrity but I think we can achieve that.

Mrs. MINK of Hawaii. A question by one of our colleagues, who unfortunately could not be here because there is another pressing meeting, raises the point of many of these employees are not fully conversant in English. They are limited English speakers. Many of them are highly skilled, very, very important technical scientists in this field. Is the polygraph examination going to be given in different languages so that the failure of communication in English is not going to tag this individual as being a risk because they could not relate to the types of questions that are coming at them in the English language nor could they respond in English in an adequate way?

Mr. HUNTER. First, I think obviously that is a very important part of the integrity of the polygraph examination. It has to be given in a way that is fully communicated to the person who is the subject of the examination and once again that is a part of the professionalism of the examination. Of course if you have a person who does not communicate fully in English, it must be communicated in the language that they are conversant with. We will certainly expect that that is the way that it would be administered. I think we can have conversations with the Secretary of Energy to make sure that that occurs.

Mrs. MINK of Hawaii. Does the amendment in any way set down the monitoring mechanism so that we can be assured that the responses that you have given to my inquiries will actually be the process followed by the Department of Energy?

Mr. HUNTER. The answer to that is I would say to my colleague that giving polygraph tests is a science that has been built up over the years. The Department of Energy, because this is such an important area, and the gentleman from Indiana has mentioned this, we have had actual failures of polygraph in the past who register a positive when in fact it should have, but because this is such a critical area, I think we can expect the Secretary of Energy to adopt, A, the highest standards, and, B, use the best trained professionals to do this, because this is so serious. And I think we should ensure that that occurs, but I think we can.

Mrs. MINK of Hawaii. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my good friend from Hawaii for yielding me this time. I rise not in opposition at all to the author of the amendment but to commend him especially for two areas that he has covered in this amendment. First of all, those individuals covered and also how often this is administered and to what programs are administered. I think the gentleman has done a thorough job. My concerns and caveats come to who is administering this and how they administer it in a professional, scientific way with thorough analysis and comprehensive integrity.

The Washington Post had an interesting story on this several weeks ago looking at the credibility of polygraphs, about the validity of the system, the analysis of answers using output of flawed polygraphs, the issue of false positives. What we want to do, I think, and the gentleman from California very much wants to do this, too, and accomplish this, is establish uniform standards.

☐ 1545

Now I do not know that we should contract these out. Maybe the FBI has the ultimate science and professionalism and integrity. We have seen that we have had some problems in contracting this out in the past, that there have been some unreliable polygraphs produced; and I want to work with the gentleman in conference to make sure that not only have we got the parts right that he has done such an effective job on who is covered, how often, what special access programs are covered, but who administers this, and should we allow a contracting out of this.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, I would say to my friend he has raised excellent questions, that this is a subject that we need to sit down and discuss with the Secretary of Energy, and I would say that I can assure him that I will ask our chairman, the gentleman from South Carolina (Mr. SPENCE), because this is a very important area to him also, to participate with us and with the gentleman and with the Secretary of Energy and have some discussions during the conference to make sure that we have two things: the highest professionalism, and, No. 2, the best standards.

If those best standards fall in the area of government-given polygraphs, and perhaps they are not in the private sector, then let us go with the best standards if they are in the government. If the best standards and the best science has been developed on the outside, let us use that capability, but certainly let us make sure we have the best.

Mr. ROEMER. As long as the gentleman says the best standards are in the private sector and everybody agrees on that, that we do not then have this jumping back and forth between established best standards for one and their administering 50 or 60 percent of the polygraphs and the FBI or somebody else is doing the remaining 40 percent, and we know there is a discrepancy between or differences between the administration of those tests. I think it is very important that we establish a uniform standard of policy here as to who is administering it, and if it is the FBI, maybe we do not contract out. If the established science is in the private sector, then that is the uniform standard that we establish, and I look forward to working with the gentleman. I am not going to oppose this amendment.

Mr. HUNTER. I thank the gentleman, and let me just respond that I will work also to see that we have uniformity. I think that is a key.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 106–175.

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. ROEMER:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and seurity practices.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. ROEMER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been a member of the Permanent Select Committee on Intelligence since the beginning of this Congress. I have been especially interested in the issues surrounding the compromise of nuclear weapons design information and the security and counterintelligence programs at the national laboratories. I do not believe that all of the facts surrounding what happened and how it happened with respect to the compromise of sensitive weapons information to the PRC have yet been sorted out.

Problems clearly existed for 2 decades, and for reasons that are still inexplicable, very little appears to have been done on a systematic basis until the press reports, the promulgation of Presidential Decision Directive 61. While I commend Director Freeh and the Director of Central Intelligence Tenet for pushing PDD 61, and Secretary Richardson for his commitment to fully implement counterintelligence and security reforms, and just recently to the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for their amendment today, I am not yet convinced all specific reforms have been considered addressing the culture and leadership between our national labs and the Department of Energy.

Nevertheless, I am convinced that counterintelligence and security reforms will only succeed if good counterintelligence and security practices become ingrained, ingrained in the daily business of those who have the duty to protect national security information and if there is continued high-level attention being made to security and counterintelligence discipline from the leadership and the national security agencies of the United States Congress. The keys, Mr. Chairman, are ingrained in the daily business, continued high-level attention, and disciplined leadership and direct communication between DOE and their employees and the United States Congress.

I have thus proposed in this amendment that the Secretary of Energy provide the Congress with a report each year on certain matters related to counterintelligence and security that would give one indication that there is keen attention and involved leadership to security and counterintelligence practices at the national laboratories. I would expect the report to be sent each year to the Armed Services and Intelligence Committees of the Congress with classified attachments, if necessary. There were three reports in the Cox and Dicks amendment just voted on. This amendment does not produce any kind of duplication between those other reports. I would hope that the committees would then use the report as one springboard for oversight.

Again, I believe Congress must send the strongest constructive message about counterintelligence and security, and the message must be sustained over the long term, not just in the heat of revelations about espionage with sufficient appropriations from our oversight committees to ensure that the job gets done.

I would like to thank the House committee staff on intelligence, current members of the intelligence and counterintelligence communities and former members, such as the Director of Intelligence Jim Woolsey and experts on counterintelligence matters such as Paul Rudman and John Feron for their help in putting this amendment together.

Mr. Chairman, I yield to the gentleman from Delaware (Mr. CASTLE) who has also been helpful in putting together the bipartisan amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Indiana for yielding, and I do rise in strong support of his amendment, of which I am a cosponsor, which would require the Secretary of Energy to report to Congress annually regarding the counterintelligence and security practices at our national laboratories.

I will not belabor this too much, because a lot of what I would say would be repetitious of what the gentleman from Indiana has already stated; but as a member of the Permanent Select Committee on Intelligence, I do have a distinct interest, as I think we all do, but perhaps it is a little more focused on the intelligence committee in safeguarding our national labs, especially considering the recent release of the details of the COX-DICKS report regarding United States national security and the People's Republic of China.

The facts obviously are still emerging, the consequences of that are still emerging, and efforts are being made to address it, but I think we have come to the conclusion that something needs to be done on a longer term regular basis, if my colleagues will, is what this amendment is all about, requiring the Secretary of Energy to issue an annual report on certain matters related to counterintelligence and security, in those particular labs.

So I am strongly supportive of this. I think we need to remain ever vigilant on this. We need to learn from the past, and we need to make sure that whatever it is that we do to cure these things will be continued into the future, and in my judgment some sort of annual review is exactly what is needed, and so for that reason I strongly support this amendment.

Mr. ROEMER. Mr. Chairman, I thank my good friend from Delaware for his strong bipartisan support for the amendment, and again come back to the many hearings and the many reports that we have had from the COX-DICKS Commission, the many meetings that we have set up with members of the counterintelligence community. They stress over and over and over again that the culture in our laboratories has to change; that we have to have ingrained in the daily business a concern and riveted attention to the details of security; that we have to have this as a continuum; that we have to continue to stress this at the highest levels; Secretary of Energy Richardson, who has got a good start on this, continue to visit the national laboratories and make this a top-down and bottom-up change in the culture.

The Chinese have probably been spying on the United States for 30 years since they started a nuclear program. We need to be more vigilant, we need to be more detailed about securing the most sensitive secrets we have, some of which are at our national laboratories.

So I would hope that this amendment would be accepted, that we can change the culture, we can keep attention to this, and that we will continue to put the necessary appropriations forward to keep ever vigilant in protecting our national security secrets.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON) for any comments he may have on the amendment.

Mr. SKELTON. Mr. Chairman, I would merely say it is a good amendment, and we examined it on this side. We have no problem with it and endorse it.

Mr. ROEMER. Mr. Chairman, I thank my good friend from Missouri and would ask that the House adopt the amendment.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I would like to commend the gentleman for his amendment, too, and as chairman of the committee I am prepared to accept it.

Mr. ROEMER. Mr. Chairman, I thank my good friend from South Carolina, and with those two resounding endorsements I know when to stop talking, Mr. Chairman, and I would ask the House to adopt the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106–175.

AMENDMENT NO. 6 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. SWEENEY:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY POLICIES WITH RESPECT TO TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL AUDIT.—The Inspectors General of the Department of Defense and the Department of Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall each conduct an annual audit of the policies and procedures of the Department of Defense and the Department of Energy, respectively, with respect to the export of technologies and the transfer of scientific and technical information, to the People's Republic of China in order to assess the extent to which the Department of Defense or the Department of Energy, as the case may be, is carrying out its activities to ensure that any technology transfer, including a transfer of scientific or technical information, will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China.

(b) REPORT TO CONGRESS.—The Inspectors General of the Department of Defense and the Department of Energy shall each submit to Congress a report each year describing the results of the annual audit under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from New York (Mr. SWEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not expect to use all my allotted time, and I want to thank both the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE) for the opportunity to present this amendment.

As my colleagues know, the past several years have revealed two major breaches in the national security interests of this great Nation, and we have heard a lot of debate and discussion on the floor today about one of those. And the Chinese nuclear espionage and the transfer of militarily-sensitive technology to satellite trade have now proven beyond a doubt to have significantly enhanced the military capability of communist China.

Since the end of the Cold War, I believe, Mr. Chairman, we have taken our military strength and in turn our national security a bit for granted. Sadly, the recent events have revealed that American strength is not automatic and we must take positive steps to preserve our role as the only remaining superpower.

Today I offer my amendment to reestablish that it is the policy of the United States to ensure that our technological advances and military know-how are not turned against us in the form of advanced military threat. My amendment and the real value of my amendment, I believe, is that it would provide an additional and very necessary layer of security and scrutiny to ensure that Chinese espionage experienced in the Department of Energy labs is not repeated in the Departments of Defense and Energy and that they regularly monitor their policies with respect to the technological transfers with China. The amendment requires that the Inspector General of Defense and Energy assess in consultation with our intelligence community their departments' policies and procedures with respect to the exchange of technology and scientific information that could be used to enhance the military capabilities in China. This audit must be conducted on an annual basis and is continuing with a report to Congress.

Mr. Chairman, I offered a similar amendment to the NASA authorization just a few weeks ago that passed the House, calling for an annual audit of policies regarding the transfer of technology to China from our space program. I believe this is a commonsense review and it should exist in all relevant departments throughout the Federal Government. Surely I recognize that the Department of Energy has taken steps to correct some of the problems that led to the compromise of our most critical military secrets.

□ 1600

I also recognize that there have been a number of amendments presented, and there will be more that will be presented today, that also provide for some answers and some solutions, and Congress has made this a priority as we address these security issues.

A few years ago we were pretty certain that the top secret scientific information at our nuclear labs was secure. We now know that was not the case. I think it is entirely appropriate and I would suggest essential that the agencies of the U.S. Government engaging in national security related matters be required to regularly conduct comprehensive evaluations of their policies for protecting militarily sensitive technology.

Again, the amendment simply provides an extra layer of protection at the Departments of Defense and Energy to prevent the repeat of the breach of our nuclear labs. America can no longer take our national security for granted and we in Congress can no longer take our national security for granted. I believe this is a common sense oversight amendment, and I urge my colleagues to support it.

Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I find no fault with the amendment, and I commend the gentleman for offering it. On behalf of the committee, I accept it.

Mr. SWEENEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I have examined the amendment on our side and find it commendable.

Mr. SWEENEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition?

If not, the question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 106–175.

AMENDMENT NO. 7 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. RYUN of Kansas:

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Department of Energy Foreign Visitors Program Moratorium

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Foreign Visitors Program Moratorium Act".

SEC. 3182. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) MORATORIUM.—Until otherwise provided by law, the Secretary of Energy may not, during the foreign visitors moratorium period, admit to any facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a monthly basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) On a monthly basis, but not later than the 15th day of each month, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report in writing providing notice of the waivers made in the previous month. The report shall identify each individual for whom such a waiver was made and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy or an Assistant Secretary of Energy.

(c) FOREIGN VISITORS MORATORIUM PERIOD.—For purposes of this section, the term "foreign visitors moratorium period" means the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date that is 2 years after the date of the enactment of this Act.

(2) The date that is 90 days after the date on which the Secretary of Energy, after consultation with the Director of the Federal Bureau of Investigation, submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a certification in writing by the Secretary of each of the following:

(A) That the counterintelligence program required by section 3183 is fully implemented, and fully operating, at each of the national laboratories.

(B) That such counterintelligence program complies with the requirements of Presidential Decision Directive number 61.

(C) That the Secretary is in compliance with the provisions of subsection (b).

SEC. 3183. COUNTERINTELLIGENCE PROGRAM.

(a) Establishment at Each Laboratory.—The Secretary of Energy shall establish a counterintelligence program at each of the national laboratories. The counterintelligence program at each such laboratory shall have a full-time staff assigned to counterintelligence functions at that laboratory, including such personnel from other agencies as may be approved by the Secretary. The counterintelligence program at each such laboratory shall be under the direction of, and shall report to, the Director of the Office of Counterintelligence of the Department of Energy.

(b) Investigation of Past Security Breaches.—The Secretary shall require that the counterintelligence program at each laboratory include a specific plan pursuant to which the Director of the Office of Counterintelligence of the Department of Energy shall—

(1) investigate any breaches of security discovered after the date of the enactment of this Act that occurred at that laboratory before the establishment of the counterintelligence program at that laboratory; and

(2) study the extent to which a breach of security may have occurred before the establishment of the counterintelligence program at that laboratory with respect to a classified project at that laboratory by the admittance to that laboratory, for purposes of a nonclassified project, of a citizen of a foreign nation.

(c) Required Checks on All Non-Cleared Individuals.—(1) The Secretary, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall ensure the following:

(A) That before any non-cleared individual is allowed to enter any facility of a national laboratory, a security investigation known as an "indices check" is carried out with respect to that individual.

(B) That before any non-cleared individual is allowed to enter a classified facility of a national laboratory or to work for more than 15 days in any 30-day period in any facility of a national laboratory, a security investigation known as a "background check" is carried out with respect to that individual.

(2) Non-Cleared Individual.—For purposes of paragraph (1), a non-cleared individual is any of the following:

(A) An individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(B) An individual who has not been investigated by the United States, or by a foreign nation with which the United States has an appropriate reciprocity agreement, in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as "Secret".

SEC. 3184. EXCEPTION TO MORATORIUM FOR CERTAIN GRANDFATHERED INDIVIDUALS.

(a) Grandfathered Individuals.—Notwithstanding section 3182(a), the Secretary may, during the foreign visitors moratorium period described section 3182(c), admit to a facility of a national laboratory an individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list, for a period of not more than 3 months for the purposes of transitional work, if—

(1) that individual was regularly admitted to that facility before that period for purposes of a project or series of projects;

(2) the continued admittance of that individual to that facility during that period is important to that project or series of projects; and

(3) the admittance is carried out in accordance with section 3183(c).

(b) Report on Grandfathered Individuals.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on each individual admitted to a facility of a national laboratory under subsection (a). The report shall identify each such individual and, with respect to each such individual, provide a detailed justification for such admittance and the Secretary's certification that such admission was carried out in accordance with section 3183(c).

SEC. 3185. DEFINITIONS.

For purposes of this subtitle:

(1) The term "national laboratory" means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

(3) The term "indices check" means using an individual's name, date of birth, and place of birth to review government intelligence and investigative agencies databases for suspected ties to foreign intelligence services or terrorist groups.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Kansas (Mr. Ryun) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. Ryun).

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment today because I believe its strong moratorium language will enable the Department of Energy to enact the previously debated and passed intelligence programs.

Mr. Chairman, I have worked with the bipartisan group that wrote the Cox-Dicks amendment, and I voted for it. I agree with the series of strong security provisions that the amendment offers. However, I also believe putting these security provisions in place cannot be achieved overnight.

Until a comprehensive counterintelligence program is up and running at each laboratory, access must be limited to ensure that enhanced security is functioning properly.

Mr. Chairman, as you can see, I would have had a chart just a moment ago, but it would have shown that 16 percent of our foreign visitors from sensitive countries were not given any kind of background check between 1994 and 1996. Congress needs to make sure that every effort is made in our power to limit that access until we discover the full extent of the revealed security breaches. It is pretty extensive when you look at the numbers between 1994 and 1996.

Secretary of Energy Bill Richardson in a letter written today to all Members of Congress states that the Ryun amendment "effectively kills several important national security programs at the DOE laboratories." However, the amendment allows the Secretary of Energy to waive the moratorium for individuals deemed necessary to our national security, so we have a waiver provision in there with the moratorium that allows if we have a national security problem allowing necessary people to come in and be able to perform in those laboratories. For each waiver, the secretary must report which individuals were admitted, along with the justification for their admittance to the House and Senate Armed Services Committees on a monthly basis.

Mr. Chairman, after the two-year moratorium is complete and after consultation with the Director of the FBI, the Secretary of Energy is required then to certify in writing that the new counterintelligence programs are running effectively before giving Congress a 90-day review period for the lifting of the moratorium.

This amendment puts accountability and Congressional oversight back into the security process at our nuclear labs. We must establish procedures to ensure that the theft of our national security secrets never happens again.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized to control 20 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, were it not for the Cox-Dicks amendment, this would be a different case. We not only are replowing the same ground, we find this amendment in conflict with that amendment which we have already passed unanimously in this body.

Mr. Chairman, let me commend my friend from Kansas, who is a very sincere and dedicated member of our committee. However, this amendment is not necessary because of the reasons that I heretofore stated.

Mr. Chairman, the protection of critical nuclear information is a very serious matter. There has been a compromise, and some changes are required in the manner in which security and counterintelligence matters are handled. The amendment does provide some increased emphasis on counterintelligence and potential for enhanced protection, but would codify the counterintelligence program mandated by Presidential Directive 61 in the least restrictive manner thus far proposed that provides a waiver by the Secretary of Energy during moratorium.

However, since the COX-DICKS amendment has been accepted by this body, as I point out, by unanimous vote on a rollcall vote, this amendment is not needed. It flies in the face, sadly, with the COX-DICKS amendment, so we would have two standards set forth in the bill should this be adopted. That, of course, is a very serious problem for anyone to follow when you have two standards, two ways of doing something, two time limits. It would be very difficult, and, frankly, unworkable.

Regretfully, because the gentleman from Kansas (Mr. RYUN) is such a dedicated member of the committee, I find that I really in all sincerity must oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is important to draw the distinction here, because while the Cox report allows for a moratorium, it is a very limited moratorium. It is a 90-day moratorium. In actually reading the report by the gentleman from Washington (Mr. DICKS), who is a part of this amendment, and Mr. COX, it is very clear to me that is a very limited period of time.

My amendment allows for a two-year moratorium, which is sufficient time to put a counterintelligence program in place and ensure that we genuinely protect those national secrets. That is the reason for the length. Under the Cox report it has a 90-day period with a 30-day reporting period, so conceivably at the end of 60 days there would not be a need for any further moratorium.

So I believe the extension is necessary if we are going to make sure that we have a counterintelligence program in place and to ensure our national secrets.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to rise in strong support of the Ryun amendment, and I want to say at the outset that I very much respect the position of folks on the other side. I know the gentlewoman from New Mexico (Mrs. WILSON) is very dedicated, very bright, and has the best interests of our country at heart and serves her constituents very well. I have though a difference of opinion on this issue with the folks that limited the scope of the foreign visitors cutoff.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to make sure we have this understood here. Nothing happens. There is a moratorium until Ed Curran, the new Director of Counterintelligence, certifies that we now have in place an effective counterintelligence program. Then, under the COX-DICKS amendment you would have 45 days, and Congress would then have a chance to review it. So you would have 60. But this is 60 days after the new head of counterintelligence certifies that we have an effective plan in place.

Why would we want to keep it on for two years after that? That does not make any sense.

Mr. HUNTER. Reclaiming my time from my B-2 friend, let me tell——

Mr. DICKS. Mr. Chairman, the B-2 did very well over there, by the way, in Kosovo.

Mr. HUNTER. I know the B-2 did very well in Kosovo. Let me say why the Ryun amendment makes a lot of sense. It is for this reason. I understand under both provisions we establish a counterintelligence office. That is, of course, a must. It is a mandate.

But the issue should go beyond how we establish the counterintelligence operation. It should also include the issue of this: Does it make sense for us to have visitors and to allow Algeria, Cuba, and I am looking at the GAO report on foreign visitation to our nuclear weapons complex, Cuba, Iran, Iraq and China in our nuclear laboratories at all? What advancement is Cuba giving us to our nuclear weapons program? What is the reasoning whereby we feel that we need to make, and I have added them up here, six visits by the states of Algeria, Cuba, Iran, Iraq and China to our nuclear weapons laboratories?

I think, and I say to my friend in all sincerity, I think we have missed part of the debate. I think when we do counterintelligence background checks on people from Iraq, you know what our counterintelligence people are going to give us on these particular agents and scientists? They are going to give us blank pieces of paper, because it is very difficult for us to get background information on those folks.

Now, I do not think that people from those states and many of the other controlled access states have anything to give to our nuclear weapons complex that helps us either build nuclear weapons or do stockpile stewardship on nuclear weapons, which is our primary purpose.

I would simply say this to my friend: The Secretary of Energy can execute waivers, but this is all about accountability. Under both provisions, the Ryun amendment and the base bill, the Secretary of Energy can execute waivers. I think if you look at this list of people from controlled countries that had no business being at our national labs, and you see the percentage of people that, in the cases of Iran and Iraq who were even given background checks, and it is down to 10 and 20 percent of people from Iraq were given background checks to come into our nuclear weapons complex, I think it is appropriate for us to say to the Secretary of Energy, listen, for the next two years, you can have people come in, and if it is the Nunn-Lugar program that affects the Soviet Union, if it is one of our missile control regimes, if it is a fissile material control regime, all you have to do is sign a piece of paper and you bring those scientists in. But we want you to look at these applicants for admission to our national weapons complex. The Ryun amendment does that.

I think, in light of that, the two-year moratorium makes a lot of sense. These people have not been paying attention. I think the gentleman would agree with me, when you let people come in from Algeria, Cuba, Iran and Iraq, and they are supposed to be contributing to our nuclear weapons development or stockpile stewardship, it makes us realize the leadership in DOE has not been reflecting on these admissions. We want to make them reflect.

Lastly, I would say what Leo Thorsen has said, the great Medal of Honor winner. He said in areas of national security, he said, go with strength. Go the extra mile. We are going the extra mile with the Ryun amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I stand in opposition to the Ryun amendment, although I understand the sincerity with which he offers it.

□ 1615

This amendment is entirely unnecessary, as has been already pointed out. The concerns that are pertaining to the moratorium and checking out all the foreign scientists who come have been dealt with adequately in the COX-DICKS amendment that has already passed.

This amendment places a 2-year moratorium on the entry of foreign visitors from sensitive countries, and it presents what seems to me to be a very simplistic solution to a wave of espionage that has already occurred in our weapons labs.

I know that the sponsor indicated that between 1995 and 1996, that some

16 percent of the foreign scientists did not receive any background checks. If we had a 2-year moratorium for that time period, then it would make a lot of sense. But what we have in the situation here is that we are trying to solve a problem that we are already aware of, and it is like locking the barn door after the horses have escaped.

The free exchange of scientists in unclassified research areas at our nuclear weapons lab is important for recruiting and retaining a world class staff. We need to help maintain the U.S. nuclear stockpile and maintain American scientific leadership. A quarantine at our national laboratories in effect will insulate us from some of the world's finest minds in many scientific fields, and has the effect of undercutting our own progress, development, and superiority in nuclear weapons development and scientific advancement.

Imagine if this moratorium had existed during the U.S. development of the atom bomb. Dozens of scientists and physicists, people like Einstein and Fermi, who were citizens of enemy nations, would have been prohibited from research and development of a weapon that helped end World War II. These exceptional minds who labored tirelessly for their adopted country would be barred from that work today.

Secretary Richardson has responded to this. The COX-DICKS amendment has responded to this. This amendment is entirely unnecessary.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman who just spoke, we have a waiver provision that allows for national security, to allow certain scientists to come in if necessary.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas (Mr. RYUN). I think it is a good amendment.

I have listened intently to all of the opposition. It does not make sense. It takes years to learn the scope of espionage that has already occurred in our nuclear labs. We still may not know the full extent of the problem.

As a matter of fact, the Cox report has only been able to offer up for the public view certain portions of what they found out. Many parts of it are still classified, and we would not know what has been learned there.

In March, the former director of the Los Alamos National Laboratory wrote in the Washington Post that during his tenure at the lab a great number of individuals from sensitive countries visited, but there was ". . . no indication that these contacts compromised our security."

Unfortunately, it was during this same period of time that classified information on the W-88 warhead designed at Los Alamos was stolen by the Chinese. In this case, what we did not know has certainly hurt us.

Espionage by definition is not conducted in plain sight. We did not know that China was obtaining our nuclear secrets from laboratory employees, and my theory is that we do not know of losses that have occurred because of the foreign visitor program.

The Government Accounting Office has reported that during the period 1994 through 1996 there were 5,472 visits from sensitive countries to the three weapons laboratories. Of that number, 2,237 were from Russia; 1,464 were from China; and 814 were from India. That high visitation rate continues, with Los Alamos recently reporting 1,040 visits from sensitive countries in 1997 alone.

In view of this high volume of visitation from countries of proliferation concern, at least one of which has illicitly obtained our nuclear weapons secrets, I do not think it is inappropriate to place strict limits on these visitations.

I would point out what has already been pointed out to a lot of the concerns of our opponents in this matter, that the moratorium imposed by this amendment would not be permanent, nor would it be absolute. The amendment provides for waivers by the Secretary of Energy, allowing the admission to a national laboratory of specific individuals from a sensitive country if the Secretary determines the visit to be necessary for the national security interests of the United States.

The amendment also includes a sunset provision that has not been mentioned which would, under certain conditions, make it possible for termination of the moratorium within 2 years.

Mr. Chairman, this is a good amendment. It should be adopted.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I find parts of this amendment to be difficult to understand, at least in the real world and the way the laboratories operate.

Sandia National Laboratory in my district is a multi-program laboratory. Yes, it does nuclear defense work, but it also does a whole lot of other things. This amendment would prohibit foreign visitors from sensitive countries to any facility on Sandia National Laboratories, and the only exceptions are for when it is necessary for national security.

This means we are no longer going to have any foreign visits that deal with the solar energy farm or the micromachines program or nuclear fusion or semiconductors or lithography, or a whole range of scientific developments arrayed with computing.

We need our scientists to be engaged in the most advanced science in the world, and the reality in this country today is that half of the graduate students in engineering in American universities are not American citizens.

We need to stay on the cutting edge of science, and we would make a mistake if we cut ourselves off from that science.

Mr. RYUN of Kansas. Mr. Chairman, I yield 3 minutes to my friend and distinguished colleague, the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I rise in strong support of the amendment introduced by my friend, the gentleman from Kansas (Mr. RYUN), fellow member of our Committee on Armed Services. I have the utmost respect for the gentleman from Missouri (Mr. SKELTON) and Members on that side of the aisle. I appreciate what is being done by the COX-DICKS amendment.

There are many steps in the right direction. My friend, the gentlewoman from New Mexico (Mrs. WILSON) has great concern for her district, country, and her labs, and she very carefully and meticulously explained to me her views on the bill. I appreciate her willingness to talk with me at length about this.

But as I evaluate the situation from my perspective as a member of the Committee on Armed Services, it is apparent to me that to simply rely on the COX-DICKS amendment is a potential underreaction to an extremely serious situation.

With that in mind, I strongly support the efforts of the gentleman from Kansas (Mr. RYUN) to put our security first, to put the future security of our Nation at the absolute top of our priority list. I have listened to a number of colleagues. The amendment of the gentleman from Kansas (Mr. RYUN) does nothing but strengthen the recommendations put forth by the Cox commission.

It is clear from our debate that we are all in agreement over the seriousness of what is at stake. Events at Los Alamos reflect a collapse in DOE counterintelligence and a compromise of national security. Again, the COX-DICKS AMENDMENT IS CRAFTED TO ADDRESS THESE COUNTERINTELLIGENCE LAPSES, AND OUTLINES NO LESS THAN 13 NEW INITIATIVES FOR DOE IMPLEMENTATION. THIS IS GOOD.

There is no doubt that the measures, if properly executed, will close loopholes exploited by Chinese spies. It seems to me, however, impossible to set in place an extensive, verifiable counterintelligence system in a mere 90 days.

I would remind my colleagues, and there is not a member in this Chamber that did not support the COX-DICKS amendment, that this amendment establishes three new agencies of counterintelligence oversight. Do we really believe these new agencies will be operational in 3 short months? I submit the answer is no.

The gentleman from Kansas (Mr. RYUN) is simply providing the DOE adequate time to ensure that some of America's most sophisticated technology is safe from foreign espionage. I contend any Member that is troubled by events at Los Alamos and is interested in legitimate solutions will support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I very reluctantly rise in opposition to the Ryun amendment. I want to commend the gentleman for his work on this issue. He was an early proponent of tightening security at DOE, and his realization of the problems there have been proven correct.

We attempted in the drafting of the original Dicks amendment to address the problems he identified and, to a large measure, we were successful. The Dicks-Ryun amendments are now almost identical except for one major point. However, in my view, this point is a major difference. I must reluctantly oppose his amendment.

The Ryun amendment, like the COX-DICKS amendment, imposes a moratorium on foreign visitors to the dose national laboratories. But under the Ryun amendment, this moratorium would extend for at least 2 years, regardless of whether or not all possible security measures needed to protect the labs are in place.

This is a serious concern to me because Ed Curran, chief of counterintelligence at DOE, assures me that it will not take that long to fix the problems at the labs. Frankly, I do not think the House could accept any answer from DOE that said it would take 2 years to fix these problems. To let problems continue for that long once they have been identified would be totally unacceptable.

Because the Ryun moratorium would last well after the amount of time needed to fix the problem, I am concerned that it will actually reduce the incentive for DOE to react quickly. I believe the amendment of the gentleman from Kansas (Mr. RYUN) will slow down the improvement of security at DOE.

The COX-DICKS amendment already adopted by the House provides ample time for congressional oversight of DOE's changes to security at the labs, and it provides DOE the incentive to act quickly. I urge Members to oppose the Ryun amendment.

I just want to underline, our amendment is in place until the director, Mr. Curran, and the director of the FBI certify to the president, to the Congress, to the DOE that they have a security program in place. Then there will be 45 days of congressional review after that to make certain we agree with that.

But to put a 2-year lock on this thing, as the gentleman from Kansas (Mr. RYUN) does, will undermine any incentive to act quickly, which is what we want. We want Richardson, Curran, and Freeh out there implementing this program as quickly as possible.

I do not think the gentleman from Kansas (Mr. RYUN) intended this. I think it is an unintended consequence, but I think it really undermines our effort to get a quick solution to this problem.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I stand in strong support of the Ryun amendment. This is a commonsense amendment. To quote the amendment of the gentleman from Kansas (Mr. RYUN), the letter of June 8, it says his amendment simply prohibits foreign visitors from sensitive countries, and those are constituents that are such staunch U.S. allies as China, Cuba, North Korea, Iran, Iraq, Russia, from entering national laboratories unless the Secretary of Energy grants a waiver to individuals deemed necessary to our, the United States', national security.

Frankly, given the track record of this administration, I hate to see them have the ability to grant waivers. I would love to have some language in there that said unless they have been giving to the campaign, but I do not want to go that route.

□ 1630

I think we have already hashed that out. We know the relationships that have caused some of these breaches in security. But let us look at some of the statistics: 742 Chinese scientists visited Los Alamos National Laboratory, but only 12 were given background checks; 23 Iraqi and Iranian scientists visited the Sandia National Laboratory, none were given background checks; 1,110 Russian scientists visited Los Alamos National Laboratory, yet only 116 were given background checks.

Come on. This is national security. What is it that these people from sensitive countries offer that people are opposing the Ryun amendment over? I am not sure. What was it that the scientists from Cuba or North Korea or Iran or Iraq or Russia gave that we are afraid to give up for 2 years? Really we are not giving it up for 2 years. The Secretary of Energy would have the right to waive the requirement.

This is a common sense amendment. Our national security has been breached because of the sloppiness of the current administration. This tries to correct it. I stand in strong support of the Ryun amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, when the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) released their report last month, I feared amendments like this one offered by the gentleman from Kansas (Mr. RYUN) today.

This amendment is nothing more than a misdirected overreaction. Instead of making constructive changes to improve our counterintelligence operations, this amendment blindly cuts off our labs to foreign scientists, scientists who work in many nonclassified, nonweapons-oriented areas of the labs.

Specifically, this amendment fails to distinguish between the smuggling of our classified national secrets by American citizens from nonclassified disarmament-oriented exchanges with countries such as Russia.

Among our country's greatest national security threat is the spread of nuclear chemical and biological weapons. In February I spent a week in Moscow, meeting with U.S. and Russian scientists who administer programs designed to stop Russian scientists and their nuclear materials from going to countries such as Iran, Iraq, and North Korea.

Given the State of the Russian economy and the fact that Russia's uranium stockpiles are not locked down, we have no choice but to engage our Russian counterparts on a scientist-to-scientist level.

The Ryun amendment would end this cooperative effort. It would prevent Russian scientists from visiting our laboratories for 2 years and would severely damage U.S.-Russian relations.

Mr. Chairman, for those who are concerned about visits to our national labs, let me say just this. Earlier today, as part of the Cox and Dicks amendment, this House took steps that would reasonably address the need to protect classified materials at our national labs from foreign visitors.

It would provide for the lifting of a moratorium when DOE's Director of Counterintelligence, with the concurrence of the FBI Director, determines that the proper counterintelligence measures are in place.

Let us embrace this measured approach offered by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS). Let us reject the reactionary approach before use. Let us not blindly shut down vital national security programs that have nothing to do with classified secrets.

Mr. RYUN of Kansas. Mr. Chairman, I have no further speakers, but I would like to reserve the right to close.

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has the right to close.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I commend the gentleman from Kansas (Mr. RYUN) for the serious work he has done in this effort. It is certainly rare that I would have a different opinion from my committee chairman, but I believe that the COX-DICKS approach is better.

I think it is important for us to focus on the important parts of these security problems. There has been no indication whatsoever that the foreign visitor program has been in any way related to any of the security lapses that we have had at the national laboratories. Now other things are related, management of DOE and the number of other areas where more work is required, but not the foreign visitor program.

I would further say that the numbers that we hear talked about do not really tell us very much. For example, the Governor of California once called Lawrence Livermore and asked that a busload of Chinese tourists be able to visit Lawrence Livermore Laboratory and go to the publicly open museum. Every person on that bus counts as a foreign visitor. I do not think we wanted to have the Secretary of Energy sign a waiver for each and every one of those tourists on a bus going to a public building.

I think the COX-DICKS approach is better and ask that this amendment be defeated.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I want to repeat the commendation of the last speaker to the gentleman from Kansas (Mr. RYUN), because he served a purpose in raising this issue to the forefront. He caused us to take what he was proposing, to consider it in depth; and that was the genesis of the amendment we adopted unanimously today, the COX-DICKS amendment.

While it included other things, that was our initial purpose, to take the foreign visitors program and add strictures to it, but not stifle it so much that we would literally suffocate and kill it, because this particular proposal would simply wipe out the foreign visitors program except for perhaps a few singular individuals who might be certified into it.

Now, what does that mean? What is the foreign visitors program? The foreign visitors program exists on reservations like Los Alamos, which is about the size of the District of Columbia. It is not just some small laboratory. It is a huge complex of facilities, an enormous site. It includes secure areas to which they do not have access and lots of other areas and labs and work spaces.

It would include an Israeli scientist there working on solar energy, a Swedish chemist who has come to work on plutonium issues, because there is a lot we still do not know about plutonium. The Swedish chemist, an actual case, is one of the world's experts. We need his insights and advice into the nature of plutonium, how it ages and what its effects are.

It includes lots of foreign citizens who will soon be American citizens who post-doc'd from American universities and are working there, working at Los Alamos, or Livermore. They are the scientific talent of the present or the future.

It includes a lot of Russians and lab-to-lab exchanges. Why are they there? Their knowledge is just about on parity with us anyway, but it is reciprocal. We do not talk a lot about this. That is part of the Cox report that was not published. We have gained a great deal through these exchanges. That reciprocity has enhanced our knowledge of what they are doing and enabled us to get a better grip on the spread or misuse of nuclear materials and nuclear devices.

It could include IAEA trainees, because this is the perfect place to come where the knowledge resides. It could include nonnuclear exchanges. As the gentlewoman from New Mexico (Mrs. WILSON) stated, lots of other things have nothing to do with nuclear weapons, lithography for inscribing ships, for example, micromachinery, and stuff like that.

We will wipe out this program. Why is it important? Why does it have to occur at the labs? We set it up years ago when we created the stockpiles stewardship program so that we could have at these labs, which are national treasure houses, scientific talent that is second to none, so that we could attract excellent scientists there and maintain our excellence in nuclear weapons.

This is an important program. The strictures we need for the security and counterintelligence have already been passed and put into effect by the COX-DICKS amendment. This is not necessary. In fact, it is a dangerous precedent.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding me this time, and I certainly thank the gentleman from Kansas (Mr. RYUN) for his leadership on these important issues.

Mr. Chairman, we have been through some troubling times. We have been sometimes amazed, sometimes fearful, and sometimes deliberating what can we do to protect the national security issues of this government, and how can we combine that with the necessities of research and collaboration and our own intrinsic spirit of a country that welcomes those into our borders.

I believe there is good intent behind this particular amendment, but I rise in opposition because of the importance of our national labs and the relevance that they have to part of the collaborative effort we have on very important research.

While the intent of preserving our national security secrets is one that I am committed to accomplishing and will be supporting several amendments dealing with the recent incident that we had in our national labs, I feel that this amendment imposes an unnecessary burden on the ability of our national labs to function.

In fact, we have already addressed many of these issues. The COX-DICKS amendment gives DOE incentive to rapidly fix security problems. Under the Ryun amendment DOE has a 2-year moratorium, no matter what they do, because they are forbidding those who are foreign nationals from even coming near our national labs.

I think the American ingenuity is better than that. I think we are smart people. I think we can address this question right now; and we can not or will not, by addressing it right now, prohibit the collaborative research that is important by most of those who come to our national labs, who have no intent of spying.

We had a terrible series of events which have been noted by the COX-DICKS report, started under Republican administrations, continued under Democratic administrations, went under a Republican administration. There is no one that can claim that one party over another has not had some responsibility for what has happened.

I would ask we vote down the Ryun amendment and support the measures that have already been done and support the Department of Energy's works that they have already begun to do, and make sure that we continue in the attitude that we have that good research is good and spying is bad.

Mr. RYUN of Kansas. Mr. Chairman, may I inquire of the Chair how much time is remaining on both sides, please.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 2½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 3½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), my friend and colleague.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time.

Mr. Chairman, it is apparent that the Department of Energy has no culture for keeping secrets. They keep secrets about like a sieve holds water. Personally, I think that we should move all nuclear functions from the Department of Energy to the Department of Defense under civilian control. At least in the Department of Defense we have a culture for keeping secrets, a culture for protecting our Nation's secrets.

Now, what is being asked by the gentleman from Kansas (Mr. RYUN) is not outside the realm of possibility. It is a very reasonable consideration, a small step in the giant trip we need to take towards recovering our Nation's secrets and putting into place a system that would prevent them from being lost in the future.

We simply have a counterintelligence function being put in place, a 2-year moratorium, and start the process of protecting the secrets that our country has invested billions of dollars in developing, and the loss of our secrets places our Nation in jeopardy. Our children's safety is very important to us. Whether they are in school or on the streets, it is important.

The Ryun amendment is a good first step, and I would encourage my colleagues to vote for it.

Mr. SKELTON. Mr. Chairman, I yield 1¾ minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas (Mr. RYUN), my friend and personal hero.

A year ago, the gentleman from Texas (Mr. THORNBERRY) and I traveled to Russia and visited several classified Russian nuclear labs. While we were there, we saw a demonstration, a cooperative venture that was set up between Sandia lab back in the United States and Russia.

We actually looked on TV screens and were looking at this Sandia lab. It was an experiment on how to most efficiently control nuclear materials, how to most efficiently verify that respective Nations are following treaty requirements.

What will happen if this amendment passes? First of all, there will be retaliation. Any nation that is on this sensitive nations list, they are going to retaliate against us. Of course, they are not going to let people like the gentleman from Texas (Mr. THORNBERRY) and I continue to visit their complexes.

Second, the gentleman from California (Mr. HUNTER) a while ago gave a list of the nations that are on the list of sensitive countries, and he mentioned Cuba and Algeria. I mean, who can complain about not letting Cuban baseball players into our nuclear facilities?

The problem is that is an incomplete list. The list I received from staff also mentions that are on the list of sensitive countries, Israel, Taiwan, India, Pakistan. Surely we would all acknowledge that these are countries that we do have need for cooperative scientific venture even in some classified areas.

The third point I would make is that this amendment is too broad. The specific language puts this 2-year moratorium on "any facility of a national laboratory."

Now, the doctor in me, when I hear the word "laboratory," I think it talks about some one little small space or one room. These laboratories, like Sandia lab, Los Alamos, are large, sprawling, many, many acres, many, many buildings, doing all kinds of work with all kinds of different scientists, much of which is not classified.

We would be cutting off all of this material and all of those opportunities by passing this amendment.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I rise in opposition to the Ryun amendment.

I rise today in strong opposition to the Ryun amendment.

Last month Congressman NETHERCUTT offered an amendment to the DOE authorization bill in the Science Committee that would have imposed a moratorium on the Department of Energy's foreign visitor program. I amended Mr. NETHERCUTT's amendment to include a sunset provision. My amendment was unanimously accepted.

I offered my amendment in the Science Committee because I am very concerned about national security at our labs. My amendment called for a moratorium on foreign visitors from sensitive countries to all labs when the visit is to a classified facility, and topics involve export control and nonproliferation. However, it included a

1. Waiver of the moratorium on visits related to the U.S.-Russia nonproliferation programs that are important to our national security.
2. Similar to the bipartisan bill passed by the Senate Intelligence Committee, the Secretary can issue waivers as long as the Secretary reports to Congress within 30 days.
3. Contained a sunset to the moratorium. After all applicable portions of the Presidential Decision Directive 61 are in place, additional counterintelligence, safeguards and security measures announced by Secretary Richardson are in place and that DOE's current export controls on nonproliferation that govern foreign visits is in place.
4. Annual report by DOE and FBI to Congress assessing security at each lab.

Mr. RYUN's amendment would effectively kill several important security programs at the DOE labs including the nonproliferation programs that are so important to our national security.

I went before the Rules Committee to offer my amendment that was unanimously passed by the full Science Committee, however, my amendment was not made in order. Therefore, I will vote against the Ryun amendment and urge my colleagues to also vote against the amendment.

☐ 1645

Mr. RYUN of Kansas. Mr. Chairman, I yield myself the balance of my time.

Unfortunately, Mr. Chairman, the current administration has used words like unnecessary, overdramatize, and overreaction when discussing this legislation that tightens security at our nuclear labs.

Security at the Department of Energy nuclear laboratories has been a systematic problem for over two decades. To blame one agency, one administration, or one individual would certainly be inappropriate. However, the discovery of all the thefts that have taken place in our most sensitive secrets does indeed warrant prompt and decisive action.

The recent security proposals by the Department of Energy will leave visitors from China, Iran, Iraq, and Russia, many of these sensitive countries, back in the status quo. Congress must enter in and make the change so that we no longer have the status quo.

I ask that my colleagues vote in support of this amendment and in support of the chairman, the gentleman from California (Mr. COX), who intends to vote "yes".

Mr. SKELTON. Mr. Chairman, I yield 1 minute to gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. RYUN). This amendment could have the potentially destructive effect of cutting off important exchanges for 2 years between American scientists and their counterparts from other countries.

The amendment attempts to respond to compromises to our national security with regard to the People's Republic of China, obviously, a worthy goal, but it goes too far, extending the moratorium for 2 years instead of the 90 days specified in the COX-DICKS amendment.

The sensitive country list, as has been mentioned, includes many friends of the United States, including Israel. The list includes most of the former Soviet republics, including countries like Armenia, Azerbaijan, and Georgia that are part of NATO's Partnership For Peace, and whose presidents took part in the recent 50th anniversary celebrations for NATO here in Washington. It includes India, the world's largest democracy. The stated reason for putting India on the list is it has not yet signed the Nuclear Nonproliferation Treaty. But it needs to be made clear that India's nuclear program is an indigenous one, developed by India's own scientists.

Export controls on supercomputers and other dual-use technologies have been in effect against India for years, forcing India to develop its own highly advanced R&D infrastructure. There is no evidence or even suggestion that India has been involved in the kinds of espionage activities that have been documented with regard to China.

And we must be careful not to cut off scientific exchanges for as long as 2 years. And I know, Mr. Chairman, there is a waiver provision for national security reasons, but I would suggest that that is a very difficult test. Experience shows these types of waivers are rarely used.

And I just want to say that I agree that China's espionage activities should cause us to be more vigilant, but the COX-DICKS amendment addresses many of these concerns, including a much more measured approach to dealing with the Department of Energy's foreign visitors program. So I think that for that reason we should oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RYUN of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Kansas (Mr. RYUN) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 8, printed in House Report 106–175.

AMENDMENT NO. 8 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by the gentleman from New York (Mr. GILMAN):

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. RESOURCES FOR EXPORT LICENSE FUNCTIONS.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading "Administration of Foreign Affairs, Diplomatic and Consular Programs" in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from New York (Mr. GILMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join with the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), in offering an amendment which requires the Secretary of State and the Secretary of Defense to ensure that adequate resources are allocated to the Office of Defense Trade Controls and the Defense Threat Reduction Agency for the purpose of reviewing and processing export license applications.

The Office of Defense Trade Controls, the ODTC, within the Department of State, currently processes about 45,000 licenses each year, which is nearly four times what the Bureau of Export Administration in the Department of Commerce deals with, with only one-fourth of the personnel.

With the transfer in jurisdiction of satellites and related technology from the commodity control list to the munitions list, ODTC will be taxed even greater to meet its obligations to review and process munition licenses as well as meeting its mandate to ensure compliance with our export control laws. That is why the gentleman from South Carolina (Mr. SPENCE) and I worked together to ensure that last year's Omnibus Appropriations Act contained $2 million for the Office of Defense Trade Controls to carry out its responsibilities.

Regrettably, the State Department has refused to allocate the necessary funds to ODTC. Therefore, additional language was placed in last month's emergency supplemental as report language directing State to provide the monies that are needed. The State Department still refuses to provide all of the $2 million to ODTC, citing other pressing needs. Given the State Department's refusal to provide these needed funds, this amendment directs the Secretary of State to provide the balance of the funds needed to ODTC.

This amendment ensures that the Defense Threat Reduction Agency is going to be adequately resourced by the Department of Defense. Accordingly, I urge support for this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. GILMAN) and myself would require both the Secretary of State and Secretary of Defense to provide sufficient resources to the offices within their respective departments that are responsible for reviewing and processing export license applications, as the gentleman from New York has said. This is premised on the strong belief that review of the export licenses should be carried out in a thorough and timely manner.

This amendment builds upon the provision in last year's Defense Authorization Act that transfers licensing jurisdiction for the export of United States satellites from the Commerce Department back to the State Department. Last year's legislation also mandated a greater Defense Department role in ensuring that sophisticated military-related technology is not inappropriately transferred to dangerous countries and countries of proliferation concern.

Mr. Chairman, this is a common sense amendment that simply requires both secretaries to commit sufficient resources to carry out their department's licensing activities. In particular, it calls on the Secretary of State to immediately allocate those funds provided last year for this purpose. As the Cox report indicated, the relaxation of export controls on sensitive dual-use technologies has had a devastating consequence for United States national security. Combined with the actions taken by the Congress last year to tighten our export control process, this amendment will help to see to it that American national security interests are protected.

The amendment's requirement that all export license reviews be carried out in a timely manner addresses industry's concerns regarding possible delays in the licensing process.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 106–175.

AMENDMENT NO. 9 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. WELDON of Pennsylvania:

At the end of title IX (page 265, after line 11), insert the following new section:

SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCEMENT.

(a) REORGANIZATION OF TECHNOLOGY SECURITY FUNCTIONS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall establish the Technology Security Directorate of the Defense Threat Reduction Agency as a separate Defense Agency named the Defense Technology Security Agency. The Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Policy.

(b) DIRECTOR.—The Director of the Defense Technology Security Agency shall also serve as Deputy Under Secretary of Defense for Technology Security Policy.

(c) FUNCTIONS.—The Director shall advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including the following:

(1) Strategic trade.

(2) Defense cooperative programs.

(3) Science and technology agreements and exchanges.

(4) Export of munitions items.

(5) International Memorandums of Understanding.

(6) Industrial base and competitiveness concerns.

(7) Foreign acquisitions.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this amendment and the one that will follow are noncontroversial amendments. I have discussed them with my colleagues on the other side. I have discussed them with the gentleman from Washington (Mr. DICKS), the ranking member on the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

My colleagues, these are perfecting amendments to try to deal with the internal operations of DOD to make sure that we have in place the appropriate role for our agency personnel who are charged with the responsibility of monitoring input on potential technology transfers in licensing so that we have maximum effort available to raise the potential threats that these technologies might bring to bear on the U.S. This change would take DTSA and the Technology Security Directorate out from under the control of DTRA, which is the Defense Threat Reduction Agency, and allow it to operate as a separate entity.

The reason why this is important is that in a reorganization that occurred in the fall of last year, DTSA was placed under the acquisition side of the Department of Defense, thereby providing undue influence on those technical people whose job it is to monitor technologies that, in fact, may be requested for licensing.

It is true that the DTSA organization also reports to the policy side of the Department of Defense, but there is a conflict in that dual reporting relationship. What we simply do with this amendment is have DTSA report directly to the policy side alone so that the technical people in DTSA, who are those that are best able to make key decisions relative to technology licensing in exports to the upper levels of the Pentagon, so they can have the appropriate response for the decision-making process involving Commerce and State on technologies that in fact may be exported.

It is a technical amendment, but it is one that I think is consistent with what was done by the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China. It is consistent with the goals and objectives of the chairman and the ranking member, and I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment? If not, all time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 106-175.

AMENDMENT NO. 10 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. NATIONAL SECURITY ASSESSMENT OF EXPORT LICENSES.

(a) REPORT TO CONGRESS.—The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall provide to Congress a report assessing the cumulative impact of individual licenses granted by the United States for exports, goods, or technology to countries of concern.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include an assessment of—

(1) the cumulative impact of exports of technology on improving the military capabilities of countries of concern;

(2) the impact of exports of technology which would be harmful to United States military capabilities, as well as countermeasures necessary to overcome the use of such technology; and

(3) those technologies, systems, and components which have applications to conventional military and strategic capabilities.

(c) TIMING OF REPORTS.—The first report under subsection (a) shall be submitted to Congress not later than 1 year after the date of the enactment of this Act, and shall assess the cumulative impact of exports to countries of concern in the previous 5-year period. Subsequent reports under subsection (a) shall be submitted to Congress at the end of each 1-year period after the submission of the first report. Each such subsequent report shall include an assessment of the cumulative impact of technology exports based on analyses contained in previous reports under this section.

(d) SUPPORT OF OTHER FEDERAL AGENCIES.—The Secretary of Commerce, the Secretary of State, and the heads of other departments and agencies shall make available to the Secretary of Defense information necessary to carry out this section, including information on export licensing.

(e) DEFINITION.—As used in this section, the term "country of concern" means—

(1) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism; and

(2) a country on the list of covered countries under section 1211(b) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note).

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

☐ 1700

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will also make this brief. This is also noncontroversial. This also is an outgrowth of the Cox committee and a recommendation that I brought forward because of the findings that we made in looking at the damage done to our security.

We came to a bipartisan conclusion that U.S. international export control regimes have actually facilitated China's efforts to obtain militarily useful technology. And, therefore, what this amendment does is, I think, go a long way toward addressing the problem of monitoring what countries like China are attempting to acquire by ensuring that an annual comprehensive assessment of export licenses to countries of concern be prepared by the Department of Defense.

In other words, when an export license is granted to what we call a tier-three country, which is a country that the State Department identifies as one that is a potential threat to us, or when an export license is given perhaps to a country listed as a terrorist state, there is no requirement today that there is a process in place to monitor the cumulative effect of those licenses.

What my amendment says is that the Secretary of Defense, in consultation with the Joint Chiefs of Staff, has to submit to the Congress an annual report. That annual report will reveal to us the cumulative impact of individual exports to countries of concern. It does not say that any action will occur in a negative sense. It simply provides for the Congress to be given an annual report by DOD of these exports.

I think it is a common sense amendment. It will increase our effectiveness in this area. I would ask my colleagues to support this.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume. I do so to ask my friend some questions.

I am sure that his intentions are very solid, but my question on the wording of the amendment is that, what if they do the study and they find out it has actually aided America's defense? Are they allowed to record that?

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, that would be fine. That would be outstanding, and we would be happy to receive that report.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, as I understand the language, I do not have it in front of me, it says to report the adverse impacts of international trade in high-technology items.

Mr. WELDON of Pennsylvania. Mr. Chairman, if the gentleman will continue to yield, actually, if he will real my amendment, he will see that section 2 says "the impacts of exports of technology which would be harmful." It says, "which would be harmful."

Mr. GEJDENSON. Right. So in that, would it be okay, for the record, if they assess something and they found out it would be helpful?

Mr. WELDON of Pennsylvania. Mr. Chairman, I would be happy to accept that.

Mr. GEJDENSON. Mr. Chairman, excellent.

Let me just say again, we have taken a spying case that started in the 1980s and we are trying in the process, I am fearful, of destroying the future economic and military strength of the country.

All these amendments are well-intentioned. But the reality is that most of this technology is not exclusively American, that American industry that has led the world with modern technology will not continue to do so if we unilaterally stop selling things, especially when they are generally available.

There are tens of companies that have most of these products. And if we continue to look through this in the same way we looked at machined tools, we will do to the computer industry and to other high-tech industries what we did to the machine tool industry.

Some of the same Members here would not allow American machine tool companies to sell abroad for fear it would end up in Russia's hands. What happened? The American machine tool industry continued to degrade to the point where the Defense Department wanted Japanese machines. And when the Soviets in those days were looking for a machine tool to create the kind of quality they needed for their submarine program, they bought a Toshiba.

So let us not sit here and believe that we exist in a vacuum of total control of this technology. What we are going to set up with this stampede before any of the committees of jurisdiction have dealt with the issues is create the only restrictive process in the world. None of our allies are with us. They are selling everything they can to everybody who will put money on the table. And we are about to restrict things that are not in our national interest.

We need to deal with choke-point technologies. We need to deal with fissionable material, chemical and biological weapons, not with every piece of technology that leaves this country. And it seems to me that unless we calm down here a bit, we are going to do fundamental damage to a critical industry for the future of this country.

The choice is ours. Are we going to continue to add these amendments whose cumulative weight will create an export licensing process so complex that no one will believe America is a reliable supplier?

And again, these are not generally technologies that we hold unilaterally. These are technologies that exist all across the planet. Other countries, other companies have them.

I will close with this: In the early days of this Clinton administration, they were refusing a license for telephone switches to China. These switches operated at 565. And so, I took a look at that. And again, I am saying none of these things are made in my district, to my dismay, but this is an American product by AT&T. It was a 565 switch.

The Clinton administration refused to sell it. The Chinese made their own 565s. So we forced them to create a competitive technology. And a third country sold them 625 switches even faster. We have to understand the reality of the world and what really helps us.

The mistakes we have to date I think are clearly of the kind that this new approach will only exacerbate. Do not try to cast the wide net. Focus on the critical technologies, on things that are fundamental to weapons and other secrets that are critical to national security.

Trying to have this broad net across the globe on computers when a Sony Playstation, our kids' Sony version of Nintendo, operates at a greater speed than what we consider a super computer today is unachievable. It will only have one result. It will not increase national security. It will do damage to America's forward-looking industries.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was not going to do this but I cannot let those comments go unanswered. Here is a chart that I prepared, starting in 1993 until 1999. This chart has been made available to every one of my colleagues; and for the past two nights, I have done one-hour special orders here each night in detail about these charts. I cannot go through all of that today, but I would encourage my colleagues to read what I said and then come on the floor and dispute what I have said.

These charts were prepared by employees of the Federal Government that I have been working with from those agencies whose responsibility has been to monitor our technology, not to stop it, as the gentleman is trying to say, but to monitor it, so the DOD has at least the ability to know what it is we are selling.

Now, let us look at what has happened. And why did I pick 1993? Was it because Bill Clinton was elected? No. It is because in 1993 this administration decided to end COCOM.

COCOM was a process that was in place with our allied nations to monitor technology to make sure that in fact that technology, if it was going to be sold, we would understand the implications. This administration ended it. And I do not want to hear that it was started by the Bush administration.

Our Select Committee on China went into detail. We called in the witnesses. The final decision and the ultimate demise was, by this administration, they replaced it with something called Wassenaar, which is a total and complete failure. It has done nothing to stop technology or to give us the ability to monitor it.

Look at what happened since this administration ended COCOM. Each of these red dots are decisions that we took unilaterally to allow technology to flow overseas.

Now, in the case of high-performance computers, let us take that for a moment. Because the story is, well, every nation builds them today. Wait a minute. Up until 1995, only two countries built them, Japan and the U.S. There was an unwritten understanding between Japan and the U.S. that neither country would export high-performance computers to tier-three countries. We unilaterally ended that. We did it.

DTSA, the agency that I just talked about, said that is a bad decision. The administration said, we do not care. We are going to sell these computers anyplace. Within 2 years, China had acquired 350 high-performance computers.

What is the industry saying today? Oh, Japan is selling these. We have to compete with them. Well, why are they selling them? Because our Government stripped away the process, stripped away the process to allow the input by defense experts on the implications of these technology transfers.

Now, I cannot help it if my colleague does not believe employees of his administration. That is where I got this information from. But it goes beyond that also during this time period. These are export violations by this administration that occurred by China that this administration ignored and did not impose sanctions required under arms control regimes.

Where did these technologies go? They did not go to normal countries. They went to Libya. They went to Iraq. They went to Iran. They went to North Korea. This administration ignored the violations. This administration 20 times in the last 7 years, when we caught these violations occurring, said, we are not going to do anything because we do not want to upset our relationship with China. This combination of factors, along with these numerous visits by Chinese influence peddlers.

I wish my Democrat constituents could visit the President 12 times in one year like John Huang did. I wish my constituents could have personal meetings with President Clinton 12 times in one year to influence peddle. But my constituents do not have that opportunity.

So when the gentleman says we are going too far, I say to the gentleman, we had a 9–0 vote in the China committee for recommendations to improve our security. It was this administration who removed the laboratory security color coding at our Federal labs in 1993.

It was Hazel O'Leary who removed the FBI background checks in 1993. It was Hazel O'Leary who overruled Lawrence Livermore Laboratory when they caught a retired employee giving classified information, and she reinstated. And it was Hazel O'Leary in 1995 who gave the design for the W–87 warhead to U.S. News and World Report the same year they said we caught China.

This administration has been the problem with export policy, and we are trying to make some modest changes sensitive to the concerns of business to allow us to get a control on what it is we are selling. We are not trying to hurt business.

I will put my record against that of the gentleman on free market support of our business any day of the week. For him to stand up here and say we are trying to hurt our business is nothing less, in my opinion, than totally distorting our reputation and what we support.

We are concerned about America's security, and we are concerned about giving our employees in the Defense Department the chance to have input into what is happening.

I wish the gentleman on the Committee on International Affairs would have done more on the elimination of COCOM or the other things that occurred over the past several years that this administration gave away the complete ability of our country to monitor the kinds of technology that we are selling. Because if we would have stopped these things, we would not have had to have a China commission, we would not have had to have a Cox committee. But none of those things occurred.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I ask the gentleman, would it be fair to characterize some of the discussion that took place in the Committee on Armed Services since 1993 as addressing some of the very problems that the gentleman has outlined in that chart?

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, absolutely. And the gentleman and my friend was in the leadership in some of those debates.

Mr. ABERCROMBIE. Mr. Chairman, if the gentleman would yield further, has it not been a topic of discussion among Democrats and Republicans that these questions that have been raised and which are addressed in the amendments now before us have been, if anything, stated in just as strong if not stronger terms in trying to deal with the question of technology transfer in the security interests of this Nation?

Mr. WELDON of Pennsylvania. Absolutely. And Democrats have been on the forefront of that in this body, as have Republicans. Our battle has not been within this Congress.

Mr. ABERCROMBIE. And would it not be fair to say that the question we had in the Committee on Armed Services was as to whether the Commerce Department was the best area to be making decisions with respect to national security interests of this country and technology transfer?

Mr. WELDON of Pennsylvania. Absolutely.

Mr. ABERCROMBIE. And so, I think it would be also fair to indicate that these two amendments that appear before us today, if anything, would be characterized by individuals on the Committee on Armed Services, such as myself, as possibly being even a little light in terms of what we might reasonably expect to impose given the sorry record that has appeared before us over the last 6 years.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would say the gentleman is correct.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, some interesting things have been said, not all of them completely accurate. And I am sure it is unintentional.

The reality is that COCOM died and it died for a very simple reason. None of our European, Japanese, and other partners would sit by any of the rules. Even when we had the Soviet Union, we could not get the French, Germans, and others to restrict sales.

Once the Soviet Union fell apart, in 1991, not when Bill Clinton got to be President, but in 1991, COCOM stopped functioning. And the reason there is not a COCOM today is because we cannot get an agreement from any of our allies or former members of COCOM on any restrictions whatsoever. The most that they are willing to do is to have their own set of rules essentially.

So they can dream about blaming Bill Clinton for everything, even when he wins. They can use his name here on a regular basis as some kind of scoundrel. But the reality is, in 1991, when he was not President, COCOM already stopped working.

□ 1715

What he tried to do with a follow-on organization is try to get our allies to have some semblance of a united position on exports. He has not been able to do it. The next President will not be able to do it. And not if the gentleman from Pennsylvania (Mr. WELDON) were the President would he be able to do it because the Europeans will not enter into that agreement with us.

Supercomputers, the Bulgarians made supercomputers when they were still communists. It is impossible to think that we are somehow going to strengthen America's security by degrading the industries that are giving us a new generation of computers every 6 months. So what you are going to do is, you are going to try to slow this process down. When a shelf life of a product is 6 months, you have basically disposed of that product's value.

When we look at where the future is, the future is very clear. The societies that take advantage of their leads and invest in future research and development will be the societies that succeed. American industry is not always right but in this area they are and the gentleman is wrong. American industry is competing globally. There are competitors making high speed computers and others of these products across the globe. And in every system, the present system and the previous system, the Defense Department was at the table. But if you ask people whose sole responsibility is defense, I guess they would not sell grain, they would not sell cars, they would not sell anything, because in some way that does assist your adversary.

Mr. Chairman, if we do not develop the technology for the future, we will be begging the Japanese or the Germans to sell us the computers we need and then tell me about American national security, when we no longer make the best in this country. It happened in electronics, it happened in machine tools, and with this kind of attitude, it is going to happen in the most forward industry we have had in this country in some time, in telecommunication and computers.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

In closing, the gentleman would make a fine fantasy writer for fantasy books. We are dealing in substance here. There have been serious security concerns brought before this Congress by nine of the most solid Members of this institution, four members of the Democrat Party who I have the highest respect for, who understand security issues and understand the implications of them and do not get on this floor and rail with a bunch of uninformed and unbacked-up rhetoric about what we are trying to do. This is a serious issue that deserves a serious response. This amendment takes that step. I would encourage and ask my colleagues to support this bipartisan effort to provide one more tool to allow us to monitor our technology before it is sold to a rogue nation or a terrorist state.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RYUN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. RYUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 266, not voting 9, as follows:

[Roll No. 181]

AYES—159

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Bartlett
Barton
Bilbray
Bilirakis
Blunt
Bonilla
Bono
Bryant
Burton
Buyer
Callahan
Camp
Campbell
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Duncan
Everett
Fletcher
Fossella
Franks (NJ)
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
LaHood
Latham
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Packard
Paul
Pease
Peterson (MN)
Pickering
Pitts
Pombo
Portman
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Andrews
Baird
Baker
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gonzalez
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hastings (FL)
Hastings (WA)
Hill (IN)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabó
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Vitter
Walsh
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wilson
Wise
Woolsey
Wynn

NOT VOTING—9

Brown (CA)
Ewing
Hinchey
Kasich
Luther
McHugh
Quinn
Sherwood
Waters

□ 1741

Ms. ROYBAL-ALLARD, Mr. KLECZKA, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BRADY of Texas and Mr. OWENS changed their vote from "aye" to "no."

Mr. WALDEN of Oregon and Mr. HULSHOF changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent Mr. SKELTON was allowed to speak out of order).

ANNOUNCEMENT OF AGREEMENT BY MILITARY FORCES OF YUGOSLAVIA TO WITHDRAW FROM KOSOVO WITHIN 11 DAYS

Mr. SKELTON. Mr. Chairman, I will be very brief.

Some in the House may know this, but many may not:

Secretary of Defense Cohen just a few moments ago announced that there is a withdrawal agreement by the military forces of Yugoslavia back to Serbia, and the agreement is that they will be completely out of Kosovo in 11 days.

I thought the House should know that.

The CHAIRMAN. It is now in order to consider Amendment No. 11 printed in House Report 106–175.

The Chair understands that it will not be offered.

It is now in order to consider Amendment No. 12 printed in the House Report 106- 175.

AMENDMENT NO. 12 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. DELAY:

Strike section 1203 (page 310, line 22 through page 314, line 7) and insert the following:

SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA'S PEOPLE'S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People's Liberation Army of the People's Republic of China.

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes any of the following:

(1) Force projection operations.

(2) Nuclear operations.

(3) Field operations.

(4) Logistics.

(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(6) Surveillance, and reconnaissance operations.

(7) Joint warfighting experiments and other activities related to warfare.

(8) Military space operations.

(9) Other warfighting capabilities of the Armed Forces.

(10) Arms sales or military-related technology transfers.

(11) Release of classified or restricted information.

(12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calandar year was conducted in violation of subsection (a).

(e) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

☐ 1745.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to bar the United States from training the Communist Chinese military. Now, at first this amendment may sound unnecessary, especially after all the revelations about the Red Chinese spying that was found in the Cox report. It seems almost crazy to even suggest that the American government might tutor its ambitious nemesis in military strategy, but that is exactly what the United States Department of Defense under Bill Clinton has planned.

Unless this Congress acts to stop it, the Pentagon will go ahead with military to military exchanges and other sensitive information sharing with the People's Liberation Army. Such cooperation between American and Red Chinese Armed Forces has been both hot and cold for the better part of two decades. President Bush ended military exercises 10 years ago after the communist government violently suppressed the peaceful protest for democracy in Tiananmen Square. But consistent with his administration's habitual appeasement of Communist China, President Clinton jump-started American cooperation with the PLA soon after taking office in 1993. The imbalance in these so-called exchanges is extreme and predictably benefits the PRC.

Just this year, more than 80 cooperative military contacts were planned between the U.S. and Red China. Proposals for these training exercises include American operation on advice from Special Forces units, from the Navy Seals, the Army Green Berets and the Air Force.

Last December a ship from Communist China participated for the first time ever in complex exercises with America in Hong Kong. Plans were hatched this year for the PLA to engage in Code Thunder, the largest U.S. Air Force exercise in the Pacific, and, remarkably, the United States Army has already hosted communist troops for training exercises, and it just recently squelched a visit by PLA observers to view the entire American air and infantry divisions that were practicing at the Army's National Training Center.

Such suicidal national behavior has to come to an end. The role of our military is to defend America from hostile foreign powers, not to train them. This amendment protects the American military from its own expertise.

The United States has the most sophisticated military equipment in the world, bar none. Rogue nations and other aggressors are permanently discouraged from wreaking havoc around the globe because they fear the wrath of American retaliation.

One key to this influence is our unmatched technological and strategic supremacy. Why on earth would we want to share our most valuable secrets with any nation, let alone a potential aggressor? The Cox report went into painful detail about the extent to which our arsenals have already been compromised to Communist China. The massive depth of the PRC's operation to infiltrate American security should teach us many lessons about our relationship with the growing power in Asia.

Primarily our relationship is not a two-way street. The PRC steals our nuclear secrets and we do nothing. We give them industrial technology and ask for nothing in return. They financially tamper with the reelection of an American President, and we sweep it under the rug. We open our markets to their products, but they slam their markets closed to America. Now, almost like a parody, the United States is practically training the People's Liberation Army. It is past time that we say enough is enough.

Opening our markets is different than opening our laboratories and military facilities, and the line should now be drawn. The Chinese Communists will not leave any stones unturned in their quest for military domination. There is absolutely no reason for the United States to enhance the PLA's war-making capabilities. It was not that long ago that a high ranking PLA official threatened to nuke Los Angeles if America interfered in the Taiwan Straits. There could be no clearer warning to their intentions, and we must defend ourselves from such a threat.

Now, this amendment is very simple, Mr. Chairman. It prohibits the United States Secretary of Defense from authorizing military exchanges with Communist China that reveal American classified, nuclear, logistical, technological, intelligence and other war fighting secrets.

Mr. Chairman, this Congress must vote against military-to-military exchanges with the Communist Chinese now. American security is definitely at stake.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, and I yield myself such time as I may consume.

Mr. Chairman, I must point out this amendment is unnecessary. The committee did its work. The language in section 1203 of our bill more than adequately protects American national security in the area of military-to-military exchanges with the Chinese People's Liberation Army. The majority wrote this language, we agreed to it, it is good language.

Let me tell you what it does, what is already in the bill. First, it provides that these contacts be governed by the principles of reciprocity and transparency.

Second, it establishes limits that would prevent Members of the PLA from inappropriate access to advanced technologies and capabilities of the United States Armed Forces.

Third, it requires the Secretary of Defense to certify prior to the start of any operation that military-to-military contacts with the PLA will be conducted in accordance with such principles of reciprocity and transparency that such contacts are in the national security interests of the United States, and prohibits members of the U.S. Armed Forces from participating in any military-to-military contacts until such certification is given to Congress.

Fourth, it requires the Secretary of Defense to submit a detailed annual report to Congress that provides an assessment of the military-to-military contacts with the PLA.

In addition to being unnecessary, this amendment would actually harm American security interests. The truth is that military-to-military contacts are more beneficial to the U.S. than to the PLA. Our military operates every day in an open, democratic society. The PLA operates in China's closed society. With military-to-military contacts we gain insight in the PLA's structure, its culture, its mode of operation and its influence on Chinese internal politics and foreign policy decisionmaking.

It is a matter of intelligence. We enhance our understanding of China's strategic doctrine and can reduce the potential for miscalculations and access between the PLA and U.S. or other Western forces.

Moreover, routine senior level defense contact in times of relative calm can help ensure open communications during times of tension. The language that is already in the bill, that is already there, written by the majority and agreed to by the minority, protects U.S. national security, while keeping open lines of communication, which is very essential to the American national interests.

I intend to vote against the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the DeLay amendment to limit military-to-military contact between members of the United States Armed Forces and the Chinese People's Liberation Army. The DeLay amendment would strengthen the limitation already carried in the committee bill that would attempt to better protect our military secrets while not prohibiting VIP level exchanges from continuing.

Make no mistake about it, there is a need for increased vigilance. As the bipartisan Cox committee report reminds us, the Chinese are engaged in a long-term effort to modernize their military, and, in particular, to understand and acquire the power projection capabilities that are the hallmark of our military forces.

In addition to acquiring United States and Western technology to improve their power projection capabilities, the Chinese are also attempting to understand and even adopt United States military tactics, techniques and procedures, the essential how-to knowledge necessary for effective military operations.

Increasingly, the Department of Defense is being pressured by other elements of our government to work with the Chinese military in ways that increase the chances these vital trade secrets might be revealed. For example, just recently the Chinese asked to send a delegation of 20 officers to the United States Army Training Center to be fully integrated into operations there. Although the Chinese were eventually denied full access to the center, the Army was under pressure from other parts of the administration to give the Chinese, quoting from an Army source, "a level of involvement that was beyond what we had granted to any other country," according to these Army documents. The Army believed the Chinese had an ulterior motive for their request, the desire to gain insight into advanced Army tactics.

Mr. Chairman, the United States would be foolish to place a higher value on the policy of engagement with China than on protecting the tactics and technologies that are the cornerstone of our national security, especially capabilities for power projection that China might well turn on Taiwan or our other allies in the Asia-Pacific region.

I agree with the DeLay amendment, and urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from New Jersey for yielding me time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, which has been characterized as a limitation on military to military exchanges with China's People's Liberation Army. However, if one takes the time to read the amendment, they will soon discover the limitation is a little inaccurate. What the amendment actually does is destroy the cornerstone of an effort to try to work to some extent with the military on a reciprocal basis with the Chinese military.

□ 1800

I think the amendment represents a misunderstanding about what military-to-military exchange programs are all about.

At first glance it would appear that the DeLay amendment would have us believe that the U.S. military is currently engaged in some sophisticated military exercises with the Chinese PLA, or has done so in the past. This is not the case. This amendment would prohibit all military contacts with the PLA for logistics operations, field operations, chemical and biological defense, force projection operations, and arms sales.

Ironically, we have not participated in this level of cooperation with China since Chiang Kai Shek, and the DeLay amendment sets up the premise that our military is sharing vital tactical and operational techniques with the PLA.

This is a little bit exaggerated. If any American commander was to engage in the kind of substantive exchange type of activities enumerated in the DeLay amendment, that commander should be in deep trouble. The language of the amendment of the gentleman from Texas (Mr. DELAY) is redundant in that he is outlawing what is already not practice.

In reality, the military exchange program, through this program as it currently exists, both China and the U.S. have embarked on a series of measured steps aimed at achieving increasingly higher levels of mutual confidence and understanding.

Let no mistake be made, our current military engagement program with China is leagues away from any level of cooperation we have with any other nation on the face of the earth. The basic substance of our existing military contact with the Chinese is based around naval port visits, exchange visits by top military leaders, and working level talks and meetings.

Indeed, during his tenure as commander of U.S. Forces in the Pacific, Admiral Joseph Prueher, now retired, had several productive exchanges with the Chinese military leadership which focused on discussions on Asia-Pacific security issues and bilateral defense relations.

Admiral Prueher's exchanges also provided for an opportunity for us to learn about what is going on in China and their efforts at so-called economic reforms, and the PLA's modernization. Our intelligence of this information would be scant, at best, if it were not for the relationships established by such military-to-military exchanges.

Even if we were to treat the Chinese as an adversary or potential adversary, continued and measured military-to-military exchanges provide invaluable intelligence and access to China's military leaders that we otherwise would be cut off from.

The British in the early part of this century promoted military and academic exchanges with their adversaries, the Germans, in order to know their enemy. We, too, engaged in this practice with Japanese admirals in the 1920s and '30s. Ceasing this intelligence practice would be cutting off our nose to spite our face.

The essential point is that in our society, we encourage the free exchange of ideas. This is one of the reasons why our Nation annually and publicly releases reports on the posture and strategy of our armed forces.

In fact, the U.S.-China military exchanges have created an environment where China has finally published its first white paper on defense, and although we know it is not comprehensive and not entirely accurate, I think through this contact we are breaking a barrier.

Mr. Chairman, furthermore, the DeLay amendment ignores the key current practice that governs our military-to-military exchanges with the PLA. In response to unequal treatment of access with regard to Chinese military equipment and installations as well as exercise viewing privileges, the Secretary of Defense has established a quid pro quo procedure. In other words, our military exchanges mirror the level of access that is granted to our officers and troops on exchange in China. Thus, I think our fears of unequal access are moot.

Through this evenhanded and measured commonsense initiative, we do not risk exposing ourselves to charges of weakness and disingenuousness, but at the same time we remain engaged with China's military to achieve the greater goal of mutual understanding.

This amendment is simplistic, I believe a knee-jerk reaction that feebly attempts to stem a genuine problem, but a problem that exists in an entirely different area. This amendment fails to consider the entire picture and constellation of elements that comprise our national security apparatus. The DeLay amendment seeks to create an enemy out of China by naively tossing out the baby with the bath water.

We need to create a balanced legislative approach that will yield a well-conceived response to foreign espionage.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, this amendment makes sense. I can understand why a cultural and economic relationship with China can improve human rights, but China is not a military friend. The events of last month have made that clear.

After the Tiananmen Square massacre, we discontinued military cooperation with China, and then in 1993 President Clinton reinitiated military-to-military contacts. Now we have learned that as early as 1996, national security adviser Sandy Berger knew that the Chinese had stolen our nuclear secrets and were continuing to practice espionage in the United States.

Yet, in 1998, for the first time ever, we engaged in a joint military exercise with China's Peoples' Liberation Army. What has occurred during these military-to-military contacts scares me almost as much as the Cox report.

We have recently learned China is now attempting to purchase torpedoes specifically designed to explode directly under our ships. Why? Because at one of the visits last year they learned that our U.S. aircraft carriers had a thin hall and were vulnerable to these types of torpedoes.

At these exercises the Chinese saw our military's dependence on satellites and digital systems and AWACs aircraft. It does not surprise me that they are now seeking new ways to attack American satellites and to disrupt communications. We should not be allowing any national security secrets to be given away to any potential adversaries, much less China. We would not invite a thief to observe our home security system as it was being installed and tested.

This administration continues to show its inability to even attempt to keep our national security secrets from China. As a result of this ineptness, I support the amendment of the gentleman from Texas (Mr. DELAY) to prohibit most military-to-military contacts with the People's Liberation Army.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I strongly oppose this amendment. No one can deny that there is a serious breach of U.S. security with respect to the leak of military secrets to the People's Republic of China. The answer in my view to address that problem is to plug the leaks, punish the violators, prevent this from happening again, and to outsmart the technology which the Chinese have wrongfully obtained.

The answer is not to change our form of government and replace one Secretary of Defense and one Commander in Chief with 435 Secretaries of Defense or Commanders in Chief. I believe that is the fundamental error behind this ill-conceived amendment.

I would like my colleagues to consider the following not-too-unlikely scenario: A rogue state, let us say Iraq, decides it wants to plan and execute an attack on a U.S. corporation located in Beijing, in the People's Republic of China. Our intelligence community learns of this planned attack.

If the DeLay amendment were the law, as I read it, the Secretary of Defense and the military would be prohibited from talking to the People's Republic of China military about responding to prevent that attack, prevented from sharing any information as to what to do about it.

The principal flaw in this very flawed proposal is not simply what I believe to be its political motivation, it is also its absolute unreasonableness in implementation. People have to make decisions in times of crises with limited information and with peoples' lives on the line. It is wholely inappropriate for us to require that those decisions be bound up in the deliberations of a legislative branch.

There is not one Member here, certainly not I, that would say that the conduct of the Chinese military is exemplary. But history teaches us that there are times when we cannot choose our partners or our allies. There are times when we must act and seek the help of anyone who is willing and prepared to help us.

I agree that those circumstances would be very limited, indeed, given the history of the last few years and months and weeks on this issue. But for us to rule it out with the exception of search and rescue exercises or humanitarian exercises, whatever that means, I believe is imprudent and reckless, and is an abrogation of the rightful constitutional power of the executive branch.

For these reasons, I would urge my colleagues, both Republicans and Democrats, to reject this ill-conceived amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. DELAY).

Mr. Chairman, we were just looking at what happened with Secretary O'Leary a few years ago. We found out recently that she has been, when she was Secretary of Energy, she was shovelling out the door our nuclear secrets, just shovelling out the door. In retrospect, it looked like a going out of business sale. It was probably more like a going out of sanity sale. This is insane. The policies this administration has had towards Communist China, our worst, our most deadly potential enemy, is insane.

We have heard, we can just plug the leaks, change a little here, change a little there, and that is the way to approach it. No. What we need to protect the interests of the United States and ensure that our people are not incinerated with our own weapons or destroyed or killed, or having our defenders destroyed or killed by tactics that they have learned from us, that our enemy has learned from us, the way we do that is change the fundamental policies that we have toward Communist China.

Communism should not be treated as a potential friend. It is being treated as a friend now. It should be treated as a potential enemy. It is a hostile power, it is not a friendly power. Until we start treating communism this way, we will continue to do nonsensical things like training their military on how to better run a military.

I have a list here, as of February of this year, of the proposed military exchanges between the United States and the Communist Chinese. It includes quartermaster training, acquisition training, logistics training. It includes special forces training. It includes having their top officers to come for briefings.

Here we have what this administration's policies are. This is after they knew, this is after this administration knew that the Communist Chinese had acquired our most deadly weapons secrets, weapons that could incinerate millions of Americans, and this administration was still proposing that we have a military exchange program to teach them how our military functions and how their military can better function.

This is insanity. This is total insanity. I strongly support the DeLay amendment, and would request the American people to pay close attention to this vote.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I think the descriptive term that was used by my colleague, the gentleman from California (Mr. ROHRABACHER) may be the right one, but it is about the underlying amendment, not opposition to it.

As I read this, yes, and again, I like the gentleman from Texas (Mr. DELAY), I get along with him well, I know his intentions are noble. But would the author of the legislation prohibit the American military from sitting down with the Chinese to deal with nonproliferation issues? If we had not just reached this conclusion in Kosovo, it would be illegal under the language of the gentleman from Texas (Mr. DELAY) to sit down and talk about logistics with the Chinese.

The gentleman from Texas (Mr. DELAY) apparently does not trust our American military, that they are either too naive or simple, that somehow the Chinese are going to take advantage of them.

Let me tell the Members, we live in a free and open society. Anybody who wants to talk to the American military can look in the phone book and call them up and talk to them. We do not get to talk to Chinese, generally, because it is a closed society.

I would argue that whether it was the Soviet Union or any of the satellite states, that any time there was contact, at the end of the day, America and freedom won. I believe our system is stronger, our military is more capable, and every time they come in contact with America and what it does, they crumble a little more.

The Chinese are probably praying that we go into an isolationist mode. It could be the best thing for the leaders in Beijing, because when they meet and see what Americans are all about, our strength comes across clearly.

Let us see what the Department of Defense says about this amendment.

□ 1815

For example, an attempt by U.S. open military-to-military channels regarding nonproliferation by definition involved contacts or exchanges with the PLA strategic missile and/or chemical defense personnel. Proliferation is a key area of U.S. Chinese relations, yet DoD would be barred from participating in that discussion. I would think the gentleman would demand that if there were discussions on nonproliferation that he would have members of the American military there.

Listening to the debate today, no one fools themselves that this world is not a dangerous place, even without the Soviet Union and its former empire situation. But we are the most powerful country on the face of this Earth. There is no one in second place compared to our capabilities, our men and women who represent us in the service.

I say to the gentleman from Texas (Mr. DELAY), for this country to be shivering here, trying to stop dialogue that achieves our goals, is a mistake. It is a mistake to say we cannot talk about proliferation issues. It is a mistake not to have these military-to-military contacts when it suits our interests, when America decides it is the right thing to do.

I am not sure what is going on here, frankly. I see a debate that creates the image of a weak and failing America. It is the wrong message to our countrymen. It is the wrong message to our adversaries. America is strong and capable. I would bet the lowest-ranking member of our Armed Forces, in a discussion with the Chinese, that we win that discussion, that we gain from that discussion.

When they see what we live like here, it undermines them. My parents fled the Soviet Union. What they told me was when Khrushchev visited here, they believed and I believe it, too, that Khrushchev thought we built a Potemkin Village, that we created these great grocery stores for him to see. Then Khrushchev went back.

But by the time Gorbachev came, they knew from military-to-military contacts, from private contacts, that every American had a better life than the top brass of the Soviet union.

It is foolish to put in permanent law a ban on these kind of contacts. It defies our own national interests. This is not about doing the Chinese a favor. We do not have these meetings to help the Chinese. We do this for our interests.

Mr. DELAY. Mr. Chairman, could I ask how much time is remaining on each side?

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) has 16½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 15 minutes remaining.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say this side believes that we have a strong America, but we have a weak administration. Nothing in my amendment has anything to do with talking about proliferation or treaties or anything else. It has everything to do with exchange of operations, letting the communist Chinese observe what we do so they can take it back to China and copy it, if not steal it.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise today to support this important amendment. I hope that it sends a wake-up call to both the leaders of the People's Republic of China and our current administration.

I am shocked and dismayed by the casual attitude of our current administration to the efforts of the Chinese Government to infiltrate our Nation's political and military infrastructure. I do not take these actions against our Nation lightly, and I hope my colleagues will not either.

I thought it was a proper course of action in 1989 when President Bush suspended joint training exercises following Tiananmen Square. Given the findings of the Cox report and our administration's admitted failure to respond to massive security breaches, I believe we should suspend all joint military exercises with China at once.

I believe that someday a peaceful Chinese nation can contribute positively to the international community. But at the present time, it is very difficult to place trust in the Chinese Government and expect a change in our current administration's seemingly willful acceptance of China's deceptive tactics and aggressive posture. I think that our current policy toward China should mirror that of President Reagan's engagement with the Soviet Union by containing their military aggression, preaching the moral superiority of freedom, and influencing the ideas of their people through trade and exposure to western political values.

Mr. Chairman, I encourage my colleagues to vote in favor of this amendment. Stop joint military activities with China until their leaders are willing to participate as an honest world power and until our administration is willing to make our national security a top priority.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Missouri for granting me this time and particularly since he has given me time to speak in support of the DeLay amendment.

I think the gentleman from Texas (Mr. DELAY) is right on this. I think between the revelations of the two 40-foot container loads of automatic weapons being shipped to our West Coast, the now control of two ports on the Panama Canal by a company called Hutchinson, which is owned by the Chinese, the things that have come out as a result of the Cox report as far as the Chinese either being given in some instances by dumb Americans, in some instances being sold technology and some instances stealing technology.

But I would like to ask the sponsor of this bill to let us take this a step further. See, next month this body is going to vote on something called most-favored-nation status for China. Technology is one thing. But in order to build the weapons that threaten America, China needs money. They get that money from America. They get that money from trade with America where they sell their goods to America with 2 percent or less tariff as a result of the most-favored-nation status. Yet, our country, our goods, when sold in China, have to pay anywhere from 20 to 40 percent.

I find it strange that the gentleman who is so right on this issue, 1 year ago, on July 22, when we voted to disapprove most-favored-nation status voted with the Chinese. The gentleman from Texas (Mr. DELAY) voted to grant the Chinese unlimited access to the American market and to continue this $60 billion trade surplus on behalf of China.

In fact, I think I have gone so far as to break the code. See, MFN does not really stand for most favored nation. It stands for money for nukes. When some people very cleverly changed the name of it to NTR, thinking it would stand for normal trade relations, I think the truth of the matter is it stands for nuclear tipped rockets that they are going to buy with American money.

So I am going to vote with the gentleman from Texas (Mr. DELAY) today, but a month from now when we vote on MFN, money for nukes, I hope he will be voting with me to vote no.

Mr. DELAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

I rise in strong support today of the DeLay amendment. The time has come to base our relationship with China on realism rather than wishful thinking. The DeLay amendment sends a necessary message to the People's Republic of China that the communist government is an untrustworthy military partner.

China's overall military modernization is striking. The PLA's abandonment of a traditional land-based people's army in favor of forming comprehensive strategic and nuclear strike capability by land, sea, and air has profound consequences on our relationship with China, and we ought to let them know that.

Mr. Chairman, there is no doubt that the PRC has been pursuing a rapid escalation of its military modernization, of both its strategic and conventional forces, and it is utilizing American technology to do so.

As a result, I believe a military confrontation with the PRC is not out of the question. Let us remember it was just 3 years ago that we were forced to send two aircraft carriers into the Taiwan Strait to respond to PRC menacing the region.

Military-to-military exchanges are in some cases cornerstones of important peaceful relationships with our allies. The People's Republic of China is not an ally. To be successful, these exchanges must employ real transparencies so that each partner gains insights into the capabilities of the others.

There is no mutual transparency here, Mr. Chairman, in our exchanges with the PLA. Instead, the information obtained by the Chinese is being used by its military to isolate our vulnerabilities and position the PLA for a future conflict, and our military experts observe nothing of value in return. This is not the goal of military exchanges. This amendment ensures that our leading military technology and know-how are not turned against us in the form of an advanced military threat.

Mr. Chairman, Henry Kissinger recently stated "that the critics of our 'strategic relationship' with China have an obligation to develop a vision commensurate with the vastness of the historical sweep of the challenge."

I believe he was addressing people like the gentleman from Texas (Mr. DELAY) and myself. I would answer Mr. Kissinger by pointing to the document which is the foundation of our American vision, our Constitution. It is, after all, a vision which requires minimum rights and protections for all individuals.

As we know, if Mr. Kissinger were a Chinese citizen and espoused the principles of the Constitution, he would be quickly in prison. Our vision, Mr. Kissinger, is the vision of Franklin, Adams, and Jefferson, and preserving it is important.

Mr. Chairman, with respect to China, our country has looked the other way for too long. The DeLay amendment tells China that we expect a relationship based on truth and realism. I urge all my colleagues to support the DeLay amendment.

Mr. Chairman, I rise in strong support of the DeLay amendment to restrict military exchanges with China's People's Liberation Army. The time has come to base our relationship with China on realism rather than wishful thinking.

Since 1994 the P.R.C. has been constructing military facilities in the Spratly Islands. The size and nature of these facilities suggest that the P.R.C. is attempting to establish a permanent strategic presence in the area, from which it could patrol the South China Sea, the waterway through which one sixth of the world's trade is shipped.

Two years ago, in March 1997 a Chinese controlled company was able to obtain, from Panama, the rights to the port facilities that flank the canal zone.

Then there is the matter of the democratic nation of Taiwan. The P.R.C.'s 1995 military exercises and 1996 missile firings in the Taiwan Strait have been followed by an offensive military buildup on the Chinese mainland itself that includes tripling the number of missiles (to more than 100) already deployed against Taiwan.

These developments are all the more alarming when seen against the backdrop of:

(1) China's overall military modernization, its abandonment of a traditional, land-based "people's army" in favor of a comprehensive strategic and nuclear strike capability by land, sea, and air;

(2) China's clandestine efforts to acquire the most secret and sensitive of United States military technologies, including the know-how to replicate the W 88 warhead, the most dangerous security breach in 50 years; and

(3) allegations that China has assisted the North Korean missile program, on top of its known and suspected sales of missile and nuclear technologies to terrorist states.

With respect to China, our country has looked the other way for too long.

Human rights violations in China and Tibet are another point of contention since the Tiananmen Square crackdown. Among these violations are the recent excessive jail and labor camp sentences for pro-democracy activists.

A future military confrontation with the P.R.C. is not out of the question. Just three years ago President Clinton was forced to send two American aircraft carriers into the Taiwan Strait.

United States policy toward the P.R.C. has been based on wishful thinking for far too long. Policy makers in the Administration of both parties have time and time again been willing to give Chinese leaders the benefit of the doubt only to be consistently let down.

The DeLay amendment tells China that we expect a relationship based on truth and realism.

Mr. Chairman, Henry Kissinger recently stated and I quote, "that the critics of our "strategic relationship" with China have an obligation to develop a vision commensurate with the vastness and historical sweep of the challenge".

I believe he was addressing people such as Congressman DELAY and myself. I would answer Mr. Kissinger's challenge by pointing to the document which is the foundation of America's vision. Our constitution. A vision which requires minimal rights and protections for all individuals.

As we all know, if Mr. Kissinger were a Chinese citizen and espoused the principals of our constitution he would quickly be imprisoned. Our vision, Mr. Kissinger is the vision of Franklin, Adams and Jefferson.

I ask support for the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. DELAY). I commend him for bringing attention to this extremely important national security issue.

I first learned last summer that the Pentagon was considering a plan for our elite special forces to engage in joint training exercises with Chinese PLA troops. At the time, I was outraged because our lax U.S. policy of constructive engagement toward China had already proven too dangerous.

Mr. Chairman, that was before the advent of the Cox report. What once seemed outrageous is now beyond belief. We have known for years that China cannot be trusted. In 1995, the United States made a futile agreement to extend most-favored-nation status to China, providing it would stop exporting nuclear weapons, and it would stop its abusive human rights practices. It has failed on both accounts, Mr. Chairman, and yet the administration continues to turn a blind eye to China's blatant suppression of human rights and its role as a global supply of weapons of mass destruction and technology to foreign countries.

We have learned the hard way that we have no reason to trust China. Last year the CIA reported that China had at least 13 missiles targeted at United States cities, and the Rumsfeld Commission indicated that China's proliferation of ballistic missiles and weapons of mass destruction threatens the security of the United States.

Mr. Chairman, while China was busy selling technology to rogue nations and amassing its own nuclear stockpile, the Defense Department was drawing up a game plan to engage the United States in military-to-military contacts with China in hopes of establishing a relationship of trust and confidence. How much more can we afford to give?

The Defense Department even developed and implemented a United States-China military exchange program for 1999 that includes visits from PLA officials to tactical and strategic facilities in the United States. Encouraging such exchanges is another way to potentially expose U.S. military information to a communistic nation.

Mr. Chairman, China has proved itself a threat to United States national security. The DeLay amendment would prohibit military exchanges involving U.S. forces training PLA forces and help prevent China's capability for invasion and long-range operations.

I urge my colleagues to vote in favor of the DeLay amendment. The security of our Nation may depend on it. I repeat, Mr. Chairman, the security of our Nation may depend on it. Vote for the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a top gun.

☐ 1845

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time, but I am old gun now.

I would tell my colleagues that if I were to see a cobra, and the cobra was mounted, I might catch it and milk his venom and use that venom for good. And I think in some ways we need to, whether it is the Middle East, whether China or Russia, we have to engage them both economically and in other ways and milk that. But at the same time, I think we do not let that cobra loose where we have children playing in a room, and we do not teach that cobra how to bite.

The Navy Fighter Weapons School, which is known as the Top Gun, and the Air Force has the 414th, which is their fighter weapons school, and the adversary squadrons, every single day of my life in the service I flew Russian and Chinese tactics against our fighters so we would know how to fight them. How do we defeat their jammers? How do we defeat their tactics.

For example, they have high-low pairs and they have pincer tactics. They will take a pair up, up high, of MiG 23s or MiG 25s or even MiG 29s, and they will run sections of pairs, high-low pairs so that we cannot pick out the low pair or the high pair on one radar, and they want the enemy to go after the high pair. Then they will come around in a double pince or a single pince. If the high section sees that the enemy is going after them, they will turn and run and the pince will come in and shoot the enemy down.

The White House allowed the Chinese and the Russians into the 414th, into Navy Fighter Weapons School in Fallon, and let them watch how we defeat their tactics and their jammers. That is wrong. That is like teaching the cobra how to bite. And I guarantee my colleagues, Russia and China will bite us if they have the opportunity. And the reason I am supporting this amendment is I do not want to give that cobra the chance to bite the kids that are up there in the air or on the ground with other things. I think that is wrong.

When I was a lieutenant in the United States Navy, I was just as outspoken then as I am now. And when our government, with a Republican President, let the Shah of Iran have F-14s, I pounded my fist on the table and said I do not want to have to look down the barrel of those F-14s some day, because the Shah may not be here. And I knew the history of Iran and that someday we were going to look down those barrels. And we even trained some of their fighter pilots. And guess what? I felt like Billy Mitchell.

We must not give our enemies our deep secrets or let them play in the baby crib. And that is what we are doing, and that is what the gentleman from Texas, in his amendment, is trying to stop. How more common sense can we get? We cannot give the enemy the tactics that he can kill us with. And that is the reason I support the gentleman's amendment.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is no one I respect more in this House than the gentleman from Missouri (Mr. SKELTON). His work on this committee is outstanding, his leadership in trying to stop the devastation and the hollowing out of our defense is next to none. The gentleman, we say from Texas, knows from where he comes, and I do respect the gentleman, but in this case I respectfully disagree with him.

The gentleman says that my amendment is redundant because the committee has worked very hard at putting language in the bill that does basically the same thing I do. Where I disagree is the transparency and the reciprocity part of their portion of the bill, which, in my opinion, gives a huge loophole to this administration, this administration that has already exhibited incredible weakness when it comes to China.

Foreign relations with China are very difficult in the best of circumstances. They were difficult during the Reagan administration, they were difficult under all the administrations before this administration. But when we have an administration that kowtows to the Chinese, that lets them bamboozle them, that out-negotiates them, it leads to these kinds of problems that we are talking about here today.

The President of the United States went to China. He was received in Tiananmen Square, where hundreds were killed fighting for democracy. The President, while he was in China, was embarrassed when the Communist Chinese decided that that they would test an ICBM missile while the President of the U.S. was in-country. Just recently, after the huge mistake of bombing the Chinese embassy, this President apologized I do not know how many times. And I will tell my colleagues something, I will never forget the picture that I saw on CNN network of the ambassador to China and his aide standing over the President of the United States while he was sitting at his desk in the oval office signing a book of apology. Now, we should have apologized once, and that is enough.

But this administration has kowtowed to the Communist Chinese over and over again. And now we find that they are using all types of ways for exchanges to show the Communist Chinese and the People's Liberation Army how we do things so they can copy it. It has got to stop.

There is no reciprocity. The only thing that transparency will show is that we give them the key to the penthouse and they give us the key to the outhouse. We have got to stop it for the sake and security of the American people. And my amendment makes no mistake, leaves no door open, leaves no crack open. My amendment says we are going to stop it and we are not going to show the Chinese how the SEALS operate; we are not going to show exercises using two divisions of our army; we are not going to let them on our aircraft carriers so they can take notes of how to destroy them; we are not going to do these kinds of things. That is what my amendment does.

The gentleman from Guam says that the program improves our knowledge of Chinese methods and tactics. We are going to learn 1950s and 1960s and 1970s military tactics from the Chinese. We gather intelligence from them. The U.S. Armed Forces are superior to the People's Liberation Army. There is nothing we can learn from them nor is there parity between these exchanges. We offer the Chinese our national laboratories while they offer us empty barracks.

Let me just cite a couple of examples that were put in an article in The New Republic written by Jason Zengerle, I believe it is. A group of officers from the Chinese People's Liberation Army happened to drop in on an American naval base. Over steaks, beer, two kinds of wine and apple pie, the Chinese peppered their American counterparts with questions about the American aircraft carrier they were on and its vulnerabilities. Wanting to be a gracious host, like the admiral, an American lieutenant commander proceeded to tell the Chinese about the carrier's Achilles heel, its hull is too thin on the bottom, the commander explained. So a torpedo that exploded underneath the carrier could easily penetrate the carrier's skin. That is why they are buying torpedoes that explode under our ships because we gave them the information.

In another incident, not surprisingly then, when then chairman of the Joint Chiefs of Staff, General John Shalikashvili, visited a Chinese military installation in 1997, and this is incredible, he was shown a routine marksman demonstration, at a distance, through binoculars. Now, this is an exchange. And he was given a tour of empty barracks and mess halls. And similar things have happened to other visiting American officers. We see the same tired old factories, the same divisions we have seen before, gripes a Pentagon official. We do not get into their crack divisions and factories.

We have to stop this. We have to stop it now. Enough is enough. The security of this country is at stake. I ask for a "yea" vote for the DeLay amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I first must say to my friend, the gentleman from California (Mr. CUNNINGHAM), that no one in this Chamber admires more what he has done and what he does for his country, so I compliment him in his past and present actions, though from time to time we will vary on issues. And I appreciate the gentleman's comments earlier.

But let me say this to my friend from California, as well as my friend from Texas. When we first started the debate on this bill, I stated that this was the best bill that we have put forward to the Congress of the United States since the early 1980s. That included the language regarding the military-to-military contacts regarding China drafted by the majority under the guidance of our chairman, the gentleman from South Carolina (Mr. SPENCE). We have done the job. It is well worth it. We have protected the interests of the United States. I do not think it could be better.

The amendment that the gentleman from Texas offers, in my opinion, gilds the lily. I think that what is in there is excellent. I stand by it, I embrace it, I compliment the gentleman from South Carolina (Mr. SPENCE) and those that worked it out and I agree with it. I hope that we stand by it and approve it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of Representative DELAY's amendment. This amendment would prohibit the military to military exchanges that train the People's Liberation Army of China.

I support this amendment for several reasons. First in light of the Cox report on the extent of China's espionage and theft of America's national security secrets, I feel that further contact is unwise. It would be imprudent to foster a relationship, which is not beneficial to our nation's interests and further extends the risk of exposure of U.S. technologies and capabilities.

This bill would ensure that exchanges and contacts between our military and the People's Liberation Army would be beneficial to both nations. It would prohibit exchanges and contacts which involve nuclear, chemical or biological operations; intelligence activities; warfighting exercises, military space operations; arm sales or military related technology transfers. This amendment would preserve our two nation's ability to perform search and rescue or humanitarian exercises.

Mr. Chairman, June 4th marked the ten-year anniversary of the tragedy in Tiananmen Square. The images of the crackdown on the student democratic movement are still fresh in my mind even after ten years. The failure to recognize the mistake of ten years ago continues, as last week over 100 dissidents were detained to prevent the public marking of this anniversary.

I offer this recollection because, I believe that China has not recognized that stability is not something which can be demanded but rather it must come from the people freely expressing their own ideas. The United States should not have military to military contact with the People's Liberation Army because the Chinese government continues to use in military to restrict the notions of democracy within its own people.

I urge the members of this body to vote—"yes" and support Representative DELAY's amendment.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 13 printed in House Report 106-175.

AMENDMENT NO. 13 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mr. GOSS:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN HAITI.

(a) LIMITATION ON DEPLOYMENT.—Except as provided in subsection (b), no funds available to the Department of Defense may be expended for the deployment of United States Armed Forces in Haiti.

(b) EXCEPTIONS.—Subsection (a) does not apply to the deployment of United States Armed Forces in Haiti for any of the following purposes:

(1) Deployment pursuant to Operation Uphold Democracy until December 31, 1999.

(2) Deployment for periodic, noncontinuous theater engagement activities on or after January 1, 2000.

(3) Deployment for a limited, customary presence necessary to ensure the security of United States diplomatic facilities in Haiti and to carry out defense liaison activities under the auspices of the United States embassy.

(c) REPORT REQUIREMENT.—Whenever there is a deployment of United States Armed Forces described in subsection (b)(2), the President shall, not later than 48 hours after the deployment, transmit a written report regarding the deployment to the Committee on Armed Services and the Committee on International Relations of the House of Representatives and the Committee on Armed

Services and the Committee on Foreign Relations of the Senate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict in any way the authority of the President in emergency circumstances to protect the lives of United States citizens or to protect United States facilities or property in Haiti.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

I am expecting the arrival at any time of the gentleman from New York (Mr. GILMAN), who is my co-colleague on this subject. Mr. Chairman, over the last several years, the Clinton-Gore administration has asked the military to do more with less, and I think that deserves our time, so I am going to discuss this matter pending the arrival of the gentleman from New York.

The result of having to do more with less, I think, is very plain to see. Declining morale and a military on the verge of being hollowed out confront us just at the time when we seem to have more demands on our military in so many other places.

The solution seems simple, as even President Clinton's Secretary of Defense William Cohen admits when he said, "We have to find a way to either increase the size of our forces or decrease the number of our missions." I could not agree more.

Earlier this year the commander of U.S. forces in Latin America, that would be General Charles Wilhelm, recommended we end our permanent troop presence in Haiti. In its place General Wilhelm recommends the periodic deployment of troops, as is the norm throughout the Western Hemisphere and the Caribbean. General Wilhelm's recommendation is sound on a number of counts, and I believe Congress should endorse it.

Maintaining a permanent presence in Haiti unnecessarily puts our troops at risk. A clear indication of this is the fact that about half our soldiers in Haiti do nothing more than protect their fellow soldiers. The situation is that tense. That is what is happening. The deployment to Haiti strains military resources. We already know there is a call for those resources elsewhere. The financial cost is approximately $20 million per year. We also know there is a need for those resources elsewhere. The training, readiness and operational tempo are affected as well, as the military has clearly stated in much testimony before the United States Congress.

Our presence in Haiti duplicates work more appropriately done by nongovernmental organizations. Even our commander in Haiti, the person on the front line, the person responsible, Colonel Morris, frankly admits that much of his troop's work could be done by private sector groups. We are talking about building schools, building wells, doing other humanitarian work which desperately needs to be done in Haiti.

□ 1845

Finally, and from my perspective most importantly, our military planners clearly believe that the permanent deployment is less effective than periodic deployments would be. In other words, we get more bang for the buck, do more for Haiti, and do more for ourselves if we go to our norm of periodic deployments.

General Wilhelm's recommendation is right on target: End the permanent troop presence but allow the military to conduct routine periodic deployments as the situation warrants. Unfortunately, our military's pleas for a commonsense approach seem to have fallen on deaf ears among the Clinton administration's policymakers and political advisers.

It is time to restore Haiti to the norms in the hemisphere and end the permanent troop presence there. I think it is good for America. And in the end, I think it is a much more effective way to help the Haitian people, which is what we are trying to do.

For these reasons, I am very pleased to join the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, in offering an amendment that would essentially formalize General Wilhelm's recommendation. And I strongly urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I rise in strong opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, it is astounding to me when I see this constant assault on any progress President Clinton has made. It almost seems an argument ad hominem; if it was a Clinton administration policy and it seems to be succeeding, let us see if we can cause some trouble here.

Other sections of the bill today, as we have an agreement from Mr. Milosevic to pull out, other sections of this bill will make it impossible to keep peacekeeping troops in Kosovo in the former Yugoslavian areas.

Let us take a look at the history of Haiti. It has never exactly been the Switzerland of the world. There has been dictator after dictator. And between 1992 and 1994, there were 60,000 refugees coming out of Haiti.

The gentleman and many from the Florida delegation came to the floor expressing their concern for social services that were being overrun by Haitian refugees. 60,000 in 3 years. And every day we saw members of the Florida delegation complaining about the pressures on their State that somehow we had to end this massive immigration, people risking their lives in bathtubs virtually, to come to the United States, it was so bad in Haiti.

In the last 3 years, we have had 3,000 refugees coming in from Haiti. Is that a failed policy? Do we want to go back to the kind of policy we had before? In the last several months here, we have pulled out the peacekeeping forces at the insistence of the chairman of the Committee on International Relations. We are not training their police. They have no trained police.

And now these people who are helping the poorest people in our hemisphere, some of the poorest people on the planet, we are going to pull them out too? Why? We are not getting enough refugees coming across the ocean? They are not taking their little boats and risking their lives and their families to come to Florida? Is that what the gentleman wants?

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, if the gentleman is addressing me as "the gentleman from Florida," is the gentleman asking, do we want to keep the troops in Haiti to stop Haitians from leaving the oppression in Haiti? Is that what this is about?

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, it seems to me that if we squander this opportunity where we are in the developmental process of a democracy, maybe not today, maybe not tomorrow, but I will guarantee my colleague, dictatorship will return and those refugees will be coming again.

It is better for the Haitians, it is better for the U.S. if we are able to help these people have a decent living at home. The violence has been reduced. The Toutons Macoute is almost out of business. There are not 60,000 refugees coming here to the United States in a 3-year period. Let us continue the good work we have started.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, may I inquire of the Chairman how much time is remaining on either side?

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) controls 6½ minutes. The gentleman from Connecticut (Mr. GEJDENSON) controls 7 minutes.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the House Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, our military did a superb job when they were sent to Haiti back in 1994. However, their mission of restoring the elected civilian government of former president Jean

Bertrand Aristide was accomplished some time ago. I imagine that many Americans are not aware that we still have troops in Haiti.

The Clinton administration informs Congress that we have maintained our permanent troop presence in Haiti to provide humanitarian relief and to give our Army Corps of Engineers and medical personnel opportunities to be trained. However, I do not believe it is now necessary to keep a permanent troop presence in Haiti to accomplish those goals.

Obviously, humanitarian relief activities can be conducted at far less expense to our taxpayers by civilian contractors working for our Agency for International Development.

It is obvious that Haiti is becoming a dangerous place. Our local commander in Haiti has had to raise his assessment of the threats against our troops from both common crime and, increasingly, political unrest.

In an ominous development, on June 4, press reports revealed that civilian employees of the U.S. military support group in Haiti abandoned their all-terrain vehicle in a hail of rocks. Protesters then torched the vehicle.

Our troops are increasingly unable to conduct their stated humanitarian mission. They are hunkered down and there are clear signs that they may become direct targets of attack. The presence of the troops has certainly not stopped nor in any way deterred numerous political murders or recent rioting.

Despite the administration's insistence that U.S. troops do not have a security role, we can see U.S. troops mired in a dangerous, open-ended commitment in Haiti.

The chairman of our Committee on Intelligence, the gentleman from Florida (Mr. GOSS), and I offered this amendment in an effort to support the Defense Department's sensible recommendations that the permanent U.S. military presence in Haiti under Operation Uphold Democracy should be brought to an end.

Normal stationing of U.S. troops to protect our embassy and to provide diplomatic representation in Haiti would, of course, be permitted at all times. The President's authority to protect American lives and property in Haiti are also explicitly protected by this amendment.

The intent of this amendment is to make certain that our U.S. troops permanently deployed in Haiti under Operation Uphold Democracy through the U.S. support group will be completely withdrawn by December 31, 1999. The administration has fully 7 months to complete an orderly drawdown of our troops who are permanently stationed in Haiti.

Until such time as they are completely removed, our troops will continue to conduct their currently scheduled humanitarian missions.

After the permanently deployed troops are completely withdrawn, U.S. forces will be permitted to deploy to Haiti for short-term expeditionary missions.

There are serious concerns about the security of our troops in Haiti which we should consider. Moreover, it is not fair to our men and women in uniform to leave them in Haiti in an open-ended deployment.

Accordingly, I rise in strong support of H.R. 1401 and urge our colleagues to support the Gilman-Goss amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I was privileged to join the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. GOSS), the gentleman from New York (Mr. CHARLES RANGEL), and we went to Haiti quite recently. We met with Pierre Denize, the national police chief of Haiti.

Remember, Haiti does not have an army now because we have agreed and they have agreed to get rid of them. We met with Bob Manuel, the Secretary of State for Public Security in Haiti. We got what I considered an excellent report about that.

Our troops are not in jeopardy. How many troops are we talking about, I ask my esteemed chairman of the Committee on International Relations? Two hundred seventy; 270 troops. Psychologically, they are performing an immensely important task of working and development. They are not there for security. I found them not to be in jeopardy. They are working with Department of Justice and Department of Defense people in the Isatat training program, in the U.N. SITPOL agreement. Things are moving.

If we try to legislate them out of Haiti before the administration, the Department of Defense, and the State Department, which have all agreed that they should go, the question is the timing and whether the House of Representatives should now become the executive branch of Government.

Please, I beg my colleagues not to intrude this amendment, which is potentially dangerous, into the subject matter of Haiti. Haiti has problems. It is coming along very well.

I am glad that I was invited by my esteemed colleagues from New York and Florida to witness and talk in depth with them about this subject. Those troops are important there. They are not in jeopardy. And let us not pull them out prematurely.

Mr. GEJDENSON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Connecticut (Mr. GEJDENSON) has 4½ minutes remaining. The gentleman from Florida (Mr. GOSS) has 3 minutes remaining.

Mr. GEJDENSON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, this amendment should be defeated. It represents a double standard.

Why treat Haiti different than what we treat anyone else? There are only 500 troops in Haiti, thirty-six thousandths of 1 percent of our active force. Now, anyone who has any kind of sense at all knows that there is very little in Haiti.

This is about two things, as I perceive it: Haiti bashing, and it is not the first time, and bashing the President. It is time some of this stuff stopped.

We are talking about a small country here. The people are poor. And I say again, why not help continue what the President has started? How can we expect more from Haiti than we do from some of the rest of them? Why do we expect more from Haiti than we do any of the other countries that we are trying to help?

So there is a double standard. $288 billion. We are only spending $20 million to support the troops in Haiti, 500 of them. And I appeal to my colleagues to please kill this Goss amendment. The gentleman from Florida (Mr. GOSS) has a very good way of approaching Haiti, always on the negative.

Please kill this amendment. It is not worth being in this good bill. So please go against this. It is bad for America and it is bad for Haiti.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to address my good friend the gentlewoman from Florida (Mrs. MEEK).

I do not know of a sweeter lady in this body than the gentlewoman from Florida. But I say to the gentlewoman, because there is payback; 500 troops and $20 billion a year.

Look at Kosovo. We are lucky if we are going to get out with $100 billion. Bosnia cost us $16 billion.

When the Progressive Caucus comes up in the Labor-HHS bill and wants to increase money in Medicare and health care and education and not talk Social Security, if we want to do these things, the Progressive Caucus has got to support it and not want to cut defense by 50 percent of what it is now. There is a payback.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Gilman-Goss amendment.

I do so because we know that Haiti has been unstable. We are not really providing that much to them. But to take away the little bit that we are providing is unconscionable.

□ 1900

All that we are talking about is helping the poorest country in this hemisphere continue to have some hope for stability, economic development, for growth and progress. I would urge, Mr. Chairman, that we vote in the best interests, not only of Haiti but that we vote in the best interests of humanity, a little bit of humanitarian effort. I urge that we vote "no" to the Gilman-Goss amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, why are we obsessed with Haiti? If there is going to be a standard for spreading our generosity, and we are the indispensable Nation, we are the last superpower, I think it is important that we should help out wherever we can in crises throughout the world, but why not have a single standard? Why do we not establish a standard? Where we have been in Bosnia, I do not think it has been $16 billion as I heard before, but at least we have spent $8 billion in Bosnia. We have been in Korea forever. Korea has a strong economy. They could support their own defense. We have been in Europe with bases for a long time and in Japan. We are spread out all over the world in places spending billions of dollars over long periods of time. Why would we not help a nation in this hemisphere, and the commitment there is relatively pennies now compared to the kind of commitments we have with the bases in Europe and Japan and Bosnia. I am not saying we should pull out of Bosnia overnight, but I think there ought to be some kind of formula whereby we go in to help, we spend a preestablished amount of money, we do it with some kind of standard equally throughout the world.

If you pick out Haiti alone and you go after Haiti, then the only conclusion we can come to is that it is because Haiti is a black nation. Why else are we obsessed with Haiti?

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to oppose the Gilman-Goss amendment. Haiti is on the eve of democratic elections. We say that we have the moral authority to try to make sure that democracy is across this world. Yet the smallest and the poorest country in this world, we do not want to aid. We have less than 3 to 400 troops in Haiti. Yet we are trying to pull them out on the eve of elections when we may restore hope and dignity to people who are our neighbors. Yet we go all over the place for others. There seems and there is a double standard. We must not let this amendment stand. We must make sure that the bill is not poisoned by this terrible, terrible amendment and help the people who need most the help. To whom much is given, as this country has, much is required.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

The CHAIRMAN. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. DELAHUNT. Mr. Chairman, this is a very dangerous amendment. This sends a message to the antidemocratic forces in Haiti that America is ready to disengage. This coupled with a hole that was placed by the majority in terms of human rights observers. This amendment should be defeated and it should be defeated overwhelmingly.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida is recognized for 2½ minutes.

Mr. GOSS. Mr. Chairman, I want to read part of a Charleston Post and Courier editorial:

> General Wilhelm did not suggest that the United States should give up and walk away. He proposed U.S. military forces should visit Haiti periodically. Unfortunately, as the General told Congressmen, the 500 American soldiers—that number is actually 503 American soldiers—who remain have to spend much of their time defending themselves from attack. They should not be exposed in this way. Instead, detachments of troops, ready for combat if required, should be sent to Haiti to demonstrate U.S. commitment to upholding the rule of law. It would be wrong to keep troops in Haiti merely to disguise the fact that U.S. intervention, hailed as one of President Clinton's major foreign policy achievements, has failed.

I would point out that that editorial absolutely parallels the advice we are getting from the military. Now, we have heard testimony that Haiti needs to be treated the same as everybody else. I agree. That is what we are trying to do is take out the permanent troops and replace them with the periodic deployments which are characteristic for the area.

Secondly, we are trying to reduce the strain on the readiness of our troops because, Lord knows, we need them and the reduced strain would be helpful to the military. Thirdly, we are trying to increase troop safety. In fact our troops have been fired on in Haiti. Many people do not know that. Fourthly, many of the activities that are going on in Haiti that we need to help with are better suited with other NGOs. We will help those other NGOs as we have in the past and will continue to do in the future. That is where the help should be coming for the Haitians.

There are other reports coming from Haiti, well founded at this time, of new brutality and unfortunately involves brutality by people in Haiti, Haitians who are trained by the U.S. This is not good. Things are going sour in Haiti. The gentleman from Connecticut has pointed out that we have now got a problem in Haiti. I do not know if the gentleman has noticed that we have got a dictatorship returning to Haiti in the past several months and that we no longer have all the elements of democracy down there that we seek to have. The dictatorship has in fact returned. But that is not the reason for the amendment. The reason for the amendment is to give Haiti a better chance to treat it the same as everybody else, to get the right kind of help going to Haiti and to get our troops back where they need to be.

This is the defense authorization bill. This is not the Haiti relief bill. This is the defense authorization bill. The military has recommended we get those troops out of there on a permanent basis. We should listen to the military. Mr. Chairman, I urge support of the amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the Gilman-Goss amendment, which limits funds for deployment of US Armed Forces in Haiti.

There are about 400 US military personnel in Haiti, who make up the US-Haiti support Group. This mission is humanitarian in nature, and provides engineering and other infrastructure assistance, and it is important to note that their presence is not permanent.

The role our troops play in Haiti is critical. If this amendment passes; however, we would send a negative message to the people of Haiti; namely, that the United States is leaving them at a critical time in the country's movement toward democracy.

I would like to point out that no other statute requires that the President report to Congress before a training deployment, as would be required if this passes.

I urge you to vote "no" on this amendment.

Lastly, it is unfortunate that a Member from Florida continues to attack our policy in Haiti. What we need to understand is that when the problems of Haiti go unresolved, these problems in turn, become ours as well.

Mr. PAYNE. Mr. Chairman, I rise today in strong opposition to this amendment. The Gilman/Goss amendment sends the wrong signal to the people of Haiti. It says that we don't care about democracy and we don't care about the rule of law and certainly we don't care about the people of Haiti.

This amendment would mandate a congressionally-imposed deadline for the withdrawal of troops which could send a destructive signal to opponents of democratic reform in Haiti. We are not talking about many troops—just 270 troops. That is vastly different from the 25,000 troops that went to Haiti 5 years ago. The 25,000 troops didn't have a single causality and you wanted to end that. Now the 270 troops that help in the areas of health care and rehabilitation program—you want to cut that also. This is ludicrous.

This is just another tactic to embarrass this Administration and to call into question smart, quick and decisive action we took in 1994 when we restored democracy back to Haiti by taking out Raoul Cedras and restoring the democratic government of then President Jean Bertrand Aristide.

Don't you remember what it was like 7 years ago when boat people drowned just to flee persecution and repression.

60,000 refugees left and fled for their lives. Many died trying to escape. This amendment would cut off badly needed money to the defense program. This program allows children to be vaccinated and also allows engineers to train in building roads and bridges.

Mr. Speaker, this is the last program we have in Haiti and now that is in jeopardy. What exactly do you want to happen in Haiti. You cut off the training program, you effectively ended the MICIVIH program and now this humanitarian program.

The MICIVIH program was established in 1993 jointly by the United Nations General Assembly and the Organization of American States. Since that time, it has made critical contributions to Haiti's political development by assisting judicial reform efforts, conducting credible human rights monitoring and carrying out impartial investigations into human rights violations. Now that's gone.

Elections are coming up soon. This amendment would end what is a small and worthwhile humanitarian support program in Haiti.

The U.S. Military Support Group in Haiti—a 400 strong presence of engineers, humanitarian civil affairs and other personnel—serves as a visible manifestation of U.S. support for Haiti's democratic transition and economic development.

The presence of U.S. military personnel in Haiti also has a positive effect on the security and stability of Haiti. This is not a permanent presence in Haiti. The role our troops play there is critical, giving Haitians reason to be hopeful by building schools, providing health care, digging wells, and being a visible sign of the U.S. commitment to democracy in that country. The President has made it clear that he is paring down on the deployment and this is not the time to pull our troops out of Haiti.

Let's not pick on Haiti. I rise in opposition to this amendment and urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOSS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Florida (Mr. GOSS) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 106–175.

AMENDMENT NO. 14 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mrs. MEEK of Florida:

At the end of title VII (page 238, after line 22), insert the following new section:

SEC. 736. RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking "(a) RESTRICTION ON USE OF FUNDS.—"; and

(2) by striking subsection (b).

The CHAIRMAN. Pursuant to House Resolution 200, the gentlewoman from Florida (Mrs. MEEK) and the gentleman from Indiana (Mr. BUYER) each will control 15 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment that simply repeals the statutory prohibition on privately funded abortions in overseas military facilities and restores the law to what it was for many years. This amendment would permit servicewomen stationed overseas to use their own funds to obtain reproductive health care. No Federal funds would be used and health care professionals opposed to performing abortions as a matter of conscience or moral principle would not be required to do so. Earlier this month, this amendment was endorsed on a bipartisan basis by the Subcommittee on Military Personnel of the Committee on Armed Services, the committee of jurisdiction. This was a major victory for women serving in our armed forces. Unfortunately, the full committee failed to follow the recommendation of the subcommittee and deleted the language from the bill. As one of the ranking women here, I strongly feel that this ill-advised policy must be overturned. Women in our armed forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights for a policy with no valid military purpose.

Many of my colleagues will recognize this amendment as the former Harman amendment. I am proud to attempt along with the Women's Caucus, those of us who support this, to continue the good work of my friend and my colleague Congresswoman Jane Harman. I urge my colleagues to vote for this amendment. We owe our women serving our Nation no less, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last 30 years the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations. In January 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions in military treatment facilities. The changes ordered by the President, however, did not greatly increase the access to abortion services. Few abortions were performed at military treatment facilities overseas for a number of reasons. First, the United States military follows the prevailing laws and rules of the host nations regarding abortions. Secondly, the military has had a difficult time finding health care professionals in uniform willing to perform the procedures. Third, the real purpose of military medical treatment facilities is for military medical readiness and the training of lifesaving instead of the taking of life. Current law allows military women and dependents to receive abortions in military facilities in the cases of rape, incest or when necessary to save the life of the mother.

The House voted several times to ban abortions at overseas military hospitals. A similar amendment offered by Representative Jane Harman in the fiscal year 1998 Defense Authorization Act was rejected 196–224. In 1998, the House National Security Committee rejected another attempt to allow privately funded abortions at these facilities. When considering the fiscal year 1996 defense authorization and appropriations bills, the House voted eight times in favor of the present ban.

In overseas locations where safe, legal abortions are not available, beneficiaries have the option of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion.

Mr. Chairman, I reserve the balance of my time.

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent to turn over control of the time in the management of this amendment to the gentlewoman from California (Ms. SANCHEZ). She is the originator of this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SANCHEZ. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK) for her help on this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from California for yielding me this time.

Mr. Chairman, this is a question of constitutional rights. When someone puts on the uniform of the United States military, she should not forfeit her constitutional rights. If a different constitutional right were at stake here, I suspect that the attitude of those who oppose this amendment would be very different. They may not like the fact that the Constitution guarantees the right to choose, but it does. If we had a policy that said that you could not freely exercise religion at your own expense on military property in foreign countries, people would object vociferously to that because they would understand that there was something fundamentally wrong to denying people in the military their constitutional rights.

You may not like this constitutional right. You are free to try to change it. But it is a constitutional right. And to deny it to women who serve in uniform is just wrong. The Sanchez amendment corrects that wrong. I would urge everyone to support it strongly as I do.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I assure the gentleman that the United States Supreme Court permits the Congress to discriminate and for us to make decisions with regard to the military. If you are too tall, if you are too short, if you are too heavy, if you are colorblind, if you are diabetic. We are permitted to decide how we can shape the force and we can also decide on rules and procedures for the military.

Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the Meek amendment. The House has spoken on this issue many times. Each time it has rejected this amendment. Just last year the House rejected this same amendment offered by the gentlewoman from New York (Mrs. LOWEY) by a vote of 190–232.

☐ 1915

By requiring U.S. military facilities to provide elective abortion on demand to uniformed personnel dependents, the Meek amendment would turn DOD medical treatment facilities into abortion clinics.

When the 1993 Clinton administration policy permitting abortions to be performed in military facilities, which was reversed in 1996 except in the cases of rape, incest and the life of the mother, when that was first begun, all military physicians as well as many nurses and supporting personnel refused to perform or even to assist in elective abortions.

Our troops already are demoralized enough. Why should we again ask them to do something to which they object?

I received a couple of letters on this issue. I just want to read a couple of quotes.

The National Right to Life Committee in a letter summed it up well by saying, "Facilities and personnel of the Federal Government should not be utilized to deliberately destroy the lives of innocent human beings."

And I received a letter from the Archdiocese for the Military Services which echoes this message by saying, "Military medical personnel have refused to take part in the procedure of life destroying abortion, citing the primary responsibility of our Nation's military services to preserve human life."

Mr. Chairman, I urge my colleagues to oppose again the Meek amendment.

Ms. SANCHEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just remind the gentleman who just spoke that there is already an objection clause and that no military personnel are forced to perform any of this.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), my friend.

Mrs. TAUSCHER. Mr. Chairman, I guess I am a little confused about the subcommittee chairman's assertion that the military discriminates right now against people that are too tall and too other things when in fact I think what we would actually call those would be minimum standards for qualification to qualify to be a good soldier, airmen, Marine. The question I have is: Is there such a thing as being too female, because this is a specific issue for American fighting men and women, and this is about American women who have the right to have the right to choose as American citizens, but because they are on military duty overseas our colleagues are suggesting that they forfeit that right.

I think that is discriminatory, I think that is inappropriate, and I urge my colleagues to support the Sanchez amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Indiana for yielding this time to me knowing that we do not agree on the subject. I just want to make a couple of points:

First of all, these are privately funded, these are not taxpayer funded. Secondly, we have the personnel to perform these procedures because they perform them in the case of rape, incest and the life of the mother. Thirdly, our men and women under arms serve under American law and American command, and like it or not, they have the same right to legal medical procedures as women throughout America. And fourthly, this is terribly discriminatory. If someone is an officer, they can afford to have their wife fly home or their daughter who got in trouble fly home. If someone is a common enlisted guy, they cannot, and space available does not necessarily work.

Do my colleagues really want them to go out on the medical economy of some of these foreign deployments where death is just about as likely as any other outcome? Do they not have a right as service men and women to have either their wives safe or, as women, to have a safe procedure? Mothers have a right to live for their children even if they have to elect this procedure.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), my colleague.

Mr. DAVIS of Illinois. Mr. Chairman, I rise to express my strong support for the Meek Sanchez amendment. I find it ironic that strong women, brave women, who enter the military to fight for their country then cannot get the same basic rights that people back home already have, rights they are fighting to protect. I think that this policy is the height of hypocrisy, and this amendment should not even be debated, it should not even be a question. It even should not be a consideration.

Mr. Chairman, let us extend to the fighting women in the military the same choice options that others have back home. I thank the gentlewoman for having yielded this time to me.

Mr. BUYER. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank my good friend for yielding this time to me and congratulate him on his courage in embracing this important human rights issue. Let me begin by noting that I have the utmost respect for my friends on the other side of this issue, but in all honesty I continue to struggle with how so many bright and otherwise enlightened people can continue to demand a course of action that literally kills children and emotionally wounds so many of their mothers.

As my colleagues know, the national debate on partial-birth abortion has demonstrated beyond any reasonable doubt that abortion is violence against children. Can our friends on the other side of this issue not appreciate the inherent cruelty towards babies in sanctioning the stabbing to death of a partially born child followed by the suctioning of his or her brains and then calling that choice? I believe that such child abuse is beyond words, Mr. Chairman.

As my colleagues know, abortion methods often involve the literal dismemberment of children with razor-blade-tipped curettes. They are really just knives hooked up to a hose, a suction device that is some 20 to 30 times more powerful than the vacuum cleaner my colleagues have in their homes today. Well, the baby's body is literally hacked apart. The arms and the legs are cut off. Next time my colleagues go home and look at their child, they should remember this. And they can make faces and roll their eyes, but that is what abortion actually entails; it hacks off the arms, it decapitates the head.

I do not know if my colleagues have ever seen The Silent Scream put out by Dr. Nathanson, a former abortionist and founder of NARAL. He shows with ultrasound a baby being hacked to death, the commonplace abortion method that is utilized in this country. If the Sanchez-Meek amendment becomes law, it would facilitate that kind of cruelty towards children in our overseas military hospitals.

There are chemical abortions where highly concentrated salt solutions and other kinds of poisons are literally injected into the amniotic sac or into the baby so as to procure that baby's death. That is child abuse.

A humane and a compassionate society will embrace those children with prenatal care and love even when they are, quote, unwanted and would say that that kind of violence cannot be sanctioned.

I chair the Subcommittee on International Operations and Human Rights. I have had about a hundred hearings in that Subcommittee and in the Helsinki Commission which I also chair, many of which have focused on torture. I have to tell my colleagues there is an unsettling similarity between the mangled badly bruised bodies of people who have endured torture and the victims of saline or salting-out abortions where they are covered with bruises. Very often the only part not bruised is the palms of their hands because it takes 2 hours for the baby to die, and the babies clench their fists because they feel the pain.

Abortion is child abuse. The Sanchez-Meek amendment would allow and facilitate abortion on demand in our military hospitals, the ultimate violation of human rights. We need to stand for the innocent unborn children and for their mothers. The emphasis should be on prenatal care, not on a course of action that maims, chemically poisons, and otherwise destroys human beings.

Please vote no on the Sanchez-Meek amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise today in strong support of the Sanchez amendment, a bill that would restore women the right to equal access in health services at military hospitals. This amendment is first and foremost about protecting women's health. It would give military women the access to the health care they need and deserve. Soldiers in our Armed Forces already give up many freedoms and risk their lives in defending our country. They should not be asked to sacrifice their health, their safety and their basic constitutional rights for a policy with no valid military purpose.

Let me clarify that the amendment does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 to 1988 and again from 1993 to 1996. This policy gives women in the military who are stationed overseas the same rights as military women in their own country, the right to pay for a safe and legal abortion with their own private money.

Enough is enough. Every woman should be guaranteed the same rights as any other woman, particularly if those same women are fighting to protect the freedoms of this country. How can we in good conscience deny our service women any right at all?

We will hear a lot of inflammatory language and a lot of discussions designed to frighten and intimidate. That is not what it is all about, Mr. Chairman. It is about women who want to take their own money and pay for a service that should be available. It is not, but they are paying their own money to have this service, one of the health care benefits that they should be afforded that they are not being afforded.

How can we say to a military woman who is out there risking her life for us in our Armed Services that we are going to deny access to service? We do not do that to men in any shape, form or fashion; do not do it to women.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am just not sure I remember the last time a man received an abortion. I do not think it has ever happened. I do not think it is humanly possible. I am not sure how gender even became injected in this debate.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, a lot of talk about rights, about women's rights, and properly so. Not a word, not a syllable, not a phrase is spoken about the rights of the unborn child. Because the unborn child in the process we call abortion or euphemistically we call choice, which is an interesting subject, but nonetheless the rights of the unborn are never considered whatsoever.

Now I have heard people on the other side say that there is a constitutional right to choose. It is really not in the Constitution, but the court found it there in 1973, 7 to 2, the right to an abortion. But there is no right to have the taxpayers pay for that abortion.

Now our colleagues will say but under the Meek amendment, which we are debating here, under this amendment the pregnant woman will pay her own expenses. But they are using a medical facility of the United States military, and thus they are turning that into not a place for healing, but an abortion mill, an abortion clinic.

Now there are people whose tax dollars go to pay for that hospital who are morally opposed to abortion, who do not think it is a good thing, who think it is a tragedy to take an innocent little human life, and before it gets a chance to laugh or cry, exterminate it. They do not terminate a pregnancy, they exterminate. All pregnancies terminate after 9 months.

Now this has been the policy of our country and our government for some time, and it ought to stay there. Do not turn military hospitals into abortion clinics. Do not use the facilities that are paid for by taxpayers to kill an unborn child.

Our colleagues say they want to make abortion safe, legal and rare. We can make it legal, we cannot make it moral, and we cannot make it safe for the unborn, and by facilitating abortions we are not making it rare.

So think of the child, put the child in the picture, think of the unborn life that is entitled to life, liberty and the pursuit of happiness, and do not turn our military hospitals into abortion clinics.

□ 1930

Ms. SANCHEZ. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just like to remind my colleagues that there are already abortions performed at military hospitals, and that a woman who chooses to have one under this amendment would pay all the costs of having that procedure done in a military hospital. So it is at no expense to the taxpayer.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the Sanchez amendment. I hope this amendment has the support of all but the most extreme of the anti-choice Members of this body, because this is indeed a very moderate approach. It simply says that women stationed overseas will be allowed to have abortions in safe military facilities at their own expense, at an expense that covers the full cost, not just the marginal cost, including, I would assume, a charge for the facility itself.

It says that no doctor would have to perform the procedure if or she did not want to because of moral or religious or ethical objections. It simply reinstates the policy of this country from 1973 to 1988 and again from 1993 to 1996.

We are about to deploy servicewomen even into the Balkans, where the hospitals have been damaged, where the Albanian hospitals are overrun or are having to deal with refugees, where all of the hospitals are overburdened, and we are turning to American servicewomen and saying, "Yes, you might risk your life because of a sniper or a land mine, but, in addition, you must risk your life to an unsanitary operation performed in whatever hospital or whatever illegal facility is available."

The other alternative available to our servicewomen is to wait. Instead of the abortion taking place in the first month, it would take place in some later month. Is that what the so-termed pro-life forces want?

Ms. SANCHEZ. Mr. Chairman, I yield one minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of this amendment. Our servicewomen and the wives and daughters of our servicemen stationed abroad do not expect special treatment, but they are entitled to receive the same rights guaranteed all Americans under Roe v. Wade.

This bill penalizes women who have volunteered to serve their country by unduly interfering with their constitutionally protected right to choose. The Sanchez-Morella amendment assures that servicewomen and the wives and daughters of our servicemen do not become second-class citizens or subject to a two-tiered health care system. This amendment provides access for our servicewomen to medical care, to legal medical care.

Individuals who volunteer to serve in the Armed Forces already give up many freedoms and they risk their lives defending our country. In exchange, we offer our military personnel a full array of health care services; that is, except in the case of comprehensive reproductive health care.

I urge my colleagues to vote in favor of the amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I respect immensely my friend that spoke about abortion, but that is not really what this whole issue is about. Most of the women in the military overseas are very, very young. Even someone that voluntarily wants an abortion, I can imagine there is quite an emotional scar, whether you choose to or not. The military does not want these young women having an abortion overseas. They do not want someone in a military unit overseas that is going to go through this emotional trouble that has to work with a team.

There is not a single woman that has ever been forced in the military to have that abortion overseas. The military will bring that woman back, and, under Roe v. Wade, they are not denied, not one single item, and they are protected.

So they are not abused, they are not discriminated against, because they have the same rights back here in the United States once they get in CONUS. But the military does not want young impressionable women to have to go through an abortion overseas.

Ms. SANCHEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to let our colleague know I have a letter here from the Department of Defense that strongly support this amendment. In fact, our military does want this. They do want this amendment to pass.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of this amendment. This issue is about equal treatment for servicewomen stationed overseas. This amendment is not about Federal support for abortion services, it is about giving women who have volunteered to serve their country abroad the same protections and choices they would have here at home.

When a woman in the military is stationed overseas, the best medical facility is most often the base hospital, a hospital that is clean and safe with well-trained doctors. However, this amendment denies military women, those who serve and protect our country, access to this base medical facility, even when the woman pays for and is willing to pay for the treatment.

Regardless of your position on choice, ask yourself a question: What would you want for your daughter, for your sister or your wife? If she were stationed overseas, would you not want her to go to the hospital of her choice? Would you not want her to go to an American military facility?

Mr. Chairman, these women fight for our freedom every day. Let us not take their freedom away. Vote "yes" on this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment is about recognizing the rights and dignity of our women in the armed services. It is really a very limited attempt to correct the policy that never should have been enacted in the first place. It simply allows women to obtain safe abortion services using their own money at U.S. military hospitals overseas.

The current ban increases women's health risks and denies women their basic constitutional right to privacy. A woman must inform her superiors of her need for an abortion and wait until there is space available on a military flight back to the United States. The delay puts women's lives in jeopardy. The need to inform her superiors violates her privacy rights.

Furthermore, women serving overseas depend on the base hospital for medical care in areas where local health care facilities are inadequate. The health of a servicewoman is threatened when she has to look outside of the base for a safe provider of the medical attention she needs. The current policy may even force a woman to seek an illegal or unsafe abortion when facing a crisis pregnancy.

The ban discriminates against the women serving our country overseas. This amendment would ensure equal access to comprehensive reproductive health care for all U.S. servicewomen and dependents, regardless of where they are stationed, and therefore should be enacted.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), the cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, I am pleased to cosponsor this amendment. Much has already been said about what the amendment does, but it does allow women serving in the military overseas who depend on their base hospitals for medical care and may be stationed in areas where local health care facilities are inadequate to be able to avail themselves at their own cost of an abortion that may be very necessary.

Women who volunteer to serve in our Armed Forces already give up many freedoms, and they risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic rights for a policy that does not have any valid military purpose.

Mr. Chairman, I think the amendment is about women's health. I believe that. I believe it is also about fairness. The amendment also, and this has been repeated over and over again, it does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. It reinstates the policy we had before.

Finally, please know the amendment has the strong support of health care providers, organizations like the American Nurses Association, American Public Health Association, Medical Women's Association and the College of Obstetricians and Gynecologists. The litany goes on. These are medical people who know.

Please support the amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment. Only in a Republican Congress can a woman sign up to serve her country and have her rights denied in return. While a female soldier is busy defending her country overseas, her country in this Congress is working to take away her rights.

If a male member of the armed services needs medical attention overseas, he receives the best. If a female member of the armed services needs a specific medical procedure, she is forced to either wait until she can travel to the United States or go to a foreign hospital, which may be unsanitary and dangerous.

This bill will cost the American taxpayer nothing. Each woman will pick up her own tab. All she wants is the right to do it.

Women have waited long enough to receive equal treatment in the military. I hope my colleagues on both sides of the aisle will vote for this amendment, and give these most deserving soldiers back what is rightfully theirs.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, it is quite disappointing for the gentlewoman who just spoke to talk about a Republican Congress denying.

Let me just state this: The purpose of the military is to fight and win the Nation's wars. The gentlewoman's comments also impugn the dignity of

Democrats who are pro-life advocates, those whose passion is about saving life, not taking the life of the innocent unborn child, as she is walking off the floor and does not want to hear this debate. I am speaking directly to you.

There are Members of both sides of this aisle that speak passionately about saving the life of the unborn. For you to try to rein in politics is completely unnecessary.

Ms. SANCHEZ. Mr. Chairman, I yield 10 seconds to the gentlewoman from New York (Mrs. MALONEY) to respond.

Mrs. MALONEY of New York. Mr. Chairman, this is a constitutional right, a right that is legal in the United States. You are depriving a woman who is defending her country, putting her life on the line to defend her country. You are taking away a right that men have. It is a right that she would have if she were in her own country. I think it is outrageous. It is wrong. Everyone should vote against this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield the balance of my time to the gentlewoman from New York (Mrs. LOWEY).

The CHAIRMAN. The gentlewoman from New York is recognized for 50 seconds.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowey amendment, and I thank the gentlewoman from California (Ms. SANCHEZ) and my colleagues for their important work on this issue.

In closing, I just want to say, please do not be fooled. This is not an issue of taxpayer dollars funding abortion. This is about American women in private with their own money exercising their constitutional right to choose.

Over 100,000 women live on American military bases. These women work to protect the freedom of our country. These women risk their lives and security to protect our great and powerful Nation. These women for the past 4 years have been denied the right to a safe and legal abortion at the bases where they are stationed.

□ 1945

Just yesterday, when we debated the anti-choice majority's latest effort to restrict access to legal abortion, I said I was tired of these attempts to chip away at a woman's right to choose. I ask my colleagues to please support the Sanchez-Morella-Lowey amendment.

Mr. BUYER. Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. WELDON) to close in opposition to the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) is recognized for 3 minutes to close.

Mr. WELDON of Florida. Mr. Chairman, I rise in very strong opposition to this amendment. I would encourage all of my colleagues on both sides of the aisle to vote against this amendment.

I bring a somewhat unique perspective to this debate in that not only prior to coming to the Congress did I practice medicine, but for many years prior to coming to the Congress I practiced medicine in the military. I was actually in the Army Medical Corps at the time when pro-life President Ronald Reagan passed an order that said we were not going to have abortions in military hospitals anymore.

It was very interesting for me at the time, I was a medical resident, to see the reaction to that order. It was sort of a sigh of relief. Everybody that I spoke to, the doctors and nurses, were very pleased that they were going to take that very, very controversial issue and move it out of the military hospitals.

Some people have been arguing that this is a constitutional right. There is no constitutional right to have an abortion in a military hospital. Indeed, the reason all of those doctors and nurses, even many of whom considered themselves to be "pro-choice", liked getting it out is because they did not like to have anything to do with it.

It is one of the most fascinating things to me, when I talk with my medical colleagues, many of whom say, you know, I am pro-choice, but they always follow it with this. They say, I would never perform an abortion, I would never assist in an abortion. The reason why they say that is they know exactly what an abortion is. It is the taking of an innocent human life. It has a beating heart. It has brain waves. Those are the things that I used to use to make a determination as to whether or not somebody was dead.

This is a very, very controversial issue. Even if Members do stand on the pro-abortion side of this issue, Members have to acknowledge that it is so incredibly controversial within the population in general that this would be something that we would be well served as a Congress to keep outside of Federal facilities, outside of Federal hospitals.

To say that the women will pay for the abortion, we all know that that issue is just part of the story. Having that infrastructure, having those medical professionals there, it represents a certain amount of Federal support.

For the millions and millions of pro-life Americans, I think certainly if Members are pro-life, they should vote against this amendment. I think if Members are undecided, they should vote against this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly support the amendment, which will restore regulations permitting abortions for service members and their dependents at overseas defense department medical facilities.

Without this amendment women who have volunteered to serve their country will continue to be discriminated against by prohibiting them from exercising their legally protected right to choose abortion simply because they are stationed overseas.

While the department of defense policy respects the laws of host nations regarding abortions, service women stationed overseas should be entitled to the same services, as do women stationed in the U.S.

Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers women's health.

Women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. This policy may cause a woman facing a crisis pregnancy to seek out an illegal and potentially unsafe abortion.

Since 1996, the ban on DOD abortions was made permanent by the DOD authorization bill. I have fought to restore the female service member's constitutional right of choice.

This amendment does not require the department of defense to pay for abortions; it simply repeals the current ban on privately funded abortions at U.S. military facilities overseas. Absolutely no federal funds will be used for abortion services. In addition, all three branches of the military have a "conscience clause" provision which will permit medical personnel who have moral, religious or ethical objections to abortion or family planning service not to participate in the procedure. These provisions will remain intact as well.

Access to abortion is a crucial right for American women, whether or not they are stationed abroad. This amendment must be supported, as women who serve our country must be able to exercise their choice whether or not they are on American soil.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 12 offered by the gentleman from Texas (Mr. DELAY);

Amendment No. 13 offered by the gentleman from Florida (Mr. GOSS);

Amendment No. 14 offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 12 OFFERED BY MR. DELAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 248, noes 143, not voting 7, as follows:

[Roll No. 182]

AYES—284

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—143

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bereuter
Berman
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Horn
Hoyer
Jackson (IL)
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (CA)
Lewis (GA)
Lowey
Luther
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pastor
Payne
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Hinchey
Jones (OH)
Kasich
Sherwood
Stark
Visclosky

□ 2016

Mrs. THURMAN, Ms. DANNER, and Ms. SCHAKOWSKY, and Messrs. WEINER, HORN, and DAVIS of Florida changed their vote from "aye" to "no."

Messrs. HOLDEN, WISE, LUCAS of Kentucky, HALL of Ohio, MOAKLEY, LARGENT, KILDEE, MASCARA, STUPAK, DINGELL, COSTELLO, MOORE and SHERMAN, and Ms. PELOSI, Ms. SLAUGHTER and Mrs. MALONEY of New York changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2015

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 200, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 13 OFFERED BY MR. GOSS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. GOSS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 198, not voting 9, as follows:

[Roll No. 183]

AYES—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent

Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Brown (CA)
Coburn
Hinchey
Kasich
Lewis (CA)
Rush
Sherwood
Stark
Visclosky

□ 2024

Mr. METCALF changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MRS. MEEK OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded voted has been demanded.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 6, as follows:

[Roll No. 184]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows

Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Hinchey
Kasich
Sherwood
Stark
Visclosky

□ 2033

Ms. MCKINNEY changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE SUPPLEMENTAL REPORT TO REPORT ON H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be permitted to file a supplemental report to report number 106–167, which accompanied the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The supplemental report contains the CBO cost estimate for the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONTROLS ON EXPORTATION OF TECHNOLOGY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk about a very important policy issue in this country and that is the policy of export controls and specifically the controls that we place on the exportation of technology.

There has been a lot of talk about this issue today on the national defense bill, a lot of concerns about the exportation of technology. And I want to make a national security argument for changing some of those controls and allowing actually for the greater exportation of technology.

We heard a lot of talk today about the dangers of technology and what it can do to our national security. I think this is a misguided policy based on Cold War philosophies that fail to recognize the changes that have taken place in our economy and the emergence of a new information-based economy and what that means for all manner of policy decisions, particularly in the area of exportation of technology.

The situation we have right now is we have very strict restrictions on exportation of certain technology, most notably encryption software and any sort of so-called supercomputer. I say "so-called" because, basically, the laptops that we have on our desks today just a couple of years ago were considered supercomputers. That shows how fast computers advance and how much our policy fails to keep up with it.

The national security argument that I wish to make is based on the fact that our national security is best protected by making sure that the United States maintains its leadership role in the technology economy, maintains a situation where we in the U.S. have the best encryption software and the best computers.

If we place restrictions on the exportation of that technology, that will soon fail to be the case. We will cease to be the leaders in this technology area and we will cease to be able to provide that very important R&D to the military that enables them to be the leaders in technology.

Our current policies are creating a situation where more and more countries of the world have to go elsewhere to get access to either encryption software or computers of any kind. And that is a very important point in this debate.

The limitations that we place on the exportation of technology is based on two premises. One is correct but misinterpreted, and the other is incorrect. The one that is correct but misinterpreted is that technology matters in national security. That is absolutely true. Computers, software, all manner of technology give us a stronger national defense, and all manner of technology can be a potential threat to any country's national security. That is true.

But the mistaken application comes from the belief that somehow the United States can place its arms around that technology and not allow the rest of the world to get it. That might have been true in the 1940's and in the 1950's. But in the new economy, in the Internet age and in the age of technology, it is not true.

Encryption is the best example. We believe that we are not going to allow the rest of the world access to the best encryption technology by restricting our Nation's companies' ability to export it. But we can download 128 byte encryption technology off the Internet.

Dozens of countries, not the least of which are Canada, Russia, Germany, export that technology. Also not to mention the fact that if we want to buy the best encryption technology possible, we can go to just about any software store in the world, slip it into the pocket of our suit, and climb on an airplane and go anyplace we want to go.

Our restricting our Nation's companies' ability to export encryption technology is not stopping so-called rogue nations or anybody out there from getting access to that technology. What it is doing is it is having them get that technology from some other country and also hurting our companies' ability to export to legitimate users of encryption technology.

And in the long-run, or actually, given the way the technology economy works, in the much shorter run than we would like, we are going to cease to be the leaders in encryption technology. The rest of the world is going to overtake us. And then our national security is really going to be threatened because we are not going to be the best and we are going to face other countries that have better technology than us.

The same is true in the area of computers. We are but a couple years away from creating a situation where most countries in the world will not be able to export so-called supercomputers to the rest of the country.

What we are a couple of years away from, forgive me, I did not exactly explain that right, is having our basic laptop not being able to be exported because of the 2,000 MTOPS limit that we place on exportation.

I think that there is a false argument that has been set up in this debate, and that is that this is a choice between national security and commerce. And I could spew off a whole bunch of statistics about how important technology is to the growth of our economy and how important access to foreign markets is to that growth of our technology sector of our economy. And all of that is true.

But a lot of people look at that and say, well, you are just arguing put commerce ahead of national security. We are not arguing that. National security, as well as commerce, demands that we change the export control policies that we place on technology.

SAFETY IN AMERICA'S SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. ISAKSON) is recognized for 5 minutes.

Mr. ISAKSON. Mr. Speaker, I am proud to rise tonight and talk for a second about a subject that only a few months ago was on everybody's lips but fast wanes away, and that is school safety and the problem with violence in our schools.

In the next few days, or next week, we will consider gun legislation. We will hear a lot of rhetoric. We will talk about a lot of things. But somehow, with time and space, we forget about the great tragedy that has happened in America in the past 2 years.

This year, when graduation takes place, many students will commence to higher education. But in Colorado, 13 students will never go to class again. In Georgia, only by the grace of God, our students were injured and not killed.

Does Congress have a role in this? Is there something that we can do? Yes, I think there is. But first I think we need to be honest about the blame game.

There is appropriate responsibility in the gun industry, and they should accept it. There is appropriate responsibility in the motion picture industry, and they should accept it. There is appropriate responsibility in the music industry, and they should accept it. And every parent in America should understand today that parental responsibility must be restored in America if we are ever to solve school violence.

But Congress has a role, too. It is our fault, as well. We stand here today in the people's House and appropriate money for the education of our children, the defense of our country, exports of our materials and facilitating our businesses. Yet our greatest natural resource is the generation now being educated in the schools of America.

Should we run them? No, they should not be federalized. I was a school board chairman in Georgia. I know local control is important. But I know resources are equally important.

□ 2045

Next week, I will introduce in the Congress a bill that really does address school violence. It does not play the blame game by attacking an inanimate object, a motion picture or music, all of which have some responsibility, but instead it talks about us being a facilitator for resources at the local level through a block grant program that institutionalizes in this country an expectation of safety, discipline and student assistance.

When you read behind the sensationalism of the last few instances in America, you will find students who were troubled, students who were reported by teachers or other parents to have demonstrated tendencies that would be violent, and you will find gaps between that report and any follow-up. And unfortunately in each and every case, whether it be Paducah or Jonesboro or Conyers or Littleton, tragedy ensued and the lives of American children were lost.

This bill would do the following things. It would create a block grant program for any system in the country that wishes to apply for us to assist in the funding of a director of school safety in every public school in America. It would not allow the funds to supplant State or local funds. The individual employed would not necessarily have to be a certified teacher but could be at the discretion of that system, somebody that most importantly met the needs of the demographics of those children. If accepted, it would require a school safety plan. And further it would exempt from existing law the prohibitions we now place on many teachers and administrators from direct referrals of students who demonstrated violent tendencies to the appropriate law enforcement, mental health or other agency that we fund in our local governments around this country.

Mr. Speaker, I am convinced that children rise to the expectations that we set for them. Unfortunately, we have created an environment where our expectations in our schools in terms of discipline, in terms of zero tolerance for violence, are not as high as they should be. And the children, the vast majority, almost 100 percent who are good kids, who obey the rules, who go to school, they should not be punished and their life should never be taken, because we did not do what we could do to facilitate an environment in our schools of safety and discipline and, probably most importantly, direct assistance when a child is in trouble, to see to it they receive what they need at the most critical time in their lives.

I want to conclude by making a point. I am a parent. Since I have been in politics I probably got more credit for raising our three than I deserve, but my wife and I raised three wonderful children. We sent them all to public schools. I think that is the real world. I think that is the world my kids will grow up in. We sent them there and we tried our best to be involved in their education, to raise their expectations, to do the right thing and to obey the law. There are lots of other parents like that. But the biggest problem in America today is probably parental deficit disorder, not attention deficit disorder. We cannot expect our system to educate our kids and to raise them.

I urge my colleagues to support this legislation and let us do something concrete for the children of America.

INTRODUCTION OF LEGISLATION REGARDING ALIENS FROM ALBANIA, MACEDONIA AND MONTENEGRO

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce a bill that will lighten the heavy burden placed on our allies in the Balkans. Over the past 9 weeks, over 780,000 refugees have flooded into Albania, Macedonia and Montenegro, putting overwhelming pressures on already strained humanitarian services. I recently visited these countries and saw firsthand the growing number of refugees and the demands on social services, government workers and relief agencies attempting to feed, clothe and house refugees with nowhere else to turn. As a Nation, we have appealed to these countries to keep their borders open to the Kosovar refugees. We have increased our humanitarian aid, pledged to admit 20,000 refugees into the United States, and already welcomed 3,000 of them into our country. In fact, volunteers for a relief agency in my district, World Relief in Wheaton, have welcomed 54 refugees into their homes. Yet as we are opening our homes to refugees from camps in Macedonia, Albania and Montenegro, we are preparing to send back to them aliens who have been residing peacefully in the United States. Indeed, the U.S. Immigration and Naturalization Service continues to detain for deportation aliens from these countries. One of my constituents in Illinois has been interned for purposes of deportation since last March.

Mr. Speaker, I believe that this policy should be revised to reflect the current realities of the situation in the Balkans. Clearly there are extraordinary conditions that prevent aliens from returning to these republics at this time. My legislation, cosponsored by seven of my colleagues from both sides of the aisle, will designate temporary protected status for aliens from the Republics of Albania and Montenegro and the former Yugoslav Republic of Macedonia. The U.S. has already extended such protection to aliens from Kosovo. I believe that it must also be extended to these other hard-pressed republics.

In my view, this would not only serve the best interests of the United States, it would also signal to our friends in the region our firm commitment to easing the overwhelming humanitarian challenges that face them.

Mr. Speaker, I wrote to the Attorney General and the Secretary of State urging that TPS be designated for aliens from these countries. The administration has yet to take action on my recommendation. As the stability of our friends in the Balkans is of paramount importance to the success of our Nation's mission, I believe Congress must act.

I thank my colleagues who join with me today in support of this bill. I urge the House to act quickly on this legislation to show our strong commitment to the continued well-being of our friends in the Balkans.

IN SUPPORT OF SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MALONEY) is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise this evening to speak in support of the Security and Freedom through Encryption, or SAFE, Act, which has been introduced in this session of the Congress and has been done so in support of the high technology industry which is so important to our economy and, therefore, to our country. Indeed, the high technology industry has already created and employs nearly 5 million people across this great land. But the statistics do not show the whole story, for as much as the high tech industry directly adds to our economy, it adds even more indirectly. Advances in technology impact every other sector of our economy, be it retail sales or farming or manufacturing or whatever. The productivity increases that high tech has brought to us allow us to work better and faster, creating higher incomes and prosperity for all Americans. I think it is safe to say that high technology has been the most important development in our economy in the last 50 years. We need to continue to promote high technology. Part of the problem we face is that currently government imposes strict regulations on technology imports, such as encryption technology. The rationale behind these policies is that we should limit potential adversaries from acquiring top-notch technology, whether those adversaries be in the foreign affairs field or in criminal enterprises. In regard to encryption, this policy is outdated and needs rethinking. It is as a practical matter impossible to limit access to some of those technologies, especially when it is possible to purchase top of the line encryption technology through the Internet or from a foreign vendor. U.S. export controls on U.S.-created encryption do not restrict anyone's access to technology or to encryption devices, and instead cripples the U.S. technology industry's ability to grow, invest in research and development and continue to create the best technology in the world. That is a far bigger threat to our national security. Our national security fundamentally relies on the strength and competitiveness of our economy. Reforming encryption controls and passage of the Security and Freedom through Encryption, or SAFE, Act which I have cosponsored is a common-sense approach that levels the playing field for our industry in the world, without compromising America's national security interest. I urge its passage.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I am submitting for the RECORD the official Congressional Budget Office Cost Estimate for H.R. 1000, unanimously reported by the Committee on Transportation and Infrastructure on May 27, 1999. As part of an agreement, the committee had received unanimous consent to file its report by 6 p.m. on May 28, 1999. Unfortunately, CBO was unable to complete the official cost estimate by 6 p.m., and the committee had to include a committee cost estimate in its report. That estimate is superseded by the CBO estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 28, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1000, the Aviation Investment and Reform Act for the 12st Century.

If you wish further details on this estimate, we will be pleased to provide them. The principal CBO staff contact for federal costs is Victoria Heid Hall, who can be reached at 226-2860. The staff contact for the private-sector impact is Jean Wooster, who can be reached at 226-2940, and the contact for the state and local impact is Lisa Cash Driskill, who can be reached at 225-3220.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1000—Aviation Investment and Reform Act for the 21st century

Summary: H.R. 1000 would authorize funding for programs of the Federal Aviation Administration (FAA) primarily for fiscal years 2000 through 2004. CBO estimates that implementing H.R. 1000 would result in additional outlays totaling about $56 billion over the 2000-2004 period. That total assumes appropriation action consistent with the bill's authorizations and the levels of new contract authority it provides for aviation programs. Outlays for the programs authorized by the bill would grow from an estimated $9.2 billion in 1999 to $14.8 billion in 2004. We also estimate that enacting the bill would increase direct spending outlays by about $46 million over the same period. Revenues would decline by $35 million over the five-year period. Because H.R. 1000 would affect both direct spending and receipts, pay-as-you-go procedures would apply to the bill.

The bill would provide an additional $7.1 billion in contract authority for the airport improvement program (AIP) over the 2000-2004 period (above the $2.4 billion a year assumed in the baseline), but providing this contract authority would not affect outlays from direct spending because AIP outlays are subject to appropriation action. (The increase in estimated AIP outlays is included in the discretionary total cited above.) H.R. 1000 also would increase direct spending authority for the Essential Air Service (EAS) program by $10 million each year. We estimate that enacting that change would increase outlays by $46 million over the 2000-2004 period. Furthermore, the bill would allow the Secretary of Transportation to authorize certain airports to charge higher passenger facility fees and would expand a pilot program that provides for the innovative use of airport improvement grants to finance airport projects. The Joint Committee on Taxation (JCT) expects that these provisions would result in an increase in tax-exempt financing and a subsequent loss of federal revenue. JCT estimates that the revenue loss would be $35 million over the 2000-2004 period and $142 million over the 2000-2009 period.

H.R. 1000 would take the Airport and Airway Trust Fund (AATF) off-budget and exempt AATF spending from the discretionary spending caps, pay-as-you-go procedures, and Congressional budget controls (including the budget resolution, committee spending allocations, and reconciliation process). Title X would provide for adjusting AIP contract authority upward based on the difference between the amounts appropriated and the amount authorized for FAA operations, facilities and equipment, and research and development. Any adjustments would begin in fiscal year 2001.

H.R. 1000 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would be significant and would not meet the threshold established by that act ($50 million in 1996, adjusted annually for inflation). Overall, the bill would provide significant benefits to airports operated by state and local governments. Section 4 of UMRA excludes from the application of that act any legislative provisions that would establish or enforce certain statutory rights prohibiting discrimination. CBO has determined that section 706 fits within that exclusion. Section 4 also excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that section 710, which implements provisions of the Convention on International Civil Aviation, fits within that exclusion.

H.R. 1000 would impose new private-sector mandates by requiring safety equipment for specific aircraft, imposing consumer and employee protection provisions, and imposing new requirements for commercial air tour operations over national parks. Those mandates would affect owners of fixed-wing aircraft, air carriers, end-users of aircraft parts, operators of commercial air tours, and owners and operators of cargo aircraft. CBO estimates that the total direct costs of the mandates would not exceed the annual threshold for private-sector mandates ($100 million in 1996, adjusted for inflation).

Description of the bill's major provisions: Title I would authorize the appropriation of $47.6 billion for FAA operations, facilities, and equipment for fiscal years 2000 through 2004. Title I also would provide $19.2 billion in contract authority for the FAA's airport improvement program for fiscal years 2000 through 2004.

Title I would allow the Secretary of Transportation to authorize certain airports to charge higher passenger facility fees than under current law. This title also would expand a pilot program that provides for the innovative use of airport improvement grants to finance airport projects. Title II would establish a federal credit program to assist commuter air carriers in purchasing regional jet aircraft. Title II also would increase the amount of direct spending authority for the EAS program and would authorize the use of appropriations to FAA operations for that program.

Title III would provide that, of the amounts appropriated for FAA operations in fiscal year 2000, up to $1.5 million may be used to obtain contractual audit services to complete a report on FAA's costs and on the allocation of such costs among different FAA services and activities.

Title IV would make the Death on the High Seas Act (DOHSA) inapplicable to aviation incidents, thereby broadening the circumstances under which relatives can seek compensation for the death of a family members in an aviation incident over the ocean.

Title V would establish civil penalties for individuals who interfere with or jeopardize the safety of a cabin crew or other passengers.

Title VI would provide whistleblower protection for employees of air carriers who notify authorities that their employer is violating a federal law relating to air carrier safety. The bill would set up a complaint and investigation process within the Department of Labor (DOL).

Title VII would extend the war risk insurance program and prohibit the FAA from charging fees for certain services. This title would provide that, of the amounts appropriated for FAA operations in fiscal year 2000, $2 million may be used to eliminate a backlog of equal employment opportunity complaints at the Department of Transportation (DOT).

Title VIII would make clear that the FAA has the authority to regulate aircraft overflights affecting public and tribal lands, and would establish a process for the FAA and the National Park Service (NPS) to coordinate the development and implementation of such regulations.

Title IX would place receipts to and sending from the Airport and Airway Trust Fund (AAFT) off-budget and exempt the fund from any general budget limitations. Title IX and X would provide for periodic adjustments to the amounts authorized to be appropriated for the FAA based on estimated and actual deposits to the AATF and on appropriations action.

Estimated cost to the Federal Government: Over the 2000–2004 period, CBO estimates that implementing H.R. 1000 would result in additional discretionary outlays of about $56 billion, additional direct spending outlays of $46 million, and a net loss of federal revenues of $35 million. The estimated budgetary impact of H.R. 1000, excluding the potential impact of title X, is shown in the following table. The costs of this legislation fall primarily within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current law:						
Budget Authority[1]	7,654	0	0	0	0	0
Estimated Outlays[1]	9,247	3,458	1,347	512	166	78
Proposed Changes:[3]						
Estimated Authorization Level	0	7,572	8,950	9,886	10,357	10,860
Estimated Outlays	0	6,020	9,653	12,095	13,687	14,710
Spending Under H.R. 1000:[3]						
Estimated Authorization Level:[1]	7,654	7,572	8,950	9,886	10,357	10,860
Estimated Outlays	9,247	9,478	11,000	12,607	13,853	14,788
DIRECT SPENDING—EXCLUDING TITLE X						
Baseline Spending Under Current Law:						
Estimated Budget Authority[4]	2,410	2,460	2,460	2,460	2,460	2,460
Estimated Outlays	0	30	50	50	50	50
Proposed Changes:						
Estimated Budget Authority	0	75	1,600	1,700	1,850	1,950
Estimated Outlays	0	6	10	10	10	10
Spending Under H.R. 1000:						
Estimated Budget Authority[4]	2,410	2,535	4,060	4,160	4,310	4,410
Estimated Outlays	0	36	60	60	60	60
CHANGES IN REVENUES						
Estimated Revenues	0	−1	−3	−6	−11	−14

[1] The 1999 level is the amount appropriated for that year for FAA's operations account and facilities and equipment account.

[2] Estimated outlays under current law are from amounts appropriated for 1999 and previous years for the FAA operations account and the facilities and equipment account, as well as the discretionary outlays from the AIP obligation limitations, assuming a full year of authority in 1999.

[3] H.R. 1000 authorizes such sums as necessary for the FAA operations account and for the facilities and equipment account for fiscal year 2000. The table reflects a level for 2000 equal to the amounts provided in 1999—that is, without any adjustment for anticipated inflation. Alternatively, if the 1999 level is increased to adjust for inflation, the 2000 level would be $300 million higher, resulting in $300 million more in outlays over the 2000–2004 period.

[4] Budget authority for AIP is provided as contract authority, a mandatory form of budget authority; however, outlays from AIP contract authority are subject to obligation limitations contained in appropriation acts and are therefore discretionary. CBO's baseline projections assume a full year budget authority will be provided for AIP for fiscal year 1999 and each subsequent year. The full-year total is 1.2 times the $2,050 million provided through August 6, 1999.

The preceding table excludes the potential effects of title X, which would provide for adjustments to AIP funding, beginning in fiscal year 2001. The annual adjustments would be derived by comparing the amounts authorized for FAA operations, facilities and equipment, and research and development, and the amounts provided in appropriations acts for those purposes. If appropriations equal the authorized amounts, then there would be no adjustment in AIP contract authority. Any adjustment would constitute new direct spending authority because it would be triggered by title X; however, all outlays for AIP would still be subject to obligation limitations established in appropriation acts. Depending on the appropriation actions, this provision could result in additional AIP contract authority of up to $40 billion over the 2001–2004 period, as shown in the following table. (The maximum contract authority would result if no appropriations were provided for the accounts in question.)

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
CHANGES IN DIRECT SPENDING—TITLE X[1]						
Estimate Budget Authority	0	0	8,950	9,886	10,357	10,860
Estimate Outlays	0	0	0	0	0	0

[1] The amounts shown are potential additions to AIP contract authority attributable to section 1001 of title X.

Basis of estimate: Implementing H.R. 1000 would affect spending subject to appropriation, direct spending, and revenues. Estimates of outlays are based on historical spending patterns for the affected programs and on information provided by DOT and FAA staff.

Spending subject to appropriation

For purposes of this estimate, CBO assumes that H.R. 1000 will be enacted before the start of fiscal year 2000, and that the amounts authorized for aviation programs will be appropriated for each fiscal year.

FAA Operations. H.R. 1000 would authorize the appropriation of such sums as necessary for FAA operations for fiscal year 2000. The bill also provides that funds, appropriated for FAA operations in fiscal year 2000 may be used for a number of new activities, including $2 FAA operations in fiscal year 2000 may be used for a number of new activities, including $2 million to eliminate a backlog of equal opportunity complaints at DOT, up to $1.5 million to study the use of recycled materials in aviation pavement, and up to $1.5 million to obtain contractual audit services to complete the Inspector General's report on the FAA's costs and cost allocations. In total, we estimate that the additional activities would require appropriations of $5 million for 2000. For fiscal years 2001 through 2004, the bill would authorize specific annual amounts totaling $28,553 million.

In the absence of specific authorizations for FAA operations in 2000, CBO estimates the amounts of the 2000 authorization based on the 1999 funding levels, with and without adjustments for inflation. The FAA received an appropriation of $5,567 million for operations in 1999. If that level is not adjusted for inflation between 1999 and 2000, CBO estimates that the funding level for fiscal year 2000 would be $5,572 million (including an additional $5 million for the new activities cited above). CBO estimates that appropriation of that amount in 2000 and the authorized levels specified in the bill for 2001 through 2004 would result in additional outlays for FAA operations totaling $33.3 billion over the 2000–2004 period (excluding outlays from amounts appropriated in 1999 and prior years). Alternatively, if the Congress increased funding for operations in 2000 to account for inflation, we estimate that the funding level for that year would be $5,825 million. Combining that amount with the specified authorizations for 2001 through 2004 would yield additional outlays of $33.5 billion for FAA operations over the 2000–2004 period.

H.R. 1000 also provides that funds appropriated for FAA operations may be used for certain activities and programs beginning in fiscal year 2001. Assuming that the Congress appropriates the amounts authorized in the bill for FAA operations for the years 2001 through 2004, we expect that earmarking amounts for the programs described below would not have any significant impact on outlays for FAA operations.

Section 211 would establish a program to provide commuter air carriers with federal loans, loan guarantees, or lines of credit for the purchase of regional jet aircraft. The program is designed to improve service by jet aircraft to smaller airports and to markets that the Secretary of Transportation determines have insufficient air service. Section 212 provides that, from appropriations for FAA operations for each of fiscal years 2001 through 2004, such sums as necessary may be used to carry out the program, including administrative expenses. The Federal Credit Reform Act of 1990 requires appropriation of the subsidy costs and administrative costs for credit programs. The subsidy cost is the estimated long-term cost to the government of a direct loan or loan guarantee, calculated on a net present value basis and excluding administrative costs. Based on information from the FAA, CBO estimates that the subsidy appropriation necessary to implement this program would total about $80 million over the 2001–2004 period, and that outlays for this program would be $60 million over the five-year period. CBO estimates that administering the credit program would cost about $11 million over the 2001–2004 period. The bill would permit the Secretary to charge fees to cover all costs to the federal government of making such loans and would allow the Secretary to spend the fee receipts generated to administer the program. For purposes of this estimate, we assume the Secretary would not charge any fees.

Section 202 provides that, of amounts appropriated for FAA operations beginning in fiscal year 2001, up to $15 million each year may be used to subsidize air carrier service to airports not receiving sufficient service as determined by the Secretary of Transportation. Such amounts would be in addition to the spending authorized under current law for the EAS program. CBO estimates that implementing this section would result in outlays of $54 million over the 2001–2004 period from the operations account, assuming appropriation of the necessary amounts.

Section 131 would direct the Secretary of Transportation to establish a pilot program to contract for air traffic control services at certain towers that do not qualify for the current contract tower program. The pilot program would include a federal contribution to the costs of constructing control towers at up to two facilities. The section provides that, of the amounts appropriated for FAA operations beginning in fiscal year 2000, up to $6 million may be used each year for the pilot program. Because $6 million was earmarked for cost sharing for contract towers in the fiscal year 1999 appropriation for FAA operations, we estimate that enacting section 131 would not affect the outlay rate.

FAA Air Navigation Facilities and Equipment. H.R. 1000 would authorize the appropriation of such sums as necessary for air navigation facilities and equipment (F&E) in fiscal year 2000 and specified amounts for fiscal years 2001 through 2004.

FAA received an appropriation of $2,000 million for F&E in 1999 (excluding $87 million that was provided in a separate appropriation specifically for addressing year 2000 computer problems). CBO estimates that appropriation of that amount in 2000 and the authorized levels specified in the bill for 2001 through 2004 would result in additional outlays for F&E totaling $10.3 billion over the 2000–2004 period (excluding outlays from amounts appropriated in 1999 and prior years). Alternatively, if the Congress increased F&E funding in 2000 to account for inflation, the estimated funding level for that year would be $2,047 million. Combining that amount with the specified authorizations for 2001 through 2004 would yield additional outlays of $10.4 billion for F&E over the 2000–2004 period.

FAA Airport Improvement Program. Title I would provide $2,410 million in contract authority (a mandatory form of budget authority) for the airport improvement program for 1999 and a total of $19,175 million in contract authority over the 2000–2004 period, as discussed below in the section on direct spending. That amount represents $7,125 million in contract authority above the amount assumed in CBO's March 1999 baseline. For purposes of this estimate, we assume that the obligation limitations for AIP contained in annual appropriation acts for fiscal years 2000 through 2004 would equal the amounts of contract authority that would be provided in this bill.

Other Provisions. Based on the current costs of operating a whistleblower protection program at the Department of Energy, CBO estimates that the administrative costs of operating the new DOL program provided in section 601 would be less than $1 million a year.

Based on information from the NPS and the FAA, CBO estimates that discretionary outlays to conduct planning and rulemaking for park overflights, complete air tour management plans (including environmental analyses), and monitor any overflight limits established in such plans would total $29 million over the 2000–2009 period. This process is already underway, and we expect that these costs will be incurred within the next 10 years under current law, assuming appropriation of the estimated amounts. CBO estimates that the provisions of title VIII dealing with park overflights would cause no significant change in FAA or NPS spending over the next five years. We estimate that operating the joint advisory group would cost the agencies a total of about $25,000 each year.

H.R. 1000 contains several additional provisions that would require the FAA to conduct studies, complete reports, issue rulemakings, and develop test programs. CBO assumes that such costs would be funded from the authorizations provided in the bill for FAA operations, facilities, and equipment. In total, CBO estimates that these studies, rulemakings, and reports would cost about $1 million in fiscal year 2000.

Direct spending

Relative to CBO's March 1999 baseline, enacting title I of the bill would provide an additional $7,125 million in contract authority (a mandatory form of budget authority) for the airport improvement program for fiscal years 1999 through 2004. It also would extend the authority of the Secretary of Transportation to incur obligations to make grants under that program.

Under current law, $2,050 million in AIP contract authority for fiscal year 1999 is available for obligation until August 6, 1999, equivalent to an annual rate of $2,410 million. Title I would bring the total contract authority for fiscal year 1999 up to the baseline level of $2,410 million and would provide a total of $19,175 million in contract authority over the 2000–2004 period. Consistent with the Budget Enforcement Act, CBO's baseline projections assume that a full year of contract authority ($2,410 million) will be provided for AIP in fiscal year 1999 and each subsequent year. Therefore, relative to the baseline, enacting title I would not affect contract authority for 1999, and would increase contract authority by a total of $7,125 million over the 2000–2004 period.

Expenditures from AIP contract authority are governed by obligation limitations contained in annual appropriation acts and thus are categorized as discretionary outlays. For purposes of this estimate, we assume that appropriation acts for fiscal years 2000 through 2004 will set obligation limitations for AIP equal to the annual levels of contract authority provided in this bill (as discussed above).

Section 202 would increase DOT's direct spending authority for the EAS program by $10 million each year, beginning in fiscal year 2000. In 1999, the program has $50 million of funding from amounts made available to FAA in discretionary appropriations, and it has a permanent, mandatory level of $50 million a year for future years. Section 202 would increase that mandatory level to $60 million a year. We estimate that additional outlays from the increased authority would total $46 million over the 2000–2004 period. (This provision is in addition to the authorization for additional discretionary spending for EAS out of amounts appropriated for FAA operations.)

Section 715 would prohibit the FAA from charging fees for certain FAA certification services pertaining to particular products manufactured outside the United States. Based on information from the FAA, CBO estimates that the forgone receipts would total about $1 million a year beginning in fiscal year 2000 and as much as $4 million a year in future years. Because the FAA has the authority to spend such fees, a reduction in such fee collections would also reduce spending; therefore, we estimate that this provision would have no significant net effect on direct spending over the 2000–2004 period.

Section 404 would amend title 49 of the U.S. Code so that the Death on the High Seas Act of 1920 (DOHSA) would not apply to aviation incidents. Under DOHSA, a family can only seek compensation if the relatives were financially dependent upon the deceased. By making DOHSA inapplicable to aviation incidents, section 404 would broaden the circumstances under which relatives can seek compensation for the death of a family member in an aviation incident over the ocean. It could also lead to larger awards. Based on information from DOT, CBO estimates that it is unlikely that enacting section 404 would have a significant impact on the federal budget. The provision could affect federal spending if the government becomes either a defendant or a plaintiff in a future civil action related to aviation. Since any additional compensation that might be owed by the federal government under such an action could be paid out of the Claims and Judgments Fund, the provision could affect direct spending. But CBO has no basis for estimating the likelihood or outcome of any such actions.

Section 708 would extend the authorization for the FAA's aviation insurance program through December 31, 2004. Under current law, the aviation insurance program will end on August 6, 1999. Enacting this provision could cause an increase in direct spending if new claims would result from extending the insurance program. Moreover, such new spending could be very large, particularly if a claim exceeded the balance of the trust fund and the FAA had to seek a supplemental appropriation. But historical experience suggests that claims under this program are very rare; therefore, extending the aviation insurance program would probably have no significant impact on the federal budget over the next five years.

Revenues

H.R. 1000 would authorize the Secretary of Transportation to allow certain airports to charge higher passenger facility fees than under current law. JCT expects that this provision would allow airports to generate more income from fees, which would be used to back additional tax-exempt debt. Such debt would result in a loss of federal revenue. JCT estimates a revenue loss of about $33 million over the 2000–2004 period and about $136 million over the 2000–2009 period.

The bill also would expand a pilot program that provides for the use of airport improvement grants to implement innovative financing techniques for airport capital projects. These techniques include payment of interest, purchase of bond insurance, and other credit enhancements associated with airport bonds. While the first pilot program, enacted in 1996, included these provisions, the early use of the program was geared more toward changing federal/local matching ratios. In addition, the earlier authorization provided for no more than 10 projects. This provision represents an expansion to 25 pilot projects. It is designed to leverage new investment financed by additional tax-exempt debt. JCT expects that this provision would lead to an increase in tax-exempt financing and a resulting loss of federal revenue. JCT estimates a loss of revenue of about $2 million over the 2000–2004 period and about $6 million over the 2000–2009 period.

H.R. 1000 would authorize the FAA to impose a new civil penalty on individuals who interfere with the duties and responsibilities of the flight crew or cabin crew of a civil aircraft, or who pose an imminent threat to the safety of the aircraft. The bill also would impose civil penalties on air carriers that discriminate against handicapped individuals and on violators of certain other provisions. Based on information from the FAA, CBO estimates that the civil penalties in H.R. 1000 would increase revenues, but that the effect is likely to be less than $500,000 annually.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending and receipts. The net changes in outlays and receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing such procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	0	6	10	10	10	10	10	10	10	10	10
Changes in receipts	0	−1	−3	−6	−11	−14	−17	−19	−21	−24	−26

Changes in the budgetary control of aviation spending: H.R. 1000 would change the budgetary status of funding for aviation programs by placing the AATF off-budget and removing AATF funding from discretionary caps altogether. The bill also provides for periodic adjustments in FAA authorization levels based on AATF receipts and appropriation action.

Exempting AATF spending from budgetary control and enforcement procedures

Beginning in fiscal year 2001, title IX would take the Airport and Airway Trust Fund (AATF) off-budget and exempt trust fund spending from the discretionary spending caps, pay-as-you-go procedures, and Congressional budget controls (including the budget resolution, committee spending allocations, and reconciliation). By itself, taking the AATF off-budget would not change total spending of the federal government and would not affect spending or revenue estimates for Congressional scorekeeping purposes. However, because title IX would exempt AATF spending from the budgetary control and enforcement procedures that apply to most other programs, spending for air transportation would likely increase insignificantly. The amounts of potential increases are uncertain because they would depend upon future actions by both authorizing and appropriations committees.

Adjustments to FAA authorizations and program funding

Beginning in calendar year 2000, title IX would require the Secretaries of Transportation and the Treasury to estimate, by March 31 of each year, whether the unfunded aviation authorizations at the close of the subsequent fiscal year exceed net aviation receipts to be credited to the AATF during the fiscal year. If the unfunded authorizations exceed estimated receipts, authorizations for appropriations from the trust fund would be reduced. It is unclear how this provision would be implemented, but enacting this provision could decrease the amount authorized to be appropriated from the AATF.

Beginning with the President's budget submission for fiscal year 2003, title X would adjust the upcoming fiscal year's FAA authorizations based on the difference between estimated and actual receipts to the AATF in the most recently completed year. Title X provides that when the President submits a budget for a fiscal year, the Office of Management and Budget shall calculate and the budget shall report the extent to which the actual receipts (including interest) deposited to the AATF for the base year (that is, the most recently completed fiscal year) were greater or less than the estimated deposits specified in H.R. 1000 for the base year.

If there is a difference between the estimated and actual deposits in the base year, then title X provides that the amounts authorized to be appropriated in the upcoming fiscal year for FAA operations, facilities and equipment, research and development, and airport improvement shall be adjusted proportionately such that the total adjustments equal the revenue difference.

Estimated impact on State, local, and tribal governments: Overall, H.R. 1000 would provide significant benefits to airports operated by state and local governments. It also would impose two small mandates on state governments, but CBO estimates the cost of complying with these mandates would not be significant and would not meet the threshold established by UMRA ($50 million in 1996, adjusted annually for inflation).

Mandates

Section 401 of the bill would prohibit a state or local government from preventing people associated with disaster counseling services who are not licensed in that state from providing those services for up to 60 days after an aviation accident. Section 402 of the bill would expand a current preemption of state liability laws by limiting the liability of air carriers that provide information concerning flight reservations to the families of passengers involved in airline accidents. Air carriers are already provided immunity from state liability laws for providing passenger lists under these circumstances. Because neither mandate would require state or local governments to expend funds or to change their laws, CBO estimates that any costs associated with these mandates would be insignificant.

Other impacts

H.R. 1000 would authorize $19.2 billion in contract authority for the AIP for fiscal years 2000 through 2004, an increase of more than $7 billion over CBO's March baseline for that period. Because the AIP provides grants to fund capital improvement and planning projects for more than 3,300 of the nation's state and locally operated commercial airports and general aviation facilities, those airports could realize significant benefits from this increase.

The bill also would expand the uses and change the distribution of AIP funds. For instance, it would increase from $500,000 to $1.5 million the minimum amount of money going to each of the nation's 428 primary airports from the entitlement portion of the AIP. (Primary airports board more than 10,000 passengers each year.) These funds are distributed based on the number of passengers boarding at an airport. The amount of money received per passenger would be significantly increased, and the current $22 million cap would be eliminated. The bill would also allow non-primary and reliever airports to receive up to $200,000 in entitlement funds per eligible airport. (Non-primary airports board between 2,500 and 10,000 passengers each year; reliever airports are designated by the FAA to relieve congested primary airports.)

Under this bill, eligible airports, under certain circumstances, would be able to increase passenger facility charges (PFCs) to $6 from the current $3 limit. Based on information from the General Accounting Office and the FAA, CBO estimates that if all airports currently charging PFCs chose to increase them, revenues would total about $475 million for every $1 increase in the fee. The revenue generated from increased PFCs could be used to leverage tax-exempt bonds for airport projects. The bill also would increase to 25 the number of airports eligible to participate in an innovative financing pilot program. Under this program, eligible airports could use AIP funds to leverage new investment financed by additional tax-exempt debt.

Title II of the bill would deregulate the number and timing of takeoffs and landings (slots) at La Guardia Airport, Chicago O'Hare International Airport, and John F. Kennedy International Airport, effective March 1, 2000. Title II also would increase the number of slots available at Ronald Reagan Washington National Airport by six, subject to certain criteria. In general, as a condition of receiving money from the AIP, airports must agree to provide gate access, if available, to air carriers granted access to a slot. Based on information from the affected airports, CBO estimates that the increase in slots would have an insignificant impact on their budgets.

Estimated impact on the private sector: H.R. 1000 would impose new mandates by requiring safety equipment for specific aircraft, imposing consumer and employee protection provisions, and imposing new requirements for commercial air tour operations over national parks. Those mandates would affect owners of fixed-wing aircraft, air carriers, end-users of aircraft parts, commercial air tour operators, and cargo aircraft owners and operators. CBO estimates that the total direct costs of the mandates would not exceed the annual threshold for private-sector mandates ($100 million in 1996, adjusted for inflation).

Owners of fixed-wing powered aircraft

Section 510 would require the installation of emergency locator transmitters on certain types of fixed-wing, powered civil aircraft. It would do this by eliminating certain uses from the list of those currently excluded from that requirement. Most aircraft that would lose their exemption and currently do not have emergency locator transmitters are general aviation aircraft. According to information from the National Air Transportation Association, the trade association representing general aviation, the cot of acquiring and installing an emergency locator transmitter would range from $2,000 to $7,000 depending on the type of aircraft. CBO estimates that fewer than 5,000 aircraft would be affected, and that the cost of this mandate would be between $15 million and $30 million.

Air carriers

Sections 402 and 403 would add new requirements to the plans to address the needs of families of passengers involved in aircraft accidents. Currently both domestic air carriers that hold a certificate of public convenience and necessity and foreign air carriers that use the United States as a point of embarkation, destination, or stopover are required to submit and comply with those plans. This bill would require that as part of those plans air carriers give assurance that they would provide adequate training to their employees and agents to meet the needs of survivors and family members following an accident. In addition, domestic air carriers would be required to provide assurance that, if requested by a passenger's family, the air carrier would inform them whether the passenger's name appeared on the preliminary manifest. Updated plans would have to be submitted to the Secretary of Transportation and the Chairman of the National Transportation Safety Board on or before the 180th day following enactment.

The bill does not specify what level of training would be adequate for air carriers to be able to provide required assurance. Based on information from representatives of air carriers, CBO concludes that the major domestic and foreign air carriers and some smaller carriers currently provide training to deal with the needs of survivors and family members following an accident. In addition, the domestic carriers provide flight reservation information upon request, as would be required under H.R. 1000. CBO estimates that the cost of meeting the additional requirements would be small.

Section 601 would protect employees of air carriers or contractors or subcontractors if those employees provide air safety information to the U.S. government. Those firms would not be able to discharge or discriminate against such employees with respect to compensation, terms, conditions, or privileges of employment. Based on information provided by one of the major air carriers and the Occupational Safety and Health Administration, the agency that would enforce those provisions, CBO estimates that neither the air carriers nor their contractors would incur any direct costs in complying with this requirement.

Section 727 would grant the FAA the authority to request from U.S. air carriers information about the stations located in the United States that they use to repair contract and noncontract aircraft and aviation components. CBO expects that the FAA would request such information. Based on information from the FAA and air carriers, CBO anticipates that the carriers would be able to provide the information easily because it would be readily available and that any costs of doing so would be negligible.

End users of life-limited aircraft parts

Section 507 would require the safe disposition of parts with a limited useful life, once they are removed from an aircraft. The FAA would issue regulations providing five options for the disposition of such parts. The segregation of those parts to preclude their installation in aircraft is one option. Information from end users of such aircraft parts indicates that most currently segregate those parts before they reach the end of their useful life. CBO estimates that additional costs imposed by this mandate would be small since the end users would choose the most cost-effective method to safely dispose of such parts and most currently comply with the segregation option.

Commercial air tour operations

Title VIII would require operators of commercial air tours to apply for authority from the FAA before coducting tours over national parks or tribal lands within or abutting a national park. The FAA, in cooperation with the NPS, would devise air tour management plans for every park where an air tour operator flies or seeks authority to fly. The management plans would affect all commercial air tour operations up to a half-mile outside each national park boundary. The plans could prohibit commercial air tour operations in whole or in part and could establish conditions for operation, such as maximum and minimum altitudes, the maximum number of flights, and time-of-day restrictions. H.R. 1000 would not apply to tour operations over the Grand Canyon or Alaska. Those operations would be covered by other regulations.

CBO estimates that title VIII would impose no additional costs on the private sector beyond those that are likely to be imposed by FAA regulations under current law. CBO expects that the cost of applying to the FAA for authority to operate commercial air tours over national parks or tribal lands would be negligible.

Cargo aircraft owners and operators

Section 501 would mandate that a collision avoidance system be installed on each cargo aircraft with a maximum certified takeoff weight in excess 15,000 kilograms or more by December 31, 2002. Cargo industry representatives say they are currently developing a collision avoidance system using new technology and expect it to be installed in such cargo aircraft by the deadline, even if no legislation is enacted. CBO estimates that this mandate would impose no additional costs on owners and operators of cargo aircraft.

Estimate prepared by: Federal Costs: Victoria Heid Hall, for FAA provisions and NPS overflights; Christina Hawley Sadoti, for DOL penalties; Hester Grippando, for FAA penalties. Impact on State, Local, and Tribal Governments: Lisa Cash Driskill. Impact on the Private Sector: Jean Wooster.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

JERUSALEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to urge that the administration immediately move forward to establish a United States embassy in Jerusalem. It has been 4 years since Congress passed the Jerusalem Embassy Act of 1995. That act requires that the U.S. embassy must be moved to Jerusalem from its current location in Tel Aviv no later than May 31, 1999. That deadline passed last week. It is most regrettable that the administration is in the process of considering exercising its waiver option to again delay moving the embassy to Israel's capital city. Jerusalem is the capital of Israel. Around the globe, it is the policy of the United States to place its embassies in capital cities. But Israel is the glaring exception to this policy. There is no plausible reason for this glaring exception. It is vitally important that the administration act now to move the embassy, because the final status negotiations of the Middle East peace process which are in their initial stages will include talks about Jerusalem. It is imperative to establish now the U.S. conviction that realistic negotiations must be based on the principle that Jerusalem is the eternal, undivided capital of Israel and must remain united forever. If the embassy remains in Tel Aviv, it would encourage the Palestinians to persist in unrealistic expectations regarding Jerusalem and thus reduce the chances of reaching an agreement.

I urge the administration to follow the lead of Congress and establish the U.S. embassy in Jerusalem where it rightfully belongs now.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the managed care issue was left unfinished in the last Congress. On the House side, the Patients' Bill of Rights was defeated by just five votes when it came to the floor and it was considered on the floor as a substitute to the Republican leadership's managed care bill which did pass and in my opinion was a thinly veiled attempt to protect the insurance industry from managed care reform.

I want to say, Mr. Speaker, that support among Democrats for passing the Patients' Bill of Rights is as strong as ever and it certainly needs to be. The Republican leadership in the House has reintroduced a bill that is virtually identical to what it moved last year, and on the Senate side earlier this year a Senate committee approved what I considered a sham managed care bill that does not allow patients to sue insurance companies but does allow insurance companies, not doctors and patients, to define medical necessity.

☐ 2100

Mr. Speaker, what the Democrats are trying to do in the next week or so is to bring the Patients' Bill of Rights to the floor, and because of the fact that we have been unable, as in the last session of Congress to get any hearings or committee action on the bill in the House, we have already put in place a procedure known as a discharge petition which will probably ripen next week and which will allow Members to come down to the floor and sign the petition to essentially force the Republican leadership to bring up a vote on the Patients' Bill of Rights.

In many ways it is unfortunate that we are reduced to that. The bottom line is that the Republicans are in the majority in this House, not the Democrats, and if the Democrats cannot get a bill brought up in committee because they are not in the majority, they do not chair the committees, then the only recourse they have is to resort essentially to the discharge petition process and hope that we can get a majority, all the Democrats and some Republicans, to force a vote on the Patients' Bill of Rights.

I wanted to say, Mr. Speaker, that another disturbing development has apparently taken place in the House over the last week, and that is that a few months ago we had heard that there were rumors that instead of moving a comprehensive managed care reform bill, the Republicans might try to bring up bits and pieces of patient protection. In other words, instead of bringing the comprehensive Patients' Bill of Rights to the floor, they would bring up bills that only deal with emergency room care or external appeals or whatever.

I just wanted to say that this approach should concern anyone who really cares about managed care reform. I think it is being considered as a means by which the Republicans hope to avoid the debate, a real debate on the whole comprehensive issue of managed care reform, particularly the right to sue and the issue of medical necessity.

What I think the Republicans may try to do is to bring up these individual bills in this piecemeal approach and then give the impression that somehow they are doing something on the issue of managed care reform or patient protection, when in fact they are not.

If this piecemeal approach is adopted, I think the concerns of the American people are certain to be ignored, the issues they care about the most will be left off the table in order to appease the insurance industry, and those pieces of patient protection that do get to the floor will be riddled with loopholes and all kinds of escape clauses.

Healthcare problems and the deaths and the serious injuries and serious problems that we have seen that have occurred because of the inability of patients to get a particular procedure, an operation, to be able to stay in the hospital, these things will continue to happen unless we have comprehensive managed care reform like the Patients' Bill of Rights.

I have a number of my colleagues here with me tonight to join in this special order, and I should say that every one of them has been involved in a major way, either as a member of our Democratic Health Care Task Force or members of the Committee on Commerce, or one of my colleagues from New Jersey's case, the ranking member on the Subcommittee on Education and Labor that deals with managed care reform, and I am pleased they are with me.

Mr. Speaker, I yield to my colleague from Arkansas, who has been one of the leaders on the issue of managed care reform. He is a cochair of our Health Care Task Force. It was he who last year brought up the Patients' Bill of Rights as a substitute on a motion to recommit and allowed us to consider the bill on the floor of the House.

Mr. BERRY. Mr. Speaker, I thank my distinguished colleague from New Jersey for yielding.

Mr. Speaker, once again we are here asking the Republican leadership to bring patients rights legislation to the floor for a vote, once again. We need this reform so we can make managed care work. We need managed care.

We are only asking the leadership to do the job the American people want them to do, to bring up a bill to guarantee all Americans with private health insurance, and particularly those in HMOs or other managed care plans, certain fundamental rights regarding their healthcare coverage.

Today approximately 161 million Americans receive medical coverage through some type of managed care organization. Unfortunately, many in managed care plans experience increasing restrictions on their choice of doctors, growing limitations on their access to necessary treatment, difficulty in obtaining the drugs they need and should have and must have to stay alive, and an overriding emphasis on cost cutting at the expense of quality.

Patients rights legislation would guarantee basic patient protections to all consumers of private insurance. It would ensure that patients receive the treatment they have been promised and paid for. It would prevent HMOs and other health plans from arbitrarily interfering with doctors' decisions regarding the treatment of their patients and the necessary healthcare that they require.

Patients rights legislation would restore the patient's ability to trust that their healthcare practitioner's advice is driven solely by health concerns and not cost concerns.

HMOs and other healthcare plans would be prohibited from restricting which treatment options doctors may discuss with their patients. One of the most critical patient protections that would be provided is guaranteed access to emergency care. We would ensure that patients could go to any emergency room during a medical emergency without calling their health plan for permission first. Emergency room doctors could stabilize the patient and focus on providing them the care that they need without worrying about payment until after the emergency had subsided.

HMO reform legislation would also ensure that health plans provide their customers with access to specialists when they are needed because of the complexity and seriousness of the patient's sickness.

Let us bring patient protection legislation to the floor. Let us give the Americans the patient protection they are asking us for.

Mr. PALLONE. Mr. Speaker, I thank the gentleman, and just again reiterate that the only way we were able, as you know, to get the Patients' Bill of Rights to the floor in the last Congress was because of the discharge petition that we filed. I think we ended up with almost 200 signatures on it. Even with that the Republicans brought their essentially sham managed care reform bill to the floor, and it was only through the efforts of the gentleman from Arkansas that we were able to do a motion to recommit and have full consideration of the Patients' Bill of Rights.

We need to do that again, unfortunately, because again the Republican leadership in the House has refused to have hearings or any kind of a markup in committee of managed care reform, so once again we are forced to go the route of the discharge petition in order to have the bill considered.

Mr. Speaker, I just want to stress again, if I could, how this is an extraordinary procedure. As elected members of the House of Representatives, we should not have to resort to signing a petition essentially to get a bill considered, but that is where we are.

Mr. Speaker, I now yield to another colleague on our Health Care Task Force and a member of the Committee on Commerce and has been dealing with this issue for a long time as well.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank my colleague from New Jersey, who is our Chair of the Democratic Health Care Task Force and also serves on the Committee on Commerce and the Health Subcommittee. The reason I asked to move to the Committee on Commerce two years ago was, one, because of the complaints and concerns about managed care, along with Medicare and lots of other issues, prescription medication for seniors and everyone.

It is frustrating, because we now, after the experience of the last two years, we have a bill that has a huge number of cosponsors on it, bipartisan cosponsors working on it, and now to have to go to the discharge petition route that will be ripe next week for us to begin working on that.

Again, it is only because we are having to do that, it is literally taking the bill away from the committee, because this year, here we are almost in the middle of June and have not had hearings on managed care reform. So we obviously know what the priorities of our colleagues on the other side, who are very honorable and I enjoy working with them, but they do not have the same priorities as we do.

Again, managed care reform is one of the top Democratic agendas this year, so that is why we have had to go through the discharge petition to try to get on this floor a fair hearing on real managed care reform.

I say that, and I want to make sure we use the word "real" in quotes, because our experience last year was that the managed care reform bill that was written in the Republican task force, or in the Speaker's office actually, turned back the clock, actually was worse than passing no bill at all. That is why when it passed this House, it died over in the Senate.

The reason I say that is because in Texas, and my colleague from Dallas and I know that Texas passed a law in 1997 that would do what we are asking to do on a national level. All we are trying to do is learn from our State's experience and say okay, the states have done their job on insurance policies issued in the states; now we need to do our job on policies, insurance policies, issued nationally, that come under ERISA.

Last year's experience, the bill that passed on this floor would have reversed the success in the State of Texas. That is why I have some concern about my colleagues on the Republican side saying, well, we are going to pass legislation now on a piecemeal basis, whether it is 5 issues or 9 issues or whatever they come up with, because I watched last year and they would have reversed the successes of our individual states, and that is why we need real managed care reform this year.

Let me talk a little bit about the Texas plan. It has been in effect for 2 years now. We have seen no ground swell of lawsuits. In fact, there are very few. I knew the first one was filed by one of the insurance companies challenging it. There may have been one more filed. But we actually have a great experience in Texas on there not being any huge costs associated with these real reforms that have been used, a lot of times saying we don't want to build in costs. In Texas we have not had the costs.

In fact, on the outside appeals process, it is one of the issues that actually 50 percent of the appeals have been found in favor of the patient, so that is a .500 batting average if you are a baseball fan. But let me tell you, if I was one of those 50 percent that had been denied some type of health insurance coverage for a procedure, I would be glad that I had that 50 percent percentage.

Now, sure, 50 percent went against the patient and their request, but that shows how important it is to have the appeals process, which is just one of the issues.

The no-gag clause is important again. That was part of the Texas bill. Medical necessity, the emergency room care, the accountability issue, there are so many things that have to be in a real managed care reform bill, and they have to be drafted correctly. They cannot be drafted to where, sure, we are going to give you the accountability or medical necessity, but they will leave a loophole that you can drive an 18 wheeler truck through. That is what happened last year.

So I have to admit coming to this floor I do not doubt the sincerity of my colleagues, but I saw what happened last year, and it does not take too much to show us from Texas that maybe your intent is not as good as what it should be on real managed care reform. Again, an outside appeals process is not going to break the bank. The experience in Texas is very small cost.

No gag rules, let a doctor or provider talk with their patients. Even if the insurance policy does not cover certain procedures, that doctor ought to be able to tell that patient that. Just like Medicare does not cover everything, that doctor ought to be able to tell that patient "Medicare does not do this, I will do it, but you have to pay for it."

Accountability, if the doctor is held accountable for a certain procedure, then whoever tells that doctor they cannot do that procedure should also be accountable.

Again, medical necessity is so important for those of us who realize that we really want healthcare, and managed care is going to be with us.

We just want to make it work. I think my colleague from Arkansas said, let us reform it. It is here, we are going to have to do the it.

In closing, let me touch on one issue that came up during the break. I had an opportunity to speak to the National Association of Manufacturers group in my district. I have to admit there are not a lot of times over my legislative career that I spoke to the National Association of Manufacturers. But during the question and answer period, one of my business owners said he did not understand the managed care debate. He said he has insurance for his employees. He said, "I am afraid. I don't want my employees to sue me." I said, "Let me tell you, that is not my intent as a cosponsor of this bill and a signatory on the discharge petition. Our intent is not to have employees suing employers. Our intent is to just make sure that employees have that ability to go to that person who makes that decision." Maybe it is in Hartford or Des Moines or wherever it is, or Dallas, Texas, but they ought to be able to go against that person who is making that decision.

Employers do not make that decision. I was a manager of a business and had the job of finding insurance coverage for our company. I spent a lot of my time as a manager listening to my employees complain about the insurance coverage, so I would contact the insurance company and say, "This is not what you told me when we bought this 3-year policy."

□ 2115

Some employers can afford a Cadillac plan. Maybe they have a union contract and they bargained for their benefits. Some employers can only afford a Chevrolet. That is not the issue. We do not mandate. Whatever the employer can afford, we want to make sure that employee receives that care and what the employer is paying for.

So there is no intent on that. Hopefully the National Association of Manufacturers will realize that we do not want their members to be sued. We want their members to get their money's worth out of what they are paying for insurance coverage today and in administering their plan. Hopefully they will realize that and we will see some support, because employers want to do the right thing by their employees.

Hopefully their trade association here in Washington will do the same thing, and let them know that that is not our intent as Democratic members to have that happen.

Again, I thank the gentleman. I am glad to see our other colleagues from other committees, the Committee on Education and the Workforce, where I served for 2 terms, because we have joint jurisdiction on this bill.

Hopefully we will see some hearings, real hearings and a markup before we get our 218. But if not, we will work hard to get our 218 signatures to have that discharge petition.

Mr. PALLONE. I want to thank the gentleman in particular for bringing up what has happened in the gentleman's own State's legislature in Texas. As we know, some of the criticism which is really coming from the insurance company about the Patients' Bill of Rights or any kind of managed care reform is that somehow it is going to cause all those lawsuits. The Texas experience shows that is not the case. What we want to do is preventative. If these are in place, people do not have to file lawsuits because the protections are there.

In addition, the gentleman pointed out there has been very little cost increase. We always get the criticism that this is going to cost a lot of money. It has been a matter of pennies, from what I understand.

Mr. GREEN of Texas. If the gentleman will continue to yield, again, it is such a small cost, and the people are more than willing to pay it to get adequate health care.

Mr. PALLONE. The other thing, too, is the insurance industry keeps saying, why do we have to do this if the States are doing it? Why do we have to do it on the Federal level?

Of course, as the gentleman points out, most plans do not come under the State law because a lot of plans are preempted by ERISA. So if the company basically has its own insurance, which a lot of big companies do, they are not covered by the State law. So we do need the Federal legislation.

I want to thank the gentleman again for his input.

I yield to the gentleman from New Jersey (Mr. ANDREWS), the ranking member on the Subcommittee on Employer-Employee Relations. I know the gentleman is going to give us some information about this piecemeal approach we think some of the Republicans are trying to pursue right now, which goes very much against the comprehensive approach of the Patients' Bill of Rights.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my friend from New Jersey for yielding to me.

Mr. Speaker, I did want to speak tonight about the efforts of the members of the Committee on Education and the Workforce to bring to this floor a vote on our ideas of how managed care health insurance companies can be made more responsible and accountable to people.

If we travel the country and listen to people of every neighborhood, every region, every economic group, every racial and religious background, there is one common refrain. That is that the managed care industry is out of control.

The stories are legion. It is the story of the person who cannot get a referral to a specialist, a cardiologist or neurologist or an audiologist; stories about people whose children need another 6 weeks of speech therapy, but cannot get an extension under the contract because the managed care company will not interpret the contract that way.

It is about people who travel out of town and find out that their out of town health benefits are meaningless because you basically have to travel back to wherever you came from for anything short of a dire emergency room problem. It is a matter of people going to emergency rooms and being treated for very serious problems, like collapses or chest pains, and then being told weeks or months later that it was not really an emergency, that they have to pay the bill themselves.

It is about people being referred to specialists who may not be appropriate for the care that they need for mental health services or for other kinds of services.

There are stories of women being discharged from hospitals 30 hours after giving birth by C-section, people being discharged from hospitals 30 hours after having hip replacement operations. We are not making these stories up. I have heard them myself from people in my district in New Jersey.

Now, how is this, that in this country an industry could become so autocratic and so unresponsive to consumers? I think the reason is that in our economy, there are three ways that institutional behavior is controlled. There is regulation, there is competition, and there is litigation.

Regulation is obviously a set of rules that tells people and institutions and corporations what they can and cannot do. It applies to supermarkets, it applies to airlines, it applies to homebuilders, it applies to just about everything in American society.

Under present law, regulations like those in my State, in our State of New Jersey, that say you have to give a woman at least 72 hours after she has given birth by C-section, do not apply to most Americans because they are covered by a Federal law called ERISA, the Employment Retirement Income Security Act of 1974, that wipes out the effect of those State laws. So most people are not protected by regulation in their health insurance plan.

Then there is a matter of competition. If you do not like the Big MACK, you can buy a sandwich from Wendy's, Burger King, or one of the other chains. It does not work that way in health insurance. In most markets in metropolitan areas around the country, one or sometimes two major managed care plans control 75 percent or 80 percent of the people who live in an area.

In the Philadelphia area in which I live, two plans cover about 85 out of every 100 people. When there is that much domination of the market by that few people, there is no meaningful competition. If you do not like what one plan is doing, you really do not have a meaningful choice to go to someone else, which leads you to litigation. If you do not like what someone is doing, you sue them.

I understand that some people feel that lawsuits have gotten out of control. Perhaps some of them have. But if you mow lawns for a living or build houses for a living or sell groceries for a living or paint houses for a living, if you do something wrong, you can be held accountable in a court of law.

If you hire someone to paint your house and they do a lousy job and your shutters fall off, you can sue them for all the damage they cause you as a result of their incompetence.

But if an insurance company insures the health of your daughter and they deny her the right to see a specialist, and she gets very sick as a result of it, you cannot sue the insurance company because they are protected by this 1974 Federal law called ERISA that we are talking about.

The only two businesses in America that are effectively immune from responsibility in a court of law are managed care plans and nuclear power plants. Everyone else is held accountable in a court of law, and we believe, I believe the majority of us in this Chamber believe, that that should stop in the case of managed care companies. They should be held accountable the same way everyone else in American society is for their decisions.

That is the heart of the real Patients' Bill of Rights that was introduced by the gentleman from Michigan (Mr. DINGELL), the senior member of the House of Representatives, and cosponsored by many of us at the beginning of this session.

We are not so fixated in our beliefs that we believe that we are a thousand percent right and no one else can disagree with us. I think we are right. I think the Dingell bill should be enacted. President Clinton has said he would sign it. I think it would be good for the American people because it would for the first time hold the managed care companies accountable in the same way that everyone else is held accountable.

But the majority here is not content to just say they disagree with us. The majority will not even let it come to a vote. So we can vote on naming Post Offices; we can vote on what should happen in Kosovo, as we should; we can vote on what we ought to do to regulate pharmaceutical products or to regulate the Y2K problem; we can vote on nuclear policy with the Peoples' Republic of China, all of which we should be talking about and doing.

But for some reason, we cannot vote on this. We cannot bring this idea to the floor and let those of us who believe it is the right thing vote yes and those who disagree with us try to amend what we say or vote no. There has been no meaningful movement of this legislation to the floor.

As a result of that, on Wednesday many of my Democratic colleagues, and I hope some Republican colleagues, will join us in signing a petition that forces this bill to the floor so we can have our day in court, we can have our debate, we can either win or lose.

There is some other action on this which the gentleman from New Jersey (Mr. PALLONE) made some reference to. There is an attempt by majority members of the committee on the Committee on Education and the Workforce to break up the Patients' Bill of Rights into little pieces and have us consider a little piece at a time.

My subcommittee, which is the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce will begin that process next week. I am glad we are starting the process, but I would say this, if we are going to start it, let us really do it right and let us finish it.

Tomorrow at 10 o'clock members of our committee will be making an announcement. It is a strategy that we have to try to compel the Committee on Education and the Workforce to consider all of the issues on this; not just little pieces of it, not just the icing but the cake as well as the icing; to really talk about the central issues that are involved.

So I would say to the gentleman from New Jersey (Mr. PALLONE), I am looking forward to joining with the gentleman, the gentleman from Michigan (Mr. DINGELL) and scores of our colleagues, I hope 218 of our colleagues, a majority, in marching to that podium next Wednesday to sign a petition that would force this issue to come to the floor.

In the meantime, the members of our subcommittee, which I am privileged to lead from the Democratic side, will be doing whatever we can to use all the rules at our disposal to compel a vote, first in our committee and then on this floor, on this very, very important issue.

I can certainly accept the fact that there will be those who disagree with us that the health insurance industry should be held to the same standard that everyone else in America is held to. That is not a universally-held view.

But I would challenge, Mr. Speaker, those who disagree with our view to let us have our day in court. Let us bring our bill to the floor. If Members disagree with our bill, try to amend it. If Members believe it cannot be amended, then vote against it. But do not deny the will of the people of the country, and I believe the will of the majority of Members of this Chamber, when push comes to shove, to enact a law which is a real Patients' Bill of Rights which says to the health insurance industry that you are an important part of our economy, we value what you do, we encourage your continued development, but we do not hold you open to special treatment. We do not exempt you from responsibility for the decisions that you make and the wrongs that you sometimes cause as a result of your decisions.

I assure the gentleman from New Jersey (Mr. PALLONE) that the Democratic Members, and I hope we will be joined by Members of conscience from the other side of the Committee on Education and the Workforce, that we are going to knock on every door, pursue every road, and use every rule at our command so that the will of the majority can be done.

Mr. PALLONE. I want to thank my colleague, the gentleman from New Jersey, and particularly for the references he made to this effort in the gentleman's subcommittee to do this piecemeal approach, if you will. I understand what the gentleman is saying, which is that finally at least there is going to be some discussion or perhaps some action on HMO or managed care reform in the subcommittee.

But the gentleman rightly points out that this piecemeal approach is really not the right way to go. The problem is that it would allow the Republicans to essentially pick and choose what kind of patient protections they want us to consider.

My fear is that they will ignore important parts of the Patients' Bill of Rights, such as the right to sue, or even, just as important, the really good definition of medical necessity.

We have talked about medical necessity a little tonight, but I do not know that we have really described it that much. Basically, the core of the Patients' Bill of Rights is this idea that the doctor, or I should say the health care practitioner, because our next speaker is of a nursing background, and I want to make it clear, we are not just talking about physicians but also nurses. But the core of the medical necessity idea is that the decision about what kind of procedure, operation, or length of stay in the hospital, as the gentleman from New Jersey (Mr. ANDREWS) mentioned, is determined by the patient and their health care practitioner, their doctor or nurse, not by the insurance company.

That is one of the things that I am convinced would never see the light of day if this piecemeal approach were adopted. So I am glad to see that the gentleman as the ranking member and the other members, the Democrats on this committee, are taking this position and going to have this press conference tomorrow. I thank the gentleman.

I yield to the gentlewoman from Texas (Mrs. EDDIE BERNICE JOHNSON). She is a nurse by background, and I think that brings a lot to this whole debate, because once again we are looking at this from a practical point of view.

One of the things that I notice when I go and talk to my constituents is that the reason there is overwhelming support for the Patients' Bill of Rights is because people understand that on a day-to-day basis that this is what is needed.

□ 2130

This is real. This is not pie in the sky. This is not ideological. This is what is happening day-to-day.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation to the gentleman from New Jersey (Mr. PALLONE) for taking the leadership and making sure that we get a chance to discuss such an important issue.

Mr. Speaker, I am delighted to participate tonight in this special order. This is a very, very important issue. As

I have sat and listened to the various presentations here, it occurs to me that, when a patient is admitted to a hospital, one of the first things that happens is that we take the history, and we want to know all of the individual signs and all of the individual differences of that patient.

I wonder how the HMOs and the insurance companies can reconcile deciding that one size fits all after one goes to the extent of trying to determine what the individual differences are. Because it makes a difference in the way one begins to treat that patient.

We have forgotten that in this industry. As a matter of fact, I am beginning to wonder if we have forgotten the patient altogether, because the insurance companies will place the physician out there with their instructions and almost dare them not to do anything else.

The physicians are held accountable, not the insurance companies that dictate what they must do. That is not American. Nothing in the history of medicine in this country has allowed something like that to happen.

In the past, when a physician graduated and met the standardized test and assured the Nation that they had that body of knowledge mastered, they had permission to practice medicine. They no longer have that under the HMOs. They have to take the dictation from that HMO. Yet, they can be held accountable by the patients and the patients' family, but not the HMO that dictates it.

That is the most unfair thing that I have heard of. I cannot even imagine this being something that is happening as a routine way of doing business in health care delivery in this country, the super nation, the number one nation in the world, the 911 for the rest of the world, the Nation that every other nation expects to come to their rescue, and yet we cannot respect the patient as an individual. That is beyond my comprehension. This really has gone too far.

The mere fact that we do not have the opportunity to bring back a course of doing business, this measure to the floor for honest debate is again un-American. It is unfortunate that we have to sign a discharge petition. I do not like the process of signing a discharge petition. We are placed in a position to do that.

All 435 Members of this body will acknowledge that this is a problem in this Nation; and yet, we have to go to discharge petition signing to bring this measure to the floor. That is very difficult to believe. But, yet, I will proudly join the group next Wednesday and sign this discharge petition because this is a number one concern of the people of this Nation.

No one wants to feel that, if they had an emergency and go to the emergency room, they might be rationed in what might be the approach if it is felt that it might cost the insurance company too much if they began a procedure that might be too expensive.

We have had testimony that there have been times when physicians were actually complimented because a patient died in the emergency room which saved money for the insurance company. Does this sound like America? Does this sound like the Nation that has brought forth some of the most innovative measures and approaches to any disease, more so than anywhere else in the world; and, yet, the people of this Nation have no access to that success. Yet, all of us have participated in paying for it because all of us pay for medical research.

We simply must address this issue for what it is. If all of us went into a department store to get a suit, we would not want a suit that would fit anybody, we would want a suit that would fit us. That is what we want when we get sick. We do not want a one size fits all. We do not want it to be just a diagnosis that must follow the script verbatim.

We have to get back to looking at patients as individuals and making sure that they get the treatment they deserve. All that we can say about this when it comes right down to it, people pay for their care. They pay for their care, and they do not pay for it for the purpose of insurance companies having a lot of money to invest so they can take a lot of money home. They pay for it because it is a service, a service that members of that insurance company of that particular plan should have access to the needed care.

We are not talking about abuse of care. There are many measures that can determine that. We are talking about essential basic care that an individual deserves to have when that individual becomes ill. We are talking about looking at that patient's history and making sure that that is considered when the doctors orders are written, not just to pull out a preprinted sheet and follow it simply because that is what the insurance company dictated. Yet, the biggest frightening scare is to be held accountable for what their dictating brings about.

There is something simply not right. This is a basic fundamental right that every patient ought to have is access to care where they are considered as an individual. There is a difference between a 25 year old and a 75 year old; and, therefore, often the approach to that patient's diagnosis, although it might be the same, might be a little bit different.

When we get away from that as a Nation, we have forgotten where we started, what this really is. This is really the health care industry. This is the industry that we are supposed to be able to have confidence to put our very lives in the hand of professional providers and feel certain that we can trust it, not just a simple sheet of paper that, if the doctor not follow it verbatim, then they are out a good stead with the insurance company. It is out of control, and we simply must do something about it.

I thank the gentleman from New Jersey (Mr. PALLONE) very much for having this special order. I do not think we can talk enough about this subject. This is basic and fundamental to every human being being seen as a human being in this country.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Texas and particularly when she points out that, from the practitioner's point of view, whether it is the physician or the nurse, that essentially they cannot practice medicine because of the straight jacket essentially that has been put on them many times by HMOs, managed care organizations. I think a lot of people do not understand that. It is important.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the responsibility is still there, but they cannot make an independent decision.

Mr. PALLONE. We cannot have it. We have to have an end to that. I agree with the gentlewoman.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who is a member of our Health Care Task Force and been working very hard to try to make sure that we are able to vote on this Patients' Bill of Rights and to articulate to our constituents what this is all about.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey very much for the opportunity to participate in this discussion and look forward to the successful efforts for all of us on this floor to be able to debate and vote on a comprehensive Patients' Bill of Rights.

It is hard for me to imagine that there is anybody in this body who has not received lots of mail from their constituents about the abuses that are taking place every day. I have been hearing both from people who give care, nurses and physicians, and people who receive care, who are seeking the care, the patients.

I want to give my colleagues one example of a heartbreaking letter that I received. It starts,

> DEAR REPRESENTATIVE SCHAKOWSKY, I am a 31-year-old nurse with breast cancer. Because I am an HMO member, I have had recurrent problems with receiving health care. As a patient, I have not yet received compromised care, but I have been denied services or have been told where to get care and who could give me care. I recently also was made to change primary doctors, giving up one that I had for 8 years because of my HMO.
>
> I heard you speak on behalf of the Patients' Bill of Rights, and I need you to know that, as a health care provider and receiver and HMO member, I am certain that care is being compromised and restricted and refused to us.

> I am knowledgeable about the health care system, and I am still able to be my own advocate, but I am sure 1 day I will not be able to make telephone calls endlessly pleading for standard of care. Who will do it for me? Why do I need to beg for treatments or for the right to remain in the care of my own doctor?
>
> I am receiving follow-up care from my oncologists after having a stem cell transplant for metastatic breast cancer, and I am worried that continuity of care will be compromised. And I will only be treated if the HMO sees fit rather than being able to rely on the judgment of a physician who had known me for 8 years and an oncologist who has seen me every month for a year. I want managed care to stop making medical decisions. I have a right to health care.
>
> As a nurse, I also know that quality health care is the issue. Having cancer has changed my life. Having adequate health insurance was a wise choice I made 10 years ago. Today I am fearful that I have no rights as an HMO member. That is one battle too many for me to take on.

It frustrates me so much after having received this letter, and it is one of many that I have received, probably one of the most articulate descriptions of the problem, that we have to go through such a cumbersome process of marching down and gathering enough signatures for a petition simply to have the right to debate this issue fully in the House.

One would think that all the Members would jump at the opportunity to do that on behalf of our constituents. The only thing I can think is that the concerns of the health care industry, of managed care companies, of insurance companies has superseded concerns for ordinary patients and consumers in our districts.

I do not think it is sound health care policy to force a breast cancer patient to give up a physician of 8 years. It is not sound health policy to force a breast cancer patient like my constituent to beg for treatment. It is not sound health policy for insurance companies to make medical decisions. It is not sound health policy for the United States Congress to delay action on preventing these abuses.

We have a number of excellent proposals, H.R. 358, the Patients' Bill of Rights, and as a prior colleague of mine said, there may be many who disagree with that, but we certainly should be able to discuss a bill that has provisions such as providing full and fair access to specialists and to emergency care, giving patients the right to timely appeals, including the right to appeal to an external and independent entity, holding managed care plans accountable for all their decisions, including the decision to deny care, and letting medical professionals and their patients make the medical decisions.

So I am hopeful that next week when we do engage in gathering the signatures for this discharge petition that we are going to have a majority of Members of this body, both sides of the aisle, who say it is time now, it is more than time now to fully debate this issue.

I am hoping that we will be able to provide the relief that our constituents are begging for and deserve.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Illinois. It is funny when we talk about this discharge petition process. It is extraordinary to think that here we are as the elected Representatives, normally petitioning is something that I think of as the citizens have grievances so they have to sign a petition and send it to us as their Representatives. I do not think most people ever imagine that their elected Representatives from Congress have to sign a petition to get a vote on a piece of legislation, because I think most of our constituents figure that is the normal procedure, that we get to vote on bills, not that we have to petition to vote on them.

□ 2145

I wanted to just compliment the gentlewoman also because I think that that letter that she brought forward really says a lot about why this Patients' Bill of Rights is so important.

One of the things I think about the most is how difficult it is when a person is seriously ill or has cancer, as is the example that the gentlewoman gave, and how difficult it is for them at that time when they are not feeling well to have to go through all of the hoops that these managed care companies often make them go through. Like if they are not allowed to have a certain treatment, they are not strong, in a position to appeal that or to try to seek redress because they are not feeling well at the time. And it is really like the worst time for a person to have to worry about whether they are going to have access to treatment or how they can get access if it is denied. And I think that letter really points out why it is so important to have these protections that we are seeking. So I thank the gentlewoman again.

Now I see that my colleague from the district next door to my west is here tonight, the gentleman from New Jersey (Mr. HOLT), and one of the first things that that gentleman did when he was first elected and took office in January was to come to Monmouth County and have a town meeting on the Patients' Bill of Rights because, obviously, he thought it was so important. So I want to commend him for all he is trying to do in his district and here on this issue, and I yield to the gentleman.

Mr. HOLT. Mr. Speaker, I wanted to join my colleagues, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and thank my colleague from New Jersey for highlighting this issue and for pushing to get a comprehensive Patients' Bill of Rights to the floor, not bits and pieces but a whole thing, an integral piece, and that is what we want. That is what the public needs.

Each of us would like to have a relationship with a Marcus Welby kind of physician, a kindly understanding doctor who really ministers to our whole being, and works with us on medical decisions that often include ethical decisions as well as scientific decisions. I have spent a lot of time, particularly since I have been in office now, talking with doctors, and it is interesting to think of it from their point of view. What doctors are about to lose or what they feel in many ways they have lost is the reason that they became doctors, the doctor-patient relationship; the ability to make medical decisions with the patients.

And a lot of people say, well, the Patients' Bill of Rights, as it is set up, will just bring lawyers into the picture and we will end up having a medical system that is run by lawyers. Well, I do not think that is true at all. And the way it is now, who has the last word? It is not the doctor. If a patient can sue a hospital and can sue the doctor but cannot sue the insurance provider, the insurance company, who has the last word? Who can make the medical decisions? It is not a doctor-patient decision. And doctors feel that they have lost the reason that they went into that profession.

There is a lot at stake here, and that is why I think it is important that we have a comprehensive Patients' Bill of Rights that provides emergency room access and makes it possible for doctors to talk about all of the treatments that are available, not just the cheapest ones, and that lets the medical decisions rest with the doctor and the patient. I hear that over and over again from doctors.

An interesting, I guess political sidelight is that it was not very many years ago that doctors around the country by and large were very much afraid of what Congress might do. Now they are very much afraid of what Congress might not do. Doctors and their patients are looking to us to act to protect the patients rights.

Mr. PALLONE. Well, I want to thank the gentleman. I think this is really all it is about.

One of the things that I keep stressing, and that I think came up tonight with the various speakers, is the fact that this is just common sense. When we talk about these patient protections that are in the Patients' Bill of Rights, we are not really talking about anything abstract or difficult to understand or even difficult to implement. In fact, when I go through the list of the kinds of patient protections that are included in our bill, I think most people would be shocked to think that they are not already guaranteed.

Mr. HOLT. If the gentleman would yield. In our State of New Jersey many of them are, in fact, provided. New Jersey has, in many ways, good doctor-patient regulations and laws. And much of what we are calling for in various parts of the country is provided. But what we need, I think, are good standards all across the country.

Mr. PALLONE. And there is also the fact that the States do not have any power over the ERISA plans, and the majority of the people are actually under some kind of self-insured program or self-insured health care or managed care through where they work, and that is preempted by Federal law so that those State plans do not apply.

Just to give an example, and I know we do not have a lot of time, we are almost out of time, but I just went through some of the highlights of the Patients' Bill of Rights: Guarantees access to needed health care specialists. Most people probably think they have a right to see a specialist, but they do not necessarily right now.

Provide access to emergency room services when and where the need arises. Most people are shocked to find out they cannot go to the local emergency room because their HMO says they have to go somewhere else.

Provide continuity of care protections to assure patient care if a patient's health care provider is dropped. Give access to a timely internal, independent, external appeals process. Ensure that doctors and patients can openly discuss treatment options.

That is a great one. The gag rule. When I explain to constituents that under many managed care plans now that a doctor cannot give them information about a course of treatment that is not covered by the insurance company, they cannot believe it. Most people view that as un-American because they figure we all should have a right to free speech. And to imagine that a doctor cannot tell a patient about a treatment option because it is not covered by the insurance plan is un-American is unethical and just incredible.

These are simple things. We are not really talking about anything that is terribly abstract. These are just common sense protections.

If I could just conclude by saying that I just think it is very unfortunate that we just cannot bring this measure to the floor and have a vote up and down. And the worst part of it is that this is the second year. Last year we had to do the same thing; go through the same petition process, have 200 some odd Democrats and a few Republicans come down here and sign a petition to get this considered on the floor. And here we are about to do the same thing next week in order to bring this to the floor.

It just should not be that way. That is not the way people expect this Congress to operate. But we are going to make sure it happens and we are going to make sure that we have an opportunity to bring the Patients' Bill of Rights to the floor of the House of Representatives because it is the right thing to do and it is what Americans want and expect from all of us.

KOSOVO PEACE AGREEMENT

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I want to spend a few minutes rebutting the previous comments that we have all just heard. I will summarize it like this, and then I will move on to the subject that I really came to speak about this evening.

Do not misunderstand. Members on both sides of the aisle, both Republicans and Democrats, want to get a medical system out there, health care out there that is effective and delivers a good product to help America stay healthy.

It is amazing to me sometimes that some of my colleagues, strictly for political purposes, will stand up here in front of everyone and preach about how some on both sides of the aisle must not want health care for America. It is kind of like when we hear the education arguments up here, as if somebody on this floor really truly does not care about children. I have never met anybody that truly does not care about children. I have never met anybody that truly does not care about health care for America. I have never really met anybody that does not care about patients' rights. Of course, we all care about it, but we all have different approaches. And in order to fairly hear those different approaches we have to have some type of process. We have to have some type of order in the House.

The complaint that we have heard in the previous hour is that they just would prefer not to follow that order of the House. They would like to go out of the process. They would like to have it their way. Well, I do not blame them for wanting it their way, but in the House Chamber we have to follow the process. We have rules. If we all follow those rules, we have a chance to be heard.

My gosh, how many hours every day does the American public listen to us talk. Of course, we have freedom of speech. I was surprised, disappointed, even somewhat amused that in the last hour someone had the audacity to stand up and say we do not have freedom of speech in this country. Oh, my gosh, being on the House floor, which by the way is one of the highest privileges an individual can get in this country, but they say they do not have freedom of speech. Of course they have their freedom of speech.

Both Republicans and Democrats in education, in health care, in transportation, in military, they care about those issues. Of course they care about those issues. And I think it is just plain wrong for somebody to stand up here and imply or directly state that one side or the other, like the Republicans tonight, the Republicans must not care about patient health care, the Republicans must not care about freedom of speech.

Come on, grow up, folks. We have a lot of responsibilities out there to the American people, let us appreciate and let us respect the right that we have to stand on this floor without worrying about government oppression and speaking our minds, and that we also have the obligation to follow some type of process to have that order.

Well, enough said about that. This evening I really want to visit a little more specifically about a couple of areas. Number one, about Kosovo.

As we all now know, the news in Kosovo is good news. We have heard some good news in the last few hours. The peace treaty, if that is what we want to call it, has been signed. That is good news, regardless of where we all are on Kosovo. I, for example, do not believe we should have been there in a military sense. I think we had a humanitarian obligation. And I objected to the strategy that has been used by the administration, their approach to the problem in Yugoslavia, but despite that fact, regardless of where we may stand, we all ought to be happy that some type of peace agreement has been signed in the next couple of weeks. Hopefully, it will be executed in such a way that the death and the raping and the burning will come to a stop over in Yugoslavia.

But while many people tonight will celebrate what happened with this peace agreement, we have to remember that old saying that the devil is in the details. What are the details of this peace agreement? What do we have in Kosovo? What is the situation? There are a number of areas that we should look at.

Remember what is very important about any action taken by a government, really any action taken by anyone, and that is that intent cannot be measured. We must measure results. The intent here was probably well-founded. I have never criticized the President for his intent. I think it was well-founded. Or the administration and the other officers in the administration. It is the results that I question. What are the results of what we have done?

Now that we are about to go into Kosovo with military forces on a peacekeeping mission, we need to see what were the results of the last 78 days of bombing. Take a look at the Yugoslavian economy. We are discussing our defense budget. To give an idea of the total gross national product of Yugoslavia, the total gross national product of Yugoslavia is one-fifteenth of our defense budget. In Colorado, that is my home State, our gross State product is about $95 billion a year. Ninety-five billion dollars a year in the State of Colorado. In the entire country of Yugoslavia it is about $17 billion. It took us 78 days to get to this point. What is the result of that 78 days of warfare?

There are some questions we need to ask, and I hope we get satisfactory answers. I do not like being a person who constantly criticizes, but I do have an obligation as an elected Member of the United States Congress to stand up and ask questions where I have doubt about the strategy that is being deployed.

□ 2200

There are a number of questions that we should ask. And we should not let this peace agreement, which will be spun extensively, the spin doctors are already at work tonight, I can tell my colleagues they are burning midnight oil to spin this as a huge victory for the American people, a huge victory for the freedom of this world.

Well, maybe so. I do not think so. But maybe so. But let me say the way we measure, remember, we measure results.

Let us take a look at what we have accomplished. Let us talk about what is going to happen now. Remember that the United States, in effect, chose sides when the administration decided to go into the sovereign territory of another country, which, by the way, just a couple of years ago, about 7 years ago, we went to war over.

As my colleagues will remember, when Iraq invaded the sovereign territory of Kuwait, we, as a country, said you should not invade the sovereign territory of another country so we will go to war with you to push you outside that sovereign territory. Well, now the United States, through the auspices of NATO, is doing exactly the same thing. They invaded the sovereign territory of Yugoslavia.

Now, do not take me wrong. There were some very atrocious things going on in Yugoslavia. But they were not only being committed by the Serbs. They were also being committed by an organization called the KLA, the Kosovo Liberation Army.

Do we know anything about the Kosovo Liberation Army with whom we sided in this conflict? The answer is yes. Do my colleagues know how we knew of them? They are terrorists. These people, this organization, was listed by our State Department as terrorists. They committed acts of terrorism. Our country recognized them as terrorists.

So what our administration consciously decided to do was to go into the sovereign territory, to go into the sovereign territory of another country to take sides with an organization that we ourselves label as terrorists and to go to battle.

Well, now that we have apparently pushed the Yugoslavian Serbs out of the territory of Kosovo, I can tell my colleagues that the Kosovo Liberation Army will not stop there. They do not want the Serbs just out of Kosovo. They want an independent State of Kosovo.

If the United States were to grant that or NATO or the world were to say that is what should happen, in effect we would have given our sign of approval and actually participated in the invasion of a foreign country by a defensive organization. Remember, NATO is a defensive organization. So we have NATO go on offense. We go into the sovereign territory of another country. We portion out a part of that country and turn that portion over to an organization called the Kosovo Liberation Army, which we know are terrorists.

Well, let us think about what is going to happen. Who is going to disarm the Kosovo Liberation Army? Who is going to control them? We have controlled the Serbs. But remember, this latest conflict started when the Kosovo Liberation Army people started assassinating Serb police officers.

How are we going to disarm the Kosovo Liberation Army? In my opinion, we are not going to disarm them. This is the onset of a new problem that will last for a long time. And I can tell my colleagues that our European allies will expect the United States to resolve it. I am going to talk about burden sharing a little later on in my comments. But the United States is going to be the one in the future that is looked upon to resolve this.

We have got some other questions. How are we going to police these areas? This is what we want to see in the details of that agreement. Again, if we have got an agreement and if we can answer these questions with a positive result, and that is what we want to measure are the results, then this is great. But we ought to ask those questions.

And my colleagues, do not let the spin that is going to come off this agreement tomorrow by the administration or whoever, do not let that spin mask the fact that we all need to look at what the details of this agreement are. Who is going to police the areas? How are we going to set up a judiciary system? What are we going to do about the economy?

Remember, in Kosovo they did not have any time to plant the seeds. They did not get in their spring plantings. They do not have an economy. My colleagues, many of those refugees, who, by the way, I think will claim political asylum and ask to stay in the United States, many of those refugees will not go back into Kosovo. Many of those refugees who do go back into Kosovo are going back to burned bridges, destroyed schools, destroyed clinics, destroyed roads, destroyed fields, no economy, no health care, no type of welfare system, no transportation system, no heat for the winter, no air conditioning for the summer, no water that is kind of like the water we have, purified and clean water.

This is a huge problem over there. Who is going to pay the tab of that? Well, you got it. In my opinion, the United States will. But I am going to address that a little later on.

We also know that the Serbs have destroyed all these legal documents. I mean, let us face it, the Kosovo Liberation Army and the Serbs are both bad characters; the leaders, not the citizens. The citizens are innocent and they are good people. But the leaderships of these two organizations are murderers, both sides of them. They are murderers. They are criminals. They are bandits. They are crooks.

Well, what the Serbs did is they made sure that for the innocent citizens in Kosovo, they destroyed all their legal documents. Who is going to set up the judiciary over there, the judicial process? Remember, our military, our soldiers are not judges. They are not police officers. And there is a difference between a police officer and a soldier. I used to be a police officer. I have a little understanding of that.

How are we going to set up the judiciary system? How will command and control work? What will Russia's role be in here? What is the future of American foreign policy? What we have done is set a legal precedent here. As I mentioned earlier, we have entered the sovereign territory of another country to resolve a civil war.

Now, some people will tell us that this was a genocide, that this is like Adolf Hitler, that the United States of America had a moral obligation to step in and stop this. Well, number one, it is not like Adolf Hitler. Number two, there are in fact atrocities. But three, they are driven more by civil war than by a dictator who is intent on destroying a population. It is a civil war dispute that we are getting into.

I am very appreciative of my good friend from Georgia (Mr. KINGSTON) coming to join us, because as he and I have discussed, these are very critical issues. But let me wrap up this legal point.

What is going to be our policy? This is an abrupt change for the United States and for NATO. NATO has never carried out a mission like this. Nor has the United States ever broken with legal precedence and done this.

What happens now if Quebec decides to vote for independence in Canada? Should we go to war with Canada to defend Quebec? What happens if some people in Mexico want to become U.S.

citizens in the State of Texas and decides that Texans should seek independence and become part of the country of Mexico?

My colleagues, these are not imaginary questions. These are issues we should address.

Mr. Speaker, I yield to my good friend the gentleman from Georgia (Mr. KINGSTON). As the gentleman knows, the peace agreement has been signed. I am asking questions about, you know, the devil is in the details; what do we really have in these details? I have not seen the details. The briefing I got indicated it has been signed, but we have not been presented with any details.

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman yielding. I appreciate his basic opposition to our operations over there. And I have shared that opposition.

It is interesting to see where will this be as opposed to the previously tried agreement. I hope that it works. I am optimistic anytime we have a peace agreement. But, at the same time, my colleague is asking all the pertinent questions. He had asked our reason for being there to begin with.

Here we are now, 70 days of bombing, and I am still wondering, as a Member of Congress, as a member of the Committee on Appropriations, as somebody who sat in hearings and listened to Madeleine Albright and Secretary Cohen and General Shelton and Ambassador Pickering and all these other folks, and I have asked them and I have heard other Members ask them, What are we doing there to begin with? And we got very vague, nebulous answers.

My colleague has raised the point about a civil war. What is going on in Sudan right now? Is there not a civil war? Is there not persecution of Christians over there?

Mr. McINNIS. Mr. Speaker, reclaiming my time, in fact, in Sudan and Rwanda there is not a civil war. That truly is a genocide. And that is the difference. And if our policy is going to be to stop genocide, we ought to be in Rwanda tomorrow or, as my colleague said, Sudan. There are hundreds of thousands of deaths, many, many, many multiples of the kinds of deaths that we have in Yugoslavia.

Yugoslavia was a civil war, as the gentleman has correctly pointed out. In Rwanda and Sudan, there is truly a genocide. But we do not see that on CNN. We do not see the administration gung ho about doing that.

Mr. KINGSTON. Mr. Speaker, no, we do not. And there is also a border war between Eritrea and Ethiopia. Will we be over there? What is going to be the policy?

And where will NATO come to play? As my colleague pointed out, NATO is a defensive organization and yet this was an offensive operation. Are we going to be seeing NATO doing that all over the world? And then what are they going to do about the Middle East? Is NATO going to have a role in that? We probably will not see that. But what kind of precedent does that set?

In any case, as the gentleman has alluded to many times, in terms of the details, let us assume everything that he has mentioned to this point, everything works out. The big question then is how is it going to be paid for?

One of the things that has shocked me as a Member of Congress is that on peace agreements it is usually good ol' Uncle Sam, our hard-working taxpayers back home, our money basically buying off both sides. But over there, and it might be the President hosts something and you have all the heads of state and you have a big fanfare and it is in some strange and unusual place we have never heard of. And yet, at the bottom line, they all have one thing in common; and that is that the American taxpayers have paid both sides to quit fighting.

There can be a great advantage to that. It might be cheaper than to continue fighting. And it certainly may save American lives. And yet how much of this out of 19 NATO countries will we be paying?

Mr. McINNIS. Mr. Speaker, I say to the gentleman from Georgia, I think that point is a very valid point and I think it is something that everyone on this floor has an obligation to explore.

Six hundred out of the 800 towns in Kosovo have been destroyed. There has been mass destruction, mass refugees who have exiled from that country who are going to have to go back.

I mentioned earlier the economy. This is going to cost a lot of money. The United States has already carried by far the vast majority of the financial obligation of this war. There are American forces. It is American equipment. And it is the taxpayer, every one of my colleagues in this Chamber, all of our constituents that are employed out there, we are carrying the burden for this.

So far it is $16 billion. But that is not very accurate. I think it is much higher than that. I think the tab to repair this is going to be around $100 billion.

Now, does that mean that we should not repair it, that we should not provide these people with heat in the winter, that they should not be provided with food, that we should not try to boost their economy? No. Just the opposite. I think there is an obligation to go in there and help these refugees rebuild their country, help maintain peace.

But I am tired of the taxpayers of the United States of America always carrying the burden. Where are our European allies? This is a problem in Europe. But I know what is carrying the burden. It is the United States taxpayers.

Now, as my colleague knows, I do not have any objection to helping out somebody; we help people on welfare; if we can help out a neighbor. That is why America is great. That is what makes our country great. But we also believe in sharing, sharing the burden. And that is the big question.

I am fully committed as long as I serve in this Congress to standing up to this President and this administration and drawing a line in the sand and say, look, Mr. President, we have got to have burden sharing here. What share are the Europeans going to carry in this? Is it going to be the United States taxpayers that for many, many years into the future will spend a lot of money that otherwise would go to our Social Security, that otherwise would go to our schools, that otherwise would go to our health care programs?

My colleagues, do not kid yourselves. If we do not have burden sharing by our neighbors and the other members of NATO, and I mean fair, proportionate burden sharing, it will be a sacrifice in this country.

Now, we are all willing to make a sacrifice to help a hungry person get food. But after a while, when we have got neighbors that can help feed them too, we cannot sacrifice our families. So this is a hot issue for me.

Mr. KINGSTON. Mr. Speaker, just to put it in Georgia terms, I represent coastal Georgia from Savannah to Brunswick to St. Mary's, Georgia. I also have, a little west of there, Vidalia, home of the Vidalia onions; Statesboro, Georgia, home of Georgia Southern University. You take all the 18 counties of the First District of Georgia, it is about 600,000 people. Go down just south of that to Jacksonville and we are talking about approximately 855,000 people, the entire coast of Georgia and part of the coast of Florida. That is who the refugees would constitute if we put numbers to it. We would have that many refugees.

□ 2215

You take all those people out of coastal Georgia and let us say a hurricane came and the hurricane destroyed all the roads, all the bridges, all the factories so there are no jobs, there are no schools, there are no hospitals, there are no homes, and you have got to rebuild all that.

And then as you have pointed out, our NATO allies have not been carrying their fair share in this war effort. I seriously doubt that they are going to be willing to do this in the peace effort. But as the President obligates us to rebuild Yugoslavia, think about what also is on the table. Social Security, Medicare, Medicaid, children's health care, immunizations, research for multiple sclerosis, for Parkinson's disease, for cancer, all this.

Now, in an ordinary household, the American taxpayer is saying, "Okay, I understand, you got to spend some money in Kosovo so you're going to reduce spending over here, and these are good programs but I understand choice, because I the American worker have to do that. I have to choose between a new dryer or a new set of tires for the family van. And so I understand that."

But that is not the case. Here in Washington what happens is you just continue spending in both places. That is one of the things that just drives us crazy with this administration, as conservative Members of Congress, is that if the administration wants to obligate us to spend all the money in Kosovo and let NATO not carry their fair share, then you would think they would at least say, "Okay, but we are going to spend a little less elsewhere," but they do not do that. They continue to spend at extravagant and high levels of other causes, both worthy and wasteful. There again, the hardworking American families of middle class taxpayers who are already putting in 50 to 60 hours a week, two-income families and they are running back and forth, they are paying taxes, one more time they are going to get stuck with the tab.

Mr. McINNIS. My district is Colorado. In fact the gentleman from Georgia comes out to Colorado and vacations out in the Colorado mountains. I happen to feel like him, I feel very lucky about the district that I represent. But we camp out a lot in our district, out there in the mountains. We kind of have a rule. It gets cold almost every night, even in the hottest day of the summer it still gets cold in the Colorado mountains at night. It still cools down, so you build a fire. We have a rule. "If you want to sit by the fire, you got to help gather the firewood." That is just a basic obligation. In the morning if you want to eat breakfast, you too got to get out of your sleeping bag when it is darn cold and help get things put together for breakfast. If we have got somebody who has got a broken leg or injured or is otherwise incapable of helping gather the firewood, then the rest of us pitch in and there is no complaint. Where the complaints start is when somebody is capable of pitching in and they simply say, "Hey, let Jack do it. Jack's good at gathering firewood. I'd just as soon sit by the fire and not have to go out and do the work."

That is what I am concerned about here. I want a peace agreement. I want this thing resolved. I think there are a lot of details we have to talk about, and I think we should all seriously assess what are the legal precedents that have been set. But at the same time I think this administration, and I hope they are doing it, but I think this administration has an absolute obligation to the citizens of this country to say, "Hey, we've been gathering all the firewood," and I can assure you that on this war in Yugoslavia, all of the firewood or 90 something percent of the firewood that has gone into that fire was gathered by the United States, not by the other 19 people at the campsite. There are 19 people at that campsite. One of them gathered 90 something percent. Our good allies and good friends, the United Kingdom, who have always been good, solid allies for us, they gathered a proportionate share, about 10 percent or a little less, they have been putting in a little firewood, but they have had their arms full when they were coming in so they are working. But what are the others doing? They are not carrying their fair share of the firewood. Now that the real expenses are going to come into play here, now I think it is absolutely critical that a couple of us stand up. We are not going to be popular because at this campsite there are 19 people, 17 who really are not contributing too much, so the two of us who stand up to the other 17 and say, "You got to pitch in," you can imagine those 17 are going to say, "Be quiet, what are you moaning about?" and so on. But we have a responsibility to the American taxpayer to stand up and say to our European allies, "You're going to have to pitch in on this rebuilding. You're going to have to help too. You're going to have to help gather that firewood."

Mr. KINGSTON. I think the point is that what we need to do as Members of Congress is to make sure that the President does everything he can do to get everybody to, I guess, pass the hat fairly, because if this is truly a European peril and Europe has the primary interest in it, then Europe has to also have the primary obligation to help funding in it.

Mr. McINNIS. I think we are at a real advantage tonight because our colleague from California has come in with some more details that have happened just in the last few minutes or have at least been released. I thank the gentleman for coming out. I think it is a great opportunity for us to send this message out.

I yield to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Colorado and the gentleman from Georgia for their generosity. As many of the Members know, we have access over the Internet to any number of things. I have taken the time this evening to track down off the Internet the draft text of the proposed peace agreement. I found it at msnbc.com/news/277886.asp.

It is the text of the U.N. draft on Kosovo. While this is the draft, and it was put together yesterday, it does contain a number of things that I think merit our attention in line with the gentleman from Georgia's comments about our commitments here and our obligations as we go into the future. I would just like to highlight a couple of those in particular. There are three parts to this agreement. There is the 21 paragraph preamble, if you will, then there is Annex 1 and then Annex 2. I do not recall which of the gentlemen referred to it, but the phrase was the devil is in the details. I would particularly commend to your reading Annex 1 and Annex 2.

In Annex 1, the document calls for a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

Now, what I am concerned about is what does that mean? It says a political process towards the establishment of an interim political framework. Now, I thought we were trying to find a political framework that would allow the solution, not work towards a political framework. The consequence of this is that we still have doubt and uncertainty as to our ultimate goals.

There are three other points I would like to make about this draft text. Again, that was in Annex 1. In Annex 2, paragraph 5, there is a statement, "Agreement should be reached on the following principles to move toward a resolution of the Kosovo crisis," item number 5 being an establishment of an interim administration for Kosovo as part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia to be decided by the Security Council of the United Nations.

Take note, if you would, please. We have been there as NATO. Now we are transferring to the United Nations the responsibility for establishing interim administration and an international civil presence. Again in Annex 2, paragraph 6, there is agreement to allow an agreed number of Yugoslav and Serbian personnel to return to Kosovo to perform various civil and security functions after the agreement is made.

Now, that is all well and good. But then, going back again in Annex 2, the last one, is a comprehensive approach to economic development and stabilization of the region, including a stability pact for Southeastern Europe.

Ladies and gentlemen, we have agreed to autonomy for Kosovo, self-government for Kosovo, an international civil presence in Kosovo to protect the Kosovars and their autonomy, the return after their initial withdrawal of Yugoslavian and Serbian personnel for limited civil and security purposes, deployment in Kosovo of an international and civil security presence, and a blank check for economic development and stabilization. Well, who is going to bear the burden here? It begs the question. Who is going to pay for this? I am serious about this. We have spent $2 billion at least to date. Between now and the end of the fiscal year, we are scheduled to spend an additional 3 to $4 billion. And we have opened the door to a draw because we are the only country that can do it, to a draw on the United States Treasury to reconstruct what we just finished destroying.

Now, the gentleman from Colorado and the gentleman from Georgia are correct. At what point do we make a choice as to the best interests of the United States and its residents? Do we in fact spend the money in Kosovo and Yugoslavia for reconstruction? Or do we spend the money on education and health care and infrastructure here in the United States? That is a true and unavoidable choice.

I regret to say, and I do want to say, I mean, I have been an opponent of our activities in Yugoslavia. I think the President made a serious mistake. I want to make sure that I am clear about this. I commend him for his behind-the-scene efforts in getting us to this point where we at least have the draft, as yet unsigned, of a treaty, a peace agreement that will allow us to terminate our activities there. I commend the administration for that. Mr. Speaker, it is a great thing for us to get to this point. But there is substantial uncertainty that remains here. As Members of the House exercising our constitutional oversight authority, we need to be cognizant that the United States remains the bank, if you would, on which the rest of the world will ultimately come calling to fund all of these measures that lack specificity, that are not well defined, that would not be used in private industry for any transaction whatsoever. This is a step in the right direction. I hope between now and the time when the United Nations Security Council adopts this and the members of NATO affirm it that definition is added to this agreement sufficient to answer these questions as to what the various phrases in here mean about substantial autonomy, substantial self-government and the like.

Mr. McINNIS. I think the gentleman from California's points are very well made. He says the choice. Is the choice that we take, and I think actually the costs run about $1 billion a day. I spent a lot of time in business and in cost accounting. In fact back here I like to track the numbers. I like to figure out where we are. There is a lot of money shifting, not illegally but they put it in this account or take it out of that so it is hard to get a true, accurate reflection of what this is going to cost us. My estimation is by the time it is all rebuilt, it will cost somebody about $100 billion. Now, I think militarily we have probably spent about $16 billion, would be my guess. Now, they only got the supplemental appropriation for an amount but there are other moneys that they have drawn upon. But, that said, the question that the gentleman from California asked, which is a very sound question and, that is, do we take away from Social Security and from the programs, domestic programs of the United States? I think the people of the United States are willing to help make a contribution. Or the other option is, do you completely ignore the needs of these refugees? Do we ignore the fact that these villages have been destroyed primarily by NATO military aircraft? I am not saying it is NATO's fault, I am just saying that is the fact, that is how they were destroyed. Do we ignore the fact they do not have electricity for the winter, they did not put in their spring crops, et cetera, et cetera, et cetera? No, we cannot ignore that. What is the answer? I think the answer is a third option, that is, we go to our European partners and say, "Look, this wasn't supposed to be a one-sided deal. You weren't supposed to get a free ride. You're supposed to help on this thing. You've got to help gather wood for the fire. If you want to sit by the campsite and sit by the fire, you've got to help gather wood."

So I think the option that we have to be very aggressive about and reach out and grab hold of is the fact that our European partners, our colleagues in NATO, have an obligation to pitch in.

□ 2230

They have got to help pay for this. They have to have their taxpayers help with this. Not just the American taxpayers, but the European taxpayers. And do not just make American programs like our schools, our Social Security, our transportation, our Medicare, et cetera, et cetera, do not make just the American taxpayers go up to the bar and throw money on the bar; make the Europeans. They are our allies.

Frankly, I think they have gotten a free ride. Ninety percent of our military force over there has been American. Now, the British, let me make one exception when I say European allies. The British, the United Kingdom, they have been wonderful. They are as solid as you can get.

Frankly, the other allies we have over there are not gathering enough firewood. I am one of those people, and the gentleman is one of those people who have been doing a lot of gathering.

I am saying to the other 17 people out of the 19 at this campsite, I am saying guys, gals, I am stopping. You are going to help pitch, or we are not going to have a fire. Now, obviously we are going to have a fire, but it is not going to be warm enough for all of us. You have to pitch in.

Mr. OSE. If the gentleman will yield, the United States has a long list try, as recently exhibited in the early nineties, of going to our allies and asking them to pitch in, as the gentleman suggested.

It is curious, we have received from one ally a contribution, that being the ally from Taiwan. They have put up significant money, and I apologize for this, I don't recall whether it is 300 thousand or 300 million, but the money they have contributed has gone towards medical and assistance, other assistance, with our refugee and humanitarian aid. So it is not a question of whether or not there are countries, allies of ours, even non-NATO Members, to whom we can turn for assistance. That exists. There are people who will help us in this challenge that we all face. It is a question of are we asking them? Have we asked them for their contribution?

Mr. McINNIS. You know, we are about to face some tough budget decisions coming up this summer. We are the Republicans, we are in the majority, it is our decision. Somebody has to lead the charge. We have got to make tough decisions. I am not running from a tough decision.

But the President in his budget has all kinds of program requests which in my opinion will greatly exceed the budget caps, or so you are familiar with it, the budget discipline that we put upon ourselves.

We figured years ago, as the gentleman knows, that in order for this economy to stay solid, for the government to not continue to go into annual debt, we already have the national debt, to reduce the national debt and avoid the annual deficits, we have got to exercise some fiscal discipline that has not been exercised in the past. So we got an agreement out of the President that we would all live within what we call the caps.

Well, the President's budget, what it does is it raises taxes so it allows expenses to go way up, but he says it is within the caps, the administration, because they raise taxes. We are saying you are not going to raise taxes, we have got to control spending.

Now, out of this, it is going to be tough. We do not have a lot of money laying around back here. While you hear the word "surplus" a lot, when you really take an accurate picture, we still have that national debt.

What is going to happen is if we do not go to our European allies, then this amount of money we have in the pot for American domestic programs, which is going to be tight as it now exists, in other words, it is going to be a really tough year fiscally, we now are going to have to make additional contributions out of our programs, out of the programs that are the highest priority for us as American citizens, to pitch in.

As I said earlier, the gentleman has talked about this off the floor to me, we have an obligation to pitch in. We have a humanitarian obligation. That is what made our country great, is the fact that America always stood up to the plate. The United States was always there to help the underprivileged and to help the needy. We will fulfill that obligation. But, by gosh, I do not want it always coming out of the hide of the American taxpayer and out the hide of the people who benefit from our domestic programs.

So my message tonight, as is shared by my colleague from California, is you all, European allies, we all need to say hey, pitch in. No free rides. We have got a problem out there, let us get the solution. And if we all pitch in, by the way, it is not going to be too heavy a burden on any one of us. We can all help carry the pack up the mountain. But so far it is you and I, speaking of the United States, that have carried it this far up the mountain.

I am getting tired of it. I want to give some benefit to our taxpayers.

Mr. KINGSTON. I wanted to shift gears with the gentleman, if it is okay. One of the issues which the gentleman and I have spoken about, the gentleman being from Colorado, me being from Georgia, we have had shootings at schools recently, is what is the cause of this? I hope the gentleman from California stays, if he can.

But I go back to my Clark Central High School in 1973. It was a large public school. We had the usual share of problems, of teens. We had love, we had breakups, we had couples, we had drugs, we had alcohol, we had DUIs, we had fast cars, we had the pressures of the post-sixties generation and long hair and hippies and good times and bad times associated with that. We did have school violence, we had fights and we had inner-city problems and some racial tension here and there. But we did not have random shooting of children.

You ask yourself as a parent, I have four children, and I ask myself, what is it in 1999 that is different than 1973 that causes children to randomly shoot each other? What is it out there? Is it in the air? Is it in the entertainment business? Is it in education? Are we missing something in early childhood development? What can we do?

One of the things which the gentleman has been a leader of is pointing out the amount of time that children spend before violent TV shows or before violent video shows.

One of the statistics, interestingly enough I wanted to share with the gentleman, if I can put my hand on it right now, well, this is not the statistic I wanted to share right here, but the gentleman has brought this chart, and if the gentleman wants to explain it, I will bring it down there to him, but here is one of the I would say typical video games which our children are exposed to.

If you go to just about any shopping mall, they are going to have a video arcade parlor. The gentleman and I growing up, we thought okay, that is foozball and air hockey and maybe one of those games where you go inside and drive real fast.

But this is what they have. This game is it is made by Interplay, who is a big donor to political causes, but the name of the game is "You're Gonna Die." It is actually Kingpin. "Kingpin is the life of crime."

In it are children. This is not adults who play this game, this is children at the shopping mall on Saturday. They can decide who their gang members are going to be, they can decide who they are going to shoot. They can steal a bicycle or hop a train to get around town. Even when you are in jail, you can recruit gang members to your side. You can talk to people the way you want to, from smack to pacifying, and then you can shoot and have actual damage done, including exit wounds to specific body parts.

This is the cheerful manna that American children are exposed to over and over again. Because these kids, to play this game, you do not just walk in. Frankly, I do not think an adult could walk in and plunge a quarter or two down and start playing it. You have to develop the expertise. So this game is geared for kids who play lots of video, and, as we know, kids who play lots of video have a kind of addiction to it, and they play many hours worth a week. It could be football, it could be hockey or basketball, but, for some kids, unfortunately, it is Kingpin, Life of Crime, talking about "You're Gonna Die" and all these cheerful things. We wonder what kind of message we are sending to our children.

Mr. McINNIS. Mr. Speaker, to the gentleman, you know what has been exciting though the last couple of weeks. As you know, Mr. KINGSTON, you and I a couple of weeks ago talked about this very specific problem we think exists out there with society, and that is go to your local arcade. You will be surprised. These games are actually murder simulators.

As I spoke a couple of weeks ago, it is very similar to the simulators that we use to train pilots how to fly an airplane, to teach drivers how to drive a car. These simulators teach people how to kill.

Now, if you do not believe me, I know how it sounds. "Come on, Scott." Go into the arcade and see it for yourself. I had not been to an arcade for a long time. My three children, Daxon, he is 22, Tess is 21, Andrea is 17, so I hadn't been in an arcade. So I went into an arcade and I was surprised.

But what was exciting to me as a result of our conversations here on the floor was, number one, we came to the conclusion, we do not need more laws. That may not necessarily be the answer. Let us go out and be consumers. Both the gentleman from Georgia (Mr. KINGSTON) and I represent constituents, and I think we have the bully pulpit right here. We can use this to talk about the executives at Interplay Corporation and make requests.

You know what happened, Mr. KINGSTON? Well, you know. But for my colleagues, what happened after Mr. KINGSTON and I discussed it a couple of weeks ago, I had parents start calling me. "What can I do," they said? I said go to your local arcade. If you think there is a game in there that is a murder simulator or is too violent for young people, the age of people playing it, tell the proprietor of that shop and demand that they remove it. Ask them to remove it and if they do not, demand they remove it.

I followed that. I went to the Denver International Airport, right in the Denver International Airport Denver, Colorado, there were violent, horrible games in their arcade located on city property. I called the mayor of Denver, Wellington Webb. Within an hour those games were yanked. That is cooperation.

Disney Corporation, Knoxville Farms, Six Flags. There are a number of people. Even the Video Association came in and expressed cooperation. They are concerned about this.

So what I think is an important message here for us to get out, because you and I are not proponents of more laws, that is not automatically the answer, we will pass more laws and then we will all be satisfied.

The answer is getting out there, get swift action, which you do not get with the United States Congress just because of the way the system is set up. Go out there, use consumer demand, go into the private marketplace, use the leverage we have and tell the producers, the manufacturers, the advertisers in the magazines and the people, retailers that put these games out there, look, no more. The game is over. Get those things out of here.

A couple of the executives I talked to, I asked them, I said, "Do your kids play these games? Do you have this game at home, the one you just showed us?" I said, "If you do not, do you not have an obligation to the rest of the children in our society?"

We are going to make it out there so consumers do not want this product, consumers are going to want this product out.

Mr. KINGSTON. Under the title of Rapid Response, let me give our viewers a web page so they can look this up. It is interesting, I think this web page has been cleaned up in recent days since the pressure you have put on them, but I checked it out and it does not really say that much. But you can get a little bit of a feel.

Mr. McINNIS. If the gentleman would yield, if the gentleman would give the web page to the colleagues on the floor, that would be helpful.

Mr. KINGSTON. Absolutely.

WWW.INTERPLAY.COM/KINGPINCORPSE.

So it is WWW.INTERPLAY.COM/KINGPINCORPSE.

Now, the music is provided by a group called Cypress Hill the 4th. That is their album. The band is Cypress Hill. They have a web site also. You can reach that by just going CYPRESSONLINE.COM you can get a feel for where our kids are.

One of the things that the gentleman and I as parents have done from time to time is sit down and talk to our kids deliberately about alcohol or drugs or sex or violence or whatever is going on in the teen world, and it is amazing to me what you find out when you take that time.

As a father of teens, you have to wait until they are ready to talk. You cannot just walk in there and say "Hi, I am dad of the year, I am feeling guilty. I want to interface with you." It does not work like that. You have to be available to them. But when they want to talk, you can get it out of them.

It is shocking the exposure they have to violent lyrics or CDs or violent TV shows and R-rated movies where people are slashed from the very first frame to the final frame.

☐ 2245

Then this arcade stuff, where they do it just over and over again. You know, if you start with small children, the desensitizing, by the time they are 10 or 11 years old, what a message we are sending them.

The pastor, in Paducah, Kentucky, they had a tragic school shooting about a year ago. The kids were praying. The pastor pointed out who was presiding over one of the funerals of the kids, and I am paraphrasing; he said: We live in a society where we tell our children it is okay for us to kill our unborn children, so why are we surprised when our born children start killing each other? We should not be surprised.

What he has done with that statement is raise this whole issue of violence to a different plane. What is the signal we are sending out here with the various messages that we are pummeling our children with over and over again?

It could be irreligious, it could be video entertainment, it could be movies. It might be the way we as parents say something. It might be something altogether different.

But what bothers me is we look at the actions by the U.S. Senate as they rushed on the blood of these children to pass strict gun control. For those who have no children at home, in most of the cases, to pretend that they have done something to protect my children or your children is absurd.

In Columbine, Klebold and Harris broke 23 existing gun control laws. In Georgia, the 22 which the student grabbed was locked up. He broke into it and went out and shot kids.

It sounds good, okay, we are going to pass gun control, but nothing that has been done by the Senate would protect my kids or the gentleman's kids or future grandchildren from anything that could happen at their school, which is similar to Columbine or what happened in Rockdale County, at Heritage High School.

I think we as parents and we as a responsible culture need to examine everything that is out there. What is the toxin that is getting into our kids? As I said in my opening statement, what was it in 1973 when I was in a large public high school with all kinds of tensions and all kinds of influences, what was it that is different than 1999, when kids just randomly start shooting each other?

Mr. MCINNIS. I appreciate the gentleman, Mr. Speaker. I want to read a couple of letters here, but I do want to thank the gentleman. I appreciate the gentleman, I would like to point out, as a father of several children, and I think he has a great family.

The key here is we can do something as consumers. As consumers we can do something about some of these products. Let us go out into an arcade. If we see a violent game, talk to the proprietor.

What I found is when we talk to these people, for example, when I talk to the mayor's office in Denver, I am not sure they were aware of that. I will tell the Members, they were really cooperative. They got right on it. They did something about it.

I think Members are going to find a lot of positive reaction within our community without more laws being passed by the Congress, being imposed upon citizens of this country. Without more laws, I think as a consumer we have some leverage.

Let me conclude first of all by thanking my colleague from the State of Georgia. I appreciate very much his participation this evening, and my colleague, the gentleman from California (Mr. OSE).

I am going to shift gears completely. I had the opportunity a couple of weeks ago, I make it a point when I go back to my district to try and go teach classes in the schools. Before the schools got out for the summer I went and taught some young people.

I wanted to read some of their responses in the thank-you letters. I like to leave this speech with a high note. We talked about Kosovo, we talked about violent video. Now let us leave it with a high note and talk about a few cute letters.

Dear Mr. MCINNIS, I enjoyed you coming to my class. Thank you for giving us the books, and thank you for saying I have a beautiful smile. Don't I look exactly like my mom? Your job sounds pretty exciting. I was really impressed with all those questions, and you could answer all of them. Thank you for coming. Your friend, Kyra. P.S., Josh was kind of cute.

Josh was my legislative assistant.

Dear Mr. MCINNIS, how are you? I hope your trip was great. I never knew that we had the freedom of speech. On your 11th birthday, what did you want to be? Thank you for coming to our classroom. Kyle Webster.

Dear Mr. MCINNIS, I didn't know that in some States you had to smoke in your house or outside your house. Thank you for coming. I think your job sounds fun. You taught us a lot, your friend, Matt.

Dear Mr. MCINNIS, I like you. I like how you taught us the tree. Thanks for the books. Thanks for coming. Thank you for teaching us. Your friend, Amber.

The tree means the branches of the judiciary, the executive, and the legislative branch.

Dear Mr. MCINNIS, thank you for telling me about the three branches of government, the executive, legislative, and judiciary. I didn't know anything about the three branches, but now I do. I really liked it when you talked about all the freedom of our country. Thank you for coming. From Derrick.

Mr. MCINNIS, I'm glad you taught me about the tree. I like the legislative branch the most. Thank you for teaching me what they mean, too. I'm glad you got to come in and show my class and me about all you showed us and taught us. I will remember what you taught us. Your friend, Brandon.

Dear Congressman MCINNIS, thank you for coming to our class. I enjoyed it. I learned a lot of things. One of them is that you are trying to make new rules. Your friend, Guy.

Dear Mr. MCINNIS: I never knew that Wyoming had the least people and California had the most people. My dad says that alcohol is like pouring fuel on a fire that's already burning. Thanks for coming to our class. Love, Alanna.

Dear Mr. MCINNIS: Thank you for teaching me things I never knew. I am still thinking smoking is not a law. Thanks for telling me about the three branches of our government. I never know there was such thing. I am surprised that in some places you can smoke.

Dear Mr. MCINNIS, thank you for coming to our classroom. I liked it when you talked about the population. Your schedule must be busy traveling all over. Have a safe trip!" That was from "Your friend, Lindsey."

Dear Mr. MCINNIS, thank you for coming. We know that you have a busy schedule but we are very lucky to have you come to our class. I didn't know that the most population is in California, and the least population is in Wyoming.

Is it fun being a Congressman? Do you like to travel a lot? I think you are a very nice man. I hope you come again. Thank you for coming. Love, Joya L'Ecuyer.

Dear Mr. MCINNIS, thank you for the book. How does that money get to you? Does all that money go to you or do you share some of the money? I will miss you. You are a good teacher. I will never forget the lesson on the three branches. Thank you for coming, love Megan Mueller.

Dear Mr. MCINNIS, I learned the three branches and the names of them. I didn't know you had to travel a lot and go so far. On the tree the branch on the left is called the Executive branch. The one on the right is called the Judiciary. The one in the middle is called the the Legislative. Thank you for coming. From Daniel.

Dear Mr. MCINNIS, I never knew that California had the most people in it. I thank you for coming. Your friend, Gary.

Dear Mr. MCINNIS, thank you for coming to our classroom. I liked it when you talked about our freedom. It was very interesting. Thank you for the books. Morgan.

Mr. McINNIS, I think our class is very lucky to have you come. Thank you so much, really. Oh, yes, by the way, thank you for the books. Thanks for teaching us all about the Constitution, laws, and tree branches. I think it must be hard to do the stuff you do. Your friend, Brittany.

Mr. McINNIS, thank you for coming and telling us what it is like in Washington. It is cool how there are three branches of government. I never knew there were so many different ways to have freedom. Your friend, Brittany.

Dear Mr. McINNIS, I didn't know that that is how taxes worked. Thank you for coming. Thank you for the book. From Douglas.

Mr. Speaker, as we talk about some pretty tough issues up here in the Capitol, we should never forget how many times freedom is mentioned in these letters from these young people, how proud these young people are to be Americans.

We often talk about what has gone wrong. I spent most of my speech talking about some things that were going wrong. But we should not forget the fact that most things are going right. If Members want to feel good about what is going on in this country, if they want to feel refreshed, go to a classroom. I have nothing but good things to say about a lot of teachers. It must be exciting every day to have these kinds of young people in their classroom.

Mr. Speaker, I appreciate the time I had this evening to speak to my colleagues, and I want to thank all my little friends that sent a letter to us.

REFLECTIONS ON THE WAR IN THE BALKANS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized for half the time remaining until midnight, which is approximately 30 minutes.

Mr. KUCINICH. Mr. Speaker, we are told tonight that we are at the beginning of the end of the war in the Balkans. But before the ink has dried on the agreement there are a few reflections that I think are in order, because we cannot just sign this piece of paper and pretend that we can move on, pretend that we have peace, because the truth is that problems could arise and we could end up in a multi-party land war right in the middle of the Balkans, with our young men and women put in grave danger.

I would like to take this discussion tonight to another level which goes beyond the fine print of agreements, which inevitably are lost, and goes to higher principles. This is an appropriate time to reflect on the lessons that we have learned in the Balkan war, and to take those lessons and transform them, and to transform these thoughts of war into thoughts of peace, and turn the thought of peace into the reality of peace, and to speak to higher principles, which this country has the ability to create so that we can continue in our historic quest to be the light of the world, to be what the prophet spoke of as the shining city on a hill, resplendent in our commitment to all human values, to evolve into a country which can win the peace without finding it necessary to take up arms to win a war.

The values which are enshrined in the Declaration of Independence animate our concern for each other and for people around the world. These words ring in the hearts of Americans: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

These values, these ideas, these ideals, are so powerful that they cause others to rise up in defense of their own rights all over the world. We Americans love democracy, and it hurts us when we see tyrants imposing death or death of hope on people anywhere in the world.

Recent humanitarian catastrophes have occurred and the United States did not intervene: 80,000 dead in Algeria; 10,000 dead in the Ethiopian-Eritrean war in a recent month; 820,000 dead in Rwanda over 5 years; 1.5 million dead in Sudan in the first 15 years; 40,000 Kurds dead at the hands of Turkish forces; 200,000 people killed in East Timor by Indonesian forces.

These tragedies have befallen our brothers and sisters around the world, people we surely care about but people we did not help, people who died while the world watched.

We have the strongest Nation in the world, yet with that strength through great difficulty we learned to exercise the greatest discretion in the use of force, because once that force is used the consequences cannot be predicted. Sometimes the very people we intend to help may end up being hurt.

Such a dilemma has faced us in the Balkans. We have advanced here a doctrine of humanitarian intervention. By all fair accounts, that intervention has produced conditions which are worse than they were before we began our involvement.

Ethnic cleansing was being undertaken against the Kosovar Albanians. NATO's bombing accelerated it. Serbian paramilitary attacks cause masses of Kosovar Albanians to flee the province. NATO's bombing turned masses into a great human tide seeking to flee the war. Serbian paramilitary forces destroyed the homes and villages of Kosovar Albanians. NATO's bombing widened the area of destruction.

Today there will be a semblance of peace or a chance for peace in Kosovo, but what kind of a peace? It will be a peace which will have been gained at the cost of thousands of lives of innocent civilians of both sides? It will be a peace where the province has been decimated by both sides by cluster bombs, by booby traps, by landmines. It will harken to the comment that was made in another war: We have created a desert, and have called it peace.

Certainly in a democracy our history has shown us that there are some things worth standing up for. I think the most important thing that any one of us can do in life is to stand up and to fight for those things we believe in.

□ 2300

In this country, we believe in freedom of religion. We hate to see that freedom denied to anyone anywhere else in the world. Yet that freedom is being denied today in China, in East Timor, in Burma, in North Korea, and in other nations; and that bothers us as Americans.

In the United States, freedom of religion is essential to our democracy. It is first in our amendments. It is first in our hearts. People come from all over the world here to find freedom of religion to follow that truth that resonates with their own hearts. Americans fought for that right. Indeed, it is a human right.

This freedom of religion means that all may pray and worship; that no one is forced to worship any faith except that which they believe; that the State sponsors no religion, but respects all religion. This is a powerful principle of freedom of religion.

We separate church and State in America, but separation and such separation by our Founders was never meant to imply that we should separate the practice of government from high principles or the actions of government from spiritual principles.

Our motto in the United States, as we all know, is "In God We Trust." That motto is not simply the recognition of an external transcended reality. It is a communion of the Nation with the angels. It has become a clarion call for moral leadership. If we truly trust in God, then each of us must become as moral leaders. If we trust in God, each of us can summon a transcendent morality.

Spiritual awareness enkindles the power of the human heart, which brings to each of us love which transcends all, love which heals all, love which comforts all, love which sees all, love which forgives all, love which conquers all, love which speaks to all, love which you hear, love which you can feel, love you can touch, love you can see; and then we comprehend understanding, and we are able to touch the wings of angels.

That appeal to sense in essence transcends language when we communicate with each other through the heart. Love speaks to all languages. The language of the human heart speaks through all languages.

Now in Christianity, the highest commandment is to love one another. Love yourself. Love your neighbor as yourself. As we affirm love in our hearts, we affirm the future; and the future is in turn revealed to us, because a heart filled with love is like a magnet that draws to it the love that it desires. What the heart seeks, the heart finds. What the heart asks for, the heart receives. If the heart asks for peace, its prayer will be answered. So will be the prayer be answered if it asks for war. The doors at which the heart knocks on are open. As we affirm love in our hearts, we affirm truth, and eternity is revealed to us.

When this war in the Balkans first began, Mr. Speaker, I felt this illogic of war grip this Capitol. It was as a physical force, whirling like a vortex, the start of war. Words of war, actions of war produce war. We can be co-creators of our own world.

So as we are near the end of what we can only hope be the last war of this century, it is time to ask what kind of a world do we want in the next century and how can we avoid the wars of the next century. How can we build the peace of the next century.

We want a world of love, a world of hope, a world of joy, a world of prosperity, a world where all may worship, a world where all may live, a world where all may strive, a world where all may grow, a world of peace.

Many of us have come to America, indeed many of my constituents have come to America from different nations. That is one of our strengths in this country, our diversity.

The motto which soars above this majestic chamber speaks to the unity of one people, e pluribus unum: out of many, one. That is why it is so painful for we Americans to watch people suffering anywhere in the world, because they happen to have a different religion, a different race, a different ethnic group, a different political philosophy.

We come here from many Nations. We share a common destiny as brothers and sisters of a common planet. What kind of a world do we want? Only through the application of higher principles can we hope to have our systems of government forsake war and destruction and to make the survival of each person a sacred commitment.

In this world of strife and war, we are called upon to be channels of peace. In this world of darkness, we are called upon to bring light. In this world of fear, we are called upon to bring courage. In this world of despair, we are called upon to bring hope. In this world of poverty, much poverty, let us bring forth plenty. In this world of ignorance, let the light of knowledge light the world. In this world of sorrow, let us use our spiritual principles to bring forth joy. In this world of judgment, certainly we are asked to bring forth mercy. It is through the heart that we connect with all humanity. It is through the heart that we connect with the infinite.

These are principles that transcend governments. Governments kneel before these principles. The Congress of the United States, even this Congress, is nothing next to these principles. The government of any country is humbled before these principles. It is through the human heart that we meet injustice and we transform it and through the application of spiritual principles we change the world.

We have throughout the last few months employed doctrines which are decidedly not spiritual in an attempt to solve our international problems in the Balkans. These doctrines speak to our limitations as a Nation, limitations which may burden us today, but limitations which we can jettison and which can fall away from our conscience, actions like the separation of a stage of a rocket falling back into the atmosphere as the capsule of destiny rockets higher and higher towards the stars.

But back on earth, we ought to inspect those doctrines which keep us earthbound which will make it impossible for us to have real peace. The doctrine of the end justifying the means. NATO has bombed civilians. NATO has bombed a civilian structure. NATO has helped to destroy a civil society with its bombs. Now the ends which NATO has sought to achieve, the end of ethnic cleansing, the dislodging of a powerful dictator, we have to ask if the ends have justified the means.

As one Russian leader asked us when we were in Vienna, would in fact it be a proper pursuit of peace if their government had decided to drop a nuclear bomb on a U.S. city? So we need to inspect this doctrine of the end justifying the means.

We need also to inspect the doctrine of might makes right. Now, I happen to believe that in America the law is what makes right. Yet, in this conflict, we have seen the United Nations charter, which this Nation was proud to lead the world in organizing, violated by an organization which saw fit to take the law into their own hands because they did not want to go through the United Nations, a United Nations which we recognize at this moment had to have been instrumental in finally bringing about an agreement in the Balkans.

The United Nations charter states that its primary purpose was to save succeeding generations from the scourge of war. It States in its article IV that "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any manner inconsistent with the purposes of the United Nations."

If might makes right, the U.N. charter does not mean anything. If might make rights, the North Atlantic Treaty signed in 1949, article I, may mean nothing. Article I states, "The parties undertake, as set forth in the charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

□ 2310

So from the United Nations, that principle flowed into the North Atlantic Treaty. But if might makes right, the North Atlantic Treaty means nothing.

If might makes right, the Hague Conventions of 1907, which prohibit penalizing a population for someone's acts, means nothing.

If might makes right, the Geneva Convention of 1949, which prohibits attacks on objects indispensable for the survival of a civilian population, such as an electric system, water system, sewer system, if might makes right, the Geneva Convention means nothing.

If might makes right, the 1980 Vienna Convention, which bars coercion to make nations sign agreements, means nothing because the Federal Republic of Yugoslavia was told at Rambouillet that they would either sign that agreement or be bombed.

So we need to inspect this doctrine of might making right and we need to also, as we inspect it, determine whether the Constitution of the United States itself has the meaning which its founders imbued in it when it said in Article I, Section 8 that the Congress shall have the power to declare war.

And notwithstanding my affection for the person who holds that office right now, I have to ask whether or not the War Powers Act was violated and whether or not the Constitution of the United States itself was violated in this pursuit of an exercise of power. If might makes right, perhaps even the Constitution is without meaning.

We have to also, as we review this war, determine whether or not the doctrine of retributive justice, an eye for an eye, is to stand; that by killing people we teach people that it is wrong to kill people. When we advance such a doctrine, we end up in a moral cul-de-sac. We find ourselves chasing into a darkness and unable to extract ourselves from it.

The idea of vengeance is something that is a very old idea. In the literature of Beowulf from many, many years ago the concept of Wergild was that if you did something to somebody's relative that other family had the obligation to come back and kill one of yours. Yet we were told that in this wonderful book we know as the New Testament that there was a new law brought forward; that the law of an eye for an eye was no more. Vengeance is mine, said the Lord. I will repay. And if we have confidence in that doctrine, in the belief that there is a higher power who judges all and dispenses justice, then we have to ask about our feeble efforts to render justice through retribution and look at this doctrine of retributive justice.

In this war we get the opportunity to inspect the doctrine of collective guilt; that just because people happen to live in a country which is governed by a tyrant, which is governed by an individual who does not support basic human rights of an important minority group in his country; that because of that everyone in that country is guilty. We need to look at that doctrine. Because behind that doctrine is a sense of punishment which NATO apparently felt it had to mete out to the people of Serbia, taking over 2,000 lives of innocent civilians. We must look at that doctrine of collective guilt.

We must look at the doctrine of collateral damage. I have been in meetings in this Congress where the idea of collateral damage was brought forth, and if one did not listen carefully enough, one would not be aware that it meant killing innocent civilians. That phrase means the death of innocent civilians. And so in this war we have developed an acceptance of the idea of collateral damage.

But these are people. These are innocent civilians who were killed; people going to visit their relatives while riding on a passenger train; people riding a bus to work or to go to the market; refugees in a convoy trying to get out of a war-torn country; people sitting in their homes eating dinner; people in factories just trying to do their work; people like us who were just trying to live. And yet they become collateral damage. They do not even have names. They do not even have descriptions. They are deprived of their humanity. And when they are deprived of their humanity, we deprive ourselves of our own humanity. So we need to look at this doctrine of collateral damage.

We need to look at the doctrine of accidental bombing. How many times could we hear over and over and over again it was an accident; that we blew up these innocent civilians? An accident. I mean if any one of us driving a car found ourselves over and over and over again getting into accidents, two things would happen. We would not be insured any more and a court would take our license away. And so should NATO's license to prosecute a war against a civilian population be taken away, because there are no accidents when the accidents keep repeating themselves.

The doctrine of necessary distortion of meaning. George Orwell knew well this conflict. The idea of peace bombs. A peace war. Bombing for peace does violence to cognition and does violence to the commitment that this Nation has, as a people, to speak plainly to those we represent, to tell them the truth of what is going on, to do it in language which is clear and sparkling so that no one can mistake what our intentions are and to not distort meaning.

Indeed, in listening to an earlier discussion about the culture of violence in our society, is it any wonder when we send out so many conflicting messages about the violence which is wreaked by international organizations that the children of any nation would be confused about violence being visited in their own midst?

And one other doctrine we need to inspect is the doctrine of creation of enemies. I remember years ago when I was a student at Saint Aloysius, an elementary school in the City of Cleveland, the United States was in a conflict with Russia. It was called the Cold War, and we used to do drills in school in the fifth grade. Some of my colleagues will remember those drills. They were called duck and cover. We were told that we should expect that at some time there was this possibility that a nuclear attack could be launched by Russia at the United States.

□ 2320

And we were told that if only we would put our arms around our head and protect it and tuck our head deep into our lap and closed our eyes and prayed, that when the flash came, we would not be blinded and perhaps we could go back home after school.

President Eisenhower himself knew in that era that such drills were folly because a nuclear strike would mean the annihilation of a major population. So those drills were merely to try to assuage the fears of the American people about the cataclysm of a nuclear war.

But we felt throughout that time in the Cold War that the possibility for destruction was there because enemies were being created and in that dialectic of conflict that went back and forth across the oceans, we found ourselves fearing each other, preparing to destroy each other.

And last month, in the middle of this Balkan conflict, the leader of the Yablako faction in Russia said that the effort to blockade the port in Montenegro was putting us on a direct path to nuclear escalation.

Last week, Premier Chernomyrdin of Russia, in an op-ed piece in the Washington Post, stated that the world was closer to a nuclear conflict than at any time in this decade because of the Balkan conflict. Russians were our enemies. They became our friends. And again we have tested that friendship and we began a repolarization, trying to exclude them right from the beginning from this process of peacemaking which could have been made possible through the U.N. Security Council so many months ago.

As we create enemies, we may fulfill the prophecy of destruction; and we will bring ourselves to a nuclear confrontation, we fear, if we stay on that path of the creation of enemies. We create enemies, and then we are ourselves our own enemies. "We have met the enemy," in the words of Pogo, "and he is us."

Mr. Speaker, because of this great concern which Members of Congress had, 11 of us went on a mission of peace to Vienna on April 30 to meet with leaders of the Russian Duma, including Vladimir Luhkin, a leader of the Yablako faction, who only weeks earlier had made this powerful statement about the nations being on a direct path to nuclear escalation.

And in Vienna, under the leadership of my good friend the gentleman from Pennsylvania (Mr. CURT WELDON) 11 of us sat down with leaders of the Russian Duma and began to work out a framework for peace, to reestablish this amity which we have worked so hard for, where only a year ago Russian and American astronauts could work together in the same space program, where a short few years ago Russian and American astronauts could fly around the world together in the same space capsule.

We went to Vienna at a time where some were challenging whether or not Russian leaders and U.S. leaders ought to be together in the same room. And yet we took that step forward to apparently and quietly over a period of 2 days put together not an agreement between nations, but a framework that could be used to take steps towards peace and unravel what looked like a concentration of war energy that was moving like a juggernaut across this world.

That was many, many, many weeks ago, Mr. Speaker. And in that time since then, many opportunities toward peace were lost and many lives were lost and much damage was done to property and to people's hopes and dreams.

There are times that people around the world depend on the United States as being a protector of human rights to rise and to defend the principles that are enshrined in our own statue of liberty in the harbor in New York City, that that lady who holds the lamp in the harbor, the encryption at the base, which reads, "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the tempests, to me. I lift my lamp beside the golden door."

So I speak of Bosnia. Now, I had the opportunity to witness firsthand, as a

Member of the United States congressional delegation, the effects in Bosnia of hatred and tolerance where Muslim people were driven from their homes, where there was an attempt to destroy people for what they believed in, an attempt to destroy the homeland of Muslim people.

I saw graves ringed with fresh marble. I saw homes that had been blown up everywhere and everything riddled with bullets. I met with people that had been driven from their villages by fear and terror. And I met people that wanted to go home because home called them, as home calls us all. But fear put up a roadblock and governments put up a roadblock.

I met with the Muslim women of Srebrenica who lost their husbands, who lost their fathers, who lost their brothers, who lost their children when 5,000 Muslims were lined up and murdered only because they were Muslims.

I met with Dr. Sarich in Sarajevo and learned of the difficulty placed in the path of Muslims who simply wanted to return home in keeping with the Dayton Agreement. I appealed to the State Department and the Justice Department for the women of Srebrenica.

I spoke on the floor of the Congress for an appeal to the Government of the United States to remember what happened in Srebrenica and to maintain their commitment to the people of Bosnia as they try to resettle and restore their country and to help bring those who are responsible for the atrocities in Bosnia to justice.

Indeed, Mr. Speaker, it could be said that the seeds of the current war in the Balkans could have been sown because the world community failed to bring to justice those who committed war crimes. Because until they are brought to justice, can there really be justice with respect to Bosnia and to help find the missing and to help heal the broken families and broken hearts and to work with the assembled nations to help protect the peace and to help rebuild the civil society? Can that really be done if those who were responsible for creating that moment are not brought to justice?

The Dayton Agreement was merely a promise. It is not a reality. We must continue to work to make it a reality. And it is the responsibility of the Government of the United States to show leadership in the world and to make sure the promise of Dayton becomes a reality.

I am not a stranger to the Balkans. I was in Sarajevo. I was in Brzko. I was in Tuzla. And I was also in Croatia last year to visit family, to hope to have a chance to see the place where my own grandfather was born, a little town in eastern Slovenia called Botnoga, where John Kucinich was born many, many years ago. And I so much wanted to see the place where he was born.

□ 2330

And when I went to Zagreb to visit with friends and relatives, I learned that in Botnoga, there was no "there" there. In fact, the town had been leveled in the previous war with Serbia. And yet when I learned in that moment the feelings that I had felt, strong feelings, it occurred to me again, do we move forward in this world, hoping for peace if we believe that there must be vengeance, if we believe in an eye for an eye, if we believe that every injustice which is done to us must be returned in full measure by us? And so in my own way I was confronted with those feelings.

I do not think that any of us could say that we have suffered the kind of tragedy which the Kosovar Albanians have suffered. And it is true that the world community has a responsibility to do everything it can to try to repair their shattered lives. We had a moral responsibility to take steps that stopped the destruction of Kosovo. We have a moral responsibility to bring about a peaceful resolution there. But I believe that right at the beginning, our responsibility rested on understanding the primacy of international law as expressed through the United Nations and through the U.N. Security Council and through the Geneva Convention, and through the Hague and through the United States Constitution, Article 1, section 8.

Now, ultimately military solutions are not adequate. Ultimately truly peaceful structures, we can call them democratic structures, must be in place. We had that opportunity more than a year ago. We remember when 100,000 people marched through the streets of Belgrade protesting the regime, asking for support, asking for an opportunity to uphold democratic values, asking for a chance to keep their media free, to keep their exercise of basic rights as part of their ongoing civic life. And yet that movement did not receive the support which the world community owed it. But peaceful structures must be put in place, notwithstanding the massive destruction, and the international community has agreed to participate in the rebuilding of the Federal Republic of Yugoslavia. But with that rebuilding must come democratic structures so people can live, people can worship, people can work, people can play and people can live out their lives. And so it is appropriate for the State Department, working with the United Nations, to begin to work to negotiate transitional government structures. To do less while simply giving lip service to humanitarian efforts is a cruel hoax. It has been said before and it should be said again, until the leadership in Belgrade is replaced through a democratic process, it will be very difficult to be able to have a lasting peace.

Now, the Bible says, "You shall know the truth, and the truth shall set you free." We have to be seekers of the truth about what happened in the Balkans, so we do not repeat the same mistakes. And so that we can create new possibilities for peace. Let our country be seekers of the truth in our own land and in our own foreign policy, so that we can all see the light, when the light of truth shines through the darkness and the darkness will not overcome truth. Such is always the promise of America when we live by the ideals upon which this country was founded, the ideals of truth, the ideals of justice, freedom of religion, freedom of speech.

As we strive to become one Nation with liberty for all, one Nation with justice for all, one Nation with freedom of speech for all, one Nation with freedom of religion for all, let us remember that unity is something that all of us seek after, a transcendent unity of higher purpose. So let us strive for a government which strives for peace. And let us have a government which protects the freedom of all to worship, let us have a government which practices toleration, let us have a government which stands against discrimination, let us have a government which makes us always proud of our Nation, let us have a government which fulfills the promise of one of America's greatest Presidents, Abraham Lincoln, who spoke of a government of the people, by the people and for the people.

In America, the beauty of this country is that we are always creating a new Nation. Years ago we spoke of creating a Nation conceived in liberty. Today we create a new Nation again. And in this new millennium, which we are advancing towards, we can create a new millennium where peace, not war, is the imperative, begun in unity, where those who seek truth, where those who know truth and have found truth unite their thoughts across religions and cultures, drawing from the universality of the human condition and the higher consciousness which is the impulse of a universe that calls us forward.

Now, there is real power in that kind of America, power that transcends a $270 billion military budget. There is real power in a kind of America where we live by our ideals, where we stand by the spiritual principles which our founders held dear. This recognition would lead us to create a harmony that would dissipate the inevitability of war and consecrate the inevitability of peace.

As we move towards a new millennium, we can summon a new creativity and thought, a new vibration and feeling, a new consciousness which will help us create new worlds. It is time for us to think in terms of studying peace as we would study war. We have a war college. There ought to be a college for peace. We ought to spend more time in this country studying conflict resolution and mediation, at local, State and at the Federal level, so we can teach people, even in the schools, how to deal with their feelings, teach people how to respect each other's rights, make ours a quest for something that we have not even been able to grasp, a new condition for peace.

Perhaps it is time for a Department of Peace, as we have a Department of Defense, where the impact of every government decision, particularly with respect to the work of the Department of Defense, is studied finely as to what its effect would be on peace. I mean, if 1 percent of the Federal budget would be used for such a department, 1 percent of the Federal budget used for the military, that is, 1 percent of $270 billion, we would have enough to make a major beginning in a new millennium towards promoting tolerance which comes from understanding. Because once people understand, there will be more tolerance. Once people understand, there will be more acceptance, because acceptance follows knowledge and leads to the brotherhood and sisterhood of all. We could move together to create peace, not the peace of the grave which we are all too familiar with in the tragedies we have witnessed, but the peace of a joyful life, not just peace which is a cessation of war but peace which is something more innate, peace which is inside each one of us, peace inside which no one can take away, an inner peace which we in turn give to the world.

□ 2340

Peace on earth truly begins within each of us, and that inner peace which makes each of us is a source of peace in the world which we extend to those who are persecuted, which we extend to those who hate us, which we extend to those who misunderstand us, which we extend to those, until their hearts open up and their eyes open up, my fellow Americans, our arms open up and we embrace each other as brothers and sisters, and we hold each other in a triumph of love, in a triumph of universal peace; Muslims, Christians, Jews, Buddhists, black, white, yellow, red, brown, brothers and sisters.

Mr. Speaker, peace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McHUGH (at the request of Mr. ARMEY) for today until 7 p.m., on account of attending a funeral in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Ms. NAPOLITANO, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, on June 10.

Mr. SHUSTER, for 5 minutes, today.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1379. To amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, June 10, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2546. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the cash seller of livestock until the cash seller receives payment in full for the livestock; to the Committee on Agriculture.

2547. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Agricultural Fair Practices Act to authorize administrative enforcement by the Secretary of Agriculture; to the Committee on Agriculture.

2548. A letter from the Architect of the Capitol, transmitting the report of all expenditures during the period April 1, 1998 through September 30, 1998, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

2549. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide authority for the Department to provide support to civil authorities for combating terrorism; to the Committee on Armed Services.

2550. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98–D306] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2551. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Savings Repricing Clause [DFARS Case 98–D019] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2552. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98–D306] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2553. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Savings Repricing Clause [DFARS Case 98–D019] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2554. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Electronic Funds Transfer [DFARS Case 98–D012] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2555. A letter from the Secretary of Health and Human Services, transmitting the 1996–1997 annual report on the National Health Service Corps (NHSC), the NHSC Scholarship Program (NHSCSP), and the NHSC Loan Repayment Program (NHSC/LRP), pursuant to 42 U.S.C. 254b(g); to the Committee on Commerce.

2556. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to establish a demonstration for testing and evaluating disease management approaches to the identification and treatment of asthma in children receiving medical assistance under title XIX or child health assistance under title XXI of the Social Security Act; to the Committee on Commerce.

2557. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to revise the overtime pay limitation for Federal employees; to the Committee on Government Reform.

2558. A letter from the Secretary of the Interior, transmitting a detailed boundary map for the 39-mile segment of the Missouri National Recreational River including two tributaries, 20 miles of the Niobrara River and 8 miles of Verdigre Creek, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

2559. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York; to the Committee on Resources.

2560. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary; to the Committee on Resources.

2561. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation; to the Committee on Resources.

2562. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1999 Management Measures [Docket No. 990430113–9113–01; I.D. 042799A] (RIN: 0648–AL64) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2563. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Exclusive Economic Zone Off Alaska; Hired Skipper Requirements for the Individual Fishing Quota Program [Docket No. 980923246–9106–02; I.D. 071598A] (RIN: 0648–AK20) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2564. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Report on the Administration of the Foreign Agents Registration Act for the 6 months ending June 30, 1998, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2565. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1998, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

2566. A letter from the Deputy Administrator, General Services Administration, transmitting a report of Building Project Survey for American Samoa, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

2567. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the programs of the Department of Commerce's Technology Administration, to amend the National Institute of Standards and Technology Act; to the Committee on Science.

2568. A letter from the Secretary of Energy, transmitting a report on the status and progress of the Department's hydrogen program and recommendations of the Hydrogen Technical Advisory Panel for any improvements in the program that are needed; to the Committee on Science.

2569. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a draft of proposed legislation to provide for the development, operation, and maintenance of the Nation's harbors; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2570. A letter from the Acting General Counsel, Department of the Defense, transmitting a draft of proposed legislation to address certain transportation matters that affect the Department's operations; jointly to the Committees on Transportation and Infrastructure and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 8, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 457. A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes (Rept. 106–174). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 9, 1999]

Mr. SHUSTER: Committee on Transportation and Infrastructure. Supplemental report on H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 106–167 Pt. 2).

Mr. HYDE: Committee on the Judiciary. H.R. 576. A bill to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed (Rept. 106–176). Referred to the Committee of the Whole House on the state of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1225. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes (Rept. 106–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLF: Committee on Appropriations. H.R. 2084. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–180). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 322. A bill for the relief of Suchada Kwong; with an amendment (Rept. 106–178). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 660. A bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity (Rept. 106–179). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEKAS:

H.R. 2083. A bill to provide for the appointment by the Attorney General of a special counsel when investigation or prosecution of a person by an office or official of the Department of Justice may result in a personal, financial, or political conflict of interest; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 2084. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

By Ms. HOOLEY of Oregon (for herself and Mr. Walden of Oregon):

H.R. 2085. A bill to amend the Internal Revenue Code of 1986 to end the marriage penalty, to provide estate tax relief for family-owned farms and other family-owned businesses, to provide a tax credit for longterm care needs, to expand the child and dependent care tax credit, to increase the deduction for health insurance costs for self-employed individuals, and to adjust for inflation the exemption amounts used to calculate the individual alternative minimum tax; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. Brown of California, Mr. Davis of Virginia, Mrs. Morella, Mr. Ewing, Mr. Cook, Mr. Brady of Texas, Mr. Ehlers, Mr. Etheridge, Mr. Weldon of Florida, Mr. Kuykendall, Ms. Stabenow, Mr. Lucas of Oklahoma, Mr. Smith of Michigan, Mr. Doyle, Mr. Rohrabacher, Ms. Eddie Bernice Johnson of Texas, Ms. Jackson-Lee of Texas, Mr. Capuano, Mr. Bartlett of Maryland, Mr. Udall of Colorado, Ms. Woolsey, Mr. Calvert, Mr. Gutknecht, Ms. Lofgren, and Mr. Gordon):

H.R. 2086. A bill to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes; to the Committee on Science, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Mr. McCrery, Mr. English, Mrs. Bono, and Mr. DeMint):

H.R. 2087. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. Armey, Mr. Ballenger, Mr. Barr of Georgia, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bateman, Mr. Bereuter, Mr. Bliley, Mr. Blunt, Mr. Bonilla, Mr. Brady of Texas, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Camp, Mr. Chabot, Mr. Chambliss, Mr. Coble, Mr. Coburn, Mr. Collins, Mr. Combest, Mr. Cook, Mrs. Cubin, Mr. Cunningham, Mr. Davis of Virginia, Mr. Deal of Georgia, Mr. DeLay, Mr. DeMint, Mr. Dickey, Mr. Doolittle, Mr. Duncan, Ms. Dunn, Mr. Ehrlich, Mr. Everett, Mrs. Fowler, Mr. Frelinghuysen, Mr. Goss, Mr. Graham, Ms. Granger, Mr. Hastings of Washington, Mr. Hayes, Mr. Hefley, Mr. Herger, Mr. Hill of Montana, Mr. Hilleary, Mr. Hoekstra, Mr. Hunter, Mr. Hutchinson, Mr. Istook, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Kasich, Mr. Knollenberg, Mr. Kolbe, Mr. Largent, Mr. Latham, Mr. Lewis of Kentucky, Mr. Mica, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. GARY MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. PITTS, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROGAN, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SALMON, Mr. SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SKEEN, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TANCREDO, Mr. TERRY, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. BACHUS, and Mr. GOODE):

H.R. 2088. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 2089. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new procedures and access to review for grievances arising under group health plans; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. SAXTON, Mr. FARR of California, Mr. GILCHREST, Mr. ROMERO-BARCELO, Mr. SENSENBRENNER, Mr. UNDERWOOD, Mrs. MORELLA, Mrs. CAPPS, Mr. CALVERT, Mr. ENGLISH, Mr. BLUMENAUER, Mr. FOLEY, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. BILBRAY, and Mr. GUTIERREZ):

H.R. 2090. A bill to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program; to the Committee on Resources.

By Mrs. BIGGERT (for herself, Mr. ENGEL, Mrs. KELLY, Mrs. WILSON, Mr. MANZULLO, Mr. LIPINSKI, Mr. CROWLEY, and Ms. SCHAKOWSKY):

H.R. 2091. A bill to designate the Republic of Montenegro, the Former Yugoslav Republic of Macedonia, and the Republic of Albania under section 244 of the Immigration and Nationality Act in order to render nationals of these foreign states eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 2092. A bill to require that the membership of advisory bodies serving the National Cancer Institute include individuals who are knowledgeable in complementary and alternative medicine; to the Committee on Commerce.

By Mr. BURTON of Indiana (for himself, Mr. MARKEY, and Mr. TIERNEY):

H.R. 2093. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH:

H.R. 2094. A bill to amend the Webb-Kenyon Act to allow any State, territory, or possession of the United States to bring an action in Federal court to enjoin violations of that Act or to enforce the laws of such State, territory, or possesion with respect to such violations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 2095. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to make needed reforms relating to group health plans; to the Committee on Education and the Workforce.

By Mr. ENGEL:

H.R. 2096. A bill to amend chapter 89 or title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. FRELINGHUYSEN (for himself, Mr. FRANKS of New Jersey, Mr. MENENDEZ, Mr. PASCRELL, Mrs. ROUKEMA, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, and Mr. SMITH of New Jersey):

H.R. 2097. A bill to require the Secretary of the Treasury to mint coins in commemoration of the U.S.S. *New Jersey*, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FRELINGHUYSEN:

H.R. 2098. A bill to suspend temporarily the duty on dark couverture chocolate; to the Committee on Ways and Means.

H.R. 2099. A bill to suspend temporarily the duty on mixtures of sennosides; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself and Ms. LOFGREN):

H.R. 2100. A bill to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes, and for other purposes; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. WELLER, Mr. LEWIS of Georgia, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. RAMSTAD, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WATKINS, Mr. LEVIN, Mr. MCNULTY, Mr. CARDIN, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. SWEENEY, Mr. ENGLISH, Mr. FOLEY, Mr. MCINNIS, Mrs. THURMAN, Mr. JEFFERSON, Mr. COYNE, Mr. BECERRA, Mr. STARK, Mr. NUSSLE, and Mrs. LOWEY):

H.R. 2101. A bill to amend the Internal Revenue Code of 1986 to modify and permanently extend the work opportunity tax credit and to allow certain tax-exempt organizations a credit against employment taxes in an amount equivalent to the work opportunity tax credit allowable to taxable employers; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. THURMAN, Mrs. KELLY, Mrs. MORELLA, and Mr. BAKER):

H.R. 2102. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums and a credit for individuals with long-term care needs, to provide for an individual and employer educational campaign concerning long-term care insurance, and to amend title XIX of the Social Security Act to expand State long-term care partnerships by exempting 75 percent of partnership assets from Medicaid estate recovery; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 2103. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's educational and extracurricular activities and to clarify that leave may be taken for routine medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2104. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOLLUM (for himself, Mr. RANGEL, Mr. GOSS, Mr. GILMAN, and Mr. MICA):

H.R. 2105. A bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. ANDREWS, Mrs. MORELLA, Mr. FROST, Mr. EVANS, and Mr. ALLEN):

H.R. 2106. A bill to exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2107. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of certain works of artistic property created by the decedent; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. FRANKS of New Jersey, Mr. MARKEY, Mrs. CAPPS, Mr. ANDREWS, Mr. BONIOR, Mr. HINCHEY, and Mr. LEWIS of Georgia):

H.R. 2108. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Commerce.

By Mr. PAYNE (for himself and Mrs. MALONEY of New York):

H.R. 2109. A bill to limit the sale or export of plastic bullets to the United Kingdom; to the Committee on International Relations.

By Mr. PAYNE:

H.R. 2110. A bill to provide for the waiver of certain grounds of inadmissibility related to political activity in Northern Ireland or the Republic of Ireland for aliens married to United States citizens; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 2111. A bill to amend the Internal Revenue Code of 1986 to repeal the personal holding company tax; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. Hyde, and Mr. Coble):

H.R. 2112. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trail, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. Green of Texas, Mr. Frost, Mr. Olver, and Mr. Hinchey):

H.R. 2113. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure proper disclosure to participants and beneficiaries under group health plans covered under such title of limitations placed by such title on certain protections that would otherwise apply under State law; to the Committee on Education and the Workforce.

By Mr. STARK:

H.R. 2114. A bill to establish a Medicare administrative fee for submission of paper claims; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2115. A bill to establish a demonstration project to authorize the Secretary of Health and Human Services to selectively contract for the provision of medical care to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Gutierrez, Mr. Stump, and Mr. Evans):

H.R. 2116. A bill to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 2117. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a session of Congress that remain after all payments are made from such Allowances for the session to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself and Mr. Davis of Virginia):

H.R. 2118. A bill to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide for continued engineering, design, right-of-way acquisition, and construction related to the project to upgrade the Woodrow Wilson Memorial Bridge; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.J. Res. 58. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. Dan Miller of Florida, Mr. Sununu, Mr. Hinchey, and Mr. LaHood):

H. Con. Res. 129. Concurrent resolution expressing the sense of Congress that the Bureau of the Census should include in the 2000 decennial census all citizens of the United States residing abroad; to the Committee on Government Reform.

By Mr. FROST:

H. Res. 204. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

91. The SPEAKER presented a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial 46 memorializing the United States Congress to enact Legislation amending the Social Security Act to prohibit Recoupment by the Federal Government of State Tobacco Settlement Funds; to the Committee on Commerce.

92. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 22 memorializing the Congress of the United States to enact legislation amending the Social Security Act so that funds due the states as a result of the Master Settlement Agreement reached with the tobacco industry are exempted from recoupment by the Health Care Financing Administration and prohibiting federal interference with the states in deciding how to best utilize those settlement funds; to the Committee on Commerce.

93. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 2 memorializing the Congress and the Administration to support legislation that would explicitly prohibit the federal government from claiming or recouping any state tobacco settlement recoveries; to the Committee on Commerce.

94. Also, a memorial of the General Assembly of the State of Utah, relative to House Concurrent Resolution No. 3 memorializing the EPA to refrain from overfiling or threatening to overfile on state-negotiated compliance actions if the actions achieve compliance with applicable state and federal law and are protective of health and the environment; to the Committee on Commerce.

95. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 490 memorializing the Congress of the United States to establish a limited pilot program which exempts the Commonwealth of Virginia from the provisions of Sec. 13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993 requiring states to make recovery from the estates of persons who had enjoyed enhanced Medicaid asset protection; to the Committee on Commerce.

96. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Senate Resolution No. 99–S 0849 memorializing the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; to the Committee on Commerce.

97. Also, a memorial of the Senate of the State of New Hampshire, relative to Senate Resolution No. 5 memorializing Congress to authorize construction of the World War II Memorial in Washington, D.C. to begin immediately; to the Committee on Resources.

98. Also, a memorial of the House of Representatives of the State of Montana, relative to House Joint Resolution No. 4 memorializing Congress to have the management of grizzly bears returned to the fish and wildlife agencies of the states of Montana and Idaho; to the Committee on Resources.

99. Also, a memorial of the Senate of the State of Montana, relative to Senate Joint Resolution No. 5 memorializing the United States Congress and the Executive Branch of the United States Government to take action to require coverage of the cost of long-term care and prescription drugs by the Federal Medicare Program; jointly to the Committees on Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Maloney of Connecticut.

H.R. 17: Mr. Brady of Texas.

H.R. 88: Mr. Hinchey, Mr. Bentsen, Mr. Capuano, Mr. McGovern, Mr. Frank of Massachusetts, Mr. Sabo, Mrs. Morella, Mr. Udall of Colorado, Ms. Kilpatrick, Mr. Tierney, Mr. Barton of Texas, Mr. Leach, Ms. Hooley of Oregon, Ms. Stabenow, Ms. Slaughter, and Mr. Lewis of Georgia.

H.R. 111: Mr. Brady of Texas, Mr. Jefferson, Mr. Kleczka, and Mr. Goodlatte.

H.R. 116: Mr. Abercrombie and Mr. Smith of Washington.

H.R. 125: Ms. Kilpatrick and Mr. Reyes.

H.R. 165: Ms. Carson, Mr. Capuano, and Ms. Eddie Bernice Johnson of Texas.

H.R. 274: Mr. Lantos, Mr. Doolittle, and Mr. Ewing.

H.R. 306: Mr. Allen, Mr. Baker, and Mr. Porter.

H.R. 352: Mr. Stenholm and Ms. Berkley.

H.R. 358: Mr. Forbes.

H.R. 371: Mr. Lipinski.

H.R. 383: Mr. Gutierrez.

H.R. 415: Mr. Cummings.

H.R. 417: Mr. LaFalce.

H.R. 444: Mr. Sanders.

H.R. 489: Ms. Eddie Bernice Johnson of Texas.

H.R. 561: Mr. Pascrell.

H.R. 566: Mr. Quinn and Mr. Barrett of Wisconsin.

H.R. 570: Mr. Boucher.

H.R. 583: Mr. Hinojosa.

H.R. 599: Mr. Evans and Mr. Frank of Massachusetts.

H.R. 648: Mr. Traficant, Mr. Delahunt, and Mr. Engel.

H.R. 664: Mr. Lantos.

H.R. 690: Mr. Reyes.

H.R. 691: Mr. Pickering and Mr. Smith of Washington.

H.R. 700: Mr. Rothman.

H.R. 708: Mr. Reyes and Mr. Smith of New Jersey.

H.R. 728: Mr. McCrery, Mr. Doolittle, Mr. Chambliss, Mr. Thornberry, Mr. Thune, Mr. Gibbons, Mr. Gilchrest, Mr. Istook, Mr. Lewis of Kentucky, Mr. Hilliard, Mr. Burr of North Carolina, Mr. Lucas of Kentucky, Mr. Bryant, Mr. Hinojosa, and Mr. Hall of Texas.

H.R. 772: Mr. Lantos.

H.R. 782: Mr. Terry and Mr. Gilchrest.

H.R. 784: Mr. McCrery, Mr. Engel, and Mr. Taylor of North Carolina.

H.R. 789: Mr. INSLEE and Mr. BARCIA.

H.R. 791: Mrs. MORELLA.

H.R. 815: Mr. CUMMINGS and Mr. GRAHAM.

H.R. 827: Mr. UDALL of Colorado, Mr. GOODLING, and Mrs. MALONEY of New York.

H.R. 832: Mr. SMITH of Washington.

H.R. 837: Mr. MCDERMOTT.

H.R. 852: Mr. ROEMER, Mr. GANSKE, and Mr. GARY MILLER of California.

H.R. 860: Mr. TIERNEY.

H.R. 872: Mr. BONIOR.

H.R. 878: Mr. COBLE.

H.R. 896: Mr. GOODLATTE.

H.R. 902: Mr. HORN, Mr. HOLT, Ms. LOFGREN, Mr. MENENDEZ, and Mr. HASTINGS of Florida.

H.R. 904: Mr. MALONEY of Connecticut and Mrs. MORELLA.

H.R. 932: Mrs. THURMAN.

H.R. 942: Mr. TURNER.

H.R. 976: Ms. VELÁZQUEZ, Mr. NEAL of Massachusetts, and Mr. LANTOS.

H.R. 984: Ms. JACKSON-LEE of Texas.

H.R. 987: Mr. WHITFIELD, Mr. CALVERT, Mr. LATHAM, and Mr. KASICH.

H.R. 1004: Mr. STUMP, Mr. CAMPBELL, and Mr. BAKER.

H.R. 1029: Mr. PASTOR, Ms. KILPATRICK, and Mr. CUMMINGS.

H.R. 1054: Mrs. CUBIN.

H.R. 1060: Mr. KUCINICH.

H.R. 1071: Mr. SMITH of Washington and Mrs. JONES of Ohio.

H.R. 1083: Mr. LEWIS of Kentucky.

H.R. 1085: Mrs. CHRISTENSEN and Mr. HINCHEY.

H.R. 1093: Mr. FLETCHER, Mr. FRANK of Massachusetts, and Mr. THOMPSON of California.

H.R. 1102: Mr. EVANS, Mr. HULSHOF, Mr. LARGENT, Mr. BARCIA, Mr. BRADY of Pennsylvania, and Mr. WAMP.

H.R. 1109: Ms. VELÁZQUEZ and Mr. GUTIERREZ.

H.R. 1118: Ms. LOFGREN, Ms. BERKLEY, and Mr. BILBRAY.

H.R. 1123: Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. PAYNE, and Mr. BLAGOJEVICH.

H.R. 1129: Mr. UNDERWOOD, Mr. MENENDEZ, and Mr. CAPUANO.

H.R. 1167: Mrs. CHRISTENSEN.

H.R. 1178: Mr. GOODLING, Mr. STUPAK, Mr. PETERSON of Pennsylvania, Mr. RYUN of Kansas, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. SHUSTER, Mr. GORDON, Mr. TAYLOR of Mississippi, Mrs. CUBIN, Mr. MCINTOSH, and Mr. DICKEY.

H.R. 1196: Mr. KUCINICH, Mr. COOK, Mr. FILNER, and Ms. SANCHEZ.

H.R. 1218: Mr. SHERWOOD.

H.R. 1245: Mrs. MORELLA, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, and Mr. WYNN.

H.R. 1248: Mr. FRANKS of New Jersey and Mr. MARTINEZ.

H.R. 1256: Mr. PALLONE.

H.R. 1261: Mr. LAFALCE.

H.R. 1272: Mr. BURTON of Indiana.

H.R. 1293: Mr. DEFAZIO.

H.R. 1300: Mr. WEINER, Mr. HILLIARD, Mr. PETRI, and Mr. NEY.

H.R. 1301: Mr. ROGERS, Mr. ETHERIDGE, Mr. REGULA, Mr. BATEMAN, Mr. BURTON of Indiana, Mr. BRYANT, Mrs. BONO, Mr. CALVERT, Mr. WELDON of Pennsylvania, Mr. STEARNS, Mr. WATTS of Oklahoma, and Mr. LAHOOD.

H.R. 1315: Mr. GARY MILLER of California.

H.R. 1326: Mr. CHAMBLISS.

H.R. 1329: Mr. PAUL and Mr. DIAZ-BALART.

H.R. 1342: Mr. KLECZKA, Mr. COYNE, and Mr. ROTHMAN.

H.R. 1349: Mr. GRAHAM, Mr. DEMINT, and Mr. GOODLATTE.

H.R. 1350: Mrs. NAPOLITANO, Mr. WU, Mr. GONZALEZ, Ms. VELÁZQUEZ, Mr. DELAHUNT, and Mr. MORAN of Virginia.

H.R. 1354: Mr. ADERHOLT, Mr. ENGLISH, and Mr. MINGE.

H.R. 1355: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1358: Mr. MINGE, Mr. WELLER, and Mr. KUCINICH.

H.R. 1366: Mr. BARTLETT of Maryland, Mr. JEFFERSON, Mr. MENENDEZ, and Mr. JOHN.

H.R. 1385: Mr. PETERSON of Pennsylvania, Mr. GIBBONS, Mr. GORDON, and Mr. ROTHMAN.

H.R. 1389: Mr. LUTHER, Mr. PASTOR, Mrs. MORELLA, Mr. EVANS, Mr. LAHOOD, Ms. RIVERS, and Mr. ETHERIDGE.

H.R. 1402: Mr. HASTINGS of Washington, Mr. RADANOVICH, Ms. WOOLSEY, Mr. DELAY, Mr. RYUN of Kansas, Mr. PHELPS, Mr. REYES, Mr. HINOJOSA, Mr. LEVIN, Mr. BROWN of California, Mr. ROGERS, Ms. JACKSON-LEE of Texas, Mr. REGULA, Mr. MCKEON, Mr. UDALL of Colorado, and Mr. GOODLING.

H.R. 1412: Mr. BONIOR and Mr. DELAHUNT.

H.R. 1433: Mr. FROST, Mr. MCDERMOTT, and Mr. CLEMENT.

H.R. 1441: Mr. BONILLA, Mr. BEREUTER, and Mr. COLLINS.

H.R. 1442: Mr. SENSENBRENNER, Mr. CRAMER, Mr. HOBSON, Mr. ANDREWS, Mr. MASCARA, Mr. GREEN of Texas, Mr. WELDON of Pennsylvania, and Mr. BERMAN.

H.R. 1443: Mrs. MEEK of Florida and Mr. GUTIERREZ.

H.R. 1456: Mr. LAMPSON, Mr. PICKERING, Mr. SAWYER, Mr. LANTOS, Mrs. CLAYTON, Mr. CLYBURN, Mrs. CAPPS, Mr. MARTINEZ, and Mr. WU.

H.R. 1477: Mr. UNDERWOOD, Mr. DIAZ-BALART, and Mr. FALEOMAVAEGA.

H.R. 1485: Mr. KING.

H.R. 1497: Mrs. JOHNSON of Connecticut.

H.R. 1503: Mr. SHOWS, Mr. FROST, Mr. SUNUNU, Mrs. THURMAN, Mr. GOODE, Mr. GEKAS, Mr. HOSTETTLER, and Mr. SKELTON.

H.R. 1511: Mr. LARGENT, Mr. SHAW, and Mr. DEMINT.

H.R. 1525: Mr. CLAY and Mr. ENGEL.

H.R. 1546: Mr. DEMINT.

H.R. 1568: Ms. BROWN of Florida, Mr. ROMERO-BARCELO, Mrs. CHRISTENSEN, Mr. LEACH, Mr. SHOWS, Ms. MILLENDER-MCDONALD, Mr. SPENCE, Ms. WOOLSEY, Mr. EWING, Mrs. THURMAN, Mrs. EMERSON, Ms. CARSON, Mr. FROST, Ms. DANNER, Mr. ENGLISH, Mr. RAHALL, Mr. GUTIERREZ, Mr. STUPAK, Mr. LIPINSKI, Ms. BERKELY, Mr. COOK, Mrs. BONO, Mr. SWEENEY, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. ENGEL, and Mr. COOKSEY.

H.R. 1584; Mrs. KELLY and Mr. BARRETT of Nebraska.

H.R. 1598: Mr. DAVIS of Virginia and Mr. FROST.

H.R. 1600: Mr. BARRETT of Wisconsin.

H.R. 1622: Mr. TIERNEY, Mr. EVANS, and Mr. SANDERS.

H.R. 1629: Mr. WATT of North Carolina, Mr. BURR of North Carolina, Mr. THOMPSON, of Mississippi, Mr. NEY, Mr. OBERSTAR, Mrs. CAPPS, and Mr. STEARNS.

H.R. 1631: Ms. ROS-LEHTINEN.

H.R. 1649: Mr. METCALF.

H.R. 1658: Mr. DEFAZIO, Ms. KILPATRICK, Mr. METCALF, Mr. MURTHA, Mr. NADLER, Mr. NETHERCUTT, and Mr. STUMP.

H.R. 1663: Mr. FROST, Mr. ENGLISH, Mr. PITTS, Ms. BERKLEY, and Mr. LAHOOD.

H.R. 1675: Mr. ROMERO-BARCELO, Mr. BONIOR, Mr. FILNER, and Ms. NORTON.

H.R. 1687: Mr. SCHAFFER and Mr. STUMP.

H.R. 1693: Ms. SCHAKOWSKY, Mr. WU, Mr. CAMPBELL, and Mr. PAUL.

H.R. 1706: Mr. DEMINT.

H.R. 1710: Mr. DEMINT, Mr. GALLEGLY, and Mr. COBURN.

H.R. 1771: Mr. PETERSON of Minnesota, Mr. NEY, Mrs. WILSON, Mr. BACHUS, MR. KANJORSKI, Mr. LANTOS, and Mrs. MYRICK.

H.R. 1772: Mr. LATOURETTE and Mr. LANTOS.

H.R. 1775: Mr. COOK, Mr. JOHN, Mr. ACKERMAN, and Mr. JONES of North Carolina.

H.R. 1777: Mr. GARY MILLER of California and Mr. FILNER.

H.R. 1786: Mr. HINCHEY, Mr. SAWYER, and Mr. WEYGAND.

H.R. 1791: Mr. TIERNEY.

H.R. 1796: Mr. BOUCHER, Mr. FROST, and Mr. LAFALCE.

H.R. 1839: Mr. MCGOVERN.

H.R. 1840: Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. BLUNT, Mr. CHAMBLISS, and Mr. SALMON.

H.R. 1862: Mr. FROST, Mr. WEINER, Mr. COSTELLO, Mr. LANTOS, Mr. WYNN, Mr. MCGOVERN, Mr. CUMMINGS, Mr. WEYGAND, and Mr. LAFALCE.

H.R. 1880: Mr. GALLEGLY.

H.R. 1887: Mr. TOWNS and Mr. TIERNEY.

H.R. 1899: Mrs. JOHNSON of Connecticut, Mr. LANTOS, and Mrs. MCCARTHY of New York.

H.R. 1932: Mr. COYNE, Mr. HINCHEY, Mr. CROWLEY, Ms. STABENOW, Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. DINGELL, Mr. WEXLER, Mr. DEUTSCH, Mr. BLUMENAUER, Mr. WEYGAND, Mr. KILDEE, Mr. MATSUI, Mr. LEVIN, Mr. EHLERS, Mr. TIAHRT, Mr. DICKEY, Mr. TAYLOR of North Carolina, Mr. BARCIA, Mr. ANDREWS, Mr. WEINER, Mr. UDALL of New Mexico, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. HOUGHTON, Mr. ENGLISH, Ms. SCHAKOWSKY, Mr. SAWYER, Mr. PHELPS, Mr. RAMSTAD, Mr. LEACH, Mrs. MALONEY of New York, Mr. BAIRD, Mr. LUTHER, Mr. DIAZ-BALART, Mr. ACKERMAN, Mr. JONES of North Carolina, Mrs. KELLY, Mrs. MYRICK, Mr. NEY, and Mr. FORD.

H.R. 1960: Ms. KILPATRICK, Mr. RAHALL, Mr. WAXMAN, Mr. MENENDEZ, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. BORSKI, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAWYER, Mr. LANTOS, Ms. LOFGREN, Mr. VENTO, and Mr. CUMMINGS.

H.R. 1973: Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. SHUSTER, and Mr. GREENWOOD.

H.R. 1977: Ms. PELOSI, Mr. LANTOS, Mr. SHAYS, Ms. LOFGREN, Mr. MINGE, Mr. HALL of Ohio, and Mr. BERMAN.

H.R. 1998: Mr. MOAKLEY.

H.R. 1999: Mr. MINGE.

H.R. 2002: Mr. DINGELL.

H.R. 2030: Mr. MCINTOSH.

H.R. 2031: Mr. BARR of Georgia and Mr. GILMAN.

H.R. 2038: Mr. EWING.

H.J. Res. 48: Mr. KUCINICH, Mr. MARTINEZ, Mrs. MORELLA, Mr. LAMPSON, Mr. PORTER, Mr. BATEMAN, Mrs. NORTHUP, Mr. COBURN, Mr. HOLDEN, Mr. LAHOOD, and Mr. DEMINT.

H.J. Res. 55: Mrs. MYRICK.

H. Con. Res. 38: Mr. LAMPSON, Mr. FROST, Mr. HILLIARD, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con Res. 46: Mr. FARR of California.

H. Con Res. 60: Mr. LANTOS, Mr. SMITH of Washington, and Mr. LATHAM.

H. Con Res. 77: Mr. MCNULTY and Mr. STUMP.

H. Con Res. 107: Mr. FLETCHER and Mr. COMBEST.

H. Con Res. 113: Mr. FROST.

H. Con Res. 121: Mr. PORTER.

EXTENSIONS OF REMARKS

IN MEMORY OF FIREFIGHTER LOUIS MATTHEWS, ENGINE COMPANY NO. 26, NATION'S CAPITAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. NORTON. Mr. Speaker, the brief and fruitful life of Louis Matthews surely gives us an appreciation for what firefighters face and what we have lost. Seven years in the Department, only 29 years old, Firefighter Matthews spent his entire short but productive, adult life serving the people of the nation's capital, and finally gave his life for them.

Firefighters are known to be a breed apart and to have their own culture. That culture has developed from the fact that they are like no other civil servants. Not only do firefighters work together, they live together, and they await the possibility of injury or death together.

Two died in this fire, and two were seriously injured. One of the injured, Charles Redding, lived to attend both funerals. Joseph Morgan is very seriously injured and still in the hospital. Anthony Phillips was killed in the fire. Yes, they live and die together. Firefighters are very much like soldiers in a battalion ready and waiting for the next battle.

I know something of their culture. I am a proud member of a firefighter family. My grandfather, Lt. Richard Holmes, became a District of Columbia firefighter in 1902. I am still approached in the streets by people who remember him—he lived to be 96. I give some credit to the Fire Department for his physical and mental fitness and for the fact that he played a cutting game of badminton with his grandchildren in his 80's and 90's. And, I am grateful to the Department for giving me a picture of my grandfather standing in uniform as a part of Engine Company No. 4. As I have my memories of my grandfather, Firefighter Matthews family will cherish theirs.

IN SPECIAL RECOGNITION OF MATTHEW T. RUSSELL ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Matthew T. Russell, of Napoleon, Ohio, has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Mr. Speaker, Matthew has accepted his offer of appointment and will be attending the Naval Academy this fall with the incoming cadet class of 2003. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

During his time at Napoleon High School, Matthew has attained a perfect 4.0 grade point average, which ranks him first in his class of one-hundred ninety-seven students. Matthew is a member of the National Honor Society and was selected for the Who's Who Among American High School Students and an All-American Scholar by the U.S. Achievement Academy.

Outside the classroom, Matthew has distinguished himself as an outstanding student-athlete. On the fields of competition, he is a varsity letter winner in soccer and football. During his junior season of football, Matthew was selected as a First Team All-District and Honorable Mention All-State place kicker. Among his other activities, Matthew is an active member in the St. Paul Lutheran Church, was a delegate to Buckeye Boys State, and, in February 1998, attained the rank of Eagle Scout.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Matthew T. Russell. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Matthew will do very well during his career at the Naval Academy, and I wish him the very best in all of his future endeavors.

THE TWIN DANGERS OF INDIFFERENCE AND PARALYSIS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. OWENS. Mr. Speaker, we hope and pray that the war in Kosovo will end within a few days, sooner rather than later. Slobodan Milosevic has been indicted as a war criminal and we look forward to a trial someday that will send a clear message to other similar sovereign predators throughout the world that genocide under any name will no longer be tolerated by the civilized world. Unfortunately there are many honorable Americans who do not see the actions of the Yugoslav regime as genocidal. They quibble about the numbers and imply that there are not enough victims. Certainly "ethnic cleansing" is not the same as Hitler's massive marches of victims into the gas chambers and the ovens. However, it is clear that only the intervention of the international community has saved thousands of humans driven from their homes from starvation and death by fatigue and cold. What if the refugees had all been left to survive on their own? What then would be the death count? In this year 1999 we have been presented with a clear challenge. Instead of waiting to mourn for the corpses, we have fought the savage oppressors. Many mistakes have been made and we have demanded a more flexible and inclusive approach to leadership in this crisis. Minimizing "collateral damage" in this crusade against genocide is as important an objective as any other. But no concerns should fester into paralysis. Indifference is the greatest crime we might commit. Fear of taking risks could lead to a situation where we "just let the refugees naturally die."

LET THE REFUGEES DIE

Just let the refugees die
Don't hear their hungry children cry
Masked men treat families real mean
But no gas chambers on the scene
Bayonets pierce a few unruly eyes
But only NATO bombs
Force humans to flee like flies
Just let the refugees naturally die
High honors confer on them
Collect millions for a giant museum
Great poet muses will be fed
By memories of these pitiful dead
Editorials express awesome regret
We pledge never ever to forget
Just let the refugees naturally die
Their camps are not outrageously sad
Surplus U.S. food tastes not too bad
War crime standards must be high
Why make an international nuisance
Until millions undeservedly die
Tall tales insist Hitler has returned
But piles of bodies have not yet burned
Torched villages are carefully planned
But Auschwitz ovens are loudly banned
Sacred sovereignty you can not deny
Genocide is a bloody NATO lie
Homeless helpless savage rebels
Don't hear their hungry children cry
Just let the refugees naturally die.

HOPE FOR NIGERIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BURTON of Indiana. Mr. Speaker, for many years Nigeria has been a symbol in international circles of mismanagement, corruption, drug trafficking, and dictatorship. It stood as one of the world's pariah nations. Nigeria is a country of more than 100 million people and abundant natural resources, which should make it leader on the African continent and the world stage. It has been prevented from taking its rightful role because of poor political leadership. In 1993, a democratic election was annulled and once again military dictatorship prevailed.

Now, however, it appears the tide may have turned. On May 29th of this year, President

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Olusegun Obasanjo was inaugurated after his victory in democratically-held national elections. This is a moment of truth for Nigeria. Obasanjo faces several tremendous challenges. He must build up democratic institutions in a country that has had precious little experience with them. He must overcome serious economic problems. And, he must repair Nigeria's negative international image. Nigeria may finally be on the path to prosperity and democracy, and the entire African continent could reap the benefits.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. ANDREWS. Mr. Speaker, on rollcall No.'s 167, 168, and 169, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted "aye" on all three of these votes.

A SALUTE TO OWEN MARRON, CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY'S UNIONIST OF THE YEAR, 1999

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. LEE. Mr. Speaker, I rise in honor today to salute Owen A. Marron on his achievement of being named the Unionist of the Year, 1999, by the Central Labor Council of Alameda County and acknowledge his accomplishments as he completes his career as the Central Labor Council's Executive Secretary-Treasurer. Mr. Marron has been a longtime leader in the U.S. labor movement, particularly in California.

Mr. Marron was born in Buffalo, New York and grew up in Southern California. Upon completion of high school, he worked in the Kaiser steel mills in Fontana, California. When he joined the United Steel Workers Union, he became the fourth generation in his family to join.

Following his discharge from the U.S. Army in Korea, Mr. Marron returned to the steel plant, soon becoming a grievance committeeman for his local. He later served his local as the recording secretary and Chairman of the Incentive Committee.

In 1964, Marron left the steel mills to pursue a career in the labor movement in California by working as a representative for SEIU Locals 660, 616, and 700.

In 1976, Marron became a delegate to the Central Labor Council of Alameda County and a labor representative of the State Council on Developmental Disabilities.

In 1982, Marron was appointed to the Alameda County Central Labor Council's staff. During his career with the Labor Council, he served as Assistant to the Secretary and Executive Secretary-Treasurer. In addition, he was elected as Vice President of the California Labor Federation.

Throughout his more than forty-year career in the labor movement, Marron has displayed strong and passionate leadership. His highlights include organizing over 150,000 trade unionists and their families in labor marches in 1982 and 1984; leading the historic Alameda County employees strike of 1976; mobilizing the entire Alameda County labor movement in a strike against Summit Hospital in 1992; and playing a pivotal role in bringing President Bill Clinton to the Alameda County Labor Day Picnic and South African President Nelson Mandela to visit Oakland.

He has made a positive and profound impact on the lives of many individuals and organizations. His leadership skills and dedication will be sorely missed. I proudly join his many friends and colleagues in thanking and saluting him on receiving this prestigious award and extending my best wishes on his upcoming retirement.

Marron will be honored as the Unionist of the Year in Oakland, California, on June 17, 1999.

WETLANDS RESERVE PROGRAM ENHANCEMENT ACT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. PICKERING. Mr. Speaker, today I am proud to introduce alongside my colleagues, Mr. THOMPSON of California and Mr. CHAMBLISS of Georgia, the Wetlands Reserve Program Enhancement Act to extend authority for the Wetlands Reserve Program (WRP) to help family farmers stay on their land, and to benefit waterfowl and sportsmen at the same time.

Across the country, thousands of private landowners have discovered the WRP is an attractive alternative to farming high-risk and high-cost cropland that is frequently flooded. WRP provides these landowners with a voluntary, financial incentive to restore such areas to wetlands. The landowner in turn is free to use his or her WRP incentive payment to refinance debt, upgrade machinery or to buy additional land to make their farming operation more profitable.

In my hope state of Mississippi, WRP has been a very popular program with private landowners, and for good reason. With today's farm crisis, WRP is helping Mississippi farmers who could not otherwise afford to stay on their land or to pass it on to future generations. To give you a better idea of how popular WRP has been with farmers, let me share with you some statistics.

Since 1992, nearly 4,000 landowners from 47 states have enrolled 655,000 acres in WRP nationwide. My home state of Mississippi has benefited through the WRP by enrolling more than 74,000 acres for the purpose of wetland conservation. However, due to limited funding, only about one-third of all eligible Mississippi landowners could be accepted into the program. In some states, landowner demand for WRP exceeds available funding 5 to 1. Mr. Speaker, many more wetland acres could be preserved nationwide through the provisions of this bill.

The purpose of the Wetlands Reserve Enhancement Act is to extend WRP authority to help more landowners in the future. Specifically, my legislation extends WRP authority for enrolling new lands by three years to 2005, and replaces the current WRP acreage cap with a new 250,000-acre annual enrollment limit. This will allow 4,000 to 5,000 additional landowners to enroll in WRP over the next five years.

This additional land enrolled in WRP will benefit not only farmers, but also waterfowl and other wetland wildlife. In the Mississippi Delta states, most of WRP land is planted in high-quality hardwood trees that flood in the winter and provide critical habitat for waterfowl and other wildlife. In fact, WRP has become one of the largest wetland restoration programs ever attempted on private lands.

WRP is restoring waterfowl breeding habitat in states like South Dakota, Minnesota and Wisconsin. It is restoring migration habitat in Illinois, Iowa, Ohio and New York. Most of all, WRP is restoring waterfowl wintering habitat in such diverse states as California, Texas and Louisiana.

Where there are ducks, there are duck hunters. Many waterfowlers have discovered that private land enrolled in WRP makes for excellent hunting. In places like Mississippi that have a proud waterfowling tradition, access to quality hunting sites is in high demand. In many cases, WRP is creating new opportunities for sportsmen to participate in this time-honored tradition.

My legislation seeks to encourage more of these kinds of partnerships and to ensure that WRP takes every advantage of opportunities to restore and enhance wetland habitat for waterfowl.

In summary, this legislation represents a win-win opportunity for farmers, conservationists, sportsmen, and wildlife. This is a commonsense proposal which I believe my colleagues in the House will find good reason to support. The WRP is the kind of non-regulatory, incentive based conservation program that landowners want and wildlife need as we enter the next century.

CONGRATULATIONS TO MAJOR GENERAL DAVID W. GAY ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to honor one of Connecticut's finest military officers. Major General David W. Gay is the Adjunct General of the Connecticut National Guard and today friends and family will gather to wish him well on his retirement.

Beginning his military career with the Marine Corps in 1953, General Gay has dedicated his life to serving and protecting our great nation. Throughout his distinguished career, General Gay has received numerous meritorious awards and decorations from the Marine Corps, Army National Guard and State of Connecticut for outstanding conduct. Among his many accolades, he has been honored with the Connecticut Longevity Service Medal, the Marine Corps Good Conduct Medal, the Legion of Merit Award, and the National Guard Bureau's Eagle Award—the most prestigious award issued by the National Guard Bureau. These signs of recognition are testament to a prominent and honorable career.

His commitment and dedication to service culminated in his appointment as Adjunct General of the Connecticut National Guard, serving as the ranking member of the Governor's Military Staff and commissioner of the State Military Department since 1992. General Gay has been an invaluable resource to me in my capacity as a Member of Congress. His professionalism and unparalleled skill in his field have helped to address the concerns of my constituents quickly and effectively. I appreciate all that he has been able to provide for Connecticut's Third Congressional District.

In addition to his illustrious military career General Gay has demonstrated an extraordinary commitment to his community. As well as being a member of several local organizations, General Gay chairs the State Management Board of the Community Learning and Information Network (CLIN), a pioneer project in distance learning education technology. He has also served as President of the Nutmeg Games, a state-wide multi-sport festival for Connecticut amateur athletes. His innumerable contributions to the community and the State of Connecticut will not be forgotten.

I am honored to stand today to join his wife, Nancy, children, David, Jennifer, and Steven, and the many other voices of family and friends in congratulating General Gay on his retirement. His service to our country and community will not be forgotten and we wish him much health and happiness in the coming years.

HONORING THE BROOKLYN SCHOOL SETTLEMENT ASSOCIATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor the leaders and members of the School Settlement Association for ninety-eight years of service to the Brooklyn community. The work they have done over the years has had an impact on thousands and thousands of lives. They have seen the critical needs that exist in our communities and addressed them. They have stepped in and filled gaps where children and older people in our communities are at risk.

Unlike so many others who have tried and failed, the School Settlement Association here in Brooklyn has succeeded. As the only remaining School Settlement Association in Brooklyn, their longevity is a testament to the strength of their vision, the importance of their mission, and the quality of their teachers, service providers and leaders.

Not only have they remained strong for these ninety-eight years, but they have grown and expanded. Their initial objective of helping strengthen the attendance and performance of young students in school has broadened. Now, they successfully work to enhance children's health and nutritional needs. They have implemented summer and after-school programs, literacy programs, as well as college and career seminars that help students prepare for a successful future.

In addition to this, their outreach now includes the needs of many of our community's older adults. Many of our seniors who might otherwise go without the proper medical assistance and healthcare services can safely rely on the School Settlement Home Attendant Service Corporation and home Health Care Service.

Finally, as the scope of their mission has expended, so have the number of neighborhoods in which they operate. Originally founded in Ridgewood, they now reach out to Williamsburg, Greenpoint and other areas around Brooklyn. The large area they now help is reflective of the deep concern they have shown for everyone in our neighborhoods.

As we look to the future, and they prepare to celebrate their 100th anniversary, on behalf of the 12th Congressional District, I want to thank them for all they have done. They have helped keep the fabric of our communities strong, and our future bright. I ask my colleagues to join me in congratulating the School Settlement Association. May their next 100 years be better than the last.

THE WHITE BEAR LAKE'S CENTRAL MIDDLE SCHOOL ODYSSEY OF THE MIND TEAM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. VENTO. Mr. Speaker, I rise today to acknowledge a local middle school's achievement at the Odyssey of the Mind World Finals and the achievement of other Minnesota schools at this special competition in Knoxville, TN.

Odyssey of the Mind is an activity designed to engage childrens' minds and helps them develop their creativity. Through exercises that require impromptu and creative responses, the team works together to create a solution. White Bear Lake's Central Middle School received one of five special awards during this unique competition. The team was recognized for its outstanding creativity in its solution to the "Environmental Challenge" Division II category. The team competed with more than 800 teams representing 28 countries. Success against tough competition such as this is truly an outstanding achievement. Its encouraging as an educator and member of Congress to see the emphasis upon academic achievement and excellence.

Mr. Speaker, I submit for the RECORD an article from the May 31, 1999 Star Tribune detailing the accomplishments of White Bear Lake's Central Middle Schools Odyssey of the Mind team as well as the achievements and recognition accorded additional Minnesota schools.

WHITE BEAR GETS A TOP ODYSSEY AWARD

CENTRAL MIDDLE HONORED FOR CREATIVITY; ANOKA HIGH AMONG TOP STATE FINISHERS

(By Terry Collins)

White Bear Lake's Central Middle School was one of five teams internationally to receive a special award during this weekend's 20th Annual Odyssey of the Mind World Finals competition in Knoxville, Tenn.

The students received the "Ranata Fusca" award for outstanding creativity for the solution of a problem in the "Environmental Challenge" Division II category.

The students were nominated by a panel judging their problem.

"It's outstanding," said Karen Karbo, director of the Minnesota state Odyssey of the Mind. "They took a great risk that involved great skill. It's quite an award. I couldn't be more proud."

Anoka High School had one of the highest finishes of any Minnesota school. Students placed second in the "Radiometric Structure" Division III problem-solving category.

"They were exceptional," Karbo said. "To finish that high out of several hundred teams in their division is remarkable."

They were among about 5,500 students from the United States and 28 countries who participated, all winners of their local or regional Odyssey competitions.

More than 800 student teams tested their wits in several categories, including devising a species-survival plan, putting a contemporary spin on Shakespeare and calculating how much weight a self-built balsa-wood structure can hold.

The finals started Thursday and concluded Saturday.

Other Twin Cities-area finalists included:

Cedar Ridge Elementary, Eden Prairie: fourth place, "Customer Service," Div. L.

Inver Grove Heights Middle, Inver Grove Heights: ninth place, "Customer Service," Div. II.

Hopkins Community Education Program Gold, Hopkins: 11th place, "Over the Mountain," Div. II; 13th place, "O, My Faire Shakespeare," Div. III.

St. Louis Park School District's Gifted/Talented Program, St. Louis Park: 14th place, "Ratiometric Structure," Div. L.

Greenleaf Elementary, Apple Valley: 19th place, "Environmental Challenge," Div. I.

Coon Rapids High, Coon Rapids: 23rd place, "Over the Mountain," Div. III.

Other Minnesota finalists included:

Fergus Falls Middle, Fergus Falls, Minn.: Third place, "Environmental Challenge," Div. III.

College of St. Benedict, St. Joseph, Minn./St. John's University, Collegeville, Minn.: Fourth place, "Radiometric Structure," Div. IV; 14th place "O, My Faire Shakespeare," Div. IV.

Hermantown Middle, Hermantown, Minn.: 12th place, "O, My Faire Shakespeare," Div. II.

Queen of Peace Middle, Cloquet, Minn.: 16th place, "Radiometric Structure," Div. I.

Robert Asp School, Moorhead, Minn.: 24th place, "O, My Faire Shakepeare," Div. I.

Karbo said Minnesota has the ninth-largest Odyssey student participation in the world. More than 1,000 students participated this year in 10 regional Odyssey competitions throughout the state.

"They truly represent the finest students we have in this state," Karbo said. "To even get to this level of competition is extraordinary."

HONORING NANCY EMERSON

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mrs. CAPPS. Mr. Speaker, I rise to honor Nancy Emerson of Santa Barbara, California who retires this year from the Santa Barbara County Education Office after fifteen years of service.

Nancy Emerson's educational distinctions include a B.S. from the University of Washington and a M.A. from Cornell University. She has served in college admissions and counseling positions at Cornell and the University of Miami, she has worked with severely developmentally challenged children, young adults, and their families; and she has been a teacher and coordinator of adult education courses and conferences on local government issues in Santa Barbara.

Most recently, Nancy has been a Specialist for Teacher Programs in the Santa Barbara County Education Office. She has directed teacher support and recognition activities, including the nationally recognized program, IMPACT II The Teachers Network. Nancy has been instrumental in the local and national development of this Network, working hard to further the teaching profession an ultimately, the success of thousands of children on Central Coast.

Nancy has volunteered her time generously, serving in many leadership capacities such as voter service, adult education and political action for the League of Women Voters since 1971. She has been a classroom volunteer, PTA president and member of District Budget Advisory Committees in Denver, Colorado and Goleta, California.

Mr. Speaker, I commend Nancy Emerson for her lifelong work as an educator and for the dedication she has shown to the children of Santa Barbara County and to our nation.

IN HONOR OF TEAM SURFSIDE EFFORTS FOR DISASTER VICTIMS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I want to honor and commend Mayor Paul Novack of Surfside, FL, who has presided over Team Surfside, a group of townspeople who have united and devoted themselves to helping victims of disasters, including, most recently, those of Hurricanes Georges and Mitch.

The volunteers of Team Surfside have made the difference between life and death to the survivors of these natural disasters in Haiti and Honduras by providing desperately needed supplies.

Their efforts have been recognized nationally and internationally by National Public Radio and Voice of America.

Mayor Novack has been the unsung hero behind Team Surfside, spearheading all of the outstanding work that they have accomplished. He twice flew to Haiti to personally delivery supplies into the hands of the victims ensuring that the people who needed it received the humanitarian aid and cutting through red tape and delays.

All the volunteers in this effort should be commended for their dedication and selfless commitment to helping others.

TRIBUTE TO CHIEF DANIEL B. LINZA UPON HIS RETIREMENT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to Chief Daniel B. Linza, who will be retiring on July 2, 1999, from the City of Kirkwood Police Department after 44 years of service. I hope you will join me in honoring his fine career and in wishing him a happy and healthy retirement.

Chief Linza began his career as a patrol officer for the City of Kirkwood Police Department April 23, 1955, upon his graduation from the Criminal Justice Program of Saint Louis Community College. After several promotions, he was selected Chief of Police December 1, 1969. During the 29½ years he served as Chief, he established within his department new hiring procedures, promotional processes, and upgraded the physical fitness of officers, as well as providing them with necessary training in officer safety.

He has been actively involved with numerous professional and community organizations dedicated to serving the residents of the City of Kirkwood. He has initiated many police community partnership programs, including Neighborhood Watch, Community Oriented Neighborhood Policing, the DARE program, and Graffiti Paint Out Day, Chief Linza has held leadership positions in several law enforcement organizations. He has distinguished himself while serving as president of the Missouri Peace Officers Association, the Law Enforcement Officials of St. Louis County, the FBI National Academy Associates (Graduates) Eastern District of Missouri as well as the National association. He has also served as Chairman of the Board of Governors for Law enforcement of St. Louis, and is a past member of the Executive Committee of the International Association of Chiefs of Police. Chief Linza currently serves as a member of the Board of Managers St. Louis County and Municipal Police Academy, and serves on the Board of the Missouri Police Chiefs.

Not only has he distinguished himself with an impressive career in law enforcement, Chief Linza has been a leader in his community as well. As part of his outreach to his community he has worked as a member and president of a variety of community groups including Kirkwood Rotary Club, Kirkwood Area Chamber of Commerce, the Pioneer Boosters, and is a graduate and member of the Leadership St. Louis Program.

Chief Linza has been a life long resident of St. Louis and a devout member of the Church of the Nazarene. He and his wife, Sharon, have five children and they are also blessed with five grandsons.

Mr. Speaker, I hope you will join me in congratulating and thanking Chief Linza for his service to his fellow officers, his community, and his family. He is truly a great leader, mentor, and citizen.

HONORING DR. RACHAKONDA D. PRABHU

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. BERKLEY. Mr. Speaker, I rise today to honor one of Las Vegas' most outstanding physicians and community leaders, Dr. Rachakonda D. Prabhu, on the occasion of his knighthood by the Order of St. John, a leading ecumenical organization that provides charity worldwide and whose members are descendants of royalty and nobility. Born in Andhra Pradesh, Dr. Prabhu is the first Asian American to receive this prestigious honor.

Dr. Prabhu earned this high honor because of his dedication to the field of medicine. Among his numerous contributions, Dr. Prabhu is, most notably, the founder of the Lung Institute of Nevada. In addition, Dr. Prabhu has operated a successful private practice for the past twenty years and has served as assistant professor of medicine at the University of Nevada School of Medicine. He is also a fellow of the Society of Critical Care Medicine and serves on the government liaison committee of the American College of Chest Physicians.

Over the years, Dr. Prabhu has also proven a tireless advocate of the sick and leader in the community by offering free health clinics in various parts of Southern Nevada. He is truly a hero to many in my district.

I am pleased to report that on April 16, 1999, the honor of knighthood was bestowed on Dr. Prabhu by Prince Henri Constantine Paleologo of Cannes, France, the Imperial and Royal Highness of the Order. The ceremony took place at the order's annual Imperial Byzantine Ball in the Montego Room of the Mirage Hotel in Las Vegas.

At this time, I ask my colleagues to join me in honoring this extraordinary American who sets the standard for civic virtue, not only in Las Vegas, Nevada but throughout our Nation.

A TRIBUTE TO TOM PARKER, MILWAUKEE COUNTY LABOR COUNCIL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to recognize Mr. Tom Parker, who is retiring after serving as president of the Milwaukee County Labor Council for over 20 years.

Tom has spent his career fighting for the rights of working people, first as secretary-treasurer of Machinists Lodge 66 and then as president of the Labor Council. He has long been a strong and effective voice on behalf of

Milwaukee's working men and women. Tom's leadership and dedication to the labor movement will be sorely missed by all who have had the pleasure of working with him.

But Tom's service to the community has extended well beyond his position at the Labor Council. Through the years, he has diligently given of his time and talents to a wide variety of boards and commissions in our city, county and in our state.

Even as he retires, Tom continues to work to make the community he loves an even better place to live and work. He has asked that any contributions to a recognition dinner in his honor be given to fund an industrial machine shop at the new Lynde and Harry Bradley Technology and Trade School in Milwaukee. These contributions will help ensure that our community will have the skilled labor force it needs for generations to come.

And so it is my great pleasure to join with Tom's family, co-workers and friends in wishing him a long and happy retirement. Congratulations, Tom!

TRIBUTE TO THREE MISSOURI PHYSICIANS: DR. GREGORY GUNN, DR. RAY LYLE, AND DR. RUTH KAUFFMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to three excellent physicians who have devoted most of their lives to healing. These dedicated doctors practiced together at the Gunn Clinic in Versailles, Missouri for over forty years.

Dr. Jack Gunn is a fourth generation physician extremely passionate about his work. He was a true pioneer in his field, in a time when there were few medical specialists. Dr. Gunn made house calls around the state and performed difficult surgeries when internal medicine was still a largely unexplored territory. This exemplary citizen thrived on working long hours, and his shifts often lasted 36 hours, with only 12 hours off. Additionally, Dr. Gunn served as the coroner of Morgan County for 16 years. He continues to be fascinated by the world of medicine and loves the daily challenges it presents him. Dr. Gunn and his wife Glenda married eight years ago. He has five children.

Dr. Ray Lyle served at the Gunn Clinic from August, 1952 until his retirement on August 31, 1995. As a family physician, Dr. Lyle treated patients of all ages with consistent kindness and compassion. His exceptional accomplishments are publically recognized by the medical community, and Dr. Lyle has served as a member and fellow of the American Academy of Family Physicians, as a Diplomat of the American Board of Family Physicians, and as President of the Missouri Academy of Family Physicians. As well as a competent physician, Dr. Lyle has been an active participant in the affairs of his community, contributing to such organizations as the Boy Scouts, the Morgan County School Board, and the medical corps of the United States Naval Reserves. Dr. Lyle is a formidable citizen who has well served the city of Versailles and the Morgan County Community.

Dr. Ruth Kauffman contributed overwhelmingly to to Gunn Clinic for over forty years.

PERSONAL EXPLANATION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. THOMAS. Mr. Speaker, I was not present for the vote on final passage of H.R. 435, Miscellaneous Trade and Technical Corrections Act. If I had been present I would have voted "aye".

CONGRATULATING EXCEPTIONAL PARENTS UNLIMITED OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited of Fresno for receiving the Daily Points of Light Award from the Points of Light Foundation in Washington, D.C. The Points of Light Foundation, established by President George Bush, recognizes individuals and groups that give service to their communities.

Exceptional Parents was founded 22 years ago by registered nurse Marion Karian, who still runs the organization today. It began as a support group at University Medical Center of Fresno, California, for parents of children with Down Syndrome, and has grown into a large, non-profit organization, which serves the family members of children with special needs. Marion states, "When there is a child with disabilities it affects the whole family. Our approach is to help the whole family."

The heart of the organization's program is providing support, education and advocacy assistance to families of disabled children, including siblings and grandparents. An early-intervention program targets families with children up to three years of age. It offers developmental assessments and assistance including occupational therapy, physical therapy and speech therapy. It enhances the development of infants and toddlers with disabling conditions and minimizes their potential for development, delays. There is also a Family Resource Network which provides multicultural parent training and information, a Safe and Healthy Family program and Child Abuse Prevention services which is one in seven in the state, funded by the Department of Social Services. All of these services are free to the public.

"We can give out lots of technical information, and we do," says Marion, "but what parents can do for other parents is empowering. When a new parent gets together with an experienced parent and finds out he is not in isolation, not alone, they connect. We strengthen families and enable them to handle their own situations, that is the thread of who and what we are."

Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited for receiving the Daily Points of Light Award. The service of emotional and educational empowerment is invaluable to families of disabled children. I urge my colleagues to join me in wishing this organization many years of continued success and service to their community.

THE IMPORTANCE OF FOOD SAFETY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. ESHOO. Mr. Speaker, I'm proud to rise today in support of improving the safety of foods which are imported into our country by introducing the Imported Food Safety Improvement Act of 1999. It's vital that we pass this bill into law this year, and I'm proud to lead the effort in the House of Representatives.

We must act now to improve our food safety system so we don't face the health problems we've seen over the past several years caused by unsafe imported food. In 1987, the FDA recalled soft cheese from France after a pathogen was found that could cause miscarriages and sometimes death. In 19989, canned mushrooms from China caused four outbreaks of a form of food poisoning that can be fatal. In 1996, Guatemalan raspberries infected 7,000 people with an intestinal parasite that caused sickness. In 1997, 180 school children were infected with Hepatitis "A" in 1997. after eating strawberries imported from Mexico.

According to the FDA, all these incidents could have been prevented had the Imported Food Safety Improvement Act been law. Public health experts estimate that foodborne pathogens kill 9,000 people every year and cause illness in up to 33 million. And the problem is getting worse.

HHS officials project that the reported incidences of foodborne disease will increase 10-5 percent during the next decade at a cost of up to $35 billion a year in health-care costs and losses in productivity.

In 1998, a GAO study confirmed that, under the current food safety system, the Federal Government can't ensure that imported foods are safe for consumption. While the volume of imported food has doubled over the last five years, the number of FDA inspections has decreased during the same time period. The result is that the FDA is able to inspect less than 2 percent of all imported food. We're losing the battle against foodborne illness. The Imported Food Safety Improvement Act gives the FDA the authority to ban food from countries or importers that have a history of importing contaminated food.

The Act establishes an equivalency authority which requires that food offered for import to the U.S. be produced, prepared, packed, or held under systems that provide the same level of protection as the United States. This bill lays out the criteria for when the FDA can deny a food import and makes clear that denial cannot violate any current trade laws. By establishing this health-based standard, we can both ensure the safety of imported foods and make certain that producers and importers from foreign nations receive fair treatment for their product.

Passage of the Imported Food Safety Improvement Act will give FDA the ability to prevent illness, inform health officials and the public, and enforce food-safety laws so that the American people can be confident that what they put on their kitchen tables won't make them sick.

IN HONOR OF THE LATE ARNOLD LLOYD GLADSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now take this moment to recognize the remarkable life and significant achievements of one of Colorado's great war heroes, Arnold Lloyd Gladson. Tragically, Lloyd Gladson died of emphysema on May 3, 1999. While family, friends, and colleagues remember the truly exceptional life of Lloyd Gladson, I, too, would like to pay tribute to this remarkable man.

Arnold Lloyd Gladson was a forty-four year resident of Durango, Colorado, and a twenty-six year retiree of The Durango Herald, Gladson was a respected citizen of Colorado. He was a participant in his community as president of the Rotary Club in 1960, and he also served on the city of Durango's city charter commission. Lloyd was the president of the Junior Chamber of Commerce, and commander of the Trujillo-Sheets Post 28 of the American Legion of Durango.

Aside from all of his accomplishments in Durango, Lloyd's most accredited accomplishments came earlier in life, when he enlisted at age twenty with the Marine Corps. A corporal in the Marine Corps during World War II, Gladson fought bravely and was part of the first assault wave on Red Beach in Tarawa. Surviving one of the bloodiest battles in Marine Corps history, Lloyd Gladson earned the Purple Heart, and many other medals too numerous to mention.

Although his professional accomplishments will long be remembered and admired, most who knew him well will remember Lloyd Gladson, above all else, as a friend. It is clear the multitude of those who have come to know Lloyd as friend, will mourn his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Arnold Lloyd Gladson can take solace in the knowledge that each is a better person for having known him.

IN RECOGNITION OF LOUIS "BOB" TRINCHERO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to recognize Louis "Bob" Trinchero, of St. Helena, California, who on June 9th will be presented the Anti-Defamation League's (ADL) 1999 Wine and Restaurant Industry Achievement Award in San Francisco.

For many years, Bob Trinchero has been a respected leader, both in the Napa Valley community as well as in our nation's wine industry. As a native St. Helenan, I am extremely proud of my good friend's outstanding accomplishments.

Bob Trinchero, chairman and chief operating officer of Sutter Home Winery, started as a teenager at the family business washing wine barrels and shoveling grape pomace. After returning from service in the Air Force in 1958, he built the winery up from a "real mom and pop operation" to America's leading varietal wine producer. Today, he supervises all aspects of Sutter Home's operations, with particular emphasis on vineyard development and wine production.

A past president of the Napa Valley Vintners Association and member of the Wine Institute board of directors, Bob is active in industry affairs and is often consulted by other vintners and the media for his commonsense analysis of important industry issues. He has made significant contributions in many areas of our community, including but certainly not limited to his efforts to improve health care services and affordable housing for farm workers.

Mr. Speaker, I believe it is fitting and appropriate to honor the lifetime of service Bob Trinchero has given to his community, his state and his nation. Undoubtedly, there are many families in Napa County who are thankful each day for his tremendous work and generosity. Napa County is a prosperous community and its residents can point to Bob Trinchero's service as one reason for this prosperity.

The ADL is a leading civil rights and human relations organization dedicated to combating prejudice, bigotry and discrimination, defending democratic ideals and safeguarding human rights. The ADL's 1999 Wine and Restaurant Industry Achievement Award is presented to individuals who have distinguished themselves by demonstrating the highest values of corporate, civic and communal leadership.

Mr. Speaker, ADL could not have selected a more worthy recipient of this award. I would like to personally commend Louis "Bob" Trinchero on his dedication and meritorious service to our community and our nation. I congratulate him on being presented the ADL's 1999 Wine and Restaurant Industry Achievement Award.

HONORING THE MEMORY OF WALTER B. STOVALL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to Walter R. Stovall, who passed away on May 31, 1999. I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual. Walter Stovall was born on May 28, 1910, and was married for 64 years to Inez Kessler Stovall.

He is preceeded in death by his son, Walter Stovall, Jr. and is survived by a sister, Viorta Kirby of Normangee, numerous nieces, nephews and devoted friends. Walter will be missed by many people.

In 1942, he enlisted in the U.S. Navy as one of the 1,000 Houston volunteers who replaced the crew of the sunken U.S.S. *Houston.* After his distinguished career in the U.S. Navy, Walter went to work for the FMC Corporation. He retired after 42 years of committed service.

As a dedicated Christian layman, Walter Stovall participated actively in the life of Memorial Baptist Church. He was a member of this church for 51 years, serving as its treasurer for 39 years. His devotion and morals are an inspiration to us all.

Walter was also an energetic and vital member of the Aldine community, where he served on the Board of Trustees of the Aldine Independent School District for 22 years. He was also active in the Boys Scouts of America and the Aldine Civic Club.

For years, the Aldine community benefited from the wisdom and dedication of Walter Stovall. I am certain that the strength of the community would not be what it is without Mr. Stovall's years of service, and I am confident that his legacy will continue for years to come. We will miss him, but we feel fortunate for having known him.

IN MEMORY OF FIREFIGHTER ANTHONY PHILLIPS, ENGINE COMPANY NO. 10, NATION'S CAPITAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. NORTON. Mr. Speaker, in my conversation with Lysa Phillips, the very young widow of Firefighter Anthony Phillips, I have been struck by her personal strength and her inner peace. I have deeply admired how she has drawn on the strong bond and deep love she and Firefighter Phillips shared and the extraordinary devotion that Firefighter Phillips had for his children, his family, and his work. So strong was his love for his family, his God, and his work that his love has made Lysa and his family especially strong.

Again and again, we are told that Firefighter Phillips loved his work. We are indebted to brave young firefighters, like Firefighter Phillips, who love their work and who, unlike us, neither fear nor shun danger, but rush to conquer it. We give thanks for the young, loving life of Anthony Phillips and we honor him for his courage and his sacrifice.

In remembering Firefighter Phillips, we are especially mindful of the men and women of the Department he has left behind to carry on his work of confronting danger whenever and wherever it appears. To properly remember Firefighter Anthony Phillips is to remember the members of the District of Columbia Fire Department and their indispensable mission, the debt we owe him, and the debt we owe them.

SUGAR FARMERS DESERVE A HAND—NOT A SLAP IN THE FACE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BONIOR. Mr. Speaker, every morning when we wake up each of us have certain routines; we have our coffee with sugar and cream; we eat a bowl of cereal; or perhaps a piece of toast with jam; things we enjoy, but put little thought into from where the food came.

However, one thing is clear—without sugar farmers that coffee would be a little bitter and that cereal and toast would be a little bland.

American sugar farmers are among the most efficient in the world—and with a level playing field in the global market would easily provide the best value.

Foreign governments, however, heavily subsidize their sugar industry to the point where our farmers need stability to compete.

But what do some of our colleagues try to do year after year? There seems to be an annual attempt to knock out the modest safety net we put into place in the 1996 farm bill to ensure our sugar growers have a chance.

In fact, it's hard to believe that the modest loan program we put into place would face such repeated attacks.

The loan program operates at no net cost to the government.

It simply gives some assurance to our sugar growers and their families that they will have some stability and be able to meet their financial commitments.

At a time when the U.S. farm economy is in its worst shape in decades, the least we can do is honor the commitments we've already made to our farm families.

In the 1996 farm bill, we made a seven-year obligation to our sugar farmers. We need to keep that promise.

That is why I oppose efforts to weaken the sugar loan program, and I urge my colleagues to do so as well.

INTRODUCTION OF THE STOP TAKING AIM AT OUR KIDS STUDY BILL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. MARKEY. Mr. Speaker, I rise today to introduce legislation which would require a federal investigation of the marketing practices of the firearms industry. Specifically, my legislation, the Stop Taking Aim at Our Kids Study Bill, would require the Department of Justice and the Federal Trade Commission to work together to fully examine gun manufacturers' marketing efforts towards children.

As evidenced by the recent school shootings in Littleton, Jonesboro, and Springfield, children and firearms can produce a deadly combination. Gunshot wounds are the second leading cause of death among youngsters nationwide—second only to automobile accidents. Every year 4600 children are killed by gun fire, and each day 13 children are gunned down in America. That is the equivalent of one Columbine High School tragedy every day. Sadly, these numbers are rising.

To effectively combat this dramatic and disturbing rise in gun violence among our children, we must first understand the factors contributing to our culture of violence. We must examine the role the media and the entertainment industry play in glamorizing gun violence, we must analyze the availability of guns to children, we must evaluate the role parents play in teaching their children about gun safety, and we must investigate the firearms industry's targeting of children.

My legislation would take the important first step of combating youth violence by directing the Attorney General and the Federal Trade Commissioner to look at the marketing practices of gun manufacturers towards children. While some firearms manufacturers have worked responsibly with their customers to educate them about the importance of using guns safely when near young children, others have unscrupulously identified young children as an important consumer group and targeted them with little thought to the social consequences of their actions. Advertisements for children's guns which herald the importance of "Starting 'em young" and encourage kids to buy guns that "will make them stand out in a crowd" need to be closely examined.

This legislation is not a panacea. I do not pretend that this bill will solve our nation's problems of youth gun violence. It will, however, begin an important dialogue about firearms manufacturers' and marketers' contribution to the high incidence of gun violence and gun death among our nation's children. By identifying those who carelessly target our children for profit, my bill will hold the firearms industry responsible for its actions. I hope that the House will act swiftly to adopt this important bill.

HONORING VFW POST #582

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to the Veterans of Foreign Wars. One hundred years ago, when the United States Army came back from the war in the Philippines, the survivors formed the Veterans of Foreign Wars. On June 12, VFW Post #582, located in Ortonville, Michigan, will join the celebration of preserving democracy by dedicating a stone monument to honor the many men and women who gave much to protect freedom.

Throughout Ortonville, as well as Oakland County, the members of VFW Post #582 are known as staunch community leaders. Year after year they provide a tremendous public service by organizing community blood drives, as well as food drives for the homeless and underprivileged. Post members have frequently contributed their time at various area hospitals, and have also provided a support network for each other, relying on each other as friends, colleagues, and fellow soldiers for support and advice.

Mr. Speaker, it is with great pride that I stand before you today, asking you and my colleagues in the 106th Congress to honor the Veterans of Foreign Wars, and VFW Post #582. For an entire century, they have stood firmly to their commitment to this nation. Their dedication to protecting and promoting the enhancement of human dignity of all Americans serves as inspiration to the entire country.

HONORING CONCHA HERNANDEZ GREENE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to one of my constituents, Concha Hernandez Greene, who recently received the Public Health Champion award. Ms. Greene is one of 13 Californians honored for spearheading local efforts to improve population health.

Ms. Greene has been extremely active in the Oceanside community. She has acted as a liaison to the Oceanside police department as well as implementing a community policing service that encourages residents to make their neighborhoods safer. Furthermore, Ms. Greene serves as the chairperson of Eastside United Community Action. This community group is a grassroots organization that provides a variety of language classes and health services such as nutrition, tuberculosis, and diabetes checks.

Ms. Greene has dedicated her life to the health and improvement of our community and her tireless efforts have not gone unnoticed. Her work epitomizes the values of good citizenship and her accomplishments are reflected in the enhanced quality of life in Oceanside, California.

Mr. Speaker, I would like to congratulate Ms. Greene on receiving the Public Health Champion award, and thank her for her selfless efforts.

A LIFETIME ACHIEVEMENT TRIBUTE TO FRANK HIDALGO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. PASTOR. Mr. Speaker, I rise before you today to proudly bring tribute to a fellow Arizonan and someone I am proud to call my friend, Mr. Frank Hidalgo. I am calling your attention to Frank's accomplishments in light of an award he recently received from Chicanos Por La Causa, Inc., (CPLC), a well-respected nonprofit organization in Arizona that has long advocated for the Latino community. Frank was recently presented with CPLC's Lifetime Achievement Award for his lifelong dedication to promoting higher education in the Hispanic and Chicano community.

The 1999 Lifetime Achievement Award was established to honor an extraordinary individual who has dedicated his/her life to serving the Latino community. This award not only recognizes the personal and professional accomplishments of the individual, but also their altruistic contributions to the advancement of the Hispanic and Chicano community.

Frank, a native Arizonan, began his career as a junior high school teacher, and later served as the Director of the Phoenix Job Corps. In 1984, Frank was hired by Arizona State University (ASU) to serve as Director of Community Relations. Under his direction, Frank has been responsible for coordinating the ASU Hispanic Convocation, an inspirational graduation ceremony for Hispanics. Each year an estimated 300 graduates take part in each Spring and Fall ceremony and over 3,000 proud family members and friends are in attendance. This year marked the 16th anniversary of the ASU Hispanic Convocation. It has become one of the Valley's most significant and motivating ceremonies involving Latinos, recognizing both individual scholastic achievement and the collective progress of the Latino community in higher education. The television broadcast of the ceremony on the local Univision and PBS stations has become a traditional viewing event for Latino families hoping to encourage young people to pursue higher education.

Frank also administers the ASU Cesar E. Chavez Leadership Institute. This program brings Arizona Hispanic high school students to the ASU campus for a week of intensive leadership training by respected community and university leaders. The program teaches valuable leadership skills that students can use to improve their communities, as well as gives them the opportunity to learn about the importance of higher education. Since 1995, more than 200 students have participated in this exceptional leadership program.

In addition to the tremendous work Frank does for youth, he serves on a number of boards and committees such as the Rio Salado Committee, CPLC Board of Directors, the City of Phoenix Police Department Advisory Board Committee, the KPNX Channel 12 Minority Advisory Committee, the National Community for Latino Leadership and the Boy Scouts of America.

Mr. Speaker, Frank Hidalgo is an exemplary leader and a profoundly committed individual who is a true role model for the nation. He has dedicated more than forty years to the advancement of higher education for Hispanic youth. I sincerely appreciate this opportunity to honor Frank Hidalgo and his four decades of contributions to Arizona.

TOM AND IRENE WOOD CELEBRATE THEIR 68TH WEDDING ANNIVERSARY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize two citizens in my district who have made their lives a model of commitment for all of us. Those people are Tom and Irene Ward of Winston, Georgia, who celebrated their 68th wedding anniversary on Sunday, May 30th, 1999.

In a time when traditional family values are under attack across our culture, Tom and Irene's example of steadfast devotion is an inspiration. I wish them all the best on the ocassion of their anniversary, and I hope they will enjoy many more years of happiness together.

GRADUATION SPEECH OF LAUREN SECATOVE ON RESPONSIBILITY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. SLAUGHTER. Mr. Speaker, all Americans, including members of Congress have been saddened and frightened by the violence occurring in our schools. Just yesterday, a bomb was found in a school in rural upstate New York.

On June 6, I had the marvelous experience of hearing a graduation speech given at Apponequet Regional High School in Freetown, MA, by Lauren Secatove, my granddaughter.

Her thoughts on responsibility were so moving that I should like to share them.

SPEECH BY LAUREN SECATOVE, JUNE 6, 1999, APPONEQUET, MAINE REGIONAL HIGH SCHOOL

Good afternoon, friends, family, teachers, and members of the class of 1999. Welcome to the last day of our childhood and the first day of the rest of our lives. Needless to say, June 6th, 1999 will forever be a turning point for each of us. It seems trite to refer to a day as a point of turning, and the mere concept evokes confusion. To where, to whom, into what do we turn? We have come to an intersection with no signs, our pasts beeping loudly at us, and a foggy road ahead. Some of us are struggling wildly to go into reverse, which in life is utterly impossible. We are hesitantly facing our future, an unnerving task for we know not what the future holds. But take comfort; the beauty of the future lies not in its planning, but in its spontaneous creation.

Do not look feverishly ahead, as if you were trying to turn to the last page of a book, for each one of us has the same ending, the same last sentence. And actually our beginnings are quite similar. Today we find ourselves all at the same point, in the same place, even wearing the same thing.

So if our endings are the same, and our beginnings similar, it must be somewhere in the middle where we form ourselves. It must be this time where we define who we truly are, and what we are going to accomplish. This is no easy task. It is also a task that we must perform alone. As we work to complete this goal, we must always be conscious of three things; the responsibilities we hold to each other, to the world and to ourselves.

First; our responsibility to each other—

To live solely for oneself is not truly living. We must each make a commitment to do for others. We have lead a somewhat sheltered life up to this point. The world is very different from our small towns. Our differences are minute compared to the diversity we will soon encounter. While our small community gives us the opportunity to form close bonds, it also secludes us from the world. There are many different ways of living, feeling and thinking, no one better than another. Be proud of who you are, where you come from, and what you believe, but grant others that same pride. Also remember that equality is not a reality. There are millions of people who suffer daily, millions who need our help. Go through life with an open mind and outstretched arms. Learn how to tolerate and how to heal.

Next, our responsibility towards the world;

Today when we are handed our diplomas, we are also being handed the responsibility of the world. The burden and the glory of future events lie upon us. It is up to us to lead civilization forward. It is up to us to raise loving human beings. It is up to us to improve the lives of others on this earth. It is up to us to create our own individual happiness. It is up to us to encourage peace. It is up to us to prevent the students from Colorado from becoming the most infamous members of the class of 99. We can do better by doing good.

Each generation has had their own problems to solve and overcome. We are charged with carrying the world into the next millennium. Perhaps the coming millennium has given everyone an apocalyptic spirit, for many people do not believe that we are a capable or qualified generation. We are inundated with stories everyday covering the "troubled youth of America", a generation that is portrayed to be aimless and unproductive.

PROVE THEM WRONG

Every single one of us sitting here today has the ability to improve the world. Your diploma is your ticket, and your personal integrity your tool. Use them wisely and for benevolent purposes.

Face the challenge, accept it and exceed it.

Finally, regarding ourselves;

Although many people have aided us on our journeys, it is due to our self-determination that we are here today. It was of our own volition that we woke ourselves up each morning, excruciatingly early, to go to school. It was our personal fortitude that kept us up late at night to finish our English paper or to comfort our crying friend, both equally important duties. It was our own kindness that earned us the friendships that we made, and our own faults for letting go of the friendships we lost. It was our own courage that moved us to try out for the team, audition for a part, and to say those three words; I love you.

While many of our high school days seemed focused on mere survival, our goal for the future is now much higher; success. Potential means nothing in the real world. History books are not filled with people who had potential. Only the driven and determined people are remembered, only those who never compromised themselves, and those who stood up to opposition have changed the world.

Please be careful to not equate success to a paycheck. Success is not professional advancement, or the price of your car. *Success is going to bed content and waking up happy.* Success is living with your soul mate. Success is looking into the eyes of your child. Success is accepting yourself unconditionally. Success is having an ambition to become something great.

In closing, I would like to extend my congratulations to each member of the class of 1999, and wish you luck as you work to achieve success, and define yourselves.

May we all sleep contently. Sweet Dreams.

INTRODUCTION OF THE "NUCLEAR DECOMMISSIONING FUNDS CLARIFICATION ACT"

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. WELLER. Mr. Speaker, I am pleased to join with my colleague, BEN CARDIN, to introduce "The Nuclear Decommissioning Funds Clarification Act." The need for this legislation results from the emergence of a competitive electricity market out of a regulated environment. Because of this structural change, the tax treatment of nuclear decommissioning funds is not clear under current law.

Understanding that decommissioning a nuclear power plant represents a uniquely large and signficant financial undertaking for a utility, in 1984 Congress enacted "Code section 468A" which was designed to have public service commissions authorize that certain costs could be charged by an electric utility company to its customers to dedicate to a nuclear decommissioning fund (Fund).

In 1986, the Code was further amended to allow an electric utility company with a direct ownership interest in a nuclear power plant to elect to deduct contributions made to a nuclear decommissioning fund, subject to certain limitations. The Fund must be a segregated trust used exclusively for the payment of decommissioning (shutting down) costs of nuclear power plants. Decommissioning the nation's 110 nuclear power plants represents a large financial commitment—so large that nuclear plant owners accumulate the necessary funding over the plant's 40-year operating life.

As a result of Federal and state laws enacted since 1992, 21 states have approved plans to introduce competition, and all states are considering deregulation. Fifty-four nuclear power plants are located in 15 of the states that have undergone restructuring, more than half the nation's 103 operating plants. Under current law, deductible contributions made to a nuclear decommissioning fund (Fund) are based on limitations reflected in cost-of-service ratemaking. In a competitive market, companies will no longer operate in a regulated, cost-of-service environment and will not be able to deduct contributions to decommissioning funds. Therefore, it is appropriate to clarify the deductibility of nuclear decommissioning costs under market-based rates and to codify the definition of "nuclear decommissioning costs" that limit contributions to a Fund.

In addition, restructuring has brought regulatory and market forces to bear upon continued ownership of nuclear power plants. As more companies move away from the nuclear generation—either by chioce or state mandate—companies such as illinois Power in my home state are planning transfers and sales of nuclear power plants. These new business activities have triggered unforeseen tax consequences that, if not corrected, could force the early shutdown of nuclear units that cannot be sold. Hence, a number of nuclear power plants may be forced to shut down before their licenses expire, resulting in the loss of jobs and a reduction of energy supply.

Decommissioning nuclear power plants is an important health and safety issue. it is essential that monies are available to safely decommission the plant when it is retired. It is also necessary, in many cases because of restructuring laws passed by states, to clarify the tax treatment for nuclear power plants that transfer ownership. I urge my colleagues to join with me in supporting this important bill.

COMMUNITY REINVESTMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. LAFALCE. Mr. Speaker, the Community Reinvestment Act was created by the Congress in 1977 to combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve. I am here today to report that the Community Reinvestment Act, or CRA, has been a tremendous success.

CRA's success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community-minded financial institutions. Working together, the CRA has proven that local investment is not only good for business, but critical to improving the quality of life for low and moderate income residents in the communities financial institutions serve.

You will be hearing about other CRA success stories in the next few weeks. I want to applaud the financial services industry for their extraordinary record of meeting their CRA obligations—at present it is estimated that almost 98 percent of all financial institutions have achieved a satisfactory or better CRA compliance rating. In my own district, however, there are many instances of leadership. Today I focus on one of the CRA lending practices of KeyBank. KeyBank loans have led to the development of 138 units of low income senior housing, as well as permanent financing for a group home for the developmentally disabled. KeyBank participants in the Buffalo Neighborhood Housing Services Revolving Loan Fund, which enabled local Neighborhood Housing Service agencies to acquire and rehabilitate numerous vacant properties, and resell them to low and moderate income constituents in my district. CRA lending by KeyBank has also led to job growth. For example, KeyBank has worked with the Minority and Women owned loan program of Western New York to create pro-bono counseling and monitoring services to minority and women loan applicants during the pre-application and post-loan periods of a new business. In addition, CRA lending by KeyBank resulted in the construction and financing for a manufacturing facility which resulted in the retention of 50 jobs and the creation of an additional 50 jobs in Niagara County.

Mr. Speaker, I strongly support the Community Reinvestment Act and the success it has achieved in combating discrimination. I applaud our financial institutions for their strong compliance record and welcome their continued success.

IN HONOR OF VANCE C. SMITH, SR.

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. COLLINS. Mr. Speaker, I rise to honor a Georgia legend whose eighty year life encompassed all that it means to live the American dream. Vance C. Smith, Sr., born December 31, 1918, in Harris County, Georgia, to the late Shurley Sivell and Sallie Irvin Smith, will long be remembered for his devotion to family, community, and country.

On June 20, 1940, Mr. Smith married Reba Gray Simmons. In September 1943, he enlisted in the U.S. Navy and served with distinction until December 1945. During eighteen months on a Land Carrier Infantry boat in the Pacific, Mr. Smith was one of a handful to survive a Japanese suicide boat attack.

After World War II, Mr. Smith worked in the grocery business for four years, but then focused on his favorite business—the construction business. In 1951, Mr. Smith borrowed money to purchase a bulldozer, and the Vance Smith Construction Company was born. Over forty years later, the next generation of Smiths is still leading the family business.

Beyond the energy that went into maintaining a thriving business, Mr. Smith devoted much of his time to the community and helping others. He was a member and deacon of Pine Mountain First Baptist Church, a member of the Pine Mountain Chamber of Commerce, and a member of the Harris County Lion's Club. At one time he had not missed a Lion's Club meeting for a 25 year stretch. Mr. Smith was also a member of Chipley Lodge #40 F&AM, a past master, and a member of the Scottish Rite of Freemasonry.

Mr. Smith's community service also extended to political service. He served as a Harris County Commissioner from 1963 until 1966, at one time serving as chairman. In 1962, Mr. Smith was elected to the Pine Mountain Town Council, and served there for 33 years until his 1995 retirement.

Survived by his wife; daughter and son-in-law; son and daughter-in-law; five grandchildren; three sisters; and one brother, Vance Smith, Sr. fulfilled the life we all strive to live. Mr. Smith was successful in business, but his most meaningful contributions were those to his family and community. Mr. Smith's passing is a great loss to all, but his accomplishments and contributions will continue to be a blessing to those fortunate enough to have been touched by his life.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, June 7, 1999, I was unable to cast my floor vote on rollcall numbers 167–169. The votes I missed include rollcall vote 167 on approving the Journal; rollcall vote 168 to suspend the rules and agree to the Senate amendment on H.R. 435, the Miscellaneous Trade and Technical Corrections Act; and rollcall vote 169 on the motion to suspend the rules and pass H.R. 1915, to provide grants to the States to improve the reporting of unidentified and missing persons.

Had I been present for the votes, I would have voted "aye" on rollcall votes 167, 168, and 169.

TEMPLETON ELEMENTARY SCHOOL—A NATIONAL BLUE RIBBON SCHOOL

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. WYNN. Mr. Speaker, I would like to commend Templeton Elementary School, located in my Congressional District in Riverside, Maryland, for being named a National Blue Ribbon School. Templeton Elementary has a diverse enrollment of approximately 750 students with just over 70% coming from low income households.

This Blue Ribbon Award bestowed upon Templeton Elementary School by the U.S. Department of Education is a tribute to the school's academic accomplishments. Working within the tenants that "learning is valuable, respect is essential, communication is vital, consistent attendance is necessary, and teachers and parents must form a partnership to ensure student success," the students, parents and dedicated staff have demonstrated what is possible through their collective efforts.

Despite having a high percentage of children from low income homes and being within a school system with severe financial constraints, this school has excelled. Templeton serves as a model of the odds that can be overcome through both commitment and dedication.

WHITE HOUSE CONFERENCE ON MENTAL HEALTH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. MCDERMOTT. Mr. Speaker, the following speech delivered at the White House Conference on Mental Health by the President of the Special Olympics, Mrs. Shriver, does an excellent job in describing the challenges faced by individuals that suffer from both psychiatric disorders and mental retardation.

I urge my colleagues to take the time to read this particularly informative speech.

MRS. SHRIVER'S STATEMENT FOR THE WHITE HOUSE CONFERENCE ON MENTAL HEALTH

It has been known for at least the last 25 years that individuals with mental retardation suffer from the full spectrum of psychiatric disorders—depression, schizophrenia, anxiety states and more. In fact, it is now estimated that as many as 30% of the individuals with mental retardation also have a coexisting mental illness, yet they remain one of the most underserved populations in the United States. These undiagnosed and untreated disorders prevent millions of people with mental retardation from leading productive lives.

Clinicians tell me that often emotional or aggressive outbursts are labeled normal behaviors for those with mental retardation when serious depression or other psychiatric disorders may be present. Too often in these situations psychotropic medicines in large doses may be administered with unnecessary toxic side affects.

Let me tell one short story that exemplifies this unfortunate situation. A forty-year-old woman with moderate mental retardation in an institution in a state not far from here was very heavily sedated because of severe aggressive behavior. Because of one well-trained clinician this woman's life was completely turned around. he diagnosed her as having a bi-polar affective disorder and treated here with Lithium. Shortly thereafter, she returned to here community, obtained a job and is now a productive member of society in contact with family and friends.

Another unfortunate example is when a non-retarded child is hyperactive he is often diagnosed as having an attention deficit disorder and treated properly. but when a child with mental retardation is hyperactive that behavior is typically attributed to his mental retardation and not adequately diagnosed or treated. We do know that children with attention deficit were very very rarely included into "Federal studies" on attention deficit disorder.

What can we do to improve these dreadful situation?

First, all psychiatric training should include exposure to children and adults with mental retardation and the American Board of Psychiatry and Neurology should require such experiences for certification.

Secondly, most of us agree that the earlier treatment is started, the more effective it is. Therefore, when a young child with mental retardation attends primary grades and acts up that shouldn't be automatically attributed to his mental retardation. The child should be referred to the school psychologist for proper diagnosis and treatment.

To accomplish all these goals, basic and clinical research that can benefit people with mental retardation and mental illness should be a priority at the National Institute of Mental Health working cooperatively with the National Institute of Child Health and Human Development and mentally retarded must be included in new research.

Finally, we must remember that persons with mental retardation are finding their own voice, telling their own stories, reminding the world that they are not to be pitied nor neglected, but rather individuals with ideas and feelings and dreams for their future. They stand with us today announcing their abilities and proclaiming that their time has come. From the Special Olympics Movement I have seen over and over again their promise, their potential and their unbridled human spirit.

I am confident that this conference and Mrs. Gore's leadership will forcefully move us into the next millennium where the mental health needs of those with mental retardation will be fully studied and addressed. I look forward to hearing others' thoughts and comments on this critical issue.

I thank you for this opportunity to talk on behalf of these wonderful human beings.

PERSONAL EXPLANATION

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. EHRLICH. Mr. Speaker, I missed 3 recorded votes because I was unavoidably delayed on June 7. I missed rollcall vote numbers: 167 on approving the Journal; 168 (H.R. 435); and 169 (H.R. 1915). Had I been present I would have voted "aye" on each of the three votes.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber for rollcall votes held the evening of Monday, June 7th. Had I been present I would have voted "yea" on rollcall votes 167, 168, and 169.

GUN CRIME PROSECUTION ACT OF 1999

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today, I along with Congresswoman MCCARTHY and Congressman MOORE and other cosponsors introduce a bill that will put at least one Federal prosecutor in every State to focus upon prosecuting gun crimes.

There is no question that our nation is facing a growing scourge of gun violence that is holding an increasing number of our communities under siege. Crimes committed with firearms are among the most heinous, and should be prosecuted as quickly and forcefully as possible.

While the federal government has, in the past, approached the problem of gun violence by passing new federal laws and putting more cops on the beat, there is nothing that can be done to attack the problem if our prosecutors do not have the resources they need to enforce these existing laws.

Simply put, we must give them the resources they need to fully enforce existing gun laws. That is why we have introduced the Gun Crime Prosecution Act of 1999.

This legislation will give every United States Attorney for each judicial district an additional Assistant US Attorney position whose sole purpose would be the prosecution of crimes committed with a firearm. Specifically, each new prosecutor position would give priority to violent crimes and crimes committed by felons. By committing a full-time position within each US Attorney's office to prosecuting gun crimes, we will be giving our prosecutors the tools they need to enforce the laws that already exist in statute.

We hope you will join us in this effort by signing on to the Gun Crime Prosecution Act of 1999, and giving our prosecutors the help they need to make our communities safer.

The National Fraternal Order of Police endorses this bill. The National President, Mr. Gilbert Gallegos, states that this bill "addresses a key component of crime control which has been overlooked in much of the debate about new firearms law—the need to provide the resources to prosecute offenders."

Mr. Speaker, I ask my colleagues to support this bill.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, 27 May 1999

Hon. TOM UDALL,
U.S. House of Representatives, Washington, DC.

Dear CONGRESSMAN UDALL, I am writing on behalf of the 277,000 members of the National Fraternal Order of Police to advise you of our strong support of legislation you intend to introduce in the House of Representatives today.

The bill provides for an additional prosecutor in each U.S. Attorney's office who will devote his or her time exclusively to the prosecution of firearms crimes. Your legislation addresses a key component of crime control which has been overlooked in much of the debate about new firearms law—the need to provide the resources to prosecute offenders. We believe that a more vigorous prosecution of the laws already on the books will dramatically impact violent crime in our nation, and we further believe that this legislation will put our most dangerous criminals—those who use guns—behind bars.

I salute your leadership on this issue and want to thank you for reaching out to the Fraternal Order of Police on this issue. If there is anything we can do to help move this legislation, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

GILBERT G. GALLEGOS,
National President.

SHELLEY KENNEDY: A POSITIVE INFLUENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BARCIA. Mr. Speaker, our communities grow and succeed when there are strong leaders who have a sense of loyalty to the community. I rise today to pay tribute to one such person who made it her life's work to provide her students, who needed a helping hand with the tumultuousness of growing up, the extra attention and support to be able to succeed. I would like to commend Shelley Kennedy for her years of dedication and service to the thousands of young adults whose lives she has profoundly touched.

Shelley, a native of Pennsylvania, moved to Michigan to pursue a teaching degree at Michigan State University. She epitomizes the soul of caring and giving for youngsters and began her lifelong career of teaching children with special needs in the Detroit public schools. She moved to my hometown of Bay City, Michigan, in 1975 and continued her work of making a positive and tremendous impact on her students.

While teaching students at the Bay County Juvenile Home, she realized that many of her students returned to the home because they continuously engaged in the same troubling acts. In response, she and a colleague established Bay County's only charter school in 1986 to provide more individual attention to the students who needed extra guidance and encouragement to keep them focused on the importance of good education.

By lending a helping hand to the entire spectrum of students, from teenaged parents to juvenile offenders, Shelley Kennedy has given many students a new beginning and a new outlook on life. By teaching them these important life skills necessary to succeed, she has provided a tremendous service to society as a whole. Her legacy is written in the students she supported and provided for, and that legacy is immeasurable.

She could not have made such a tremendous impact and achieved her great accomplishments without the support of her family including her loving husband, Brian, and her daughter Shannon. While Shelley has retired from teaching, she continues her steadfast mission to improve her community by remaining active with Hospice, the Literacy Council and numerous other nonprofit organizations.

Mr. Speaker, Shelley Kennedy has reached out to students with unique challenges and has motivated countless individuals to pursue a better and brighter future. We wish her all the best, and give her a heartfelt thank you. I ask you, and all of my colleagues, to join me in commending her outstanding accomplishments and wishing her all the best in the years ahead.

TRIBUTE TO JERRY DYER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who was a dear friend of mine, Jerry Dyer.

Jerry was a devoted and loving husband, father, son, brother and friend. His love was unconditional, just because you were there. He had his priorities in order. He was a good businessman but he knew that was not at the top of the list.

He always greeted life and business with great good humor. He enriched every life he touched, especially children. Jerry was a good citizen, and it is appropriate that he was honored as "Citizen of the Year" by his community. It is the highest honor to be recognized by your friends and neighbors.

I will always remember two stories Jerry loved to tell on himself. One about a man in Gillett that he loaned some money to buy some cows. The man bought the cows and they got out of the pasture one night, onto the highway and were destroyed by a truck. The man come in the bank the next morning and walked into Jerry's office and said "banker they done run over our collateral." Jerry just laughed his special chuckle and said "well let's see what we can do."

Jerry always worked hard to make his community a better place to live, work, and raise a family. We had been working together to improve main street in Gillett and one of the towns "characters" named "Doc" purchased a vacant lot right in the middle of the business section of the street and put a rather dilapidated trailer there. Then he took the bath tub out of the trailer and set it in the front yard. Every one that drove by saw this. Doc was in the bank one day and Jerry, in his diplomatic way said to Doc (part of Doc's charm was lack of personal hygiene) ;"Doc what are you going to do with your bath tub?" Doc says, "I need that space to store my spare tires in, but if I was going to take a bath, I would want a bigger tub than that."

Again Jerry just laughed and started trying to improve things in another way.

My friend Jim Ed Wampler said it best and it is the way we describe our very best in the wonderful place we call home, "he was a good man."

I think that says it all.

HONORING MADELEINE APPEL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Madeleine Appel, who is this year's recipient of the Houston Chapter of The American Jewish Committee's Helene Susman Woman of Prominence Award. Helene Susman was a widowed mother of two who became the first woman from Texas admitted to the bar of the Supreme Court of the United States. When she died in 1978, she left a legacy of a commitment of Judaism, a belief in the importance of contributing to the community, and the need for individuals to act responsibly and with integrity at all times.

Madeleine Appel has demonstrated her commitment to her profession, community, and family in such a manner as to distinguish herself as a role model for other women to follow.

Madeleine Appel presently serves as Division Manager Administration in the City Controller's Office for the City of Houston. Her work experience with the City of Houston has included a number of positions: Administrator/Senior Council Aide, Mayor Pro-Tem Office Houston City Council from 1996–1997; Senior Council Aide, Houston City Council Member Eleanor Tinsley 1980–1995; and Administrator, Election Central, ICSA, Rice University.

She began her career as a journalist working as an Assistant Women's Editor and Reporter at The Corpus Christi Caller and Times. Additionally, she worked as the Women's Editor and Assistant Editor for The Insider's Newsletter and as a reporter for The Houston Chronicle where she won the "Headliners Award." She received her B.A. from Smith College in political science and graduated Magna Cum Laude.

Madeleine Appel's community involvement includes Scenic America, League of Women Voters of Texas and the United States, Houston Achievement Place, Jewish Family Service, League of Women Voters of Houston, Houston Congregation for Reform Judaism, Houston Architecture Foundation, American

Jewish Committee, City of Houston Affirmative Action Commission, and Leadership Houston Class XII.

Madeleine Appel has been married for 36 years to Dr. Michael F. Appel and she is the proud mother of two sons and two daughters-in-law.

Mr. Speaker, I congratulate Madeleine Appel for her service to her community and to Houston. She is the best of public servants and an inspiration to others who want to engage in public service.

A BILL TO PERMANENTLY EXTEND THE WORK OPPORTUNITY TAX CREDIT AND MAKE CERTAIN IMPROVEMENTS IN THE PROGRAM

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague from New York, Mr. RANGEL, together with a number of other colleagues, in introducing our bill, The Work Opportunity Tax Credit Reform and Improvement Act of 1999. The bill would permanently extend the Work Opportunity Tax Credit and make other changes discussed below.

After a number of improvements over the past few years, the program is being well received in providing employment, with training, for our disadvantaged. We believe the WOTC and Welfare to Work Credit (WTWC) programs have been very important in helping individuals become employed and make the transition from welfare to work. Such training can be costly and the credits provide an incentive to employers to hire the disadvantaged and provide the needed training while offsetting costs associated with the latter effort.

Of course, many believe that the program would be even more successful if it could be extended indefinitely. Employers, both large and small, could depend on the program and would be more likely to seek out potentially qualified employees. That change would benefit everyone.

We have proposed several other changes in the bill which would streamline and simplify the program. First, the Welfare to Work Credit program would be merged into WOTC, by establishing an additional category for WTWC. The separate Section 51A for WTWC would be repealed.

The bill would also standardize the definition of wages based on the current law WTWC definition. This change broadens the definition by including benefits paid to the employee. The bill would also apply the same 40% credit rate for both the WOTC categories (first year wages of $6,000) and for the WTWC category (first and second year wages of $10,000) in the interests of simplification.

Lastly, the bill would add "Section 501(c)(3)" organizations as a qualifying employer. The credit would be treated as an offset against employment tax liabilities otherwise due. It is believed that these organizations could hire and train many of the disadvantaged, and the credit would provide an incentive for such organizations to seek out these individuals. This provision would add a new avenue for moving individuals from welfare to work. Because this is a new change to the program, even though included in proposed legislation in the past, it is being proposed as a three year pilot project. This period will allow a period of time to determine if this feature of the overall WOTC program is effective and produces the desired result.

We urge our colleagues to join us in cosponsoring this important legislation to extend and improve the Work Opportunity Tax Credit program.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 167, had I been present, I would have voted "yea."

RECOGNIZING THE EFFORTS OF THE EMPLOYEES OF ROCKLAND COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the employees of the Rockland County Environmental Management Council for their work and dedication in serving the people and communities of Rockland County.

In this spirit, the employees of the Rockland County Environmental Management Council will be celebrating their 25th anniversary on June 16, 1999. Over the past 25 years, they have received 16 awards, including 12 from the New York State Association of Environmental Management Councils, and 4 from the National Association of Counties. In 1997, the Council won the first place New York State Project/Plan Award for "outstanding accomplishments in enhancing the quality of the environment in their community."

For the past 25 years, the employees of the Rockland County Environmental Management Council have achieved many goals, ranging from sponsoring a public forum on water conservation to collaborating with the Rockland County Health Department on implementing a county noise ordinance. Their efforts to protect and preserve the environment include sponsoring a "Sun Day" (a regional conference on solar energy), coordinating the household hazardous waste collection project, serving on a county legislative subcommittee on recycling, and helping to prepare Rockland County's solid waste management plan.

The employees of the Rockland County Management Environmental Council have dedicated their lives to improving life within the Hudson Valley, and are to be commended for their outstanding efforts.

Accordingly, I invite my colleagues to join with me in thanking the employees of the Rockland County Environmental Management Council for their hard work and continued dedication to improving our quality of life.

COMMEMORATING THE 30TH ANNIVERSARY OF THE NEW JERSEY TENANTS ORGANIZATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 30th Anniversary of the New Jersey Tenants Organization (NJTO).

The NJTO was founded 30 years ago during an extreme housing shortage. Tenants in New Jersey faced unconscionable rent increases and had little protection from landlord abuse. Landlord-tenant laws at that time were very primitive and gave practically no protection to tenants. In fact, the only right afforded to tenants was the right of pay.

This situation compelled a group of concerned citizens to come together to form the NJTO to combat these conditions. Using strategies ranging from rent strikes to legal battles, the NJTO succeeded in getting the State of New Jersey to enact the State Retaliatory Eviction Law in its first year of existence. This crucial triumph was responsible for paving the way for a massive wave of state-wide tenant mobilization.

Over the past 30 years, the NJTO has grown into the oldest statewide tenants organization in the United States and can boast of being the driving force behind 18 major landlord-tenant laws. During this time, the NJTO's advocacy on behalf of New Jerseyans has resulted in the strongest legal protections for tenants throughout the entire country.

This year, the NJTO is counting among its honorees Arlene Glassman, a neighbor of mine from Fair Lawn, New Jersey and Bob Ryley of Jackson Township, New Jersey. Arlene has been a committed member of the NJTO for the past 20 years and has served on the Board of Directors since 1995. In Fair Lawn, she made a name for herself by successfully leading the effort to reduce the allowable rent and revise the rent ordinance. Thanks to her leadership, Fair Lawn's leaders and elected officials have a greater appreciation of the needs of the tenants in the town.

Bob Ryley will also be recognized for his work with the Mobil Home Owners Association of New Jersey (MHOA). Since joining the group in 1984, Bob obtained mobile home tenants the right of first refusal should the landlord decide to sell their park. In this era of political apathy, Bob has succeeded in his efforts to keep the MHOA's members actively involved on issues of concern to them.

Both Arlene and Bob will receive the NJTO's Ronald B. Atlas Award on June 27 for their years of service on behalf of New Jersey tenants. This prestigious award is the NJTO's way of articulating the organization's gratitude for all of the time and energy that Arlene and Bob have given to the group and I am proud to extend my congratulations to them today on the floor of the U.S. House of Representatives.

THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM JURISDICTION ACT OF 1999

HON. F. JAMES SENSENBREENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the "Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999." The bill synthesizes the contents of two other measures I have authored, H.R. 1852 and H.R. 967.

Section 2 of my bill is identical to H.R. 1852, the "Multidistrict Trial Jurisdiction Act of 1999," which I introduced on May 18 at the behest of the Administrative Office of the U.S. Courts, or the "AO." The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the district where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the "transferee court") often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself.

According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a "resolution" with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 104 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that "the floor of Congress" was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, Section 2 of this legislation responds to Justice Souter's admonition. It would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice under the Multidistrict Litigation statute. It obviously promotes judicial administrative efficiency.

Section 3 of the bill consists of the text of H.R. 967, the "Multiparty, Multiforum Jurisdiction Act of 1999," which I introduced on March 3rd. This is a bill that the House of Representatives passed during the 101st and 102nd Congresses with Democratic majorities. The Committee on the Judiciary favorably reported this bill during the 103rd Congress, also under a Democratic majority, and just last term the House approved the legislation as Section 10 of H.R. 1252, the "Judicial Reform Act." The Judicial Conference and the Department of Justice have supported this measure in the past.

Section 3 of the bill would bestow original jurisdiction on federal district courts in civil actions involving minimal diversity jurisdiction among adverse parties based on a single accident—like a plane or train crash—where at least 25 persons have either died or sustained injuries exceeding $50,000 per person. The transferee court would retain those cases for determination of liability and punitive damages, and would also determine the substantive law that would apply for liability and punitive damages. If liability is established, the transferee court would then remand the appropriate cases back to the federal and state courts from which they were referred for a determination of compensatory and actual damages.

Mr. Speaker, Section 3 will help to reduce litigation costs as well as the likelihood of forum shopping in mass tort cases. An effective one-time determination of punitive damages would eliminate multiple or inconsistent awards arising from multiforum litigation. At the same time, however, trial attorneys will have the opportunity to go before juries in their home states for compensatory and actual damages.

Mr. Speaker, I look forward to a hearing on this measure which will take place before the Subcommittee on Courts and Intellectual Property.

The legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I therefore urge my colleagues to support the Multidistrict, Mulitparty, Multiforum Jurisdiction Act of 1999 when it is reported to the House of Representatives for consideration.

TRIBUTE TO MAJOR GENERAL MORRIS JAMES BOYD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SKELTON. Mr. Speaker, I wish to recognize the accomplishments of a truly outstanding individual, Major General Morris J. Boyd, U.S. Army. General Boyd will soon be completing his assignment as the Deputy Commanding General of III Corps and Fort Hood, which will bring to a close a long and distinguished career in the U.S. Army. It is a pleasure for me to recognize just a few of his many outstanding achievements.

General Boyd, a native of Oakland, California, entered the Army in April 1965. Upon graduation from Officer Candidate School in March 1966 as a Distinguished Military Graduate, he was commissioned as a second lieutenant in Field Artillery. He has served in a wide variety of Field Artillery and Aviation assignments in Infantry, Air Cavalry, Mechanized, and Armored Divisions. He has commanded at battery, battalion, and brigade levels and served as Deputy Commander, V Corps Artillery, Frankfurt, Germany, and as Assistant Division Commander of the 1st Infantry Division, Fort Riley, Kansas. Staff assignments have been at battalion through Department of the Army. His most recent staff tours include an assignment as Deputy Chief of Staff for Doctrine (Headquarters, U.S. Army Training and Doctrine Command), followed by assignment to Washington, DC, as the Army's Chief of Legislative Liaison. Major General Boyd's overseas tours include Greece and Germany; two combat tours in Vietnam, one as a field artilleryman, the other as an aviator; and one in Southwest Asia, where he commanded the 42nd Field Artillery Brigade as part of VII Corps, during Operation Desert Storm. General Boyd served a tour of duty at Fort Hood during 1971–1972 with 1st Battalion, 14th Field Artillery, 2d Armored Division, as Battalion S–3 and Battery Commander.

Major General Boyd holds Bachelor of Arts and Masters degrees in Business Administration. He is a graduate of the Field Artillery Officer Advanced Course, the Fixed Wing Aviator Course, the U.S. Army Command and General Staff College, and the U.S. Army War College. His awards include the Distinguished Service Medal, Legion of Merit with 3 Oak Leaf Clusters, Distinguished Flying Cross, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal with Oak Leaf Cluster, Air Medal (12th Award), Army Commendation Medal with 2 Oak Leaf Clusters, Army Achievement Medal, and the Vietnam Cross of Gallantry with Silver Star. He has also earned the Parachutist Badge, Senior Aviator Wings, and Army Staff Identification Badge.

Major General Boyd and his wife Maddie live at Fort Hood, Texas. They have one son, Ray, who resides in Phoenix, Arizona.

Mr. Speaker, General Boyd has devoted his life to preserve the peace that we enjoy. He is truly a great American and has served his country with honor and distinction. I wish him well in the days ahead and am proud to recognize his achievements today.

HONORING THE SLATEVILLE PRESBYTERIAN CHURCH ON ITS 150TH ANNIVERSARY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GOODLING. Mr. Speaker, I rise today to pay tribute to the Slateville Presbyterian Church on the occasion of its 150th Anniversary Celebration. I am pleased and proud to bring the history of this church to the attention of my colleagues.

The church, located in Delta, Pennsylvania, was founded in the summer of 1849. It was one of six churches that stemmed from the first Presbyterian Church west of the Susquehanna River in the southern region of York County, the Log Church in the Barrens. In its 150 years of existence, the church has been home to a tightly-woven community whose faith and fellowship are a source of inspiration in the area.

I send my sincere best wishes as the Slateville Presbyterian Church celebrates this milestone in its history, and hope that the new millennium will see this community prosper and be strengthened in its faith.

CONGRATULATING EXCEPTIONAL PARENTS UNLIMITED OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited of Fresno for receiving the Daily Points of Light Award from the Points of Light Foundation in Washington, D.C. The Points of Light Foundation, established by President George Bush, recognizes individuals and groups that give service to their communities.

Exceptional Parents was founded 22 years ago by a registered nurse Marion Karian, who still runs the organization today. It began as a support group at University Medical Center of Fresno, California, for parents of children with Down Syndrome, and has grown into a large, non-profit organization, which serves the family members of children with special needs. Marion states, "When there is a child with disabilities it affects the whole family. Our approach is to help the whole family."

The heart of the organization's program is providing support, education and advocacy assistance to families of disabled children, including siblings and grandparents. An early-intervention program targets families with children up to three years of age. It offers developmental assessment and assistance including occupational therapy, physical therapy and speech therapy. It enhances the development of infants and toddlers with disabling conditions and minimizes their potential for developmental delays. There is also a Family Resource Network which provides multicultural parent training and information, a Safe and Healthy Families program and Child Abuse Prevention services which is one in seven in the state, funded by the Department of Social Services. All of these services are free to the public.

"We can give out lots of technical information, and we do," says Marion, "but what parents can do for other parents is empowering. When a new parent gets together with an experienced parent and finds out he is not in isolation, not alone, they connect. We strengthen families and enables them to handle their own situations, that is the thread of who and what we are."

Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited for receiving the Daily Points of Light Award. The service of emotional and educational empowerment is invaluable to families of disabled children. I urge my colleagues to join me in wishing this organization many years of continued success and service to their community.

THE HONORABLE BOB BADHAM'S 70TH BIRTHDAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to a remarkable man who is celebrating his 70th birthday today. The Honorable Bob Badham is a former colleague, a leader, and a friend.

Congressman Badham served 12 years in the U.S. House of Representatives before he retired in 1988. During my freshman term Bob helped me immensely through his advice and friendship. Today, I am honored to serve many of the constituents that live in parts of his former district.

Congressman Badham has an astute mind and was one of the most knowledgeable members the House Armed Services Committee has known. He was a senior member of the North Atlantic Assembly, which is the legislative arm of NATO, during some of the most crucial times since they were formed.

During Mr. Badham's tenure on the Armed Services Committee he was known on both sides of the aisle as an expert on military matters. He spent many hours evaluating weapons and systems for the benefit of his committee colleagues. Bob has been a valuable service to the defense of this great nation.

I would like to congratulate Bob on his 70th birthday. He has served this country with distinction. I wish him and his family all the best for the future.

A TRIBUTE TO JOHN DOUGHERTY RECIPIENT OF THE UNICO GOLD MEDAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the recipient of the 1999 Unico Gold Medal of Achievement, John Dougherty. Unico is continuing its tradition of honoring outstanding Union Leaders with the prestigious Unico Gold Medal of Achievement Award. This year the Greater Philadelphia Chapter Unico has selected John Dougherty, Business Manager of Local 98, International Brotherhood of Electrical Workers.

John began his apprenticeship with Local Union 98, IBEW, in 1981. Active in many positions in the union, he was elected to the Electric Machinists Association in 1987 and in 1998 was unanimously elected to the local Union's Executive Board. In 1993, at the age of 33, John became the youngest Business Manager in the history of Local Union 98.

Since becoming Business Manager, John has given of himself tirelessly. Currently he is President of the Philadelphia Mechanical Trades Council, Vice President of the Philadelphia Building Trade Council, and Vice President of the Philadelphia AFL–CIO. John has been noted by the Philadelphia Business Journal as one of the "Forty under Forty". He sits on both the board of the Philadelphia Inter-Land Commission and the Penns Landing Corporation, and has been chosen to represent Mayor Rendell on the Mayor's Telecommunications Advisory Commission and also on the Airport Advisory Board.

In conclusion, it is with great pride that I rise to announce the presentation of the Unico Gold Medal of Achievement Award to John Dougherty, a man who exemplifies the Unico Motto "Service Above All."

INTRODUCTION OF MEDICARE MODERNIZATION NO. 10: THE PAPERLESS CLAIMS PROMOTION ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STARK. Mr. Speaker, I am pleased to introduce the Medicare Paperless Claims Promotion Act of 1999, the 10th in a series of Medicare modernization bills designed to improve program administration and the quality of the health care for Medicare beneficiaries.

The Health Insurance Portability and Accountability Act of 1996 (HIPPA), included a number of administrative reforms for Medicare. The submission of electronic claims to Medicare instead of traditional paper claims is one of the main aspects of those administrative simplication efforts.

Currently, a large majority of providers submit their claims utilizing an electronic system. In fact, as of January 1998, about 96 percent of all Medicare Part A claims were submitted electronically while 80 percent of all Medicare Part B claims were submitted in electronic formats. These numbers have continued to increase in the past year.

While these numbers are commendable, the providers who have not yet begun to submit claims electronically are a real concern. Allowing paper claims to be submitted indefinitely will require duplicative systems that will create additional costs and inefficiencies for the Medicare system.

The Administration has responded to this situation by proposing that by the beginning of fiscal year 2000 (October 1, 1999), any claims not submitted electronically will be subject to an administrative fee of $1. Since that announcement, they have assumed an additional 6 month delay in implementation due to Y2K activities.

Unfortunately, however, such action is likely to have a disproportionate effect on smaller and rural providers that have been less aggressive in developing electronic information systems in their offices.

I understand that developing such systems is labor intensive and expensive. Therefore to accommodate those providers who have not yet developed the capability to submit paperless claims, my bill proposes that the administrative fees charged for claims submitted in paper format would become effective as of January 1, 2003.

In addition my bill would also grant the Secretary the power to waive the imposition of this administrative fee under certain circumstances, as she deems appropriate.

To facilitate the implementation of electronic submission, my bill would also require the Secretary to make public domain software readily available at no charge.

Converting to an all electronic claims system is a critical aspects of modernizing the Medicare program. In doing so, we must also be certain that we do not unfairly penalize providers in this process. My bill would allow providers ample time to get up to speed with the process prior to the imposition of administration fees for non-compliance.

The Paperless Claims Promotion Act of 1999 is the 10th in my series of Medicare modernizations. It is a sensible change to current law to move us an electronic filing system.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. WAMP. Mr. Chairman, I rise today out of concern regarding funding for the Food Contact Notification (FCN) program in H.R. 1906, the FY 2000 Agricultural, FDA and Related Agencies Appropriations bill. This program is new and provides for the expeditious review of new food contact substances. Food contact substances are products like plastic, paper, and aluminum wraps that are used as containers for food products.

It is not commonly known that these materials must be reviewed for their safety before being marketed, because they touch food products. As a result, the Food and Drug Administration Modernization Act of 1997 included FCN to reduce the time and cost involved in marketing a new food packaging material. Although FDA began the initial phase of setting up this program, with $500,000 designated for the program in FY 1999, the program cannot continue unless the Congress provides $3 million for FY 2000.

Mr. Chairman, this program is a terrific example of real regulatory reform—it reduces the agency's workload by streamlining regulation, reduces regulatory burdens on the plastics, paper, and aluminum industries, increases the potential for new and improved products to reach consumers, and does all these things without compromising public safety.

As you well know, the Congress is not able to fund every program and we have to make some very difficult choices. However, I believe it would unfortunate to let this good idea languish. While the Administration and the Appropriations Committee may prefer funding this program with user fees, discussion of such a proposal has not even begun. Even if agreement was near, it will be difficult to enact the authorization this year. As we move to Conference, I urge the Chairman and Ranking Member of the House Agricultural Appropriations Committee to seriously consider funding this program at the authorized level in the event that a fee system is not enacted in time for FY 2000.

WEAPONS LABORATORY SECURITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully the following editorial from the June 2, 1999, edition of the Omaha World-Herald, entitled "A Price For Lost Secrets." It speaks to the need to establish accountability for the intolerable security which has prevailed at Department of Energy weapons laboratory facilities.

[From Omaha World-Herald, June 2, 1999]

A PRICE FOR LOST SECRETS

Clinton administration official Bill Richardson said recently it was time to stop "looking for heads to roll" in response to the administration's failure to combat Chinese spying at U.S. nuclear facilities. He is wrong. For too long, the administration has been hiding behind the bromide that it's petty, mean-spirited and counterproductive to assess blame for the illegal distribution of FBI files, the reception of illegal foreign campaign donations, and other mess-ups in this administration.

Richardson is secretary of the Energy Department which supervises nuclear research laboratories. Several years ago a career Energy intelligence officer began warning his Clinton-appointed supervisors that tax security, especially at the Los Alamos National Laboratory in New Mexico, was allowing China to steal nuclear secrets. The warning, initially dismissed by the Clintonites as alarmist nonsense, eventually was conveyed up the chain of command to key Cabinet members and the president. Still there was no meaningful response.

The Justice Department rejected the FBI's request for permission to conduct electronic surveillance of a scientist who now stands accused of transferring to China more than 1,000 classified files of nuclear secrets. Attorney General Janet Reno now is pointing fingers at subordinates, saying she was given bad advice.

It's good to see that pressure is building to the point that the attorney general is compelled to do the sort of scapegoating that Richardson wants to squelch. Reno ought to feel severe heat. If deputies did blow it and made Reno look bad, then they, too, ought to be seared in the crucible of public scrutiny.

The campaign for accountability ought to be applied across party lines. The current intelligence director at Energy said recently that Republican Richard Shelby, chairman of the Senate Intelligence Committee, never responded to the FBI's 1997 proposal for $12.5 billion worth of changes to fight nuclear spying. Shelby said that the committee already had begun working on counterintelligence measures in 1996 but that Energy ignored the Committee's recommendations.

Let debate continue on that and all other arguments about Chinese nuclear spying on American soil. This administration has bungled the most important duty of government—safeguarding the security of the nation. The people responsible ought to be exposed.

The Clinton administration, through the Democratic National Committee, received millions of illegal campaign dollars from Chinese sources while refusing to act on information that China was raiding the nuclear store. Corporations, that were major donors to the DNC were allowed to share prohibited technology with Chinese businesses as part of lucrative deals. And then there was Reno's thwarting of the FBI's pursuit of the suspected mole at Los Alamos. When will the president offer an explanation to rebut the evidence that something caused his administration to go out of its way to accommodate China?

Bring out the political guillotine.

TRIBUTE TO IVORY BROWN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to an exceptionally dedicated, compassionate, and distinguished member of Indiana's First Congressional District, Mr. Ivory Brown, of Gary, Indiana. After teaching and coaching in the Gary Public School System for 41 years, Coach Ivory "Ike" Brown will retire on June 12, 1999. Upon completion of his last day, Mr. Brown will be honored at the Genesis Convention Center in Gary, Indiana, with a final, formal salute from his friends and colleagues for his service, effort, and dedication.

In 1954 Coach Brown graduated from Roosevelt High School in Gary, Indiana, and enrolled as an undergraduate at Wiley College. He began his graduate work at Indiana University, where he earned his Master's degree. Mr. Brown continued his education at Texas Southern University where he took advance courses.

An educator and coach for more than four decades in the Gary Community School Corporation, Ivory Brown's accomplishments in the classroom and on the court are shining examples of the pride and dedication he exhibited in his work. Mr. Brown began his teaching career with the Gary Community School Corporation in 1958 where he served as an elementary, middle, and high school teacher until 1968. From 1969–1972, he was a driver education specialist and in 1972 until his retirement, he served as a physical education instructor and head basketball coach at West Side High School.

From the beginning of his coaching career, Ivory Brown has served as an inspiration to thousands of students, fans, and players at West Side High School and throughout Northwest Indiana. Through his tireless efforts, he has assisted more than one hundred fifty high school athletes in their pursuit of higher education by helping them obtain college scholarships in basketball and track.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Ivory "Ike" Brown for his lifetime of dedication, service, and leadership to the students and faculty of the Gary Community School Corporation, as well as the people of Northwest Indiana. Coach Brown's efforts as an educator and a basketball coach blended together to help kids make the most of their potential and earn their success in the world. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Mr. Ivory Brown.

CONGRATULATIONS TO THE JEWISH COMMUNITY HOUSE OF BENSONHURST

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Jewish Community House of Bensonhurst on the occasion of its 72nd Anniversary Celebration.

The members of the Jewish Community House of Bensonhurst have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This year's gathering is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Vic Damone, America's legendary vocalist and entertainer, is a Bensonhurst native and graduate of Lafayette High School. This year's recipient of the Coach Gold Alumni Achievement Award, Vic Damone has entertained audiences throughout the world and was recently presented with the prestigious Sammy Cahn Award by the Songwriters Hall of Fame. A JCH alumnus, Vic Damone remains friends with many JCH alumni including Larry King and Herb Cohen.

Gerry Farber, this year's recipient of the Joseph W. Press Humanitarian Award, has long been known as a supporter of early childhood education at the JCH. When the JCH needed support to renovate its nursery school in 1992, Gerry and his wife, Gail, were as there to help see it through. Recently, the Farbers created an endowment for the benefit of the JCH's early childhood programs. Gerry is a Bensonhurst native and an alumnus of the JCH and maintains close contact with fellow alums throughout the country. In 1975, Gerry joined the investment firm of Weiss, Peck & Greer and currently serves as the manager of its Farber-Weber Fund.

Each of this evening's honorees has long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Jewish Community Hour of Bensonhurst on the occasion of its 72nd anniversary celebration.

HONORING RUSSELL MAJOR

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the memory of Russell Major.

Russell Major devoted every single waking moment to making Englewood, New Jersey a city that could boast of being a haven for all people, regardless of their race, color or ethnic background.

The countless hours that Russell spent organizing sit-ins and circulating petitions to achieve this end were oriented particularly towards providing the children of Englewood with the opportunity to realize the American Dream. He rightly recognized that to deny a child an opportunity for a quality education is to deny that child a lifetime of opportunities.

Russell Major believed that every child should be educated in schools that are safe and well-maintained, schools that have access to advanced educational technology, and schools with classes that are small enough to facilitate the best teaching and learning.

On June 12, 1999, the Englewood Board of Education will be renaming the Liberty School after Russell Major. From now on, when the students walk into the Russell Major Liberty School on Tenafly Road, they will be walking into a school whose namesake embodies the values that they are being taught: tolerance, patience, fairness, vigilance, and excellence. These are the values that will help these young people realize the vision that Russell had for them and for all Americans, a vision that was grounded in family, community and education.

It was also a vision that enabled Russell Major to give of his heart, as much as he gave of his mind. And it was a vision that gained him the respect of every person who ever came into contact with him.

Russell Major fought to make the America he envisioned a reality for the people of Englewood and beyond. By renaming the Liberty School in Russell's memory, we are honoring his legacy and challenging future generations to continue his important work.

INTRODUCTION OF NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SENSENBRENNER. Mr. Speaker, I rise today to introduce H.R. 2086 the Networking and Information Technology Research and Development Act of 1999. And I recommend that all my colleagues join with Science Committee Ranking Member GEORGE BROWN, Congressman TOM DAVIS and 23 other Republican and Democrat Members of the Science Committee in cosponsoring this important bipartisan research initiative.

Two decades ago, the changes wrought by information technology were unimaginable. The scope and scale of the changes produced by the explosion in information technology are comparable to those created during the Industrial Revolution of the 17th and 18th centuries. But whereas the Industrial Revolution ushered in the era of the machine—symbolized by the steam engine, the factory, and the captain of industry—the Information Revolution promises to create the era of the mind—symbolized by the silicon chip, the microprocessor, and the high-tech entrepreneur.

Today, the United States is the undisputed global leader in computing and communications, and a healthy information-technology industry is a critical component of U.S. economic and National security. The impact of information technology on the economy is telling. It represents one of the fastest growing sectors of the U.S. economy, growing at an annual rate of 12 percent between 1993 and 1997. Since 1992, businesses producing computers, semiconductors, software, and communications equipment have accounted for one-third of the economic growth in the U.S.

Fundamental information-technology research has played an essential role in fueling the Information Revolution and creating new industries and millions of new, high-paying jobs. But maintaining the Nation's global leadership in information technology will require keeping open the pipeline of new ideas, technologies, and innovations that flow from fundamental research. Although the private sector provides the lion's share of the research funding, its spending tends to focus on short-term, applied work. The Federal Government, therefore, has a critical role to play in supporting the long-term, basic research the private sector requires but is ill-suited to pursue.

However, as the Congressionally-chartered President's Information Technology Advisory

Committee (PITAC) noted in its recent report, the emphasis of Federal information technology research programs in recent years has shifted from long-term, high-risk research to short-term, mission oriented research. This is a trend that began in 1986 but has accelerated over the last six years.

PITAC warned that current Federal support for fundamental research in information technology is inadequate to maintain the Nation's global leadership in this area, and it advocated a five-year initiative that would significantly increase basic-research funding. The Administration's response to the PITAC report is its Information Technology for the 21st Century proposal—IT^2. I believe this proposal, however well-intentioned, falls short of what PITAC envisioned. It does not, for example, commit the Administration to any funding increases beyond fiscal year 2000. In fact, according to the non-partisan Congressional Budget Office, the Administration's own figures show flat or declining budgets beyond next year for the IT^2 agencies, so any increasess in information technology research would have to come out of other important science programs, an untenable situation.

To address the issues raised in the PITAC report, I am introducing the Networking and Information Technology Research and Development Act today. This is a five-year bill that provides justifiable, sustainable, and realistic increase in information technology research. It authorizes for fiscal years 2000 through 2004 nearly $4.8 billion, almost doubling IT research funding from current level, at the six agencies under the Science Committee's jurisdiction: the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the National Institute of Standards and Technology, the National Oceanographic and Atmospheric Administration, and the Environmental Protection Agency.

This bill will fundamentally alter the way information technology research is supported and conducted. Its centerpiece is the Networking and Information Technology Research and Development program, which:

Limits grants to long-term basic research with priority given to research which helps address issues related to high-end computing, and software and network stability, fragility, security (including privacy) and scalability.

Requires all grants to be peer reviewed by panels that include private sector representatives.

Establishes 20 large grants of up to $1 million in FY 2000–2001; 30 large grants in FY 2002–2004.

Makes $40 million available for grants of up to $5 million for IT Centers (6 or more researchers collaborating on cross-disciplinary research issues) in FY 2000–2001; $45 million in FY 2002–2003; $50 million in FY 2004.

Provides $95 million to create for-credit private sector internship programs at two and four-year colleges and universities for IT students. To participate in the program, a company must commit to provide 50 percent of the cost of the internship program.

Authorizes a total of $385 million for new computer hardware for terascale computing, which will be allocated in an open competition by NSF. Awardees must agree to integrate with the existing Advanced Partnership for Advanced Computational Infrastructure program and give access to Networking and Information Technology Research and Development Act research grant recipients.

In addition, the bill authorizes $111 million through fiscal year 2002 for the completion of the Next Generation Internet program.

Another of the bill's provisions requires NSF to report to Congress on the availability of encryption technologies in foreign countries and how they compare with similar technologies subject to export restrictions in the United States. I believe that export controls on encryption are stifling development in this critical area, and I think this study will demonstrate that the current policy on encryption is self-defeating.

I also have included language in the bill to make the research tax credit permanent. For too long, businesses have been unable to plan for long-term research projects because of the annual guessing game surrounding the extension of the credit. To encourage capital formation, the credit must be a fixture in law instead of a perennial budget battle. As you know, there are a number of bills that expand the R&D tax credit, but I believe extending it permanently is a good start. Once that hurdle is cleared, we can then examine ways to improve it.

The Networking and Information Technology Research and Development Act of 1999 has been endorsed by both the Technology Network, a coalition of leading technology executives, and Ken Kennedy, the academic co-chair of the PITAC. It is a strong bipartisan bill, and I encourage all my House colleagues to support the measure.

TRIBUTE TO WHITEMAN AIR FORCE BASE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to the men and women at Whiteman Air Force Base, Missouri, for their outstanding performance in Operation Allied Force.

Whiteman Air Force Base is the home of the 509th Bomb Wing, led by Brigadier General Leroy Barnidge, Jr. The men and women of the 509th Bomb Wing flew their B–2 Stealth Bombers into harm's way for the first time during Operation Allied Force. The air crews, maintenance crews, and the bombers performed magnificently. The B–2 bomber demonstrated unparalleled strike capability, dropping nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties. They flew some of the longest combat missions in the history of the Air Force, a non-stop 31-hour sortie from Whiteman Air Force Base in Missouri to directly over the skies of Yugoslavia and back.

The B–2 bomber not only proved itself in combat operations, but it put teeth in the Air Force's ability to project global power. The B–2 can carry sixteen 2,000-pound bombs or eight 5,000-pound bombs that can be delivered stealthily, with precision, against difficult targets such as "bunker busting" of underground compounds. Because the B–2 flies from and returns to Missouri, its deployment is unaffected by base crowding issues such as those that had to be worked out in Europe. Its maintenance budget is tight, particularly when you look at the number of aircraft and associated maintenance required as an alternative to a B–2 strike.

While the role of the B–2 as a combat system was impressive, the performance of the men and women of Whiteman Air Force was simply stellar. They deserve the gratitude of the American people for their indispensable role in Operation Allied Force. Mr. Speaker, I am certain that the Members of the House will join me in paying tribute to fine men and women of Whiteman Air Force Base.

CONGRATULATING STACEY LEE BAKER, MICHELLE LEE BAKER AND TAMARA KARAKASHIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Stacey Lee Baker, Michelle Lee Baker and Tamara Karakashian for being chosen to be presented to the Archbishop of the Western Diocese of the Armenian Church of North America, at the 28th annual Debutante Ball. To be chosen, these young women must be active members of their community and church.

Stacey Lee Baker, age 19, of Fresno, has taught the pre-kindergarten Sunday School class at St. Paul Armenian Church, for three years, and is actively involved in the Armenian Christian Youth Organization (ACYO) as Assistant Treasurer, and previously as Secretary. In 1991, she was ordained an acolyte by Archbishop Vatche Hovsepian. She attended the Diocesan Armenian Camp from 1990 to 1992. Locally, she has volunteered at the Poverello House, a local homeless shelter. A 1997 graduate of Bullard High School, Stacey is currently attending Fresno City College where she majors in nursing.

Michelle Lee Baker, age 18, Stacey's sister, has taught the pre-kindergarten Sunday School class for two years. Michelle is currently the Corresponding Secretary of the ACYO. She also attended the Armenian Camp for two years. In keeping with family tradition, she has volunteered at the Poverello House. Michelle is a senior at Bullard High School where she maintains a 3.8 grade point average and is a lifetime member of the California Scholarship Federation. She is an Algebra Lab Assistant and is currently a member of the Math Club and the Junior Larks. Upon graduation, she plans to attend the California State University Fresno, where she will major in accounting.

Tamara Karakashian, age 19, of Visalia, is an active member of the St. Mary Armenian Apostolic Church in Yettem, where she was a choir member and served as the Easter Luncheon Committee Chair for four years. She was the Chair person of the ACYO, Recording

Secretary, and General Assembly Delegate. Tamara has participated in the Armenian Camp for eight years as camper, counselor and Arts and Crafts Coordinator. In her local community, Tamara has been involved in DARE and served as an assistant for the Visalia Police Department Golf Tournament. Tamara participated with Visalians for Sober Graduation both as student representative and board member.

Mr. Speaker, it is with great pleasure that I congratulate Stacey and Michelle Lee Baker and Tamara Karakashian on their presentation. Their accomplishments and service are beneficial not only to their churches and communities, but to their own growth as mature, contributing adults. I urge my colleagues to join me in congratulating these young women, and wishing them a bright future and much continued success.

A TRIBUTE TO THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the National Museum of American Jewish History in Philadelphia. Founded in 1976, the Museum presents educational programs and experiences that preserve, explore and celebrate the history of Jews in America. Telling the story of the Jewish experience in America, the National Museum of American Jewish History has connected Jews closer to their heritage and has inspired in people of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which Americans aspire.

As Philadelphia is a melting pot for so many of the Nation's minorities, the Museum's location is ideal for illuminating ethnicity in American life. Philadelphia is the birthplace of American liberty, and the freedoms that are celebrated by the Museum can be traced back to people and events that are a part of Philadelphia history. The "Jewish Window on Independence Mall" demonstrates how one group of Americans used the opportunities of freedom to make important and diverse contributions to American life. In this way, the message of the Museum should be seen as fundamentally American as well as Jewish-American.

Mr. Speaker, the National Museum of American Jewish History has been a benefit to the Philadelphia community not only for its important educational value with respect to the history of the Jewish people, but also because it has highlighted the freedoms that are all too often overlooked in everyday life. This institution has brought to the forefront all that makes America great, the freedoms which have made it possible for Jewish-Americans—and all Americans—to succeed.

INTRODUCTION OF MEDICARE MODERNIZATION NO. 9: MEDICARE FLEXIBLE PURCHASING AUTHORITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STARK. Mr. Speaker, I am pleased today to introduce the ninth bill in my Medicare modernization series: the "Medicare Purchasing Flexibility Act of 1999."

Medicare, the cornerstone of retirement for Americans, is in need of some improvements. When it was first created in 1965, Medicare was modeled on indemnity health insurance prevalent at the time. Since then, the health and medical fields have undergone significant change; both for the better and for the worse. But Medicare has largely lagged behind these trends. The problem is that Medicare's current administrative structure doesn't encourage testing or adoption of innovative market strategies. Instead, Medicare officials have to ask Congress to approve even the smallest change in administrative function, subjecting what should be common sense business strategies to the most rigid political battles.

While Medicare has successfully provided health insurance to the elderly and disabled for nearly thirty-four years, it faces a financial shortfall due to rapid population growth. By 2035, Medicare will provide health insurance for twice as many retirees as it does today. Additional revenues will be needed in order to provide quality care for 80 million retirees.

In the past, policy makers have focused on two ways to increase Medicare revenues: raising taxes or cutting benefits. Recently, however, Dan Crippen, Director of the Congressional Budget Office, alluded to a possible third way: creating administrative efficiencies. Dr. Crippen believes that substantial savings can be achieved by making Medicare more flexible and efficient. With these changes, Medicare will be able to improve the quality of services, while shoring-up savings for the long run.

The private sector has adopted a number of cost saving mechanisms that have helped control health care inflation. Medicare should be given the same flexibility to keep up with these trends, and improve overall administrative efficiency.

This bill grants the Secretary greater flexibility to administer the Medicare program including the following five provisions:

First, expanded demonstration authority. Promotes high-quality cost-effective delivery of items and services by enabling the Secretary to test innovative purchasing and administrative programs within Medicare. The Secretary may use case management, bundled payments, selective contracting, and other tools she deems necessary to carry out demonstrations. If demonstration projects are successful, the Secretary is authorized to permanently implement programs. This section of the bill adopts language proposed by the National Academy of Social Insurance in their January, 1998 report, entitled "From a Generation Behind to a Generation Ahead: Transforming Traditional Medicare."

Second, sustainable growth rate (SGR). Gives the Secretary authority to adjust payment updates based on target growth rates and to apply such adjustments by geographic areas. This antigaming initiative would enable Medicare to control unjustified program inflation by region and by service (MedPAC recommendation).

Third, outpatient payment reform. Allows the Secretary to pay the lower of hospital outpatient or ambulatory surgical center rates to ensure services in most appropriate setting.

Fourth, most favored rate. Inherent reasonableness authority granted in the BBA is expanded to allow any amount of adjustment that the Secretary finds, after appropriate research, is appropriate to eliminate overpayments. The Secretary shall have the authority to request the "most favored rate" in cases where Medicare is the volume buyer in the market and other efforts at achieving a market price are not available.

Fifth, use of appropriate settings. Allows the Secretary waive requirements which discourage or prevent treatment in a nonhospital or noninstitutional setting if she determines that an alternative setting can provide quality care and outcomes. For example, today Medicare does not cover care in a skilled nursing facility unless the patient has first had a 3-day hospital stay. Under this provision, if the Secretary finds that treatment of a particular disease or condition can be handled, with quality, in a SNF, she can waive the 3-day hospitalization requirement, thus ensuring treatment in a setting ½ to ⅓ less expensive.

Medicare has been extremely effective in providing health insurance for the elderly and disabled, a population the private sector has refused to cover. In fact, over 30 years, its cost inflation has been less than that in the private sector and its benefit package has been improved. This social insurance mission must be preserved—and in the face of a doubling of the population it serves, we must do more to keep Medicare efficient and effective. By implementing the modernizations included in this bill, Medicare will be able to adapt and grow in the changing health care marketplace.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BATEMAN. Mr. Speaker, I was regrettably absent on Monday, June 7, 1999, and consequently missed three recorded votes. The latter two were conducted under suspension of the rules. Had I been present, I would have voted as follows:

Journal Vote, vote No. 167, "yea"; H.R. 435, vote No. 168, "yea"; H.R. 1915, vote No. 169, "yea."

WINNERS OF THE CONGRESSIONAL CERTIFICATE OF MERIT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the following students from the First Congressional District of New Mexico who are graduating from high school and have been awarded the Congressional Certificate of Merit. These students have excelled in not only their academic endeavors, but also in community service, school and civic activities. They represent the leaders of tomorrow and it is my pleasure to recognize these select students for their outstanding achievements. I, along with their parents, teachers, classmates, and the people of New Mexico, salute them.

Certificates of Merit Award Winners 1999—Adam Chamberlin, Menaul School; Jacob Dopson, Valley High School; Jessia Einfield, Hope Christian High School; Jodie Ellis, Del Norte High School; Geralyn Espinoza, Cibola High School; Jose Fernandez, Rio Grande High School; Kozina Gallegos, Evening High School; Lisette Graham, Manzano High School; Lindsey Kasprzyk, St. Pius High School; Suzanne Martinez, Bernalillo High School; Laura Matzen, Sandia Preparatory High School; Karissa McCall, Albuquerque High School; Christina Muscarella, La Cueva High School; Catrina Padilla, Mountainair High School; Amanda Pepping, Eldorado High School; Kate Sandoval, Academy High School; Jolianna Schultz, New Futures High School; Eric Stanton, Sandia High School; Olivia Tenorio, Estancia High School; Erin Ullrich, Moriarty High School.

ANNIVERSARY OF TEA 21

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. OBERSTAR. Mr. Speaker, today we celebrate the anniversary of the signing of TEA 21, the Transportation Equity Act of the 21st Century. Our commemoration of this event is a fitting recognition of the importance of this legislation to the American people and to the nation's economy.

This afternoon, I was joined in our main committee room by the Transportation and Infrastructure Committee leadership, Chairman SHUSTER, Chairman PETRI, Congressman RAHALL, Senators CHAFEE and VOINOVICH, Secretary of Transportation Rodney Slater, and Federal Highway Administrator Ken Wykle in recounting some of the important achievements of that landmark bill. I would like to take this opportunity to share some of my thoughts with my colleagues.

First and foremost, Mr. Speaker, TEA 21 is important because it secured the future health of our transportation infrastructure system with guaranteed federal funding. The budget rules in the Act ensure that all federal gas taxes will be spent on needed surface transportation improvements. And we now have an opportunity to apply the same principles to our nation's irreplaceable economic jewel: our nation's aviation system.

TEA 21 reversed a dangerous 30-year trend in which transportation spending as a percentage of public spending dropped by one-half. It authorized $218 billion for six years—the highest funding levels ever for surface transportation—including $177 billion for highway and highway safety programs and $41 billion for transit programs, 43 percent more than its predecessor legislation, ISTEA, the Intermodal Surface Transportation Efficiency Act. Of the amounts provided, at least $198 billion is guaranteed for obligation under the new budget rules in the Act.

TEA 21 is important because transportation capital investments have profound effects on national economic growth and productivity. Investment in the transportation system reduces the cost of producing goods, resulting in lower prices and increased sales, in virtually all sectors of American industry. These productivity effects allow businesses to change the way they organize their production and distribution systems for the benefit of all Americans.

The Act has significant employment impacts in the transportation construction sector. According to the Federal Highway Administration, each billion dollars of construction investment supports a total of 44,709 full-time jobs at the national economy level. These include 8,390 "direct" on-site construction jobs, 20,924 "indirect" jobs in industries providing construction materials and equipment for transportation projects, and 15,395 jobs produced in other sectors of the economy as a result of these "direct" and "indirect" employment effects. And we're talking about good jobs in the construction sector that compensate the average construction worker $17 per hour or higher.

TEA 21 and ISTEA made important policy shifts and took new directions to solving our transportation problems. TEA 21 continues the legacy of ISTEA by enhancing the intermodal balance of our transportation network. TEA 21 provides more than $3.6 billion for enhancement projects, compared to just $41 million spent on bicycle and pedestrian facilities in the 18 years before ISTEA. In addition, TEA 21 designates a full 20 percent of the legislation's total funding for rebuilding and expanding existing transit systems and constructing new ones. It also supports maglev and high speed rail development and provides loans and loan guarantees for freight railroad rehabilitation and improvement.

Second, TEA 21 further integrates transportation, stewardship of our natural resources, and protection of the environment. It maintains and expands the Congestion Mitigation and Air Quality Improvement Program providing $8 billion to help communities address environmental concerns related to transportation and enable them to develop innovative transportation solutions, such as rail transit, to address problems traditionally tackled by pouring more concrete. TEA 21 also created a new $120 million pilot program to coordinate land use and transportation planning. TEA 21 shows that increased transportation spending need not be harmful to the environment.

Third, TEA 21 includes strong provisions to reduce transportation risks and promote safe driving. TEA 21 establishes a new $500 million incentive program for states that enact and enforce a .08 blood alcohol standard for drunk driving and that severely punishes repeat drunk drivers and prohibits open alcohol containers in motor vehicles. TEA 21 also increases funding for highway safety data collection for the National Driver Register to track dangerous drivers across state lines. Finally, TEA 21 preserves national size and weight limits on big trucks.

While we should be proud of the giant steps forward that we have taken in ISTEA and TEA 21, we must also recognize that we have to build upon its framework if we are to solve the enormous transportation problems that we face today. We must begin thinking now about the successor to TEA 21 and the future of our surface transportation system.

Our best hope for dealing with the difficult, complex transportation problems that increasing travel demand creates is to channel our creativity toward continuing to develop innovative approaches to relieve congestion and protect the environment, leverage our federal investment, and improve safety. As Albert Einstein once said, "We can't solve problems by using the same kind of thinking we used when we created them."

One way to relieve our congestion is to develop alternative modes of transportation. To relieve our congested highways, we do not need to develop new technology from scratch—we can begin by merely looking across the oceans.

To the West, we see the Japanese high speed rail system, the Shinkansen. Traveling to and from Tokyo and Osaka at speeds of up to 170 miles per hour, 250 million passengers a year sense the innovation, comfort and productivity of the "bullet" train. To our East, we see the French Train à Grand Vitesse (TGV), the German ICE, the Spanish Thalys, and the international Eurostar—all high-speed trains connecting the great cities of Europe. Today, we can ride high-speed trains from Paris to London but not from Chicago to Minneapolis. We can ride on a maglev prototype in Bremen, Germany, or Yamanashi, Japan, but not in Washington, D.C. or New York.

TEA 21 provides the opportunity for states and localities to establish high-speed ground transportation in the United States: it reauthorizes the Swift Act; continues a modest program for development of high-speed corridors; and specifically authorizes $1 billion for magnetic levitation over five years. The innovative finance programs of TEA 21 are also a source of funding for these high-speed projects.

Let me close by emphasizing the importance of safety as an overriding objective of our surface transportation system of the 21st Century. In 1997 alone, 42,000 people were killed and an additional 3.3 million people were injured in motor vehicle accidents on our nation's highways.

I believe that as our technical capabilities improve early in the next century, these appalling statistics will become simply unacceptable. Americans will demand a safer system. Last year, not a single person died as a result of a U.S. scheduled airline accident. As we look to the future, we should establish the same goal for surface transportation.

Although the legacy of the surface transportation system of the 21st Century is far off, we have begun the journey of writing that legacy here and now. ISTEA and TEA 21 have set the framework for the beginning of the new century. Nevertheless, we must continue to develop innovative solutions if we are to overcome our nation's many transportation problems.

One hundreds years ago, it was difficult to envision the Interstate system. Yet don't forget there were a few cartographers in the Office of Road Inquiry who had developed a national map of roads, laying the foundation for development of the Interstate system. Let us hope that there are a few mapmakers among us and that we begin to lay the foundation of the surface transportation system of the coming century.

* * *

R&B RECORDING ARTIST JONNIE TAYLOR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in a time of new R&B artists and young rap and hip-hop stars, Jonnie Taylor is an R&B artist whose music keeps up with, and even moves ahead of many of today's young artists. His soulful songs like "Who's Making Love" and albums like "Good Love" have influenced many artists.

His successful career as an R&B artist spans three decades, and where many present-day artists move from record label to record label, Mr. Taylor has been an example of commitment and consistency by recording exclusively for Malaco Records for the past ten years. Jackson, Mississippi, the headquarters for the label is tremendously proud of his accomplishments and contributions to the world of music. I join many of the constituents of the 30th Congressional District of Texas, a district that boasts a huge Jonnie Taylor following, in sharing that pride with the people of Jackson and Malaco Records.

Mr. Speaker, Mr. Taylor is a rare breed of R&B artist that has been able to produce albums and songs that instantly receive tremendous sales and airplay on radio stations throughout the country.

Mr. Speaker, Mr. Taylor was recently honored by the Rhythm and Blues Foundation at their Seventh Annual R&B Pioneer Awards Ceremony in Hollywood. This honor effectively puts Mr. Taylor in the esteemed company of the Isley Brothers, Bo Diddley, Bobby Womack and other pioneer R&B artists.

Mr. Speaker, Mr. Taylor's work ethic, commitment to R&B and love for entertainment, have paved the way for many of today's new artists. In fact, many will tell you that Mr. Taylor had a tremendous influence on their careers. I would like to wish him continued success.

* * *

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 168, had I been present, I would have voted "Yea."

* * *

RECOGNIZING ROGER MATLOCK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mr. Roger Matlock upon his retirement from the Mariposa County Sheriff's Department as Sheriff-Coroner. Roger received a tile plaque from the County of Mariposa California commemorating his longtime service.

Roger has dedicated thirty-two years to law enforcement. He first served for twenty years as a Highway Patrol Officer. On August 1, 1986 he took office as the newly elected Sheriff-Coroner.

While fulfilling his duties as Sheriff-Coroner, Roger made numerous unselfish contributions to the community working with citizens, organizations, County and government agencies. A few of Roger's accomplishments and contributions are as follows: effectively administered Sheriff's Department programs, successfully upgraded the Mariposa County Sheriff's Office with the latest technology for both administrative and field operations; through his leadership, accomplished the financing and construction for a new Sheriff's Administration building and a new modern Adult Detention Facility, developed a number of community-based law enforcement programs which have more than 160 citizen volunteer participants, began the SCOPE program, bicycle patrol, twenty-four hour patrol, the Investigation Division, enhanced the Search Rescue Program, Posse and Reserves, and improved the Animal Control and Constable function which merged with the Sheriff's Department.

Roger also found time to be an active member of the Lion's, serving as President and assisting with special barbeque meals for seniors. He was a Little League coach, is active with church activities and enjoys spending time with his family and traveling with his wife Becky.

Mr. Speaker, Roger Matlock was a tremendous asset to Mariposa County, and his services will be greatly missed. I urge my colleagues to join me in wishing Mr. Matlock many more years of continued success in his retirement.

* * *

A TRIBUTE TO MS. ARETTA F. HOLLOMAN

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. CLAYTON. Mr. Speaker, I rise to extend my best wishes for a joyous and heartfelt 75th birthday celebration to Ms. Aretta F. Holloman on this very special day. Ms. Holloman was born on June 14, 1922, in Goldsboro, NC, and has resided in Washington, DC, for the past 48 years.

Mr. Speaker, it has always been my belief that we owe much to our senior citizens who labored to pave a smoother path of life for us to follow; this is especially relevant in Ms. Holloman's instance. She is referred to as "a pillar" in the Northwest Community because she has done so much for so many. She has fed the homeless and has been a true mother for many homeless and neglected children. She has single-handedly counseled, encouraged and persuaded troubled youth to seek a different and more productive way of life.

Mr. Speaker, Ms. Holloman has tutored at John F. Cook, a Washington, DC, neighborhood school. For many years she has been engaged in missionary work where she has cared for the sick. She is a Deaconess at Sharon Baptist Church, and also serves on the Kitchen Committee, in the Nurses Unit, Flower Club, the Missionary Society and the Senior Choir.

Mr. Speaker, in a nation wrought with change and uncertainty, Ms. Holloman has been the glowing embodiment of consistency, fortitude and determination. Through her life's example, she reminds us all of the priceless value of hard work, humility, and sincerity.

Mr. Speaker, I am hopeful that on this very special day, that Ms. Holloman will be blessed with the presence of family and friends. I know that by her life, all those who have crossed her path have grown tremendously.

Mr. Speaker, I ask my colleagues to rise and join me in thanking God for blessing Ms. Holloman with such a long and abundant life and in asking Him to continue to provide her with good health, the best that life has to offer and many more "Happy Birthdays."

* * *

A TRIBUTE TO THE SIXTH GRADE CLASS OF GRATIGNY ELEMENTARY SCHOOL, MIAMI, FL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to the sixth grade class of Mrs. Morano at Gratigny Elementary School in Miami, FL, in recognition of the compassion and concern of this class and their teacher for the slaves in Africa's Sudan, and for what these young Americans have done to help captives on another continent. Mrs. Morano's class became members of the American Anti-Slavery Group, raised $700 by selling candy, and used the money to free slaves in the

Sudan. These young citizens of the United States are to be commended for their act of hope.

This action of the sixth grade class and their teacher is as remarkable as it is inspiring. The late Senator Robert Kennedy once wrote,

> Every time that a man stands up for an ideal, or acts to improve that lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

The compassionate feat by Gratigny Elementary School's Sixth Grade Class in aiding the Sudanese slaves is precisely the sort of positive action that Senator Kennedy wrote of. America truly is blessed to have such empathetic citizens, and it is a privilege to pay tribute to Mrs. Morano and to all of the young people in the sixth grade class at Gratigny Elementary School.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 169, had I been present, I would have voted "yea."

A TRIBUTE TO PACE WEBER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to the memory of Pace Weber, a U.S. Air Force Academy cadet who lost his life in a tragic airplane crash while on a routine flight lesson at the academy in Colorado Springs, CO, on June 25, 1997.

Since Pace's death, not one day goes by when he does not enter the thoughts of the family and friends he left behind, especially his former classmates at Palmer Trinity and fellow cadets at the academy. Pace was well known for his good nature and kindness. His friends knew him as someone who thought of others before himself. He was always looking out for his classmates and was known to take a special interest in helping those having a difficult time.

Pace is remembered by those that cared for him as a young man full of desire and determination. He worked diligently to make his lifelong dream of becoming a pilot for the U.S. Air Force a reality. Although Pace did not accomplish his goal, he did spend three rewarding years at the academy learning to fly and made friends with fellow cadets who shared the same ambitions and experienced the same happiness that flying brought him.

I ask my colleagues to join me in remembering young Pace Weber and, also, to support my efforts in finding out exactly what caused Pace's airplane to go down. Our thoughts and prayers go to his family and friends.

IN RECOGNITION OF MS. EMMA TORRES

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to call my colleagues' attention to the accomplishments of Ms. Emma Torres, who was recently chosen as a 1999 Robert Wood Johnson Community Health Leader. At a time when health care issues top our national agenda, Ms. Torres' tireless dedication to addressing health care inadequacies among migrant farmworker communities is truly exemplary.

Emma Torres was born in Mexico, the daughter of migrant farmworkers, and worked alongside her parents in the agricultural fields of California and Arizona. Inspired by the hardships of migrant life and her struggle to obtain adequate healthcare for a husband who later died of leukemia, she developed an interest in improving health services for migrant workers. A young widow and mother living in poverty, she managed to complete her education and began to serve her community as a community health worker.

For more than ten years, Ms. Torres has worked in various aspects of health promotion and has become an effective advocate for migrant farmworkers. She has provided instrumental leadership in strengthening the role of uncredentialed yet competent community workers to fill health care gaps in medically neglected communities. These lay health workers, recruited from within the communities they serve, are uniquely able to provide information in a family-oriented and culturally competent manner. Ms. Torres has successfully utilized such workers in initiating and implementing a cancer prevention program and a regional Migrant Network System which emphasizes pre-natal care and teenage pregnancy prevention. In 1994, having developed a reputation as a leader in her field, Ms. Torres was appointed by the Secretary of Health and Human Services to serve on the National Council on Migrant Health.

Most recently, Ms. Torres has taken on the leadership of Puentes de Amistad, a community-based substance abuse prevention initiative in Yuma County, Arizona. The program reaches out to local communities composed in large part of agricultural workers engaged in seasonal employment. Ms. Torres works with eight staff members and 29 "promotores," lay health workers, going into the fields and peoples' homes to educate them about substance abuse, pesticide poisoning, HIV/AIDS and TB, often working with entire families to resolve problems. She and her staff address the issues of mobility, poverty, and language barriers that for too long have hindered health care access in this region of the country.

It comes as no surprise that Ms. Torres was among the ten outstanding individuals awarded a grant this year from the Robert Wood Johnson Foundation's Community Health Leadership Program. She has shown tremendous leadership in addressing some of the most difficult facets of health care outreach and is making a difference in the quality of life of many southwestern Arizonans. It is my hope that through this well-deserved national recognition, Ms. Torres' work will become known to many and serve as an example of how we can begin to address some of our nation's most pressing problems by recognizing, supporting and following the lead of creative and committed individuals within our communities.

INCLUDE AMERICANS ABROAD IN CENSUS 2000, H. CON. RES. 129

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GILMAN. Mr. Speaker, I am today introducing H. Con. Res. 129, which I would like to have inserted and printed in the RECORD at the end of my statement.

H. Con. Res. 129, expresses support for the inclusion in Census 2000 of all Americans residing abroad. I will be joined in this effort by Senator SPENCER ABRAHAM who will be introducing the Senate companion resolution.

This resolution will direct the U.S. Census Bureau to include all American citizens residing overseas in Census 2000, not just federally-affiliated Americans; and expresses the intention of Congress to approve legislation authorizing and appropriating the funds necessary to carry out this directive.

As chairman of the International Relations Committee and as a long time member of the former Post Office and Civil Service Committee I have had numerous opportunities to work with Americans living and working overseas and can attest to the increasingly important role this segment of the U.S. population plays in our nation's economy and in our relations with countries and their citizens throughout the world.

In this era of growing globalization, we are all aware of the importance placed upon our nation's exports of goods and services overseas in an effort to provide a strong and versatile economy.

Not only are we reliant on Americans abroad to carry-out exports for the creation of U.S.-based jobs, but we rely on these U.S. citizens to best promote and advance U.S. interest around the world.

Nevertheless, the U.S. Census Bureau does not count private sector Americans residing abroad, despite the fact that the U.S. Government employees working overseas are currently included in the U.S. census. This is an inconsistent and inappropriate policy, especially if the bureau is true to its word in that it wants the Census 2000 to be the "most accurate census ever."

It is imperative that the U.S. Census Bureau count all Americans, including private citizens living and working abroad. Not only will such a policy provide an accurate Census 2000, but it will allow Congress and private sector leaders to realize how best to support U.S. companies and our citizenry abroad.

U.S. citizens abroad vote and pay taxes in the United States, yet are discriminated against by the U.S. Government solely because they are private citizens.

Let's change this policy and include private sector Americans residing overseas in the census.

Accordingly, I urge all of my colleagues to support this resolution.

H. CON. RES. 129

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SENSE OF CONGRESS THAT THE BUREAU OF THE CENSUS SHOULD INCLUDE IN THE 2000 DECENNIAL CENSUS ALL CITIZENS OF THE UNITED STATES RESIDING ABROAD.

(a) FINDINGS.—Congress finds the following:

(1) The Bureau of the Census has announced its intention to exclude more than 3,000,000 citizens of the United States living and working overseas from the 2000 decennial census because such citizens are not affiliated with the Federal Government.

(2) The Bureau of the Census has stated its desire to make the 2000 decennial census "the most accurate ever".

(3) Exports by the United States of goods, services, and expertise play a vital role in strengthening the economy of the United States—

(A) by creating jobs based in the United States; and

(B) by extending the influence of the United States around the globe.

(4) Citizens of the United States living and working overseas strengthen the economy of the United States—

(A) by purchasing and selling United States exports; and

(B) by creating business opportunities for United States companies and workers.

(5) Citizens of the United States living and working overseas play a key role in advancing the interests of the United States around the world as highly visible economic, political, and cultural ambassadors.

(6) In 1990, as a result of widespread bipartisan support in Congress, the Bureau of the Census enumerated all United States Government officials and other citizens of the United States affiliated with the Federal Government living and working overseas for the apportionment of representatives among the several States and for other purposes.

(7) In the 2000 decennial census, the Bureau of the Census again intends to so enumerate all such officials and other citizens of the United States.

(8) The Overseas Citizens Voting Rights Act of 1975 gave citizens of the United States residing abroad the right to vote by absentee ballot in any Federal election in the State in which the citizen was last domiciled over 2 decades ago.

(9) Citizens of the United States who live and work overseas, but who are not affiliated with the Federal Government, vote in elections and pay taxes.

(10) Organizations that represent individuals and companies overseas, including both Republicans Abroad and Democrats Abroad, support the inclusion of all citizens of the United States residing abroad in the 2000 decennial census.

(11) The Internet facilitates easy maintenance of close contact with all citizens of the United States throughout the world.

(12) All citizens of the United States living and working overseas should be included in the 2000 decennial census.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bureau of the Census should enumerate all citizens of the United States residing overseas in the 2000 decennial census; and

(2) legislation authorizing and appropriating the funds necessary to carry out such an enumeration should be enacted.

IN HONOR OF THE LATE ANTHONY J. GENOVESI

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to join the members of the Thomas Jefferson Democratic Club in paying tribute to the memory of New York State Assemblyman Anthony J. Genovesi who died on August 10, 1998, at the age of 61.

Anthony J. Genovesi, lovingly known as "Tony," attended a private boarding school for his grade school education, followed by St. Francis Xavier High School. He graduated from St. Peter's College with a degree in Economics, and then from Fordham University School of Law in 1961. Following his admission to the New York State Bar in 1962, Tony Genovesi served Law Assistant to the Deputy Administrative Judge of the New York City Civil Court; Opinion Clerk, Civil Court of New York County, and Law Secretary, New York City Criminal Court.

Anthony J. Genovesi has a great interest in and affinity for "grass roots" politics, with a specific interest in protecting our children and improving our public school system. He joined the Thomas Jefferson Democratic Club in 1967 and in 1975 he was elected as the 39th Assembly District's State Committeeman, a position he held until his death. Elected to the New York State Assembly in 1986, Anthony J. Genovesi was the Chairman of the Assembly Oversight, Analysis & Investigation Committee, and served on the Education, Judiciary, and Corporations and Public Authorities Committees.

Anthony J. Genovesi lived his life by the axiom "Help people. Help those without a voice. Help those who no one else would have the compassion to assist." This philosophy led him to become President of the Bergen Beach Civic Association; a member of Community Board 18; Jamaica Bay Citizens Committee; Knights of Columbus; Canarsie Mental Health Clinic; Rambam Canarsie Lodge of B'nai B'rith, and an active parishioner at St. Bernard's Roman Catholic Church in Bergen Beach.

Admired and respected by friend and foe, Anthony "Tony" Genovesi possessed a great passion for life, a keen wit, fine intellect, a tireless work ethic and an uncompromising sense of honesty and fair play. He believed that the acquisition of power was not an end unto itself, but rather a vehicle through which to do things for people who were unable to help themselves.

Tony Genovesi was an innovator and beacon of good will to all those with whom he came into contact. Through his dedicated efforts, he helped to improve my constituent's quality of life. In recognition of his many accomplishments on behalf of our community, it is fitting that the Environmental Center be dedicated in this memory. In keeping with his spirit, the Anthony J. Genovesi Environmental Center will teach our children about their environment and provide them with lessons in ecology and hands on experience in dealing with different life forms. This Center will exist as one of the shinning examples of Tony Genovesi's legacy, a man who was a giant among men and truly irreplaceable.

INTRODUCTION OF DRUG KINGPINS BANKRUPTCY ACT OF 1999

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. McCOLLUM. Mr. Speaker, I am today introducing the "Drug Kingpins Bankruptcy Act of 1999," which is intended to extend the reach of United States sanctions to the world's most significant narco-trafficking organizations. I am especially pleased to be joined in this important initiative by Representatives Rangel, Goss, Gilman, and Mica; companion legislation was introduced recently by Senators Coverdell and Feinstein.

The legal precedent for this legislation was the successful application of sanctions in 1995 and 1996 against the Cali Cartel narco-trafficking organization and its key leaders. Executive Order 12978, issued by the Clinton Administration in October 1995, had the effect of dismantling and defunding numerous business entities tied to the Cali Cartel. Coordinated law enforcement efforts by the U.S. and Colombian Governments in support of these sanctions put the Cali Cartel kingpins out of business.

Unlike earlier and more limited sanctions initiatives, the "Drug Kingpins Bankruptcy Act of 1999" is global in scope and specifically focuses on the major cocaine, heroin, and amphetamine narco-trafficking groups based in Mexico, Colombia, the Caribbean, Southeast Asia, and Southwest Asia. If enacted, this legislation will encourage U.S. law enforcement and intelligence agencies to better coordinate their efforts against the leaders of the world's most dangerous multinational criminal organizations. This initiative will assist U.S. Government efforts to identify the assets, financial networks, and business associates of major narcotics trafficking groups. If effectively implemented, this strategy will disrupt thee criminal organizations and bankrupt their leadership.

This "Drug Kingpins Bankruptcy Act of 1999" is intended to supplement—not to replace—the United States' policy of annual certification of countries based on their performance in combating narcotics trafficking. This bill will properly focus our Government's efforts against the specific individuals most responsible for trafficking in illegal narcotics by attacking their sources of income and undermining their efforts to launder the profits generated by drug-trafficking into legitimate business activities.

The bill requires the Secretary of the Treasury—in consultation with the Attorney General, the Director of Central Intelligence, the Secretary of Defense, and the Secretary of State—to prepare and submit a list of the world's most significant narcotics traffickers on

January 1st of each year. The Director of the Office of National Drug Control Policy shall review this list for submission to the President by February 1st of each year. The President then shall formally designate these major narco-traffickers on March 1st of each year as constituting an unusual and extraordinary threat to the national security, foreign policy and the economy of the United States. Individuals and entities linked to major narcotics trafficking groups may be added to the list by the President at any time during the year.

The effect of this legislation will be to block the assets of any specially designated drug trafficker that come within the control of United States law enforcement authorities. Second, it will block all assets of any other individuals who materially assist, provide financial or technical support, or offer goods and services to such specially designated narcotics traffickers. Third, it will block the assets of any persons, who are determined by the United States Government as controlled by or acting on behalf of specially designated narcotics traffickers. Fourth, designation on this list will result in the denial of visas and inadmissibility of specially designated narcotics traffickers, their immediate families, and their business associates.

The bottom line objective of these provisions is to bankrupt and disrupt the major narcotics trafficking organizations. The targets of this bill are not only the drug kingpins, but those involved in money laundering, in acquiring chemical precursors to manufacture narcotics, in manufacturing the drugs, in transporting the drugs from the drug source countries to the United States, and in managing the assets of these criminal enterprises.

The "Drug Kingpins Bankruptcy Act of 1999" establishes a precedent for the future content and scope of the "Global Drug Kingpins" list by specifically identifying the first group of 12 named individuals from Mexico, Burma, Thailand, Colombia, and Haiti. This "Dirty Dozen" includes many of the world's most significant narco-traffickers, such as Khun Sa of Burma, Ramon Arrellano Felix of the Tijuana Cartel, Vicente Carrillo Fuentes of the Juarez Cartel, and Wei Hsueh-Kang of the United Wa State Army. Virtually all of these individuals are billion-dollar criminals with global assets and organizations that threaten the security and freedom of all Americans.

The first "Global Drug Kingpins" list has been developed with the close cooperation of the Drug Enforcement Administration and the Federal Bureau of Investigation. I am especially pleased to report that one of the kingpins originally identified by the DEA and the FBI for inclusion in this list was extradited to the United States by the Mexican government on June 1, 1999; as a result of this extradition, we have now filled this vacancy with a major money launderer from the Eastern Caribbean, who has been sought for extradition on numerous U.S. indictments.

I look forward to quick passage of this important crime-fighting legislation and hope that the Clinton Administration would implement this initiative on its own.

WEI HSUEH-KANG

PRASIT CHIWINITPARYA

CHARNCHAI CHIWINNITIPANYA

DOB: 06/29/52.

Criminal Organization: Commander of the United Wa State Army (UWSA), Southern Military Region. The UWSA is considered the largest scale narcotics processing and trafficking organization in Southeast Asia and as such, poses the greatest threat to Thailand, the U.S. and the international community.

U.S. Pending Criminal Charges: August 30, 1993, Eastern District of New York, Conspiracy to Import Heroin into the United States.

Wei Hsueh-Kang had been sentenced to death (in absentia) by the Royal Thai Government for his involvement in a 1,496 pound heroin shipment seized off the coast of Thailand in 1987. This sentence has since been reduced to life in prison.

Status: Thai fugitive. Currently residing in Burma.

CHANG CHI-FU

KHUN SA

DOB: 02/17/33 (ALT: 02/12/32).

Criminal Organization: Former Head of the Shan United Army Mong Thai Army.

U.S. Pending Criminal Charges: December 20, 1989, Eastern District of New York:

1. Conspiracy to Import Heroin into the United States.
2. Operating a Continuing Criminal Enterprise (CCE).
3. Distribution of Heroin in Both Burma and Thailand.
4. Importation of Heroin into the United States.
5. Possession of Heroin with Intent to Distribute & Distribution of Heroin.
6. Attempted Distribution of Heroin in Thailand.
7. Attempted Importation of Heroin into the United States.

Status: U.S. Fugitive. Residing in Burma under the protection of the Burmese Government.

JOSE DE JESUS AMEZCUA-CONTRERAS (AKA JESUS AMEZCUA-CONTRERAS)

DOB: 07/13/63 (alt 07/31/64), (alt 07/31/65).

Criminal Organization: Amezcua-Contreras Organization.

U.S. Pending Criminal Charges:

February 11, 1993, Southern District of California:

(1.) Conspiracy to possess cocaine with intent to distribute.

(2.) Attempted possession of cocaine with intent to distribute.

June 18, 1998, Southern District of California:

(1.) Operating a Continuing Criminal Enterprise to manufacture and distribute methamphetamine.

(2.) Conspiracy to possess ephedrine.

Status: U.S. fugitive. Arrested June 1998 in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request—for purpose of extradition. Extradition on appeal in Mexico.

LUIS IGNACIO AMEZCUA-CONTRERAS

DOB: 02/22/64 (alt 02/21/64), (alt 02/21/74).

Criminal Organization: Amezcua-Contreras Organization.

U.S. Pending Criminal Charges:

December 21, 1994, Central District of California:

(1.) Conspiracy to manufacture, possess with intent to distribute, and distribute methamphetamine.

(2.) Possession with intent to distribute methamphetamine.

(3.) Possession of a listed chemical with reasonable cause to believe the chemical would be used in the manufacture of methamphetamine.

(4.) Conspiracy to launder money.

(5.) Money laundering.

June 18, 1998, Southern District of California:

(1.) Operating a Continuing Criminal Enterprise to manufacture and distribute methamphetamine.

(2.) Conspiracy to possess ephedrine.

Status: U.S. fugitive. Arrested June 1998 in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request—for purpose of extradition. Extradition on appeal in Mexico.

RAMON EDUARDO ARELLANO-FELIX

DOB: 08/31/64.

Criminal Organization: Arellano-Felix Organization.

U.S. Pending Criminal Charges: September 11, 1997, Southern District of California: Conspiracy to import cocaine and marijuana.

Status: U.S. fugitive. Not arrested. Provisional Arrest Warrant request.

VICENTE CARRILLO-FUENTES

DOB: 10/16/62.

Criminal Organization: Juarez Cartel, formerly known as Amado Carrillo-Fuentes Organization.

U.S. Pending Charges:

October 6, 1993, Northern District of Texas: (1.) Conspiracy to possess and distribute cocaine.

August 6, 1997, Western District of Texas:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to import and possess with intent to distribute controlled substances.

(3.) Importation of controlled substances.

(4.) Possession with intent to distribute controlled substances.

(5.) Money laundering.

Status: U.S. fugitive. Not arrested. Provisional Arrest Warrant request.

ARTURO PAEZ-MARTINEZ

DOB: 08/31/67 (alt 11/22/66).

Criminal Organization: Arellano-Felix Organization.

U.S. Pending Charges:

June 27, 1997, Southern District of California: (1.) Conspiracy to import cocaine.

December 19, 1997, Southern District of California:

(1.) Operating a Continuing Criminal Enterprise (CCE) to launder money.

(2.) Conspiracy to distribute and the distribution of cocaine.

(3.) Conspiracy to import and the importation of cocaine.

(4.) Aiding and abetting.

Status: Arrested in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request.

OSCAR MALHERBE DE LEON

DOB: 01/10/64.

Criminal Organization: One of the key leaders of the Juan Garcia Abrego drug trafficking organization, also known as the Gulf Cartel. The Juan Garcia Abrego organization is known by U.S. law enforcement agencies for its importation of large quantities of controlled substances, its propensity for violence, and its efforts to corrupt officials on both sides of the U.S. Mexico border.

U.S. Pending Charges: May 1995, District of Southern Texas:

(1.) Conspiracy to distribute and possess with intent to distribute cocaine.

(2.) Conspiracy to commit money laundering.

(3.) Operating a Continuing Criminal Enterprise.

Status: Arrested in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant Request. Extradition on appeal in Mexican courts. Extradition to U.S. may take place after completion of his sentence in Mexico for weapons offenses.

LORQUET SAINT-HILAIRE

Criminal Organization: One of the key leaders of a Colombian-Haitian drug trafficking organization that has moved significant quantities of cocaine from Colombia through Haiti and then into Florida. On October 5, 1995, Saint-Hilaire and five of his associates conspired to rob and kill a federal agent who was acting in an undercover capacity. Although the federal agent was shot at by Saint-Hilaire, he was not injured. All five of Saint-Hilaire's associates were later convicted on numerous drug and assault violations.

U.S. Pending Charges: October 1995, District of Southern Florida:

(1.) Conspiracy to commit narcotics offenses.

(2.) Assault against a U.S. federal officer.

(3.) Attempt to rob mail, money or other property of the U.S.

Status: Believed to be residing in the vicinity of Port de Paix, Haiti. Provisional Arrest Warrant Request. No extradition treaty in effect with Haiti.

JHON RAUL CASTRO

DOB: 09/05/63

Criminal organization: One of the key leaders of a major cocaine trafficking organization based in Miami and Medellin, Colombia. Castro's organization is known by U.S. law enforcement agencies for its importation and distribution of large quantities of cocaine from Colombia across the United States. Since 1994, U.S. law enforcement authorities believe that Castro has been responsible for the importation and distribution of several thousand kilograms of cocaine through cells located in Miami, Boston, New York, Chicago, Houston, and Los Angeles.

U.S. Pending Charges: February 1999, District of Southern Florida:

(1.) Conspiracy to distribute cocaine.

(2.) Other substantive drug charges being prepared.

Status: Believed to be residing in the vicinity of Medellin, Colombia. Provisional Arrest Warrant Request. Extradition request proceedings have been initiated with the Colombian Government.

RAFAEL CARO—QUINTERO

DOB: 10/24/52 (alt 11/24/55), (alt 10/24/55).

Criminal Organization: Caro-Quintero Organization.

U.S. Pending Criminal Charges:

April 29, 1987, Central District of California:

(1.) Conspiracy to distribute and possession with intent to distribute controlled substances.

(2.) Operating a Continuing Criminal Enterprise (CCE).

(3.) Criminal forfeiture.

(4.) Possession of controlled substance.

(5.) Alien in possession of firearm.

(6.) Aiding and abetting.

(7.) False identification documents used to defraud United States.

(8.) False statement.

(9.) Travel act conspiracy.

July 14, 1988, District of Arizona:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to import a controlled substance.

(3.) Importation of a controlled substance.

(4.) Bribery.

(5.) Exportation of currency.

(6.) Aiding and abetting.

July 30, 1991, Central District of California:

(1.) Violent crimes in aid of racketeering.

(2.) Conspiracy to commit violent crimes in aid of racketeering.

(3.) Conspiracy to kidnap a Federal Agent.

(4.) Kidnapping of a Federal Agent.

(5.) Felony murder of a Federal Agent.

(6.) Aiding and abetting.

(7.) Accessory after the fact.

Status: U.S. fugitive. Incarcerated in Mexico. Provisional Arrest Warrant request.

CHARLES MILLER AKA: EUSTACE O'CONNOR

DOB: 03/29/60

Criminal organization: Is the leader of a major Caribbean drug trafficking organization based in St. Kitts that has moved significant quantities of cocaine from Colombia through the Eastern Caribbean and then into Puerto Rico, the U.S. Virgin Islands and Florida. In October 1994, Miller and six of his associates conspired to murder the Superintendent of St. Kitts' Police. Since May 1996, the U.S. Government has sought the extradition of Miller and two other notorious St. Kitts' drug traffickers who are wanted in the U.S. on drug trafficking charges. In October 1996 and again in January 1999, a St. Kitts magistrate ruled against the U.S. request for Miller's extradition.

U.S. Pending Charges: October 1994, District of Southern Florida: Conspiracy to commit narcotics offenses.

Status: Believed to be residing in the vicinity of Basseterre, St. Kitts. Provisional Arrest Warrant Request. Extradition request under deliberation by St. Kitts Government since May 1996.

WILLIAM BRIAN MARTIN

DOB: 08/02/63 (alt 08/02/62).

Criminal Organization: Martin Organization.

U.S. Pending Charges:

May 4, 1993, District of Arizona:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to distribute and possess with intent to distribute cocaine and marijuana.

(3.) Conspiracy to commit money laundering.

February 23, 1994, District of Arizona:

(1.) Conspiracy to distribute over 1,000 kilograms of marijuana.

September 6, 1994, District of Arizona:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to possess with intent to distribute cocaine and marijuana.

Status: Arrested in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request. Extradition from Mexico on June 1, 1999.

IN CELEBRATION OF MEDTRONIC, INC.'S 50-YEAR ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. CAPPS. Mr. Speaker, I rise to celebrate the 50-year anniversary of Medtronic, Inc. and to commend its sponsorship of the Public Broadcast System (PBS) show, Frontiers of Medicine.

Frontiers of Medicine, currently broadcast on public television, has been underwritten by the Medtronic Foundation to highlight many of the ground breaking medical innovations that are dramatically changing the nature of patient care. In the short five months that Frontiers of Medicine has been on the air, it has been an enormous success. By the end of June 1999, Frontiers of Medicine will be carried in over 75 percent of the country making it the most popular health show on public television today. The show generated considerable support from viewers and stations who e-mail and phone daily requesting additional information about the topics covered in each episode.

Mr. Speaker, I offer my warm congratulations to Medtronic, Inc. for 50 years of medical innovation, and commend their commitment to providing valuable and innovative information through their sponsorship of the Frontiers of Medicine program. I am always pleased to see private industry serving the public interest by raising awareness and promoting education of the critical issues facing our country.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Ms. STABENOW. Mr. Chairman, I rise today to address the Bass-DeFazio amendment to the Agricultural Appropriations bill for Fiscal Year 2000. The Bass-DeFazio amendment sought to reduce the Wildlife Services budget within the U.S. Department of Agriculture by $7 million.

I object to the use of Wildlife Services funds in the western states of our nation for the control of predators such as coyotes. I agree with groups like the Humane Society that the practices used in the control of coyotes and other predatory animals are inhumane and a misuse of federal dollars.

Unfortunately, I could not support the Bass-DeFazio amendment because the proposed cuts did not specifically target predator control programs in the west. As written, the amendment could have made a $7 million across-the-board cut to Wildlife Services—a crippling blow to a program that is typically funded at a level of $30 million. I would like to include for the record a letter from Secretary Glickman that describes how the proposed $7 million cut would have impeded the public health and safety efforts of Wildlife Services across the nation.

Michigan is in the midst of a Bovine Tuberculosis (TB) crisis. A growing number of deer have been discovered with Bovine TB that is being transferred to our state's cattle population. This threatens our state's "TB Free" status and could wreak havoc on the cattle and dairy industries in Michigan. Wildlife Services personnel have partnered with the Michigan Department of Agriculture since late 1997 to eliminate Bovine TB in Michigan. The Bass-

DeFazio amendment would have severely hindered this partnership would have delayed attention to this agricultural crisis in my state. For this reason, I could not support the Bass-DeFazio amendment.

I know that many of my colleagues have similar concerns. They object to the inhumane use of Wildlife Services in the western states, but rely on the useful Wildlife Services funds in their districts. I urge the conferees for the Agricultural Appropriations bill to seek a solution to this conundrum that will eliminate inhumane Wildlife Services practices without hindering such important programs as Bovine TB control.

Hon. JOE SKEEN,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR JOE: This is to express the Department of Agriculture's concerns about a proposed amendment to the Agriculture appropriations bill that would cut $7 million from the Animal and Plant Health Inspection Service for its Wildlife Services (WS) program. The Department urges that this amendment not be passed.

While the amendment's supporters contend that the proposed funding reduction would only affect predator control programs for private ranches, in reality significant budget reductions in this program would affect other WS program activities as well. The same wildlife biologists who handle agricultural protection work provide protection against threats to public health and safety, damage to property, and protection of natural resources such as threatened or endangered species. A cut of $7 million in such a personnel-intensive activity would result in a serious weakening of the WS infrastructure through large-scale reductions-in-force. This will result in the elimination of work to protect endangered and threatened species, prevent bird strikes at airports, and control animals that can transmit diseases to humans such as rabies, plague, histoplasmosis, and Lyme disease.

Most State and local governments are not in a position to deal with these problems alone. This is why the WS program is largely a cooperative program. In fact, cooperators provide more than $30 million in funding for WS activities. Many cooperators have indicated that they could not fund wildlife management activities alone. Thus, a loss of Federal support for this program could ultimately lead to the loss of State and local funding as well. As you know, the President's budget reduced WS by $1.8 million from the FY 1999 level by assuming that cooperators could be encouraged to cover a larger share of the program. Larger cuts would be extremely difficult for Federal and State officials to manage.

The Department also wishes to reiterate its continuing support for predator control work. Protecting agricultural resources is an investment we make on behalf of producers and consumers. The total value of agricultural production in the United States is estimated at about $200 billion annually based on cash receipts at the farm gate. Agricultural losses to wildlife in this country are estimated to range from $600 million to $1.6 billion annually. A disproportionate share of this burden falls on small farmers. The National Commission on Small Farms defines small farms as those with less than $250,000 in gross receipts annually or farms with an average size of less than 1,129 acres. WS estimates that more than 80 percent of its cooperative agreements in the United States are with small farms and ranches.

The range and extent of wildlife problems continues to grow each year in response to expanding wildlife populations such as predators, geese, deer, beavers, cormorants, and other animals. There is an increasing need to look at these problems from a national perspective to avoid simply moving the problem from one location to another. WS provides the responsible leadership necessary to bring balance to the equation. The Department urges Congress to reject the proposed amendment.

Sincerely,

DAN GLICKMAN,
Secretary.

A TRIBUTE TO THE MEMBERS OF THE YOUNG ISRAEL OF AVENUE K ON THE OCCASION OF ITS 74TH ANNUAL JOURNAL LUNCHEON

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the members of Young Israel of Avenue K on the occasion of its 74th Annual Journal Luncheon.

The members of Young Israel of Avenue K have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This year's luncheon is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Each of today's honorees, Drs. Fred and Sheri Grunseid and Shelly and Roberta Lang, have continuously surrounded themselves and their families in the warmth of Judaism through their involvement with Young Israel of Avenue K.

Drs. Fred and Sheri Grunseid and Shelly and Roberta Lang have each accumulated many years of devoted service to Young Israel of Avenue K and the entire community. Through their repeated acts of generosity toward and on behalf of Young Israel, they have consistently proven themselves to be pillars of strength and support for my constituents.

Each of today's honorees has long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constitutents, I offer my congratulations on their being honored by Young Israel of Avenue K on the occasion of its 74th Annual Journal Luncheon.

CALLING FOR STRONGER UNITED STATES ACTION TO END THE WORLD'S LONGEST RUNNING WAR IN SUDAN

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise to call my colleagues' attention to a recent editorial appealing for higher-level United States diplomatic attention to pressing for an end to the war in Sudan (Christian Science Monitor, "Sudan: to End a War," June 2, 1999).

I ask that the text of this editorial be entered into the RECORD. It echoes the appeal twenty colleagues and I sent to Secretary of State Madeline Albright in a June 1, 1999 letter (renewing a similar appeal made one year ago) to appoint a special envoy of stature to focus diplomatic attention on the resolution of the political issues and civil war that are the root cause of Sudan's crisis. Two Washington Post editorials on Sudan in the past year have also supported our approach.

Mr. Speaker, war is hell, but Sudan's war is like no other in the suffering it has inflicted. Sudan's brutal conflict is the longest running civil war in the world, and has killed nearly 2 million people, far surpassing the death toll in Kosovo and many humanitarian disasters combined. Since 1983, Sudan's civil war has killed 180 people per day, on average, most of them Christian or non-Muslim Southerners.

More than 2.5 million Sudanese were at risk of starvation when I last visited Sudan in May, 1998 during the last major famine in which an estimated 100,000 people died. the potential for serious food shortages and large-scale malnutrition continues. As long as it drags on, Sudan's war will continue to perpetuate the cycle of misery that has already claimed nearly two million lives over the past 15 years.

Throughout the war, the rebels and the Government of Sudan each have made repeated predictions of decisive military victories over the other side that have never materialized, and no significant shift in the current stalemate or in the military balance of power is foreseen in the near future. Despite limited progress, peace talks continue to founder, and that pattern is sure to continue without sustained high-level diplomatic attention from the United States and the international community. By all indications, without concerted international diplomatic attention and intervention, Sudan's war can and will continue to drag on as it has almost without interruption for the past four decades.

Humanitarian aid aimed at saving lives and easing human suffering must continue. Nonetheless, the United Nations, relief agencies and others have questioned whether aid has enabled the endless pursuit of war and terrorism. In late 1998, the State Department declared Sudan an emergency—for the 10th consecutive year—so that another $70 million to $100 million in U.S. disaster aid could be sent to those in need. The total U.S. contribution during the last decade has been more than $700 million. We all must ask ourselves how long this can continue, and what could be accomplished if even a fraction of those resources could be invested in helping Sudan to build a more peaceful future.

There is a diplomatic leadership void on Sudan that only the United States can fill. A United States Special Envoy to Sudan's peace process would not unsurp or undermine the regional Kenyan-led peace process. Rather it would serve to enhance and accelerate the work of the Inter-Governmental Authority on Development. The Declaration of Principles established by the IGAD and agreed to by all parties should remain the one and only negotiating framework. These principles include the right of self-determination, separation of religion and the state, and a referendum to be held in the South that offers secession as an option. The Envoy we propose would press for progress on these core issues, and serve to: (1) Signal the United States' seriousness and commitment to supporting Sudan's peace process—failing which we would have stronger justification to shift to a policy of accelerated overt support for the opposition; (2) maintain pressure on all parties to negotiate a serious political settlement, and (3) establish as a stronger behind-the-scenes U.S. presence in forging consensus and coherence among outside supporters of Sudan's peace process (the allies and international organizations that count themselves among the "International Partners Forum" on Sudan).

The United States cannot solve all the world's problems. But we can exercise diplomatic leadership in regions where we can make a difference—and where the risks of inaction become intolerable. In Sudan, these risks include no end in sight to the world's longest running civil war and another decade of death, despair, and suffering for the people of Sudan.

I urge my colleagues' support for higher level diplomatic attention to ending Sudan's war and the threat it poses to security in the region, and to the hopes and aspirations of Sudan's people.

"SUDAN: TO END A WAR"

Civil war has raged in Sudan since 1955, with an 11-year break in the 1970s and '80s. Since 1983, the world's longest-running war has killed 2 million of the nation's 28 million people and displaced millions of others.

The causes are complex: The Arabic and Muslim north wants to impose Islamic law on the African, Christian, and animist south. Southerners complain they have never been adequately represented in the Khartoum government, which controls natural resources in their region.

The Khartoum regime has turned a blind eye to religious persecution and slavery. But the southern rebels have contributed to the list of human-rights violations too.

What originally was a north-south civil war, however, has evolved into a conflict involving 10 warring parties in every section of the country. Flip-flopping alliances add to the disorder.

Last year a disastrous famine threatened 2.6 million people with starvation. While peace efforts are under way, including one organized by neighboring states, they have been spasmodic at best.

The world is currently spending $1 million a day in humanitarian aid to the war's refugees, while the Khartoum government spends $1 million a day fighting the war. This can't go on. It's time the world moved Sudan to the front burner and put an end to the conflict, which would help stop the slave trade in the south. The United States should:

Press the United Nations Security Council to take the matter up, get a cease-fire, and arrange a settlement.

Appoint a U.S. special envoy to bolster the peace process.

Help fund a permanent office, with commissioner and staff, for the Intern-Governmental Authority on Development, the neighboring countries' mediation committee. This will allow regular negotiations to continue without interruption.

Fund university scholarships for selected southern Sudanese students, who have been cut off from educational opportunities by the war. Educated people will be needed to help run any future government and develop the region.

The U.S. has spent $700 million during the last decade on aid to the war's victims. The prospect of even one more year of this tragedy ought to be enough to spur U.S. and U.N. officials to action.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. BERRY. Mr. Chairman, I am ashamed that we have taken this long to create a piece of legislation that is this much of a disservice to American farmers. Unfortunately, this isn't the first time an agriculture bill has been stalled. Last fall, while farmers were twisting in the wind, the Leadership failed to pass the emergency supplemental legislation. Now, we have had an agriculture appropriations bill since February but sadly enough, the Leadership has not seen the need to pass it. When the bill finally comes to the floor, it is held up for two months. Then, in the remaining hours of the debate, an amendment which I did not support, was attached that cut $103 million. This is just one more example of the Congress' failed leadership.

This legislation is an embarrassment to the American farmer. I could not vote for this legislation because it cut billions of dollars in agriculture programs. The legislation spends about $1.6 billion less than this year and $6 billion less than the Administration requested. It just doesn't seem right that when America's farmers are hurting the most, we kick them when they're down by passing legislation that spends less money on farm programs than last year.

I voted for a motion to recommit this bill to the agriculture appropriators so that they could make adjustments to it without making haphazard cuts. These last minute cuts were done without the input of the Democrats on the authorizing committee, on which I serve. It is imperative that the Majority not take the fate of farmers so lightly as to just cut funding with so little regard. At the end of the night, despite my firm commitment to American agriculture, I decided to oppose final passage of this legislation. It is my strong desire that our colleagues in the Senate have the wisdom to make improvements on this legislation and that we return from a conference committee with a bill that adequately supports farmers.

In response to the lack of action on the appropriations legislation, I introduced a resolution last month expressing the sense of the Congress that it is committed to addressing this crisis and that it recognizes that further assistance will be needed. I hope that all Members of Congress join me in reassuring America and our farmers that agriculture is vital to our future and our prosperity.

IN HONOR OF JOE HADDEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Joe Hadden, a man distinguished by his 35-year dedication to our system of jurisprudence and, particularly, his service on the bench of the Ventura County Superior Court.

Judge Hadden has decided to retire. His careful exercise of the law will be missed within the Ventura County Hall of Justice.

After a stint in the U.S. Army, where he rose from private to first lieutenant, Judge Hadden attended and graduated from law school and was admitted to the California Bar in 1964. He served a year as a Ventura County deputy district attorney, then became a partner in Hadden, Waldo and Malley, where he specialized in probate, estate planning and representing businesses.

Judge Hadden served as a Ventura County Superior Court Arbitrator from 1976 to 1980. He was appointed to the Municipal Court bench in 1980 and the Superior Court bench in 1981 by Gov. Jerry Brown Jr., a fact I won't hold against him. The wisdom of the voters prevailed. They approved Judge Hadden's appointment by electing him in 1982 and reelecting him ever since.

Outside the courtroom, Judge Hadden serves as a member of the Ventura County Legal Aid Association.

He has a myriad of other interests, as well. He was an amateur sports car racer from 1954 to 1974, runs marathons, scuba dives, skis, plays tennis, works with stained glass and plays the flute.

It's obvious he will have plenty to keep him busy.

Mr. Speaker, I know my colleagues will join me in recognizing Joe Hadden for his decades of service and in wishing him and his family Godspeed in his retirement.

RECOGNIZING IRA P. WEINSTEIN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. PORTER. Mr. Speaker, I rise today to recognize Ira P. Weinstein, a constituent and valued patriot, in celebration of his 80th birthday.

Ira Phillip Weinstein was born in Chicago, Illinois June 10, 1919. He entered the U.S. Army Air Corps in 1942 as an Aviation Cadet, trained as a Navigator-Bombardier, and rose to the Rank of First Lieutenant; flying 25 missions with the 8th Air Force 445 Bomb Group, 702nd Squadron before being shot down over Germany on the infamous Kassell Mission, September 27, 1944. Parachuting to safety, he eluded capture for 6 days and was finally held as a Prisoner of War in Stalag Luft I, in Barth, Germany until the camp was liberated on May 11, 1945. Among Mr. Weinstein's commendations are the Purple Heart, the Air Medal, POW Medal, Presidential Citation, American Campaign and European Campaign Medals, WWII Victory Medal and the French Croix de Guerre.

Married to Norma Randall while still an Aviation Cadet, Mr. Weinstein returned to civilian life after the war and moved to Glencoe in 1952. As president of Schram Advertising Company he built the agency into a successful and respected force in direct mail and business to business advertising.

In addition to these public and professional accomplishments, privately Mr. Weinstein is proud to have celebrated more than 50 years of marriage to his wife Norma before her death several years ago, and prouder still to be the father of two adult daughters, Terri Weinstein, a noted Chicago interior designer, and Laura Temkin, President of Temkin & Temkin Advertising—as well as the doting grandfather to Ross and Max Temkin. Known throughout the community as a wonderful gardener and horticulture authority, Mr. Weinstein has been and continues to be a major contributor and active supporter of Women's American ORT, was a founding Member of Congregation Solel, and an avid supporter of the State of Israel. In addition, Mr. Weinstein is a lifetime Member of the 8th Air Force Historical Society and The Ex-POW Association, and an active member of the Kassel Mission Historical Assn., 2nd Air Div. Assn., Jewish War Veterans, Caterpillar Association. In retirement, Mr. Weinstein has become an outstanding golfer, accomplished world traveler and a builder of model historical aircraft.

Mr. Speaker, I would like to commend Mr. Weinstein on his outstanding service to his nation and to his community. I am very proud to represent people of his caliber and devotion to America.

INTRODUCTION OF VETERANS' MILLENNIUM HEALTH CARE ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STEARNS. Mr. Speaker, I'm pleased to introduce a bill adopted unanimously at markup this morning by the Subcommittee on Health of the Veterans' Affairs Committee.

This important legislation tackles some of the major challenges facing the VA health care system. In doing so, it offers a blueprint to help position VA for the future, and I think it is appropriately titled the Veterans' Millennium Health Care Act.

Foremost among VA's challenges are the long-term care needs of aging veterans. For many among the World War II population, long term care has become as important as acute care. However the long-term care challenge has gone unanswered for too long. This legislation would squarely address this issue and would adopt some of the key recommendations of a blue-ribbon advisory committee, while going further to provide VA important new tools to improve veterans' access to long term care.

Similarly, the bill tackles the challenge posed by a recent General Accounting Office audit which found that VA may spend billions of dollars in the next five years to operate unneeded buildings. In testimony before my Subcommittee, GAO stated that one of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients. This is not just an abstract concern. It is no secret that VA is discussing closing hospitals. And in some locations, that may be appropriate. The point is that VA has closure authority and has already used it. In fact, we could expect closures of needed facilities under the disastrous budget submitted by the President this year.

This bill instead calls for a process to be sure that decisions on closing hospitals can only be made based on comprehensive studies and planning. That planning process must include the participation of veterans organizations and employee groups. In short, the bill sets numerous safeguards in place, and would specifically provide that VA cannot simply stop operating a hospital and walk away from its responsibilities to veterans. It must "re-invest" savings in a new, improved treatment facility or improved services in the area.

Overall, the bill has four central themes: (1) to provide new direction to address veterans' long-term care needs; (2) to expand veterans' access to care; (3) to close gaps in current eligibility law; and (4) to establish needed reforms to improve the VA health care system.

The bill's key provisions would:

(1) require VA to maintain its long-term care programs and to increase both home and community-based long-term care;

(2) mandate that VA provide needed long-term care for 50% service-connected veterans and veterans needing care for a service-related condition;

(3) require co-payments for long-term care for all other veterans, based on ability to pay and with such payments helping to support expanded services;

(3) establish limits and conditions for considering closure of VA medical centers or parts of medical centers (such as ceasing to provide acute hospital care at a VA medical center), and would require that VA re-invest savings from a closure to establish new outpatient facilities and other improved services in any affected area;

(4) authorize VA care of TRICARE-eligible military retirees who are not otherwise eligible for priority VA care, subject to DOD reimbursing VA, as well as provide specific authority for VA care of veterans who were injured in combat and earned the Purple Heart;

(5) authorize VA to pay reasonable emergency care costs for service-connected, low-income and other high priority veterans who have no health insurance or other medical coverage, and who rely on VA care;

(6) authorize VA to (a) increase the copayment on prescriptions drugs; and (b) establish reasonable copayments on other costly items provided for care of a nonservice-connected condition (subject to exemptions on copayments in existing law), and provide that these new revenues would help fund VA medical care;

(7) require that, if the Federal government prevails in a suit against tobacco companies to recover costs incurred by the Government attributable to tobacco-related illnesses, VA shall retain the amount of such recovery attributable to VA's costs of providing such care for use in providing medical care and conducting research on such illnesses;

(8) reform the criteria for awarding grants for construction and remodeling of State veterans' homes;

(9) extend VA's authority to make grants to assist homeless veterans; and

(10) authorize the VA to carry out a three-year pilot program in up to four of VA's networks to provide primary care services (subject to reimbursement) to dependents of veterans.

Mr. Speaker, this is an important bill which major veterans groups have praised and endorsed. The work on it has been a real bipartisan effort. I urge Members to support it.

TRIBUTE TO WAYNE P. ROY FOR HIS SERVICE TO LABOR

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STUPAK. Mr. Speaker, on Friday, June 4, men and women of a variety of union trades gathered in Marquette, Michigan to honor Wayne P. Roy, who retired from federal employment in 1998. Mr. Roy had served 11 years as the Apprenticeship and Training Representative, Bureau of Apprenticeship and Training, U.S. Department of Labor. His service area included the Upper Peninsula of Michigan, which makes up a large portion of my congressional district, and northern Wisconsin.

Prior to that, Wayne Roy worked for the Michigan State AFL–CIO's Labor Employment and Development Program as the Upper Peninsula coordinator for several years.

Those are the dry facts of Wayne Roy's employment, Mr. Speaker. They only hint at a lifetime of commitment to issues that affect the hardworking people of northern Michigan.

In fact, this dedication to union issues was a family tradition that began before his birth. Wayne's father George was a miner in the Upper Peninsula and an officer in his local union. Wayne's mother Delima was a member of the International Ladies' Garment Workers Union and the Steelworkers Women's Auxiliary. It was only natural, therefore, that as a child Wayne would learn the importance of unions at his parents' side as he joined them at labor rallies and on picket lines.

After graduating from Gwinn High School, Wayne served a 4-year stint in the Navy until 1958, and then began a series of jobs that would give him membership in several unions. Through one job in Milwaukee, he joined the Chemical Workers, and then through a second he joined Teamsters Local 344, serving as part-time shop steward and committee member.

Returning to the Upper Peninsula, Wayne took a job with a mining company and became a member of Steelworkers Local 4950. In 1968 he joined Sheet Metal Workers Local 94, serving as the union's president for 9 years.

Wayne Roy's commitment to the labor movement led him to take positions with a variety of area civic and political groups, where he could broaden his effort on behalf of working men and women and find new ways to serve his community.

Such service included the board chairmanship of the United Way of Marquette County and the Marquette County Economic Development Corporation, presidency of the Marquette County Labor Council, and memberships on such panels as the Central Upper Peninsula Private Industry Council, the American Red Cross, the Forsyth Township Zoning Board, and the Marquette Prison Inmate Apprenticeship Committee.

It's clear, Mr. Speaker, that even as Wayne Roy and his wife Hazel raised seven children, he was demonstrating his belief that our best community leaders are actually public servants, who seek out every opportunity to improve the quality of life of their neighborhood, their place of employment, their city or township, even their region.

I ask you, Mr. Speaker, and I ask my House colleagues to join me in saluting this dedicated fighter for better lives for ordinary working people.

As one of Wayne Roy's colleagues said recently, he "proudly bears a union label on his soul."

A TRIBUTE TO DAN FOSTER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Dan Foster on the occasion of National Cancer Survivors Day.

Dan Foster, a two-year cancer survivor, has long been known for his commitment to community service and to enhancing the quality of life for all New York City residents. This gathering is a chance for all of us to pay tribute to a man who has dedicated his life to helping others. Dan Foster truly represents the best of what our community has to offer.

On June 6, 1999, Dan Foster will talk from the Montauk Point Lighthouse to St. Patrick's Cathedral, covering a distance of one hundred fifty miles, in recognition of National Cancer Survivors Day. Dan Foster's walk is dedicated to all cancer survivors and in memory of those who have succumbed to the disease.

This walk will also raise funds for Beth Israel Medical Center and "The Circle of Hope," two organizations who have dedicated themselves to finding a cure for cancer. Beth Israel Medical Center has focused its efforts on understanding and managing the effects of colorectal cancer. "The Circle of Hope," in conjunction with the Catholic Medical Center, will be establishing a palliative care program at the Bishop Mugavero Geriatric Center in Brooklyn, New York. The facility will be designed to provide terminal cancer patients with a sense of dignity as they near the end of their lives.

Dan Foster's dedication to his friends and neighbors can also be seen in his columns for Gerritsen Beach Cares' monthly newsletter. In his columns, Dan, the organization's Health and Welfare Committee Chairman, reminds readers about the importance of regular check ups, exercise and proper nutrition as a means of combating the disease.

Dan Foster has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped to improve my constituents' quality of life. In recognition of his many accomplishments on behalf of my constituents, I offer my congratulations on his dedication and devotion to find a cure for cancer on the occasion of National Cancer Survivors Day.

TRIBUTE TO DR. LASZLO TAUBER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. LANTOS. Mr. Speaker, last week the Washington Post published an excellent front-page article about the unique life and the outstanding philanthropic contributions of my dear friend Dr. Laszlo Tauber. I call this to the attention of my colleagues, Mr. Speaker, because in many ways the story of Laci Tauber reflects what is best about this wonderful country of ours.

Dr. Tauber, who received his initial medical training in Hungary before World War II, survived the horrors of the Holocaust in Budapest. He not only preserved his own life, he risked his own life to use his medical training to help those who were suffering the most at the hands of German Nazi troops and Hungarian Fascist thugs.

After coming to the United States, Mr. Speaker, Laci Tauber encountered problems and obstacles that face many of those who emigrate to this country seeking freedom and opportunity. He rose above those obstacles, establishing a highly successful medical practice in the Washington, DC, area and creating a real estate empire in this area that is the envy of many real estate magnates whose names are far better known in this region.

Mr. Speaker, Dr. Tauber has sought to give back something to this country which welcomed him and which provided him outstanding opportunities. His most recent and creative act of generosity involves the establishment of a scholarship fund to assist the grandchildren and other descendants of those men and women who served in our nation's armed services during World War II. Dr. Tauber and I feel a strong debt of gratitude to those brave men and women who risked their lives to liberate the peoples of Europe who were enslaved by Nazi Germany's evil Third Reich. This is only the most recent and most creative of Dr. Tauber's philanthropic endeavors.

I invite my colleagues to join me in paying tribute to Dr. Laszlo Tauber. I ask that the article from the Washington Post which details his exceptional accomplishments be placed in the RECORD.

[From the Washington Post, June 2, 1999]

GIVING WITH A POINT: HOLOCAUST SURVIVOR DONATES MILLIONS

(By Cindy Loose)

It was a struggle that first year in America, just after World War II. Laszlo Tauber and his wife lived in a Virginia apartment so decrepit the landlord warned them not to step on the balcony because it might fall off.

But with the frugality and generosity that have characterized his life, Tauber saved $250 from his income of $1,600. Then he gave it away.

"I am a Hungarian Jew who survived the Holocaust," Tauber wrote in a note to doctors at Walter Reed Army Hospital, where many veterans of the war were recovering from their wounds. "As a token of appreciation, my first savings I would like you to give to a soldier of your choice."

In the intervening years, Laszlo Tauber built a thriving surgical practice, started his own hospital, and in his free moments created one of the largest real estate fortunes in the region. Estimates of his wealth exceed $1 billion. He may be the richest Washingtonian you've never heard about.

He has already donated more than $25 million to medical and Holocaust-related causes. Now he's giving $15 million for scholarships to descendants of anyone who served in the U.S. military during the war years. An additional $10 million, honoring Raoul Wallenberg, who saved tens of thousands of Hungarian Jews, will go to organizations that memorialize the Holocaust and students in Denmark and Wallenberg's native Sweden.

Several local foundation leaders say even they have never heard of Tauber, but all call the latest donations remarkable.

Tauber hopes the gifts will inspire—or, if necessary, shame—other Holocaust survivors who have the means to give.

When Tauber gives money, he always intends to make a moral point. And when he knows he is right, the 84-year-old says, "you can move the Washington Monument more easily."

Generous in philanthropy, parsimonious in his business dealings, Tauber is, his friends say, the most complicated man they've ever met.

Asked to describe himself, he responds, "I am a righteous, miserable creature of God."

FORMED IN THE HOLOCAUST

He still sees patients, does minor surgery and makes all major decisions about his varied business and philanthropic enterprises.

He's proud that he charged dirt-cheap prices for his medical services and ignored overdue bills. But he also squeezed every dime of profit from his real estate deals and pursued one failed venture all the way to the U.S. Supreme Court.

He lives on a 36-acre estate in Potomac and gives away millions but stoops to pick up stray paper clips and writes, in tiny script, on the back of used paper.

Everything about him—his quirks, his drive, his outlook on life—he says can be explained by the Holocaust.

Tauber shuns publicity and must be prodded to discuss his past. People who he believes exploit the Holocaust for personal glory he calls "dirty no-goods." With the current gift, he wants to get the message to other survivors, so he will talk.

In the fading photographs he keeps in his Northern Virginia office, the team of gymnasts from the Budapest Jewish High School looks so young, and so proud. Tauber will never forget a meet in 1927, when he was 12.

"Everyone was standing, singing the Hungarian national anthem, and people started throwing rotten apples at my team, yelling, 'Dirty Jews'" Tauber says. He pauses, tears welling in his eyes. "I thought to myself: 'Bastards. I will train. I will beat them. I will show them.'"

Within two years, he was a national and European champion.

"Am I competitive? Yes, unfortunately so," he says today. "Did I become a happier man? Definitely not. But my experiences made me always stand for the underdog."

Hungary was not occupied by Germany until the spring of 1944, by which time the country had the only large reservoir of Jews left in Europe. Between April and June of 1944, roughly 437,000 Hungarian Jews in the countryside were sent to Auschwitz.

"Almost all were gassed on arrival, or soon after," says Walter Reich, former director of the U.S. Holocaust Memorial Museum. The Jews of the capital city were next on the list.

In this atmosphere, Tauber, at age 29, became chief surgeon at a makeshift hospital for Jews. His memories of that time are described in staccato images, interrupted by cracking voice and silent tears.

"A mother begged me to save her son. But you understand, he was dead already."

Zoltan Barta, a friend and former schoolmate, was hit in the head with shrapnel. His last words: "My dear Laci, save me."

Sandor Barna, who refused to wear the required yellow star, begged Tauber to fix the hooked nose that threatened to betray his ethnicity. But Tauber didn't have the equipment. The Nazis killed Barna. "If I could have operated on Sandor Barna," Tauber says, "he would be alive today."

But Reich says Tauber is an unsung hero, worthy of a Presidential Medal of Freedom. Imagine the irony, he says, of running a hospital for people slated to die.

"It's strange, and crazy, but also necessary, and compelling and ultimately noble," Reich says. "And he did it as a young man. And he did it in a manner that foretold his future."

GIVING AND GETTING

Tauber's son, Alfred Tauber, remembers as a young boy visiting New York City. "At night, I'd walk with my father around Times Square," he says. "I'd ask, 'What are you doing? Why are we here?' He'd answer, 'I'm looking for my old friends.'"

And sometimes, amazingly, they would find one. If the person needed money, Tauber would arrange to give some.

Tauber had come to the United States to take a fellowship at George Washington University, where he was paid a small stipend and supplemented his income by giving physicals for 25 cents each. "I offered my services for less than a decent prostitute would charge," he says now.

Hugo V. Rissoli, a retired professor, says that Tauber was brilliant, but that the doctor assigned to be his mentor virtually ignored him, and Tauber was not asked to stay on.

Tauber sensed antisemitism and reacted much as he did when he was 12: If discrimination was to keep him from rising at an established hospital, he'd build his own. He built the hospital, the now-closed Jefferson Memorial in Alexandria, in part so he could train other young doctors who had earned their degrees abroad.

In his spare time, with a $750 loan, he began amassing the necessary fortune in real estate.

"Real estate meant independence, to practice as I wish," he says. "I spent 5 percent of my time on real estate but got 95 percent of my money from it." His development portfolio was diversified—office, retail, government, residential. In 1985, he became the only doctor ever named on the Forbes magazine list of richest men.

Tauber takes enormous pride in his surgical skills but shows none in his real estate prowess.

Real estate, his son Alfred thinks, is the means his father uses to steel himself against an unstable world. But, says Alfred, a medical doctor and director of the Center for Philosophy and History of Science at Boston University, it also "appeals to his competitive streak. He takes delight that he can play the game better than most."

Wizards owner Abe Pollin marvels at Tauber, whom he met in the early 1950s. "It took every ounce of my energy to run my real estate business," Pollin says. "I was much less successful at it than him, and he did it while running a full-time medical practice."

Tauber's real estate empire brought many battles. As the federal government's biggest landlord, he was known for building exactly to code, with no frills.

For two years, nine federal agencies fought being transferred to an 11-story building on Buzzard Point that the General Services Administration was renting from Tauber for $2.5 million a year. It was so spare, they couldn't imagine working there. Finally, the GSA strong-armed the Federal Bureau of Investigation into moving there.

Rissoli likes to tell of the time neighbors complained Tauber was putting up a three-story apartment building in an area zoned for lower buildings. Tauber took off the roof, removed a few rows of bricks and called it a 2.5-story building.

Tauber's daughter, Irene, a San Francisco psychologist, says she never realized growing up that her family was wealthy. They lived simply, in an apartment building that was part of a Tauber development in Bethesda, between Massachusetts Avenue and River Road.

But they were initially unwelcome in the neighborhood, even though they owned it.

Tauber says that soon after he submitted the winning bid to buy the land in the late 1950s, an agent representing the owners asked that he agree not to sell any of the residential tracts to blacks or Jews.

The agent was amazed when Tauber told him he was Jewish. Under threat of a lawsuit—and at the agent's urging—the owners went through with the deal.

THE USES OF MONEY

Some years ago, Tauber was due at a reception at Brandeis University, where he had donated $1.6 million to establish an institute for the study of European Jewry. He needed a white shirt and steered his daughter toward Korvette's, the New York-based discount store. Inside, he headed for the basement.

"Daddy, Korvette's is already cheap," Irene protested. "You don't have to go in the bargain basement."

Tauber's only concession to his wealth is the home he shares with his second wife, Diane. (He and his first wife, now deceased, were divorced years ago.) But even his home cost him little: He made a huge profit by selling off some of the surrounding land.

But although he doesn't spend money on himself, he gives it away. He harbors resentment about the treatment he says he got at George Washington University decades ago, but he agreed to donate $1 million to the campus Hillel Center on the condition that a room be named in honor of Rissoli.

Rissoli says he did nothing more than be friendly to Tauber. But Tauber says that by being kind, Rissoli restored his faith in humanity.

One-third of the new $15 million grant will be funneled through GW, the rest through Boston University and others to be named. Recipients, to be selected by the universities, will be required to take one Holocaust-related course or tutorial.

Tauber says he hopes the gift will prompt students to think about the sacrifices of their forefathers. The funds are dedicated to the memory of his parents, as well as his uncle and his only brother, both of whom died in the Holocaust.

Why do it now?

"I don't stay here too long," he says. "At my age I should not start to read a long book."

The money, most of which will become available at Tauber's death, will be awarded with one unusual guideline: The percentage of African Americans who receive the scholarships must be at least as large as the percentage who served during World War II—or about 6 percent, according to military historians.

"It cannot be tolerated," Tauber explains, "that those of us who were discriminated against should ever ourselves discriminate."

The Americans who fought in foreign lands for strangers, Tauber says, rescued a remnant of his people, and they saved the world.

"It is not enough," he says, "to shake hands and say thank you."

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. FORD. Mr. Speaker, last night I missed three votes due to personal business. If I had been present, I would have voted "no" on rollcall No. 174, "no" on rollcall No. 175, "aye" on rollcall No. 176, and "no" on rollcall No. 177.

COMMEMORATING THE NAPERVILLE, IL, MILLENNIUM CARILLON GROUNDBREAKING

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. BIGGERT. Mr. Speaker, I rise to bring to my colleagues' attention an amazing event that will take place in my district, in Naperville, Illinois.

Can you hear it?

That is the theme of the Naperville Millennium Carillon project, the groundbreaking ceremony for which will take place this Friday. It will be a great tower, almost 150 feet high, in the heart of one of America's most vibrant cities. It will house one of only four carillons of its stature in the nation.

The bells of the Millennium Carillon will ring for the first time on the Fourth of July, in the year 2000. They will ring amid the report of cannon, as the Naperville Municipal Band swells toward the final bars of the 1812 Overture. And the harmony they sound will be a symphony of celebration—celebration of community, of tradition, and of the future.

The tower and carillon will stand, first, as a monument to the spirit of Naperville. It is only through the support of the city's people that the carillon and tower will rise over the coming months. Led by the generous donation of two great benefactors, Harold and Margaret Moser, the community is quickly making this recent dream a soaring reality.

In its design and placement, the carillon reminds us of a great past. It will take its place as part of another recent gift from the community, the Naperville Riverwalk. This beautiful preserve was dedicated in 1981 to celebrate the city's sesquicentennial. The traditional limestone of the Harold and Margaret Moser Tower will echo the work of the early Naperville stonemasons who quarried along the banks of the West Branch of the DuPage River. And inside the tower, a unique, interactive and living time capsule will offer visitors for years to come a view of what Naperville looks like today.

Those visitors will hear also the clarity of a community that is confidently facing the future. The carillon is being built for the ages by a city that believes in itself. In fact, anyone who wants to experience firsthand the vitality of Naperville should not miss Celebration 2000, three joyous days of festivities the city will hold at the turn of the century.

Mr. Speaker, I share these words today so that our nation can share in a magnificent sound. It is the ringing of heritage and hope in the heartland of America, the Millennium Carillon of Naperville, Illinois.

CONGRATULATIONS TO THE UNIVERSITY OF GEORGIA'S 1999 NCAA CHAMPIONS, MEN'S GOLF, MEN'S TENNIS, WOMEN'S GYMNASTICS, WOMEN'S SWIMMING AND DIVING

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate my alma mater, the University of Georgia, and its athletic program for recently capturing four NCAA championships this season. Four national titles in one season is a record for the University of Georgia. An outstanding group of young men and women brought home national titles in Men's Golf and Tennis, and Women's Gymnastics and Swimming and Diving, and each of these teams deserve great recognition.

I especially want to congratulate both the Men's Golf and Women's Swimming and Diving Teams for winning their first-ever national titles. Just this past weekend, the Men's Golf Team and their Coach Chris Haack won the NCAA national championship by three strokes over Oklahoma State. In March, the top-ranked Lady Bulldog Swimming and Diving Team also won their first NCAA Championship be defeating Stanford, the defending champion. I would like to recognize Coach Jack Bauerle for being named Swimming Coach of the Year and Kristy Kowal for being named Swimmer of the Year. I am extremely proud of both of these teams for these historic accomplishments, and I know there will be many more in the future.

The UGA Women's Gymnastics Team and their Coach Suzanne Yoculan have brought pride to the University of Georgia over the years, and words cannot describe the incredible talent displayed by this group of young women. This year was no exception as the Gym Dogs outdistanced Michigan and Alabama in April to capture their fifth NCAA National Championship while at the same time defending their 1998 national title. The Gym Dogs have maintained a perfect record of 67–0 over the last two years, an amazing accomplishment. Imagine, not a single loss in two years. This season they completed the season with a perfect 32–0 record as the only undefeated team in the country. They are the first team ever to have a perfect record two years in a row, and the second team to win back-to-back women's gymnastics titles.

I also want to congratulate Karen Lichey for being named the 1999 recipient of the Honda Award for Gymnastics as the country's top female collegiate gymnast. Miss Lichey also earned the maximum five First-Team All-American honors as well as SEC Gymnast of the Year. These incredible accomplishments should not go unnoticed. I had the honor of hosting the Gym Dogs during their visit to Washington last summer, and they are a group of bright young women that are already a legend in the University of Georgia's athletic program.

In May, the UGA Men's Tennis Team and their Coach Manual Diaz fought back to defeat UCLA and win its third NCAA title since 1987. Upon entering the tournament, Georgia was ranked number 10. UCLA was ranked number one in the country, but Georgia fought with great heart and overcame the odds. The Bulldogs came back from being down two matches to one and brought home another title, winning four of the seven matches. The team has a rich history of winning, and this year was no different. In the years to come, I know we can expect the Men's Tennis Team to continue their winning tradition.

Mr. Speaker, victory is sweet indeed, but it cannot be achieved without the hard work, talent, and perseverance of every single athlete. These four teams of outstanding individuals, including numerous champions and All-Americans, and their coaches deserve the recognition they have received. I want to commend the University of Georgia athletic program, its director Vince Dooley, and its fine coaches and athletes. I also want to say what an honor it is to be a UGA alumnus, and I look forward to many victories in the years to come.

CHINA TO DONATE $300 MILLION TO HELP KOSOVAR REFUGEES

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BLILEY. Mr. Speaker, on Monday, June 7, 1999, the President of the Republic of China, Lee Teng-hui, announced the Republic of China will donate $300 million to help the Kosovar refugees. This aid will consist of:

1. Emergency support of food, shelter, medical care and education for the Kosovar refugees, who are currently living in exile in neighboring countries.

2. Short-term accommodations for some refugees in Taiwan, with opportunities for job training in order to better equip them for the restoration of their homeland upon their return.

3. Support for the rehabilitation of Kosovar in coordination with international recovery programs.

President Lee and the people of the Republic of China should be commended for their commitment to international peace and stability. The Republic of China, as a member of the international community, has always been very active in world affairs. This is yet another example of the Republic of China being an active and positive international partner with the United States in international affairs.

HONORING DR. MICHAEL F. REARDON; PROVOST, PORTLAND STATE UNIVERSITY, JUNE 9, 1999

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WU. Mr. Speaker, today I would like to recognize Dr. Michael F. Reardon, a constituent of mine, who will soon retire from an 8-year term as provost of Portland State University; one of the nation's leading urban universities.

Michael Reardon has had a long and distinguished career as a professor and higher education administrator. He has served Portland State University and the academy with distinction for more than 30 years.

Dr. Reardon received his bachelor's degree from Georgetown University in 1960, and his doctoral degree in history from Indiana University in 1965. After receiving his doctorate, Dr. Reardon accepted a position as an Assistant Professor of history at Portland State University. Before being selected as the Provost in 1992, Dr. Reardon served as Chairman of the department of history, Director of the Honors Program, Associate Dean of the College of Liberal Arts and Sciences and Vice Provost.

Dr. Reardon is recognized for his work in the history of European thought, French intellectual history, the development of disciplinary knowledge, and on culture of the professions. He is also known for his positions as Vice-President and President of the Western Regional Associations of Honors Programs and as an officer in the National Collegiate Honors Conference. Many here in Washington know Dr. Reardon as a consultant to the National Endowment for the Humanities, for his work with the American Council on Education and other national associations of higher education.

Provost Reardon's interest in curricular reform has encouraged innovative changes in undergraduate education at Portland State University and around the nation. His publication on curricular reform and cost containment in the Handbook of Higher Education has brought about a renewed commitment to providing quality post secondary education to all Americans in urban areas.

These distinctions alone would be sufficient to merit my gratitude for Dr. Reardon's work, however, I would especially like to offer my sincere appreciation for Provost Reardon's administrative vision and his excellence as a teacher who has encouraged students to pursue their careers and ambitions.

In 1994 under Provost Reardon's guidance, a nationally recognized general education program was developed and implemented at Portland State University. The four-year program encourages civic responsibility through outreach to regional organizations, high schools and businesses. The program enables students to work in a team environment using critical thinking skills and interdisciplinary problem-solving approaches to contemporary issues. This program is based on collaborative partnerships between the university and community; in effect each student at this university must, to receive their degree, serve the community.

Dr. Reardon's strong commitment to the university as Provost is paralleled by his equally firm commitment to students and teaching. Throughout his years as an administrator, Dr. Reardon has always found time to teach undergraduate and graduate students in his areas of expertise and develop programs such as an internship program in Washington that has provided students with an opportunity to work and learn in Nation's capital city. Dr. Reardon's students are professors, teachers, business leaders, college administrators, research scientists, and lawyers. Oregon and the nation will benefit from Dr. Reardon's dedication and his commitment to education.

It is with great pleasure that I honor Dr. Reardon for his service to Portland State University, to Oregon, and to the nation. I look forward to his continuing work as professor and consultant to universities and associations of higher education in the coming years.

DEBT REDUCTION LEGISLATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STUPAK. Mr. Speaker, I rise today to re-introduce legislation I have sponsored the previous three Congresses to help reduce the deficit and the debt. I urge my colleagues to join me and cosponsor my bill.

Since my arrival in Washington, I have worked to reduce the deficit and reduce our nation's debt burden. This legislation takes another step in that direction by sending our unused office budget funds to the U.S. Treasury for deficit and debt reduction. Today, after several years of fiscal discipline, the federal government is currently "in the black" and running surpluses for the first time in 30 years. But we still have a national debt of more than $5.4 Trillion.

This simple but important step will go a long way to show the American people that we are serious about debt reduction and that we are willing to put our money where our mouth is. Alone, this legislation won't eliminate the debt. But combined with our other efforts to reduce budgets, limit spending and run the government more efficiently, we can eliminate the national debt too.

Specifically, my legislation requires that any unused portions of our Members' Representational Allowances are to be deposited into the Treasury for either deficit reduction or to reduce the Federal debt. The bill also requires the Appropriations Committee to report in its annual legislative branch appropriations bill a list of the amount that each Member deposited into the Treasury.

I urge my colleagues to support this legislation to return our unused office funds to the U.S. Treasury for deficit or debt reduction.

IN CELEBRATION OF THE 60TH ANNIVERSARY OF THE CEREBRAL PALSY CENTER FOR THE BAY AREA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Ms. LEE. Mr. Speaker, I rise in celebration of the Sixtieth Anniversary of the establishment of the Cerebral Palsy Center for the Bay Area located in Oakland, California.

The Cerebral Palsy Center for the Bay Area was founded in 1939, as the Spastic Children's Society of Alameda County (California), and was the first such organization in the country.

The Society was renamed the Cerebral Palsy Children's Society of the East Bay and was instrumental in the passage of state legislation in 1941 that created the first comprehensive program of special classes, physical therapy and diagnostic services for children with cerebral palsy.

The Center continues to pioneer services, assistive technology and software, to help people with developmental disabilities reach their highest potential, with the Computer Learning Center as its latest example.

The Center leads in raising public awareness about cerebral palsy and other developmental disabilities and the rights and aspirations of individuals with such conditions.

The Center has been sustained and enriched throughout its 60-year history through hundreds of volunteers who assist with numerous administrative tasks, maintain buildings and grounds, teach classes, provide job counseling and computer training, and coordinate special events and fundraisers.

I join people throughout the Bay Area in recognizing this momentous occasion of celebrating 60 years of extraordinary service by The Cerebral Palsy Center of the Bay Area to people with developmental disabilities.

HONORING THE U.S.S. "NEW JERSEY"

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the U.S.S. *New Jersey*, which has honorably served the United States in times of both peace and war for over 50 years.

Today, along with many of my colleagues from New Jersey, I introduced the "U.S.S. New Jersey Commemorative Coin Act.' This bill authorizes the minting of a commemorative coin to honor the Battleship *New Jersey's* contribution to our country.

The *New Jersey* was first launched December 7, 1942, and was immediately sent off to the Pacific Theater. There, the Battleship *New Jersey* played a key role in operations in the Marshalls, Marianas, Carolines, Philippines, Iwo Jima, and Okinawa.

After the Allied victory, the U.S.S. *New Jersey* was deactivated in 1948 until being called to service again in November, 1950. The ship served two tours in the Western Pacific during the Korean War, and was the flagship for Commander 7th Fleet.

After her service, the U.S.S. *New Jersey* was again mothballed in 1957, only to be pressed into service again in 1968 to serve as the only active-duty Navy battleship. She provided critical firepower to friendly troops before again being decommissioned in 1969.

The Battleship *New Jersey's* service did not end with Vietnam. She continued to serve our Navy in a number of the roles in the Pacific, the Mediterranean and off the coast of Central America.

Her brave and honorable service finally came to an end in February 1991, when the U.S.S. *New Jersey* was decommissioned for the fourth and final time.

Last year, Congress passed legislation directing that U.S.S. *New Jersey* be brought home and permanently berthed in her namesake state. Mr. Speaker, Governor Whitman, the state legislature and the people of New Jersey all strongly endorse bringing the Battleship home. We are all united in our desire to have the U.S.S. *New Jersey* come home.

This legislation would help raise money to offset the costs of bringing the Battleship home, where she can serve as a permanent reminder of the brave men who served aboard her, and the important role the U.S.S. *New Jersey* has played on our nation's history.

Mr. Speaker, I urge all my colleagues to join me in cosponsoring this bill to honor the memory of the Battleship *New Jersey*.

INTRODUCTION OF THE ANTI-TAMPERING ACT AMENDMENTS OF 1999

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GOODLATTE. Mr. Speaker, I rise today with my colleague from California, Congresswoman ZOE LOFGREN, to introduce the Anti-Tampering Act Amendments of 1999. This important legislation, which I introduced last year and which garnered a majority vote in the House, will provide law enforcement the tools they need to combat the growing crime of altering or removing product identification codes from goods and packaging. This bill will also provide manufacturers and consumers with civil and criminal remedies to fight those counterfeiters and illicit distributors of goods with altered or removed product codes. Finally, this bill will protect consumers from the possible health risks that so often accompany tampered goods.

Most of us think of UPC codes when we think of product identification codes—that block of black lines and numbers on the backs of cans and other containers. However, product ID codes are different than UPC codes. Product ID codes can include various combinations of letters, symbols, marks or dates that allow manufacturers to "fingerprint" each product with vital production data, including the batch number, the date and place of manufacture, and the expiration date. These codes also enable manufacturers to trace the date and destination of shipments, if needed.

Product codes play a critical role in the regulation of goods and services. For example, when problems arise over drugs or medical devices regulated by the Food and Drug Administration, the product codes play a vital role in conducting successful recalls. Similarly, the Consumer Product Safety Commission and other regulators rely on product codes to conduct recalls of automobiles, dangerous toys and other items that pose safety hazards.

Product codes are frequently used by law enforcement to conduct criminal investigations as well. These codes have been used to pinpoint the location and sometimes the identity of criminals. Recently, product codes aided in the investigation of terrorist acts, including the bombing of Olympic Park in Atlanta and the bombing of Pan Am Flight 103 over Lockerbie, Scotland.

At the same time, manufacturers have limited weapons to prevent unscrupulous distributors from removing the coding to divert products to unauthorized retailers or place fake codes on counterfeit products. For example, one diverter placed genuine, but outdated, labels of brand-name baby formula on substandard baby formula and resold the product to retailers. Infants who were fed the formula suffered from rashes and seizures.

We cannot take the chance of any baby being harmed by infant formula or any other product that might have been defaced, decoded or otherwise tempered with. FDA enforcement of current law has been vigilant and thorough, but this potentially serious problem must be dealt with even more effectively as counterfeiters and illicit distributors utilize the advanced technologies of the digital age in their crimes.

Manufacturers have attempted, at great expense and with little success, to prevent decoding through new technologies designed to create "invisible" codes, incapable of detection or removal. However, decoders have proven to be equally diligent and sophisticated in their efforts to identify and defeat new coding techniques. We therefore must provide manufacturers with the appropriate legal tools to protect their coding systems in order for them to protect the health and safety of American consumers.

Currently, federal law does not adequately address many of the common methods of decoding products and only applies to a limited category of consumer products, including pharmaceuticals, medical devices and specific foods. Moreover, current law only applies if the decoder exhibits criminal intent to harm the consumer. It does not address the vast majority of decoding cases which are motivated by economic considerations, but may ultimately result in harm to the consumer.

My legislation will provide federal measures which will further discourage tampering and protect the ability of manufacturers to implement successful recalls and trace products when needed. It would prohibit the alteration or removal of product identification codes on goods or packaging for sale in interstate or foreign commerce, including those held in areas where decoding frequently occurs.

The legislation will also prohibit goods that have undergone decoding from entering the country, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices. It will require offenders to pay monetary damages and litigation costs, and treble damages in the event of repeat violations. The bill will also impose criminal sanctions, including fines and imprisonment for violators who are knowingly engaged in decoding violations.

The bill would not require product codes, prevent decoding by authorized manufacturers, or prohibit decoding by consumers. It is a good approach designed to strengthen the tools of law enforcement, provide greater security for the manufacturers of products, and most importantly, provide consumers with improved safety from tampered or counterfeit goods. I urge my colleagues to join me in supporting passage of this bill, which will go a long way toward closing the final gap in federal law enforcement tools to protect consumers and the products they enjoy.

HIGH TECHNOLOGY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. NAPOLITANO. Mr. Speaker, as a Californian, I am fully aware of the impact of the high technology industry has had on my state's economic well-being and the prosperity of our people. California is, after all, the proud home of high-technology—the industry responsible for revitalizing the California economy, ensuring our position as the premier exporting state in the nation, and creating tens of thousands of high-wage jobs for our burgeoning population.

High-tech jobs are well-paying jobs—approximately 73 percent higher than other private sector jobs. This means that, on average, high-tech pays a $49,500 annual salary while other jobs pay $28,500. The most recent data on California's high-tech industry indicate that California ranks first in high-tech employment (about 785,000 jobs) and second in high-tech wages. Moreover, by 1997, 61 percent of all California exports were high-tech products.

In the context of a competitive global economy, America's high-tech products are in growing demand. As a result, America has a huge high-tech goods trade surplus with the European Union, Canada, and Brazil. In 1996, the high-tech industry exported $150 billion in goods making it the nation's leading exporter ahead of transportation equipment and chemicals. In this decade our high-tech exports grew a phenomenal 96 percent.

Our high-tech companies' innovations and business acumen are truly the envy of the world. The New Democrat Coalition's High-Tech Week is a perfect opportunity to put into perspective both our triumphs and our challenges. There is no doubt that the twin engines of technology and trade propel this economy.

The U.S. computer industry serves as a good example of American innovation and leadership. Many of our most successful companies started out as small entrepreneurial ventures with little cash, lots of enthusiasm, vision, hard work and real commitment. Those are the qualities that make me proud to be an American and a Californian.

However, today we are at a crossroads. We approach a new millennium with a workforce that lacks the skills to take advantage of the boundless opportunities that the high-tech industry has to offer. The concerns I hear from both educators and high-tech business people about the lack of skilled workers are serious. This is an ominous situation that deserves our serious attention.

The American Electronics Association is absolutely correct when it states "the technology industry cannot be sustained without workers with solid training in science and math."

It is a national embarrassment that American students do not compete well with high school students from other countries. For example, U.S. high school seniors ranked 19th in math and 16th in science in standardized tests among 21 countries.

When it comes to cultivating qualified workers for high-tech jobs, California, like many other high-tech oriented states, lags behind many of our foreign competitors. Although there has been some progress, California and other states continue to struggle with creating a solid and educated high-tech workforce. The key is developing core competencies in technical areas such as math, science, and the use of technology.

Without fundamental change, I am concerned about the continued vitality of our high-tech industry and its ability to attract an educated high-tech workforce. In California and throughout the U.S., the high-tech industry continues to experience a shortage of qualified workers. How long can we rely on other countries to fill our job vacancies without harming our own competitiveness? Right now, foreign nationals receive nearly half of all doctoral degrees and a third of all masters degrees awarded by U.S. universities.

I believe that we—educators, business people and political leaders—must come up with a new educational agenda and the will to implement it. Our educational system, from kindergarten to the college level must encourage Americans to study math and sciences so that they can have access to the abundance of high-paying job opportunities in the high-tech industry.

It is alarming that despite all the opportunities available to people with degrees in math, engineering and physics, colleges are graduating fewer and fewer American students with these majors. In fact, high-tech degrees from American institutions have actually decreased 5 percent from 1990–1996. Although California colleges and universities conferred the most high-tech degrees, they also had had one of the steepest declines, awarding 1,600 fewer degrees in 1996 than in 1990.

Our economic security demands that we find solutions to this crisis. A world class, K–12 public school educational system is not beyond our grasp. What has eluded us is national commitment. We tend to talk about educational excellence but have been unwilling to provide the funds that are critical to this objective. And we have failed to rally parents and business as true partners in what must be a coordinated and creative national effort. The 106th Congress has an obligation and an opportunity to make "educational excellence" one of its highest priorities. This means we need to assure that we have qualified teachers in our classrooms, that students meet basic competencies and that attention is given to the evolving needs of the high-tech industry.

Our children and our grandchildren will be the true beneficiaries of this legacy if we are bold enough to meet the challenge.

THE NATIONAL YOUTH VIOLENCE COMMISSION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BURTON of Indiana. Mr. Speaker, the Columbine High School tragedy and its aftershocks still haunt our memories. Statesmen, pundits and ordinary citizens ask questions every day as to why our children are murdering their peers. Clearly, the mere fact that we must ask these questions demonstrates that a real crisis exists and needs to be addressed immediately. While no one has any definitive answers, many opinions have been put forth without reaching any consensus. These opinions are multi-faceted and have included: the de-moralization and de-humanization of our youth due to a "culture of violence" perpetuated by the media, the non-enforcement of existing laws regarding firearms, and the degradation of families and communities due to this "culture of violence."

All of these opinions likely point to sources of the problem of teen violence, but they do not reveal the possibility of one single and simple solution. In order to put a halt to the specter of teen violence, an investigation should be made into its causes and to its probable solutions. Such a Commission should be bi-partisan, and it should be appointed equally by the President of the United States and Leaders in Congress from both the Majority and Minority parties. In the best interests of the Nation, the Commission will come to some form of a consensus concerning the various natures of, and the solutions to, the extreme teen violence that is plaguing our society.

These tragedies are too important to ignore, and too important not to focus all of our resources on discovering their root causes and possible solutions. That is why I, along with Representatives MARKEY and TIERNEY, am introducing legislation to create a national Commission that will be asked to conduct an in-depth analysis of teen violence. The Commission would be made up of a panel of experts that include religious figures, teachers, law enforcement officials, counselors, psychologists, and research groups that deal with family issues. Hopefully, a Commission that contains such experts will be able to appraise the situation accurately and make the necessary recommendations.

Upon completion of its work, the commission will be responsible for submitting to Congress and the President a report detailing possible steps to reduce the level of juvenile violence in America. While this is not a problem that will be solved overnight, and there are some serious ideological differences that need be overcome, I am hopeful that this Commission can help us in preventing similar tragedies from occurring in the future, and at least begin to address the plague of youth violence that is tearing the very fabric of our nation.

THE NATIONAL YOUTH VIOLENCE COMMISSION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. MARKEY. Mr. Speaker, weeks after the tragedy at Columbine High School, we as a national community are still cognizant of the ordeal and attempting to make sense of this horrific incident and the other school massacres that followed it. Many of us are still asking questions and searching for reasons why our children are senselessly murdering each other in classrooms, schoolyards, streetcorners and their homes; why there is so much violence surrounding and savaging the youth of our country.

There have been several factors cited as the possible causes for this emphasis on violence: the disconnection so many youths feel from their parents, peers, schools and communities; the harmful influence of the entertainment media; the easy access children have to guns; lack of support services for alienated and mentally ill teens; and the weakening of our moral and communal safety nets.

While there are many informed opinions and hypotheses, there are very few definitive conclusions and little consensus as to who or what is responsible for this atrocity. This is a problem that can not be solved with definitive answers—there is no one answer. As a country Americans do agree that we must come together as a nation to stop this menace, which is putting all of our communities and way of life at risk.

In order to combat this difficult challenge, we must reach a national consensus on how to respond. We must carefully, deliberately, dispassionately analyze the depths of the problem. Today, Mr. BURTON, Mr. TIERNEY and I are introducing legislation to create a national commission on youth violence that will examine the many possible reasons why so many children are becoming killers and help us find solutions to diminish this imminent threat.

In order to thoroughly study the many dimensions of the problem this panel should be composed of the country's finest experts in the fields of law enforcement, teaching and counseling, parenting and family studies, child and adolescent psychology, Cabinet members, and religious leaders.

After 18 months of work, the commission would be responsible to report its conclusions to the President and Congress and recommend a series of tangible steps to take in order to reduce the level of youth violence and prevent another community from feeling the same pain and grief as the residents of Littleton.

There are several steps that must be taken by Congress and the citizens of our country in order to preserve the safety of our children. We understand that this problem is not one that can be solved over night, or with any single piece of legislation. Despite this we have legitimate policy and philosophical differences to overcome in order to tackle this problem. There is not a guarantee that with this commission that we will find these answers and solve our problems, but we believe there is hope for doing so and therefore deserves our support.

TRIBUTE TO LARRY PETERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments and contributions of one of Colorado's great businessmen, Larry Peterson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service civic duty.

Larry Peterson is a self made man who has always exhibited strong morals and family values. After graduating high school, he spent a short time attending Colorado State University. Larry chose to leave college to return home and help care for his family in a time of need. He experienced many areas of the work field, before settling into a career. Late in the 1960's Larry Peterson began working at a pharmacy, which he would later own.

Larry Peterson is a successful businessman and has always sought to share his success with others. He finds time to get involved with charities such as Make A Wish Foundation, and the Children Miracle Network. His contributions to charities are too numerous to list, which indicates just how many there are.

Aside from his contributions to charities, Larry Peterson has been very active in Republican party politics. As a precinct captain since 1998, Larry has helped many candidates who have run, or are running, for office, including Colorado Governor Bill Owens, President George Bush and Senator Bob Dole. Larry has also played a key role in the organizational efforts of the GOP throughout Colorado. He was very effective in assisting former GOP Chairman Don Bain with important grassroots events from throughout 1993–1996. He even participated as a member of the Colorado Delegation to the National Convention in 1996.

In conclusion, Mr. Speaker, I'd like to say thank you to Larry Peterson for his truly exceptional contributions to numerous charities, and to the state of Colorado alike. People like Larry, who give so selflessly to others, are a rare breed. Fellow citizens have gained immensely by knowing him, and for that we owe Larry Peterson a debt of gratitude.

A TRIBUTE TO BEVERLY A. SHAUGHNESSY FOR HER 35 YEARS OF SERVICE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a remarkable public servant in my district, Beverly A. Shaughnessy, who is retiring after 35 years of service to the Fourth District Cook County Court.

Mrs. Beverly Shaughnessy, the former Beverly Thomas, has been a life-long resident of Berwyn, Illinois. Mrs. Shaughnessy began her career in the Berwyn Health Department. In the early 1950's she moved to Berwyn City Hall as a Court Clerk. When Berwyn and other surrounding communities became a part of the Fourth District, Beverly moved to the District offices in Oak Park. As the Fourth District outgrew its facilities, a new District office was built in Maywood, where Mrs. Shaughnessy has served since its opening. She has progressed from a Circuit Court Clerk to Supervisor of Clerks for the felony division. Many lawyers and judges credit Mrs. Shaughnessy for their knowledge of how the court system functions.

Mrs. Shaughnessy became acquainted with Tom Shaughnessy, mayor of the city of Berwyn, and they were married on June 21, 1947. They have two children, Tom Jr. (Mark) and Patte (Kathy) Kennedy, as well as grandchildren Bryan, Kelly, Courtney, Danny, Ashley, Leigha and Jack.

Mr. Speaker, I thank Mrs. Shaughnessy for her years of dedicated service and extend to her my best wishes in the future.

IRAN'S LATEST TERRORIST ACTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. TOWNS. Mr. Speaker, over the past month, we have been reading with increasing concern, reports of terrorist attacks by the mullahs' regime against the forces of the Iranian opposition outside Iran. Today, I regret to say that there has been another attack. This time, the target was a city bus carrying members of the Mojahedin in Baghdad. Six of the freedom fighters were killed, and 21 more are in the hospital with serious injuries. Another city bus carrying Iraqi citizens was also heavily damaged and a number of its passengers injured in the blast, which left a 6 ft. by 9 ft. crater.

This car bombing is but the latest in a series of two dozen terrorist attacks against the Mojahedin since Mohammad Khatami was elected president two years ago. That is a startling increase over the numbers racked up by his predecessors. Clearly, such statistics contradict all the talk we have heard about Khatami being a "moderate" who will do things differently. Terrorism is on the rise outside Iran, members of religious minorities and dissidents are being arrested and even executed inside Iran, and terrorist groups violently opposing the Middle East peace process are receiving more funds, more training and more support from the Khatami government.

International silence in response to Hkatami's flagrant violations of international law and human rights only emboldens his regime. The bomb blast today was the fifth such terrorist strike against the Mojahedin on Iraqi soil in the past month. Against the backdrop of Khatami's open support of regional terrorists, and the wave of disappearances and assassinations targeting dissidents and minorities in Iran, it hardly paints a picture of moderation. Obviously, goodwill gestures, trade concessions, and apologies have not succeeded in modifying the government's behavior. It is time for our State Department to change its tune, to adopt a decisive Iran policy which insists that the mullahs be held accountable for their deeds, and to strongly condemn the terrorist attacks launched by Tehran.

LEGISLATION TO REPEAL PERSONAL HOLDING COMPANY TAX PROVISIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RANGEL. Mr. Speaker, today I am introducing legislation to repeal the personal holding company tax provisions of the Internal Revenue Code. I am introducing this legislation because the circumstances that gave rise to the enactment of those provisions no longer exist. Some have referred to those provisions as "a crusade without a cause." Now those provisions are largely a complex trap into which unwary corporations may fall.

The personal holding company tax provisions were enacted in 1934 when the maximum individual income tax rate was substantially higher than the maximum corporate tax rate and when corporations could be liquidated on a tax-free basis. Those circumstances created a potential for abuse, and the personal holding company tax provisions were an appropriate response to that abuse. Neither of the circumstances that gave rise to the enactment of these provisions is true today.

Mr. Speaker, I am confident that we will continue to have an income tax system in this country. The failure of the Republican controlled Congress to develop an alternative tax system proposal is ample evidence of the unrealistic nature of the Republican rhetoric on this issue. Therefore, we should attempt to improve and reduce the complexity of the income tax system whenever possible. I am very pleased that Reps. COYNE and NEAL have introduced significant simplification proposals. The bill that I am introducing today is another in a series of tax simplification proposals introduced by the Democratic Members of the Committee on Ways and Means. I hope it and other simplification measures can be enacted quickly.

NATIONAL SOCIETIES URGE SUPPORT OF ELEMENTARY AND HIGH SCHOOL SCIENCE AND MATH EDUCATION AND TEACHER PROGRAMS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. HOLT. Mr. Speaker, I rise today to congratulate and celebrate the achievements of the 24-high school students of the United States Physics Team.

This is a wonderful opportunity to extol the best in American education which these students represent. They inspire us as they learn to ask the questions of science to explore, investigate, and discover. Let us keep these students and their accomplishments in mind as was we discuss the future of American education in the coming months.

I am proud to be the Representative of one of the members of the team—Katherine Scott from Belle Mead, NJ. Katherine already holds her own patent and helped her Science Bowl team from Montgomery High School perform well in the National Science Bowl competition in April. She plans to study aerospace engineering and hopes to work for NASA someday. I am proud to know that Katherine represents the future face of science.

I hope that my colleagues in the House will join me in extending our congratulations to the United States Physics Team and wish them well as they travel and compete in the International Physics Olympiad this summer.

On this day as we celebrate the scientific achievements of our students, I would like to direct the attention of my colleagues to a statement endorsed by national science, math, and education societies.

STATEMENT TO CONGRESS FROM THE UNDERSIGNED SCIENTIFIC SOCIETIES REPRESENTING MORE THAN HALF A MILLION PEOPLE

This year, when Congress considers the future of the Elementary and Secondary Education Act, the undersigned societies wish to emphasize the following: science and engineering drive our economy, extend our lives, ensure our security, and preserve our environment. Congress can help secure our nation's future by investing today in tomorrow's scientists, engineering and mathematicians. A key component of this investment is the continued federal support of our nation's science and math educators. We urge Congress to continue to support program which benefit K–12 science and math education, particularly professional development programs for teachers.

The American Associaiton of Physics Teachers, the American Institute of Physics, the American Astronomical Society, the National Science Teachers Association, the American Geological Institute, the American Chemical Society, the National Association of Geoscience Teachers, the National Council of Teachers of Mathematics.

100TH ANNIVERSARY OF WHEELER COUNTY, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WALDEN. Mr. Speaker, I rise today to celebrate the one-hundredth anniversary of Wheeler County, Oregon. Wheeler County was formed by the Oregon Legislature in 1899 from parts of Grant, Gilliam, and Wasco Counties. Grant and Gilliam Counties had been carved earlier from the great Wasco County, which had a vast geographic range extending from the Cascades to the Rocky Mountains.

The Centennial Celebration, taking place over three weekends this year, honors the people and places of this very special county, one of the smallest in Oregon. Wheeler County was named for Henry H. Wheeler, who operated the first mail stage line from what is now The Dalles to the gold fields of Canyon City, Oregon. Wheeler survived gunshot by outlaws and his racing stagecoach endured experiences straight out of the Wild West. The new county consisted of 1,656 square miles and it is as uneven and rugged as any Oregon county.

Located 60 miles from the Columbia River, Wheeler County's land varies from high timbered mountains to deep river canyons. The county is sparsely populated with less than one person per square mile. Official state and federal designations by some agencies still list the county to this day as "frontier."

The John Day River winds through the entire county, taking in stretches of up to 70 miles between public roads. The John Day is the longest free-flowing river in the continental United States, and the only Pacific Northwest river to continue to have only indigenous salmon. The river winds past spectacular rock palisades, miles-long cattle ranches and a remote countryside largely untouched by time.

Mr. Speaker, over the past 100 years, Wheeler County's economic base has been and continues to be agriculture. At the turn of this century, great herds of sheep covered the hillsides. Their wool was shipped worldwide from Shaniko, a bustling railway shipping port earlier this century, located just 40 miles away. Over this century, sheep eventually gave way to cattle, and some of the West's most prestigious cattle ranches exist here, most notably those from secluded Twickenham Valley in the heart of the county.

Timber has also been a mainstay of the county over the past century. Towering ponderosa pines have provided livelihoods for all aspects of the timber industry, especially from the 1920s to the 1970s. The pungent scents of pine, spruce and juniper are the very essence of the county, bringing memories of home to those who are away.

Portions of the Umatilla and Ochoco National Forests lie within Wheeler County, and they along with Bureau of Land Management lands, encompass nearly one third of the county. Wheeler County, however, is best known for its remarkable depositories of prehistoric rock fossils—the largest such deposits on the North American continent and the only place on this planet where 53 million years of fossilized history is visible to the eye in layer upon layer of rock strata. Scientists come from all over the world to study these fossils, which include prehistoric creatures such as miniature horses, saber-toothed tigers and long extinct bear-dogs.

The John Day Fossil Beds National Monument has three units located in Wheeler County. The Clarno unit features rock palisades and hiking trails among its petrified mudslides. The main unit at Sheep Rock Mountain features a visitors center showing the many fossilized creatures and plants found in the region. The Painted Hills are a colorful badlands of softly sculpted mountains ringed in gold, red, pink, green and blue.

The picturesque town of Fossil is the county seat. Its courthouse is one of only two original courthouses in Oregon that is still operating. Its artifacts are intact and the juryroom is still home to a pot-bellied iron stove. Fossil has the only free fossil-digging beds in North America, and delicate ferns, leaves and seeds embedded in rock literally lay on the ground for picking up.

Mr. Speaker, no description of Wheeler County is complete without mention of the people. Crime is nearly non-existent in Wheeler County's small communities. Children walk to school safely and learn in classrooms where less than a dozen students work one-on-one with teachers. This is the kind of place where everyone knows everyone, newcomers are made welcome, and the news of what you did on any day gets home before you do.

Many of the county's residents are direct descendants of homesteading families here and some of the original ranches are now operated by fourth generations. Some recall grandparents who came across the Oregon Trail. Hardworking ranchers, loggers, timber truck drivers and businesspersons, the people of Wheeler County attest to a century of steadfast determination and self-reliance in a rugged part of Oregon.

Today's local leaders look to tourism, light industry and telecommunications as the keys to a bright economic future. The people of Wheeler County have a past to be proud of, and a future that continues to unfold opportunities. The pull of the future is only as good as the past that empowers it, and in Wheeler County a fine and solid history lays a well-lit path for the future.

In closing Mr. Speaker, Wheeler County embodies the traditions and the character of the west as much as any county I represent and I am proud to be able to serve all the citizens of Wheeler County and the entire Second Congressional District in the House of Representatives. Happy 100th birthday Wheeler County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 10, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:30 a.m.

Joint Economic Committee

To hold hearings on issues relating to the High-Technology National Summit.

SH-216

JUNE 15

9:30 a.m.

Joint Economic Committee

To continue hearings on issues relating to the High-Technology National Summit.

SH-216

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–628

2 p.m.
Judiciary
To hold hearings on S. 952, to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities.
SD–226

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on issues related to vacating the record of decision and denial of a plan of operations for the Crown Jewel Mine in Okanogan County, Washington.
SD–366

JUNE 16

Time to be announced
Indian Affairs
Business meeting to consider pending calendar business;to be followed by hearings on S. 944, to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma; and S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation.
SR–485

9:30 a.m.
Joint Economic Committee
To continue hearings on issues relating to the High-Technology National Summit.
SH–216

Energy and Natural Resources
To hold hearings on pending calendar business.
SD–366

2 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

JUNE 17

9:30 a.m.
Environment and Public Works
To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.
SD–406

10 a.m.
Health, Education, Labor, and Pensions
To hold joint hearings with the House Committee on Education and Work Force on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on research and evaluation.
SD–106

JUNE 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on General Accounting Office report on Interior Department's trust funds management.
SR–485

JUNE 24

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the impications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.
SD–366

JUNE 29

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.
SD–366

JUNE 30

9:30 a.m.
Indian Affairs
To hold oversight hearings on National Gambling Impact Study Commission Report.
Room to be announced

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on mergers and consolidations in the communications industry.
SR–253

Energy and Natural Resources
To hold hearings on S. 1049, to improve the administration of oil and gas leases on Federal land.
SD–366

SENATE—*Thursday, June 10, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, all-powerful source of true spiritual power, authentic leadership power, and lasting inspirational power, we come to You to be empowered by Your indwelling spirit. Forgive us for our desire for the facsimiles of real power. We struggle for power, play power games, and barter for power within our parties and between our parties. Often we manipulate with quid pro quo. Sometimes we use people as things instead of using things and loving people. Help us to be so sure of Your love and so secure in Your power that we will be able to live honest, open, nonmanipulative lives.

You have told us that the truth sets us free. We commit ourselves to search for Your truth about the issues that confront us, debate the truth as You have revealed it to us, and speak the truth in love. May this be a day in which the Senate exemplifies to America and to the world the unity of those who may differ in particulars but are never divided on essential issues.

Today we thank You for the distinguished leadership of Senator TED STEVENS. Yesterday he cast his 12,000th vote as a U.S. Senator. Now we cast our votes of affirmation and appreciation for his strong and decisive leadership. Thank You for his faith in You and for his unswerving patriotism to our Nation. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator MCCAIN is recognized.

Mr. MCCAIN. I thank the Chair.

SCHEDULE

Mr. MCCAIN. Mr. President, today the Senate will immediately resume consideration of the Y2K legislation with the intention of completing action on that bill this afternoon.

Following the debate of S. 96, the Senate may begin consideration of the State Department authorization bill, any appropriations bills available for action, or any other legislative or executive items on the calendar. Therefore, Senators can expect votes throughout today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

Y2K ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 96, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of the year's date.

Pending:

McCain amendment No. 608, in the nature of a substitute.

Bennett (for Murkowski) amendment No. 612, to require manufacturers receiving notice of a Y2K failure to give priority to notices that involve health and safety related failures.

Mr. MCCAIN. Mr. President, I am pleased with the progress we have made thus far on this bill. We have limited the number of remaining amendments, and I am hopeful we will be able to reach agreement as to time agreements on the remaining amendments so we can conclude consideration of this important legislation.

I am also pleased we have turned back two attempts to emasculate the legislation. Those critical votes encouraged me that the Senate will be able to pass meaningful and effective legislation regarding the top priority issue for the broadest possible cross-section of the Nation's economy.

The ongoing fight between the welfare of the Nation's economy and the trial lawyers is going to reach additional crucial votes on amendments today and in final passage. Over the past few weeks, I have waited to hear rational, logical reasons for defeating this legislation or for gutting it with more compromises. I have heard none.

S. 96, with the substitute amendment offered, represents a reasonable and effective means of addressing this important issue. It represents a significant compromise from the version of S. 96 which passed out of the Commerce Committee, and even greater departure from H.R. 775 which was recently passed by the other body. It truly incorporates bipartisan discussion, negotiation, and compromise. While ensuring it is not mere window dressing or mirage, there is nothing in this bill which should be objectionable to any of my colleagues who truly want a solution to the Y2K problem rather than an excuse to protect the litigation industry. This matter is of utmost importance to the broadest cross-section of American commerce imaginable. Accounting, banking, insurance, energy, utilities, retail, wholesale, high tech, large and small, all support this effort to prevent and remedy Y2K problems and to avoid a disastrous litigation quagmire. They are unanimous and steadfast in their support for S. 96 with the Wyden and Dodd agreements.

As opponents, we have the trial lawyers, a cost center in our economy. The interests of the trial lawyers are clearly to assure a continued income stream from Y2K litigation. I have been told that over 500 law firms have established practice specialties to handle Y2K litigation. Many of these firms are reportedly touring the country dredging for clients. Opportunistic legislation costs the economy money, time, and resources which then cannot be expended on value-added productivity.

As I have stated several times during this debate, the cost of solving the Y2K problem is staggering. Experts have estimated that businesses in the United States alone will spend $50 billion in fixing affected computers, products, and systems. But what experts have also concluded is that the real problems in costs associated with Y2K may not be the January 1 failures but the lawsuits filed to create problems where none exist.

An article in USA Today on April 28 by Kevin Maney sums it up. I quote:

> Experts have increasingly been saying the Y2K problem won't be so bad, at least relative to the catastrophe once predicted. Companies and governments have worked hard to fix the bug. Y2K-related breakdowns expected by now have been mild to nonexistent. For the lawyers, this could be like training for the Olympics, then having the games called off. The concern, though, is that this species of Y2K lawyer has proliferated and now it's got to eat something. If there aren't enough legitimate cases to go around, they may dig their teeth into anything. In other words, lawyers might make sure Y2K is really bad even if it's not.

I am looking forward to continued debate on the merits of this bill with those who do object to it. I look forward to voting on other amendments and bringing this critical legislation to a successful conclusion.

I believe the two votes we took yesterday, one on the Kerry amendment and one on the Leahy amendment, clearly indicate the position of the significant majority of this body, because those two were very critical amendments. Both of them would have had a significant effect on this legislation—obviously, in my view, a significant weakening effect.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I thought the debate we had yesterday, especially with the Senator from Massachusetts but also with others, was a very important and valuable debate and contributed to the knowledge and information of all Members of the Senate. We intend very soon to propose a couple of amendments that have been agreed to by both sides, but at this time, with the absence of the minority in the Chamber, we will wait for that to happen.

I want to quote from a statement of "Administration Policy" concerning this legislation.

> The administration strongly opposes S. 96 as reported by the Commerce Committee, as well as the amendment intended to be proposed by Senators MCCAIN and WYDEN as a substitute. The administration's overriding concern is that S. 96 is amended by the McCain-Wyden amendment . . .

Actually, it is McCain-Wyden-Dodd—

> . . . will not enhance readiness, and may in fact decrease the incentives organizations have to be ready to assist customers and business partners to be ready for the transition of the next century. This measure would protect defendants in Y2K actions by capping punitive damages and by limiting the extent of their liability to their proportional share of damages, but would not link these benefits to those defendants' efforts to solve their customers Y2K problems now. As a result, S. 96 would reduce the liability these defendants may face, even if they do nothing, and accordingly undermine their incentives to act now when the damage due to Y2K failures can still be averted or minimized.

I have to admit, as a member of the opposition, that I have seen some fairly tortured logic associated with messages of veto threats by the administration. I am not sure I have ever seen such tortured logic as is embodied in this particular paragraph I just described.

One of the fundamental facts that has been ignored—obviously must have been ignored in this message from the Executive Office of the President, OMB—is that these companies and corporations that are all supporting this legislation are both plaintiffs and defendants. In other words, many of these companies will be bringing suit themselves or seeking to have others fix their Y2K problems and may bring it to court if that is not the case.

When we are talking about this legislation, at least according to the administration, S. 96 would reduce the liability these defendants face, even if they do nothing, and accordingly undermine their incentives to act now. One would have to have one's curiosity aroused as to why people who are prospective plaintiffs would limit their ability willingly to seek redress and to repair any problems associated with their business.

From the Clinton administration there is a "Background Paper" from PPI, the Progressive Policy Institute, entitled "Avoiding the Y2K Lawsuit Frenzy, Ensuring Y2K Liability Fairness." I would like to quote from that. The authors are Robert Atkinson and Joseph Ward.

> While the Clinton Administration has voiced support for some of the broad goals found in these bills, it has expressed serious reservations about certain provisions, in part on the grounds that their scope is unprecedented and that it is not fair to limit liability for firms in this or any circumstance. As discussed below, some of its concerns should be addressed in revised legislative language, but the overall concept of a fair liability regime is still very necessary in this case. It is important to recognize that the Year 2000 is a one-time event that appropriately deserves a one-time solution.

That seems to have been ignored by the administration. In three years, this legislation sunsets. Then we go back. No matter how zealous an advocate I happen to be for raw tort reform and product liability reform, the fact is that this legislation will be over 3 years from now.

> The goal of public policy in cases like this should be the side of innovation and economic growth, and not on the side of predatory legal practices that seek to harvest the fruits of others' labor. In this regard, the bills mentioned above are similar to the Private Securities Litigation Reform Act that the Progressive Policy Institute (PPI) supported in 1995, which sought to reduce litigation that would harm economic growth or raise the cost of goods and services for most Americans. However, while PPI believes that some Y2K liability-limiting legislation is needed and that these bills provide a useful framework for action, there are certain aspects in each of the bills that appear to err too far in favor of potential defendants. In particular, it appears that some of the restrictions on who can recover both punitive damages and compensatory damages for economic loss may exclude individuals who suffer losses resulting from a defendant's reckless disregard or fraudulent behavior. In order to ensure that effective liability-limiting legislation passes Congress with required bipartisan support, both sides of the aisle should work together to responsibly and fairly address these issues.

Which we did address, thanks to Senator WYDEN and Senator DODD.

They:

> Encourage remediation over litigation and the assignment of blame;
>
> Enact fair rules that reassure businesses that honest efforts at remediation will be rewarded by limiting liability, while enforcing contracts and punishing negligence;
>
> Promote Alternative Dispute Resolution; and
>
> Discourage frivolous lawsuits while protecting avenues of redress for parties that suffer real injuries.

Clearly, thanks to not just the original legislation but the changes that we gladly accepted from Senator WYDEN and Senator DODD, we have addressed those concerns.

They go on to say:

> The effects of abusive litigation could be further curbed by restricting the award of punitive damages. Punitive damages are meant to punish poor behavior and discourage it in the future.

Everybody knows we will not have this problem again.

> However, because this is a one-time event, the only thing deterred by excessive punitive damages in Y2K cases would be remediation efforts by businesses.
>
> Except in cases of personal injury, punitive damages should be awarded only if the plaintiff proves by clear and convincing evidence that the defendant knowingly acted with "reckless disregard."

Except in cases of personal injury, punitive damages should be awarded only if the plaintiff proves by clear and convincing evidence that the defendant knowingly acted with reckless disregard.

> In his last State of the Union Address, President Clinton urged Congress to find solutions that would make the Y2K problem the last headache of the 20th century, rather than the first crisis of the 21st. Year 2000 liability legislation needs to be a part of that effort. By promoting Y2K remediation rather than unsubstantial and burdensome litigation, we can begin the next millennium focused on continuing this period of unprecedented economic growth, instead of unproductively squabbling over the errors of the past.

I want to point out again that already we are seeing a significant drain on our economy just fixing these problems associated with Y2K. Later on I will include in the RECORD some of the expenses that a number of major corporations and small businesses have already been required to expend that otherwise could have been spent on far more productive and beneficial efforts, such as research and development, et cetera.

But if we add this burden, I am convinced, as are most economists, that we can have a definite deadening effect on this unprecedented economic prosperity we are experiencing thanks to the very nature of what we are trying to fix. Had it not been for this incredible information technology revolution we are going through, I know we would not be in this period of unprecedented economic prosperity. That is why I think this legislation is so important. I think in some respects you could rank this legislation among the most important that the Congress will address this year.

Again, I thank my friend, Senator WYDEN, and others on the other side of the aisle for joining together so we could obtain a significant majority that I believe will now give us room for optimism that we can pass this legislation today or, at the latest, early next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

I would like to pick up on a couple of points made by Chairman MCCAIN, and particularly on this matter of tackling the issue in a bipartisan way.

Certainly, when a consumer business gets flattened early in the next century as a result of a Y2K failure, they are not going to ask, is it a Democratic failure or a Republican failure? They are going to say: I have a problem. What is being done to fix it?

The central point we have been trying to make—Chairman McCAIN, and Senator DODD, who is the Democratic leader of the Y2K effort, and I—is that we have spent many weeks trying to tackle this in a bipartisan way.

The fact of the matter is that when the bill came out of the Senate Commerce Committee, we were not at that time able to come before the Senate and say we did in fact have a bipartisan bill.

As a result of the negotiations that have taken place for many weeks now—led by Senator DODD, our leader, Senator FEINSTEIN of California who has great expertise in this matter, and a variety of Democrats—we have now a bill that has 11 major changes that assist consumers and plaintiffs in getting a fair shake with respect to any litigation which may develop early in the next century.

These were all areas where a number of Members on the Democratic side of the aisle thought that the original Senate Commerce Committee bill came up short. We went to Chairman McCAIN, and we said we would like to get a good bill; we would like to get a bill the President of the United States could sign; we would like to get a bipartisan bill.

We said we had a few bottom lines. One of them was that we were not going to change jurisprudence for all time; this was going to be a time-limited bill. Chairman McCAIN agreed to our request that this last for 36 months. This is a sunsetted piece of legislation. We insisted this bill not apply to anybody who suffers a personal injury as a result of a Y2K failure. If you are in an elevator or you suffer some other kind of grievous bodily injury as a result of a Y2K failure, all existing tort remedies apply.

We took out all the vague defenses that some people in the business community earlier thought were important. We said we are not going to give somebody protection if they just say they made a reasonable effort to go to bat for a plaintiff or the consumer.

Those 11 major changes were made to try to be responsive to what the White House and a variety of consumer groups feel strongly about.

Frankly, the area I am most interested in, in public policy, is consumer rights. I started with the Gray Panthers. I was director of the Gray Panthers for 7 years before I was elected to the House of Representatives, making sure that consumers got a fair shake and that the little guy was in a position, if they got stuck in the marketplace, to have remedies. That is at the heart of my public service career.

I believe this is a balanced bill. This forces defendants to go out and cure problems for which they have been responsible. It also tells plaintiffs we would like them to mitigate damages; we would like them to figure out ways to hold down the cost; we should direct as much as we possibly can to alternative dispute systems. Picking up on the theme of Chairman McCAIN, that is a bipartisan proposition. I think we have been responsive to key concerns that have been made by those with reservations about this bill.

There are some areas where we cannot go. I will emphasize as we move to today's debate a couple of those big concerns. We cannot allow under our legislation the creation of new Y2K torts that are not warranted on the basis of the facts. We believe, in areas like the economic loss issue which was debated so intensely yesterday, that the appropriate remedies involve State contract law. When consumers are faced with economic losses, we want to see them get a fair shake in this area, and we believe State contract law should govern.

What we are not able to do is allow those who believe State contract law is inadequate with respect to economic losses, we cannot support them repackaging those claims as new Y2K torts. We favor the status quo. With respect to economic losses, we want to see consumers protected in the right of contract. However, this Member of the Senate thinks it would be a big mistake to create on the floor of the Senate today and in the days ahead new Y2K torts, new tort claims, that don't exist today under current law.

I am very hopeful that we are able to finish this legislation today. It is bipartisan legislation now as a result of the 11 changes that have been made. I am very hopeful the White House will not veto this legislation. I have said repeatedly that to veto a responsible bill is just like lobbing a monkey wrench into the technology engine that is driving the Nation's prosperity. That is what is going to be the real effect of vetoing a responsible bill in this area.

We continue to remain open to ideas and suggestions from colleagues. We want this bill signed. We have made, as I say, 11 major changes since this bill left the Senate Commerce Committee on a bipartisan basis under the leadership of Senator DODD, who is the Democratic leader on the Y2K issue. There are areas where we cannot go, such as the creation of new Y2K torts in this area.

I look forward to today's debate and am anxious to continue to work with colleagues in a bipartisan way. I am very optimistic that the bill the Senate hopefully will pass today will get the support of the White House.

I yield the floor.

AMENDMENT NO. 612, AS MODIFIED

Mr. McCAIN. Mr. President, on behalf of Senator MURKOWSKI, I send a modification to amendment No. 612.

It is my understanding this amendment is acceptable to both sides.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 612), as modified, is as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section may give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 612), as modified, was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, there is no question that the distinguished Senator from Connecticut, Mr. DODD, and the distinguished Senator from Utah, Mr. BENNETT, have done yeomen work in alerting the land with respect to the potential Y2K changeover as of January 1, 2000. Pursuant to their diligent work, we have had hearings in several of the committees. We have had laws passed now that allowed the parties to communicate with each other without fear of antitrust violations so they could go ahead and work to make sure that everyone was Y2K compliant.

I only came to the floor just momentarily, hearing about predatory law exercises, exercises of predatory law practices and otherwise you get what you get under the contract. The atmosphere or environment is totally out of sorts. We are hearing about a litigious society. The distinguished Senator from Connecticut again and again said, and I noted the expressions I was looking for in the morning Record: "running to the courthouse," "race to the courthouse," "rushing to the courthouse," on and on. Again: "shopping around to find someone with deep pockets," "glitches."

I have a glitch on my computer right now, and I know they have deep pockets, but I am not rushing to the courthouse. People who have computers want to do business. They rely on the computers for the procedures and the progress of their interests. Having practiced law actively in the courtroom for 20 years, I can tell you nobody rushes to the courthouse. Try a rush beginning this afternoon and you will find yourself standing in line. All the civil dockets and criminal dockets are full.

This panorama and environment painted by the proponents of this legislation is all out of sorts with reality. Tort claims are down. All the surveys we have had at the hearings show that tort claims are down. It is a litigious society. Everybody is suing everybody for sex discrimination or age discrimination or racial discrimination and various other suits that were unheard of 30 years ago and are now abundant on the docket. But with respect to claims, tort claims, if this afternoon I brought a summons and complaint on behalf of my distinguished chairman, I would be lucky if I could get to the courthouse during the year 1999. That is the reality.

Incidentally, the cases they talk about—litigious, frivolous cases and spurious charges and those kinds of things—and trial lawyers, they try to fit trial lawyers in there like they prey; "predatory" is the word used by my chairman. Trial lawyers have no time for fanciful or spurious claims whatsoever. They know when they get the client, the client does not have any money for billable hours. On the contrary, the client principally has to rely on the lawyer's faith in the claim of the client in order to take care of all the charges, all the expenses of interrogatories, discovery, the pleadings, the filings, the motions, the trial itself. And when you come to verdicts, mind you me, those who bring the claim have to get all 12 jurors by a greater weight or the preponderance of the evidence making that finding; 11 to 1 is a mistrial. So you have to get all 12 and you have to be sure there is no error within the trial.

All along, the expenses are taken care of. That is what nonpluses this particular individual Senator, in the sense I am surrounded here in the District of Columbia with 60,000 billable hour boys running around talking about "litigious society," "predatory practices," "rushing to the courthouse," "racing to the court," "running to the courthouse," "shopping around." Here is 59,000 lawyers registered to practice in the District of Columbia who will never see a courthouse. They will see a Congress. They will see you and me, the jurors. We are supposed to be fixed, so they work on fixing juries and running around spreading rumors and doing a favor here and getting a favor there. So that is the real world we live in.

But to paint this legislation as doing away with predatory practices and racing to the courthouse and running to the courthouse? You have a $10,000 or $20,000 computer, if you are a doctor and you have a computer, and you want it fixed. You do not want a trial. They have made it so you are bound to go out of business and not get a lawyer, if you cannot get any damages, economic damages.

The distinguished Senator from Oregon, again and again and again, says: Get what the contract says, get what the contract says, billable hours, get what the contract says. If you go buy a computer and get a warranty—and that is the contract—it is only for a certain period of time and everybody reads that warranty quick. Who says anything about economic damages? It will say something about a sound article for a sound price and they will give you some repairs after you stand in line, and so forth. But with respect to your standing in line and waiting, under this bill for 90 days, you are broke. You are out of business. You are closed down. You have lost your customers. This is a fast-moving world in which we live and small business, with all the competition, does not have in-house counsel on retainer, on billable hours, just as all the computer companies do that are force-feeding this particular measure.

That is why the Senator from South Carolina gets annoyed with the entire thrust of the measure.

With respect to its needs, let's go to the record. Under the Securities and Exchange Commission, all publicly listed companies, through their 10(k) reports to the SEC, give notice to the stockholders of the state of readiness, the worst case scenario, or the risk involved, the contingency plans to comply with any potential Y2K problem, and the cost. Many of them, most all of them—I do not know any privately. I talked with the gentleman from Yahoo. Four years ago, he was a Stanford student, and now he is well along the way. I admire him because, unlike AOL, America Online, that everybody is hugging and loving around here, dining and wining and traveling out to Virginia, Yahoo does not charge. America Online is trying for a monopoly. The cable folks have around 300,000 to 400,000; America Online has 17 million, and their push for openness, openness, openness means: Let me make sure I retain my monopoly.

In any event, all of these are publicly held companies and they are burdened with that duty, and this has been going on. We act like everything with Y2K is going to happen tomorrow. The bill gives them 90 days. We are going to give them 180 days. Tell them to go ahead and fix it. Call up everybody now; test it; find out if it is Y2K compliant.

I look forward to meeting some of these company people later today. Cisco Systems, as of December 1998, a year and a half ago: Current products are largely compliant in their 10(k) report to the SEC.

Yes, here it is. Dell Computer. Here is a distinguished gentleman who has made a tremendous success. He deserves every bit of credit. I am not talking in a cursory or derogatory fashion. I am talking in an admiring fashion. I love success and particularly business success. I give him every bit of respect. Dell Computer, as of December 14, 1998, in their report: All products shipped since January 1997 are Y2K certified, I say to the Senator from Oregon. I want him to hear that. We have it here. Dell Computer, one of the best, as of December 14, 1998, all products shipped since January 1997 are Y2K certified.

General Electric: A complete analysis of the microprocesses; Y2K compliant as of November 12, 1998.

Intel Corporation: The company has assessed the ability of its products to handle the Y2K issue and developed the list, published it and support follows. As of November 10, 1998, they will be in compliance. Deployment, integration tested, will be completed by mid-1999.

I do not have their mid-1999 report, but that is what they reported to their stockholders. That is where lawyers look at these things.

Incidentally, this Senator voted for the Securities and Exchange Commission reform with respect to the excessive reading of these filings and bringing any and every charge as a result of 10(k) filings. We did not want to require the filing and just lay the groundwork for predatory legal practices. I helped the distinguished Senator, Nancy Kassebaum, pass the airplane tort liability bill. I have been on both sides of this fence. But they have me categorized, and I love it.

The truth is, Yahoo systems are currently Y2K compliant in all respects. That is February 26, 1999.

Even writing a book with respect to this is very interesting. The book, to be published later on this summer, by Eamonn Fingleton, is "In Praise of Hard Industries." I quote from page 65:

> A major part of the problem is that corporate America's top executives have not been monitoring their information technology departments as closely as they should. As Paul A. Strassmann has pointed out, the millennium problem, for instance, is stunning evidence of "managerial laxity." In his book, The Squandered Computer, Strassmann comments: "There is absolutely no justification for allowing this condition to burst to executive attention at this late stage."
>
> According to Strassmann, a former chief information officer of Xerox Corporation, the computer software industry should have started getting ready for the new millennium by the early 1970s, if not the mid-1960s. He gives short shrift to the software industry's excuse that the millennium bug arose because programmers were legitimately concerned about economizing on computer space. He maintains that such economizing was justifiable only in the very earliest days of computerization, the era of punched cards, which ended in the mid-1960s. "The insistence on retaining for more than thirty years a calendar recording system that everyone knew would fail after December 31, 1999, is inexcusable management."

There you go. Here they come up with Chicken Little, the sky is falling, predatory law practice, racing to, running to the courthouse, whoopee to the courthouse, a total fanciful background that does not exist.

Let me come up to date. What is this? I never have read it before, but I learn. The May 1999 issue of Institutional Investors. This crowd does nothing but make money and sit around and punch. The article, on page 31, "Y2K? Why not?".

Mr. President; I ask unanimous consent that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Y2K? WHY NOT?

The millennium draws near, with no shortage of dire prognostications. The Y2K computer bug, depending on which Cassandra is consulted, may bring widespread power outages, transportation foul-ups, even economic hardship. Duetsche Bank Securities chief economist Edward Yardeni, for example, believes there's a 70 percent chance that a recession—most likely severe and yearlong—will hit in 2000, all because so many computers will, at the stroke of midnight, think they're entering the 20th century.

These worries notwithstanding, most U.S. companies appear to believe they have the Y2K problem licked. A resounding 88.1 percent of the chief financial officers responding to this month's CFO Forum expect that their companies will make the transition to the next century without any computer problems. Just as important, CFOs know that outside contacts must be ready as well, and 95.2 percent say they have worked with suppliers to that end. Nearly 73 percent of respondents are convinced that their suppliers and clients will be prepared for the year 2000; only 4.8 percent worry that suppliers or clients won't be ready.

Such is the CFO's confidence that 62.7 percent of respondents believe that fears of a millennial computer crisis are overblown. And as for those predictions of economic recession, not a single CFO responding to the survey agrees. Admits economist Yardeni, "I seem to be the only one on this planet who thinks we'll have any chance of a recession, let alone a severe one." He suspects that CFOs are relying too much on their tech departments' reassurances. "I wish there was more verification of these happy tales the CFOs are reporting."

Time will tell.

Do you feel your company's internal computer systems are prepared to make the year-2000 transition without problems?

Yes: 88.1%
No: 6.0%
Not sure: 6.0%

Have you done a dry run of your computer systems for the year-2000 transition?

Yes: 80.2%
No: 19.8%

If yes, how did they fare?

No problems: 12.1%
Few problems: 86.4%
Major problems: 1.5%

What have you done to prepare for the year-2000 transition?

Tested all systems: 87.3%
Rewrote computer code: 81.9%
Hired consultants: 75.9%
Bought new software: 86.7%
Bought new hardware: 74.7%
Worked with suppliers to ensure preparedness: 95.2%
Alerted customers to your preparations: 81.9%
Informed the Securities and Exchange Commission of your actions: 62.7%
Solicited legal advice: 47.0%

Do you think most of your company's suppliers or clients will make the year-2000 transition without trouble?

Yes: 72.6%
No: 4.8%
Not sure: 22.6%

What parts of your financial operations are vulnerable to year-2000 problems?

Billing and payment systems: 66.0%
Accounting and financial reporting: 58.5%
Cash management: 60.4%
Foreign exchange: 22.6%
Pension management: 34.0%
Payment to bondholders or shareholders: 13.2%
Risk management: 20.8%
Corporate growth and acquisitions: 13.2%
Capital-raising plans: 5.7%

How much money has your company spent preparing for the year-2000 transition?

Less than $500,000: 11.0%
$500,000 to $999,999: 6.1%
$1 million to $2.49 million: 4.9%
$2.5 million to $4.9 million: 20.7%
$5 million to $9.9 million: 12.2%
$10 million to $14.9 million: 8.5%
$15 million to $19.9 million: 4.9%
$20 million to $29.9 million: 11.0%
$30 million to $50 million: 11.0%
More than $50 million: 9.8%

Did the cost of preparing for the year-2000 transition have a material impact on your company's business or financial performance in 1998?

Yes: 16.9%
No: 83.1%

Do you expect it to have a material impact in 1999?

Yes: 10.8%
No: 85.5%
Don't know: 3.6%

Do you expect Y2K transition problems to have a material impact on your company's business or financial performance next year?

Yes: 3.6%
No: 89.2%
Don't know: 7.2%

Do you think the fears of a year-2000 crisis are overblown?

Yes: 62.7%
No: 21.7%
Don't know: 15.7%

What effect do you think year-2000 transition problems will have on U.S. business and the U.S. economy overall?

Relatively no effect: 14.3%
A few weeks of headaches: 44.2%
A few months of headaches: 37.7%
A minor drop in GDP: 3.9%
A major drop in GDP: 0.0%
Economic recession: 0.0%

The results of CFO Forum are based on quarterly surveys of a universe of 1,600 chief financial officers. Because of rounding, responses may not total 100 percent.

Mr. HOLLINGS. I thank the Presiding Officer.

> These worries notwithstanding, most U.S. companies appear to believe they have the Y2K problem licked. A resounding 88.1 percent of the chief financial officers responding to this month's CFO Forum expect that their companies will make the transition to the next century without any computer problems. Just as important, CFOs know that outside contacts must be ready as well, and 95.2 percent say they have worked with suppliers to that end. Nearly 73 percent of the respondents are convinced that their suppliers and clients will be prepared for the year 2000; only 4.8 percent worry that suppliers or clients won't be ready.

Now we are going to change 200 years of tort law for 4.8 percent that still have 180 days, and the law does not give them but 90. So they must think something can happen in 90 days. We can double that. You like 90; I give you 180. Start right now. You don't have to do that. The market will take care of it, as Business Week says it is doing.

I quote further:

> Such is the CFOs' confidence that 62.7 percent of respondents believe that failures of a millennial computer crisis are overblown. And as for those predictions of economic recession, not a single CFO responding to the survey agrees.

This prediction had been made some months back, last year sometime by Yardeni, a respected economist. I remember the gentleman because I was at the hearings when he used to be with Chase Manhattan. He talked that it could even cause a recession.

> Not a single CFO responding to the survey agrees with that. Admits economist Yardeni, "I seem to be the only one on this planet who thinks we'll have any chance of a recession, let alone a severe one."

Tell Yardeni to come to the Congress. The majority around here knows we are going to have a recession—predatory practices, racing to the courthouse. There would just be a jam to get the business.

I quote:

> He suspects that CFOs are relying too much on their tech departments' reassurances. "I wish there was more verification of these happy tales . . . ."
>
> Time will tell.

Here is the question that is printed in the particular article:

> Do you feel your company's internal computer systems are prepared to make the year-2000 transition without problems?

The answer is: 88.1 percent said yes; 6 percent said no.

Next question:

> Have you done a dry run of your computer systems for the year-2000 transition?

The answer is: 80.2 percent said yes; 19.8, no.

So four-fifths have already been testing as a result of the fine work by the Senator from Utah and the Senator from Connecticut and, of course, our distinguished Senator on the Judiciary Committee, Chairman HATCH, and Senator LEAHY of Vermont.

Then you go down there:

What have you done?

They have all kinds of things down here: 86 percent bought new software. You see Dell and Intel and everybody else, they are certifying that when the purchase is made, this is Y2K compliant. Business is business. They cannot be playing around with monkey shines waiting on politicians in Washington to change the tort law. They have good sense. That is why they are successful.

> Do you expect the Y2K transition problems to have a material impact on your company's business or financial performance next year?

The answer: 3.6 percent said yes; 89.2 percent said no.

> Do you think the fears of a year-2000 crisis are overblown [in the business world]?

They give you a long list. You know how chambers of commerce work. They are stupid enough, by gosh, to give me a medal this year for last year when they are opposing me in the election. So don't tell me about the Chamber of Commerce. You are looking at the fellow with the Enterprise Award from the National Chamber of Commerce. But last year I got the stinkbomb. I can tell you that right now.

They send around letters and leaches and everything that I was terrible for business. So don't listen to all the letters about all of those places. None of those State chambers of commerce is complaining. I notice they got one from South Carolina. They don't know from sic'em down there about Y2K. That is one place.

You don't have to worry about what the State of North Carolina does. They will be ready come next month. They had a recent article—just yesterday morning; I should have brought that to the floor—that they are all in shape and ready to go. But for all the cases, the best I have heard, as my distinguished chairman mentioned, 80 cases—I have not been able to find that. The best authority has said that is mixed in with some other cases.

The most recent information—and brought right up to date—is the letter a month ago by Ronald Weikers who appeared before our committee, an attorney at law. Let me qualify him. The gentleman says here in this letter:

> I have studied the Y2K problem carefully from the legal perspective, and have written a book entitled "Litigating Year 2000 Cases", which will be published by West Group in June. I frequently write and speak about the subject. I do not represent any clients that have an interest in the passage or defeat of any proposed Y2K legislation. Feel free to call me, should you have any questions.

He starts off the letter:

> Thank you for speaking with me earlier. Thirteen (13) of the 44 Y2K lawsuits—

This is as of April 26—

> Thirteen (13) of the 44 Y2K lawsuits that have been filed to date have been dismissed entirely or almost entirely.

There is a court system, undescribed, or improperly described, by Senators on the floor of the Senate. The court generally does not have stumblebums just sitting up there and all rushing to the courtroom: Let me give you 12 people, and here is your money, and let's go. They test the truth of all the allegations, and even agreeing with all your allegations, you still do not have a case in court.

Thirteen of them have already been dismissed.

Twelve (12) cases have been settled for moderate sums or for no money.

They are not deep-pocket cases.

> The legal system is weeding out frivolous claims, and Y2K legislation is therefore unnecessary.
>
> Thirty-five (35) cases have been filed on behalf of corporate entities, such as health care providers, retailers, manufacturers, service providers and more. Nine (9) cases have been filed on behalf of individuals. This trend will continue. Thus, the same corporations that are lobbying for Y2K legislation may be limiting their own rights to recover remediation costs or damages.

That is signed by Ronald N. Weikers. We asked yesterday, and he has updated the 44 to 50. He has added six more since that time, which we have here for the record.

So there is all the law and the Securities and Exchange Commission requiring that you notify your stockholders about any and all problems, and what are you doing about it, and the potential costs. And there is all of the debate in Congress, and the special law passed this year, and everything else like that.

Those who usually are on the side of corporate America—even the Washington Post says let's not just be jumping around passing laws. That is the most irritating thing. I cannot get anything done with the budget. Here we are spending over $200 billion more than we are taking in, and everybody is talking about: The surplus, the surplus, the surplus. It is not just the $127 billion from Social Security, it is the money from the Senators' retirement fund, the civil service retirement fund, the military retirees, the highway trust fund, the airport trust fund, the Federal Financing Bank. Medicare moneys are being used for Kosovo. Think of that, Senators.

But everybody is talking about whether we are going to have a spending cut or spending increase or tax cut because of the fat surpluses. I hope they will bring that thing up. I cannot get anything done about that. I can't get anything done about campaign finance. I was here when we passed it in 1974, 25 years ago. It was a good law. It did away with soft money, no cash, everything on top of the table, and limited spending in elections. Senator THURMOND and I could have had about 670,000 registered voters. Let's double it to 1½ million, 2 million. I just had to spend $5.5 million to come back here and make this talk.

I can tell you here and now this thing is outrageous, because I am spending all my time racing around the country. Talk about small business. Raise in a year and a half to 2 years 5½ million with shares of stock in general at $100 a share. That is a pretty good business. Don't tell this politician about small business. I am a small businessman. We had to raise that money, but it is a disgrace.

We can't get anything done. Fortunately, I supported McCain-Feingold. Senator MCCAIN now has joined me on my constitutional amendment, one line: The Congress is hereby empowered to regulate or control spending in Federal elections. In fact, the States like it so much we added the States are able to control spending in State elections. Thereby, we immediately go back and we make constitutional the original act, or whatever they want to do. It doesn't disturb McCain-Feingold. We can still proceed with that and not hear the argument of the Senator from Kentucky about whether it is issue oriented or candidate oriented. All that is subjective. We will know, once we pass McCain-Feingold, it is constitutional; that we hadn't wasted time.

That is what I want. Just give the Congress its will to get rid of this cancer on the body politic. We can't get that done.

You can't get anything for the Patients' Bill of Rights. You can't get anything for the ultimate solution to Social Security. You can't get anything done about anything, but they come up with a nonproblem that everybody, corporate America and everybody else, says, look, we have been moving on. We have cut off our suppliers and everything else of that kind. Then you come to the floor with the overreach.

Well, last year we protected the consumers, and yesterday afternoon we said no protection for the consumers. They said they won't get a lawyer. I can guarantee you, they won't get a good lawyer. A lawyer who is really working for a living would say: Wait a minute, businessman. You come in here, you have to wait. You came in too quick. You have to wait 90 days before you really come in and get anything done.

In the meantime, they have been given notice so they are hiding all the records. They learned something from Rosemary Woods and President Nixon, I can tell you that. So the records are not around. They have cleaned up their records. So they know.

Otherwise, having waited that time, then you have to file; then you have to get in line. You are waiting another year. Who is the lawyer who is going to carry those expenses? He has other work to do.

So they are not going to be bringing any cases. You are not going to be able to get a lawyer with this bill. That is what is going to prevent you from getting a lawyer, because there is no economic damage. The economic damage, the real loss is not the $10,000 for the computer. It is the million-dollar loss of customers and goodwill and the ability to serve and the loss of advertising revenues and everything else going down.

My friend from Oregon says: Well, we give you what the contract says; this bill will give you what the contract says.

Sure, it gives what the contract says. That is an oxymoron. We know it gives you what the contract says. But the contract doesn't contract for economic loss. We are talking about misrepresentation, wrongful acts, fraudulent representation, tort—not contract. So don't give me this stuff about the contract, and we are giving you exactly what the contract says.

That is our complaint. We want what States all over the Nation, all 50 States, give you right now, and we do not want to repeal that.

When we don't repeal it, then they come in in the next 180 days, the next 6 months, and they go to work and they start getting something done, because they realize this bill has either been killed in the Congress or vetoed by the President. They have to get right with the market world or get out of the way. That is the way free enterprise works. It is a wonderful thing. We all talk about it.

By the way, don't give me this thing about the computer world created all of this productivity. Sure, it increases productivity. But what really created this economy—we are not going to stand here and listen time and time again—is the 1993 economic plan. Don't give the award to Bill Gates; give it to Bob Rubin.

We were there. We had to struggle to get the votes. We had to bring in the Vice President to get the vote. They were saying over at the White House and at the Economic Council: Let us have a stimulus; we have to have a stimulus. Rubin says: No, pay the bill.

What did we do? We paid the bill. We started paying off the bill. With what? Increased taxes. With increased taxes on what? Social Security.

I voted for it. The Senator from Texas said: You voted for increased taxes on Social Security. They will hunt you down in the streets and shoot you like dogs. That is what he said.

The other Senator, Mr. Packwood, said: I will give you my house, the chairman of the Finance Committee, if this thing works.

KASICH, who is running for President, I am trying to find JOHN. I don't know whether he is running as a Democrat or Republican, because he said: If this plan works, I will change parties and become a Democrat.

We have the record. They are trying to subterfuge this as this computerization is moving overseas and asking for what? They want all the special laws. They want capital gains. They are making too much money. So they have the onslaught: Wait, estate taxes, we ought not to die and be taxed at the same time. So we have to change the formula for estate taxes. No, excuse me, immigrants. Don't pay Americans, just bring them all in. Let's have an exemption from the immigration laws. Let's have an exemption from the State tort laws. Let's do everything. Let's upset the world for the idle rich.

Come on, 22,000 millionaires for Bill Gates. I employ, by gosh, instead, 200,000 textile workers at the mill. I would much rather have that crowd. Fine for the IQ group, but I am talking about working Americans, middle America, the backbone of our democratic society.

So what we have here is an onslaught for the computer world, for capital gains, immigration laws, estate taxes, Y2K exemptions, any and every thing. They have money. They have contributions. We would like to get their contributions. So Democrats and Republicans are falling all over each other trying to show what goody-goody boys we are. We will change the State laws. We will take the rights away from consumers and injured parties. We will destroy small businesses that bought a computer. They won't even be able to get a lawyer with all of this stringout of how to bring a case and everything else of that kind.

Saying, don't worry about it, it is only for 3 years, 3 years it will be gone—if there is a crisis on January 1, it shouldn't exist for over a year. Everybody will know within a year whether they are Y2K compliant and be able to file. But no, they want to use this for further argument, and I gainsay the way they are shoving it now, not agreeing to economic damages in the Kerry amendment, turning down the Leahy amendment for consumers rights. I am afraid what I said was a footprint for the Chamber of Commerce, but rather I think they really are on a forced drive for a veto because they can use that. Who vetoed productivity, the great industry that brought all of this productivity to America? Who vetoed it?

I can see Vice President GORE trying to get up an answer to that one. That is going to be very interesting.

Senator HATCH led the way with his bill last year, and we got together and started confronting this particular problem. As I speak—and I am ready to yield now to my distinguished colleague from North Carolina—they have not 90 days, but we are giving them twice that amount. Put everybody on notice, this thing they tell me is on C-SPAN so everybody ought to know to get Y2K compliant, try it out, test your set. If it is not, go down and, by gosh, get it fixed now. Don't run to the courthouse. Run to the computer salesman who sold you the thing, because they—Dell, Intel, Yahoo, all the rest of them—are coming in and saying that everything is Y2K compliant. We can't wait around for Congress to change all the tort laws.

I yield the floor.

Mr. McCAIN. Mr. President, I can't help but note the Senator from South Carolina mentioned Mr. Gates has 2,000 employees for millionaires.

Mr. HOLLINGS. Twenty-two thousand. That is in Time magazine, the year-end report. It is a wonderful operation.

Mr. McCAIN. There are 22,000 millionaires. I know our respective staffs feel like millionaires for having had the opportunity of working here in the Senate with us. I know I speak for all of our staffs.

UNANIMOUS CONSENT AGREEMENT—S. 886

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 91, S. 886, the State Department reauthorization bill, at a time determined by the two leaders, and that the bill be considered under the following limitations: that the only first-degree amendments in order be the following, and that they be subject to relevant second-degree amendments, with any debate time on amendments controlled in the usual form, provided that time for debate on any second-degree amendment would be limited to that accorded the amendment to which it is offered; that upon disposition of all amendments, the bill be read the third time, and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action.

I submit the list of amendments.

The list is as follows:

Abraham-Grams: U.S. entry/exit controls.
Ashcroft: 4 relevant.
Baucus: 3 relevant.
Biden: 5 relevant.
Bingaman: Science counselors—embassies.
Daschle: 2 relevant.
Dodd: 3 relevant.
Durbin: Baltics and Northeast Europe.
Feingold: 4 relevant.
Feinstein: relevant.
Helms: 2 relevant.
Kerry: 3 relevant.
Leahy: 5 relevant.
Lott: 2 relevant.
Managers' amendment.
Kennedy: relevant.
Moynihan: relevant.
Reed: 2 relevant.
Reid: relevant.
Sarbanes: 3 relevant.
Thomas: veterans
Wellstone: 3 relevant.
Wellstone: trafficking.
Wellstone: child soldiers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator EDWARDS be recognized to offer two amendments as provided in the previous consent, and time on both amendments be limited to 1 hour total, to be equally divided in the usual form, and no amendments be in order to the Edwards amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, before yielding, we would expect votes on the two Edwards amendments probably within an hour or less. That is our desire, and we will clear that with the leaders on both sides.

Mr. President, I yield the floor.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 619 TO AMENDMENT NO. 608

Mr. EDWARDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 619.

Mr. EDWARDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike Section 12 and insert the following:

"**SEC. 12. DAMAGES IN TORT CLAIMS.**

"A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable state or federal law in effect on January 1, 1999."

Mr. EDWARDS. Mr. President, the purpose of this amendment is to deal with section 12 of the McCain-Dodd-Wyden bill. Let me read it first to make it clear what the amendment deals with. I am quoting from the amendment now, and this would replace section 12 in the existing bill:

> A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable State or Federal law in effect on January 1, 1999.

We have drawn this amendment in the narrowest possible fashion, and we did that for a number of reasons. Number one, there has been great concern voiced on the floor of the Senate about allowing and continuing to enforce existing contracts under contract law. This amendment has no impact on that whatsoever. The provisions in the McCain bill that provide for the enforcement of contract law remain in place.

I also say to my colleagues that if this amendment is adopted in the very narrow form in which it has been presented, all of the following things, which I think many Members of the Senate want to support, remain present in this bill.

Punitive damages will remain capped. The bill will continue to apply to everyone—consumers and businessmen and businesswomen. Joint and several liability is completely gone. In other words, proportionate liability, which has been a subject of great discussion, remains in place. The duty to mitigate remains in place. The 90-day waiting period remains in place. The limitations on class actions remain in place. The requirements of specificity and materiality in pleadings remain in place.

All of the things that have been discussed at great length and have been at the top of the list of what these folks have been trying to accomplish on behalf of the computer industry remain in place.

What this amendment is intended to do is close a loophole. It is a loophole that is enormous. Here is the reason. We will enforce, under the provisions of the McCain bill, a contract. The problem is, there are millions and millions of computer sales that occur in this country every year that are subject to no contract; there is no contract between the parties. Under the provisions of the McCain bill, as it is presently, if a consumer or a small businessperson purchases a computer, there is no written contract between the parties, which will be true in the vast majority of cases; so there is no contract to enforce, there is no agreement between the parties on the specific terms of what can be recovered and what the limitations of those recoveries are.

Let's suppose, in my example, that a blatant, fraudulent misrepresentation has been made to the purchaser. Unless we do something to amend this section, since there is no contract in place, we will put the purchaser in the position of being able to recover absolutely nothing but the cost of their computer. For example, a small family-run business in a small town in North Carolina—Murfreesboro, NC—buys a computer system. There is no written contract of any kind between the parties. What happens is, their computer system doesn't work; it is non-Y2K compliant. It turns out that the people who sold it to them knew it was non-Y2K compliant and, in fact, misrepresented when they made the sale that it was Y2K compliant. So we have, in fact, what probably is a criminal act in addition to everything else, a fraudulent misrepresentation.

Unless this amendment is adopted, if that family business has lost revenues, lost income, lost profits, while they continue to incur overhead, they are unable to recover even their out-of-pocket losses—the money they have to actually pay as a result of their computer being non-Y2K compliant—simply because there is no contract between the parties. That would be true even under the most egregious situation, i.e., where a fraud has occurred, where a misrepresentation has occurred, where a criminal act has occurred, even under those extreme circumstances.

Unless this amendment is adopted in its very narrowly drawn form, that purchaser, small businessperson or consumer, is limited to the recovery of the cost of their computer, even though their family-owned business, which has been in business forever, has been put out of business, even though they have lost thousands of dollars in revenue, even though they have had to pay out of their pocket for losses that have occurred as a result of a fraud committed against them. Even if the defendant can be put in jail for their conduct, this small businessperson is out of business, and what they can recover against this defendant is the cost of their computer.

There is a huge, huge loophole that exists in this bill as presently drafted, and that loophole is for all those cases across America where there is no contract. That is going to be true in the vast majority of cases. Most people don't have contracts. They go to the computer store and they buy a computer. Some computer salesman comes to their business or home and sells them a computer. So what we are left with is what happens to those folks—the folks who don't have a contract, which is going to be the vast majority of Americans, businessmen, businesswomen, consumers who have purchased computers. They are not going to have a contract.

I will tell you who will have a contract. The folks who will have contracts—therefore, their remedies will be clearly defined in the contract—will be big businesses. That will be true of the computer companies who sell their products because they can afford to hire a big team of lawyers to represent them and draft contracts for them. That will be true of big corporate purchasers of computer systems who need them in the operation of their business, such as Kaiser-Permanente and other big companies that use computers. The lawyers get together and draft the contracts and everybody knows from the beginning what the responsibilities of both the seller and the buyer are.

The problem we have is that it is not going to be the big guys who are going to be protected. It is the little guy who has absolutely no protection. The only conceivable remedy they have is in tort.

What we did in this very narrowly drafted provision is say they can recover economic losses only to the extent allowed already under State law or Federal law, which means that to the extent in Arizona there may be a limitation, or in Utah, or in Oregon, a limitation on what folks can recover and what they have to prove. There are some States that only allow pure out-of-pocket losses to be recovered—not lost profits. There are many States that have limitations on these things.

We create absolutely no cause of action, no tort claim. We create nothing that does not already exist. But we close the loophole. The loophole we close is for those millions and millions of Americans who will not have a contract. It is just that simple. All the other protections in this bill remain in place.

I want to say to my colleagues who have voted already against Senator KERRY's amendment, who intend to vote on final passage for the McCain bill, that you can vote for this amendment very narrowly drawn which closes the loophole that exists and still vote for the bill on final passage. I will not be doing that myself, because I think there are other problems in the bill. But this amendment does not create any problem with that.

I just want to point out a couple of things which were said yesterday during the debate by my friend, Senator WYDEN from Oregon.

He said:

> I just think it would be a mistake given the extraordinary potential for economic calamity in the next century to change the law with respect to economic loss. We are neither broadening it nor narrowing it. We are keeping it in place.

That is a verbatim quote.

This amendment couldn't be any clearer. All it does is keep existing State law in place for those people who do not have a contract. It is that simple. If they have a contract, the contract is going to control because the section immediately preceding section 11 specifically requires that the courts enforce the existing contract. But for all those folks out there who do not have a contract and who may have been lied to, or who may have had misrepresentations made to them and are maybe subject to criminal conduct, they have no remedy whatsoever under this bill. That is the reason we have drawn it so narrowly.

Again, Senator WYDEN pointed out yesterday that he believes they should recover exactly what they are entitled to today, that the law is exactly what they are entitled to recover today, and there are numerous quotes throughout the day where Senator WYDEN spoke to this issue.

What I say to my friend Senator WYDEN is what I really believe we are doing here. I know he expressed concern yesterday about creating causes of action, creating force in Senator KERRY's bill, and I understood those concerns. What we have done is draft this in a way that can't possibly create anything. What it says is they may only recover for economic losses to the extent allowed already under existing State or Federal law.

When you put that combination in with the provision immediately preceding it that requires contracts to be enforced, then I think what we have done is closed a loophole, closed it in the narrowest possible fashion. Leave all the restrictions that already exist on economic recovery in this country in place, deal with those millions of Americans who could have been the subject of fraud, abuse, and misrepresentation and allow them to recover, because otherwise they have no possible way of recovering. They have no contract. But to the extent folks have a contract, we are going to enforce that contract. We are going to require that the courts enforce that contract.

I think this really dovetails perfectly with what I believe to be the intent of the McCain-Wyden bill.

The bottom line on this amendment is this: It is narrowly drawn. Those folks who intend to vote on final passage for the McCain bill can vote for this amendment perfectly consistent with their desire to do everything they can to protect the computer industry. But for that class of people who have no contract, who have no cause of action whatsoever, this creates nothing. It simply allows under existing law for them to pursue whatever claim they have—only those people who have absolutely no contract. If they have a contract, the contract is going to be enforced, and it ought to be enforced. I have no problem with that whatsoever.

I urge my colleagues to support this amendment. It is narrowly drawn. I think it is consistent entirely with the purposes of the McCain bill. It leaves all the protections in place that the folks who support the McCain bill believe in. It closes an enormous loophole that exists in this law at the present time.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, I appreciate the remarks of my colleague, and I appreciate what he is trying to do. This bill is trying to resolve what really are unlimited litigation possibilities. If we don't pass this bill, that could really wreck our computer industry and wreck our country and would make it even more difficult to get the computer industry and everybody involved in Y2K problems to really resolve these problems in advance of the year 2000.

I rise to oppose the Edwards amendment, which basically strikes the economic loss section of S. 96, the Y2K bill.

I have followed carefully the debate of the bill. And, as of now, it is the Dodd-McCain-Hatch-Feinstein-Wyden substitute, S.1138, that we are now debating.

My observation is that during this debate there has been much confusion over the economic loss section.

Let me attempt to clarify this matter.

It is important to note that the economic loss rule is a legal principle that has been adopted by the U.S. Supreme Court and by most States.

The rule basically prevents "tortification" of contract law, the trend that I view with some alarm.

The rule basically mandates that when parties have entered into contracts and the contract is silent as to "consequential damages," which is the contract term for economic losses, the aggrieved party may not turn around and sue in tort for economic losses. Thus, the expectation of the parties are protected from undue manipulation by trial attorneys. The party under the rule may sue under tort law only when they have suffered personal injury or damage to property other than the property in dispute.

The economic loss rule exists primarily or principally because of the importance of enforcing contractual agreements. If the parties can circumvent a contract by suing in tort for their economic losses, any contract that allocates the risk between the parties becomes worthless.

The absence of the economic loss rule would hurt contractual relations and create an economic and unnecessary economic cost to society as a whole. It would encourage suppliers to raise prices to cover all of the risks of liability and would encourage buyers to forego assurances as to the quality of the product or service. If anything goes wrong, simply sue the supplier under tort law.

The economic loss rule also reflects the belief that the parties should not be held liable for the virtually unlimited yet foreseeable economic consequences of their actions, such as the economic losses of all the people stuck in traffic in a car accident.

In light of this, most States apply the rule without regard to privity, and the vast majority of States that have considered the rule have applied it not only to products but to the services as well with some exceptions for "professional services," such as lawyers and "special relationships".

Why then should Congress codify the economic loss rule with regard to Y2K actions or litigation?

First, adopting the economic loss rule helps identify which parties have the primary responsibility of ensuring Y2K compliance. It is one of the major goals of the Y2K legislation to encourage companies to do all they can to avoid and repair Y2K problems, and adoption of the economic loss rule helps us to do exactly that.

Second, adoption of the economic loss rule preserves the parties' ability to enter into meaningful contractual agreements and preserves existing contracts. Parties who suffer personal injury or property damage, other than to the property at issue, could still sue in tort, or in contract, while those suffering only economic damages would be able to sue in contract.

Third, adoption of the rule would strengthen existing legal standards. We have the rule in this bill, and there is very good reason to have it in this bill.

By strengthening existing legal standards, we would avoid costly and potentially abusive litigation as a result of the Y2K failures.

That is what we are trying to avoid.

This bill only lasts 3 years. It then sunsets. The bill's purpose is to get through this particularly critical time without having the Federal courts and the State courts overwhelmed by litigation, yet at the same time providing people with a means of overcoming some of these problems. That is the whole purpose of this bill.

If this amendment is adopted, that whole purpose will be subverted. It is not a loophole at all, as Senator EDWARDS contended. If we change this rule and adopt this amendment, we surely will have courts clogged, we surely will have undue and unnecessary litigation, and in the end we surely are not accomplishing what we need to accomplish—encouraging the companies to do what is right and to get the problems solved now. That is what we want to do. This bill will do more toward getting that done than anything I can think of.

Lastly, adoption of the economic loss rule would establish a uniform national rule applicable to Y2K actions. This would help to avoid the patchwork of State legal standards that would otherwise apply to Y2K problems and actions. The subtle and complex idiosyncrasies and the rule's applications by the various States strongly indicate the need for a uniform national rule with regard to Y2K actions.

Without a uniform rule, which we have in this amendment, every issue concerning Y2K liability may have to be litigated in each different State. This increases the already enormous costs of Y2K litigation.

As I stated, the Supreme Court has adopted and endorsed the economic loss rule, which has greatly influenced State law. The leading case is East River S.S. Corp. v. Transamerica Delaval, Inc. In that case, the company that chartered several steamships sued the manufacturer of the ship's turbine engines in tort for purely economic damages, including repair costs and lost profits caused by the failure of the turbines to perform properly. In a unanimous decision, the Supreme Court denied recovery in tort under the economic loss rule. The Court's ruling was based in large part on the propriety of contract law over tort law in cases involving only economic loss.

The Court goes on to say:

> The distinction that the law has drawn between tort recovery for physical injuries and warranty recovery for economic loss is not arbitrary and does not rest on the "luck" of one plaintiff in having an accident causing physical injury. The distinction rests, rather, on an understanding of the nature of the responsibility a manufacturer must undertake in distributing his products. When a product injures only itself the reasons for imposing a tort duty are weak and those for leaving the party to its contractual remedies are strong . . . Contract law, and the law of warranty in particular, is well suited to commercial controversies of the sort involved in this case because the parties may set the terms of their own agreements. The manufacturer can restrict its liability, within limits, by disclaiming warranties or limiting remedies. In exchange, the purchaser pays less for the product . . .

The Court's ruling was also based on the fact that allowing recovery in tort would extend the turbine manufacturer's liability indefinitely:

> Permitting recovery for all foreseeable claims for purely economic loss could make a manufacturer liable for vast sums. It would be difficult for a manufacturer to take into account the expectations of persons downstream who may encounter its product. In this case, for example, if the charterers—already one step removed from the transaction [which included the shipbuilder in between]—were permitted to recover their economic losses, then the companies that subchartered the ships might claim their economic losses from delays, and the charterers' customers also might claim their economic losses, and so on. "The law does not spread its protections so far."

Let me turn to state law cases. The leading case on this issue is *Huron Tool and Engineering Co.* v. *Precision Consulting Services, Inc.*, 532 N.W.2d 541 (Mich. Ct. App 1995). In *Huron*, the Michigan Court of Appeals held that the Economic Loss Rule barred plaintiff's fraud claim against a computer consulting company to recover purely economic loss caused by alleged defects in a system provided under contract. The court explained:

> The fraudulent representations alleged by plaintiff concern the quality and characteristics of the software system sold by defendants. These representations are *indistinguishable from the terms of the contract and warranty* that plaintiff alleges were breached. Plaintiff fails to allege anv wrongdoing by defendants *independent of defendant's breach of contract and warranty*. Because plaintiff's allegations of fraud are *not extraneous* to the contractual dispute, plaintiff is restricted to its contractual remedies under the UCC. The circuit court's dismissal of plaintiff's fraud claim was proper.

Hotels of Key Largo, Inc. v. *RHI Hotels, Inc.*, 694 So.2d 74, 77 (Fla. Ct. App. 1997), holding that the Economic Loss Rule barred plaintiff's fraud claim seeking to recover economic loss caused by the defendant's failure to promote the plaintiff's hotel per contractual agreement, says: "[W]here the only alleged misrepresentation concerns the heart of the parties' agreement simply applying the label 'fraudulent inducement' to a cause of action will not suffice to subvert the sound policy rationales underlying the economic loss doctrine.".

Raytheon Co. V. *McGraw-Edison Co., Inc.*, 979 F Supp. 858, 870–73 (E.D. Wisc. 1997), holding that the Economic Loss Rule barred tort claims, including strict-responsibility, negligent, and intentional misrepresentation claims, brought by purchaser of real property against seller to recover purely economic loss caused by environmental contaminants in the soil says: "[T]he alleged misrepresentations forming the basis of Raytheon's fraud claims are inseparably embodied within the terms of the underlying contract . . . [Therefore,] Raytheon cannot pursue its fraud claims."

AKA Distributing Co. V. *Whirlpool Corp.*, 137 F.3d 1083, 1087 (8th Cir. 1998), holding under Minnesota law that the Economic Loss Rule barred plaintiff's fraud claim based on defendant's statements that the plaintiff would be engaged as a vacuum-cleaner distributor for a long time despite one-year contract says: "[I]n a suit between merchants, a fraud claim to recover economic losses must be independent of the article 2 contract or it is precluded by the economic loss doctrine."

Standard Platforms, Ltd v. *Document Imaging Systems Corp.*, 1995 WL 691868 (N.D. Cal. 1995, an unpublished opinion holding that the Economic Loss Rule barred plaintiff's fraud claim based on defects in Jukebox disk drives manufactured by defendant says: "In commercial settings, the same rationale that prohibits negligence claims for the recovery of economic damages also bars fraud claims that are subsumed within contractual obligations. . . . [Plaintiff's] fraud claim is precluded because it does not arise from any independent duty imposed by principles of tort law."

This rule regarding intentional torts is not new but is in fact a restatement of old principles separating contract law from tort law. In general, breach of contract, intentional or otherwise, does not give rise to a tort claim; it is simply breach of contract. Thus many courts in addition to those above have held, without mentioning the Economic Loss Rule, that claims such as fraud emerging only from contractual duties are not actionable. *See, e.g., Bridgestone/Firestone, Inc.* V. *Recovery Credit Services, Inc.*, 98 F.3d 13 (2d Cir. 1996), holding under New York law that plaintiff's fraud claim against a collection agency to recover funds collected by the defendant under contract with the plaintiff was not actionable where the fraud claim merely restated the plaintiff's claim for breach of contract: "[T]hese facts amount to little more than intentionally-false statements by [the defendant] indicating his intent to perform under the contract. That is not sufficient to support a claim of fraud under New York law."

In sum, the application of the Economic Loss Rule to intentional torts, such as fraud, is best summarized by the U.S. Court of Appeals for the Eighth Circuit in *AKA Distributing Co.*, listed above:

> .. A fraud claim independent of the contract is actionable, but it must be based upon a misrepresentation that was outside of or collateral to the contract, such as many claims of fraudulent inducement. That distinction has been drawn by courts applying traditional contract and tort remedy principles. It has been borrowed (not always with attribution) by courts applying the economic loss doctrine to claims of fraud between parties to commercial transactions.—*AKA Distributing Co.*, 137 F.3d at 1086 (internal citations omitted).

In sum, the economic Loss provision in the Y2K act is not a radical provision or change in law. That is why I oppose its removal from the bill, which in essence the Edwards amendment would accomplish.

This is not a simple problem. This is something that we have given a lot of thought to. For those who believe we should have unlimited litigation in this country because of alleged harms, this is not going to satisfy them. For those who really want to solve the Y2K problem and to save this country trillions of dollars, the amendment of the distinguished Senator from North Carolina will not suffice.

The amendment of the Senator from North Carolina, attempts to freeze the State law of economic losses—freeze it in place. However, the States are not uniform in this area.

One of the things we want to accomplish with this Y2K bill —which is only valid for 3 years, enough to get us through this crisis—is to have uniformity of the law so everybody knows what the law is and everybody can live within the law and there will be incentives for people to solve the problems in advance, which is what this bill is all about.

The purpose of the Y2K Act is to ensure national uniformity. A national problem needs a national solution. That is why we need the national economic loss doctrine or rule, based on the trends in State law towards them. We do need uniformity if we are going to solve this problem, or these myriad of problems, in ways that literally benefit everybody in our society and not just the few who might want to take advantage of these particular difficulties that will undoubtedly exist. We all know they will exist.

The remediation section of this bill gives a 3-month time limit to resolve some of these problems. We hope we can. On the other hand, we don't want to tie up all of our courts with unnecessary litigation.

I have to emphasize again that this bill has a 3-year limit. This provision ends in 3 years. That is not a big deal. It is a big deal in the sense of trying to do what is right with regard to the potential of unnecessary litigation that this particular Y2K problem really offers.

Let me just mention, I know the distinguished Senator from North Carolina is aware that his own State has adopted the economic loss rule. Let me raise one particular case in North Carolina, the MRNC case.

Let me offer a few comments on this case.

Specifically, with respect to what losses are recoverable in the products liability suit, North Carolina's court recognized that the state follows the majority rule and does not allow the recovery of purely economic losses in an action for negligence.

It cites a number of cases which I ask with unanimous consent be printed in the RECORD.

At issue in this case is whether MRNC suffered economic loss. Central to the resolution of this issue is what constitutes economic loss. The court noted that when a product fails to perform as intended, economic loss results. Economic loss is essentially "the loss of the benefit of the users bargain." "[T]he distinguishing central future of economic loss is . . . its relation to what the product was supposed accomplish." So economic loss should be available for only contract claims. Tort law should not be allowed to skirt contract law. In other words, contract law should not be "tortified." This is what the Y2K Act codifies. Economic loss should not be allowed in cases where a contract exists. This is the law of North Carolina and most states.

I ask unanimous consent these matters be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AT&T CORPORATION, PLAINTIFF,
V.
MEDICAL REVIEW OF NORTH CAROLINA, INC., DEFENDANT AND THIRD-PARTY PLAINTIFF,
V.
CAROLINA TELEPHONE & TELEGRAPH COMPANY AND NORTHERN TELECOM INC., THIRD-PARTY DEFENDANTS.

No. 5:94–CV–399–BR1.

United States District Court, E.D. North Carolina, Feb. 10, 1995.

Long-distance telephone company brought action against customer, seeking payment for past-due charges for long-distance telephone services. Customer counterclaimed, and brought third-party complaint against telephone company, that installed telephone system which included voice mail system, and system manufacturer, alleging manufacturer was negligent and breached implied warranty, arising from alleged telephone line access by unauthorized users via system, resulting in long-distance telephone charges. Manufacturer moved to dismiss. The District Court, Britt, J., held that: (1) under North Carolina law, customer's negligence claim against manufacturer sought to recover purely economic loss, which was not recoverable under tort law in products liability action, and (2) customer's breach of warranty claim against manufacturer was not "product liability action" under Products Liability Act so as to render applicable Act's relaxation of privity requirement.

Motion granted.

[1] FEDERAL CIVIL PROCEDURE 1722

170Ak1722—For purposes of motion to dismiss for failure to state claim, issue is not whether plaintiff will ultimately prevail, but whether claimant is entitled to offer evidence to support claim. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.A.

[2] FEDERAL CIVIL PROCEDURE 1829

170Ak1829—For purposes of motion to dismiss for failure to state claim, complaint's allegations are construed in favor of pleader. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.C.A.

[3] PRODUCTS LIABILITY 6

313Ak6—When action does not fall within scope of North Carolina's Products Liability Act, common-law principles, such as negligence, and Uniform Commercial Code still apply, but they apply without any alteration by Act, which might otherwise occur had Act applied. U.C.C. §1–101 et seq.; N.C.G.S. §99B–1(3).

[4] PRODUCTS LIABILITY 17.1

313Ak17.1—Under North Carolina law, long-distance telephone company customer's negligence claim against manufacturer of voice mail system, alleging customer suffered harm in charges for unauthorized long-distance telephone calls as result of manufacturer's failure to change standard preset dialing access code and to provide instructions and warnings concerning alteration of access code, sought to recover purely economic loss, which was not recoverable under tort law in products liability action, where allegations centered on product's failure to perform as intended, and no physical injury had occurred.

[5] PRODUCTS LIABILITY 6

313Ak6—Under North Carolina law, elements of products liability claim for negligence are evidence of standard of care owed by reasonably prudent person in similar circumstances, breach of that standard of care, injury caused directly by or proximately by breach, and loss because of injury.

[6] PRODUCTS LIABILITY 17.1

313Ak17.1—Under North Carolina law, with respect to losses that are recoverable in products liability suit, recovery of purely economic losses are not recoverable in action for negligence.

[7] SALES 425

343k425—Under North Carolina law, long-distance telephone company customer's breach of warranty claim against manufacturer of voice mail system, with which customer was not in privity, arising from charges imposed on customer for unauthorized long distance telephone calls allegedly resulting from manufacturer's failure to inform customer of system's susceptibility to toll fraud if certain precautionary measures were not taken, was not "product liability action" under Products Liability Act so as to render applicable Act's relaxation of privity requirement, where customer had only alleged economic loss. N.C.G.S. §99B–2(b).

See publication Words and Phrases for other judicial constructions and definitions.

[8] PRODUCTS LIABILITY 17.1

313Ak17.1—North Carolina's Products Liability Act is inapplicable to claims in which alleged defects of product manufactured by defendant caused neither personal injury nor damage to property other than to manufactured product itself. N.C.G.S. §99B–2(b).

[9] SALES 255

343k255—When claim does not fall within North Carolina's Products Liability Act, privity is still required to assert claim for breach of implied warranty when only economic loss is involved. N.C.G.S. §99B–2(b).

*92 Marcus William Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard, Raleigh, NC, for AT & T Corp.

Craig A. Reutlinger, Paul B. Taylor, Van Hoy, Reutlinger & Taylor, Charlotte, NC, for Medical Review of North Carolina, Inc.

James M. Kimzey, McMillan, Kimzey & Smith, Raleigh, NC, for Carolina Tel. and Tel. Co.

ORDER

BRITT, District Judge.

Before the court are the following motions of third-party defendant Northern Telecom Inc. ("NTI"): (1) motion to dismiss, and (2) motion to stay discovery proceedings. Defendant and third-party plaintiff Medical Review of North Carolina, Inc. ("MRNC") filed a response to the motion to dismiss and NTI replied. As the issues have been fully briefed, the matter is now ripe for disposition.

I. FACTS

In 1990, MRNC purchased a new phone system from third-party defendant Carolina

Telephone & Telegraph Company ("Carolina Telephone"). Included within this system, among other things, was a Meridian Voice Mail System, manufactured by NTI. Carolina Telephone installed the phone system and entered into an agreement with MRNC to provide maintenance for the system.

Plaintiff AT & T Corporation ("AT & T") provided certain long distance services to *93 MRNC. AT & T has calculated charges that MRNC allegedly owes for June 1992 in the amount of $93,945.59. MRNC claims that unauthorized users gained access to outside lines via the Meridian Voice Mail System and placed long distance calls. MRNC contends these unauthorized charges comprise part of the June 1992 bill.

AT & T filed a complaint against MRNC to recover these charges which were past-due. Subsequently, MRNC filed a counterclaim against AT & T and a third-party complaint. As part of its third-party complaint, MRNC alleges NTI, as the manufacturer of the Meridian Voice Mail System, was negligent and breached an implied warranty. MRNC seeks to recover of NTI charges, interest, costs and expenses it may incur as a result of the action brought by AT & T.

II. DISCUSSION

[1][2] Pursuant to Fed.R.Civ.P. 12(b)(6), NTI has filed a motion to dismiss for failure to state a claim upon which relief can be granted. With such a motion, "the issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claim." Revene v. Charles County Comm'rs, 882 F.2d 870, 872 (4th Cir.1989) citing Scheuer v. Rhodes (416 U.S. 232, 236, 94 S.Ct. 1683, 1686, 40 L.Ed.2d 90 (1974)). The complaint's allegations are construed in favor of the pleader. Id.

[3] MRNC contends North Carolina's Products Liability Act pertains to its claims. This act applies to "any action brought for or on account of personal injury, death or property damaged caused by or resulting from the manufacture . . . of any product." N.C.Gen.Stat. §99B-1(3). Among other things, the Act defines against whom a claimant may bring an action. See id. §99B-2. "The Act, however, does not extensively redefine substantive law." Charles F. Blanchard & Doug B. Abrams, North Carolina's New Products Liability Act: A Critical Analysis, 16 Wake Forest L. Rev. 171, 173 (1980). When an action does not fall within the scope of the Act, common law principles, such as negligence, and the Uniform Commercial Code still apply; but, they apply without any alteration by the Act, which might otherwise occur had the Act applied. See Gregory v. Atrium Door and Window Co., 106 N.C.App. 142, 415 S.E.2d 574 (1992); Cato Equip. Co. v. Matthews, 91 N.C.App. 546, 372 S.E.2d 872 (1988).

A. Negligence Claim

[4][5][6] In its first claim against NTI, MRNC alleges NTI negligently failed "to change the standard preset dialing access code in the [system] prior to delivery and installation at MRNC" and negligently failed to give appropriate instructions and warnings concerning alteration of the standard preset dialing access code. The elements of a products liability claim for negligence are "(1) evidence of a standard of care owed by the reasonably prudent person in similar circumstances; (2) breach of that standard of care; (3) injury caused directly or proximately by the breach; and (4) loss because of the injury." Travelers Ins. Co. v. Chrysler Corp., 845 F.Supp. 1122, 1125-26 (M.D.N.C. 1994) (quoting McCollum v. Grove Mfg. Co., 58 N.C.App. 283, 286, 293 S.E.2d 632, 635 (1983)). Specifically, with respect to what losses are recoverable in a products liability suit, North Carolina follows the majority rule and does not allow the recovery of purely economic losses in an action for negligence. Chicopee, Inc. v. Sims Metal Works, Inc., 98 N.C.App. 423, 432, 391 S.E.2d 211, 217, review denied and granted, 327 N.C. 426, 395, S.E.2d 674, and reconsideration denied, 327 N.C. 632, 397 S.E.2d 76 (1990), and appeal withdrawn, 328 N.C. 329, 402 S.E.2d 826 (1991). At issue in this case is whether MRNC suffered economic loss. Central to the resolution of this issue is what constitutes economic loss.

Before determining the nature of economic loss, examining the reasoning behind the majority rule disallowing recovery for such loss is instructive. The rule's rationale rests on risk allocation. See 2000 Watermark Ass'n v. Celotex Corp., 784 F.2d 1183, 1185 (4th Cir.1986) (analyzing whether South Carolina courts would adopt the majority position).

Contract law permits the parties to negotiate the allocation of risk. Even where the law acts to assign the risk through implied warranties, it can easily be shifted *94 by the use of disclaimers. No such freedom is available under tort law. Once assigned, the risk cannot be easily disclaimed. This lack of freedom seems harsh in the context of a commercial transaction, and thus the majority of courts have required that there be injury to a person or property before imposing tort liability.

> The distinction that the law makes between recovery in tort for physical injuries and recovery in warranty for economic loss is hardly arbitrary. It rests upon an understanding of the nature of the responsibility a manufacturer must undertake when he distributes his products. He can reasonably be held liable for physical injuries caused by defects by requiring his products to match a standard of safety defined in terms of conditions that create unreasonable risks of harm or arise from a lack of due care.

Id. at 1185-86. The manufacturer can insure against tort risks and spread the cost of such insurance among consumers in its costs of goods. Id. at 1186.

Some courts examining the nature of the claimant's loss focus on whether the damages result from a failure of the product to perform as intended or whether they result from some peripheral hazard. See, e.g., Fireman's Fund Am. Ins. Cos. v. Burns Elec. Sec. Servs. Inc., 93 Ill.App.3d 298, 48 Ill.Dec. 729, 417 N.E.2d 131 (1980); Arell's Fine Jewelers v. Honeywell, Inc., 170 A.D.2d 1013, 566 N.Y.S.2d 505 (1991). When some hazard occurs which the parties could not reasonably be expected to have contemplated, the result is noneconomic loss. Fireman's Fund Am. Ins. Cos., 48 Ill.Dec. at 731, 417 N.E.2d at 133. Yet, when a product fails to perform as intended, economic loss results. Id. Economic loss is essentially "the loss of the benefit of the user's bargain." Id. "[T]he distinguishing central feature of economic loss is . . . its relation to what the product was supposed to accomplish." Id.

The Fourth Circuit apparently views physical harm as a distinguishing factor between noneconomic and economic losses. See 2000 Watermark Ass'n, Inc., 784 F.2d at 1186. "The UCC is generally regarded as the exclusive source for ascertaining when the seller is subject to liability for damages if the claim is based on intangible economic loss and not attributable to physical injury to person or to a tangible thing other than the defective product itself." Id. (citing W. Page Keeton et al., Prosser and Keeton on Torts §95A, at 680 (5th ed. 1984))

The application of either approach—the benefit of the bargain approach or the physical harm approach—which North Carolina might adopt would lead to the conclusion that MRNC has suffered pure economic loss. MRNC alleges it suffered harm as a result of NTI's failure to change the standard preset dialing access code before delivery and installation at MRNC ahd as a result of NTI's failure to provide instructions and warnings concerning the alteration of the access code. The harm is in the form of monetary loss, if MRNC is required to pay AT & T. Clearly, MRNC's allegations center on the product's failure to meet MRNC's expectations, or in other words, failure to perform as intended. That someone might gain access to the system and place unauthorized calls could reasonably be expected to be within the parties' minds. In addition, no physical injury has occurred. The only injury MRNC asserts is damage to its financial resources. Based on the foregoing reasons, MRNC seeks to recover purely economic loss and such loss in not recoverable under tort law in a products liability action in North Carolina. North Carolina's Products Liability Act does not change this result, and the applicability of the Act is not at issue as to the claim. Therefore, NTI's motion to dismiss the negligence claim is GRANTED.

B. Breach of Implied Warranty Claim

[7] MRNC contends NTI breached an implied warranty by failing to inform MRNC of the system's susceptibility to toll fraud if certain precautionary measures, such as changing the access code, were not taken. North Carolina's Product Liability Act relaxes the privity requirement with respect to a claim for breach of implied warranty. See Sharrard, McGee & Co. v. Suz's Software, Inc., 100 N.C.App. 428, 432, 396 S.E.2d 815, 817-18 (1990).

> *95 A claimant who is a buyer, as defined in the Uniform Commercial Code, of the product involved . . . may bring a product liability action directly against the manufacturer of the product involved for breach of implied warranty; and the lack of privity shall not be grounds for dismissal of such action.

N.C.Gen. Stat. §99B-2(b). This section applies to a "product liability action" as that term is defined in the Product Liability Act, Chapter 99B. See id. As noted previously, a "product liability action" is "any action brought for or on account of personal injury, death or property damage caused by or resulting from the manufacture . . . of any product." Id. §99B-1(3). In the instant case, the issue is whether MRNC's breach of implied warranty claim is a "product liability action" under the Act, thereby abrogating the necessity of privity between MRNC and NTI.

[8][9] The Act is inapplicable to claims "where the alleged defects of the product manufactured by the defendant caused neither personal injury nor damage to property other than to the manufactured product itself." Reece v. Homette Corp., 110 N.C. App. 462, 465, 429 S.E.2d 768, 769 (1993); see Cato Equip. Co., 91 N.C. App. at 549, 372 S.E.2d at 874. When the claim does not fall within the Act, privity is still required to assert a claim for breach of an implied warranty where only economic loss is involved. Gregory, 106 N.C. App. at 144, 415 S.E.2d at 575 (quoting Sharrard, McGee & Co., 100 N.C. App. at 432, 396 S.E.2d at 817-18 and questioning whether this rule is still good policy); see Arell's Fine Jewelers, Inc., 566 N.Y.S.2d at 507.

Here, MRNC does not deny that privity does not exist between itself and NTI. MRNC claims it is entitled to maintain an action under the Products Liability Act and, thus, would fall within the exception to the privity requirements in the context of breach of implied warranty. However, MRNC does not allege the defects in the Meridian Voice Mail System resulted in any physical injury or property damage. It has only alleged economic loss. See supra part II.A. In such a situation, the general rule regarding privity remains intact. Without privity, MRNC cannot maintain its breach of implied warranty claim. Therefore, NTI's motion to dismiss the breach of implied warranty claim in GRANTED.

III. CONCLUSION

For the foregoing reasons, third-party defendant NTI's motion to dismiss is GRANTED as to both claims, and as to this party the action is DISMISSED. This ruling moots NTI's motion to stay discovery proceedings and, thus, such motion is DENIED.

Mr. HATCH. Mr. President, I understand what the distinguished Senator from North Carolina is attempting to do. He is a very skilled lawyer, and a very good lawyer, and from my understanding primarily a plaintiffs' lawyer in the past. I have been both a defense and plaintiffs lawyer, and I presume maybe he has also, and I have a lot of respect for him and I understand what he is trying to do.

The fact of the matter is, we have a 3-year bill here, that sunsets in 3 years, that is trying to solve all kinds of economic problems in our country that could cripple our country and cause a major, calamitous drop in everything if we do not have this bill, plus it could destroy our complete software and computer industry in a short period of time if we get everything tied up in litigation in this country because we are unwilling to pass this bill with this amendment on, that we have worked so hard, with Senator DODD, to bring about.

If we do not pass this bill with this amendment, as amended by this amendment, the Dodd-McCain-Hatch-Feinstein-Wyden amendment—and Sessions amendment—I apologize for leaving out Senator SESSIONS' name. He has worked hard on this bill. But if we don't pass this bill with this language in it, then I predict we will have undermined the very purposes we are here to try to enforce.

This bill is an important bill. This bill assures every aggrieved party his day in court. It does not end the ability to seek compensation. What it does, however, is to create procedural incentives that for a short time delay litigation in order to give companies the ability to fix the problem without having to wait for a judgment from some court—which could take years. But in this particular case, I want to remind all that the bill sunsets in 3 years. It is limited in a way that prevents what would be catastrophic losses in this country, unnecessary losses if this bill is enacted. That is why we should quit playing around with this bill and get it passed.

I don't care that the President of the United States says, he is not going to veto this bill. He would be nuts to veto it. This is a bipartisan bill. This amendment is a bipartisan amendment, and it has been worked out over a very long period of time and through a lot of contentious negotiations. We finally arrived at something here that can really solve these problems.

Sincerely motivated as is the distinguished Senator from North Carolina, I hope our colleagues will vote this amendment down, because it will really undermine, at least in my opinion and I think in the opinion of many others, what we are trying to do here. What we are trying to do here is in the best interests of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. If I can respond briefly to the comments of the distinguished Senator from Utah, first I say to Senator HATCH I am absolutely willing, and the people of North Carolina are willing, to live with the law in North Carolina. What my amendment does is leave all existing law in place in this very narrow area.

The problem is that, for example, I know under North Carolina law, if a fraudulent misrepresentation—if a crime—is committed, if somebody makes a fraudulent misrepresentation and as a result somebody is put out of business, they are entitled to recover their economic losses, because there is an exception for intentional fraud, there is an exception for a criminal act.

The McCain bill has no such exception. It has no exceptions at all.

Mr. HATCH. Will the Senator yield on that point?

Mr. EDWARDS. Yes, I will.

Mr. HATCH. The McCain bill doesn't affect that. If fraud is committed consumers in most states will be able to recover even economic losses under state statutes. This is not altered by the Y2K Act. So, if there is fraud committed or a criminal act committed, you are going to be able to have all your rights, even in States like North Carolina, where they codify the economic loss rule. So that is not affected by this bill at all.

The only thing that will be affected by this bill, if your amendment is adopted there will be an increase of wide open and aggressive litigation. Without your amendment, we will not have a uniformity of rule that will help us to get to the bottom of this matter. So with regard to the count on fraud, with regard to real fraud, or statutory fraud, with regard to criminal acts, the defendants will still be liable for what the distinguished Senator believes they should be liable for.

Mr. EDWARDS. I say to Senator HATCH I respectfully disagree with that. If you look at the section, it has no exceptions of that nature in it at all. It has no exception. There is a powerful limitation on the recovery of economic loss, essentially eliminating the right to recover for economic loss. And there is no exception in that section for intentional; there is no exception for fraud and misrepresentation, there is no exception for egregious, reckless conduct. None of those things is excepted from the limitation on economic loss.

I might add, to the extent we are looking for uniformity when we are going to enforce contracts—there has been a great deal of discussion about contract law—we are going to enforce contracts under State law. So whatever the State law is, in the various States across the country, is going to be enforced under State law.

So what I respectfully disagree with the Senator about is what I believe my amendment does, which is, in a very narrow fashion, it works in concert with the section immediately preceding it, and the section immediately preceding it requires every court in this land to enforce any existing contract. So if there is a contract, that contract will be enforced. It cannot be subverted by any kind of tort claim.

What my amendment does, is it allows a remedy to all those millions of people who could have been the victims of fraud, who could have been the victims of reckless conduct, who could have been the victims of carelessness and negligence, who have absolutely no remedy; they cannot recover any of their out-of-pocket losses or any of those things. What my amendment does is it creates no new torts, no causes of action, no anything. When you talk, at great length, about the economic loss rule, the Supreme Court, and how various States have adopted it, it simply leaves that law in place. That is all it does, and only for those folks who have no other remedy because they have no contract.

Mr. HATCH. Will the Senator yield?

Mr. EDWARDS. I will.

Mr. HATCH. That is what the Senator's amendment does. But in this total, overall bill, there is a statutory compensation, statutory exemption.

Most States—in fact, I think virtually all States—have consumer fraud statutes that provide for the right to sue that allow for economic loss if there is an intentional fraud or criminal violation.

Mr. EDWARDS. Will the Senator yield for a question on that?

Mr. HATCH. The underlying bill does not change that. It does provide for an exception for statutory law. Where a State has a statutory provision, this bill does not change that.

The Senator's position that intentional torts and common law fraud would not be remedied under this bill is incorrect.

Mr. EDWARDS. Only with respect to economic loss, which is what we are talking about.

In any event, my belief is, what we are dealing with is a situation where anybody, any little guy in the country who has no contract basically has no remedy. They cannot do anything.

To the extent we talk about this being just a 3-year bill, that 3-year period, in the nature of the Y2K problem, is going to cover every single Y2K problem that exists in the country. This problem is going to erupt in the year 2000. Three years is plenty of time to cover every single problem that is going to occur in this country. To the extent the argument is made that it is a limited bill, it is going to cover every single Y2K loss that will occur in this country.

What I am trying to do with this amendment, which is very narrowly drawn, is create no new claims, no new causes of action, to have a provision that works in concert with the requirement that contracts be enforced. But for all those folks who have no contract, if their State allows them to recover for out-of-pocket losses, then they would be allowed to do that. If they have been the victim of fraud, if they have been the subject of criminal conduct, if they have been the victim of simple recklessness or negligent conduct, only if their State allows that would they be allowed to recover that loss.

Every other limitation in this bill stays in place: No joint and several, caps on punitive damages, duty to mitigate, 90-day waiting period, alternative dispute resolution, limitation on class action, specificity of pleadings and materiality—all those things stay in place.

We are simply saying for those little guys across America who do not have a team of lawyers representing them drafting contracts, they ought to have a right to recover what they had to pay out of pocket as a result of somebody being irresponsible with respect to a Y2K problem.

AMENDMENT NO. 620 TO AMENDMENT NO. 608

Mr. EDWARDS. Mr. President, I ask that the previous amendment be set aside and I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 620 to amendment No. 608.

Mr. EDWARDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 7 (7), line 12 (12), after "capacity" strike "." and insert:
>
> "; and
>
> "(D) does not include an action in which the plaintiff's alleged harm resulted from an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999, or to a claim or defense related to an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999. However, Section 7 of this Act shall apply to such actions."

Mr. EDWARDS. Mr. President, the purpose of this amendment is very simple. It is to provide that this bill, which provides many protections to those people who sell computer products for Y2K problems, not apply after January 1 of 1999, after this bill began its process of consideration in the Congress, because it is absolutely obvious that everybody in the country has known about this problem for many years and has been documented. It has actually been known for a period of 40 years and intensely watched over the last few years. Certainly every computer company in the world knew about Y2K before the beginning of January 1, 1999, when we began consideration of this legislation. There is a reason that this amendment is needed and necessary. Let me give an example.

There are 800 medical devices that are produced by manufacturers across this country that are date sensitive and critical to the health care of people in this country, because a malfunction can cause injury to people.

Approximately 2,000 manufacturers sell these medical devices. About 200 of those manufacturers, 10 percent, have yet to contact the FDA about whether their medical devices are Y2K compliant. After being asked numerous times by the FDA, they have given no response. These are people who have been on notice for a long time about this problem.

It is really a very simple amendment. What the amendment says is, beginning in 1999, when everybody on the planet knew that this was a huge problem, if you kept selling non-Y2K-compliant products, you certainly should not have any of the protections of this bill, with one exception: We still keep in place the 90-day cooling off or waiting period because we think it is reasonable for the manufacturer or the seller to have that period of time to look at the problem and work with the purchaser to see if it can be resolved, even if they put a product in commerce unreasonably knowing that this problem existed.

The amendment says that folks who kept selling, beginning in 1999, non-Y2K-compliant products, knowing full well that this problem existed, knowing that the Congress was about to consider legislation on this issue and knowing that they were acting irresponsibly, should not have the protection of the McCain bill. That is the purpose and reason for this amendment.

The FDA example is a perfect example. We have 200 companies out there who are unwilling to tell the FDA they have even looked to determine whether their medical products that involve the safety and lives of people are Y2K compliant.

There is nothing in the McCain bill that prevents companies from continuing—I mean through today—selling non-Y2K-compliant products. I know in the spirit in which this bill was offered and intended that my colleagues would not have intended that we continue to allow, as a nation and as a Congress, people to engage in reckless, irresponsible conduct without holding them accountable for that, even today, knowing full well this problem exists. It simply excises from protection of this bill all those folks who continue, even today, to sell non-Y2K-compliant products unreasonably; that is, knowing that they are selling non-Y2K-compliant products.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry. Does this amendment modify the prior amendment; does it supersede the prior amendment?

The PRESIDING OFFICER. The previous amendment was set aside, and this is a separate amendment.

Mr. HATCH. Mr. President, this amendment basically is, in my opinion, too broad and too vague to provide guidance. It would cause more litigation, and what we are trying to do is prevent litigation that literally is unjustified.

This amendment does not take into account the practical reality that the standard of care is determined as part of the case. Thus, how would a plaintiff know what the pleading requirements are under S. 96 for specificity? How would they know that? If it simply depends on the allegation of the plaintiff, then no plaintiff would fall under the requirements of this bill. This could result in tremendous abuse. Talk about loopholes, this would be the biggest loophole of all in the bill. The fact of the matter is, what we are trying to do in this bill is avoid litigation.

The distinguished Senator from North Carolina talks about protecting the little guy out there, and the way that is done generally is through class actions, where the little guy gets relatively little, but those in the legal profession make a great deal. That is what we are trying to avoid, a pile of class actions that are unjustified under the circumstances where the manufacturers and all these other people go into the bunkers and get a bunker mentality rather than resolving these problems in advance. The whole purpose of this bill is to get problems resolved, to get our country through what could be one of the worst economic disasters in the country's history.

The Y2K bill before us sets an important criteria for fixing the problems.

There needs to be specificity in plaintiffs' pleadings—in fact, both plaintiffs' and defendants' pleadings—so glitches can be fixed before litigation.

This amendment would allow "reasonable care standards," which must be shown in negligence cases. It does not have to be pleaded with specificity. This would defeat the very purpose of this act, which is trying to get us to be more specific so those who have problems will be able to rectify those problems and remediate those problems.

The goal here is to solve problems, not allow any one side or the other to get litigation advantage. We are not trying to give the industries litigation advantage. We are not trying to give big corporations litigation advantage. We are trying to solve problems. I commend all of those on this bill who have worked so hard to do so.

If we accept this amendment, my gosh, we will not only not solve problems, we will not have specificity in pleadings, we will never know what is really going on, and we will have massive class actions all over this country that will tie this country in knots over what really are glitches that possibly could be corrected in advance.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank Senator HATCH for his very important and persuasive input in this debate. I appreciate it very much.

I did want to save a few minutes for Senator SESSIONS to make his remarks. I yield to the Senator from Alabama.

The PRESIDING OFFICER. The opponents have 4 minutes remaining.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I associate myself with the excellent analysis by Senator HATCH. He chairs the Judiciary Committee. He has had hearings on this very problem. I think he has explained the situation very well.

We need, in the course of dealing with computer Y2K problems, a uniform national rule. That is what we are attempting to do here. One of the great problems for the computer industry is that they are subject to 50 different State laws. The question is, Can they be unfairly abused in the process of massive litigation? I suggest that they could be, and actually that the entire industry could be placed in serious jeopardy.

I recall the hearings we had in the Judiciary Committee on asbestos. There were 200,000 asbestos cases already concluded, and 200,000 more are pending. Some say another 200,000 may be filed. What we know, however, is that in that litigation 70 percent of the asbestos companies are now in bankruptcy. We do not have all the lawsuits completed yet.

We also know that only 40 percent of the money they paid out actually got to the victims of this asbestos disease. That is not the way to do it, and that is what is going to happen in this case.

What the Senator from North Carolina is basically arguing is for each State to keep its own economic loss rule, as I would understand his argument. But the problem with this is that a clever State could run out tomorrow and change its economic loss rule, or the court could rule and allow a few States to drain this industry, while other States are maintaining the national rule.

First and foremost, the economic loss rule is a traditional rule of law. This statute basically says that. We will use a national rule for economic loss. It is a significant issue because we are blurring the differences between tort and contract.

Alabama used to have common law pleading in which they were very careful about how you pled a case. You had to plead in contract or you had to plead in tort. If you pled in contract, you were entitled to certain damages. If you pled in tort, you were entitled to other damages. But you had to prove different elements under each one to get a recovery. The courts have said certain actions are not tort and certain action are not contract—they are only one.

This legislation that is proposed would say, let's accept the national rule, the rule that has been clearly approved by the U.S. Supreme Court. Senator HATCH quoted from the U.S. Supreme Court in a unanimous verdict in approving this economic loss rule.

I think it would be a big mistake for us to go back to the 50-State rule instead of the uniform rule so that we can get through this one problem, the Y2K problem, and limit liability and focus our attention on fixing the problem rather than lawsuits. If we have lawsuits in every single county in America, we are not going to have 200,000, we are going to have 400,000, or more. We have to end that. I know my time is up.

The PRESIDING OFFICER. All time of the opponents has expired.

The Senator from North Carolina has—

Mr. DODD. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Connecticut is recognized for 1 minute.

Mr. DODD. The Senator from Alabama said it. Look, this is one of those issues where we have legislators, as Senators, who are constantly trying to find compromise. Reaching a 100-vote consensus, I guess, is the ideal representation of that. But occasionally there is just a division here. You have to make a choice on where you are going to go with this.

This is a 36-month bill to deal with a very specific, real problem. I just left a hearing this morning on the medical industry. We are not talking about personal injuries here, but to give you some idea, there are some serious problems in terms of compliance we are seeing across the country. You have to decide here whether or not you want to expand litigation, which is a legitimate point.

There are those who think the only way to deal with this is to rush to court. I respect that. I disagree with it, but respect it. Or do you decide for 36 months we are going to try to fix the problem to try to reduce the race to the courthouse?

Those of us who are in support of this bill come down on that side. The only way you are going to do it is to have some uniform standards across the country. We all know, as a practical matter—any first-year lawyer would tell you—you would run to the State that has the easiest laws and get into court.

If you disagree, you ought to vote for the Edwards amendment. If you think we ought to fix the problem, we think you should reject it so we can solve this over the next 36 months.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I say to my friend, Senator DODD, he and I actually agree about the vast majority of what he just said. I think this bill in place, if it passes, will do all the things the computer industry wants to protect them against Y2K problems.

Joint and several liability is gone. There is a cap on punitive damages. The duty to mitigate isn't present. There is a 90-day waiting period, cooling off period. We have the 36 months. We have class action limitations. We have specificity and materiality of pleading.

This is a very narrow, simple thing that we are trying to accomplish with this first amendment. We will enforce contracts as they exist. That is what these folks have been talking about at great length, and that is exactly what we should do.

The problem is with those folks who do not have a contract, which is going to be the vast majority of Americans. When Senator SESSIONS says that the economic loss rule is a traditional rule, he is right about that. What my amendment says is that traditional rule stays in place exactly as it is.

The problem is, the provision in this bill, in the McCain bill, is not the traditional rule. It contains no exceptions of any kind—no exceptions for fraud, no exceptions for reckless conduct, no exceptions for irresponsibility. The result of that is, regular people who buy computers—small businessmen, small businesswomen, consumers, folks who do not have an army of lawyers who went in and crafted contracts on their behalf—have no remedy. They simply have no remedy; they cannot get anything, not even their out-of-pocket loss. That is what the McCain bill does.

What I have done in the narrowest conceivable fashion is drawn an amendment that allows those folks to recover only what their State law permits them to recover. It is just that simple. That is on the first amendment.

On the second amendment, I just can't imagine what the argument is against this, although I heard the distinguished Senator from Utah argue against it. The very idea that people who are today, in 1999, selling non-Y2K-compliant products irresponsibly—and that is what is required—if they sell it without knowing about it, then they are still covered by the bill. Under my amendment, if they sell it knowingly, if they sell it irresponsibly in 1999, today, it simply says: Surely the Congress of the United States is not going to protect you. You have known about this forever. We are not going to continue to protect you.

It is not going to create a flood of litigation. I have to respectfully disagree with my friend, Senator HATCH. That makes no sense at all. If the consumer didn't buy the product in 1999, and they can't show the product was sold and put into the stream of commerce irresponsibly in 1999, then the McCain bill is going to apply to them. Surely my colleagues do not want to provide this Congress's, this Senate's protection, stamp of approval for people to keep selling noncompliant Y2K products, including, in my example, people who sell medical devices that can cause injury and death to people. I just don't believe my colleagues on either side of the aisle want their stamp on allowing people to keep doing this, even though they are fully aware of it.

That is simply what my amendment addresses. It says if you are still selling this stuff, and you are selling it non-Y2K compliant, and you know what you are doing, you don't get the benefit of the McCain bill.

It couldn't be any simpler than that. I respectfully suggest to my colleagues they do not want to put their stamp on people who have known about this problem forever and are doing nothing about it. Not only that, knowingly continuing to sell non-Y2K-compliant products that can cause injury to business, and, in the medical device fields, can cause injury to people, I just do not believe my colleagues on either side of the aisle would want to support that. This amendment cures that problem.

With that, I yield back the remainder of my time and ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered on both amendments.

VOTE ON AMENDMENT NO. 619

The PRESIDING OFFICER. The question is on agreeing to amendment No. 619. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Shelby
Specter
Thompson
Torricelli
Wellstone

NAYS—57

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Thomas
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—2

Inouye
Stevens

The amendment (No. 619) was rejected.

VOTE ON AMENDMENT NO. 620

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 620.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—36

Akaka
Biden
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Specter
Torricelli
Wellstone

NAYS—62

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—2

Inouye
Stevens

The amendment (No. 620) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 621 TO AMENDMENT NO. 608

(Purpose: To ensure that manufacturers provide Y2K fixes if available)

Mrs. BOXER. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 621 to amendment No. 608.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

Mrs. BOXER. Mr. President, before I start to explain the amendment, I wonder if I may engage in a colloquy with the managers of the bill to make sure we are on the same path.

As I understand it, after conversing with Senators HOLLINGS and McCAIN, there has been an agreement that we will have a vote at 2 o'clock on this particular amendment—I want to make sure I am correct on that—and that we will come back at 10 to 2 and each side will have 5 minutes at that time.

Mr. GORTON. Unfortunately, we have been notified of an objection to that request on this side. We cannot agree to it right now. We are going to try to work it out.

Mrs. BOXER. We will just start the debate and see how long it takes us.

Mr. President, this bill is an important bill to the State of California. I want to put it in a certain perspective. I very much want to vote for a Y2K bill, and that is why I supported the Kerry alternative which I believe is a fair and balanced bill because, after all, what we are trying to do is get the problem fixed.

A lot of times I listen to this debate and it gets very lawyerly, and that is fine. I am not an attorney. What I want to do is get the problem fixed. What I want to do is be a voice for the consumer, the person who wakes up in the morning and suddenly cannot operate his or her computer; the small businessperson who relies on this system, and, frankly, a big businessperson as well. I want to make sure what we do here does not exacerbate the problem. I want to make sure what we do here gets the problem fixed. That is what all the Senators are saying is their desire: to get the problem fixed.

The reason I support the Kerry bill and think it is preferable to the underlying bill is that I believe it is more balanced. If you are a businessperson and, as Senator HOLLINGS has pointed out, many times you make a decision based on the bottom line—most of the time—what you will do is weigh the costs and the benefits of taking a certain action. If you have a certain number of protections the Senate has given you, and those protections mean you have a better than even chance in court of turning back a lawsuit, you are apt to say: Maybe I will just gamble and not fix this problem, because I have a cooling off period.

Frankly, in the underlying bill, the only thing that has to be done by the manufacturer involved is, he has to write to the person who thinks they may be damaged. That is all they have to do. They do not have to fix the problem. They do not even have to say they are going to fix the problem. They just have to say: Yes, I got your letter and I am looking at the situation.

Then you look at the rest of the law, and the bar is set so high that I believe some businesspeople—certainly not all—will say: I am probably better off not fixing the problem.

I go back to the original point. If your idea is to fix the problem, we ought to do something that encourages the problem to be fixed.

I totally admit, each of us brings a certain set of eyes to the bill. When I look at the underlying bill, I see some problems. Others think it is terrific, that it will lead to a fix of the problem, and therein lies the debate.

Every time I listen to this debate, I hear colleagues of mine who support this bill talk about how much they love the high-tech industry, how important the high-tech industry is to this country, how important it is that we do not do anything to reverse an economic recovery.

All I can say is, no one can love the high-tech industry more than the Senator from California—I should say the Senators from California—because it is the heart and soul of our State. I do not have to extol Silicon Valley, the genius of the place, the fact that it is now being replicated in other parts of California, in San Diego, for example, in Los Angeles, where they have these high-tech corridors. It is wonderful to see what is happening.

The last thing I want to do is hurt that kind of industry and hurt that kind of growth. But there is something a little condescending when my colleagues who support the underlying bill stand up and say: You are going to hurt the industry if you do not support the underlying bill. I think it is demeaning. I think it is demeaning to Silicon Valley.

This is a strong industry. This is an ethical industry. These are good, decent people with good business sense and a sense of social justice, if you look at what they are doing in their local communities. To make it sound as if they need special protections and they need to be coddled is something that I do not ascribe to.

I think it is a lack of respect. Yes, we have a problem here. Let's try to fix it. But to assume that this industry cannot stand up and fix a problem somehow troubles me. It is not respectful of the industry. It says there are some people who may need to have this special protection, and not fix the problem of the consumers.

So when I look at the bill, I say, what really is in this bill that will lead to a fix of the problem? I have to tell you, in my heart of hearts, I really do not see it. I support a cooling off period. I think everybody does—most people do, because we do not know exactly what is going to hit us. Let's have a cooling off period. But something ought to be done in the cooling off period—more than just simply having a letter.

If I write a letter to company X and say, "I woke up this morning; my computer failed me; I'm a small businessperson; I'm in deep trouble; fix it," you know what the McCain bill says? I have a right to get a letter back within 30 days telling me what the company is going to do. What does that do for my business? What does that do for me? What does that do to help me get back on line? Nothing. As I read the bill, that is all that is required.

So I want to fix the problem. I want to do it fairly. Under this underlying bill, suppose you bought the computer in 1998 or 1999. They could charge you more for the fix than the computer itself. You might just say: I am just getting rid of this computer. I am going to go out and buy a new one. You know what. You might then go to court; you would be so angry.

So I don't see what we are doing in this bill that is real. I want to offer something that is real. That is what I do in this amendment.

I want to tell you where I got the idea for this amendment, because I want you to know I did not think it up, as much as I wish I did. The consumer groups brought this to me—not the lawyers, not the high-tech people, the consumer groups. They said: We really don't want to have to go to court. We want to fight for a fix. We have this good idea. Guess where it was found, word for word, almost. Congressman COX'S and Congressman DREIER'S original bill on Y2K contains this wonderful idea that, in the cooling off period in the bill, after you write to the company or companies involved, they must write back to you. And if they determine there is a fix available—and it is their determination, nobody else's—they have to fix the problem.

What we have said in this amendment is, if the fix is on a system that is between 1990 and 1995, they can charge you the cost of the fix. So the company is out nothing, because we figure it may be a little more complicated than the later models. If it is after 1995, to 1999, then they have to do it for free, because—I have listened to Senator HOLLINGS, and perhaps he can help me out with this point—most of the companies knew about this problem a long time ago. And, more than that, a vast majority of them are fixing the problem. They are doing it for nothing.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mrs. BOXER. I am delighted to.

Mr. HOLLINGS. I am intrigued by the Senator's comments with respect to the industry itself. This Senator does not know of a lousy computer manufacturer. It is the most competitive industry in the world. You have to have the most brilliant talent around you. As they say, it changes every other year. Or every year, and so forth, it is outdated. So, that being the case, there are no real laggards or hangers-on.

Right to the point, does the Senator realize, for example, that they have to file with the Securities and Exchange Commission what we call a 10–Q report; namely, of the Y2K problem? Do they know of the problem? What is the potential risk under the problem? What is to be done in order to correct that particular problem, and otherwise? What is the cost to the company? The stockholders want to know this information.

The Securities and Exchange Commission requires it. Just looking at the Boeing Company Y2K report under their 10–Q report: "The State of Readiness. The company recognized the challenge early, and major business units started work in 1993."

Did the Senator realize that?

Mrs. BOXER. I actually was not aware many of them started the fix that early.

Mr. HOLLINGS. Well, going further, does the Senator realize, for example—we are going to have lunch with the distinguished leader, Mr. Dell of Dell Computer—as of December 14 of last year, in their 10–Q report they state: "All products shipped since January 1997 are Y2K-certified. Upgrade utilities have been provided for earlier hardware products"?

Mrs. BOXER. I was not aware of that, that the Dells were Y2K-compliant as of 1997.

Mr. HOLLINGS. Does the distinguished Senator realize "no material"—no material cost? So they are not looking for a bill.

I hope we do not pass a bill. Then, when the world ends, as some of the Senators around here are saying, and the computer industry is ruined, Dell will be the only one left. I will be all for them. That is really the history of all of them. I have Yahoo. I have all the rest of them here listed.

But I think that is the point the distinguished Senator from California is making, who would know better than any, that this is a most responsible industry. They are not trying to get rid of the old models.

This particular legislation, the Senator's amendment makes sure they do not get rid of the old models. It is like a car company saying: We are going to bring out a new model come January 1, so all the old models that we sell all this year are going to have all kinds of gimmicks or glitches. But let's make them 90 days or let's let them get a letter back or something else of that kind. If the automobile industry came to Washington and asked for that, we would laugh them out of court.

Mrs. BOXER. I want to make a point. It is a very subtle point to make. But by discussing minute after minute these special protections that go beyond the fair protections that I believe are warranted—and, by the way, my friend from Oregon made this a much better bill; I give him tremendous credit for that—but in my view, they still have special protection that, frankly, the greatest business in the world does not really need to have, because they are good people, because they are making the fixes, because their future depends upon how the consumer rates them.

Mr. HOLLINGS. Certainly.

Mrs. BOXER. What I am fearful of is that in the end we are protecting the bad apples. And I do not mean to use Apple Computer. Apple Computer got this a long time ago. They are all compliant. But we will wind up—because so much of the industry cares about this, wants to make the fixes—protecting those few that are bad. I am very worried.

Mr. DURBIN. I think the Senator makes an excellent point. I ask the Senator if she will yield for a question.

Mrs. BOXER. Yes.

Mr. DURBIN. Because many people think this is a debate between the computer and software companies versus the trial lawyers; choose whose side you are going to be on. People forget we are talking about the consumers of the products, the people who buy computers and software. These are businesses, too. These are doctors and manufacturers and retail merchants who rely on computers to work.

This bill basically says, if you bought a computer that, it turns out, stops working come January 1 in the year 2000, we are going to limit your ability to recover for wrongdoing by the person who sold it to you. We will limit it. Unlike any other category of defendants in American courts, save one that I can think of, we are going to say this is a special class of people; those who make computers and software are not going to be held accountable like the people who make automobiles, and the folks who make equipment, the folks who make virtually everything in the world, including all of us.

Everybody gathered here in this Chamber can be held liable in court for our wrongdoing. If we make a mistake, we can be brought before a jury, and they can decide whether our mistake caused someone damage. This bill says: Wait a minute, special class of Americans here. American corporations that make computers and software shall not be held liable, or at least if they are going to be held liable, under limited circumstances. So the losers in this process are not trial lawyers. The losers are other businesses that say, January 2, wait a minute, this computer is not working. I can't make a profit. I have hundreds of employees who count on this, and now what am I supposed to do?

I say to the Senator from California, thank you for this amendment.

A couple questions. You make a point here that if we are going to generalize and say, well, there may be some bad actors in this industry that sold defective products, that we are going to, in fact, absolve all manufacturers, it is a disservice to the companies which in good faith have been doing everything in their power to bring everything up to speed. Just to make this point, is it the Senator's point that we do not want to favor those bad actors at the expense of so many good actors from Silicon Valley and across the world?

Mrs. BOXER. Absolutely. I think this argument has not been made before. Something was troubling me, as I listened to the debate, because it seemed to me that the implied sense around here is that somehow this wonderful industry can't stand up to this test. This is an industry that has performed miracles for the people of this country, changing the nature of the way we do business, the way we live, the incredible communications revolution. I think they can meet this challenge. I do not think they need to have, as my friend puts it, this special carve-out, because I think in a way it is insulting to them.

Mr. DURBIN. If the Senator will continue to yield, I can only think of two other groups in America that enjoy this special privilege from being sued: foreign diplomats——

Mrs. BOXER. Yes.

Mr. DURBIN. —and health insurance companies, which happen to fall under the provision in Federal law which says—we are debating this, incidentally, on the Patients' Bill of Rights—if they denied coverage to you, they only have to pay for the cost of the procedure, as opposed to all the terrible things that might have happened to them. As I understand this bill, from the amendment by the Senator from North Carolina, there are strict limitations here on what a person whose business is damaged can recover.

Mrs. BOXER. Correct.

Mr. DURBIN. I also ask the Senator, as I take a look at her amendment, she is suggesting, if I am not mistaken, that if you bought your computer back 10 years ago, which was light-years ago in terms of computer technology, for a 5-year period of time, 1990 to 1995, is that correct——

Mrs. BOXER. That is correct.

Mr. DURBIN. —if you bought it during that period of time and there is a problem, then the company, of course, can charge you for the cost of bringing your computer up to speed, making sure it works?

Mrs. BOXER. Yes.

Mr. DURBIN. But after 1995, the Senator is arguing, the industry knew what was going on. They knew what the challenge was. If they continued to sell computers they knew were going to crash or did not take the time to fix, then she is saying the customers, the businesses, the doctors and engineers that bought the computers shouldn't be left holding the bag; it should be the expense of the computer company to fix it. Is that the Senator's amendment?

Mrs. BOXER. Exactly right. Under the underlying bill, if you bought a computer in 1999, and it fails you a few days later, you get nothing in terms of a fix. You get a letter. We hope the letter says we are going to fix it. But you do not have any commitment that it would be for free. You could get charged thousands of dollars. Our friend, Senator HOLLINGS, who has been so articulate in the opening moments of the debate, talked about these doctors where the company said in order for them to get a fix, it costs them more than the original system. Am I right, I say to the Senator?

Mr. HOLLINGS. Exactly. He bought an upgrade just the year before, guaranteed for at least 10 years, for $13,000. In order to fix it, the charge was $25,000. That is the testimony before a committee of the Congress. He had really not only written a letter and everything else, no response, he finally got a lawyer, but even that did not work. The lawyer was clever enough to put it on the Internet and, bam, there were 20,000 similarly situated. Wonderful Internet. Immediately the company said: We will not only fix it, we will pay the lawyers' fees and everything. That is all he wanted. He wanted a fix. Otherwise, he was out of business.

People don't rush to the courthouse. They have to do business. If I filed a claim for Senator BOXER this afternoon in the courts of California or South Carolina, I would be lucky to get into the courthouse before the year 2000. I mean, the dockets are backed up that way. We live in the real world.

We are not looking for lawsuits. We are looking for results.

Mrs. BOXER. I say to my friends, that is so true. If you look at the number of lawsuits that are out there, the big explosion, and there has been one, has been business suing business. It is not the individual, and it is not the small guy, because it is cumbersome, and it is expensive. You don't get your problem fixed really.

Mr. DURBIN. If the Senator will yield, I am curious. I ask the Senator for her reaction on this. What if we said, instead of computers, we are going to deal with airplanes this way. If we said we do not want people who make airplanes to be held liable if they fall out of the sky, America would say that is crazy, that is ridiculous. We, of course, want to hold the manufacturers of products where we have a lot at stake to a standard of care.

If you were going to absolve them, insulate them, then, frankly, as a consumer I am going to have second thoughts about getting on the airplane.

I think what the Senator is saying with her amendment is those companies that have done the right thing, have established their reputation for integrity by stepping forward and saying we are solving the Y2K problem, certified, as the gentleman from Dell Computer did with the SEC, these companies that have gone that extra mile and want to stand behind that reputation will actually be penalized by this bill, because, frankly, all their hard work is not only being ignored, it is being defied.

They are saying: We have to carve out a special treatment here for those who didn't do a good job as businesspeople.

Coming back to the point I made earlier, the victims here are not trial lawyers. The victims are businesses, small businesses as well as medium-size businesses, trying to keep their employees at work, worrying that January 2 of the year 2000, they are going to have to close down and send people home without a paycheck. Those are the folks disadvantaged by the broad sweep of this bill.

I think the Senator from California is on the right track. The good actors, the ones that have worked hard to make this work, should be rewarded. Those that have not should not be protected by the National Association of Manufacturers, the U.S. Chamber of Commerce, and all of the interests that have come in here and said, let us provide special treatment for those that have not met their responsibility.

Mrs. BOXER. I thank my friends for their comments, because as I listened to them, I become more and more convinced of the importance of this amendment. It levels the playing field between the good actors and the bad ones.

Right now, if this bill passes without this amendment, nobody has to do anything. The people who already have taken the move to fix the problem are definitely at a disadvantage. Why? They spent money to do it. They worked hard to do it. Yet, we are protecting those who are sitting back and saying, wow, I can't believe this deal I am getting.

They are changing the law. It is only for 3 years, but it is enough time. How many people are going to sit around and wait to get their computers fixed? They will throw them out, and that is hard for a lot of consumers. That is why the Consumers Union is so strongly behind this and Public Citizen is so strongly behind this.

Mr. HOLLINGS. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. HOLLINGS. I hold in my hand an Institutional Investor. This is the real official document, the investment industry. They had a survey of the Congressional Financial Officers Forum of all the large corporations in the country. To the question, Do you feel your company's internal computer systems are prepared to make the year 2000 transition without problems, do you realize that 88.1 percent said yes, and only 6 percent said no? So that is 6 percent that have another 6 months to take care of it. With respect to actually getting and working out with their suppliers, do you realize that 95.2 percent said they have worked with their suppliers and are ironing out all the problems?

It really verifies exactly the astute nature of the computer industry, as described by the Senator from California. You are right on target, and it hasn't been said on the floor as you are saying it, with authority, too. I commend the Senator.

Mrs. BOXER. I thank the Senator. I can't be more proud of the Silicon Valley. I can't be more proud of the high-tech industry that I see blossoming all throughout my State. I can't be more proud of them.

The facts the Senator put into the RECORD make me even more proud, because what he is saying is the vast majority are good actors. The vast majority understand their good practice of fixing the Y2K problem will redound to their benefit as well as to the benefit of consumers. They have a business conscience. They are good corporate actors. They have a social conscience. They understand it.

In many ways, when you talk to some of these executives, they are very democratic. And I don't mean in terms of their party affiliation; I mean democratic with a small "d." They want to spread democracy. They want each individual, through the power of the Internet and the power of their computer, to have the information, to have the knowledge. That is what excites them.

So they are good people making a wonderful product. They don't want it to fail. Yet, we have a bill here that essentially says to those who haven't moved aggressively on this problem—and by the way, this is taken from the Apple web site, I say to my friend. There is a great quote by Douglas Adams about the year 2000 readiness. His quote is:

> We may not have gotten everything right, but at least we knew the century was going to end.

Good point. They knew the century was going to end. They knew there might be some problems.

So to sum up the argument I am making for this important amendment, it is the one amendment that I know of where the attorneys and the Silicon

Valley were not even entered into the discussion. It is a hard, straightforward, consumer rights amendment, brought to you by the consumer groups, the people who really care about the individual business and the individual. It was originally found in the Cox-Dreier legislation, which was introduced in 1998. We practically take it word for word. What does it require? It says in that remediation period, after you have notified the company of your problems, if they determine they have a fix to your problem, they have to fix it. It is as simple as that. Who decides if there is a fix? They decide. We are not having anybody come and look over their shoulder. If the company says we have a fix, they fix it.

Guess what happens. Everybody is happy. The consumer is happy. They can go back to work on their computers. The company is going to be happy because they are going to have to satisfy the consumer. There will be no lawsuit. Why? We fixed the problem.

In some very interesting way, the underlying bill, because it doesn't require any fix at all, even if your computer was bought 3 days before the millennium, encourages companies not to do it. I just hope there will be a unanimous vote for this amendment, and if there isn't, if we don't win this amendment, it says to me the consumer isn't important in this debate.

I can't imagine we are being so fair—if it is a really old computer, before 1990, the company could charge anything they want because we admit maybe it is worthless. But if it is between 1990 and 1995, they can charge you the cost. If it costs them $500 to fix the problem, you will pay $500. If it is a newer computer, between 1995 and the year 2000, they ought to do it for free because, as the Apple people said, "We may not have gotten everything right, but we knew the century was going to end."

I have to tell you that by 1995, 1996, 1997, 1998, 1999, if people didn't know this was a problem, they had to be sleeping, because everybody knew this was a problem in the 1990s.

I am very hopeful to get the support of the Senator from Oregon and to get the support of the Senator from Arizona. I think this will be something that would make this bill more consumer friendly, despite the other problems.

I yield the floor at this time.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I came over to the floor because I am in sympathy with what the Senator from California is trying to do. But this bill has taken such a pasting in the last 15 or 20 minutes that I am going to take a couple of minutes to correct the RECORD before we actually get into the merits of what my colleague is trying to do.

For example, I have heard repeatedly that if you pass this bipartisan legislation put together by the Senator from Arizona and the Democratic leader on technology issues, Senator DODD, and myself, well, these companies won't have to do anything; they won't have to do anything at all.

Well, if they don't do anything at all, they are going to get sued. That is what is going to happen to them. Then we heard that if they were big and bad, they were going to get a free ride. I heard that several times here on the floor of the Senate in the last 15 or 20 minutes. If you are big and bad, you are going to get a free ride if we pass this bill. I will tell you what happens if you are big and if you engage in egregious activity, if you rip people off; what happens is you get stuck for punitive damages because there is absolutely no cap on those, and joint and several liability applies to those people as well. That is what happens to the people who are big and bad under our legislation.

I think it is just as important that the RECORD be corrected. I also heard that businesses were going to be the victims and the like. Well, if that is the case, it is sort of hard to understand why hundreds and hundreds of business organizations are supporting this bill. I would be very interested in somebody showing me a list of some business groups that aren't supporting the bill because I would sure want to be responsive to those folks.

Let me, if I might, talk specifically about the Boxer amendment. By the way, apart from the last 15 or 20 minutes of discussion, my friend from California has been very helpful on a lot of technology issues that this Senator has been involved in. I remember the Internet Tax Freedom Act that we worked on in the last session of the Congress, where the Senator from California was very helpful. I very much appreciated that.

The question that I have—and maybe I can engage in a discussion with the Senator from California on this and try to see if I can get fixed in my mind how to make what the Senator from California is talking about workable, because I think the Senator from California wants to do what is right. I am now just going to focus on her amendment and sort of put aside some of these other comments that I have heard in the last 15, 20 minutes, which I so vehemently take exception to, and see if I can figure out with the Senator from California how we can make this workable. I want to tell her exactly what my concerns are. I come from a consumer movement, and she comes from that movement, and I know what she is trying to do is the right thing.

Let us say that you have a system where one chip out of thousands is out of whack. My colleague says it ought to be repaired or replaced, and the question that we have heard as we have tried to talk to people is: Does this mean replacing just a chip? Does it mean replacing the operating system? Who is responsible for the fix? Is it Circuit City, where you bought it? Is it Compaq Computer? Is it the chip maker?

What we have found in our discussions with people is that it wasn't just chips, but it was the software situation as well. Is it going to be Lotus or Novell or the retired computer programmer who put the code together a few years ago? As far as I can tell, the responsible companies—and I think the Senator from California has been absolutely right in making the point that there are an awful lot of responsible people out there. We are trying to do the right thing. The responsible people seem to want to do the kinds of things that the Senator from California is talking about. I know I saw an EDS advertisement essentially in support of our bill that talked about how they have a system to try to do this.

If we can figure out a way, with the Senator from California, to do the kinds of things she is talking about so as to not again produce more litigation at a time when we are trying to constrict litigation, I want to do it.

I have already had my staff put a lot of time into this. We are willing to spend a lot more time, because I think the motivations of the Senator from California are absolutely right. The question is how to deal with the kinds of bits, bytes, and chips, and all of the various technological aspects that go into this.

I would be happy to yield to my colleague and hear her thoughts on it.

Mrs. BOXER. Mr. President, first of all, I thank my friend. I know it is hard, when you put so much work into the bill, when there is a disagreement. I just want to say to my friend, in terms of my particular bill, it focuses on that so-called remediation period. That is what I am focusing on, because, in my opinion, there is nothing that requires any action to fix in that period. It requires communication back and forth. That was my only point.

This amendment—I am happy my friend is sympathetic to it, and I hope we can work out our differences on it—actually says to the manufacturer—the retailer is not involved in this. I say to my friend, if he reads my amendment, it just says if the manufacturer determines that there is a fix, then they must make the fix.

In that 10-year period, we prescribe that if it is a newer part and a newer system, he does it for nothing, because in 1995 he should have known it, and prior to 1995, 1990 to 1995, we say at cost.

Again, I want to make sure my friend knows, we do not change one piece of the underlying bill in terms of the rest of the bill. The rest of the bill stands.

We don't add any other court suits. We don't change any damages. All we say is fix it if you can. And if you cannot, the underlying bill will apply. That is really all we are doing.

I think this sends a clear message to those manufacturers that have been lax to follow the lead of the good manufacturers that have been wonderful. And those are the ones I know and love from my State who have said we are going to make the consumer whole, we are going to make the consumer happy.

I want my friend to know that we add no new cause of action—nothing. In the underlying bill, we just say remediation, period, instead of just saying it is a time for people to write bureaucratic lawyers a letter to each other, which is better than nothing. It is a cooling-off period. We say if you have a fix, make it work, because under the underlying bill there is no such requirement. You could charge people more than they even pay for the machine, et cetera, even if they got the machine 3 days before the millennium.

I am happy to work with my friend. If she wants to put a quorum call in, perhaps, and sit down together to see if we can come up with something, Senator McCAIN said to me through staff that he thought we could do this as a policy.

Frankly, we are writing legislation, and I think it is deserving of being included. But I would be delighted to work with my friend.

Mr. WYDEN. My colleague is constructive, as always. Here is the kind of concern I think the high-technology sector would have to focus on the manufacturer. That deals with this issue of interoperability where, in effect, if you have one system or product that is Y2K compliant but, as a result of it being installed in a system that isn't already Y2K ready, you may have in fact failures, or bugs, or defects, the Y2K-ready product may get infected and not properly function. Then the question is, Who is responsible? Can you, in effect, have somebody take responsibility for fixing a problem that isn't under their control?

If the Senator from California would like to put in a quorum call and get into the issue of interoperability and how to deal with these various issues, and sort of have all of the people talking at once, I think that is very constructive. I am anxious to do it.

I think this is a discrete and important concept. Again, without going back to all the things that were said in the last 20 or 25 minutes, if you are a consumer, or a business, and you are getting stiffed, you can go out and sue immediately. You can go out and sue and get an injunction immediately. You don't have to wait 30 or 60 days, or whatever. You can go immediately.

I would like to spend the time during the quorum call to try to focus on what I think is a very sincere effort of the Senator from California to try to do something to help people who need a remedy, and need it quickly. We are going to have to get into some of these interoperability questions and some of the questions of what happens when you have a problem that essentially gets into your system after it leaves your hands. I am anxious to try to do it. We can put it in the context of the kind of discrete, specific idea that the Senator from California was talking about rather than what I heard during the last 20 or 25 minutes about how big and bad actors are going to get a free ride, when in fact on page 13 of the bill it says that you are liable for the problem that you cause. That is what is on page 13 of the bill. Proportionate liability—you are liable for the portion of the problem you caused. If you engage in intentional misconduct, if you rip people off, you are going to be stuck for the whole thing—joint and several, punitive damages, the works.

I would prefer to do what the Senator from California is now suggesting, which is to put in a quorum call, bring the good people from Chairman McCAIN's office and from the office of the Senator from California and myself, along with Senator DODD's, into a discussion to see if we can figure out a way to make this workable.

I am happy to yield the floor.

Mrs. BOXER. I want to engage with my friend. I thank him for his usual willingness.

I want to make a point that I want my friend to understand. This is a very business-friendly amendment, because this amendment says the manufacturer has to determine if a fix is available.

In all the issues my friend raises—well, there is a part over here from that company, and a part over there—the question is, it has nothing to do with liability; it has to do with a fix available for the consumer. If the manufacturer determines there is no fix, because there is little product in inside, and a company is out of business and they can't replace the part, the manufacturer simply says there is no fix available, and then the rest of the bill applies.

Again, I say to my friend, as he said, as he described the fact, of course, the bad actors will be called into court later. We want to avoid that—both my friend and I.

I believe we have so many good actors out there, and my friend cited one of the companies that has really taken care of this problem. I think that is what the Senator from Oregon was talking to me about before when he said you know some of these companies are doing this. Absolutely, they are. We ought to make that the model. We ought to say that is wonderful, you take care of it, and everybody is happy, and there is no lawsuit.

I am hopeful, because I don't see this as complicated. We worked very hard to make it simple. We didn't want to tell the manufacturer, "You can make the fix," if in fact they can't. If they in good faith say, "There is a part inside this mother board, and we can't fix it," then they simply say, "I am sorry, there is no fix available in this circumstance," and then the underlying bill applies.

But we think the leadership by the really good people in this high-tech community ought to be followed. We believe if we don't put this amendment in the bill that those who already have acted in such good faith, in such good business behavior, and such good corporate responsibility to fix the problem and are seriously at a disadvantage, because they scratch their head and say, "You know, I should have waited, maybe I didn't have to do all of this, and people would have decided it is too much of a hassle, I will just throw out my computer and get a new one," I can tell my friend, I bet a lot of people will wind up doing that. That would be unfortunate, if a fix is available.

Whenever the Senator wishes to put in a quorum call, actually our friend from Delaware has been waiting to speak on another very important topic.

Mr. WYDEN. I believe I have the time. I am going to wrap up in 2 minutes, maximum.

Mrs. BOXER. When the Senator yields the floor, the Senator from Delaware will take over, and the Senator from Oregon, Senator McCAIN, Senator DODD, and I can meet.

Mr. WYDEN. We are going to have to look at some of these.

The question is, Is a fix available? If we are not careful, that could be a lawyer's full employment program.

My colleague is absolutely right. In Oregon and California, we have access to some of the best minds and most dedicated and thoughtful people on the planet in this area. We should spend some time making sure we can get at this concept the Senator from California wishes to address in a workable way so we don't have more litigation, rather than less. I know the Senator from California shares that goal.

I yield the floor.

Mr. BIDEN. I ask unanimous consent to proceed in morning business for 15 minutes.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

PEACE AGREEMENT

Mr. BIDEN. Mr. President, I rise today to speak of the military technical agreement signed by NATO and Yugoslavia. That is a fancy way for saying that we accepted the surrender of Slobodan Milosevic.

I just got off the phone with the Secretary of State who called me from Germany with another piece of very positive news. She indicated that because the G–8 was meeting in Germany, they put together a group of Europeans to flesh out in detail a Southeastern Europe Stability Pact, which is an idea generated by the German Government.

The objective of that pact is to encourage democratic processes in southeastern Europe, in the Balkans, and to reduce tensions in the area. They have set up a very elaborate but clear timetable, and what they call "regional" tables, to promote democracy, economic reconstruction, and security. They have involved as the lead group the European Union, plus the OSCE, the United Nations, NATO, and to a lesser extent, the United States.

The reason I bother to mention this is that the hard part is about to come. I hope we will have the patience that we did not show on this floor to win the peace. We have won the war, notwithstanding the fact many thought somehow we should be able to do this in less than 78 days.

I think it is astounding that we talked about how this "dragged on." We will probably find that close to 10,000 paramilitary and Serbian troops were killed. Only 2 Americans were lost in a training exercise—as bad as that is. Yet, we began to lose patience, because it wasn't done in a matter of 24 hours.

If we have the patience, we can win the peace, because unlike pursuing the war, the bulk of the financial responsibility, organizational effort, and guidance will come from the Europeans. The European Union will take on the major portion of the responsibility for rebuilding the region, reconstructing the area.

The American people should know that the President of the United States has tasked the Secretary of State to see to it—we will hear phrases such as "mini Marshall Plan"—that the United States of America is not going to bear the brunt of the financial burden in reconstructing southeastern Europe. It is fully within the capacity of the Europeans. It is their responsibility. It is in their interest, and they are prepared to do it.

On the military side, the first part is in place. The Yugoslav Government has capitulated on every single point NATO has demanded. The last several days of discussions between NATO and Yugoslav military commanders were not about negotiation. They were about the modalities of meeting the concessions made by Milosevic's government on every single point NATO demanded. It took some time to work that out.

"Modalities" is a fancy foreign policy word. Translated, it means: How in the devil are they going to leave the country? In what order are they going to leave the country? What unit goes first? When do NATO forces, KFOR, move in so that no vacuum is created? By "vacuum," I mean when there are no Yugoslav forces in Kosovo.

That is what was going on. I got sick of hearing commentators on the air talking about how negotiations were going on between NATO and Milosevic. There were no negotiations. It was a total, complete surrender by the Yugoslavs, as it should have been.

There is now a firm, verifiable timetable for withdrawal of all Yugoslav and Serbian military, and all special police—those thugs who have roamed the countryside in black masks, raping women, executing men, and wreaking havoc on a civilian population. Those thugs—half of whom are war criminals themselves, and should be indicted as such, like Milosevic—are required to leave. The worst of all are the paramilitaries. They all are also required to leave. If they do not leave, they will be killed or forcibly expelled.

As I speak, this withdrawal has begun, although I trust Mr. Milosevic and the Serbian military about as far as I could throw the marble podium behind which the Presiding Officer sits. I am not worried, because even if they default, I am convinced of the resolve of NATO. We will pursue them. General Clark said 78 days ago that we would pursue them and hunt them down. And we did. And we will again, if necessary.

The fundamental goal of NATO's air campaign has been achieved, notwithstanding all the naysayers on this floor, all the talking heads on television, and all the columnists.

There has been an agreement for the return of all internally displaced persons and all Kosovar refugees who fled abroad. This is a monumental achievement, as it involves well over 1 million people. Some commentators have hesitated to call it a victory, but I do not. I understand why they hesitate to call it a victory. They called it a mistake up to now. So why would they call it a victory now?

It is a victory—a victory for NATO, a victory for the United States of America, a victory for Western values, a victory for human rights, and a victory for the rule of law. In personal terms, it is a victory for President Clinton and his administration, which, despite unrelenting and often uninformed criticism that began almost immediately, stayed the course.

I had some tactical disagreements with the way the administration proceeded. I don't think the President should have said at the outset that ground forces were off the table. He had to move back on that and make it clear that everything was on the table. That is susceptible to criticism.

I point out, however, that the President of the United States of America never once wavered on his commitment to do whatever it took to end this ethnic cleansing.

But, above all, it is a victory for the brave fighting men and women of NATO who carried out this air campaign, a majority of whom were Americans. Conversely, it is an unmitigated defeat for an indicted war criminal, the Yugoslav President, Slobodan Milosevic.

Just in case anyone wonders, he did not just become a war criminal. He was already a war criminal in 1993 when I spoke to him. He was a war criminal for his actions in Krajina. He was a war criminal for his actions in Bosnia. He is a war criminal for his actions in Kosovo. Had he not been stopped, he would have continued his vile ethnic cleansing.

By the way, I encourage my colleagues to read the Genocide Convention. I will not take the time now to recount it, but what has been perpetrated by Milosevic in Kosovo is genocide.

Our victory, I suggest, shows that patience and resolve can pay off. It should leave no doubt in the minds of the people throughout Europe and elsewhere in the world of the ability of a unified NATO to achieve its objectives. Now we have to move more swiftly to the second stage of the Kosovo campaign—peace implementation.

I read with some dismay today in the major newspapers that the House of Representatives is considering denying the funds to allow any U.S. participation in the implementation of peace. They seem determined to compound the mistake they made just several weeks ago. The reconstruction of Kosovo, as I said, and confirmed by my conversation with the Secretary of State from Germany a half-hour ago, is primarily the responsibility of the European Union.

I met with Helmut KOHL, the former Chancellor of Germany, just before the 50th anniversary summit of NATO. We met over at the Library of Congress for the better part of an hour and had a lengthy discussion. He is a very knowledgeable man and until last fall was the longest serving leader in Europe. He pointed out that there were 12 million refugees in Europe after World War II, and that the Europeans were able to handle the problem. He pointed out that the fifteen countries of the European Union have a combined gross domestic product larger than that of the United States of America. Anything remotely approaching a mini Marshall Plan is fully, totally, completely within the financial capability of our European friends, and it is primarily their responsibility. We should and must and will participate. But as I said to the President of the EU, as well as to the chancellor, and as well to every front-line state leader and every leader of the NATO alliance with whom I met, the sharing of the reconstruction burden in southeastern Europe should not be as it is in NATO, roughly 75–25. It should be more like 90–10. It is primarily their responsibility, and they understand they will greatly benefit from a reconstructed and more unified southeastern Europe. I wish them well and hope their initiative will succeed.

This ratio, as I said, should be juxtaposed with the heavy responsibility we bore militarily in the Yugoslav campaign. The overwhelming majority of airstrikes when ordinance was dropped was carried out by our forces, and we have footed the lion's share of the bill. We have done this as the leader of NATO and as the only military power in the alliance capable of shouldering the burden. I do not complain about America's shouldering more of the burden when no one else is capable. But I do and will complain when others are equally or more capable than we are, and they do not take the lion's share of the responsibility. But in this case there is no argument, because the Europeans understand their obligation in economic reconstruction, and they are able and willing to carry it out. As I mentioned, they have already demonstrated the willingness to take the lead by proposing a Stability Pact for southeastern Europe, which at a later date I will discuss in detail. The European Union plan, in my view, should be coordinated with our own ongoing SEED program, which has already accomplished much in economic and democratic reconstruction in the former Communist countries of Central and Eastern Europe.

But the key question is the reconstruction of Serbia. There should be no reconstruction of Serbia as long as an indicted war criminal is Yugoslavia's President, as long as he is on the political scene. Once the Serbian people remove him, the Western World will be ready, willing, and able to come to the aid of Serbia and do it gladly. I hope that we will have the nerve to arrest Milosevic, send him to the International Criminal Tribunal at the Hague, and God willing, see him convicted. Only then, only when Serb people understand the extent of the atrocities Milosevic is responsible for, will they face up to the harsh reality of what they, quite possibility unintentionally, but nonetheless enabled to happen. It is time to end the perpetuation of the myth that Serbia is a victim.

I do not propose to be able to say exactly when and how Milosevic will leave office, but I predict there will be no Milosevic in power at this time next year. I think his days are numbered for three reasons.

First of all, most Serbian citizens realize if Milosevic had accepted the Rambouillet accords last February, they would have had substantially the same result but without having their country crippled by 11 weeks of bombing.

Second, as the troops return from Kosovo, the word will spread of the horrible casualties the Serbian troops have suffered. They do not know that yet because of the repressive Milosevic regime that manipulates the news. The number of Serbian military, paramilitary and police casualties will, I predict, total nearly 10,000. When the Serbian people learn of this carnage, I predict they will be angry, not merely at NATO but at Milosevic for bringing this upon them. Ten thousand Serbian soldiers and special police were killed, many of them slaughtered in B–52 raids in the last days of the war when Milosevic was stalling on signing the military technical agreement. When the extent of Serbian combat losses sinks in, there will be fury against Milosevic and his cronies.

Third, as KFOR—that is the acronym for the NATO implementation force—occupies Kosovo, I am convinced that every prediction I made here about the atrocities that were taking place will unfortunately be proven correct. You will be stunned at the evidence that will be uncovered of the brutality and the atrocities committed by the Serbians on a mass scale, far greater than the horrible massacres we already know about. These revelations, I believe, will further alienate the many decent Serbs who rallied behind Milosevic as their patriotic duty during the bombing campaign.

We know that KFOR's task will be a daunting one. Millions of mines must be removed. All booby traps must be found and disposed of. And—I do not know how it can be avoided—surely some NATO forces will be killed. I pray to God that this will not happen. I pray to God that KFOR turns out as successful in that category as the military campaign has, but I do not think we can count on that.

All armed locals and irregulars in Kosovo must be intimidated into submission. The KLA must be turned into a demilitarized police force under civilian control.

All these will be difficult tasks, but I am confident that they can be accomplished if we maintain resolve. Nothing, however, that happens from this point on can detract from the magnitude of the victory we have achieved.

Had President Clinton heeded the call to negotiate with Milosevic, it would have been a disaster.

Had President Clinton heeded the call to stop the bombing, it would have been a disaster.

Had President Clinton heeded the call to run roughshod over our NATO allies and disregard their wishes, the alliance would have fractured and that, too, would have been a disaster. This place, including Democrats, would have run out from under him faster than I can walk from here to the door of the Chamber. It is remarkable how he was able to keep the alliance together. Most importantly, had President Clinton not stayed the course and achieved this victory, our geopolitical position in North Korea, in Iraq, and in many other parts of the world would have suffered grievously. I ask my colleagues to think about what at this moment Saddam Hussein is thinking. Had we listened to those who said: Cease and desist, partition, stop bombing, negotiate with Milosevic, cut a deal—what do you think would be happening in Baghdad now?

But the President did stay the course, and our magnificent fighting men and women performed in an exemplary way. Because we have succeeded in the military campaign, and because we have the ability to succeed in the civilian reconstruction that will follow, the world has seen that the President of the United States, the American people,, and a united NATO have the will to respond to crises and successfully defend Western values and interests.

I will be taking the floor again many more times in the following weeks on this issue. I know my colleagues are probably tired of my speaking on this. It has been something I have been discussing since 1990. But we are finally finding our sea legs.

I will conclude by saying that in the case of Kosovo and Yugoslavia, American interests are at stake, the cause is just, the means are available, and the will was present. For Lord's sake, let's not now, out of some misguided sense of isolationism or partisanship, do anything other than finalize this victory and secure our interests.

Think about it: the removal from Kosovo of the Serbian troops means, at a minimum, that Slobodan Milosevic's goons will no longer be able to harass, rob, rape, expel, or kill over a million Kosovars. I believe he has lost his ability to overthrow the Montenegrin Government, and certainly to overthrow Macedonia's government and to fundamentally destabilize Albania, Romania, and Bulgaria. This is a significant accomplishment, but most importantly, it demonstrates that not only this President, but also the next President, whether he or she is a Republican or a Democrat, is going to be faced with very hard choices. I respectfully suggest that he or she should not underestimate the will, the grit, the patience, or the common sense of the American people. They know what we did was right.

I was in Macedonia. I have been in the region a half a dozen times. I have also had the displeasure of meeting alone for almost 3 hours with Slobodan Milosevic, at which meeting, in early 1993, he asked what I thought of him. I told him then that I thought he was a damn war criminal and should be tried as such. He looked at me as if I had said, "Lots of luck in your senior year." It did not phase him a bit. Even some of my staff said as we were leaving: You said that to a President of a country.

I said: I don't care. He is a war criminal.

The justification of what we did was best summed up on my last trip a few weeks ago. I was sitting in the airfield outside of Skopje in Macedonia. I walked into a tent where there were about 15 young Americans ranging in age from 18 to 30, all noncommissioned officers. They were the crew that was gathered together from all over the world to make that airfield compatible for our Apache helicopters and for the large C–130s that were flying in with food deliveries.

I walked in, and we started talking. They were taking a break. We were sitting on cots. I thanked them for what they were doing. I said: You know, I am getting a lot of heat back home. Some of my colleagues, including some of my seatmates, refer to this as "Biden's war." Some of my friends are telling me this is another Vietnam. What are you guys—there was actually one woman—what do you all think about that? Do you think this is another Vietnam?

One, I believe a sergeant about 24 years old, looked at me and answered: Senator, let me ask you a question. When you were 24 years old, if they had called you up and sent you here, would you have had any doubt about the justice of what you were doing?

All of a sudden it became clear to me. They had no doubt. Our young fighters have no doubt about the justness of what they have undertaken. They knew it was right. We did the right thing.

I pray to God that we have the courage and the patience and the ability to resist our partisan instincts on both sides and stay the course. Because if we do, we can bend history just a little, but bend it in a way that my grandchildren will not have to wonder about whether or not they will have to fight in Europe in the year 2020 or the year 2025.

I congratulate the Senate for, at the end of the day, every day, having done the right thing in this war. I congratulate the President and his administration for having had the political courage to stay the course. I plead with my colleagues in the House to do the right thing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, I have to rise to express my frustration with our current circumstances. I have been doing all I could to assure that we could bring this bill to closure.

We agreed to a limited number of amendments. We agreed to time limits on those amendments. We have agreed to try to accelerate the consideration of this bill in every way, shape, and form. Now we are told we cannot have a vote on final passage until Tuesday.

That is totally inexplicable. We have been told over and over and over again this bill is so important and time-sensitive. We have been told it cannot wait. We have been told we cannot take up other legislation because we do not have time.

We have been on this bill for a couple of days. We have addressed every concern Senators have raised. We have offered amendments. We have no reason this bill could not be completed today—no reason at all.

It is very hard for me to understand why, after all of this effort to bring us to this point, to have completed our work on the bill, we cannot bring this bill to closure, we cannot move on to other legislation. There is just no reason for it.

I am very disappointed. It is very hard to ask my colleagues day after day to cooperate, day after day to try to figure out a way to complete work on bills, and then be told: Well, we have changed our mind. We don't want to complete work on a bill. We are going to bump this bill into next week. And, by the way, we are going to make up reasons to have votes.

That is not the way to run the Senate. It is not the way to do business. It makes it very difficult to go back to colleagues and say: Now we have changed our mind again. We are going to try to finish this bill in 2 days. We are going to try to take something else up and work it through, but we want your cooperation.

That is unacceptable. I do not know why we cannot have the final vote. I do not know why we cannot finish the legislation. I do not know why we cannot find a way to resolve all the other outstanding issues there are with regard to this bill this afternoon. We can do it this afternoon. It is only 2 o'clock.

I am told that all we have left only two or three. That is all we have. We are told by the Republicans that there is no more time, that we will not be allowed to go to final passage today.

As I say, it leaves me mystified. I am absolutely puzzled, exasperated. I do not understand. I just wish we had been told, because there have been a lot of other amendments we could have offered on our side had we known we would have all this time. We were told: No. We don't have time. Let's get this bill done, and let's get it to conference.

We are now not going to get to conference—not now, not tomorrow, not until next week.

There is no excuse.

Mr. REID. Will the leader yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. REID. It is my understanding that we have been pressed on getting this bill to the floor for weeks and weeks; is that not true?

Mr. DASCHLE. The deputy Democratic leader is right. There are absolutely as many references to that in the RECORD as any legislation I know of this year, especially from the other side. The Senator from Connecticut has been so diligent and so arduous in recognizing how important this bill is and urging us to move through this and get it done. He is on the floor. I am sure he would be more than happy to vote on final passage this afternoon, but that will not happen.

Mr. REID. I also ask this question of the leader. We did not oppose the motion to proceed; the minority did not oppose the motion to proceed. But I am of the impression and belief that there are a lot of other things due. The Patients' Bill of Rights, for example, isn't that something that we need to move forward on?

Mr. DASCHLE. We certainly do need to move forward on that. We have suggested 20 amendments on the Patients' Bill of Rights. Recognizing that there could be 60 or 70 amendments, given the way many Senators feel about that important piece of legislation, we have said not 60, not 50, not 40, but 20 amendments, and time limits on those amendments. The answer was, well, there may not be time to do 20 amendments.

Here we are today. We were told that there wasn't time to do 15 amendments on this bill.

I have to give great credit to our ranking member, the manager on our side. He could have filibustered this legislation. I know how he feels about it. He could have been out here making the Senate go through all the hoops. We have talked about this. In the interest of expediting the legislation, moving this through, the Senator graciously has acknowledged that there will be another day. We will work through this in conference. The Senator has said that more than anybody. Ironically, the one man who could have held this thing up for weeks, if not months, is sitting here ready to vote. It is really an irony, it seems to me, that in spite of all the attention about expediting this bill, in spite of all the pressure and all the effort made to express the urgency of getting this done, we sit here this afternoon, at 2 o'clock, waiting for final passage.

Mr. REID. One final question to the leader. We have, as I understand it, about 203 days left until the Y2K date arrives. If we wait now until Tuesday to vote on this, we are going to have less than 200 days to get this legislation passed, to get it to conference, to get it to the President. Each day that goes by, it seems to me, is very critical to the passage of this legislation. Is that not true?

Mr. DASCHLE. That was the whole reason we agreed to be as expeditious as possible. I am going to vote against final passage. I hope a number of my colleagues will join me in doing that. But that doesn't mean I do not want a bill. I have said repeatedly on the Senate floor I want a bill, but I want the right bill. The only way we are going to get to the right bill is to continue to work on it. We are not going to do that this afternoon. We are not going to do that tomorrow. We are not going to do that Monday. We are now going to have to wait until Tuesday. So that just delays for another week the prospects of meaningful compromise and meaningful resolution of the outstanding questions.

Mr. REID. But the leader and other Senators voted for a version of this bill yesterday; is that not true?

Mr. DASCHLE. Absolutely. We voted for a version the President can sign yesterday. He said he would sign it. I am very hopeful he will sign a bill. We can't go through the rest of this year without some resolution to this issue. But it is disappointing to me that we are not in a position to resolve this matter today, this afternoon, so that he can sign the bill.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished leader is manifestly correct.

I was told, let's not even have a cloture vote, because looking at this measure, there could be three more cloture votes. And viscerally, not next Tuesday, I hope we do not vote until Tuesday 2001, the way I feel about it. But I entered public service to get some things done. You win some; you lose some. You have to go along.

This is embarrassing to the body. Here we are, the Senate, talking about all the important things to get done and everything else of that kind. So we yield. We talk Senators into not offering their amendments. We finally get time agreements on all of the amendments on this side so no one has been in a proliferation or stretchout or extended debate. We were even forced to vote early last night to make sure we cleared the way to finish this afternoon.

All we have is Senator SESSIONS' amendment and Senator GREGG's amendment, two amendments that could be disposed of in the next hour. In fact, the manager and our chairman, Senator McCAIN, has been yielding back his time and ready to vote. So it could be less than an hour. By 2:30 this afternoon, we could be finished with the bill.

My question is, why do we want to wait and palaver and waste time and not go on to some of these important measures this afternoon? We are here and we are ready to go.

I thank the minority leader and the whip for their particular comments, because we have been riding all the Senators pretty hard to limit the amendments and to have time agreements. Let's get moving. Senator McCAIN wanted to move the bill. We said so. I know the Republican screen all week long said they are going to finish this afternoon. I can't understand the change of pace now, to do nothing but talk to each other all afternoon. What a distressing situation this is, and no votes tomorrow and on Monday and just wait until Tuesday.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we continue to attempt to negotiate a way in which to deal with the Boxer amendment in a way that we hope can be worked out, Senators GREGG and SESSIONS then be recognized to offer those amendments, and that the bill be advanced to third reading, substitute the House bill for it and then vote on final passage at 2:15 on Tuesday. We will then begin on Monday, as I have been given to understand it, to do the energy and water appropriations bill, which we may very well be able to complete on Monday.

I do find it interesting that the Senator from South Carolina, who successfully, on two occasions, prevented this current bill from coming up at all by filibusters and saw to it that cloture could not be invoked, is now so anxious to finish it.

We think this is a very good bill. I said yesterday I hoped that it was stronger, but it is the result of negotiations that have involved Members of both parties. To let the country and the industry look at it over the weekend and to allow both sides on the outside of the Senate to communicate their desires to Senators is a highly appropriate method of dealing with the bill. We will soon propound a unanimous consent proposal to the end that I have just described, and we hope that that unanimous consent will be granted.

We will finish most of the debate, I suspect, the debate on all of the amendments to this bill, before this evening, and then go forward with final passage on Tuesday.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as I understand the Senator from Washington, he has not propounded the request. Listening to the request, this Senator is perfectly willing to go along with every element of it, save and excepting right after the disposition of the Sessions and Gregg amendments, we then vote on final passage.

I don't understand the delay, because those two amendments can easily be handled within the hour. So we can vote early this afternoon and go on with the business of the Senate. We have very important work to do. Yes, I was the one who held it up, but it didn't hold up any consideration of other things, I can tell you that. They immediately kept filing cloture, as they will to other measures. I don't feel badly about that, because it wasn't really a holdup.

When they finally persuaded me they had the votes and they were going to really move with this thing, then I got into a movement disposition and persuaded our colleagues on this side of the aisle to limit their amendments, to give time agreements. Now we are ready to go, and here at the last minute, for no good reason at all, other than the bemusement of the distinguished Senator from Washington, he won't agree to vote when we get through with all amendments, which will be the Sessions and the Gregg amendments. Once they are disposed of, let's go right ahead to final passage.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

SENATOR STEVENS' 12,000TH VOTE

Mr. BYRD. Mr. President, last afternoon, Senator STEVENS cast his 12,000th rollcall vote. Many of my colleagues joined in commending Senator STEVENS on this very worthwhile and considerable accomplishment. I was not on the floor at that time. Today, I join in commending Senator STEVENS on having cast his 12,000th vote.

Since arriving in the U.S. Senate on December 24, 1968, Senator STEVENS has worked tirelessly on matters relating to defense and national security. Having served in World War II, as a pilot in the China-Burma-India theater, Senator STEVENS was awarded the Distinguished Flying Cross twice, two air medals, and the Yuan Hai medal awarded by the Republic of China.

He joined the Appropriations Committee on February 23, 1972, and 3 years later he began service on the Defense Appropriations Subcommittee, where he has served continuously since that time, and served with great distinction. Since he became chairman of the Defense Appropriations Subcommittee in 1981, Senator STEVENS has served either as chairman or ranking member of that vitally important subcommittee. As of January 1997, Senator STEVENS assumed additional responsibilities that come with being named chairman of the Committee on Appropriations.

I have worked by his side on many, many occasions on subcommittees, particularly on the Interior Appropriations Subcommittee. I have served with him on matters that have come before the Committee on Appropriations, where I now serve as his ranking member. In addition, for many years, I have been privileged to have the honor of serving with Senator STEVENS on the Arms Control Observer Group, as well as on the British-American Parliamentary Group.

Senator STEVENS works indefatigably to ensure that his State of Alaska receives appropriate consideration in all matters that come before the Senate. He does that work and does it well. The people of Alaska can be preeminently proud of the service that their Senator, the chairman of the Appropriations Committee of the Senate, performs. He works for Alaska every day, and he works for the Nation every day.

Not only do I consider him one of the most distinguished and one of the most capable Senators with whom I have served in more than 41 years now, I also count him as a dear and trusted friend. I was in the Middle East when TED STEVENS was in the airplane crash in which he lost his wife, and I called him from the plane in which I was flying in the Middle East on that occasion. He was in the hospital. I talked with him and, of course, I was glad that he had survived the tragic accident.

TED STEVENS is a friend who can be always trusted. A handshake with TED STEVENS is his bond, and his word is his bond. I have always found him to be very trustworthy. I have always found him to be very fair, very considerate. He is a gentleman. I think all of my colleagues on my side on the Appropriations Committee treasure their friendship with TED STEVENS. So I congratulate him on his new milestone and what has been and continues to be a most remarkable career in public service.

There are many things about TED STEVENS that we can admire. I admire his spunk. I was saying to someone on my staff today that he would be one whale of a baseball team manager. He would take on all of the umpires if he thought they didn't call the plays right. He sticks up for what he believes. He has the courage of his convictions, and I certainly would not want to be a player on his team in the locker room if I lost a ball game through some error on my part.

He is a hard driver. He works hard every day. He represents his people in the Senate, and he reverences the Senate and, perhaps best of all, he is, as I have already said, a gentleman. He thinks, as I do, that there are some things more important than political party. The U.S. Senate happens to be one of them, as far as I am concerned, and, I believe, as far as he is concerned.

Let me now say that I am extremely proud of TED STEVENS. He is a wonderful family man. He loves his family; he loves his daughter, Lily, and his other children.

Let me close by what I think is an appropriate bit of verse written by William Wordsworth. The title of it is, "Character of the Happy Warrior." I will not read the entire poem, but extracts from it I think will be useful in this regard:

> Who is the happy Warrior? Who is he
> That every man in arms should wish to be?
>
> * * * * *
>
> 'Tis he whose law is reason; who depends
> Upon that law as on the best of friends;
> Whence, in a state where men are tempted still
> To evil for a guard against worse ill,
> And what in quality or act is best
> Doth seldom on a right foundation rest,
> He labors good on good to fix, and owes
> To virtue every triumph that he knows:
> —Who, if he rise to station of command,
> Rises by open means; and there will stand
> On honorable terms, or else retire,
> And in himself possess his own desire;
> Who comprehends his trust, and to the same
> Keeps faithful with a singleness of aim;
> And therefore does not stoop, nor lie in wait
> For wealth, or honors, or for worldly state;
>
> * * * * *
>
> And, through the heat of conflict, keeps the law
> In calmness made, and sees what he foresaw;
> Or if an unexpected call succeed,
> Come when it will, is equal to the need:
>
> * * * * *
>
> 'Tis, finally, the Man, who, lifted high,
> Conspicuous object in a Nation's eye,
> Or left unthought-of in obscurity—
> Who, with a toward or untoward lot,
> Prosperous or adverse, to his wish or not—
> Plays, in the many games of life, that one
> Where what be most doth value must be won:
> Whom neither shape of danger can dismay,
> Nor thought of tender happiness betray;
> Who, not content that former worth stand fast,
> Looks forward, preserving to the last,
> From well to better, daily self-surpassed:
> Who, whether praise of him must walk the earth
> Forever, and to noble deeds give birth,
> Or he must fall, to sleep without his fame,
> And leave a dead unprofitable name—
> Finds comfort in himself and in his cause;
> And, while the mortal mist is gathering, draws
> His breath in confidence of Heaven's applause:
> This is the happy Warrior; this is He
> That every Man in arms should wish to be.

That, Mr. President, in my judgment, is TED STEVENS, "The Happy Warrior."

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is his misfortune, the Senator from Alaska, to not be here on the floor to listen to those eloquent and gracious remarks of the Senator from West Virginia. So I think it falls to me, inadequate as I am, to thank the Senator from West Virginia for those thoughts and to say that it reminds those of us who have not been here quite so long of the magnificence of the personal relationships that are created here by broad-minded Members like the Senator from West Virginia and the Senator from Alaska over the years, even though I suspect that during many of those 12,000 rollcalls—literally thousands of them—they voted on opposite sides, sometimes with views that were very strongly held.

I think it is only the Senator from West Virginia and perhaps the President pro tempore who will cast more votes than Senator STEVENS, who I note now is here, and I would rather he speak for himself.

But I say, Mr. President, through you to the Senator from Alaska, that I was privileged to hear the eloquent remarks about the Senator from Alaska on this occasion that the Senator from West Virginia made. They do great credit to him, and they do equal credit to the Senator who made them.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for his very gracious remarks.

Mr. STEVENS. Mr. President, I am embarrassed.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My daughter just graduated from high school. We had a little event. They called to tell me that my good friend, the distinguished Senator from West Virginia, was making remarks about my having followed him to this floor for 12,000 times. We have been partners for a long time. I am grateful to the Senator from West Virginia for his comments. I look forward to reading them. I am sad that I was not here to listen to them. But knowing the Senator, I know they were eloquent, and I am proud to be the recipient of his comments.

Thank you.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank and join in with the comments made by our distinguished leader, Senator BYRD from West Virginia.

No one knows the history and appreciates the history of the Senate better than Senator BYRD and the compliment thereof. He reminded me, when he talked about the fatal crash that Senator STEVENS was involved in, I had just traveled with Senator STEVENS and his first wife, Annie. We were in Cairo, Egypt, out on the Nile to a conference with Anwar Sadat. We stopped in Madrid. I will never forget it. My wife and Annie took a quick trip, as we were being briefed. There was the purchase of a cut-glass bowl, and Annie Stevens had that in her lap, and that plane went head over heels. It broke Senator STEVENS' arm, and it cost her life, but there was not a crack in the bowl.

I can tell you from the early days when I first got up here in 1966 that I used to hold the hearings for Senator Bob Bartlett up there in Seattle with Dixie Lee Ray and John Lindberg and all on oceanography and what have you, and then go up to Alaska to Point Barrow.

There is no closer friend in the Senate to me than TED STEVENS of Alaska. I am his admirer. I like his fights. Senator BYRD was more tactful about describing it, but I am telling you right now, when he gets worked up, get out of the way right now, because he is going to get it done one way or the other, and he is not yielding. He has that conviction of conscience that really guides all of us in our service up here.

Over the many years, we visited, we traveled, we worked together, and we have been identified both on the Appropriations Committee and on the Commerce Space Science Transportation Committee. Senator STEVENS long since could have been chairman of that Commerce Space Science Transportation Committee, but he elected to take over at the appropriations level. As a result, Alaska is well served. I can tell you that. It is filled up.

They used to say about my backyard with Mendel Rivers that if he got one more facility, Charleston, SC, was going to sink below the sea. I think second in line for that kind of result would be Alaska as a result of the diligence for the local folks.

I will never forget; we traveled up to Point Barrow. The Natives had erected a cross and a statue to Annie Stevens who was lost in that wreck.

I want to emphasize that more than anything else—of course, his wonderful wife, Catherine, and his daughter, Lily—that he might make 12,000 votes, but he will miss votes, I can tell you, to be there with Lily. In fact, we had planned during the August break to take another survey trip, and he said: Oh no. Lily goes to Stanford then. We have to put it off until later.

You have to admire that about an individual, as busy as we get and as wound up as we get with the important affairs of state, to never forget the personal responsibilities, and the love and that TED has for his family, and, of course, for each of us in the Senate. He is most respectful. He works both sides of the aisle. As a result of that, he is most effective.

I yield the floor.

Y2K ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from California is now back on the floor, and we are dealing with her amendment.

There was an extensive effort to reach agreement on a form of that amendment. Regrettably those efforts were not successful. There simply is a significant difference of opinion on the policies that it propounds. I intend to speak for a relatively short period of time in opposition to the amendment. I am certain that the Senator from California would like to speak for her amendment. I know the Senator from Connecticut is here, and I know the Senator from California wishes to speak.

Shortly after that succession is completed, if there is no one else who wishes to participate in the debate, there will be a motion to table the Boxer amendment.

The Boxer amendment requires, as a part of the remediation, that a manufacturer make available to a plaintiff a repair or replacement at cost for any product first introduced after January 1, 1990, and at no charge under the same circumstances for a product first introduced for sale after the end of 1994.

The amendment is overwhelmingly too broad. For example, the Internal Revenue Service allows, at most, 5, and in many cases only 3, years in which to write off the cost of products of this nature, determining that is their useful life. If they are used in a business, therefore, they have been depreciated to a zero value in every case—not every case covered by this matter, but in the vast majority of the cases covered by this amendment.

In many of these cases, under the second subsection, it simply means that the plaintiff is entitled to absolutely free replacement. That computer, if it is a home computer, may long since have been relegated to the attic, unused. Yet the original manufacturer would have to replace it. In many cases, the new parts would not work. A 1990 computer is not very readily upgradeable. It does not have the speed or the memory of a 1999 computer. Y2K problems are probably the least of the problems with which such a manufacturer is faced.

I spoke yesterday on the bill as a whole, the tremendous way in which our lives and technology have been changed by this revolution; 1990 is several generations ago with respect both to hardware and to software. How do we go about doing this? Precisely what products are covered?

We simply have a situation in which the amendment is too broad and missing in specificity. We have an attempt to amend a bill that is designed to discourage litigation and to limit litigation that, if adopted, will significantly increase the amount of litigation and the number of causes of action that would take place without any legislation at all.

In other words, this amendment would create new causes of action that probably do not exist anywhere under present law. Under those circumstances, while we should certainly encourage remediation and fixes, this might well have exactly the opposite impact. We have all kinds of duties listed in here with respect to manufacturers—and to others, for that matter. It is not only unnecessary to add this new duty and this new potential for causes of action, this proposal is 180 degrees in opposition.

Therefore, with regret and sorrow that we were not able to work it out, I must for myself, and I suspect for a majority of the Senate, object to the amendment and trust we will soon have a vote on that subject.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for not moving to table at this time so I have an opportunity to respond to his comments.

I want the Senate to understand those who are supporting this bill came back to this Senator with a suggestion on how I could change the amendment so it would be agreeable to them. We agreed with their changes. We said fine, we are willing to back off a little bit.

Guess what happened? My colleagues on the other side of the aisle still would not accept it.

It is not the Senator from California who was unwilling to make the amendment more workable to the other side. It was the other side who recommended a change. When we said OK, they decided it was still unacceptable.

I don't quite understand it. Now there is going to be a motion to table this amendment.

I see the Senator from Illinois is on the floor. I wanted to make sure he understood we were negotiating to try to reach an agreement. We were offered some changes. Even though we did not think they were perfect, we accepted them. The other side, however, continues to resist.

I don't know whom they checked with, but it was not the consumers, because this is the only proconsumer amendment that I thought had a chance to make it into this bill.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. DURBIN. Did I understand the Senator from California to say this was part of the original legislation on this subject, the idea that the businesses which bought the computers and the software that didn't work would at least have some help in repairing it so they could keep their businesses going and not shut down and cost jobs? Is it correct that this was originally part of the proposal?

Mrs. BOXER. The Senator is exactly right.

The proposal I had in the form of this amendment was taken almost verbatim from a bill that was offered by two Republican House Members, CHRIS COX and DAVID DREIER, very good friends of the business community. The concept for my amendment was essentially taken from that bill.

Mr. DURBIN. Will the gentlelady yield?

I think the Senator makes a very good point. The Senator said at various times this is a consumer amendment, this is a probusiness amendment.

Mrs. BOXER. No question.

Mr. DURBIN. We are talking about small and medium-sized businesses, dependent on computers, that discover, January 2, the year 2000, they have a serious problem.

What the Senator from California is suggesting is, if it is an old computer, one that goes back over 5 years, they would have to pay the cost of whatever the repair; if it has been purchased in the last 5 years—a period of time when everyone generally sensed this problem was coming—the computer company would fix it without charge.

A lot of businesses would retain the ability to keep going, making their products and keeping their people working.

This is not just proconsumer, this is probusiness. It troubles me to see so many business groups lined up against this amendment. It seems to me counterintuitive.

I think what the Senator from California is doing is showing sensitivity that virtually all friends of business should show in this legislation.

Mrs. BOXER. I thank my friend.

I think the amendment pending—which, unfortunately, the other side is going to move to table—is a proconsumer, probusiness, pro-ordinary person amendment. It is a commonsense amendment.

It simply says to the manufacturer, if you have a fix available and you determine you do, then fix the problem. We are only talking about computers that were made in the last 10 years. We are exempting all the rest.

We are not adding an undue burden. There are a lot of good people out there who are making the fixes. We are saying to the rest of business, emulate that, fix the problem, and there will be no lawsuits, no waiting at the courthouse door; you will be able to get your computer back in operation, you will be able to keep your business going and growing.

For some reason, the other side cannot see their way clear to accepting this.

Mr. HOLLINGS. Will the Senator yield?

I want to credit Senator DURBIN for educating this Senator. These fellows have to come over from the House and tell Senators how to act. I never heard "gentlelady," but now I like it.

If the distinguished gentlelady will yield, I have been here since, of course, the beginning of the debate. It has been what they call predatory legalistic, predatory legal practices, lawsuits, racing to the courthouse, running to the courthouse, picking out someone down the line with deep pockets.

The distinguished Senator, as I understand it, is only asking for a fix. The amendment is not asking to race to the courthouse, but to race away from the courthouse.

Mrs. BOXER. Exactly.

Mr. HOLLINGS. Just get a fix.

And now they don't even want to agree on fixing the thing.

Mrs. BOXER. Right.

Mr. HOLLINGS. Maybe if we keep to this debate long enough, they, on the other side of the aisle, will ask us to send money to the poor computer industry. We ought to take up contributions. We have to change the laws for them. All we want to do is get the computer fixed, but now they even oppose that.

Is that the case? Isn't that the amendment, really—to get it fixed? It has nothing to do with bringing a legal proceeding or economic loss or any of that?

Mrs. BOXER. My friend is so right. We do not touch one thing in the underlying bill.

Mr. HOLLINGS. I see. I thank the Senator.

Mrs. BOXER. As it relates to lawsuits, it has the same exact provisions. All we say is, if a manufacturer has a fix available, do the fix. Be a good actor. Be good corporate citizens. Do what most of the fine companies are doing up and down the State of California and throughout the country. They knew this problem was coming, and the good ones have done something about it. This amendment, frankly, was brought to me by the consumer groups. They said: You know, no one is really talking about fixing the problem. They are all talking about legalisms here. It made so much sense to me.

It was brought to me by the consumer groups, taken straight out of the Chris Cox-David Dreier original Y2K legislation. But we cannot even get ourselves here to support this very simple matter.

As a matter of fact, Cox-Dreier went even further than my amendment. Let me tell you what they said. They said, if you do not do the fix and you had the fix, you do not get the protections of the underlying bill. Imagine. DAVID DREIER and CHRIS COX. And when I looked at that, I said, that is a little tough on my computer people; I am not going to go that far. All we say is, if you have a fix and you do not do it, then if you do sue, the judge has to consider all these facts when he or she determines the damages to be awarded, if any.

So here we have a proconsumer amendment. My friends on the other side come back with some changes to it. I say: Fine, I am willing to do it. And they say: Oh, never mind, never mind.

If we vote down this amendment, I say to my friends, there is nothing in this bill, that I see, that does anything for consumers. There is nothing in this bill that helps them. There is nothing in this bill that helps, by the way, the good corporate actors out there who are already doing the right thing. All this is about is protecting the bad actors, the bad folks who are not doing the right thing, who, if they are listening to this debate and if they are smart—and believe me, they are smart—what are they hearing? Hey, if you are really fixing matters now, cool it. Why do it? Why spend any money? Under this underlying bill, you do not have to do a thing.

I am just a normal person here, not a lawyer, OK? Maybe that is part of my problem. They call it a remediation period: 30-day notice. You notify the manufacturer that you have a problem. They have to write back. Good, that is the McCain bill. They have to write back.

Then you have a 60-day remediation period, but nothing is required of you. What are you remediating? We say, if there is a remediation period, let's make that terminology mean something: Remediate. It is a 60-day period. We ought to fix the problem.

The Boxer amendment, supported by Senators DURBIN and HOLLINGS and TORRICELLI and others, simply says let's make the remediation period true to its name.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to.

Mr. DURBIN. As I look at this legislation which we are considering, the underlying bill, it is hard to argue with it. It starts out saying:

> The majority of responsible business enterprises in the United States are committed to working in cooperation with their contracting partners towards the timely and cost-effective resolution of the many technological, business and legal issues associated with the Y2K date change.

That is the first paragraph of this bill. It is a perfect description of the Senator's amendment, because it says responsible businesses will be working to solve problems. In my colleague's situation, she is providing a means of resolving the problem short of going to court. That is what this is all about.

Mrs. BOXER. Exactly.

Mr. DURBIN. So those who are truly interested in the damage done to businesses must really step back and say the BOXER amendment is one that really addresses the damage that businesses will face—repeating, again: These are businesses depending on computers that may shut down because the computer they purchased is not proper, is not ready to deal with the new century.

That is what this legislation, the amendment, is all about: Find a way to help these people stay in business. Responsible businesses dealing with responsible businesses, not racing off to court, not playing with lawyers. I am stunned that at this point the amendment by the Senator from California just has not been adopted. It troubles me when I think about it in the context of the underlying bill.

If the people who are bringing this bill to the floor do not care that much about small and medium-sized businesses that will face the delays, face the layoffs, because of Y2K problems, this is not a probusiness bill. This is for an elite group of bad actors in an industry who have not done their homework and do not want to be held responsible for their bad conduct. That, to me, is not what we should be doing on the floor of the Senate.

I think the Senator from California, when you take a look at the first paragraph of this bill, really has an amendment that addresses the bottom line.

Mrs. BOXER. I thank my friend.

As we pointed out earlier in this debate, when I hear people get up and talk about the high-tech industry and how great the high-tech industry is, I know it firsthand because I come from Silicon Valley country. I meet these people. I am in awe of them. And they are good. They are good at what they do. The vast majority of them are taking care of this problem. They ought to be encouraged to continue taking care of this problem. We should not reward those who are not taking care of the problem, who are riding along as if they did not know.

I just love that quote from the Apple people. I do not have it here in front of me, but it is something like:

> We may not know a lot of things, but we knew the century was ending.

At some point people said, "Whoops, there is going to be a problem." I guarantee it was well before 1990. But I think we are being very careful in this amendment not to place an undue burden on these people. We are saying you can recover your costs from 1990 to 1995; prior to that, you can charge anything you want. We really are being fair in this amendment.

I am stunned we did not get this amendment accepted. I cannot tell you the feeling I have. I am amazed, because when I think about the beginnings of this bill—I remember being excited I was going to be the Chair on the Y2K problem, because I was in line to take that. I asked Senator DODD if he could do it, because it was a tough time for me; I had an election, and I had my regular job. I knew I could not do it justice. I knew this was going to be a problem, and I wanted to make sure we could help consumers fix the problem and we could do it in a way that was fair to business.

The 90-day cooling off period is a good idea, in my opinion. That is why I supported the Kerry bill, and I hope eventually that will be the bill that will become law. But the 90-day cooling off period does not mean you sit there with a fan. That is not my idea of a 90-day cooling off period.

A 90-day cooling off period should be a time for everyone to sit back, see what the problem is, fix it, and remediate the problem.

I have to ask my friend, Senator HOLLINGS, who knows this bill like the back of his hand far better than I do, I keep reading to see what the requirement is in this cooling off period for the businesses. All I come up with, and please correct me if I am mistaken, is that once a company is notified that a consumer has a problem, under this bill, to get the protections of this bill, all that company has to do is write back to the consumer and say: Yes, I got your letter; I am looking at the problem; I don't know what I am going to do, but I will stay in touch with you.

That is my understanding of what you have to do to meet the requirements to be protected by this, essentially, rewrite of the laws of our land. I want to know if I am correct or incorrect.

Mr. HOLLINGS. The distinguished Senator from California is manifestly correct. We all live in a real world, and then what really happens, as we learned from Rosemary Woods, if you want to get rid of evidence, if you want to lay the blame—I am the lawyer for the computer company, and when I am notified about this particular claim and it comes across my desk, let's find out now why this thing really occurred, and if we can put it off and save the company some money on that part made in India, then we will get on to that or we will move it around here.

What that does is it gives them 60 days to prepare all the defenses and even engage in interrogatories and depositions, which you are not allowed to do because you are the one required under this bill to stand back and cool off; whereas, I can come immediately then with my interrogatories and my depositions and pretty well have the case lined up during that 3-month period. Then I will know whether it pays for the company, because I am the lawyer, and I want to stay on it as a lawyer, my game is to save the company money. I say: Look, don't worry about that; we are going to send them to India to try that case and let them keep on making motions, because it is going to cost you $30,000 to fix it.

They just sent a doctor in New Jersey $25,000 as a fix for a purchase he made the year before for only $13,000. That is why it is silent. Everybody knows how they draw up these bills and what really occurs. The company is allowed to engage in all kinds of shenanigans—depositions, interrogatories, prepare defenses—and the poor plaintiff, the injured party, is going out of business; he is losing his customers. He tells his employees: I cannot make this monthly payment. I am not getting any money. I am closing down.

The employees are angry. What the Senator from California has in her bill is just perfect: a fix. That is all we want. Out with the lawyers, in with the fix. That is the Boxer amendment. The way the bill reads, the Senator has it analyzed correctly.

Mrs. BOXER. Basically, what we are saying is the amendment is: Remediate and you will not need to litigate. That is basically this amendment. Remediate and you will not have to litigate. Just fix the problem, and let's get on with our lives.

I want to ask my friend another question. Let's say in this year, today, I am a small businessperson. I run a small travel agency, say, out of my home. I am very computer dependent. I go to a store. I buy a computer. They say it is Y2K compliant; it is not going to be a problem. I have it just a few months, say, 6 months. I wake up on that day and it is down, and it is down the next day, and it is down the next day.

I want to talk about what happens under the McCain bill. What do I do? As I understand it, I write to the company, and I say: I am stunned. I bought it 6 months ago. I spent $15,000 for it, and it isn't working.

Under this bill, as I understand it, if they do not accept this Boxer amendment, which clearly they are not, and if it is not adopted, which it probably will not be, as I understand it, all the company has to do is write back and say: We got your notification; we will stay in touch with you.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. Right? Now they qualify for the special protections under this law. They do not have to fix it. They certainly do not have to fix it for free.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. If they fix it, they can charge more than what the computer costs. My friend has proof of that; does he not?

Mr. HOLLINGS. That is exactly right. That came out at the hearings. Witnesses have attested to it.

Mrs. BOXER. The bottom line is, if we do not adopt this Boxer amendment, then what is in this bill to encourage fixing the problem? This is ironic, because the idea is to stop the litigation, fix the problem, have a cooling off period where we remediate the problem.

DAVID DREIER and CHRIS COX in 1998 understood it. They put it in their bill. My friends on the other side, having indicated they would be inclined to take this amendment with some changes, I agreed to those changes. Yet, we were still unable to reach an agreement.

I am perplexed, I say to my friend. What are we doing here anyway? What is this about? Is this about protecting the consumer? Is this about getting things fixed? Is this about standing proud of the good computer companies that are making the fix?

Mr. HOLLINGS. The last thing a computer purchaser, a user wants to get involved with is law. That is the last thing. That is what they are saying in the bill. The intent of the McCain measure provides you do not get into racing to the courthouse.

The answer to the Senator's question is, that is exactly what is required;

namely, I am a computer purchaser and user and it goes on the blink. I am trying to get in touch with them, and they know the laws. I never heard of the law. They will not hear of it, whatever it is. I have written a letter, and I keep calling, and like the doctor from New Jersey who testified before the Commerce Committee said, he called at 2 weeks, 3 weeks and nothing happened. They like that, because the computer operator and purchaser do not know anything about these special laws and provisions of the McCain measure.

What happens is, it puts them into a bunch of legal loopholes. It actually engages a consumer in a bunch of laws that are unique only to him, and he never has heard of and he is going to have to learn the hard way about putting a letter in, certain days to cool off, then do this, and all these other measures.

Heaven's above, it is so clearly brought out in Senator BOXER's amendment that all we want to do is get the blooming thing fixed and get away. Out with the lawyers and in with the fix. That is what the Senator is saying, but they do not even accept it.

Mrs. BOXER. I know, and I am just completely astounded. I have to believe the people who vote against this amendment may not want to be around here on January 3, or whenever it is we get back. People are going to be calling. They are going to say: We heard all about this Y2K bill; didn't you fix our problem?

Mr. HOLLINGS. No, we created a problem.

Mrs. BOXER. Right. They are going to call up their Senator: Senator so and so, you were proud to stand here for that Y2K bill. What did it do?

I view it as an insult to the good people in the Silicon Valley, to the good people in San Diego, to the good people in Los Angeles who work at this night and day, who knew the century was going to end and took steps to prepare for this day, who are making fixes.

Now what happens? The people who were irresponsible are getting a loud message from this Senate, particularly when they vote down this Boxer amendment: Oh, boy, we did the right thing by not fixing anybody's computer. We did the right thing just to sit back and see what happens. We have been protected by the most deliberative body in the world; they protected us from not doing the right thing.

I just do not get it around here. Sometimes I wonder for whom we are here. I do not get it, because to not have this amendment accepted, the only people you are helping are the people who do not want to make the fix. It is outrageous to me. This amendment is probusiness, it is pro the good businesspeople, the good corporate citizens. I just do not get it. It would reward those who have not done the fixes.

I have run out of arguments. I have a hunch that minds are made up. I don't know how I get that feeling. But I have a feeling that minds are made up on this, that this is going to be tabled. We will have a bill, then, that has not one thing in it for the consumers of this country. I have news for the people who are not going to vote for this: Every single American is a consumer, bottom line. I hope they rethink their position. I was willing to compromise and get a good amendment through, but, unfortunately, the other side could not agree to that. Let's get on with the vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it constantly amazes me, whether the subject is education or business regulation or computer software, that Members in this Chamber know much more about the subject than do those who are in the business. It is the very companies the Senator from California so praises is doing things right that have felt, in order to concentrate on fixing Y2K problems, rather than having run the gauntlet set for them by trial lawyers, that this legislation is necessary.

It is simply because they prefer to fix the problem in the real world than to face endless litigation that we are here today. That same group of highly responsible organizations thinks this amendment will actually create more litigation, that it ought to be entitled "The Free Computer Act of 1999," because really the only way to make sure you are not sued will be to replace the computer lock, stock, and barrel, even if it is three generations out of date, even if it is in the attic.

So the reasons to oppose this amendment are quite easy to determine. They are that we want the problem fixed, we want the problem fixed in the real world, not for years and years thereafter, after expensive litigation, punitive damages, consequential damages, everything that afflicts our legal system today.

I had hoped we would complete the debate and begin the vote at this point. We have, however, taken too much time. There is now a markup of the Senate Appropriations Committee that involves both me and two of the three other Senators on the floor at the present time. In order to not disrupt that markup, I announce that a motion to table will be made immediately after that Appropriations Committee markup has been concluded.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

THE SETTLEMENT IN KOSOVO

Mr. WELLSTONE. Mr. President, I want to very briefly speak about the settlement in Kosovo. I speak with a sense of relief that we now have moved toward a diplomatic settlement. At the very beginning, I think it was a very difficult vote for all of us as to whether or not to authorize airstrikes. We had pretty close to an equal division of opinion. I voted to do so.

I had hoped that we would be able to stop the slaughter. I thought that it was a certainty that Milosevic would move into Kosovo and people would be slaughtered. We were not able to really do that with airstrikes, not in any way that I had hoped we would be able to, but I do think—and I want to give some credit where credit is due—there are two things that have happened that are very important for the world.

One of them is that Milosevic has been indicted as a war criminal. That is a huge step forward for human rights in the world.

The second thing that has happened is our actions have made it clear that a Milosevic or someone like a Milosevic should not be able to murder people with impunity.

There are many challenges ahead, but I want to just say that as a Senator from Minnesota, I am very pleased that we did put such a focus on trying to reach a diplomatic solution. I would like to especially thank Strobe Talbott for his work. I think it is extremely important now that we meet a number of really tough challenges.

I am not the expert in the Balkans; I do not pretend to be, but I do know this: It is very important that we continue to keep our focus on the humanitarian crisis and make sure the Kosovars can, indeed, go home, the sooner the better.

I think an all-out effort ought to be made to make sure they can go back to their homes. If we are going to do the weatherizing and all the things in the infrastructure for people to have a home to live in, then it is better to do it back in their own country. I hope we can do so. I hope we can move as quickly and as expeditiously as possible.

Second, I think it is going to be real important that all parties to this settlement live up to their word. I think that includes the KLA. There will be an understanding, kind of determination on the part of Kosovars and the KLA for vengeance. Who can blame them? But I do think we have to make sure that we do put an end to this conflict and that the Serbs who live in Kosovo will also be protected and that somehow we will be able to make sure there is some peace in this region.

Finally, I want to say, as a Senator who supported airstrikes but who worried about some of the focus of our airstrikes, in particular, I thought there was too much of a focus on the civilian infrastructure. I thought and still believe there were opportunities to move forward with diplomacy at an earlier point in time. I always believe that is the first option, always the first option, with military conflict being the last option. I do want to say that I think the President and the administration should be proud of the fact that they have now been able to effect a diplomatic solution and that this solution, indeed, will mean that the Kosovars will be able to go home.

It will mean there will be an international force. It will be a militarized force. There will be a chain of command that makes sense. It is a huge challenge ahead for us. My guess is that we are going to be committed to the Balkans for quite some period of time. I think we should be very realistic about that. I think that we owe that to the Kosovars. We owe it to these people. I think that is part of what our country is about. It looks as if the European countries are going to take up most of the challenge of the economic aid for reconstruction, and I think that is as it should be. I think our part of this international militarized force would be somewhere at 14, 15 percent. But certainly it won't be the United States carrying this alone.

I worry about the landmines. I worry about our military and, for that matter, the men and women from other countries who are trying to do the right thing now, being in harm's way. But to now no longer be involved in airstrikes, to see the Serbs leaving, the slaughter being stopped, the Kosovars now having a chance to go back to their homes and to be protected, I think we are at a much better place than we were. Now I hope and I pray that our country will be able to make a very positive difference in the lives of the Kosovars.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, I just was trying my best to give colleagues a summary of State action on Y2K problems. This is pretty well up to date. Seven States have passed Y2K government immunity legislation; that is, Florida, Georgia, Hawaii, Nevada, Virginia, Oklahoma and Wyoming. Twelve States have killed Y2K government immunity problems: Colorado, Idaho, Illinois, Indiana, Louisiana, Kansas, Mississippi, Montana, New Hampshire, New Mexico, Utah, Washington, and West Virginia. One State has passed the Y2K business immunity bill; that is Texas. Whereas 10 States have killed Y2K business immunity bills: Arizona, Colorado, Connecticut, Florida, Indiana, Iowa, Kansas, Oklahoma, West Virginia and Washington. Two States have killed the bankers immunity bill, originally the year 2000 computer problem: Arizona and Indiana. Two States have killed the Computer Vendors Immunity Bill; that is California and Georgia. One State has killed the bill to limit class action suits; that is Illinois, the distinguished Presiding Officer's State. And 38 States have miscellaneous pending Y2K bills at this time.

I think the distinguished Senator from California wanted to point out an interesting provision in the State of Arizona.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for yielding. I thank his staff for doing just a tremendous job of ferreting out all these various laws.

I have something to tell the Senate that I hope will sway them in favor of the Boxer amendment. In the research that was done by Senator HOLLINGS' staff, we find out that the law in Arizona, which was signed on April 26, Senate bill 1294, includes in it stronger language than the Boxer amendment. I repeat: The Senator from Arizona, whose bill we are debating, cannot agree to the Boxer amendment which simply says if you have a way to fix the problem for the consumer, be they individual or business, then do it. He can't accept that. But in his own State, the law says if you want to take advantage of a particular new set of laws that they have passed to protect these businesses, here is what you have to do. You have to unconditionally offer at no additional cost to the buyer either a repair or remedial measures. If you do not do that, you cannot take advantage of these new laws that will protect business.

Let me put that in a more direct fashion. In the State of Arizona, the State of Senator MCCAIN, who has the underlying bill, a company cannot take advantage of the new Y2K laws, which will help them, unless they have offered to fix the problem. They have to prove that they unconditionally offered at no additional cost to the buyer a repair or other remedial measures.

I want to engage my friend from South Carolina in a little discussion here, ask him a question. Does it not astound the Senator that we have an amendment before us that will not be accepted by the Senator whose own State has a tougher provision than the Boxer provision, that we can't go even halfway toward the State of Arizona law which says in order to take advantage of the new legal system you have to unconditionally offer to fix the problem?

I ask my friend, who is very knowledgeable in this, if this doesn't strike him as being very strange?

Mr. HOLLINGS. This is astounding, because in getting this information up and looking at the glossary of State action, we all say: After all, don't you remember in 1994, the Contract with America, we got the tenth amendment, the best government is that government closest to the people, let us respect the States on down the line. They had all these particular provisions. Here comes an assault with respect to actually killing all the State action and everything else, when they probably had a more deliberate debate than we have had at the local level, and they have all acted.

Here you put in a provision which responds, generally speaking, to the action taken by all the States, and yet they say, no, we know better than the States now and that we are not going to have a fix.

It is astounding to this particular Senator the course this bill has taken. Here I am trying to get a vote. I know my distinguished chairman, Senator MCCAIN, worked like a dog here in the well. He said: I want to make sure we get rid of this thing, and I am working on Senator SESSIONS and Senator GREGG to get these amendments up and have them considered so we can dispose of the bill. So I know he is not the holdup.

The press listens, and they are sending the word down to me that they have a computer software conference or something at the beginning of the week, and they would like to have this as sort of part of the computer software program. You cannot even intelligently debate the thing. It has gotten to be on message so that you have to have the message at the right time.

This is disgraceful conduct on the part of the Senate, if that is the case. I like to cooperate. I went right over to my distinguished friend from Alaska and I said, look, I am trying to get a vote, but I know they are headed to the Paris airshow. If your plane is leaving or whatever it is, I understand. I will yield and let's go ahead then and we will have a Tuesday vote. I was trying to find a reason, a good logical reason. It was logical to me to indulge the needs of my friend from Alaska, because it is an important conference they are going to. He said, no, we don't leave until late this evening. So it wasn't that. Then I asked over here, and it isn't this. It isn't Senator

MCCAIN. I keep going around trying to find out, and here we are trying to agree in order to get the bill passed and they won't agree to agree.

Mrs. BOXER. I say to my friend, I have been on my feet since I think 12:30—about 12, I think.

Mr. HOLLINGS. I asked the Senator to only take 10 minutes, does she remember that?

Mrs. BOXER. Yes.

Mr. HOLLINGS. When the Senator came to the floor, I said, "Senator, Senator MCCAIN wants to get rid of it, and I do. Will you agree to 20 minutes, 10 to a side? Senator MCCAIN is ready to yield back his 10 minutes."

Now, that is the way it was at noontime today. Here now, at quarter past 3, we are running around like a dog chasing his tail trying to find out why in the world, when they are having an ice cream party all over the grounds around here, you and I are trying to get the work of the Senate done, and they can't give us a good excuse. When you say, "All right, I will amend it," and you are bound to agree, so we can move on, they say, "No, no, we don't want to agree to agree."

Mrs. BOXER. Well, I remember that the Democrats were being criticized and they were saying: You are not letting us get this Y2K bill up for a vote, because we wanted to do—I remember this very clearly—some sensible gun amendment. We were told we were holding up Y2K. We said: We can get those things done. And, thanks to the majority leader, we moved to the juvenile justice bill, and with bipartisan help we got some good, sensible gun amendments through, and we went right to Y2K.

I want to say to my friend, the ranking member on the committee, who has some real problems with the bill—more problems than this Senator has—didn't object to proceeding to the bill. He said: OK, we will proceed. He asked me to please make my case. I said: I will settle for any time agreement. I said I didn't need a vote. I said: Take my amendment. I agreed to the other side's recommendations. Then they said: Oh, we can't do it.

I don't understand why they can't take this amendment. I keep coming back to that. Every time I work my way into my best closing argument, because I think there is going to be a vote—I had my best closing argument at 1:55, because I thought we were voting at 2. Then I had to rev up again at 2:30, and I got another good closing argument. Now they say we are going to have a vote at 3:30. I don't see anybody here yet. I hope they come here, because I think it is important.

The amendment pending before the Senate is a consumer amendment, because it says fix the problem. It is weaker than the consumer amendment that is included in the Arizona law. This is incredible. In the Arizona law, which is a beautiful law, which passed overwhelmingly, they say—and this is important; it defines the affirmative defenses that will be established if you do certain things. You have to do certain things to help people. If you do these things in good faith, you get a little more protection at the courthouse. What are they?

> The defendant has to notify the buyer of the product that the product may manifest a Y2K failure. And the notice shall be supplied by the defendant explaining how the buyer may obtain remedial measures, or providing information on how to repair, replace, upgrade, or update the product. The defendant [meaning the company] has to unconditionally offer, at no additional cost to the buyer, to provide the buyer the repair or the remedial measures.

All we say in the Boxer amendment is, you don't even have to do it for free—only for free if it is the last 5 years. Prior to that, from 1990 to 1995, at cost; before that, you can charge whatever you can get. The Boxer amendment doesn't even say you have to do this to avail yourself of these new laws. It simply says if you don't do it, the judge—if there is a court case—has to take into consideration the fact of these cases. I cannot believe this wasn't accepted in a heartbeat. It is weaker than the Arizona law.

What has become of us here? I don't know. I cannot figure it out. I love high-tech companies, software companies. They are the heart and soul of my State. They are good people. They are good corporate citizens. Most of them—the vast majority—are doing the right thing. They are doing these things already. So whom do we protect in this bill that was so important that we were supposed to rush to it, and now they are not going to vote on it until next week? What happened to all the rhetoric that this is an urgent problem? If we went to the CONGRESSIONAL RECORD, it would be embarrassing for people who were saying, "Vote next week," just a couple of weeks ago, who said, "This is urgent." I heard one of my colleagues on the other side say this is an emergency. I am baffled by it.

So I think what I will do is yield the floor, because I don't know what else I can say to convince my colleagues, who I am sure are listening to every word from their offices, that this amendment is the right thing to do for the people we represent, the people who vote for us.

I am going to tell my friends in the Senate, if you don't vote for this amendment, the phone calls will start coming in on January 1, 2, 3, 4, and 5, saying, "I thought you took care of Y2K. You had so much fanfare about the bill. What can I do now?"

There will be nothing they can do, because without this Boxer amendment there is no requirement to fix the problem during the remediation period, or "cooling-off period." The only thing required, to repeat myself, is a letter: Oh, yes, I got your letter. I know you have a problem. I will get back to you. That is it. You don't have to do the fix. It doesn't have to be for free. You can do whatever the market will bear, and you get the protections of the bill.

It is not right, my friends. It is not right. We can make it better.

When I go back home and talk to my friends in Silicon Valley and they say, "Senator why didn't you support the underlying bill?" I am going to be honest and say, "This bill is an insult to you; it is an insult to you. It is assuming you are too weak to do the right thing. It is assuming you are a bad corporate actor."

I can't do that to the people I represent. They are too good, too important, too successful to have this kind of treatment. That is how I see it.

So, again, hope against hope that we will have a change of heart here, and maybe they will take this amendment or try to go back to the offer they gave us a little while ago. Otherwise, I guess we will just have to wait for the motion to table.

I yield the floor.

Mr. HOLLINGS. Mr. President, you learn to study these things. You look closely, and you finally realize what is happening.

I remember an old-time story about the poll tax days and the literacy testing of minorities in order to vote. In South Carolina, a minority came to the poll prepared to vote, and a man presented him with a Chinese newspaper. He says, "Here, read that." He takes the paper and turns it around all kinds of ways, and he says, "I reads it." The man asks him, "What does it say?" The minority says, "It says ain't no poor minority going to vote in South Carolina today."

They know how to get the message. In turn, I can get this message. This goes right to what is really abused as an expression, "Kill all the lawyers." To Henry VI, Dick Butcher said, "We have to kill all the lawyers." What they were trying to do was foster tyranny, and they knew they could not do it as long as they had lawyers available to look out for the individual and individual rights.

Say I am the lawyer and I have a lot of work. Generally speaking, I am a successful lawyer. And someone comes to me in January or February with a Y2K problem, and I am saying I am not handling those cases, you ought to try to see so-and-so, wherever we can find somebody, because the entire thrust is in order to really get anything done and get a result I know that I am limited. I can't take care of the poor small businessman and the lost customers. I can't take that small businessman and his employees that have had to take temporary leave because his business is down. I can't take care of the other economic damage like the lost advertising which has come about while his competition takes over. I have to tell him it is the crazy law that they passed up there in Washington. But that is how things are getting controlled whereby you just come in.

So I have to write a letter on your behalf, and after I write that letter, 30 days, then another 60 days is the so-called cooling-off period. Then, if nothing happens, which apparently you tried to get it fixed and nothing has happened, I have to draw pleadings and file and everything else. It all comes down to $5,000 or $10,000 for a computer. I have spent $5,000 of my time and costs, unless you are rich enough to start paying me billable hours. I spend $5,000 for much of my costs and staff and hours of work myself. The most I can do is get you back half of a computer.

It is a no-win situation. They have passed a law in essence not just for rushing to the courtroom or courthouse, as they talk about, but to make sure that nobody wants to handle a case of that kind because there is no way to make an honest recovery to make it partially whole. You just totally lose out.

They know what they are doing when they oppose the bill to get the thing fixed.

That is what I was thinking.

I know with all the State action and the moving forces behind it because I saw it last year. All you have to do is run for reelection and go from town to town and meeting to meeting all over your State. You learn your State. You learn the issues. You learn the opposition. You learn the movements afoot—or the NRA with respect to rifles. You learn about the abortion crowd. You learn about the other groups that have come in now with respect to any and every phase of lawyers.

It is sort of "kill all the lawyers"—take away, holding up the lawyers for everybody to vote against. But the consumers are the ones who suffer.

The distinguished Senator from California ought to really be commended for finally bringing—after 3 days of debate—this into sharp focus. Lawyers, one way or the other, are not going to be handling these cases. Trial lawyers have bigger cases to handle.

But I can tell you here and now that consumers and small business are going to suffer tremendously.

Almost since I opposed the bill I have felt that it serves them right. Maybe I will prove I was right in the first instance, and maybe they will start sobering up with this intense messianic drive that they have on foot to "kill all the lawyers."

That looks good in the polls. That is why we don't do anything about Social Security or campaign finance or budgets or deficits or Patients' Bill of Rights and the important things. But if we can get that poll—and if that poll will show something about the lawyers—then we can get a bill up here, take the time to amend it, and then when we want to cut it off and argue everybody into doing so, and then finally agree that we can all agree and get rid of it, they say no way.

Mrs. BOXER. Will my friend yield for just a moment?

Mr. HOLLINGS. I am glad to yield.

Mrs. BOXER. I appreciate it. I wanted to talk to him about it.

Mr. President, I wonder if I can now send a modified amendment to the desk.

Mr. HOLLINGS. I yield the floor.

AMENDMENT NO. 621, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modified amendment to the desk to replace my own amendment.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 621), as modified, is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make a reasonable effort to make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a material defect in a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1997; and

(ii) make a reasonable effort to make available at no charge to the plaintiff a repair or replacement, if available, for a material defect in a device or other product that was first introduced for sale after December 31, 1996.

(B) DAMAGES.—If a defendant knowingly and purposefully fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

Mrs. BOXER. Is it necessary that the clerk read it, or can I just proceed to explain it?

The PRESIDING OFFICER. It is not necessary to have the clerk report.

Mrs. BOXER. Thank you very much. I wanted to explain to my friend what I have done to make this even more palatable to the Senate. We are now saying the fix only has to be made to small businesses and individuals.

So we have narrowed the scope of the repair. Now it becomes even easier for the companies to make these repairs. I say to my friend when he talks about this attack on lawyers that I find it very interesting, because I read when Newt Gingrich was in power on the other side of the aisle that they had a poll done. They had a document prepared which everyone was able to see at some point or other. Their pollsters said in order to divert attention from an issue, attack the lawyers. Just take the attention away from what it is about.

In other words, if there is a dangerous product—let's say a crib—we had these before where the slats in the cribs are made in such a way that a child could die because they could fit their head through those cracks and choke to death—divert attention from the product, and say look at that greedy lawyer, he made X million dollars.

What they do not understand is that all of these kinds of cases—we are not talking about personal injuries, because this bill doesn't involve personal injuries. But I am just making the point here that when a lawyer takes on such a case—I want to ask my friend to talk about this because he knows this for a fact—they don't get paid unless there is a recovery in the suit. They put out maybe sometimes years of work and much expense, and they take a chance because they know the company is powerful and big and strong, and by the way, it has many lawyers. So they go to the people to divert attention from the tragedy that occurred. This is what a lot of politicians do, and they say it is all about the lawyers in Washington.

I hope the people of the United States of America know that there is a rule against frivolous lawsuits and that you can't bring a frivolous lawsuit because a judge can throw it out.

In addition, what lawyer would bring a frivolous lawsuit knowing that he or she is going to be out of pocket for all of these expenses and know that they only get paid if it was really an important lawsuit?

There are many lawyers out there who are not good citizens, who are not good corporate citizens, who do not have social conscience, because it is just like any other profession—just like we are talking about the software industry, or in the computer hardware industry. Most of the people are wonderful, and there are some bad actors.

But let us not get to the floor of the Senate and turn these debates into lawyers versus everybody else, because that is not what it is about. It is about making sure that people have their problems resolved. If we start talking about lawyers, it isn't really relevant to real people who are going to deal with this real problem on January 1; they wake up, go to their computer and try to conduct business, and find themselves in deep trouble.

I ask my friend if he would comment.

Mr. HOLLINGS. Mr. President, commenting with respect to the attention that the Senator from California gives to consumers, and the comments made about frivolous lawsuits, I am an expert witness on frivolous lawsuits. I can tell you categorically that the courts will take care of frivolous lawsuits quickly. You can see it. I could mention some that have been in the news with respect to the computer people very recently.

But the reason I say an expert witness is because I used to bring individual injury suits with respect to the citizenry around my hometown and sometimes in bus cases. I had a good friend who was a professor at the law school when I was there, and thereupon the chairman of the board of the South Carolina Electric and Gas, which operated the city bus transit system, an event I said I had not been involved with, but that is wrong.

These corporate lawyers get really lazy. They get too used to the mahogany walls, the oriental rugs, somebody with a silver pitcher and some young lady to run in and give them a drink of water.

Rushing to the courtroom and trying cases is work. I remember saying to a man named Arthur Williams: I could save you at least $1 million if I were your lawyer. Later on he retained me.

Right to the point: The first or middle of the month of November, what I call the Christmas Club started to develop. Nobody could get on the transit bus who didn't slip on a green pea, get their arm caught on a door, or the door didn't jerk open and they fell and hurt their back.

This is back in the late 1950s when we were trying these cases.

I said we should try these cases. The claims were around $5,000 to $10,000. The settlements were half, $2,500 or $5,000. The lawyers thought they were too important to go to court to try cases.

Let me tell about a lawyer who was willing to try cases. His name was Judge Sirica. He wrote a book. While he was writing that book, he was being driven around Hilton Head by myself.

He looked at me and said: Senator, don't ever appoint a district judge to the Federal bench who hasn't been in the pitch.

I said: Judge, you mean trying cases? He said: That is right.

He said when he got out of law school he flunked the bar exam three times. When he finally passed that bar exam, he didn't have any clients, he had to go to magistrate court and take what trials he could pick up. He said he got pretty good at it. He said after a few years, Hogan and Hartson asked: Will you come on board and start trying our cases?

It is work. Frivolous cases—they are small cases, some of them without foundation, a lot of them with foundation—but lawyers with this billable hour nonsense have gotten awfully lazy as a profession.

Talk about delays. When lawyers have billable hours, the opposition wants to play golf in the afternoon. We don't have to go to the judge, I will give you a continuance.

You agree, and the poor client is sitting there paying for the billable hours.

In any event, Judge Sirica said when he walked in the first day and listened to the witness, he told counsel to meet him in chambers. This is the first day of trial. When he got them back in chambers, he said: You are lying, and I'm not going to put up with this nonsense in my courtroom. He said: I could tell it from my trial experience. You are starting tomorrow morning, and you are going to bring out the truth, and you are not going to put up with these kinds of witnesses. It is not going to be just a citation and dock your pay. I will put you in jail if you all don't straighten up and start trying the cases in the proper manner.

He said that broke Watergate. To this practitioner, that goes right around to the so-called frivolous cases that all the politicians are running around about. It is work. You don't run to the courthouse.

As I pointed out earlier today, if you filed a case this afternoon, you would be lucky to get a trial in that courtroom in the year 1999, I can tell you that. The civil docket is backed up that much. I don't know of any court that can actually get to trial.

Who uses that? Not the fellow making the motions and paying the expenses and time and the depositions and interrogatories. The corporate billable hour lawyer, he likes that. He keeps a backup. It is to his interest you don't dispose of justice too quickly. All during the year, he has money coming in. He knows he is a winner regardless of what happens to his client.

They are engaged in predatory practices, frivolous lawsuits, and are running to the courthouse.

The Senator from California is rendering a wonderful service. This is about consumers. The amendment of the Senator from California seeks to get us away from the courthouse, get us away from lawyers, get us away from law, get away from legal loopholes, hurdles, and jumps.

The businesses say: Just give me a fix. I have to do business, and I don't want to lose my customers, service, and reputation. So she requires a fix—all for the consumer.

That is what the Senate and the entire Congress has heard.

There is no question, looking at the results at the State level, how they have turned back all of these things, that is why they are coming to Washington after the "turn backs." Look at all of the States that have debated this issue. The only State in the glossary of State action that passed a Y2K business immunities bill, the only State, is the State of Texas.

Mrs. BOXER. Will the Senator yield?

Mr. HOLLINGS. I yield the floor.

Mrs. BOXER. Mr. President, I seek recognition at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is 3:50. The Senator from Washington was on the floor and said he would be here at 3:30 to table this amendment.

I wonder if the ranking member knows what is going on around here. I was told originally, when I offered my amendment at around the noon hour, we would have a vote at 2 o'clock. Then it was 2:30. Then my friend from Washington State gave me the courtesy of announcing he was not going to allow an up-or-down vote on my amendment; he was going to move to table at 3:30. It is 10 to 4. Have they sent my friend any word?

Mr. HOLLINGS. They have not sent me any word. The press sent me word about the software alliance.

I know the Senator from Arizona, the chairman of our committee, that distinguished Senator, was intent on getting rid of this bill. He told me that early this morning. We got the witnesses lined up, we talked down the witnesses, we made them get the time agreements, and he had an important commitment he made to leave around 12. He tried to extend it to 12:30.

During that half hour he said: I got us down to two amendments. I said: All I know of is the Boxer amendment.

I have now talked Senator TORRICELLI into not presenting his. I hasten to add, I am glad I did not talk Senator BOXER out of her amendment, because it is the only amendment that really brings into issue the matter of consumers we are trying to defend today.

He said: Don't worry. He came back to me twice and said: I have it; I think I worked that out; you go right ahead.

I said: I don't want to vote with you not here.

He said: Go ahead; these commitments have been made.

Everybody knows Senator MCCAIN's position on the bill. We will have to have a conference when it passes. There will be a conference report.

I pressured Senator BOXER and told my colleagues we can vote. Several said: No; we have a lunch hour; let's vote at 2 o'clock. And then 2 o'clock became 2:30, and 2:30 became 3 o'clock, and 3 o'clock became 3:30. Now it is 10 minutes to 4.

I have tried to be diligent in managing the bill and moving the business of the Senate. There is nothing more I can say. I am waiting on the leadership. This is above my pay grade.

We can go ahead and call the roll. I am sure the distinguished staffer on the other side of the aisle is ready to call the roll. He has worked hard. We are all ready.

This is above our pay grade.

Mrs. BOXER. Mr. President, if it is against the pay grade of one of the most senior respected Members in the Senate, the ranking member on the committee of jurisdiction, clearly it is way above my pay grade.

I get paid to do a job here, and the job is to represent the people of California. Make life better for them, make life easier for them, give them a chance at the American dream, keep their environment beautiful and clean, give them opportunity, fairness. What I am trying to do is take that set of values and apply it to this bill. I do not want them waking up on the morning of January 1, 2000, and finding that their small business just crashed before them and they have no remedy when, in fact, a remedy exists and the manufacturer simply has to make a simple fix.

Again, my breath is taken away when I read the law in Arizona—I might say a Republican State—which says that before any manufacturer could take advantage of the easier rules of the law to defend himself or herself against a claim, they have to do certain things affirmatively, including offering to fix at no cost. In other words, what you say in Arizona is: We are happy to help you, Mr. and Mrs. Businessperson, but it has to be after you have affirmatively tried to fix the Y2K problem.

In the underlying bill, we require very little of a business before they can get to the "safe harbor," if I might use that term broadly, of this bill. What do they have to do? Write a letter:

> Dear Friend: I got your letter. I know you have a Y2K problem. I am studying it. I'll get back to you.

Then they qualify for the rest of the benefits of this law. Who does it help? It helps the bad actors. Who does it hurt? The consumers. Why are we doing it? God knows.

We could have done a good bill on this. The amendment I put before you comes from a House bill that was proposed in 1998 by DAVID DREIER and CHRIS COX. This is not some provision written by a liberal Member of Congress. It was written by two Members with 100 percent business records. Why did they put it in the bill? Because I think when they sat down to write the bill that was the object of the original Y2K proposal—a cooling off period, remediation period, get the fix done, stay out of court. I think, if this amendment is taken, if it is approved, I think that will be a good step forward for consumers. If it is not, there is nothing in this bill, in my opinion, that does one thing to cure the problem.

So, it is now 5 minutes to 4. Senator GORTON said he would be back at 3:30 to table the Boxer amendment. I am perplexed at what our plans are here, whether we are just going to not have any more votes today or whether we are just whiling away the time or some Members had to go to some other obligation. I do not know what is happening because I do not have word. All I know is I have been here since 12 o'clock on this amendment. It is a good amendment. I am hoping perhaps no news is good news, I say to my friend. Maybe they are so excited about this amendment they are trying to work it out somehow.

I see Senator LIEBERMAN is here to make some remarks. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT (NO. 621) AS FURTHER MODIFIED

Mrs. BOXER. Mr. President, if my colleague will yield for just one more minute, I send a modification to the desk to replace the other one that was sent in error.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 621), as further modified, is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to any small business or noncommercial consumer plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

(C) With respect to this section, a small business is defined as any person whose net worth does not exceed $500,000, or that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees.

Mr. LIEBERMAN. Mr. President, I see an opportunity here to make a few general comments about the bill as we await the next procedural step. With the Chair's permission, I will proceed with that, which is to say to add my strong support to the underlying bill.

Mr. President, Congress really needs to act to address the probable explosion of litigation over the Y2K problem. It needs to act quickly. This is a problem that has an activating date. It is nothing that will wait for Congress to act. It will be self-starting, self-arriving. Therefore, we must act in preparation for it.

Obviously we are now familiar, if we had not been before this extended debate, with the problem caused by the Y2K bug. Although no one can predict with certainty what will happen at the turning of the year into the new century and the new millennium, there is little doubt that there will be Y2K-caused failures, possibly on a large scale, and that those failures could bring both minor inconveniences and significant disruptions in our lives. This could pose a serious problem for our economy, and if there are widespread failures, it will surely be in all of our interests for American businesses to focus on how they can continue providing the goods and services we all rely on in the face of those disruptions rather than fretting over and financing defense of lawsuits.

Perhaps just as important as the challenge to our economy, the Y2K problem will present a unique challenge to our court system, unique because of the possible volume of litigation throughout the country that will likely result and because that litigation will commence within a span of a few months, potentially flooding the courts with cases and inundating American companies with lawsuits at precisely the time they need to devote their resources to fixing the problem.

So I think it is appropriate for Congress to act now to ensure that our legal system is prepared to deal fairly, efficiently, and effectively with the Y2K problem, to make sure those problems that can be solved short of litigation will be solved that way, to make sure that companies that should be held liable for their actions will be held liable, but to also make sure that the Y2K problem does not just become an opportunity for a few enterprising individuals to profit from what is ultimately frivolous litigation, unfairly wasting the resources of companies that have done nothing wrong, companies large and small, or diverting the resources of companies that should be devoting themselves to keeping our economy going to fixing the problem.

To that end, I was privileged to work with the leadership of the Commerce Committee and the sponsors of this legislation, particularly Senators MCCAIN, WYDEN and DODD, to try to craft a more targeted response to this Y2K problem.

Like many others here, I was actually uncomfortable with the scope, the breadth, and the contents of the initial draft of this legislation because I thought it went beyond dealing with our concerns about the Y2K potential litigation explosion and became a general effort to adopt tort reform. I took those concerns to the bill's sponsors, as others did. Together I found them to be responsive and we worked out those concerns. I am very grateful to them for that.

With the addition of the amendments offered by Senators DODD, WYDEN and others, we have a package now before us that I think we can really be proud of and with which we can be comfortable because it is one that will help us fairly manage the Y2K litigation while protecting legal rights and due process.

Provisions like the one requiring notice before filing a lawsuit will help save the resources of our court system while giving parties the opportunity to work out their problems before incurring the costs of litigation and the hardening of positions the filing of a lawsuit often brings.

The requirement that defects be material for a class action to be brought will allow recovery for those defects that are of consequence while keeping those with no real injury from using the court system to extort settlements out of companies that have done them no real harm. And the provision in this bill keeping plaintiffs with contractual relationships with defendants from seeking, through tort actions, damages that their contracts do not allow them to get, will make sure that settled business expectations, as expressed in duly negotiated and executed contracts, are honored and that plaintiffs get precisely but not more than the damages they are entitled to under those contracts.

I also think it is important for everyone to recognize that the bill we have before us today is not the bill that was originally introduced, not even the bill that was reported out of the Commerce Committee. Because of the cooperative efforts of Senators McCAIN, DODD, WYDEN, GORTON, and so many others who are interested in seeing this legislation move forward, this bill has been significantly tailored to meet the urgent problems we may face.

I will conclude by saying that this legislation will not protect wrongdoers or deprive those deserving of compensation. What it will do is make sure that what we have in place is a fair and effective way to resolve Y2K disputes, one that will help make sure we do not compound any problems caused by the Y2K bug, even larger problems caused by unnecessary litigation.

This is good legislation, and I am optimistic that it will soon pass the Senate and that we will, thereby, have dealt with a problem which otherwise would be much larger than it should be.

I thank the Chair, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I have come to the floor to make a brief statement about the Kosovo situation. I ask unanimous consent that the pending amendment be laid aside so I can speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. KERREY. Mr. President, like many Americans, I am very pleased with the recent agreement within the United Nations Security Council on a plan that will end the conflict in Kosovo and achieve NATO's primary objective of returning the people of Kosovo to their homes.

I take this opportunity to join with many others who have spoken on this subject to thank the aircrews and the support personnel of our Air Force, our Navy, and our Marine Corps. These men and women have demonstrated that American airpower can bring change in the course of history. Their dedication to duty and professionalism makes all of us proud.

We have just recently passed the defense appropriations bill, and I had hoped to come to the floor, especially to speak to Nebraskans, who have a big stake in this bill, not just because we are beneficiaries of the security provided to us by the men and women who will benefit from these appropriations, but also because we have significant numbers of people in my State who are part of the effort to keep the United States of America safe.

These laws that we pass—the defense appropriations bill and the defense authorization bill—are not merely words on a piece of paper; these laws are converted into human action. While it is true that men and women have to be well-trained, they need to be patriotic in order to be willing to give up their freedoms to serve the cause of peace and freedom throughout the world. It is also true that the beginning point is the kind of dream that we have in this Senate and in this Congress about the way we want our Nation and our world to be.

Operation Allied Force was very dangerous and very expensive. It is natural for us, at the moment, to want to celebrate a victory. However, I believe we must recognize the hard work is just beginning.

Two immense tasks now confront NATO. The first is to restore a refugee people to their homeland, and the second is to make the Balkan region a modern, democratic, and humane environment in which ethnic cleansing can never again occur. The first task may take a year, given the destruction of homes and farms in Kosovo. The second will take generations and will never occur without democratic change in the Yugoslavian Government.

At the outset of the NATO military action, I expressed my concern about the effect the U.S. commitment to this operation would have on our ability to meet our global security obligations. Only the United States of America has the ability to counter the threats that are posed by Iraq, North Korea, or the proliferation of weapons of mass destruction. The stability of this planet depends on the readiness of the U.S. military, and thus we must avoid squandering our capabilities on missions not vital to U.S. national security.

NATO has committed itself to provide a peace implementation force of 50,000 troops. Of this force, the United States will supply about 7,000 marines and soldiers. While I have concerns about the overcommitment of United States military forces, I am pleased our European allies have stepped forward and pledged to provide the vast majority of the implementation force. We should work to lessen the United States military involvement, with the goal of creating an all-European ground force in Kosovo within a year.

In the meantime, we must be straightforward with the American people. There are risks associated with this mission. This force will be responsible for assisting the Kosovar refugees' return home, disarming the Kosovo Liberation Army, and coping with the myriad issues, such as landmines and booby traps, that will be left behind by the departing Serbian military. American casualties remain a very real possibility.

Out of this conflict, I see reason for us to be optimistic. First, our allies in Europe, led primarily by Britain and Germany, have played a leading role in finding a solution to the conflict. It is in the interest of the Europeans to build a peaceful and stable Balkans. Their effort to find a diplomatic agreement and to provide the majority of the troops to enforce this agreement is a positive sign for the future.

Second, I am pleased with the constructive role that has been played by the Russians. There will not be a lasting Balkan peace without the active participation of Russia. It is my hope the positive atmosphere that has been created between Russia and the West will be carried forward and will reignite the relationship that has suffered over the past few months.

Finally, I hope we have begun to see the future of Balkan stability in a larger context. We cannot continue to fight individual Balkan fires. We must begin to look for preventive measures to avoid the next Balkan conflict before it begins.

The United States and our European allies have not done enough to bring the Balkans into the political and economic structures of Europe. We have not done enough to support the latent forces of democracy that exist in the region.

Our challenge today is to extend to the Balkans the peace and stability that comes from a society based on democratic principles where the rights of all people are protected, a society based on the rule of law where legitimate grievances among people are honestly adjudicated, a society based on free enterprise where commerce is unleashed to create jobs and prosperity.

More than failed diplomacy, Kosovo should have taught us the consequences of failed states. Multiethnic Balkan States are not impossible, but to succeed, they must be free-market democracies.

I believe peace and stability is an achievable goal. First, we must work with prodemocracy forces within the various Balkan States to strengthen the emerging democracies and encourage the transition to democracy.

Second, we must begin a massive reconstruction effort. This project, led by the Europeans, should restore infrastructure damaged in the war, create opportunities for economic development, and establish conditions that will allow for eventual membership in the European Union.

Finally, we should convene a conference of concerned nations that will work together to address the long-term security needs of the Balkans.

Let me state that the objective of building a peaceful and stable Balkans will not be achieved as long as Slobodan Milosevic remains the President of Yugoslavia. A man who has started four wars in this decade, killed and ethnically cleansed hundreds of thousands of civilians, crushed democratic opposition, and presided over the ruination of his country can never guide the kind of political, economic, and social change that will be necessary to rebuild Serbia.

As long as Milosevic remains in power, he is a threat to peace. As long as Milosevic remains in power, the politics of racism and ethnic hatred will prevail. As long as Milosevic remains in power, the West should not prop up his regime by rebuilding Serbia.

In 1996, we missed our opportunity to help prodemocracy forces that gathered in the streets of Belgrade. When the protests began, we hesitated, and Milosevic used the opportunity to consolidate his control by brutally repressing the opposition. Rather than seeing Milosevic as a tyrant and a threat to peace, we saw him as a partner in Bosnia. We should no longer suffer the illusion that Milosevic can be a partner in peace. We should work with the people of Serbia to ensure a quick end to the Milosevic regime.

I believe the end could be near. Over 70 days of NATO airstrikes have loosened Milosevic's grasp on the instruments he uses to control his people. It is my hope the democratic forces in Serbia—with Western assistance—will seize this opportunity to remove him. Only with a new democratic leadership will Serbia begin the process of rejoining the community of nations.

At the end of a military conflict, it is natural to look back and to assess ways in which the use of force could have been avoided. While many will find fault with U.S. diplomacy in the days and months leading up to the initiation of airstrikes, I believe our failure starts a decade before by not working to extend to the Balkans the peaceful democratic revolutions that swept through Eastern Europe.

We must address the problems facing the Balkans by extending the benefits of democracy, or face the prospect of continual ethnic conflict and instability.

In addition to praising the men and women of the aircrews of the Air Force and the Navy and the Marine Corps who fought and flew bravely into great danger, and who deserve a great deal of credit for delivering this success, I offer as well my congratulations and praise to the Commander in Chief, the President of the United States, who held the NATO alliance together, who persevered when there was considerable doubt and criticism not only at home but abroad as well, and who must be given great credit for delivering this successful agreement.

We have just begun the hard work of rebuilding democracy in this region of the world. We should not forget, as I have said in my statement, we have arrived here because we were complacent. We have arrived here because we ignored the call for freedom inside of Serbia, to our eventual peril as a consequence.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Y2K ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 621, AS FURTHER MODIFIED

Mr. GORTON. What is the business before the Senate?

The PRESIDING OFFICER. The pending business is the question on the amendment by the Senator from California, as further modified.

Mr. GORTON. I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 621, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—66

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—32

Akaka
Biden
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Lautenberg
Leahy
Levin
Mikulski
Murray
Reed
Reid
Sarbanes
Schumer
Torricelli
Wellstone

NOT VOTING—2

McCain
Thomas

The motion was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the only remaining amendments in order to S. 96 be those by Senators SESSIONS, GREGG, and INHOFE, and that following those amendments the bill be advanced to third reading.

I further ask consent that all debate must be concluded today on the Sessions, Gregg, and Inhofe amendments, and if any votes are ordered, they occur in stacked sequence just prior to the passage vote on Tuesday, with 2 minutes for explanation prior to the votes if stacked votes occur.

I further ask that following the reading of the bill for the third time, the Senate then proceed to the House companion bill, H.R. 775, and all after the enacting clause be stricken, the text of S. 96 be inserted, H.R. 775 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, June 15, or immediately after votes on any of the above amendments if such votes are ordered, with paragraph 4 of rule XII being waived.

I further ask that following the third reading of S. 96, the bill be placed back on the calendar.

Finally, I ask consent that at 11 a.m. on Tuesday, June 15, there be 2 hours equally divided for closing arguments, and following those remarks the Senate stand in recess until 2:15 p.m. for the weekly party conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I want to make a further announcement by direction of the majority leader. There will be no further votes today, and there will be no votes tomorrow. The next vote will take place not earlier than 5:30 p.m. on Monday, and there may, if appropriate at that time, be a vote on final passage of the energy and water appropriations bill.

AMENDMENT NO. 622 TO AMENDMENT NO. 608

(Purpose: To provide regulatory amnesty for defendants, including States and local governments, that are unable to comply with a federally enforceable measurement or reporting requirement because of factors related to a Y2K system failure)

Mr. GORTON. I send an amendment to the desk on behalf of Senator INHOFE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. INHOFE, proposes an amendment numbered 622.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, between lines 22 and 23, insert the following:

(6) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term "defendant" includes a State or local government.

(ii) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term "local government" means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term "Y2K upset"—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

At the appropriate place, insert the following:

SEC. . CREDIT PROTECTION FROM YEAR 2000 FAILURES.

(a) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting mortgage, credit accounts, banking, or other financial transactions shall cause or permit a foreclosure, default, or other adverse action against any other person as a result of the improper or incorrect transmission or inability to cause transaction to occur, which is caused directly or indirectly by an actual or potential Y2K failure that results in an inability to accurately or timely process any information or data, including data regarding payments and transfers.

(b) SCOPE.—The prohibition of such adverse action to enforce obligations referred to in subsection (a) includes but is not limited to mortgages, contracts, landlord-tenant agreements, consumer credit obligations, utilities, and banking transactions.

(c) ADVERSE CREDIT INFORMATION.—The prohibition on adverse action in subsection (a) includes the entry of any negative credit information to any credit reporting agency, if the negative credit information is due directly or indirectly by an actual or potential disruption of the proper processing of financial responsibilities and information, or the inability of the consumer to cause payments to be made to creditors where such inability is due directly or indirectly to an actual or potential Y2K failure.

(d) ACTIONS MAY RESUME AFTER PROBLEM IS FIXED.—No enforcement or other adverse action prohibited by subsection (a) shall resume until the obligor has a reasonable time after the full restoration of the ability to regularly receive and dispense data necessary to perform the financial transaction required to fulfill the obligation.

(e) SECTION DOES NOT APPLY TO NON-Y2K-RELATED PROBLEMS.—This section shall not affect transactions upon which a default has occurred prior to a Y2K failure that disrupts financial or data transfer operations of either party.

(f) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This section delays but does not prevent the enforcement of financial obligations.

Mr. GORTON. This is the Inhofe amendment referred to in my unanimous consent request. It has to do with amnesty for certain regulatory activities in its first part. The second part was suggested by the distinguished Senator from South Carolina and is designed to assure that no one lose a home through a mortgage or any other similar kind of loss as a result of a Y2K failure or glitch.

The amendment has been cleared on both sides.

Mr. HOLLINGS. I thank the Senator from Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 622) was agreed to.

AMENDMENT NO. 623 TO AMENDMENT NO. 608

(Purpose: To permit evidence of communications with state and federal regulators to be admissible in class action lawsuits)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 623.

Mr. SESSIONS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place, add the following section:

SEC. . ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

Mr. SESSIONS. Mr. President, this amendment simply provides that rule

704 of the Federal Rules of Evidence, which most States have adopted—as a matter of fact, I think no more than a handful have not adopted Federal Rules of Evidence, and most of those have adopted 704; it happens that the State of Alabama did not adopt rule 704. Particularly with regard to these Y2K cases, I think rule 704 would be an appropriate rule of evidence.

It allows the introductions of analyses and reports by parties to the litigation that would indicate whether or not the entity that is involved had or had not taken adequate steps toward curing the Y2K problem, whether or not they actually have moved in that direction in a sufficient way. It could be the defense or, on the other side, assist the plaintiff.

I think this would be a good amendment and bring Alabama's law and perhaps a handful of other State laws into compliance, into uniformity in this Y2K bill.

We worked hard to have support across the aisle. I thank my colleagues, both Democrats and Republicans, for their courtesy and interest in dealing with this problem. I think we have developed language, after a number of changes, that will leave most people happy. I hope this amendment will be accepted.

I know some Members will want to review this amendment before next week when we have a final vote.

Mr. GORTON. The amendment proposed by the Senator from Alabama certainly seems highly reasonable to me.

He is, however, correct; a number of proponents and opponents have asked for an opportunity to examine the amendment in a little more detail. That is why the unanimous consent agreement deferred final consideration until Monday.

I am reasonably confident it will be accepted by voice vote, and I certainly hope it will.

Mr. SESSIONS. I thank the Senator from Washington, and I thank him for his leadership on this important issue dealing with an economic problem that could place one of America's greatest industries in jeopardy. I believe this is an important piece of legislation.

I thank Senator GORTON for his leadership.

Mr. GREGG. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 624 TO AMENDMENT NO. 608

(Purpose: To provide for the suspension of penalties for certain year 2000 failures by small business concerns)

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. BOND, proposes an amendment numbered 624.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___ . SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term "agency" means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term "first-time violation" means a violation by a small business concern of a Federal rule or regulation resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

Mr. GREGG. I offer an amendment that ensures that small businesses which are hit with Y2K problems will not be penalized by the Federal Government for activities they are unable to deal with as a result of the Y2K problem.

An overzealous Federal Government bearing down on a small business can be a very serious problem. I know all Members have constituents who have had small businesses that have found the Federal Government to be overbearing.

It would therefore be uniquely ironic and inappropriate if the overzealousness of the Federal Government were to be thrown on top of a situation which a small business had no control over, which would be the failure of their computer system as a result of a Y2K problem. This does not get into the issue of liability, which may be the underlying question in this bill. It doesn't raise the question of whether or not the computer company should be exempt from liability, which I know has been a genuine concern of the Senator from South Carolina. Rather, it simply addresses the need for equity and fairness when we are dealing with small businesses which, through no fault of their own, have suddenly been hit with a Y2K problem and therefore fail to comply with a Federal requirement or Federal regulation and end up getting hit with a huge fine, all of which they had no control over.

This amendment is tightly drafted so a small business cannot use it as an excuse not to meet a Federal obligation or Federal regulation. It does not allow a small business to take the Y2K issue and use it to bootstrap into avoiding an obligation which it has in the area of some Federal regulatory regime. Rather, it is very specific. It says, first off, this must be an incident of a first-time regulatory violation, so no small business which has any sort of track record of violating that Federal regulation could qualify for this exemption. So it has to be a first-time event.

Second, the small business has to prove it made a good-faith effort to remedy the Y2K problem before it got hit with it. So it cannot be a situation where the small business said: I have this Y2K problem coming at me, I have this Federal regulation problem coming at me, I am going to let the Y2K problem occur and then I will say that is my reason for not complying. Small business must have made a good-faith attempt to remedy the Y2K problem.

Third, the Y2K problem cannot be used if the violation was to avoid or resulted from efforts to prevent disruption of a critical function or service.

Fourth, the small business has to demonstrate the actions to remediate the violation were begun when the violation was discovered. So the small business has to show it attempted to address the problem as soon as it realized it had a Y2K problem, and it cannot allow the fact it has a Y2K problem, again, to go unabated and use that lack of correction of a problem as an excuse for not meeting the obligations of the Federal regulation.

Fifth, that notice was submitted to the appropriate agency when the small business became aware of the violation and therefore knew it had a Y2K problem.

The practical effect of this will be small businesses throughout this country, which are inadvertently and beyond their own capacity to control a hit with a Y2K problem, will not be doubled up with a penalty for not meeting a Federal regulatory requirement that they could not meet as a result of the Y2K problem kicking in.

It is a simple amendment. It is a reasonable amendment. It really does not get into the overall contest that has been generated around this bill which is: Should there be an exemption of liability for manufacturers of the product which creates the Y2K problem? Rather, it is trying to address the innocent bystander who gets hit, that small businessperson who suddenly wakes up, realizes he has a Y2K problem, tries to correct the Y2K problem, can't correct the Y2K problem, and as a result fails to comply with a Federal regulation, and then the Federal Government comes down and hits him with a big fine and there was nothing the small business could do. It gets hit with a double whammy: Its systems go down and they get hit with a fine.

This just goes to civil remedy, to remedies which involve monetary activity, so it does not address issues where a business would be required to remedy through action. An example here might be OSHA. If they had to correct a workplace problem, they would still have to correct the workplace problem whether or not they had the Y2K failure. If they had an environmental problem which required remedial action, such as a change in their water discharge activities, again they would have to meet the remedial action.

All this amendment does, it is very limited in scope, it just goes to the financial liability the company might incur as a result of failing to meet a regulation. It is a proposal which is strongly supported by the small business community. The NFIB is a supporter of this proposal and will be scoring this vote as one of its primary votes as it puts together its assessment of Members of Congress, and their support for small business.

It is a reasonable proposal. I certainly hope it will end up being accepted. In any event, I understand under the unanimous consent agreement which has been generated there will be a vote on it Tuesday.

I yield the floor.

Mr. BOND. Mr. President, I rise today to address the amendment to the Y2K Act sponsored by Senator GREGG and which cosponsored. This is an important amendment that will waive Federal civil money penalties for blameless small businesses that have in good faith attempted to correct their Y2K problems, but find themselves inadvertently in violation of a Federal regulation or rule despite such efforts. Most experts that have studied the Y2K problem agree that regardless of how diligent a business is at fixing its Y2K problems, unknowable difficulties are still likely to arise that may place the operations of such businesses at risk. This amendment will ensure that the government does not further punish small businesses that have attempted to fix their Y2K problems, but are nevertheless placed in financial peril because of these problems.

As chairman of the Senate Committee on small Business, I have paid particular attention to the problems that small businesses are facing regarding the Y2K problem. Small businesses are trying to become Y2K complaint, but face many obstacles in doing so. One of the major obstacles is capital. Small businesses are the most vulnerable sector of our business community, as many of them do not have a significant amount of excess cash flow. Yet, a great number of small businesses are already incurring significant costs to become Y2K compliant. Earlier this year, Congress passed Y2K legislation that I authored to provide small businesses with the means to fix their own computer systems. Even small businesses that take advantage of that program, however, will see decreased cash flow from their efforts to correct Y2K problems.

The last thing, therefore, this government should do is levy civil money penalties on small businesses that find themselves inadvertently confronted with Y2K problems. Many of these businesses will already have had their operations disrupted and may be in danger of going out of business entirely. The Federal Government should not push them over the edge.

This amendment has been carefully crafted so that only those small businesses that are subject to civil money penalties through no fault of their own are granted a waiver. Under this amendment, a small business would only be eligible for a waiver of civil money penalties if it had not violated the applicable rule or regulation in the last 3 years. This provision will help to ensure that businesses that have continuing violations or that have a history of violating Federal rules and regulations will not be let off the hook.

Small businesses must also demonstrate to the government agency levying the penalties that the business had previously made a good faith effort to correct its Y2K problems. We must not provide disincentives to businesses so that they do not fix their Y2K problems now. This amendment does not provide such a disincentive. In addition, to receive relief, a small business must show that the violation of the Federal rule or regulation was unavoidable or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property. The amendment also provides that, upon identification of a violation, the small business concern must have initiated reasonable and timely efforts to correct it. Finally, in order to receive the relief provided by this amendment, a small business must have submitted notice, within seven business days, to the appropriate Federal agency.

What is clear from these requirements is that the amendment will only apply to conscientious small businesses that have tried in good faith to prepare for the Y2K problem and that promptly correct inadvertent violations of a Federal rule or regulation that nevertheless occur as a result of such problem. It is critically important that these innocent victims not be punished by the Federal Government for a problem that confronts us all.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from New Hampshire is correct. He has explained his amendment with great clarity. It may or may not be seriously contested. We simply are not going to know that until early next week, so I thank him for his graciousness in waiting for a final decision until then.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, today there are 204 days left before the Y2K problem becomes a concrete reality for any entity throughout the world that has a computer system.

The Y2K issue has been publicized across this nation; sometimes to a greater degree than necessary. Some Americans have even resorted to hoarding food and planning for the end of the world. While no one has a magic answer as to what will happen on the first of the year, enough effort has been made by the public and private sector to ensure that Americans are aware of this issue.

However, I am concerned that under the current version of S. 96, companies may continue sales of non-Y2K compliant products even after enactment of this act without disclosing non-Y2K compliance to consumers. While I strongly support this important piece of legislation, I am concerned that unscrupulous marketers may attempt to deceive consumers by continuing to sell non-Y2K compliant products. A computer given for a Christmas gift isn't much of a gift when it stops working 7 days later.

Thus I planned to offer an amendment to section 5(b)(3) that would lift the cap on punitive damages for products sold after the date of enactment of this act if the plaintiff could have established by clear and convincing evidence that the defendant knowingly sold non-Y2K compliant products absent a signed waiver from the plaintiff. However, I have agreed to defer to the chairman so that this issue can be best addressed in conference.

Mr. MCCAIN. If I could inquire of my colleague from Alaska how his original amendment would have applied if, for example, a company bought a Y2K-compliant computer server in November 1999, and that server has to interact with other software and networked hardware manufactured by other companies that may or may not be Y2K compliant.

Mr. MURKOWSKI. I thank my friend for his question. My amendment would have imposed liability only if the manufacturer sold a server that was non-Y2K compliant by itself after the date of enactment of this act. My amendment would not apply to a Y2K compliant server that failed due to the non-Y2K compliance of installed software or attached hardware manufactured by other companies.

Mr. MCCAIN. I thank my colleague for his clarification and will be pleased to address his concerns in conference.

Mr. MURKOWSKI. I thank my friend from Arizona for his attention to this issue.

Mr. FEINGOLD. Mr. President, I appreciate all the hard work that has been done on this legislation by my colleagues. I know they are sincere in their concern about the effect of Y2K computer failures and in their desire to do something to encourage solutions to those problems in advance of the end of the year. But this bill is ill-considered and ill-advised. As the Justice Department has noted with respect to original version of this bill, and I think the judgment remains accurate: this bill would be "by far the most sweeping litigation reform measure ever enacted if it were approved in its current form. The bill makes extraordinarily dramatic changes in both federal procedural and substantive law and in state procedural and substantive law."

For all the heated rhetoric we have heard on this floor over the past few days, I have not seen evidence that legislation is needed to create incentives for businesses to correct Y2K problems. More importantly, I do not agree that this bill actually creates those incentives. Indeed, I think that in many ways it does just the opposite. It rewards the worst actors with its damages caps and its prohibition of recovery for economic loss, and it may even give incentives to delay corrective action with the cooling off period and the changes in class action rules.

A major concern that I have about this bill is the breathtakingly broad and unprecedented preemption of state law that it contains. I simply do not agree that we should overrule the judgment of state legislatures and judges who have defined the law in their states for traditional contract and tort cases. This bill benefits one class of businesses, those who sell products that may cause Y2K problems, over another class of business, those who buy such products, and individual consumers. It completely disregards whether state lawmakers and judges would reach the same conclusions. I see no reason why Congress should dictate tort and contract law to the states. Protections for injured parties that have been developed through decades of experience are being summarily wiped out by the Congress, on the basis of a very thin record. Mr. President, that is not right.

Another serious problem with this bill has to do with the elimination of joint and several liability in the vast majority of Y2K cases. Mr. Chairman, we all have heard many times the horror story of a poor deep pocket defendant found to be only 1% liable who ends up on the hook for the entire judgment in a tort case. Frankly, I am aware of few actual examples of this phenomenon, but I know it is theoretically possible. A far more frequent occurrence, however, is a case where two or three defendants are found equally liable, but one or more of them is financially insolvent. The real question raised by joint and several versus proportionate liability is who should bear the risk that the full share of damages cannot be collected from one defendant. Who should have the responsibility to identify all potentially liable parties and bring them into the suit? Who should bear the risk that one of the defendants has gone bankrupt? Should it be the innocent plaintiff who the law is supposed to make whole, or a culpable defendant? Mr. President, to me that question is easy to answer. Someone who has done wrong should bear that risk. But states have reached different balances on this question, based on their own experience of decades and decades of tort cases. How is it that we in the Congress all of the sudden became experts on this issue? Where do we get off overriding the judgment of state legislatures on this crucial question of public policy?

Now I recognize that changes to the bill obtained by Senator DODD would limit the effect of the abrogation of joint and several liability in a narrow set of cases involving egregious conduct by defendants or particularly poor plaintiffs. But I don't think this change goes far enough in protecting innocent victims from the harsh reality that sometimes the worst offenders have the least money. Section 6 of this bill eliminates joint and several liability in virtually every Y2K case, and that is wrong.

Let me quote one of the bill's stated purposes from Section 2(b) of the bill—"to establish uniform legal standards that give all businesses and users of technology reasonable incentives to solve Y2K computer date-change problems before they develop." But Mr. President, this bill doesn't establish uniform standards. It preempts state law only in one direction—always in favor of defendants and against the interests of the injured party.

As I stated before, I don't agree that uniform standards are needed. I think our state legislatures and judges are due more respect than this bill gives them. But if there is truly a compelling interest in uniformity, then I do not understand why this bill preempts state laws that offer more protection to injured plaintiffs but not those state laws that are less generous to the injured party. Yesterday, we even adopted, without debate, an amendment offered by Senator ALLARD that says specifically that any state law that provides more protection for defendants in Y2K cases than this bill does is not preempted. So preemption is a one-way street here. If you're in a state where the law is moving in the same direction as this bill and cutting back on the damages that can be recovered in a Y2K suit, you're fine, but if your state is going in the wrong direction, you get run over.

Mr. President, that is not fair. And it certainly is not consistent with the bill's stated purpose of providing uniform national standards.

Let me give you one example. About 30 states have no caps on punitive damages. Three other states have caps that are more generous than the caps in this bill. In Y2K cases involving defendants who are small businesses as defined in this bill, those state laws would be preempted. About a dozen states have higher caps on some kind of cases and lower caps on others. This bill would partially preempt those state laws, overriding the balance that the duly elected state legislatures in question decided was fair and just.

Six states do not allow punitive damages in tort cases, and one has caps that are lower than those permitted under this bill. Those states would be allowed to continue to apply the judgments of their legislatures and courts in Y2K cases.

My state of Wisconsin has generally rejected imposing arbitrary caps on punitive damages, instead trusting judges and juries to determine an appropriate punishment for defendants who act in a particularly harmful and intentional or malicious way. The state of Washington, to take an example, has eliminated punitive damages. Why should the policy decisions of the state of Washington be respected by this Congress more than the policy decisions of Wisconsin—or Pennsylvania, or Arizona, or New York, or the majority of states.

The one-sided tilt of this bill is very troubling. Punitive damages caps of any kind are bad ideas I believe. Remember that in every state punitive damages can be awarded only in cases of intentional or outrageous misconduct. So the protection offered by these caps goes to the very worst Y2K offenders—those who have acted intentionally or maliciously to avoid fixing their Y2K problems. Where is the justice and balance in that?

Mr. President, because I think it's important for the Senate to take every aspect of legislation into account in our debate here on the floor, I have a few more facts I'd like to add—facts about how much money has been donated to the political parties and to candidates by a couple of powerful groups that have a huge stake in this bill.

Now the dollar figures I'm about to cite, keep in mind, are only for the last election cycle, 1997 to 1998. First there's the computer and electronics industry, which gave close to $6 million in PAC and soft money during the last election cycle—$5,772,146 to be exact. And there's also the Association of Trial Lawyers of America, which gave $2,836,350 in PAC and soft money contributions to parties and candidates in 1997 and 1998.

As I said, I cite these figures so that as my colleagues weigh the pros and cons of this bill, they, and the public, are aware of the financial interests that have been brought to bear on the legislation. The lobbying efforts, as we know, have been significant, and so have the campaign contributions. And the public can be excused if it wonders if those contributions have distorted the process by which this bill was crafted.

Mr. President, I am pleased that the Administration has indicated it will veto this bill in its current form. I will support that veto as well as voting against the bill. We need to encourage problem solving and remediation to avoid a disaster on January 1 in the Year 2000. But we don't need to enact this bill. Indeed, while trying to address a supposed litigation explosion, we may well have created an explosion of unfairness to people and businesses who are injured by the negligent or reckless behavior of those who sell non-Y2K compliant products.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent the Senate now go to a period for morning business with Senators being allowed to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANCE TO THE KOSOVAR ALBANIAN REFUGEES

Mr. CLELAND. Mr. President, I rise today both to pay tribute to and to thank the Government of the Republic of China on Taiwan (ROC) for their recent announcement to provide economic assistance to the Kosovar Albanian refugees. These funds, some $300 million, represent a very generous gift and will prove invaluable to the displaced people of Kosovo by helping them receive the food, shelter and clothing they need to survive in the refugee camps and later, when they return to their homes in Kosovo. Furthermore, the aid from Taiwan will provide emergency medical assistance to the refugees, educational materials for the displaced children and job training for those that need it. The government of the ROC is even making it possible for some refugees to receive short term accommodations and job training in Taiwan while they await the rebuilding of their homes, businesses, schools, and hospitals.

The generosity of the government of the ROC is a tribute to the thoughtfulness and caring of the Taiwanese people and serves as a wonderful example for the entire international community. The current president of Taiwan, Lee Teng-hui, typifies this compassion and I would like to personally thank him and his foreign minister, Jason Hu, who is a good friend of mine, for all they have done not only for the people of Taiwan but not for the people of Kosovo. Only through such generosity and compassion can the people of the Balkans begin to move past the horrors they have experienced over the past few months and build a better future for themselves and their communities.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 10, 1999, the federal debt stood at $5,604,848,624,148.74 (Five trillion, six hundred four billion, eight hundred forty-eight million, six hundred twenty-four thousand, one hundred forty-eight dollars and seventy-four cents).

One year ago, June 10, 1998, the federal debt stood at $5,493,570,000,000 (Five trillion, four hundred ninety-three billion, five hundred seventy million).

Five years ago, June 10, 1994, the federal debt stood at $4,601,856,000,000 (Four trillion, six hundred one billion, eight hundred fifty-six million).

Ten years ago, June 10, 1989, the federal debt stood at $2,783,892,000,000 (Two trillion, seven hundred eighty-three billion, eight hundred ninety-two million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,820,956,624,148.74 (Two trillion, eight hundred twenty billion, nine hundred fifty-six million, six hundred twenty-four thousand, one hundred forty-eight dollars and seventy-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Al 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that it has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 127. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar:

H.R. 1259. An act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3601. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Maternal and Child Health Program for fiscal year 1996; to the Committee on Finance.

EC-3602. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the March 1999 issue of the "Treasury Bulletin" which contains various annual reports; to the Committee on Finance.

EC-3603. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for 1998 relative to extra billing in the Medicare program; to the Committee on Finance.

EC-3604. A communication from the Administrator, Department of Health and

Human Services, transmitting, pursuant to law, a report relative to the Rural Health Care Transition grant program; to the Committee on Finance.

EC–3605. A communication from the Commissioner, General Services Administration, transmitting, pursuant to law, a report of the status of the National Laboratory Center and the Fire Investigation Research and Education facility; to the Committee on Environment and Public Works.

EC–3606. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the 1998 annual report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–3607. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3608. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Upper Guadalupe River; to the Committee on Environment and Public Works.

EC–3609. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–77, "Children's Defense Fund Equitable Real Property Tax Relief Act of 1999", to the Committee on Governmental Affairs.

EC–3610. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–76, "Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Act of 1999"; to the Committee on Governmental Affairs.

EC–3611. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–70, "Ben Ali Way Act of 1999"; to the Committee on Governmental Affairs.

EC–3612. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–69, "Criminal Code and Clarifying Technical Amendments Act of 1999"; to the Committee on Governmental Affairs.

EC–3613. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–75, "Bethea-Welch Post 7284, Veterans of Foreign Wars, Equitable Real Property Tax Relief Act of 1999"; to the Committee on Governmental Affairs.

EC–3614. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–78, "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999-2004 Authorization Act of 1999"; to the Committee on Governmental Affairs.

EC–3615. A communication from the Commissioner, Social Security, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3616. A communication from the Chairman, National Endowmment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3617. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3618. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3619. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3620. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997, through September 30, 1998; to the Committee on Governmental Affairs.

EC–3621. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3622. A communication from the Chairman, Board of Directors, Panama Canal Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3623. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3624. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3625. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3626. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3627. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3628. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3629. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–186. A petition from a citizen of the State of Florida relative to Social Security; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 1205. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–74).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1206. An original bill making appropriations for the legislative branch excluding House items for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–75).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S. Res. 34. A resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 81. A resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

S. Res. 98. A resolution designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week."

S. Res. 114. A resolution designating June 22, 1999, as "National Pediatric AIDS Awareness Day."

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 606. A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 21. A joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ASHCROFT (for himself, Mr. FITZGERALD, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. 1199. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, Ms. MIKULSKI, Mr. SMITH of Oregon, Mrs. BOXER, Mr. SPECTER, Mr. DURBIN, Mrs. MURRAY, Mr. KERREY, Mr. ROBB, Mr. SCHUMER, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CLELAND, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. INOUYE, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. BRYAN):

S. 1200. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1201. A bill to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing persons between the ages of 18 and 21; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1202. A bill to require a warrant of consent before an inspection of land may be carried out to enforce any law administered by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. FEINGOLD, Mr. DODD, Mrs. MURRAY, and Mrs. LINCOLN) (by request):

S. 1203. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 1204. A bill to promote general and applied research for health promotion and disease prevention among the elderly, to amend title XVIII of the Social Security Act to add preventitive benefits, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 1205. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1206. An original bill making appropriations for the legislative branch excluding House items for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KOHL (for himself, Mr. BURNS, and Mr. HAGEL):

S. 1207. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1208. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. SANTORUM):

S. 1209. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE:

S. 1210. A bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world; to the Committee on Foreign Relations.

By Mr. BENNETT:

S. 1211. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1212. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. CAMPBELL, and Mr. DOMENICI):

S. 1213. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

By Mr. THOMPSON (for himself, Mr. LEVIN, Mr. VOINOVICH, Mr. ROBB, Mr. COCHRAN, Mrs. LINCOLN, Mr. ENZI, Mr. BREAUX, Mr. ROTH, and Mr. BAYH):

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DODD (for himself, Mr. CONRAD, and Mr. LEAHY):

S. 1215. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans Affairs.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1216. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. Res. 115. A resolution expressing the sense of the Senate regarding United States citizens killed in terrorist attacks in Israel; to the Committee on Foreign Relations.

By Mr. FITZGERALD:

S. Res. 116. A resolution condemning the arrest and detention of 13 Iranian Jews accused of espionage; to the Committee on Foreign Relations..

By Mr. CAMPBELL:

S. Res. 117. A resolution expressing the sense of the Senate regarding the United States share of any reconstruction measures undertaken in the Balkans region of Europe on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. FITZGERALD, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. 1199. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on Foreign Relations.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than October 1, 1999, and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between October 1, 1992 and the date of the report, against Israeli or United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) a list of all citizens of Israel killed or injured in such attacks;

(C) the date of each attack, the total number of people killed or injured in each attack, and the name and nationality of each victim;

(D) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(E) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, whether the Secretary considers the release justified based on the evidence against the suspect, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) Statistics on the release by the Palestinian Authority of terrorist suspects compared to the release of suspects in other violent crimes.

(5) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any determination by the Department of State as to whether a reward should be posted for suspects involved in terrorist attacks in which United States citizens were either killed or injured, and, if not, an explanation of why a reward should not or has not been posted for a particular suspect.

(6) A list of each request by the United States for assistance in investigating terrorist attacks against United States citizens, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel, and the response to each request from the Palestinian Authority and Israel.

(7) A list of meetings and trips made by United States officials to the Middle East to investigate cases of terrorist attacks in the 7 years preceding the date of the report.

(8) A list of any terrorist suspects or those aiding terrorists who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(9) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1948 and October 1, 1992, and a comprehensive list of all suspects involved in such attacks and their whereabouts.

(10) The amount of compensation the United States has requested for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestine Authority, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report.

(c) INITIAL REPORT.—Except as provided in subsection (a)(9), the initial report filed under this section shall cover the 7 years preceding October 1, 1999.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "appropriate congressional Committee" means the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, Ms. MILULSKI, Mr. SMITH of Oregon, Mrs. BOXER, Mr. SPECTER, Mr. DURBIN, Mrs. MURRAY, Mr. KERREY, Mr. ROBB, Mr. SCHUMER, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CLELAND, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. INOUYE, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. BRYAN):

S. 1200. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE ACT

• Ms. SNOWE. Mr. President, I rise today with my colleague from Nevada, Senator HARRY REID, to reintroduce the Equity in Prescription Insurance and Contraceptive Coverage Act. We are back today, with the support of 30 Members of the Senate, to finish the work we began in the last Congress.

Why are we back again this year? Because the need behind the Equity in Prescription Insurance and Contraceptive Coverage Act has not abated. There are three million unintended pregnancies every year—half of all pregnancies that occur every year in this country. And frighteningly, approximately half of all unintended pregnancies end in abortion.

I am firmly pro-choice and I believe in a woman's right to a safe and legal abortion when she needs this procedure. But I want abortion to be an option that a woman rarely needs. So how do we prevent this? How do we reduce the number of unintended pregnancies?

The safest and most effective means of preventing unintended pregnancies are with prescription contraceptives. And while the vast majority of insurers cover prescription drugs, they treat prescription contraceptives very differently. In fact, half of large group plans exclude coverage of contraceptives. And only one-third cover oral contraceptives—the most popular form of reversible birth control.

When one realizes the insurance "carve-out" for these prescriptions and related outpatient treatments, it is no longer a mystery why women spend 68 percent more than men in out-of-pocket health care costs. No woman should have to forgo or rely on inexpensive and less effective contraceptives for purely economic reasons, knowing that she risks an unintended pregnancy.

In last year's Omnibus Appropriations Bill, Congress instructed the health plans participating in the Federal Employees Health Benefit Plan—the largest employer-sponsored health insurance plan in the world—to provide prescription contraceptive coverage if they cover prescription drugs as a part of their benefits package. The protections we afford to Members of Congress, their staff, other federal employees and annuitants, and to the approximately two million women of reproductive age who are participating in FEHBP need to be extended to the rest of the country.

Unfortunately, the lack of contraceptive coverage in health insurance is not news to most women. Countless American women have been shocked to learn that their insurance does not cover contraceptives, one of their most basic health care needs, even though other prescription drugs which are equally valuable to their lives are routinely covered. Less than half—49 percent —of all large-group health care plans cover any contraceptive method at all and only 15 percent cover the five most common reversible birth control methods. HMOs are more likely to cover contraceptives, but only 39 percent cover all five reversible methods. And ironically, 86 percent of large group plans, preferred provider organizations, and HMOs cover sterilization and between 66 and 70 percent of these different plans do cover abortion.

The concept underlying EPICC is simple. This legislation says that if insurers cover prescription drugs and devices, they must also cover FDA-approved prescription contraceptives. And in conjunction with this, EPICC requires health plans which already cover basic health care services to also cover outpatient services related to prescription contraceptives.

The bill does not require insurance companies to cover prescription drugs. What the bill does say is that if insurers cover prescription drugs, they cannot carve prescription contraceptives out of their formularies. And it says that insurers which cover outpatient health care services cannot limit or exclude coverage of the medical and counseling services necessary for effective contraceptive use.

This bill is good health policy. By helping families to adequately space their pregnancies, contraceptives contribute to healthy pregnancies and healthy births, reduce rates of maternal complications, and reduces the possibility of low-birthweight births.

Furthermore, the Equity in Prescription Insurance and Contraceptive Coverage Act makes good economic sense. We know that contraceptives are cost-effective: in the public sector, for every dollar invested in family planning, $4 to $14 is saved in health care and related costs. And all methods of reversible contraceptives are cost-effective when compared to the cost of unintended pregnancy. A sexually active woman who uses no contraception costs the health care provider an average of $3,225 in a given year. The average cost of an uncomplicated vaginal delivery in 1993 was approximately $6,400. And for every 100 women who do not use contraceptives in a given year, 85 percent will become pregnant.

Why do insurance companies exclude prescription contraceptive coverage from their list of covered benefits—especially when they cover other prescription drugs? The tendency of insurance plans to cover sterilization and abortion reflects, in part, their longstanding tendency to cover surgery and treatment over prevention. Sterilization and abortion is also cheaper. But insurers do not feel compelled to cover prescription contraceptives because they know that most women who lack contraceptive coverage will simply pay for them out of pocket. And in order to prevent an unintended pregnancy, a woman needs to be on some form of birth control for almost 30 years of her life.

The Equity in Prescription Insurance and Contraceptive Coverage Act tells insurance companies that we can no longer tolerate policies that disadvantage women and disadvantage our nation. When our bill is passed, women will finally be assured of equity in prescription drug coverage and health care services. And America's unacceptably high rates of unintended pregnancies and abortions will be reduced in the process.

The philosophy behind the bill is that contraceptives should be treated no differently than any other prescription drug or device. It does not give contraceptives any type of special insurance coverage, but instead seeks to achieve equity of treatment and parity of coverage. For that reason, the bill specifies that if a plan imposes a deductible or cost-sharing requirement on prescription drugs or devices, it can impose the same deductible or cost-sharing requirement on prescription contraception. But it cannot charge a higher cost-sharing requirement or deductible on contraceptives. Outpatient contraceptive services must also be treated similarly to general outpatient health care services.

Time and time again Americans have expressed the desire for their leaders to come together to work on the problems that face us. This bill exemplifies that spirit of cooperation. It crosses some very wide gulfs and makes some very meaningful changes in policy that will benefit countless Americans.

As someone who is pro-choice, I firmly believe that abortions should be safe, legal, and rare. Through this bill, I invite both my pro-choice and pro-life colleagues to join with me in emphasizing the rare.•

Mr. REID. Mr. President, I am proud to introduce today, with Senator SNOWE, the Equity in Prescription and Contraception Coverage Act of 1999. Senator SNOWE and I first introduced this bill in 1997.

The legislation we introduce today would require insurers, HMO's and employee health benefit plans that offer prescription drug benefits to cover contraceptive drugs and devices approved by the FDA. Further, it would require these insurers to cover outpatient contraceptive services if a plan covers other outpatient services. Lastly, it would prohibit the imposition of copays and deductibles for prescription contraceptives or outpatient services that are greater than those for other prescription drugs.

I hope that we have the success this year that we had last year in directing the Federal Health Benefit Plans to cover contraception. As many of you recall, after a tough fight, Congresswoman LOWEY and I were able to amend the Treasury Postal Appropriations bill so that Federal Health Plans must cover FDA approved contraceptives.

EPICC is about equality for women, healthy mothers and babies, and reducing the number of abortions that are performed in this country each year. For all the advances women have made, they still earn 74 cents for every dollar a man makes and on top of that, they pay 68 percent more in out of pocket costs for health care than men. Reproductive health care services account for much of this 68 percent difference. You can be sure, if men had to pay for contraceptive drugs and devices, the insurance industry would cover them.

The health industry has done a poor job of responding to women's health needs. According to a study done by the Alan Guttmacher Institute, 49 percent of all large-group health care plans do not routinely cover any contraceptive method at all, and only 15 percent cover all five of the most common contraceptive methods.

Women are forced to use disposable income to pay for family planning services not covered by their health insurance—"the pill" one of the most common birth control methods, can cost over $300 a year. Women who lack disposable income are forced to use less reliable methods of contraception and risk an unintended pregnancy.

If our bill was only about equality in health care coverage between men and women, that would be reason enough to pass it. But our legislation also provides the means to reduce abortions, and have healthier mothers and babies. Each year approximately 3 million pregnancies, or 50 percent of all pregnancies, in this country are unintended. Of these unintended pregnancies, about half end in abortion.

Reliable family planning methods must be made available if we wish to reduce this disturbing number.

Ironically, abortion is routinely covered by 66 percent of indemnity plans, 67 percent of preferred provider organizations, and 70 percent of HMO's. Sterilization and tubal ligation are also routinely covered. It does not make sense financially for insurance companies to cover these more expensive services, rather than contraception. But insurance companies know that women will bear the costs of contraception themselves—and if they can not afford their method of choice, there are always less expensive means to turn to. Of course less expensive also means less reliable.

This just seems like bad business to me. If a woman can not afford effective contraception, and she turns to a less effective method and gets pregnant, that pregnancy will cost the insurance company much more than it would cost them to prevent it. According to one recent study in the American Journal of Public Health, by increasing the number of women who use oral contraceptives by 15 percent, health plans would accrue enough savings in pregnancy care costs to cover oral contraceptives for all users under the plan. Studies indicate that for every dollar of public funds invested in family planning, four to fourteen dollars of public funds is saved in pregnancy and health care-related costs. Not only will a reduction in unintended pregnancies reduce abortion rates, it will also lead to a reduction in low-birth weight, infant mortality and maternal morbidity.

Low birth weight refers to babies who weigh less than 5.5 pounds at birth. How much a baby weighs at birth is directly related to the baby's survival, health and development. In Nevada, during the past decade, the percent of low birth weight babies has increased by 7 percent. These figures are important because women who use contraception and plan for the birth of their baby are more likely to get prenatal care and lead a healthier life style. The infant mortality rate measures the number of babies who die during their first year of life. In Nevada, between the years of 1995 and 1997, the infant mortality rate was 5.9, this means that of the 77,871 babies born during this period, 459 infants died before they reached their first birthday. The National Commission to Prevent Infant Mortality determined that "infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception."

It is vitally important to the health of our country that quality contraception is not beyond the financial reach of women. Providing access to contraception will bring down the unintended pregnancy rate, insure good reproductive health for women, and reduce the number of abortions. It is a significant step, in my opinion, to have support from both pro-life and pro-choice Senators for this bill. Prevention is the common ground on which we can all stand. Let's begin to attack the problem of unintended pregnancies at its root.

By Mr. SCHUMER:

S. 1201. A bill to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing persons between the ages of 18 and 21; to the Committee on the Judiciary.

SUZANNE'S LAW

• Mr. SCHUMER. Mr. President, I am introducing legislation today to remedy what I believe is a significant shortcoming in federal law relating to missing person reports. My bill is entitled "Suzanne's Law," to serve as a continuing reminder of the plight of Suzanne Lyall. Suzanne, a resident of Ballston Spa, New York, disappeared last year at age 19 during the course of her senior year at the State University of New York at Albany. All indications are that her disappearance was due to foul play. She has never been found, despite investigations by campus security, the local police, and the FBI. Suzanne's family, friends and relatives dearly miss her and have undertaken admirable efforts to secure improvements in campus security and in missing person reporting.

The Lyall family has brought it to my attention that federal law currently prohibits state and local law enforcement officials from imposing a 24-hour waiting period before accepting a report regarding the disappearance of a person under the age of 18, yet it does not extend similar protection for reports of missing persons between the ages of 18 and 21. This is an oversight that must be remedied. Prompt action on the part of law enforcement authorities is of the essence in missing person cases. Thus, my bill would prohibit state and local law enforcement officials from imposing a 24-hour waiting period before accepting "missing youth" reports—defined as reports indicating that a person of at least 18 years of age and less than 21 years of age was missing under suspicious circumstances. Enactment of this legislation would enhance the prospects for family reunification in missing person cases and may spare other families the pain and sacrifice experienced by the Lyalls.•

By Mr. CAMPBELL:

S. 1202. A bill to require a warrant of consent before an inspection of land may be carried out to enforce any law administered by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

PRIVATE PROPERTY PROTECTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Private Property Protection Act of 1999.

This bill would require that Interior Department personnel obtain either the property owner's permission or a properly attained and legal search warrant before they enter someone's private property.

America's law abiding private property owners, especially our ranchers and farmers, should not be subject to unwarranted trespassing and egregious random searches by federal bureaucrats. They deserve to be treated fairly and according to the law, just like other Americans. They deserve the same private property rights that other Americans enjoy.

Under our legal system, if appropriate sworn law enforcement officers can demonstrate to a judge that there is probable cause to believe that a person has broken the law, and that there is a justified need to enter a property, then those law enforcement officials can obtain a search warrant to enter and search a private property. This is reasonable, just and how it should be. I have a firsthand understanding of this from the time I served as a Deputy Sheriff.

However, all too often our ranchers, farmers and other private property owners are being denied these same basic legal property rights when it comes to federal employees operating under endangered species laws. Interior Department employees are trespassing on private property without the owner's permission or a search warrant. Many of these Interior Department employees who are trespassing have no sworn legal authority whatsoever.

Disturbing incidents of federal agency personnel operating outside of the law, and willfully trespassing on private property without any legal just cause, threatens to erode our fundamental property rights. One particular case that occurred in El Paso County, in my home state of Colorado, stands as a prime example.

A February 5th, 1999 article entitled "Federal employee pleads no contest to trespassing" in the AG JOURNAL illustrates this El Paso County case. Last fall, a U.S. Fish and Wildlife Service biologist pleaded no contest to a charge of second degree criminal trespassing. This individual is one of the many thousands employed by the Interior Department, and had no legal basis to be on a private ranch located near Colorado Springs. His sentence included a $138 fine and 30 hours of community service.

I applaud the El Paso County District Attorney's Office for standing up to federal lawyers and pursuing this case to its rightful conclusion. It is a small but important victory for American private property owners. It also illustrates a disturbing ability of some federal employees to act as though they are above the law.

Furthermore, the American taxpayers are picking up the tab for the legal defense of these trespassers. When I inquired with both the Interior Department and the Justice Department as to how much taxpayer money was spent to defend the convicted U.S. Fish and Wildlife Service trespasser, they did not disclose the specific dollar amount. These agencies seem to be sending federal personnel the message: "Go ahead and trespass on private property. If you get caught, we'll go ahead and fix it because we think that the benefits of trespassing outweigh the costs of getting caught." This is not acceptable.

Unfortunately, the El Paso County incident is far from isolated. It is certain that every year, hundreds of private property owners, ranchers and farmers are subject to trespassing by federal employees. We will never know how many trespassing cases go unreported because Americans feel that they can not beat the federal government's bureaucrats and lawyers, and fear that if they do, there may be retribution.

The Colorado Cattlemen's Association has written a letter of support for the Private Property Protection Act of 1999. I appreciate their support for this legislation.

I urge my colleagues to support passage of this legislation.

I ask unanimous consent that the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSPECTIONS OF LAND TO ENFORCE LAWS ADMINISTERED BY THE SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—During fiscal year 2000 and each fiscal year thereafter, notwithstanding any law that authorizes any officer or employee of the Department of the Interior to enter private land for the purpose of conducting an inspection or search and seizure for the purpose of enforcing the law, any such officer or employee shall not enter any private land without first obtaining—

(1) a warrant issued by a court of competent jurisdiction; or

(2) the consent of the owner of the land.

(b) VIOLATION AND EMERGENCY EXCEPTION.—An officer or employee of the Department of the Interior may enter private land without meeting the conditions described in subsection (a)—

(1) for the purpose of enforcing the law, if the officer or employee has reason to believe that a violation of law is being committed; or

(2) as required as part of an emergency response being conducted by the Department of the Interior.

COLORADO CATTLEMEN'S ASSOCIATION,
Arvada, CO, May 10, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: The Colorado Cattlemen's Association (CCA) supports your efforts to amend the Endangered Species Act which limits access to private property by federal government employees or agents thereof, unless by court-issued warrant or the consent of the landowner.

CCA is aware of documented instances in Colorado where Department of Interior employees repeatedly trespassed onto private lands to conduct endangered species surveys. CCA needs your help to halt this practice! We would appreciate your assistance in ensuring that private property rights and trespass laws are obeyed. Thank you for your time and consideration.

Sincerely,

FREEMAN LESTER,
President.

COLORADO FARM BUREAU,
Englewood, CO, May 24, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: Colorado Farm Bureau strongly supports legislation to require officers or employees of the Department of the Interior to obtain a warrant or consent of the landowner before conducting inspections or search and seizure of private property. While our Bill of Rights contains protection for property owners, the provision is largely ignored in regard to the regulatory actions of the Department of the Interior.

Farm Bureau policy opposes allowing public access to or through private property without permission of the property owner or authorized agent. We support legislation that requires federal officials to notify property owners and obtain permission before going onto private lands.

Property rights protection for farmers and ranchers is critical to the success of their operations and future well being. Farm Bureau supports your efforts to protect landowners from the Interior Department entering their land without permission or a warrant.

Thank you for your continued support of agriculture.

Sincerely,
ROGER BILL MITCHELL,
President.

By Ms. MIKULSKI (for herself, Mr. FEINGOLD, Mr. DODD, Mrs. MURRAY, and Mrs. LINCOLN) (by request):

S. 1203. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

OLDER AMERICANS ACT AMENDMENTS OF 1999

• Ms. MIKULSKI. Mr. President, I rise today to introduce the Administration's proposal to reauthorize the Older Americans Act (OAA). The Older Americans Act is a vital program that meets the day-to-day needs of our nation's seniors. Through an aging network that involves 57 state agencies on aging, 660 area agencies on aging, and 27,000 service providers, the OAA provides countless services to our country's older Americans. The OAA was last reauthorized in 1992 and its authorization expired in 1995. The time is long overdue for Congress to reauthorize this program. That is why, as the Ranking Democrat on the Subcommittee on Aging, I am working with the Chairman of the Subcommittee to introduce a bipartisan bill in the Senate to reauthorize the OAA. That's why I am here today to introduce the Administration's plan to reauthorize the Act as a courtesy and to remind my fellow colleagues about the importance of passing an OAA reauthorization bill.

Many Americans have not heard of the Older Americans Act. They've probably heard of Meals on Wheels and maybe they know about the senior center down the street. But our country's seniors who count on the services provided under the Act couldn't do without them. Whether it's congregate or home delivered meals programs, legal assistance, the long-term care ombudsman, information and assistance, or part-time community service jobs for low-income seniors. This Act covers everything from transportation to a doctor's appointment to a hot meal and companionship at a local senior center to elder abuse prevention.

But we're not going to just settle for the status quo. We must make the most of this opportunity to modernize and improve the OAA to meet the needs of seniors. That's why I'm including the National Family Caregiver Support Program in this bill I'm introducing today. Through a partnership between states and area agencies on aging, this program will provide information about resources available to family caregivers; assistance to families in locating services; caregiver counseling, training, and peer support to help them deal with the emotional and physical stresses of caregiving; and respite care. We must get behind our nation's caregivers by helping those who practice self-help. Caregivers often put in a 36 hour day: taking care of the family, pursuing a career, caring for the senior who needs care, and finding the information on care and putting together a support system. We need to support those who are providing this invaluable care.

I want to reauthorize the OAA this year before the new millennium when our population over age 65 will more than double. I'm pleased that our colleagues in the House are moving in this direction as well. I urge my colleagues here in the Senate to act promptly once a bill is voted out of committee and support our nation's seniors by reauthorizing the Older Americans Act.•

By Mr. GRAHAM:

S. 1204. A bill to promote general and applied research for health promotion and disease prevention among the elderly, to amend title XVIII of the Social Security Act to add preventative benefits, and for other purposes; to the Committee on Finance.

HEALTHY SENIORS PROMOTION ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today to announce the introduction of the Healthy Seniors Promotion Act of 1999.

This bill has a clear, simple, yet profoundly important message. That message is, "Preventive health care for the elderly works."

Regardless of your age, preventive health care improves quality of life. And despite common misperceptions, declines in health status are not inevitable with age. a healthier lifestyle, even one adopted later in life, can increase active life expectancy and decrease disability.

The Healthy Seniors Promotion Act of 1999 has a broad base of support from across the health care and aging communities, including the National Council on Aging, the American Geriatrics Society, the American Heart Association, the American Council of the Blind, the American College of Preventive Medicine, the National Osteoporosis Foundation, and the Partnership for Prevention.

This bill goes a long way toward changing the fundamental focus of the Medicare program from one that continues to focus on the treatment of illness and disability—a function which is reactionary—to one that is proactive and increases the attention paid to prevention for Medicare beneficiaries.

This bill has 4 main components: First, the bill establishes the healthy Seniors Promotion Program. This program will be spearheaded by an interagency workgroup within the Department of Health and Human Services, including the Health Care Financing Administration, the Centers for Disease Control and Prevention, the Agency for Health Care Policy Research, the National Institute on Aging, and the Administration on Aging.

This working group, first and foremost, will bring together all the agencies within HHS that address the social, medical, and behavioral health issues affecting the elderly, and instructs them to undertake a series of actions which will serve to increase prevention-related services among the elderly.

A major function of this working group will be to oversee the development, monitoring, and evaluation of an applied research initiative whose main goals will be to study: (1) The effectiveness of using different types of providers of care, as well as looking at alternative delivery settings, when delivering health promotion and disease prevention services, and (2) the most effective means of educating Medicare beneficiaries and providers regarding the importance of prevention and to examine ways to improve utilization of existing and future prevention-related services.

Mr. President, this latter point is critical. The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized.

In a study published by Dartmouth University this spring—The Dartmouth Atlas of health Care 1999—it was found that only 28 percent of women age 65–69 receive mammograms and only 12 percent of beneficiaries were screened for colorectal cancer.

These are disturbing figures and they clearly demonstrate the need to find new and better ways to increase the rates of utilization of proven, demonstrated prevention services. Our bill would get us the information we need to increase rates of utilization for these services.

A second major portion of this bill is the coverage of additional preventive services for the Medicare program. The services that I am including focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries. This bill would include screening for hypertension, counseling for tobacco cessation, screening for glaucoma, and counseling for hormone replacement therapy. Attacking these prominent risk factors would reduce Medicare beneficiaries' risk for health problems such as stroke, osteoporosis, heart disease, and blindness.

How did we choose these risk factors? We turned to the experts. Based on the recommendations of the U.S. Preventive Services Task Force, these prevention services represent the recommendations of the Task Force which is the nationally recognized body in the area of clinical prevention services.

But simply screening or counseling for a preventive benefit is not enough. For example, to tell a 68-year-old woman that she ought to receive hormone replacement therapy in order to reduce her risk or osteoporosis and bone fractures from falls, and then to tell her you won't pay for the treatment makes no sense.

Since falls and the resulting injuries are among the most serious and common medical problems suffered by the elderly—with nearly 80–90 percent of hip fractures and 60–90 percent of forearm and spine fractures among women 65 and older estimated to be osteoporosis-related—to sit idly by and not take the extra steps needed would be irresponsible.

That is why, Mr. President, we are going the extra mile. The third major section of our bill includes a limited, prevention-related outpatient prescription drug benefit. This benefit directly mirrors the services I just described, plus it provides coverage of outpatient prescription drugs for the preventive services added to the Medicare program as part of the Balanced Budget Act of 1997—e.g., mammograms, diabetes, colorectal cancer.

For example, if a 70-year-old smoker is counseled by his physician to stop smoking, that individual will now have access to all necessary and appropriate outpatient prescription drugs used as part of an approved tobacco cessation program.

By linking counseling and drug treatment, we increase the chances of success tremendously. For example, there is a 60 percent higher survival rate among individuals who quit smoking compared to smokers of all ages. And because the number of older people at risk for cancer and heart disease is higher, tobacco cessation has the potential to have a larger aggregate benefit among older persons.

Our bill also provides outpatient drugs for the treatment of hypertension, hormone replacement therapy, osteoporosis and heart disease, and glaucoma. It also provides coverage of drugs stemming from the preventive services added by the Balanced Budget Act.

While many of my colleagues would prefer to see a Medicare prescription drug benefit that is comprehensive in nature, the facts are that such a benefit is simply not affordable—$20+ billion per year—at this point in time. This bill is a down payment to current and future Medicare beneficiaries and provides them access to prescription drugs that will make a profound impact in their lives.

Important to note, this bill also states that if the Administration moves forward with and prevails in its efforts to sue the tobacco industry for the recovery of funds paid by Federal programs such as Medicare for tobacco-related illness, that half of those funds would be used to add additional categories of drugs to this limited benefit.

This bill would also instruct the Institute of Medicine to conduct a study that would, in part, create a prioritized list of prescription drugs that would be used to add new categories of drugs to the program, if and when, tobacco settlement funds become a reality in the future.

Finally, the bill contains two important studies that will be conducted on a routine, periodic basis.

The first study would require MedPAC to report to Congress every two years on how the Medicare program is, or is not, remaining competitive and modern in relationship to private sector health programs. This will give the Congress [information it doesn't now have] the ability to assess, on an ongoing basis, how Medicare is faring in its efforts to modernize over time.

The second study will again be conducted by the Institute of Medicine. The Institute of Medicine, with input from new, original research on prevention and the elderly that we will be funding through the National Institute on Aging, will conduct a study every 5 years to assess the preventive benefit package, including prescription drugs. The study will determine whether or not the preventive benefit package needs to be modified or changed based on the most current science. A critical component of this study will be the manner in which it is presented to Congress.

To this end, I have borrowed a page from our Nation's international trade laws (The Trade Act of 1974) and developed a fast track proposal for the Institute of Medicine's recommendations. This is a deliberate effort, Mr. President, to finally get Congress out of the business of micro-managing the Medicare program and the medical and health care decisions within it. While limited to the preventive benefits package, this will offer a litmus test on a new and creative approach to future Medicare decision making. This provision would put the substantive decision making authority where it belongs, in the hands of the real experts, not the politicians and not the lobbyists who come to our offices every day. Congress, after some deliberation, would either have to accept or reject the Institute of Medicine's recommendations. A change, in my view, that would be a major, positive change in how we do business in this body.

A few final thoughts. There are many here in Congress who argue that at a time when Medicare faces an uncertain financial future, this is the last time to be adding benefits to a program that can ill afford the benefits it currently offers. Normally I would agree with this assertion. But the issue of prevention is different. The old adage of "an ounce of prevention is worth a pound of cure" is very relevant here. Do preventive benefits "cost" money in terms of making them available? Sure they do. But the return on the investment, the avoidance of the pound of cure and the related improvement in quality of life is unmistakable.

Along these lines, a longstanding problem facing lawmakers and advocates of prevention has been the position taken by the Congressional Budget Office, as they evaluate the budgetary impact of all legislative proposals, that only costs incurred by the Federal government over the next ten years can be considered in weighing the "cost" of adding new benefits. From a public health and quality of life standpoint, this premise is unacceptable.

Among the problems with this practice is that "savings" incurred by increasing the availability and utilization of preventive benefits often occur over a period of time greater than 10 years. And with the average lifespan of individuals whom are 65 being nearly 20 years—and individuals 85 and older are the fastest growing segment of the elder population—it only makes sense to look at services and benefits that improve the quality of their lives and reduce the costs to the Federal government for that 20-year lifespan and beyond.

In addition to increased lifespan, a ten-year budget scoring window doesn't factor into consideration the impact of such services on the private sector, such as productivity and absenteeism, for the many seniors that continue working beyond age 65.

The bottom line is, the most important reason to cover preventive services is to improve health. As the end of the century nears, children born now are living nearly 30 years longer than children born in 1900. While prevention services in isolation won't reduce costs, they will moderate increases in the utilization and spending on more expensive acute and chronic treatment services.

I want to leave you with these last thoughts, Mr. President. As Congress considers different ways to reform Medicare, several basic questions regarding preventive services and the elderly must be part of the debate.

(1) Is the value of improve quality of life worth the expenditure?

(2) How important is it for the Medicare population to be able to maintain

healthy, functional and productive lives?

(3) Do we, as a Nation, accept the premise that quality of life for our elderly is as important as any other measure of health?

(4) If we can, in fact, delay the onset of disease for the Medicare population by improving access to preventive services and compliance with these services, how important is it to ensure that there is an overall saving to the system?

These are just some of the questions we must answer in the coming debate over Medicare reform. While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives. I believe that by pursuing a prevention strategy that addresses some of the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable contribution to the Medicare reform debate and, more importantly, to current and future generations of Medicare beneficiaries.

I urge colleagues to support the Healthy Seniors Promotion Act of 1999.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTNERSHIP FOR PREVENTION,
Washington, DC, June 10, 1999.
Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing on behalf of Partnership for Prevention to express support for "The Healthy Seniors Promotion Act of 1999." Partnership is a national non-profit organization committed to increasing the visibility and priority for prevention within national health policy and practice. Its diverse membership includes leading groups in health, business and industry, professional and trade associations.

We believe prevention does work for all ages—a decline in health status is not inevitable with age. A healthier lifestyle adopted later in life can increase active life expectancy and decrease disability. This is the time for greater emphasis on health promotion and disease prevention among older Americans. By delaying the onset of disease, we expect to have a healthier elderly population living longer lives and ultimately embracing Medicare's financial stability.

In this bill, your focus on specific prevention measures is well supported by the existing literature. For individuals over 65, the United States Preventive Services Task Force recommends tobacco cessation counseling with access to appropriate nicotine replacement or other appropriate products to help the individual combat nicotine addiction; hormone replacement therapy and hypertension screening with access to the appropriate drug therapy for both conditions.

A case can be made that dollar for dollar, prevention services offer an invaluable return on the investment for the Medicare eligible population especially when compared to treatment costs. We need more information on these issues and hope to work closely with the Institute of Medicine to determine additional changes to the Medicare system in the future.

I would like to highlight one additional issue. Partnership for Prevention supports using a significant portion of any funds recouped by the Federal Government from the tobacco industry for tobacco control and prevention. Public and private direct expenditures to treat health problems caused by tobacco use total more than $70 billion annually and Medicare pays more than $10 billion of that amount.

Applying a significant portion of this money will decrease tobacco use and reduce the cost to the Medicare program in the future.

Prevention services may moderate increases in health care use and spending. We believe this country should be able to reach a consensus around the importance of maintaining the quality of life and social contribution of our seniors and we applaud your initiative in moving this issue forward.

Sincerely,
WILLIAM L. ROPER, MD, MPH,
Chairman.

AMERICAN HEART ASSOCIATION,
OFFICE OF COMMUNICATIONS AND ADVOCACY,
Washington, DC, June 10, 1999.
Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The American Heart Association applauds your efforts in the "Healthy Seniors Promotion Act" to modernize the Medicare system by addressing both coverage for preventative screening and counseling, as well as access to prescription drugs for senior citizens.

Science continues to demonstrate the effectiveness of preventative care. Because it has not kept pace with the changing science, Medicare is an antiquated system to treat the sick, rather than a modern healthcare system to maintain the health of the elderly. Counseling and drug therapy for smoking cessation, hypertension screening and drug treatment and counseling for hormone replacement therapy are important services that the American Heart Association believes ought to be included in a modern healthcare benefits plan. The association believes that hormone replacement therapy counseling is important because the science related to HRT and cardiovascular risk is still evolving.

As you know, the American Heart Association is dedicated to reducing death and disability from heart disease and stroke. Each year, cardiovascular disease claims more than 950,000 lives. In 1999, the health care and lost productivity costs associated with cardiovascular disease are estimated to total $286.5 billion.

To achieve our mission of reducing the burden of this devastating disease, we are committed to ensuring that patients have access to quality health care, including the medical treatment necessary to effectively prevent and control disease. For too long, senior citizens have had to work with an outdated healthcare delivery system.

Thank you for your leadership in the fight to modernize Medicare. The American Heart Association looks forward to continuing to work with you to ensure that senior citizens have access to preventive services and affordable prescription drugs.

Sincerely,
DIANE CANOVA, ESQ.,
Vice President, Advocacy.

THE AMERICAN GERIATRICS SOCIETY,
New York, NY, June 9, 1999.
Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The American Geriatrics Society (AGS) strongly supports your bill, the Healthy Seniors Promotion Act of 1999. The AGS thanks you for introducing this important legislation that will provide comprehensive preventive health benefits to the elderly.

The AGS is comprised of more than 6,000 physicians and other health professionals that treat frail elderly patients with chronic diseases and complex health needs.

As you know, preventive health care for the elderly can improve quality of life and delay functional decline. However, the current Medicare program does not cover substantive preventive health services. Your bill authorizes Medicare coverage of new preventive services as well as a prevention-related outpatient drug benefit. In this way, your bill would change the Medicare program from one that treats illness and disability to one that focuses on health promotion and disease prevention for Medicare beneficiaries. As the organization that represents physicians that treat only the elderly, we believe that this is a long overdue and critical program reform.

We applaud your long interest in Medicare prevention and we look forward to working with you on legislation that will enable the elderly to live longer, more productive, and healthier lives.

Sincerely,
JOSPEH G. OUSLANDER, MD,
President.

THE NATIONAL COUNCIL ON THE AGING,
Washington, DC, June 7, 1999.
Hon. BOB GRAHAM,
Hart Senate Office Building
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Council on the Aging (NCOA), I write to express our organization's support for the Healthy Seniors Promotion Act of 1999.

NCOA strongly believes that increased attention must be focused on actions and techniques intended to prevent illness or disability. It is easier to prevent disease than it is to cure it. The time has come to take action that would broaden and further coordinate federal programs such as Medicare related to health promotion.

Disease prevention, including access to health promotion activities, protocols, and regimens for older and disabled persons—should be included as an essential component throughout the continuum of care.

NCOA supports expanding the Medicare program to include coverage of a full range of preventive services, prevention education, and counseling, as well as prescription drugs. Your proposal is a significant step in achieving these objectives on a cost effective basis, in a manner which will dramatically improve the quality of the lives of millions of older Americans.

We deeply appreciate your strong leadership in the area of preventive care. NCOA looks forward to working with you and your staff to pass the Healthy Seniors Promotion Act.

Sincerely,
HOWARD BEDLIN,
Vice President, Public Policy and Advocacy.

AMERICAN COUNCIL OF THE BLIND,
Washington, DC, June 9, 1999.
Senator ROBERT GRAHAM,
Hart Senate Office Building
Washington, DC.

DEAR SENATOR GRAHAM. The American Council of the Blind is pleased to have the opportunity to support the Healthy Seniors Promotion Act. This legislation contains provisions for expanded Medicare coverage that are needed by a large number of visually impaired persons in this country, namely, coverage for glaucoma screening and medications.

The American Council of the Blind is a national organization of persons who are blind and visually impaired. Many of our members are seniors who have lost their vision due to glaucoma, diabetes or macular degeneration. In fact, this is the fastest growing segment of our membership. The expansion of Medicare coverage proposed in this bill would benefit these individuals by alleviating some of the financial burdens faced by those who have already developed conditions that cause vision loss, and giving peace of mind to those who can still take measures to prevent the onset of vision loss. We congratulate you for your foresight in proposing these measures and look forward to working with you to see that this legislation is approved by both houses of congress and signed into law by the president.

Thank you very much.

Respectfully,

MELANIE BRUNSON,
Director of Advocacy and Governmental Affairs.

NATIONAL OSTEOPOROSIS FOUNDATION,
Washington, DC, June 9, 1999.
Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The National Osteoporosis Foundation is pleased to offer its support for "The Healthy Seniors Promotion Act of 1999". We applaud your foresight regarding preventive health care and support your efforts to reduce, for example, stroke, osteoporosis, heart disease, and blindness.

Sincerely,

BENTE E. COONEY, MSW,
Director of Public Policy.

AMERICAN COLLEGE OF
PREVENTIVE MEDICINE,
Washington, DC, June 9, 1999.
Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The American College of Preventive Medicine is pleased to express its enthusiastic support for the "Healthy Seniors Promotion Act of 1999." Your introduction of this bill underscores what preventive medicine professionals have known for many years, namely, that the benefits of preventive services for older Americans are just as great as for younger Americans. For many seniors, access to high quality preventive services can add years to life and life to years.

Your bill adds to the list of services covered by Medicare several services that we know to be effective in preventing serious disease. After an exhaustive and rigorous review of the scientific literature, the U.S. Preventive Services Task Force—considered by many to be the gold standard in determining the effectiveness of clinical preventive services—has identified a number of services for older Americans that are effective in preventing disease. These include tobacco cessation counseling, hypertension screening, and counseling on the benefits and risks of hormone replacement therapy—all of which would be covered under the "Healthy Seniors Promotion Act of 1999."

Your bill also helps ensure that important research gaps concerning preventive services for seniors are filled. It is incumbent upon the Congress to ensure that Medicare's preventive benefit package reflects the latest scientific research on the effectiveness of preventive services.

Basing coverage decisions on what the science tells us is effective is sound national health care policy. The American College of Preventive Medicine, which represents physicians concerned with health promotion and disease prevention, stands ready to assist you in working toward passage of this forward-looking and important bill.

Sincerely,

GEORGE K. ANDERSON, MD, MPH,
President.

By Mr. KOHL (for himself, Mr. BURNS, and Mr. HAGEL):

S. 1207. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Finance.

THE FARMER TAX FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to introduce the Farmer Tax Fairness Act, along with my farm state colleagues, Senators BURNS and HAGEL. This legislation is a targeted provision that will help ensure that farmers have access to tax benefits rightfully owed to them.

As you know, farmers' income often fluctuates from year to year based on unforeseen weather or market conditions. Income averaging allows farmers to ride out these unpredictable circumstances by spreading out their income over a period of years. Last year, we acted in a bipartisan manner to make income averaging a permanent provision of the tax code. Unfortunately, since that time, we have learned that, due to interaction with another tax code provision, the Alternative Minimum Tax (AMT), many of our nation's farmers have been unfairly denied the benefits of this important accounting tool.

As you know, the AMT was originally designed to ensure that all taxpayers, particularly those eligible for certain tax preferences, paid a minimum level of taxes. Due to inflation and the enactment of other tax provisions, more and more Americans are now subject to the AMT. While other reforms are required to keep the AMT focused on its original mission, our legislation addresses the specific concern of farmers relying on income averaging. Under our legislation, if a farmer's AMT liability is greater than taxes due under the income averaging calculation, that farmer would disregard the AMT and pay taxes according to the averaging calculation. In this way, farmers would still pay tax, but would also have access to tools designed to alleviate the inevitable ups and downs of the agricultural economy.

This provision is a modest and reasonable measure designed to ensure farmers are treated fairly when it comes time to file their taxes. I urge my colleague to lend their support. Thank you.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmer Tax Fairness Act".

SEC. 2. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 55(c) of the Internal Revenue Code of 1986 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. MURKOWSKI:

S. 1208. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Finance.

CHARITABLE MILEAGE

Mr. MURKOWSKI. Mr. President, I rise to introduce modest legislation that will eliminate controversy between the IRS and people who use their automobiles to perform charitable work.

Two years, ago I was successful in convincing my colleagues that the standard mileage rate for charitable activities should be raised to 14 cents a mile. I would have preferred that the mileage rate would have been set higher, but at least this was a step in the right direction.

It has recently come to my attention that if a charity reimburses a volunteer at a rate higher than 14 cents a mile, the volunteer must include such higher reimbursement in income. Thus, for example, if a person uses his car for a voluntary food delivery program or for patient transportation and the charity reimburses the volunteer 25 cents a mile, the individual would have 11 cents of income. That is absurd, Mr. President, especially when one considers that if a person was performing the same service as an employee of a company, the person could be reimbursed tax-free at the rate of 31 cents a mile.

I understand that there have been cases where volunteer drivers have been audited and subjected to back taxes, penalties, and interest because of unreported volunteer mileage reimbursement, even though that reimbursement did not exceed the allowable business rate and the dollar amounts were quite small. Does IRS have nothing better to do than audit such individuals?

My bill would eliminate this problem. It provides that all charitable volunteer mileage reimbursement is nontaxable income to the extent that it does not exceed the standard business mileage rate and appropriate records are kept. It is important to note that my bill does not increase the allowable deduction claimed by volunteers who are not reimbursed by a charity.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

"SEC. 139. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

"(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a)."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 139 and inserting the following new items:

"Sec. 139. Reimbursement for use of passenger automobile for charity.
"Sec. 140. Cross reference to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. SANTORUM):

S. 1209. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Finance.

MODIFICATIONS TO THE SECTION 415 LIMITS

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation on behalf of workers who have responsibly saved for retirement through collectively bargained, multiemployer defined benefit pension plans. I am pleased to be joined by Senators STEVENS and SANTORUM in sponsoring this bill. This legislation would raise the Section 415 limits and ensure that workers are not unfairly penalized in the amount they may receive when they retire.

Under the current rules, for some workers, benefit cutbacks resulting from the current rules means that they will not be able to retire when they wanted or needed to. For other workers, it means retirement with less income to live on.

The bill that I am introducing today will give all of these workers relief from the most confiscatory provisions of Section 415 and enable them to receive the full measure of their retirement savings.

Congress has recognized and corrected the adverse effects of Section 415 on government employee pension plans. Most recently, as part of the Tax Relief Act of 1997 (Public Law 105–34) and the Small Business Jobs Protection Act of 1996 (Public Law 104–188), we exempted government employee pension plans from the compensation-based limit, from certain early retirement limits, and from other provisions of Section 415. Other relief for government employee plans was included in earlier legislation amending Section 415.

Section 415 was enacted more then two decades ago when the pension world was quite different than it is today. The Section 415 limits were designed to place limits on pensions that could be received by highly paid executives. The passage of time and Congressional action has stood this original design on its head. The limits are forcing cutbacks in the pensions of middle income workers.

Section 415 limits the benefits payable to a worker in a defined benefit pension plans to the lessor of: (1) the worker's average annual compensation for the three consecutive years when his compensation was the highest [the "compensation-based limit"]; and (2) a dollar limit that is sharply reduced for retirement before the worker's Social Security normal retirement age.

The compensation-based limit assumes that the pension earned under a plan is linked to each worker's salary, as is typical in corporate pension plans. Unfortunately, that formula does not work properly when applied to multiemployer pension plans. Multiemployer plans, which cover more than ten million individuals, have long based their benefits on the collectively bargained contribution rates and years of covered employment with one or more of the multiple employers which contribute to the plan. In other words, benefits earned under a multiemployer plan have no relationship to the wages received by a worker form the contributing employers. The same benefits level is paid to all workers with the same contribution and covered employment records regardless of their individual wage histories.

A second assumption underlying the compensation-based limit is that workers' salaries increase steadily over the course of their careers so that the three highest salary years will be the last three consecutive years. While this salary history may be the norm in the corporate world, it is unusual in the multiemployer plan world. In multiemployer plan industries like building and construction, workers' wage earnings typically fluctuate from year-to-year according to several variables, including the availability of covered work and whether the worker is unable to work due to illness or disability. An individual worker's wage history may include many dramatic ups-and-downs. Because of these fluctuations, the three highest years of compensation for many multiemployer plan participants are not consecutive. Consequently, the Section 415 compensation-based limit for the workers is artificially low; lower than it would be if they were covered by corporate plans.

Thus, the premises on which the compensation-based limit is founded do not fit the reality of workers covered by multiemployer plans. And, the limit should not apply.

This bill would exempt workers covered by multiemployer plans from the compensation-based limit, just as government employees are now exempt.

Section 415's dollar limits have also been forcing severe cutbacks in the earned pensions of workers who retire under multiemployer pension plans before they reach age 65.

Construction work is physically hard, and is often performed under harsh climatic conditions. Workers are worn down sooner than in most other industries. Often, early retirement is a must. Multiemployer pension plans accommodate these needs of their covered workers by providing for early retirement, disability, and service pensions that provide a subsidized, partial or full pension benefit.

Section 415 is forcing cutbacks in these pensions because the dollar limit is severely reduced for each year younger than the Social Security normal retirement age that a worker is when he retires. For a worker who retires at age 50, the reduced dollar limit is now about $40,000 per year.

This reduced limit applies regardless of the circumstances under which the worker retires and regardless of his plan's rules regarding retirement age. A multiemployer plan participant worn out after years of physical challenge who is forced into early retirement is nonetheless subject to a reduced limit. A construction worker who, after 30 years of demanding labor, has well earned a 30-and-out service pension at age 50 is nonetheless subject to the reduced limit.

This bill will ease this early retirement benefit cutback by extending to workers covered by multiemployer plans some of the more favorable early retirement rules that now apply to government employee pension plans and other retirement plans. These rules still provide for a reduced dollar limit for retirements earlier than age 62, but the reduction is less severe than under the current rules that apply to multiemployer plans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. GENERAL RETIREMENT PLAN LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) IN GENERAL.—Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$180,000".

(B) AGE ADJUSTMENTS.—Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$180,000".

(C) COLLECTIVELY BARGAINED PLANS.—Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$180,000'".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Subparagraph (F) of section 415(b)(2) is amended to read as follows:

"(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—

"(i) IN GENERAL.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan, subparagraph (C) shall be applied as if the last sentence thereof read as follows: 'The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) $130,000 if the benefit begins at or after age 55, or (ii) if the benefit begins before age 55, the equivalent of the $130,000 limitation for age 55.'.

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) QUALIFIED MERCHANT MARINE PLAN.—The term 'qualified merchant marine plan' means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.

"(II) EXEMPT ORGANIZATION PLAN COVERING 50 PERCENT OF ITS EMPLOYEES.—A plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle if at least 50 percent of the employees benefiting under the plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle. If less than 50 percent of the employees benefiting under a plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle, the plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle only with respect to employees of such an organization."

(5) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) in paragraph (1)(A) by striking "$90,000" and inserting "$180,000", and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$180,000", and

(ii) by striking "October 1, 1986" and inserting "July 1, 1999".

(b) DEFINED CONTRIBUTION PLANS.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended to read as follows:

"(B) the participants' compensation."

(2) CONFORMING AMENDMENT.—Section 415(n)(2)(B) is amended by striking "percentage".

(c) COST-OF-LIVING ADJUSTMENTS.—

(1) PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Paragraph (1) of section 415(d) (as amended by subsection (a)) is amended by striking "and" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) the $130,000 amount in subsection (b)(2)(F), and"

(2) BASE PERIOD.—Paragraph (3) of section 415(d) (as amended by subsection (a)) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) $130,000 AMOUNT.—The base period taken into account for purposes of paragraph (1)(C) is the calendar quarter beginning July 1, 1999."

(3) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $180,000 AMOUNT.—Any increase under subparagraph (A) or (D) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $130,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000."

(4) CONFORMING AMENDMENT.—Subparagraph (D) of section 415(d)(3) (as amended by paragraph (2)) is amended by striking "paragraph (1)(C)" and inserting "paragraph (1)(D)".

SEC. 3. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply."

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsection (b)(1)(A).".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to years beginning after December 31, 1999.

Mr. STEVENS. Mr. President, today I join Senator MURKOWSKI in introducing a measure that will fix a problem with the pension limits in section 415 of the tax code as they relate to multiemployer pension plans.

This is a problem I have been trying to fix for years, and I hope we can resolve this issue during this Congress.

Section 415, as it currently stands, deprives workers of the pensions they deserve.

In 1996, Congress addressed part of the problem by relieving public employees from the limits of section 415.

It is only proper that Congress does the same for private workers covered by multiemployer plans.

Section 415 negatively impacts workers who have various employers.

Currently, the pension level is set at the employee's highest consecutive 3-year average salary.

With fluctuations in industry, sometimes employees have up and down years rather than steady increases in their wages.

This can skew the 3-year salary average for the employee, resulting in a lower pension when the worker retires.

I would like to offer an example of section 415's impact to illustrate how unfairly the current law treats workers in multiemployer plans.

Assume we are talking about a worker employed for 15 years by a local union and her highest annual salary was $15,600.

The worker retires and applies for pension benefits from the two plans by which she was covered by virtue of her previous employment.

The worker had earned a monthly benefit of $1,000 from one plan and a monthly benefit of $474 from the second plan for a total monthly income of $1,474, or $17,688 per year.

The worker looked forward to receiving this full amount throughout her retirement.

However, the benefits had to be reduced by $202 per month, or about $2,400 per year to match her highest annual salary of $15,600.

The so-called "compensation based limit" of section 415 of the Tax Code did not take into account disparate benefits, but intended only to address workers with a single employer likely to receive steady increases in salary.

Currently section 415 limits a worker's pension to an equal amount of the worker's average salary for the three consecutive years when the worker's salary was the highest.

Instead of receiving the $17,688 per year pension that the worker had earned under the pension plans' rules, the worker can receive only $15,253 per year.

If the worker were a public employee covered by a public plan, her pension would not be cut.

This is because public pension plans are not restricted by the compensation-based limit language of section 415.

This robs employees of the money they have earned simply because they were not a public employee.

We are always looking for ways to encourage people to save for retirement and we try to educate people of the fact that relying on Social Security alone will not be enough.

Yet we penalize many private sector employees in multiemployer plans by arbitrarily limiting the amount of pension benefits they can receive.

It is wrong, and it should be fixed.

In addition, by changing the law to allow workers to receive the full pension benefits they are entitled to, we will see more money flowing to the treasury.

This is because greater pensions to retirees means greater retirement income, much of which is subject to taxes.

I urge my colleagues to support us in fixing this problem once and for all and I thank Senator MURKOWSKI for working with me on this issue.

By Mr. CHAFEE:

S. 1210. A bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world; to the Committee on Foreign Relations.

FOREIGN ENDANGERED SPECIES CONSERVATION ACT OF 1999

Mr. CHAFEE. Mr. President, I am pleased to introduce a bill today that will offer a new tool for the conservation of imperiled species throughout the world. This legislation would establish a fund to provide financial assistance for conservation projects for these species, which often receive little, if any, help.

The primary Federal law protecting imperiled species is the Endangered Species Act (ESA). Of the 1700 species that are endangered or threatened under the ESA, more than 560—approximately one-third—are foreign species residing outside the United States. However, the general protections of the ESA do not apply overseas, nor does the Administration prepare recovery plans for foreign species.

The primary multilateral treaty protecting endangered and threatened species is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES identifies more than 30,000 species to be protected through restrictions on trade in their parts and products. It does not address other threats facing these species.

Consequently, the vast majority of endangered or threatened species throughout the world receive little, if any, funding by the United States. Presently, three grants programs exist for specific species—African elephants, Asian elephants, rhinos, and tigers. In FY 1999, they received an aggregate of $1.9 million. Other small conservation programs exist in India, Mexico, China, and Russia under agreements with those countries. However, no program addresses the general need to conserve imperiled species in foreign countries.

This need could not be greater. Recently, much deserved attention has been given to the decline of primate populations in both Africa and Asia as a result of habitat loss and poaching to supply a trade of bushmeat. These species vitally need funding to arrest their serious declines.

Numerous other species in the same rainforests across Africa and Asia, as well as the rainforests of the Americas, also face threats relating to habitat loss. Habitats as varied as the alpine reaches of the Himalayas, the bamboo forests of China, and tropical coral reef systems are all home to species facing the threat of extinction, such as the snow leopard, the panda and sea turtles. While the charismatic mega-fauna receive the most public attention, the vast multitude of species continue to slip steadily towards extinction without even any public awareness.

A new grants program would be a powerful tool to begin to address the critical needs of these species, and would fill a significant gap in existing efforts. Such a program would be similar to the programs for elephants, rhinos and tigers, but would apply to any imperiled species. The existing programs have proven tremendously successful, particularly in creating local, long-term capacity within the foreign country to protect these species. The bill that I introduce today would build on these successful programs.

Specifically, the bill establishes a fund to support projects to conserve endangered and threatened species in foreign countries. The projects must be approved by the Secretary in cooperation with the Agency for International Development. Priority is to be given to projects that enhance conservation of the most imperiled species, that provide the greatest conservation benefit, that receive the greatest level of non-Federal funding, and that enhance local capacity for conservation efforts. The bill authorizes appropriations of $16 million annually for 4 years, 2001 to 2005, with $12 million authorized for the Fish and Wildlife Service, and $4 million for the National Marine Fisheries Service.

I urge my colleagues to cosponsor this worthwhile initiative. Mr. President, I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Endangered Species Conservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) numerous species of fauna and flora in foreign countries have continued to decline to the point that the long-term survival of those species in the wild is in serious jeopardy;

(2) many of those species are listed as endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in Appendix I, II, or III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(3) there are insufficient resources available for addressing the threats facing those species, which will require the joint commitment and effort of foreign countries within the range of those species, the United States and other countries, and the private sector;

(4) the grant programs established by Congress for tigers, rhinoceroses, Asian elephants, and African elephants have proven to be extremely successful programs that provide Federal funds for conservation projects in an efficient and expeditious manner and that encourage additional support for conservation in the foreign countries where those species exist in the wild; and

(5) a new grant program modeled on the existing programs for tigers, rhinoceroses, and

elephants would provide an effective means to assist in the conservation of foreign endangered species for which there are no existing grant programs.

(b) Purpose.—The purpose of this Act is to conserve endangered and threatened species of fauna and flora in foreign countries, and the ecosystems on which the species depend, by supporting the conservation programs for those species of foreign countries and the CITES Secretariat, promoting partnerships between the public and private sectors, and providing financial resources for those programs and partnerships.

SEC. 3. DEFINITIONS.

In this Act:

(1) Account.—The term "Account" means the Foreign Endangered and Threatened Species Conservation Account established by section 6.

(2) Administrator.—The term "Administrator" means the Administrator of the Agency for International Development.

(3) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices and amendments.

(4) Conservation.—The term "conservation" means the use of methods and procedures necessary to bring a species to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of populations of foreign endangered or threatened species;

(B) maintenance, management, protection, restoration, and acquisition of habitat;

(C) research and monitoring;

(D) law enforcement;

(E) conflict resolution initiatives; and

(F) community outreach and education.

(5) Foreign endangered or threatened species.—The term "foreign endangered or threatened species" means a species of fauna or flora—

(A) that is listed as an endangered or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or that is listed in Appendix I, II, or III of CITES; and

(B) whose range is partially or wholly located in a foreign country.

(6) Secretary.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, as program responsibilities are vested under Reorganization Plan No. 4 of 1970 (5 U.S.C. App.).

SEC. 4. FOREIGN SPECIES CONSERVATION ASSISTANCE.

(a) In General.—Subject to the availability of funds, the Secretary shall use amounts in the Account to provide financial assistance for projects for the conservation of foreign endangered or threatened species in foreign countries for which project proposals are approved by the Secretary in accordance with this section.

(b) Project Proposals.—

(1) Eligible applicants.—A proposal for a project for the conservation of foreign endangered or threatened species may be submitted to the Secretary by—

(A) any agency of a foreign country that has within its boundaries any part of the range of the foreign endangered or threatened species if the agency has authority over fauna or flora and the activities of the agency directly or indirectly affect the species;

(B) the CITES Secretariat; or

(C) any person with demonstrated expertise in the conservation of the foreign endangered or threatened species.

(2) Required information.—A project proposal shall include—

(A) the name of the individual responsible for conducting the project, and a description of the qualifications of each individual who will conduct the project;

(B) the name of the foreign endangered or threatened species to benefit from the project;

(C) a succinct statement of the purposes of the project and the methodology for implementing the project, including an assessment of the status of the species and how the project will benefit the species;

(D) an estimate of the funds and time required to complete the project;

(E) evidence of support for the project by appropriate governmental agencies of the foreign countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(F) information regarding the source and amount of non-Federal funds available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) Proposal Review and Approval.—

(1) Request for additional information.—If, after receiving a project proposal, the Secretary determines that the project proposal is not complete, the Secretary may request further information from the person or entity that submitted the proposal before complying with the other provisions of this subsection.

(2) Request for comments.—The Secretary shall request written comments, and provide an opportunity of not less than 30 days for comments, on the proposal from the appropriate governmental agencies of each foreign country in which the project is to be conducted.

(3) Submission to administrator.—The Secretary shall provide to the Administrator a copy of the proposal and a copy of any comments received under paragraph (2). The Administrator may provide comments to the Secretary within 30 days after receipt of the copy of the proposal and any comments.

(4) Decision by the secretary.—After taking into consideration any comments received in a timely manner from the governmental agencies under paragraph (2) and the Administrator under paragraph (3), the Secretary may approve the proposal if the Secretary determines that the project promotes the conservation of foreign endangered or threatened species in foreign countries.

(5) Notification.—Not later than 180 days after receiving a completed project proposal, the Secretary shall provide written notification of the Secretary's approval or disapproval under paragraph (4) to the person or entity that submitted the proposal and the Administrator.

(d) Priority Guidance.—In funding approved project proposals, the Secretary shall give priority to the following types of projects:

(1) Projects that will enhance programs for the conservation of foreign endangered and threatened species that are most imperiled.

(2) Projects that will provide the greatest conservation benefit for a foreign endangered or threatened species.

(3) Projects that receive the greatest level of assistance, in cash or in-kind, from non-Federal sources.

(4) Projects that will enhance local capacity for the conservation of foreign endangered and threatened species.

(e) Project Reporting.—Each person or entity that receives assistance under this section for a project shall submit to the Secretary and the Administrator periodic reports (at such intervals as the Secretary considers necessary) that include all information required by the Secretary, after consultation with the Administrator, for evaluating the progress and success of the project.

(f) Guidelines.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, after providing public notice and opportunity for comment, the Secretary of the Interior and the Secretary of Commerce shall each develop guidelines to carry out this section.

(2) Priorities and criteria.—The guidelines shall specify—

(A) how the priorities for funding approved projects are to be determined; and

(B) criteria for determining which species are most imperiled and which projects provide the greatest conservation benefit.

SEC. 5. MULTILATERAL COLLABORATION.

The Secretary, in collaboration with the Secretary of State and the Administrator, shall—

(1) coordinate efforts to conserve foreign endangered and threatened species with the relevant agencies of foreign countries; and

(2) subject to the availability of appropriations, provide technical assistance to those agencies to further the agencies' conservation efforts.

SEC. 6. FOREIGN ENDANGERED AND THREATENED SPECIES CONSERVATION ACCOUNT.

(a) Establishment.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the "Foreign Endangered and Threatened Species Conservation Account", consisting of—

(1) amounts donated to the Account;

(2) amounts appropriated to the Account under section 7; and

(3) any interest earned on investment of amounts in the Account under subsection (c).

(b) Expenditures From Account.—

(1) In general.—Subject to paragraph (2), the Secretary may expend from the Account, without further Act of appropriation, such amounts as are necessary to carry out section 4.

(2) Administrative expenses.—An amount not to exceed 6 percent of the amounts in the Account—

(A) shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act; and

(B) shall be divided between the Secretary of the Interior and the Secretary of Commerce in the same proportion as the amounts made available under section 7 are divided between the Secretaries.

(c) Investment of Amounts.—The Secretary shall invest such portion of the Account as is not required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(d) Acceptance and Use of Donations.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be available until expended, without further Act of appropriation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Account for each of fiscal years 2001 through 2005—

(1) $12,000,000 for use by the Secretary of the Interior; and

(2) $4,000,000 for use by the Secretary of Commerce.

By Mr. BENNETT:

S. 1211. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

COLORADO RIVER BASIN SALINITY CONTROL REAUTHORIZATION LEGISLATION

Mr. BENNETT. Mr. President, I am pleased to rise today to introduce the Colorado River Basin Salinity Control Reauthorization Act of 1999. This legislation will reauthorize the funding of this program to a level of $175 million and will permit these important projects to continue forward for several years.

I do this because the Colorado River is the life link for more than 23 million people. It provides irrigation water for more than 4 million acres of land in the United States. Therefore, the quality of the water is crucial.

Salinity is one of the major problems affecting the quality of the water. Salinity damages range between $500 million and $750 million and could exceed $1.5 billion per year if future increases in salinity are not controlled. In an effort to limit future damages, the Basin States (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming) and the Federal Government enacted the Colorado River Basin Salinity Control Act in 1974. Because the lengthy Congressional authorization process for Bureau of Reclamation projects was impeding the implementation of cost-effective measures, Congress authorized the Bureau in 1995 to implement a competitive, basin-wide approach for salinity control.

Under the new approach, termed the Basinwide Program salinity control projects were no longer built by the Federal Government. They were, for the most part, to be built by the private sector and local and state governments. Funds would be awarded to projects on a competitive bid basis. Since this was a pilot program, Congress originally limited funds to a $75 million ceiling.

Indeed, the Basinwide Salinity Program has far exceeded original expectations by proving to be both cost effective and successful. It has an average cost of $27 per ton of salt controlled, as compared to original authority program projects that averaged $76 per ton. One of the greatest advantages of the new program comes from the integration of Reclamation's program with the U.S. Department of Agriculture's program. By integrating the USDA's on-farm irrigation improvements with the Bureau's off-farm improvements, very high efficiency rates can be obtained.

Because the cost sharing partners (private organizations and states and federal agencies) often have funds available at specific times, the new program allows the Bureau of Reclamation to quickly respond to opportunities that are time sensitive. Another significant advantage of the Basinwide program is that completed projects are "owned" by the local entity, and not the Bureau. The entity is responsible for performing under the proposal negotiated with the Bureau.

In 1998, Bureau of Reclamation received a record number of proposals. While still working through the 1998 proposals, the Bureau also sought out 1999 proposals which are just now being received and evaluated. Although, not all proposals will be fully funded and constructed, funding requirements for even the most favorable projects surpasses the original $75 million funding authority. In fact, if all proposals go to completion and are fully funded, the Bureau might find itself in the position that no future requests for proposals can be considered until Congress raises the authorization ceiling. In an effort to prevent that from occurring, I am introducing this legislation today. I hope my colleagues will join me in this effort and I look forward to working on this legislation with them.

By Mr. CAMPBELL:

S. 1212. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on Foreign Relations.

KOSOVO RECONSTRUCTION INVESTMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Kosovo Reconstruction Investment Act of 1999.

This legislation would require that the United States foreign aid funds committed to the reconstruction of Kosovo and other parts of the Balkans in the wake of the Kosovo conflict will be used to purchase American-made goods and services whenever possible.

This legislation provides a win-win approach to reconstruction by helping the people of Kosovo and others who live in the Balkans who have suffered as a result of the Kosovo conflict while also looking out for American workers.

The people of Kosovo and the Balkans will win by having new homes, hospitals, factories, bridges, and much more rebuilt. They will have roofs over their heads, places to go for health care and to work, and the roads and bridges needed to get there.

The American people will win as a sizable portion of their hard-earned taxpayer dollars will come back to the United States in the form of new orders for American-made goods and services. New jobs will be created. With this legislation we can make the best out of a looming, costly, and long-term burden on our Nation's budget.

This will be especially important for some of our key industries, such as agriculture and steel, that are facing hard times here at home. Other hard-working Americans from industries like manufacturing, engineering, construction, and telecommunications will also enjoy new opportunities to produce goods and services for the people of Southeastern Europe.

For example, our ranchers and farmers, many of whom are being severely harmed by a combination of toughcompetition at home, cheap imports and closed markets overseas will benefit. This bill will help provide them with the opportunity to strengthen their share in Europe's Southeastern markets.

Our steel workers, many of whom are also in a tough situation, will benefit as U.S. made steel is used to reconstruct homes, hospitals, factories, and bridges. American engineers, contractors, and other service providers will play a key role in rebuilding telecommunications and other necessary infrastructure projects.

To ensure that the Kosovo Reconstruction Investment Act does not unduly hinder the reconstruction effort, it allows for American foreign aid funds to be used to buy goods and services produced by other parties in cases where U.S. made goods and services are deemed to be "prohibitively expensive."

The American taxpayers are already bearing the lion's share of waging the war in Kosovo. To date, our nation's military has spent about $3 billion Kosovo war effort. Our pilots flew the vast majority of the combat sorties. In addition, the Foreign Operations supplemental appropriations bill that passed last month provided $819 million for humanitarian and refugee aid for Kosovo and surrounding countries. It has been estimated that peace keeping operations will cost an additional $3 billion in the first year alone. This is just the beginning. In the future, American taxpayers will be spending many tens of billions of dollars more as we participate in the apparently open-ended peacekeeping effort.

Without this legislation, those countries who largely sat on the sidelines while we fought will be allowed to sweep in and clean up. The American taxpayers' dollars should not be used as a windfall profits program to boost Western European conglomerates. The American people deserve better. The Kosovo Reconstruction Investment Act of 1999 would remedy this situation.

Yet another problem this bill would help alleviate is our exploding trade deficit which is on track to an all time high of approximately $250 billion by the end of this year. In March of this year alone, the United States posted a record 1 month trade deficit of $19.7 billion.

Furthermore, many of the other industrialized countries that regularly distribute foreign aid do not distribute it with no strings attached. For many years now, countries like Japan have also required that the foreign aid funds they distribute be used to buy products produced by their domestic companies.

We also must face the reality that there is much more to rebuilding this region than money can buy. The various ethnic groups residing throughout the Balkans must realize that they have to change their hearts and ways if there is to be any lasting peace and prosperity. We cannot do this for them. They have to do it for themselves, as communities, families, and individuals.

If they commit themselves to rule of law, freedom of speech, free and open markets, the primacy of the ballot box over bullets and a live and let live tolerance of others, they will be well on their way as they head into the new millennium.

Once again, here we are reconstructing a part of Europe. Once again, we did not start the war, but we had to finish it and then were called on to come in, pick up the pieces, and put them back together again.

If America's airmen, sailors, marines, and soldiers are good enough to win a war, then America's hard-working taxpayers, including farmers, steel workers, and engineers are good enough to help rebuild shattered countries. If we are called on to put the Balkans back together, we should do it with a fair share of goods and services made in America.

The Kosovo Reconstruction Investment Act will help make sure that both the victims of the Kosovo conflict and the American people win. I urge my colleagues to support passage of this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in subsection (b), no part of any United States assistance furnished for reconstruction efforts in the Federal Republic of Yugoslavia, or any contiguous country, on account of the armed conflict or atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999, may consist of, or be used for the procurement of, any article produced outside the United States or any service provided by a foreign person.

(2) DETERMINATIONS OF FOREIGN PRODUCED ARTICLES.—In the application of paragraph (1), determinations of whether an article is produced outside the United States or whether a service is provided by a foreign person should be made consistent with the standards utilized by the Bureau of Economic Analysis of the Department of Commerce in its United States balance of payments statistical summary with respect to comparable determinations.

(b) EXCEPTION.—Subsection (a) shall not apply if doing so would require the procurement of any article or service that is prohibitively expensive or unavailable.

(c) DEFINITIONS.—In this section:

(1) ARTICLE.—The term "article" includes any agricultural commodity, steel, construction material, communications equipment, construction machinery, farm machinery, or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) FOREIGN PERSON.—The term "foreign person" means any foreign national, including any foreign corporation, partnership, other legal entity, organization, or association that is beneficially owned by foreign nationals or controlled in fact by foreign nationals.

(4) PRODUCED.—The term "produced", with respect to an item, includes any item mined, manufactured, made, assembled, grown, or extracted.

(5) SERVICE.—The term "service" includes any engineering, construction, telecommunications, or financial service.

(6) STEEL.—The term "steel" includes the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(7) UNITED STATES ASSISTANCE.—The term "United States assistance" means any grant, loan, financing, in-kind assistance, or any other assistance of any kind.

Mr. McCAIN (for himself, Mr. CAMPBELL, and Mr. DOMENICI):

S. 1213. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1999

Mr. McCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Child Welfare Act of 1978 to ensure stricter enforcement of timelines and fairness in Indian adoption proceedings. The primary intent of this legislation is to make the process that applies to voluntary Indian child custody and adoption proceedings more consistent, predictable, and certain. The provisions of this legislation would further advance the best interests of Indian children without eroding tribal sovereignty and the fundamental principles of Federal-Indian law.

I thank the principal cosponsors, Senators CAMPBELL and DOMENICI, for their continued support of this much-needed legislation. Let me also point out that this bill is identical to legislation which passed the Senate by unanimous consent in 1996. It is the result of nearly two years of discussion and debate among representatives of the adoption community, Indian tribal governments, and the Congress that aimed to address some of the problems with the implementation of ICWA since its enactment in 1978.

Mr. President, ICWA was originally enacted to provide for procedural and substantive protection for Indian children and families and to recognize and formalize a substantial role for Indian tribes in cases involving involuntary and voluntary child custody proceedings, whether on or off the Indian reservation. It was also supposed to reduce uncertainties about which court had jurisdiction over an Indian child and who had what authority to influence child placement decisions. Although implementation of ICWA has been less than perfect, in the vast majority of cases ICWA has effectively provided the necessary protections. It has encouraged State and private adoption agencies and State courts to make extra efforts before removing Indian children from their homes and communities. It has required recognition byeveryone involved that an Indian child has a vital, long-term interest in keeping a connection with his or her Indian tribe.

Nonetheless, particularly in the voluntary adoption context, there have been occasional, high-profile cases which have resulted in lengthy, protracted litigation causing great anguish for the children, their adoptive families, their birth families, and their Indian tribes. This bill takes a measured and limited approach, crafted by representatives of tribal governments and the adoption community, to address these problems.

This legislation would achieve greater certainty and speed in the adoption process for Indian children by providing new guarantees of early and effective notice in all cases involving Indian children. The bill also establishes new, strict time restrictions on both the right of Indian tribes and birth families to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement. Finally, the bill includes a provision which would encourage early identification of the relatively few cases involving controversy and promote the settlement of cases by making visitation agreements enforceable.

Mr. President, nothing is more sacred and more important to our future than our children. The issues surrounding Indian child welfare stir deep emotions. I am thankful that, in formulating the compromise that led to the introduction of this bill, the representatives of both the adoption community and tribal governments were able to put aside their individual desires and focus on the best interests of Indian children.

This bill represents an appropriate and fair-minded compromise proposal which would enhance the best interests of Indian children by guaranteeing speed, certainty, and stability in the adoption process. At the same time, the provisions of this bill preserve fundamental principles of Federal-Tribal law by recognizing the appropriate role of tribal governments in the lives of Indian children.

Mr. President, I believe these amendments would have been enacted several years ago had we been better able to dispel several misconceptions about the bill's purpose. I want to directly address one of these misplaced concerns—that the adoptive placement preferences in the underlying law, the Indian Child Welfare Act of 1978, would somehow lead an expectant mother seeking privacy to prefer abortion over adoption.

I want to be very clear when I say that it is my judgment, concurred in by Indian tribes, adoption advocates and many others involved with implementing the Indian Child Welfare Act, that this bill has everything to do with promoting adoption opportunities for Indian children and nothing to do with promoting abortion. It is a terrible injustice that such a misunderstanding has clouded the efforts of so many who wish to simply improve the chances for Indian children to enjoy a stable family life.

Over the years, I have had a consistently pro-life record and have actively worked with many pro-life groups to try to reduce and eliminate abortions at every possible opportunity. I firmly believe that this bill would make adoption, rather than abortion, a more compelling choice for an expectant birth mother. What could be more pro-life and pro-family than to change the law in ways which both Indian tribes and non-Indian adoptive families have asked to improve the adoption process? I strongly believe this bill, and the amendments it makes to the ICWA law, will work to the advantage of Indian children and adoptive families. It will encourage adoptions and discourage choices which lead to the tragedy of abortion.

A recent editorial by George F. Will in the Washington Post ("For Right-to-Life Realists") underscores the importance of promoting legislative efforts, such as this bill, as good policy for protecting children and promoting families. He wrote:

> Temperate people on both sides of the abortion divide can support a requirement for parental notification, less as abortion policy than as sound family policy.
>
> . . . Republicans will be the party of adoption, removing all laws and other impediments, sparing no expense, to achieving a goal more noble even than landing on the moon—adoptive parents for every unwanted unborn baby.

Mr. President, this bill has been thoroughly analyzed and debated in the Senate, as well as among the adoption community and Indian tribal governments. I believe it is time for the Congress to act in the best interests of Indian children by enacting these amendments to the voluntary adoption procedures in the 1978 ICWA law. I urge my colleagues to once again pass these amendments and invite the House to do the same this year.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Welfare Act Amendments of 1999".

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by striking the last sentence and inserting the following:

"(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

"(A) resides or is domiciled within the reservation of that Indian tribe and is made a ward of a tribal court of that Indian tribe; or

"(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.".

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911(c)) is amended by striking "In any State court proceeding" and inserting "Except as provided in section 103(e), in any State court proceeding".

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(a)) is amended—

(1) by striking the first sentence and inserting the following:

"(a)(1) Where any parent or Indian custodian voluntarily consents to foster care or preadoptive or adoptive placement or to termination of parental rights, such consent shall not be valid unless—

"(A) executed in writing;

"(B) recorded before a judge of a court of competent jurisdiction; and

"(C) accompanied by the presiding judge's certificate that—

"(i) the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian; and

"(ii) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has—

"(I) informed the natural parents of the placement options with respect to the child involved;

"(II) informed those parents of the applicable provisions of this Act; and

"(III) certified that the natural parents will be notified within 10 days after any change in the adoptive placement.";

(2) by striking "The court shall also certify" and inserting the following:

"(2) The court shall also certify";

(3) by striking "Any consent given prior to," and inserting the following:

"(3) Any consent given prior to,"; and

(4) by adding at the end the following:

"(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.".

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(b)) is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following:

"(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

"(A) no final decree of adoption has been entered; and

"(B)(i) the adoptive placement specified by the parent terminates; or

"(ii) the revocation occurs before the later of the end of—

"(I) the 180-day period beginning on the date on which the tribe of the Indian child receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

"(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

"(3 Immediately upon an effective revocation under paragraph (2), the Indian child who is the subject of that revocation shall be returned to the parent who revokes consent.

"(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), aconsent to adoption or voluntary termination of parental rights has not been revoked, a parent may revoke such consent after that date only—

"(A) pursuant to applicable State law; or

"(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

"(5) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

"(A) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

"(B) if a final decree of adoption has been entered, that final decree shall be vacated.

"(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.".

SEC. 6. NOTICE TO INDIAN TRIBES

Section 103(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(c)) is amended to read as follows:

"(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the tribe of that Indian child. A notice under this subsection shall be sent by registered mail (return receipt requested) to the tribe of the Indian child, not later than the applicable date specified in paragraph (2) or (3).

"(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) by the applicable date specified in each of the following cases:

"(i) Not later than 100 days after any foster care placement of an Indian child occurs.

"(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

"(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

"(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

"(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

"(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

"(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

"(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement, made reasonable inquiry concerning whether the child involved may be an Indian child.".

SEC. 7. CONTENT OF NOTICE.

Section 103(d) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(d)) is amended to read as follows:

"(d) Each written notice provided under subsection (c) shall be based on a good faith investigation and contain the following:

"(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

"(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

"(A) known after inquiry of—

"(i) the birth parent placing the child or relinquishing parental rights; and

"(ii) the other birth parent (if available); or

"(B) otherwise ascertainable through other reasonable inquiry.

"(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

"(4) A statement of the reasons why the child involved may be an Indian child.

"(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

"(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

"(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

"(7) If any, the tribal affiliation of the prospective adoptive parents.

"(8) The name and address of any public or private social service agency or adoption agency involved.

"(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

"(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

"(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

"(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.".

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913) is amended by adding at the end the following:

"(e)(1) The tribe of the Indian child involved shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

"(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe sent a notice of intent to intervene or a written objection to the adoptive placement to the court or to the party that is seeking the voluntary placement of the Indian child, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

"(B) in the case of a voluntary adoption proceeding, the Indian tribe sent a notice of intent to intervene or a written objection to the adoptive placement to the court or to the party that is seeking the voluntary placement of the Indian child, not later than the later of—

"(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

"(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

"(2)(A) Except as provided in subparagraph (B), the tribe of the Indian child involved shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

"(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

"(i) the intent of the Indian tribe not to intervene in the proceeding; or

"(ii) the determination by the Indian tribe that—

"(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe, or

"(II) neither parent of the child is a member of the Indian tribe.

"(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a tribal certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

"(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

"(1) affect any placement preference or other right of any individual under this Act;

"(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

"(3) except as specifically provided in subsection (e), affect the applicability of this Act.

"(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the tribe of the Indian child receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

"(h) Notwithstanding any other provision of law (including any State law)—

"(1) a court may approve, if in the best interests of an Indian child, as part of an adoption decree of that Indian child, an agreement that states that a birth parent, an extended family member, or the tribe of the Indian child shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

"(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.".

SEC. 9. PLACEMENT OF INDIAN CHILDREN.

Section 105(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1915(c)) is amended—

(1) in the second sentence—

(A) by striking "Indian child or parent" and inserting "parent or Indian child"; and

(B) by striking the colon after "considered" and inserting a period;

(2) by striking "*Provided*, That where" and inserting: "In any case in which"; and

(3) by inserting after the second sentence the following: "In any case in which a court determines that it is appropriate to consider the preference of a parent or Indian child, for purposes of subsection (a), that preference may be considered to constitute good cause.".

SEC. 10. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911 et seq.) is amended by adding at the end the following:

"SEC. 114. FRAUDULENT REPRESENTATION.

"(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

"(A) a child is an Indian child; or

"(B) a parent is an Indian;

"(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

"(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1); or

"(3) assists any person in physically removing a child from the United States in order to obstruct the application of this Act.

"(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

"(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

"(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.".

By Mr. THOMPSON (for himself, Mr. LEVIN, Mr. VOINOVICH, Mr.

ROBB, Mr. COCHRAN, Mrs. LINCOLN, Mr. ENZI, Mr. BREAUX, Mr. ROTH, and Mr. BAYH):

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

THE FEDERALISM ACCOUNTABILITY ACT OF 1999

Mr. **THOMPSON**. Mr. President, today I rise to introduce the "Federalism Accountability Act," a bill to promote and preserve principles of federalism. Federalism raises two fundamental questions that policy makers should answer: What should government be doing? And what level of government should do it? Everything else flows from them. That's why federalism is at the heart of our Democracy.

The Founders created a dual system of governance for America, dividing power between the Federal Government and the States. The Tenth Amendment makes clear that States retain all governmental power not granted to the Federal Government by the Constitution. The Founders intended that the State and Federal governments would check each other's encroachment on individual rights. As Alexander Hamilton stated in the Federalist Papers, No. 28:

> Power being almost always the rival of power, the general government will at times stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government. The people, by throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other as the instrument of redress.

The structure of our constitutional system assumes that the states will maintain a sovereign status independent of the national government. At the same time, the Supremacy Clause states that Federal laws made pursuant to the Constitution shall be the supreme law of the land. The "Federalism Accountability Act" is intended to require careful thought and accountability when we reconcile the competing principles embodied in the Tenth Amendment and the Supremacy Clause. Congress and the Executive Branch should not lightly exercise the powers conferred by the Supremacy Clause without also shouldering responsibility. As the Supreme Court has been signaling in recent decisions, where the authority exists, the democratic branches of the Federal Government should make the primary decisions whether or not to limit state power, and they ought to exercise this power unambiguously.

We need to face the fact that Congress and the Executive Branch too often have acted as if they have a general police power to engage in any issue, no matter how local. Both Congress and the Executive Branch have neglected to consider prudential and constitutional limits on their powers. We should not forget that even where the Federal Government has the constitutional authority to act, state governments may be better suited to address certain matters. Congress has a habit of preempting State and local law on a large scale, with little thought to the consequences. Congress and the White House are ever eager to pass federal criminal laws to appear responsive to highly publicized events. We are now finding that this often is not only unnecessary and unwise, but it also has harmful implications for crime control.

Too often, federalism principles have been ignored. The General Accounting Office reported to our Committee that there has been gross noncompliance by the agencies with the executive order on federalism that has been law since it was issued by President Reagan in 1987. In a review of over 11,000 Federal rules recently issued during a 3-year period, GAO found that the agencies had prepared only 5 federalism assessments under the federalism order. It is time for legislation to ensure that the agencies take such requirements more seriously.

To be sure, we have made some inroads on federalism. The Supreme Court has recently revived federalist doctrines. Congress passed the Unfunded Mandates Reform Act to help discourage the wholesale passage of new legislative unfunded mandates. Congress also gave the States the Safe Drinking Water Act, reduced agency micro-management, and provided block grants in welfare, transportation, drug prevention, and—just recently—education flexibility. Much of the innovation that has improved the country began at the State and local level.

But unless we really understand that federalism is the foundation of our governmental system, these bright achievements will fade. As we cross into the 21st century, federalism must constantly illuminate our path. Our governmental structure is based on an optimistic belief in the power of people and their communities. I share that view. It is my hope that the Federalism Accountability Act give a greater voice to State and local governments and the people they serve and reinvigorate the debate on federalism.

The "Federalism Accountability Act" will promote restraint in the exercise of federal power. It establishes a rule of construction requiring an explicit statement of congressional or agency intent to preempt. Congress would be required to make explicit statements on the extent to which bills or joint resolutions are intended to preempt State or local law, and if so, an explanation of the reasons for such preemption.

Agencies would designate a federalism officer to implement the requirements of this legislation and to serve as a liaison to State and local officials. Early in the process of developing rules, Federal agencies would be required to notify, consult with, and provide an opportunity for meaningful participation by public officials of State and local governments. The agency would prepare a federalism assessment for rules that have federalism impacts. Each federalism assessment would include an analysis of: whether, why, and to what degree the Federal rule preempts state law; other significant impacts on State and local governments; measures taken by the agency, including the consideration of regulatory alternatives, to minimize the impact on State and local governments; and the extent of the agency's prior consultation with public officials, the nature of their concerns, and the extent to which those concerns have been met.

The legislation also will require the Congressional Budget Office, with the help of the Office of Management and Budget and the Congressional Research Service, to compile a report on preemptions by Federal rules, court decisions, and legislation. I hope this report will lead to an informed debate on the appropriate use of preemption to reach policy goals.

Finally, the legislation amends two existing laws to promote federalism. First, it amends the Government Performance and Results Act of 1993 to clarify that performance measures for State-administered grant programs are to be determined in cooperation with public officials. Second, it amends the Unfunded Mandates Reform Act of 1995to clarify that major new requirements imposed on States under entitlement authority are to be scored by CBO as unfunded mandates. It also requires that where Congress has capped the Federal share of an entitlement program, then the Committee report and the accompanying CBO report must analyze whether the legislation includes new flexibility or whether there is existing flexibility to offset additional costs.

Mr. President, this legislation was developed with representatives of the "Big 7" organizations representing State and local government, including the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, and the International City/County Management Association. I am pleased that this legislation is supported by Senators LEVIN, VOINOVICH, ROBB, COCHRAN, LINCOLN, ENZI, BREAUX, ROTH, and

BAYH. I urge my colleagues to support this much-needed legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federalism Accountability Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution created a strong Federal system, reserving to the States all powers not delegated to the Federal Government;

(2) preemptive statutes and regulations have at times been an appropriate exercise of Federal powers, and at other times have been an inappropriate infringement on State and local government authority;

(3) on numerous occasions, Congress has enacted statutes and the agencies have promulgated rules that explicitly preempt State and local government authority and describe the scope of the preemption;

(4) in addition to statutes and rules that explicitly preempt State and local government authority, many other statutes and rules that lack an explicit statement by Congress or the agencies of their intent to preempt and a clear description of the scope of the preemption have been construed to preempt State and local government authority;

(5) in the past, the lack of clear congressional intent regarding preemption has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence or scope of preemption to be litigated and determined by the judiciary and sometimes producing results contrary to or beyond the intent of Congress; and

(6) State and local governments are full partners in all Federal programs administered by those governments.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) promote and preserve the integrity and effectiveness of our Federal system of government;

(2) set forth principles governing the interpretation of congressional and agency intent regarding preemption of State and local government authority by Federal laws and rules;

(3) establish an information collection system designed to monitor the incidence of Federal statutory, regulatory, and judicial preemption; and

(4) recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs.

SEC. 4. DEFINITIONS.

In this Act the definitions under section 551 of title 5, United States Code, shall apply and the term—

(1) "local government" means a county, city, town, borough, township, village, school district, special district, or other political subdivision of a State;

(2) "public officials" means elected State and local government officials and their representative organizations;

(3) "State"—

(A) means a State of the United States and an agency or instrumentality of a State;

(B) includes the District of Columbia and any territory of the United States, and an agency or instrumentality of the District of Columbia or such territory;

(C) includes any tribal government and an agency or instrumentality of such government; and

(D) does not include a local government of a State; and

(4) "tribal government" means an Indian tribe as that term is defined under section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 5. COMMITTEE OR CONFERENCE REPORTS.

(a) IN GENERAL.—The report accompanying any bill or joint resolution of a public character reported from a committee of the Senate or House of Representatives or from a conference between the Senate and the House of Representatives shall contain an explicit statement on the extent to which the bill or joint resolution preempts State or local government law, ordinance, or regulation and, if so, an explanation of the reasons for such preemption. In the absence of a committee or conference report, the committee or conference shall report to the Senate and the House of Representatives a statement containing the information described in this section before consideration of the bill, joint resolution, or conference report.

(b) CONTENT.—The statement under subsection (a) shall include an analysis of—

(1) the extent to which the bill or joint resolution legislates in an area of traditional State authority; and

(2) the extent to which State or local government authority will be maintained if the bill or joint resolution is enacted by Congress.

SEC. 6. RULE OF CONSTRUCTION RELATING TO PREEMPTION.

(a) STATUTES.—No statute enacted after the effective date of this Act shall be construed to preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless—

(1) the statute explicitly states that such preemption is intended; or

(2) there is a direct conflict between such statute and a State or local law, ordinance, or regulation so that the two cannot be reconciled or consistently stand together.

(b) RULES.—No rule promulgated after the effective date of this Act shall be construed to preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless—

(1)(A) such preemption is authorized by the statute under which the rule is promulgated; and

(B) the rule, in compliance with section 7, explicitly states that such preemption is intended; or

(2) there is a direct conflict between such rule and a State or local law, ordinance, or regulation so that the two cannot be reconciled or consistently stand together.

(c) FAVORABLE CONSTRUCTION.—Any ambiguities in this Act, or in any other law of the United States, shall be construed in favor of preserving the authority of the States and the people.

SEC. 7. AGENCY FEDERALISM ASSESSMENTS.

(a) IN GENERAL.—The head of each agency shall—

(1) be responsible for implementing this Act; and

(2) designate an officer (to be known as the federalism officer) to—

(A) manage the implementation of this Act; and

(B) serve as a liaison to State and local officials and their designated representatives.

(b) NOTICE AND CONSULTATION WITH POTENTIALLY AFFECTED STATE AND LOCAL GOVERNMENT.—Early in the process of developing a rule and before the publication of a notice of proposed rulemaking, the agency shall notify, consult with, and provide an opportunity for meaningful participation by public officials of governments that may potentially be affected by the rule for the purpose of identifying any preemption of State or local government authority or other significant federalism impacts that may result from issuance of the rule. If no notice of proposed rulemaking is published, consultation shall occur sufficiently in advance of publication of an interim final rule or final rule to provide an opportunity for meaningful participation.

(c) FEDERALISM ASSESSMENTS.—

(1) IN GENERAL.—In addition to whatever other actions the federalism officer may take to manage the implementation of this Act, such officer shall identify each proposed, interim final, and final rule having a federalism impact, including each rule with a federalism impact identified under subsection (b), that warrants the preparation of a federalism assessment.

(2) PREPARATION.—With respect to each such rule identified by the federalism officer, a federalism assessment, as described in subsection (d), shall be prepared and published in the Federal Register at the time the proposed, interim final, and final rule is published.

(3) CONSIDERATION OF ASSESSMENT.—The agency head shall consider any such assessment in all decisions involved in promulgating, implementing, and interpreting the rule.

(4) SUBMISSION TO THE OFFICE OF MANAGEMENT AND BUDGET.—Each federalism assessment shall be included in any submission made to the Office of Management and Budget by an agency for review of a rule.

(d) CONTENTS.—Each federalism assessment shall include—

(1) a statement on the extent to which the rule preempts State or local government law, ordinance, or regulation and, if so, an explanation of the reasons for such preemption;

(2) an analysis of—

(A) the extent to which the rule regulates in an area of traditional State authority; and

(B) the extent to which State or local authority will be maintained if the rule takes effect;

(3) a description of the significant impacts of the rule on State and local governments;

(4) any measures taken by the agency, including the consideration of regulatory alternatives, to minimize the impact on State and local governments; and

(5) the extent of the agency's prior consultation with public officials, the nature of their concerns, and the extent to which those concerns have been met.

(e) PUBLICATION.—For any applicable rule, the agency shall include a summary of the federalism assessment prepared under this section in a separately identified part of the statement of basis and purpose for the rule as it is to be published in the Federal Register. The summary shall include a list of the public officials consulted and briefly describe the views of such officials and the agency's response to such views.

SEC. 8. PERFORMANCE MEASURES.

Section 1115 of title 31, United States Code, is amended by adding at the end the following:

"(g) The head of an agency may not include in any performance plan under this section any agency activity that is a State-administered Federal grant program, unless the performance measures for the activity are determined in cooperation with public officials as defined under section 4 of the Federalism Accountability Act of 1999.".

SEC. 9. CONGRESSIONAL BUDGET OFFICE PREEMPTION REPORT.

(a) Office of Management and Budget Information.—Not later than the expiration of the calendar year beginning after the effective date of this Act, and every year thereafter, the Director of the Office of Management and Budget shall submit to the Director of the Congressional Budget Office information describing interim final rules and final rules issued during the preceding calendar year that preempt State or local government authority.

(b) Congressional Research Service Information.—Not later than the expiration of the calendar year beginning after the effective date of this Act, and every year thereafter, the Director of the Congressional Research Service shall submit to the Director of the Congressional Budget Office information describing court decisions issued during the preceding calendar year that preempt State or local government authority.

(c) Congressional Budget Office Report.—

(1) In general.—After each session of Congress, the Congressional Budget Office shall prepare a report on the extent of Federal preemption of State or local government authority enacted into law or adopted through judicial or agency interpretation of Federal statutes during the previous session of Congress.

(2) Content.—The report under paragraph (1) shall contain—

(A) a list of Federal statutes preempting, in whole or in part, State or local government authority;

(B) a summary of legislation reported from committee preempting, in whole or in part, State or local government authority;

(C) a summary of rules of agencies preempting, in whole or in part, State and local government authority; and

(D) a summary of Federal court decisions on preemption.

(3) Availability.—The report under this section shall be made available to—

(A) each committee of Congress;

(B) each Governor of a State;

(C) the presiding officer of each chamber of the legislature of each State; and

(D) other public officials and the public on the Internet.

SEC. 10. FLEXIBILITY AND FEDERAL INTERGOVERNMENTAL MANDATES.

(a) Definition.—Section 421(5)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking "(i)(I) would" and inserting "(i) would";

(2) by striking "(II) would" and inserting "(ii)(I) would"; and

(3) by striking "(ii) the" and inserting "(II) the".

(b) Committee Reports.—Section 423(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658b(d)) is amended—

(1) in paragraph (1)(C) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) if the bill or joint resolution would make the reduction specified in section 421(5)(B)(ii)(I), a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.".

(c) Congressional Budget Office Estimates.—Section 424(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Additional flexibility information.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(ii)(I)—

"(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

"(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.".

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Mr. LEVIN. Mr. President, I am happy to join Senators THOMPSON and VOINOVICH and a bipartisan group of our colleagues in introducing the Federalism Accountability Act of 1999. The bill would require an explicit statement of Federal preemption in Federal legislation in order for such preemption to occur unless there exists a direct conflict between the Federal law and a State or local law which cannot be reconciled. Enactment of this bill would close the back door of implied Federal preemption and put the responsibility for determining whether or not State or local governments should be preempted back in Congress, where it belongs. The bill would also institute procedures to ensure that, in issuing new regulations, federal agencies respect State and local authority.

Mr. President, we want to ensure that the federal government works in partnership with our State and local government colleagues. One way of making sure this happens is that preemption occurs only when Congress makes a conscious decision to preempt and it is amply clear to all parties that preemption will occur. In 1991, I sponsored a bill, S. 2080, to clarify when preemption does and does not occur. I have since sponsored two similar bills. When I introduced S. 2080, I noted that "state and local officials have become increasingly concerned with the number of instances in which State and local laws have been preempted by Federal law—not because Congress has done so explicitly, but because the courts have implied such preemption. Since 1789, Congress has enacted approximately 350 laws specifically preempting State and local authority. Half of these laws have been enacted in the last 20 years. These figures, however, do not touch upon the extensive Federal preemption of State and local authority which has occurred as a result of judicial interpretation of congressional intent, when Congress' intention to preempt has not been explicitly stated in law. When Congress is unclear about its intent to preempt, the courts must then decide whether or not preemption was intended and, if so, to what extent."

In the ensuing time, there have been some changes, such as the Unfunded Mandates Reform Act, which have strengthened the partnership between the federal, state and local governments. Unfortunately, in the big picture, there has been little or no evidence of a change in the trends that I attempted to address when I introduced S. 2080 in 1991. Sometimes we enact a law and it is clear as to the scope of the intended preemption. Just as often, we are not clear, or a court takes language that appeared to be clear and decides that it is not, and construes it in favor of preemption. Similarly, agencies take actions that are determined to be preemptive whether their language is clear or not.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution "shall be the supreme law of the land." In its most basic sense, this clause means that a State law is negated or preempted when it is in conflict with a constitutionally enacted Federal law. A significant body of case law has been developed to arrive at standards by which to judge whether or not Congress intended to preempt State or local authority—standards which are subjective and have not resulted in a consistent and predictable doctrine in resolving preemption questions.

If we in Congress want Federal law to prevail, we should be clear about that. If we want the States to have discretion to go beyond Federal requirements, we should be clear about that. If, for example, we set a floor in a Federal statute, but are silent on actions which meet but then go beyond the Federal requirement, State and local governments should be able to act as they deem appropriate. State and local governments should not have to wait to see what they can and cannot do. Our bill would allow tougher State and local laws given congressional silence.

In addition, the bill contains a requirement that agencies notify, and consult with, state and local governments and their representative organizations during the development of rules, and publish proposed and final federalism assessments along with proposed and final rules. Mr. President, itshould not be necessary to enact legislation to accomplish these things. Federal agencies should never issue rules without having the best and most complete information possible. Our State and local governments are ready, willing, and able to provide their expertise on how Federal rules will impact those governments' ability to get their jobs done. Common sense dictates that they be notified and consulted before the federal government regulates in a way that weakens or eliminates the ability of State and local governments to do their jobs, or duplicates their efforts.

The current Administration and previous ones have recognized the value of having federal agencies consult with State and local governments. However, as was amply demonstrated by a recent GAO report, Executive Order requirements for federalism assessments have been ignored. The bill would correct this noncompliance by the Executive Branch, and ensure that independent agencies, as well, will engage in such consultation and publish assessments along with rules.

Not only will the compilation and issuance of federalism assessments force the agencies to think through what they are doing, they will bolster the confidence of the public and regulated entities in the regulatory process by assuring them that their governments are acting in concert and avoiding conflicting or duplicative requirements.

Our legislation also requires the Congressional Budget Office, with the assistance of the Congressional Research Service, at the end of each Congress, to compile a report on the number of statutory and judicially interpreted preemptions. This will constitute the first time such a complete report has been done, and the information will be valuable to the debate regarding the appropriate use of preemption to reach Federal goals.

Mr. President, legislation to clarify when preemption occurs and otherwise strengthen the intergovernmental relationship has been endorsed by the major state and local government organizations. I would like to thank Senators THOMPSON and VOINOVICH and their staffs for their hard work in this area.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation, the Federalism Accountability Act of 1999, along with my colleagues Senator FRED THOMPSON and Senator CARL LEVIN. Our legislation is the culmination of months of bipartisan effort that we believe will restore the fundamental principles of federalism.

In my 33 years of public service, at every level of government, I have seen first hand the relationship of the federal government with respect to state and local government. The nature of that relationship has molded my passion for the issue of federalism and the need to spell-out the appropriate role of the federal government with respect to our state and local governments. It is why I vowed that when I was elected to the Senate, I would work to find ways in which the federal government can be a better partner with these levels of government.

I have long been concerned with the federal government becoming involved in matters and issues which I believe are best handled by state and local governments. I also have been concerned about the tendency of the federal government to preempt our state and local governments and mandate new responsibilities without the funding to pay for them.

In a speech before the Volunteers of the National Archives in 1986 regarding thee relationship of the Constitution with America's cities and the evolution of federalism, I brought to the attention of the audience my observations since my early days in government regarding the course American government had been taking:

> We have seen the expansion of the federal government into new, non-traditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt state and local authority and to mandate actions on state and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treatises, it has expired as a practical political reality.

We have made great progress since I gave that speech more than a dozen years go.

An outstanding article last year written by Carl Tubbesing, the deputy executive director of the National Council of State Legislatures, in State Legislatures magazine, outlined what he called the five "hallmarks of devolution"—legislation in the 1990's that changed the face of the federal-state-local government partnership and reversed the decades long trend toward federal centralization.

These bills are the Unfunded Mandates Reform Act, the Safe Drinking Water Reform Act Amendments, Welfare Reform, Medicaid reforms such as elimination of the Boren amendment, and the establishment of the Children's Health Insurance Program.

Also, just this year, Congress has passed and the President has signed into law two important pieces of legislation which enhance the state, local and federal partnership. Those initiatives are the Education Flexibility Act, which gives our states and school districts the freedom to use their federal funds for identified education priorities, and the Anti-Tobacco Recoupment provision in the Supplemental Appropriations bill that prevents the federal government from taking any portion of the $246 billion in tobacco settlement funds from the states.

Although these achievements have helped revive federalism, it is clear that state and local governments still need protection from federal encroachment in state and local affairs. It is equally clear that the federal government needs to do more to be better partners with our state and local governments. As Congress is less eager to impose unfunded mandates, largely because of the commitments we won through the Unfunded Mandates law, there is a growing interest in imposing policy preemptions. The proposed federal moratorium on all state and local taxes on Internet commerce is just one striking example that could have a devastating effect on the ability of States and localities to serve their citizens.

The danger of this growing trend toward federal preemption is the reason the Federalism Accountability Act is so important. The legislation makes Congress and federal agencies clear and accountable when enacting laws and rules that preempt State and local authority. It also directs the courts to err on the side of state sovereignty when interpreting vague Federal rules and statutes where the intent to preempt state authority is unclear.

I am particularly gratified that this legislation addresses a misinterpretation of the Unfunded Mandates Reform Act as it applies to large entitlement programs. The Federalism Accountability Act clarifies that major new requirements imposed on States under entitlement authority are to be scored by the Congressional Budget Office as unfunded mandates. It also requires that where Congress has capped the Federal share of an entitlement program, the accompanying committee and CBO reports must analyze whether the legislation includes new flexibility or whether there is existing flexibility to offset additional costs incurred by the States. This important "fix" to the Unfunded Mandates law is long overdue and I am pleased we are including it in our federalism bill.

The Federalism Accountability Act is a welcome and needed step toward protecting our States and communities against interference from Washington. It builds upon the gains we have already made in restoring the balance between the Federal Government and the States envisioned by the Framers of our Constitution. I am proud to have played a role in crafting it, and I hope all my colleagues will lend their support to this worthy legislation.

By Mr. DODD (for himself, Mr. CONRAD, and Mr. LEAHY):

S. 1215. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans Affairs.

VETERANS HEADSTONES AND MARKERS

Mr. DODD. Mr. President, I rise today to introduce a bill that will entitle each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation. Currently the VA provides a headstone or grave marker upon request only if the veteran's grave is unmarked. This provision dates back tothe Civil War when this nation wanted to ensure that none of its soldiers was buried in an unmarked grave. Of course, in this day and age, a grave rarely goes unmarked, and the official headstone or marker instead serves specifically to recognize a deceased veteran's service.

Unfortunately, this provision has not changed with the times. When families go ahead and purchase a private headstone, as nearly every family does these days, they bar themselves from receiving the government headstone or marker. On the other hand, some families who happen to be aware of this provision request the official headstone or marker prior to placing a private marker. As a result, the grave of their veteran bears both the private marker and the government marker.

All deceased veterans deserve to have their service recognized, not just those whose families make their requests prior to purchasing a private marker. The Department of Veterans Affairs is well aware of this anomaly. VA officials receive thousands of complaints each year from families who are upset about this law's arbitrary effect.

A constituent of mine, Thomas Guzzo, first brought this matter to my attention last year. His late father, Agostino Guzzo, served in the Philippines and was honorably discharged from the Army in 1947. Today, Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but the mausoleum bears no reference to his service because of the current law. Like so many families, the Guzzo family bought its own marker and subsequently found that it could not request an official VA marker.

Thomas Guzzo then contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself. In the end, I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law. Furthermore, the Secretary's response indicated that, even if a grave marker could be provided for Thomas Guzzo, that marker could not be placed on a cemetery bench or tree that would be dedicated to the elder Guzzo. The law prevented the Department from providing a marker for placement anywhere but the grave site and thus prevents families from recognizing their veteran's service as they wish.

This bill is a modest means of solving a massive problem. It has been scored by the Congressional Budget Office at less than three million dollars per year. That is a small price to pay to recognize our deceased veterans and put their families at ease. If a family wishes to dedicate a tree or bench to their deceased veteran, this bill allows the family to place the marker on those memorials. We should give these markers to the families when they request them, and we should allow each family to recognize their deceased veteran in their own way.

This bill allows the Department of Veterans Affairs to better serve veterans and their families. I stand with thousands of veterans' families and look forward to the day when this bill's changes will be written into law.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1216. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARINE MAMMAL RESCUE FUND

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to establish the Marine Mammal Rescue Fund. This legislation will amend the Marine Mammal Protection Act of 1972 by establishing a grant program that Marine Mammal Stranding Centers and Networks can use to support the important work they do in responding to marine mammal strandings and mortality events.

Since the enactment of the Marine Mammal Protection Act in 1972, 47 facilities nationally have been authorized to handle the rehabilitation of stranded marine mammals and over 400 individuals and facilities across the country are part of an authorized National Stranding Network that responds to strandings and deaths.

Mr. President, these facilities and individuals provide our country with a variety of critical services, including rescue, housing, care, rehabilitation, transport, and tracking of marine mammals and sea turtles, as well as assistance in investigating mortality events, tissue sampling, and removal of carcasses. They also work very closely with the National Marine Fisheries Service, a variety of environmental groups, and with state and local officials in rescuing, tracking and protecting marine mammals and sea turtles on the Endangered Species List. Yet they rely primarily on private donations, fundraisers, and foundation grants for their operating budgets. They receive no federal assistance, and a very few of them get some financial assistance from their states.

As an example, Mr. President, the Marine Mammal Stranding Center located in Brigantine in my home state of New Jersey was formed in 1978. To date, it has responded to over 1,500 calls for stranded whales, dolphins, seals and sea turtles that have washed ashore on New Jersey's beaches. It has also been called on to assist in strandings as far away as Delaware, Maryland, and Virginia. Yet, their operating budget for the past year was just under $300,000, with less than 6 percent ($17,000) coming from the state. Although the Stranding Center in Brigantine has never turned down a request for assistance with a stranding, trying to maintain that level of responsiveness and service becomes increasingly more difficult each year.

Virtually all the money raised by the Center, Mr. President, goes to pay for the feeding, care, and transportation of rescued marine mammals, rehabilitation (including medical care), insurance, day-to-day operation of the Center, and staff payroll. Too many times the staff are called upon to pay out-of-pocket expenses in travel, subsistence, and quarters while responding to strandings or mortality events.

Mr. President, this should not happen. These people are performing a great service to Americans across the country, and they are being asked to pay their own way as well. And when responding to mortality events, Mr. President, they are performing work that protects public health and helps assess the potential danger to human life and to other marine mammals.

I feel very strongly that we should be providing some support to the people who are doing this work. To that end, Mr. President, the legislation I am introducing would create the Marine Mammal Rescue Fund under the Marine Mammal Protection Act. It would authorize funding at $5,000,000.00, annually, over the next five years, for grants to Marine Mammal Stranding Centers and Stranding Network Members authorized by the National Marine Fisheries Service (NMFS). Grants would not exceed $100,000.00 per year, and would require a 25 percent non-federal funding matching requirement.

I am proud to offer this legislation on behalf of the Stranding Centers across the country, and look forward to working with my colleagues to ensure its passage. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARINE MAMMAL RESCUE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. MARINE MAMMAL RESCUE GRANT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

"(2) CHIEF.—The term 'Chief' means the Chief of the Office.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(4) STRANDING CENTER.—The term 'stranding center' means a center with respect to which the Secretary has entered into an agreement referred to in section 403 to take marine mammals under section 109(h)(1) in response to a stranding.

"(b) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Chief, shall conduct a grant program to be known as the Marine Mammal Rescue Grant Program, to provide grants to eligible stranding centers and eligible stranding network participants for the recovery or treatment of marine mammals and the collection of health information relating to marine mammals.

"(2) APPLICATION.—In order to receive a grant under this section, a stranding center or stranding network participant shall submit an application in such form and manner as the Secretary, acting through the Chief, may prescribe.

"(3) ELIGIBILITY CRITERIA.—The Secretary, acting through the Chief and in consultation with stranding network participants, shall establish criteria for eligibility for participation in the grant program under this section.

"(4) LIMITATION.—The amount of a grant awarded under this section shall not exceed $100,000.

"(5) MATCHING REQUIREMENT.—The non-Federal share for an activity conducted by a grant recipient under the grant program under this section shall be 25 percent of the cost of that activity.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce to carry out the grant program under this section, $5,000,000 for each of fiscal years 2000 through 2004.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. Marine Mammal Rescue Grant Program.
"Sec. 409. Authorization of appropriations.
"Sec. 410. Definitions.".

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 87

At the request of Mr. BUNNING, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 87, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. SCHUMER] was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 281

At the request of Mr. HARKIN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 281, a bill to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Illinois [Mr. FITZGERALD] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 600

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 654

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 654, a bill to strengthen the rights of workers to associate, organize and strike, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 670

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 864

At the request of Mr. BINGAMAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 864, a bill to designate April 22 as Earth Day.

S. 866

At the request of Mr. CONRAD, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 872

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 872, a bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 897, a bill to providematching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1966 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1053

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1084

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1084, a bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1166

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation.

S. 1194

At the request of Mr. HUTCHINSON, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1194, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mr. MACK], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 115—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES CITIZENS KILLED IN TERRORIST ATTACKS IN ISRAEL

Mr. ASHCROFT (for himself, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER) submitted the following resolution; which was referred to the committee on foreign relations:

S. RES. 115

Whereas the Palestinian Authority, in formal commitments made under the Oslo peace process, repeatedly has pledged to wage a relentless campaign against terrorism;

Whereas at least 12 United States citizens have been killed in terrorist attacks in Israel since the Oslo process began in 1993, and full cooperation from the Palestinian Authority regarding these cases has not been forthcoming;

Whereas at least 280 Israeli citizens have died in terrorist attacks since the Oslo process began, a greater loss of life than in the 15 years prior to 1993;

Whereas the Palestinian Authority has released terrorist suspects repeatedly, and suspects implicated in the murder of United States citizens have found shelter in the Palestinian Authority, even serving in the Palestinian police force;

Whereas the Palestinian Authority uses official institutions such as the Palestinian Broadcasting Corporation to train Palestinian children to hate the Jewish people; and

Whereas terrorist violence likely will undermine a genuine peace settlement and jeopardize the security of Israel and United States citizens in that country as long as incitement against the Jewish people and the State of Israel continues: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the solemn duty of the United States and every Administration to bring to justice those suspected of murdering United States citizens in acts of terrorism;

(2) the Palestinian Authority has not taken adequate steps to undermine and eradicate terrorism and has not cooperated fully in detaining and prosecuting suspects implicated in the murder of United States citizens;

(3) Yasser Arafat and senior Palestinian leadership continue to create an environment conducive to terrorism by releasing terrorist suspects and inciting violence against Israel and the United States; and

(4) United States assistance to the Palestinian Authority should be conditioned on full cooperation in combating terrorist violence and full cooperation in investigating and prosecuting terrorist suspects involved in the murder of United States citizens.

SENATE RESOLUTION 116—CONDEMNING THE ARREST AND DETENTION OF 13 IRANIAN JEWS ACCUSED OF ESPIONAGE

Mr. FITZGERALD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 116

Whereas 13 Iranian Jews were arrested on accusation of espionage, and have been detained since April, 1999;

Whereas the United States and Israel have dismissed the charges as false, denying any connection to the detainees;

Whereas Germany, as the current president of the European Union, has expressed its deep concern at the arrest of the 13 Iranian Jews, and Joschka Fischer, German Foreign Minister, has expressed his deep skepticism over the charges, and has called for the release of the 13 detainees;

Whereas the 13 detainees are rabbis and religious teachers, living in a Jewish community in a southern province of Iran, with no apparent ties to any type of espionage;

Whereas more than half the Iranian Jews have been forced to leave the country, and five Jews have been executed by Iranian authorities over the past five years, without receiving a trial;

Whereas Iran hanged two people convicted of spying for Israel and the U.S. in 1997, which implies impending danger for these 13 prisoners;

Whereas espionage is punishable by death in Iran:

Now, therefore be it

Resolved, That the Senate—

(1) condemns the arrest and detention of 13 Iranian Jews accused of spying for the United States and Israel; and

(2) calls upon the Iranian authorities to release these individuals immediately and without harm.

(3) calls upon the Iranian authorities to provide internationally accepted legal protections to all its citizens, regardless of their status or position.

• Mr. FITZGERALD. Mr. President, today I rise to submit a resolution condemning the arrest and detention of 13 Iranian Jews accused of espionage.

In April of this year, 13 rabbis and religious leaders were arrested at their homes in the Iranian cities of Shiraz and Isfahan. According to the Israeli newspaper, Ha'aretz, the names of the detainees are David Tefilin, Doni Tefilin, Javid Beth Jacob, Farhad Seleh, Nasser Levi Haim, Asher Zadmehror, Navid Balazadeh, Nejat Beroukkhim, Aarash Beroukhim, Farzad Kashi, Faramaz Kashi, Shahrokh Pak Nahad, and Ramin (last name unknown). They have remained imprisoned since the time of their arrest, without charge, under accusation of spying for the United States and Israel, although they have no apparent ties to any type of espionage. Both the United States and Israel have dismissed the charges as false, denying any connection to the detainees. In addition to the United States, Israel, and Germany have denounced these arrests and Secretary of State Madeleine Albright as well as Joschka Fischer, the German Foreign Minister, have called for their release.

Iran's treatment of its Jewish residents in recent years has been deplorable, forcing half of its Jews to flee the country. In the past five years alone, five Jews have been executed by Iranian authorities, without the fundamental right of a trial. In 1997, Iran hanged two people convicted of spying,an event that emphasizes the extreme importance of timely action on the matter of these 13 detainees. Espionage is punishable by death in Iran, so the lives of these 13 people need our support and protection. The Iranian government's actions are deplorable and fly in the face of justice. This resolution condemns the arrests and calls upon Iran to release these 13 people immediately and without harm.●

SENATE RESOLUTION 117—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES SHARE OF ANY RECONSTRUCTION MEASURES UNDERTAKEN IN THE BALKANS REGION OF EUROPE ON ACCOUNT OF THE ARMED CONFLICT AND ATROCITIES THAT HAVE OCCURRED IN THE FEDERAL REPUBLIC OF YUGOSLAVIA SINCE MARCH 24, 1999

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 117

Resolved,

SECTION 1. SENSE OF SENATE ON UNITED STATES SHARE OF RECONSTRUCTION COSTS.

It is the sense of the Senate that the United States share of the total costs of reconstruction measures carried out in the Federal Republic of Yugoslavia or contiguous countries, on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999, should not exceed the United States percentage share of the common-funded budgets of NATO.

SEC. 2. DEFINITIONS.

In this resolution:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means—

(A) the Military Budget, the Security Investment Program, and the Civil Budget of NATO; and

(B) any successor or additional account or program of NATO.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) UNITED STATES PERCENTAGE SHARE OF THE COMMON-FUNDED BUDGETS OF NATO.—The term "United States percentage share of the common-funded budgets of NATO" means the percentage that the total of all United States payments during a fiscal year to the common-funded budgets of NATO represent to the total amounts payable by all NATO members to those budgets during that fiscal year.

Mr. CAMPBELL. Mr. President, today I submit the Kosovo Reconstruction Fair Share Resolution of 1999.

This resolution's goal is to express the sense of the Senate that the United States should not end up paying more than its fair share of the Kosovo reconstruction effort.

Specifically, the Kosovo Reconstruction Fair Share Resolution states that the United States' share of the costs of reconstructing Kosovo and the surrounding region following the conflict in the Balkans should not exceed the United States' portion of NATO's three "Common Funds Burdensharing" budgets.

Our contributions to NATO come in two basic forms. The first and most significant portion by far comprises our direct deployment of troops and equipment. Over the years America has contributed the lion's share of the troops and equipment.

America's disproportionally heavy burden has continued into the late 1990s as the War in Kosovo clearly demonstrated. The vast majority of the fighting needed to wage the war in Kosovo was done in large part by American air power. We should not have to also carry the burden in the Kosovo reconstruction effort.

That's why the Kosovo Reconstruction Fair Share Resolution states that America's portion of the reconstruction costs should not exceed the portion we contribute to NATO's three Common Fund Accounts, which is smaller than our contributions of troops and equipment.

Factors considered when determining each country's portion includes its respective Gross Domestic Product and other considerations. Over the past three decades the U.S. portion has declined, as it should.

For the years 1996 through 1998, America's contribution to these three NATO common funds averaged around 23 percent according to the Congressional Research Service. Accordingly, this resolution calls for capping our portion of the reconstruction costs at the same level of 23 percent.

In light of the fact that we carried the vast majority of the burden in ending the fighting I think that this is still too much. Perhaps 10 percent is a fairer share. It is time for our European allies to do their fair share.

Following World War Two, a war that would not have been won without America, the American people invested in the Marshall Plan. The Marshall Plan was vital in the effort to rebuild Europe from the ashes of WWII. Fifty years later we won the Cold War. Now, just yesterday, we put an end to the fighting in Kosovo. It is time for our NATO European allies to shoulder the financial burden to rebuild a region of their own continent that has been ravaged by war.

The Kosovo Reconstruction Fair Share Resolution indicates that America will not pay more than our fair share. I urge my colleagues to support passage of this legislation.

AMENDMENTS SUBMITTED

Y2K ACT

EDWARDS AMENDMENT NO. 619

Mr. EDWARDS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems relating to processing data that includes a 2-digit expression of the year's date; as follows:

Strike Section 12 and insert the following:

"SEC. 12. DAMAGES IN TORT CLAIMS.

"A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable state or federal law in effect on January 1, 1999.".

EDWARDS AMENDMENT NO. 620

Mr. EDWARDS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

On page 7, line 17, after "capacity" strike "." and insert:

"; and

"(D) does not include an action in which the plaintiff's alleged harm resulted from an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999, or to a claim or defense related to an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999. However, Section 7 of this Act shall apply to such actions."

BOXER AMENDMENT NO. 621

Mrs. BOXER proposed an amendment to amendment No. 608 proposed by Mr.

McCain to the bill, S. 96, supra; as follows:

In section 7(e) insert at the end the following:

(5) Special rule.—

(A) In general.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) Damages.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

INHOFE AMENDMENT NO. 622

Mr. GORTON (for Mr. Inhofe) proposed an amendment to the bill S. 96, supra; as follows:

On page 11, between lines 22 and 23, insert the following:

(6) Application to actions brought by a governmental entity.—

(1) In general.—To the extent provided in this subsection, this Act shall apply to anaction brought by a governmental entity described in section 3(1)(C).

(2) Definitions.—In this subsection:

(A) Defendant.—

(i) In general.—The term "defendant" includes a State or local government.

(ii) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) Local government.—The term "local government" means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K upset.—The term "Y2K upset"—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) Conditions necessary for a demonstration of a Y2K upset.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) Grant of a Y2K upset defense.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) Length of Y2K upset.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) Violation of a Y2K upset.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) Expiration of Defense.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

At the appropriate place, insert the following:

SEC. . CREDIT PROTECTION FROM YEAR 2000 FAILURES.

(a) In General.—No person who transacts business on matters directly or indirectly affecting mortgages, credit accounts, banking, or other financial transactions shall cause or permit a foreclosure, default, or other adverse action against any other person as a result of the improper or incorrect transmission or inability to cause transaction to occur, which is caused directly or indirectly by an actual or potential Y2K failure that results in an inability to accurately or timely process any information or data, including data regarding payments and transfers.

(b) Scope.—The prohibition of such adverse action to enforce obligations referred to in subsection (a) includes but is not limited to mortgages, contracts, landlord-tenant agreements, consumer credit obligations, utilities, and banking transactions.

(c) Adverse Credit Information.—The prohibition on adverse action in subsection (a) includes the entry of any negative credit information to any credit reporting agency, if the negative credit information is due directly or indirectly by an actual or potential disruption of the proper processing of financial responsibilities and information, or the inability of the consumer to cause payments to be made to creditors where such inability is due directly or indirectly to an actual or potential Y2K failure.

(d) Actions May Resume After Problem Is Fixed.—No enforcement or other adverse action prohibited by subsection (a) shall resume until the obligor has a reasonable time after the full restoration of the ability to regularly receive and dispense data necessary to perform the financial transaction required to fulfill the obligation.

(e) Section Does Not Apply to Non-Y2K-Related Problems.—This section shall not affect transactions upon which a default has occurred prior to a Y2K failure that disrupts financial or data transfer operations of either party.

(f) Enforcement of Obligations Merely Tolled.—This section delays but does not prevent the enforcement of financial obligations.

SESSIONS AMENDMENT NO. 623

Mr. SESSIONS proposed an amendment to amendment No. 608 proposed by Mr. McCain to the bill, S. 96, supra; as follows:

At an appropriate place, add the following section:

SEC. . ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

GREGG (AND BOND) AMENDMENT NO. 624

Mr. GREGG (for himself and Mr. Bond) proposed an amendment to amendment No. 608 proposed by Mr. McCain to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. . SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) Definitions.—In this section—

(1) the term "agency" means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term "first-time violation" means a violation by a small business concern of a Federal rule or regulation resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) Establishment of Liaisons.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) General Rule.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, June 30, 1999 at 2:00 p.m. in SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct general oversight of the United States Forest Service Economic Action Programs.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

AUTHORITY OF COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSE, AND HOUSING, AND URBAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 10, 1999, to conduct a hearing on "Export Control Issues in the Cox Report."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, June 10, 1999, at 9:30 a.m. on S. 798-the PROTECT Act (Promote online transactions to encourage commerce and trade).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 10, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the report of the National Recreation Lakes Study Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Government Affairs Committee be permitted to meet on Thursday, June 10, 1999 at 10:00 a.m. for a hearing on Dual-Use and Munitions List Export Control Processes and Implementation at the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Special Populations" during the session of the Senate on Thursday, June 10, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re The Competitive Implications of the Proposed Goodrich/Coltec Merger, during the session of the Senate on Thursday, June 10, 1999, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting during the session of the Senate on Thursday, June 10, 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday June 10, 1999 at 2:00 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee's Permanent Subcommittee on Investigations be permitted to meet on Thursday, June 10, 1999 at 2:00 p.m. for a hearing on the topic of "Home Health Care: Will the New Payment System & Regulatory Overkill Hurt Our Seniors?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that subcommittee on Near Eastern and South Asian Affairs authorized to meet during the session of the Senate on Thursday June 10, 1999 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGARDING HORATIO ALGER AWARD RECIPIENT LESLIE JONES

• Mr. FRIST. Mr. President, on March 9th of this year, 105 students—out of 80,000 applicants nationwide—were selected to receive the prestigious Horatio Alger Award, an honor bestowed each year on students and adults who excel despite significant adversity.

One of those recipients was Leslie Jones, a 16-year-old student from White Station High School in Memphis, Tennessee who, despite brain surgery to remove a tumor and medical complications that damaged her vision and rendered her facial muscles incapable of managing even a smile, will nevertheless graduate with her class this year—with honors. Her high school was also recognized as a Horatio Alger School of Excellence.

Despite physical setbacks that kept her from attending classes, Leslie used a homebound teacher to keep up with her studies. When her eyes crossed and refused to cooperate, she—as her teacher described it—"just covered one eye with her palm and continued on." When asked if the homework was too much, Leslie never once said yes, even when some work had to be done over because faulty vision caused her to miss some lines on the page.

In the essay which helped her win the competition over tens of thousands of others, Leslie wrote that despite the pity, the lack of understanding, and even the alienation of other people, she never once lost faith in her own ability to focus on her goals. "In my heart," she said, "I know my dreams are greater than the forces of adversity and I trust that, by the way of hope and fortitude, I shall make these dreams a reality."

And so she has. Yet, what is perhaps even more remarkable than the courage and determination with which she pursued her dreams, is the humility with which she has accepted her hard-earned reward.

When 1,900 students gathered to honor her achievement, she downplayed her accomplishment saying instead that everyone possesses the same ability to rise above adversity. Rather than dwell on her medical problems, she insists that they don't define who she is.

Emphasizing the power of positive thinking, the Italian author, Dr. Piero Ferrucci, once observed, "How often—even before we begin—have we declared a task 'impossible'? How often have we construed a picture of ourselves as inadequate? A great deal depends upon the thought patterns we choose and on the persistence with which we affirm them."

Mr. President, Leslie Jones stands as a testament to the truth of those words just as surely as White Station High School proves that public institutions committed to helping students achieve can be a major influence in helping them shape a positive future for themselves and others. Both the school, and especially the student, deserve our admiration, our praise, and our thanks—all of which I enthusiastically extend on behalf of all the people of Tennessee and, indeed, all Americans everywhere.●

TRIBUTE TO GOVERNOR JOHN McKEITHEN

• Mr. BREAUX. Mr. President, last week Louisiana lost of one its most prominent sons. An era passed into history with the death of former Governor John McKeithen, who served his state with distinction as governor during the turbulent years of 1964 to 1972.

When he died at the age of 81 in his hometown of Columbia, Louisiana, on the banks of the Ouachita River, John McKeithen left a legacy of accomplishment as governor that will likely not be matched in our lifetime. As one political leader observed last week, with John McKeithen's death "we have witnessed the passing of a giant, both in physical stature and in character."

Indeed, McKeithen was not affectionately called "Big John" for nothing. Like most great leaders, he thought big and acted big.

Louisiana was blessed with John McKeithen's strong, determined leadership at a time when a lesser man, with lesser convictions, might have exploited racial tensions for political gain.

In fact, throughout the South, McKeithen had plenty of mentors had he wanted to follow such a course. But Governor McKeithen was decent enough, tolerant enough and principled enough to resist any urge for race baiting. In his own, unique way, to borrow a phrase from Robert Frost, he took the road less traveled and that made all the difference.

John McKeithen's wise, moral leadership at a time of tremendous social and economic transformation in Louisiana stands as his greatest accomplishment in public life. Not only did he encourage the citizens of Louisiana to tolerate and observe the new civil rights laws passed by Congress in the mid-1960s, he worked proactively to bring black citizens into the mainstream of Louisiana's political and economic life.

Hundreds of African-Americans will never forget the courageous way that National guardsmen under John McKeithen's command protected them from harm as they marched from Bogalusa to the State Capitol in the mid-1960s in support of civil rights. And generations of African-American political leaders will always have John McKeithen to thank for the way he helped open door of opportunity to them and their predecessors.

But racial harmony will not stand as Governor McKeithen's only legacy. All of Louisiana has "Big John" to thank for the way our state has become one of the world's top tourist destinations by virtue of the construction in the early 1970s of the Louisiana Superdome. To many—those who did not dream as big as "Big John"—the idea of building the world's largest indoor arena seemed a folly, sure to fail. But like a modern-day Noah building his ark, McKeithen endured the taunts and jeers of his critics while he forged ahead—sure that his vision for the success of the Superdome was sound.

And today, more than a quarter century later, the citizens of Louisiana, particularly those in New Orleans, are only beginning to understand the enormous economic benefits that Louisiana had reaped by virtue of the Superdome and the world-wide attention and notoriety it has brought to New Orleans.

Even at that time, Louisiana's citizens recognized that there was something unique and very special about their governor. And so it was for that reason that they amended the state's Constitution to allow him to become the first man in the state's history to serve two consecutive terms in the Governor's Mansion.

Senator LANDRIEU and I doubt that we will ever see the likes of John McKeithen again—a big man, with a big heart, who dreamed big dreams and left an enormous legacy in his wake. We know that all our colleagues join us in expressing their deepest sympathy to his wife, Marjorie, his children and his grandchildren.●

TRIBUTE TO ELLIOTT HAYNES

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Elliott Haynes, a great American and Vermonter, who passed away on May 19, of this year. Elliott served his country and his community in so many ways, and I feel blessed to have known him.

Elliot and I came from similar backgrounds: he lived in my home town of Shrewsbury, Vermont, where we both served on the volunteer fire department; we received our BA's at Yale; and we both served our country in the Navy.

The list of contributions Elliott made to the International, National, and local arenas is impressive not only for its length, but also for its variety. This tribute can only touch on a few of them, but I hope the highlights will give the Senate an impression of how great a man we have lost. He began his career writing for the United Nations World Magazine. In 1954, Elliott co-founded the Business International Corporation in New York. Its purpose was to provide information and to help those who worked in the worldwide economic market. In addition to being the co-founder, he also served as the Director, Managing Editor, Editor-in-Chief, and as Chairman of the Board.

In 1959, Elliott joined a group of executives called the "Alliance for Progress," who advised then President-Elect Kennedy on US business policy towards Latin America. He then served as the President of the Council for the International Progress of Management and as the Chairman of the Board of the International Management Development Institute, a non-profit organization devoted to managerial training in Africa and Latin American.

Elliott was also the manager of numerous International business round tables held throughout the years. While all of these activities would be enough work for two people, Elliott found time to create the US branch of the AIESEC-US, an International organization which gave university students the opportunity to train in businesses throughout the world. Later on in his life, he served as their International Chairman and was inducted into their Hall of Fame. Throughout all of this, he served as an advisor and occasional lecturer for various business schools, including Indiana University, Pace University, and Harvard Business School.

Elliott Haynes was also very active in the State of Vermont. He was a member the Rutland Rotary, served on the Board of Directors of the Visiting

Nurses Association and was Chair of the Board of the Vermont Independence Fund, which provided seed money to organizations which helped the elderly and disabled lead more active and independent lives.

And while Elliott's list of business accomplishments is phenomenal, it was his ability to turn a personal tragedy into an inspiration for others that is his greatest legacy. In 1994 he was diagnosed with Parkinson's Disease, and from that moment on, he devoted his life to improving the lives of others with the disease. In 1997, Elliott founded the Rutland Regional Parkinson's Support Group in 1997. He brought the needs and concerns of those with Parkinson's Disease to the attention of the Senate Health, Education, Labor and Pensions Committee, which I chair. Elliott was essential in getting legislation passed which provides federal money for research into this crippling disease. I am so proud to have worked with him on this landmark legislation and I only wish he could have lived to see the fruits of his labor.

Elliott Haynes was a wonderful and influential man who's life touched thousands of people in direct and indirect ways. He will be remembered as a man who gave wholly of himself and who was willing to go the extra mile for his friend and neighbor, regardless of whether it was a neighbor in Shrewsbury or a "neighbor" halfway around the world. Elliott Haynes will be deeply missed.•

BOYCOTT THE ALTERNATIVE ICE CREAM PARTY

• Mr. KOHL. Mr. President, I rise today to request a boycott by all Senators to the "Alternative Ice Cream Party" being sponsored by Senators from the Northeastern United States. The "Party" is designed to rally support for the Northeast Interstate Dairy Compact. The dairy compact that was eliminated by the recently revised milk marketing orders has cost consumers in the Northeast over $60 million and cost child and nutrition programs an additional $9 million. If proposals to expand dairy compacts to 27 states this year are adopted, it will force 60% of the consumers in the nation to pay an additional $2 billion, that's correct, $2 billion a year in higher milk prices. And while the Northeast's consumers are purchasing overpriced milk, Wisconsin is losing dairy farmers by the day—over 7,000 in the past few years.

Mr. President, rather than ice cream, the Northeast Senators should give away cow manure instead: At leastthen the freebies would have some relation to the legislation they are pushing. There are many other areas of concern I have in regard to this issue, particularly why the hard-working cows in the Northeast are not seeing the money from the extra profits that the large processors are making. I am surprised that animal rights and labor activists have not raised issue with the long hours worked and extra milk that cows in the Northeast are forced to produce. I am doubly surprised that my good friends from the Northeast can sit in Washington eating free ice cream while poor children in New England end up paying more for their school lunch milk because of the dairy compact.

If we as the United States can no longer expect to give a fair (milk) shake to dairy farmers and consumers across the country, then maybe it is time for the Northeast to secede from the Union. Maybe Canada would be willing to accept them. But then, of course, the North American Free Trade Agreement would require them to practice free trade and eliminate the dairy compact.•

TRIBUTE TO MICHAEL DROBAC

• Mr. SMITH of Oregon. Mr. President, I rise today to thank a departing member of my staff for his contributions to the State of Oregon. Michael Drobac, who currently serves as my legislative aide for defense, labor and judiciary issues, is a native of Eugene, Oregon. Michael received his undergraduate and graduate degrees from Stanford University and has been a highly valued aide in my office since my election to the United States Senate.

In my short time in the Senate, I have grown to expect and receive unadorned direct advice from Michael on a variety of issues and projects helping Oregonians. He has worked tirelessly on drug control issues and judicial appointments. Michael has worked attentively with affected Oregon communities and the Department of the Army to resolve safety and economic issues surrounding the Chemical Demilitarization program at the Umatilla Depot in Oregon. His advice and work on defense related issues on both the national level and in conjunction with Oregon's fine National Guard has always been exemplary.

Michael, is returning to Oregon to attend Law School at the University of Oregon. I wish him well and do not doubt that Michael will put his law degree to good work. I join my staff in thanking him for his time and expertise. Given his background, good character and passion for public service, I would not be surprised to see Michael's return to Washington, DC, sometime in the future, working again on behalf of the state of Oregon.•

COMMEMORATING THE 80TH ANNIVERSARY OF THE AMERICAN LEGION

• Mr. JOHNSON. Mr. President, as we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

Before we embark upon the Twenty-First Century, the American Legion will celebrate its 80th anniversary serving our nation's veterans. Since the first gathering of American World War I Doughboys in Paris, France on March 15th, 1919, the American Legion has upheld the values of freedom, justice, respect and equality. The American Legion eventually was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veterans organization. A community-service organization which now numbers nearly 3 million members—men and women—in nearly 15,000 American Legion Posts worldwide.

The American Legion's support for our nation's veterans has been exemplary over the last eighty years. Shortly after it's founding, the American Legion successfully lobbied for the creation of a federal veterans bureau. With the American Legion's support, the agency developed a veterans hospital system in the 1930s. In 1989, another American Legion plan became reality: the elevation of the Department of Veterans Affairs as a cabinet-level agency. The American Legion also successfully advocated for the compensatory rights of veterans, victims of atomic radiation, PTSD, Agent Orange, and Persian Gulf syndrome.

Over the past eighty years, the American Legion also has been active in promoting the values of patriotism and competition with our nation's young people. There are many sons and daughters participating in American Legion sponsored programs such as American Legion Boys and Girls State, Boys and Girls Nation, the National High School Oratorical Contest, and the Junior Shooting Sports and American Legion Baseball.

Throughout my service in Congress, I have long appreciated the leadership of the South Dakota American Legion for its input on a variety of issues impacting veterans and their families in recent years. The American Legion's insight and efforts have proven very valuable to me and my staff, and I commend each and every one of them for their leadership on issues of importance to all veterans of the armed forces.

Mr. President, as Americans, we should never forget the men and women who served our nation with such dedication and patriotism. I close my remarks by offering my gratitude and support for all the achievements performed by the American Legion. For eighty years now, the American

Legion has been the standard bearer in the representation of our veterans. I want to extend my sincerest appreciation to the American Legion for its continued leadership.•

ELIZABETH BURKE

• Mr. SANTORUM. Mr. President, I rise today to recognize Elizabeth Burke, who has been chosen as a 1999 Community Health Leader by the Robert Wood Johnson Foundation for her efforts to combat domestic violence. As one of 10 outstanding individuals selected each year to receive this distinguished award for finding innovative ways to bring health care to communities whose needs have been ignored and unmet, Ms. Burke's work on behalf of domestic violence victims has become a national model.

A former victim of domestic violence, Elizabeth Burke was hired to start up the Domestic Violence Medical Advocacy Project at Mercy Hospital in Pittsburgh in 1994. The project is a joint effort between Mercy Hospital and the Women's Center and Shelter of Greater Pittsburgh, and since its start five years ago, the hospital has increased the identification of domestic violence victims by more than 500 percent. Women are offered counseling, education, shelter and employment programs in the 24 hour, 40 bed facility. The Center screens all women who are admitted into the hospital, identifying domestic violence victims at a point when they are most receptive to help.

Ms. Burke is responsible for training hundreds of physicians, nurses, social workers as well as others in prevention diagnosis, treatment and advocacy for victims of domestic violence. Since coming to the project she has successfully bridged the gap between the domestic violence and medical fields to create a comprehensive response to victims of domestic violence. From emergency room screenings to follow-up services to an extensive prevention network, she ensures that abused women get help before the violence destroys their lives.

Ms. Burke's efforts don't stop there. She also chairs the Pennsylvania Coalition Against Domestic Violence and makes presentations on domestic violence to a broad community. In addition, she serves as adjunct faculty at the University of Pittsburgh, University of Missouri and West Virginia University.

Mr. President, many victims of domestic violence have been touched by Elizabeth Burke's compassionate spirit. I ask my colleagues to join with me in commending Ms. Burke for her extraordinary contribution to the Pittsburgh community and to all victims of domestic violence.•

YOUTH VIOLENCE

• Mr. LEVIN. Mr. President, our nation has been riveted by the violence in Littleton, CO and Conyers, GA and our youth's easy access to guns. Communities have become increasingly concerned about their own schools and are more sensitized to the dangers of youth violence. Yet, despite this scrutiny, firearms continue to claim the lives of our young people. Every day on the average, another 14 children in America are killed with guns because of the gaping loopholes in our Federal firearms laws. We took steps to eliminate some of these loopholes during Senate consideration of the juvenile justice bill. Unfortunately, the legislation passed by the Senate did not go far enough to reduce the easy availability of lethal weapons to persons who should not have them.

Today, I saw an ABC News Wire report called "Michigan sting operation shows felons can buy guns." According to this report, two investigators in Michigan, one posing as a felon and the other as his friend, went to ten different firearms dealers to purchase guns. Remember, selling a gun to a felon is illegal but these investigators had no problems with the gun dealers they approached. Out of the 10 dealers in this investigation, nine reportedly allowed, apparently, illegal purchases. In total, 37 guns were apparently purchased illegally during this selling spree. And still, the NRA wants Congress to expand the loopholes in our firearms laws, rather than taking modest steps to close them.

Since the moment the Senate passed the Juvenile Justice bill, NRA lobbyists in Washington have been working around the clock to lobby Members of the House of Representatives. The NRA has named as its "top priority, the defeat of any Lautenberg-style gun show amendment in the U.S. House." The Lautenberg amendment, adopted by the Senate, simply requires dealers at gun shows to follow the same rules as other gun dealers, by using the existing Brady system for background checks. It accomplishes this goal without creating any new burdens for law-abiding citizens and without any additional fees imposed on gun sellers or gun buyers. But the NRA wants to create additional loopholes by creating a special category of gun show dealers, who would be exempt from even the most minimum standards. They also want to weaken the bill by establishing a 24-hour limit on the time that vendors have to complete background checks, rather than the current standard of 3 business days, the time the FBI says is necessary. It will be a sad day if the NRA can successfully lobby the House to eliminate these moderate proposals in the Juvenile Justice bill.

I hope the House will amend its current bill to include language, passed by the Senate, to limit the importation of large capacity ammunition devices, clips that domestic companies were prohibited from manufacturing in 1994. Again, this is a moderate measure designed to keep clips with rounds as high as 250 off our streets and out of the hands of young people.

As the House begins their consideration of the juvenile justice bill next week, I hope it will strengthen, not weaken, the moderate gun control measures that we passed in the Senate. For example, Congress should take steps to prevent unintentional shootings, which occur as a result of unsafe storage of guns. These daily tragedies, resulting from the careless storage of guns, can easily be prevented by requiring the use of locking devices for guns, which are inexpensive and easy to use. We should also take steps to eliminate illegal gun trafficking and ban semiautomatic assault weapons and handguns for persons under 21 years of age.

The legislation passed in the Senate was a step in the right direction, but those moderate reforms are in jeopardy if Congress allows our legislative priorities to be dictated by the NRA.•

OUTSTANDING STUDENT—COURTENAY BURT

• Mr. BURNS. Mr. President, I rise today to acknowledge the achievements of an outstanding student from Kalispell, Montana. The Montana chapter of the American Association of University Women sponsors an annual essay contests for students in grades 11 and 12. The topic of the essays was "Women in Montana History."

Courtenay Burt, an Eleventh Grader at Bigfork High School, had her essay chosen as the best of all submitted in Montana. She writes about her grandmother, a woman of integrity and wisdom who died when Courtenay was only eight months old. Her essay tells us the story of a woman who grew up during the Great Depression, survived the often harsh climate of Montana, raised a family, earned the respect of her community, and maintained a healthy sense of humor throughout it all.

I ask that Courtenay Burt's essay "Big Mama" be printed in the RECORD.

The essay follows:

"OLD MAMA"

(By Courtenay Burt)

"Dear Courtenay, I wish you could only know how much I had looked forward to watching you grow up, but I guess that just wasn't meant to be. Not to worry, though—we'll get better acquainted later." My grandmother, who was affectionately referred to as "Old Mama," wrote those words in a shaky hand just before she passed away in 1982. I was eight months old, then, and so I have no memories of her; instead I've borrowed the memories of those who knew and lover her, as I wish I could have. Through reminiscing with those close to her, I have discovered the courageous, colorful woman my grandmother was and I have begun to paint a picture in my mind.

"Old Mama," was born Mary Katherine Emmert on February 7, 1918, in Kalispell, Montana. From an early age, it was apparent she would make her own decisions, and her strong will served her well. Using her active imagination, young Mary reportedly kept her parents as a full gallop.

Mary's adolescent years might have been similar to any of ours, but they were marked by the hardships of the Great Depression, which began in 1929. "Old Mama" actually was one of those children who walked three miles to school in a blizzard. Like many, young Mary was eager to grow up. "You always look up to the next step and think how grown up you would feel to be there, but when you get there, you don't feel any different than you ever did. I have found this to be the way with life," she stated in a paper for her English class at Flathead County High School.

As a young woman, Mary lived the American Dream: She married Tommy Riedel, a local boy, and they eventually had two children. The couple worked side by side building a home on family farmland south of Kalispell, and the years that followed were typical for a young family of the '50's: Tommy worked while Mary raised the children. There were neighborhood events, outdoors activities, and there were always the joys of the farm life. My mother recalls horseback rides with Old Mama on those long-ago summer evenings, dusk falling hazy and pink as they loped the long fields home.

Old Mama was a constant and steady support for her children. At one time she drove all the way to Nebraska to watch my mother compete in the National track finals. "During those teen years, it was her never-failing presence more than her words that assured me of her love," my mother once wrote.

After Tommy had a sudden heart attack in his mid-forties and became disabled, Mary did not sit helplessly by. She inventoried her skills and went to work in Kalispell, becoming a legal secretary. She took great pride in her work. Years later, when it was fashionable for women to have more grandiose plans, my mother once made the mistake of remarking that she intended to be more than "just a secretary." Old Mama gathered herself to full indignation and retorted that, indeed, *Christ* had been "just a carpenter."

Eventually, hard work and commitment opened a door for Mary Riedel. When the Justice of the Peace fell ill—for whom she'd been "just a secretary"—Mary was appointed to act in his place. From all accounts, the job was perfect for her. "Old Mama," had an uncanny ability to discern people's character and it served her well, as did her dry sense of humor. On one occasion, Mary intercepted a note that a previous offender had written to a friend who was due to appear in her court.

"Watch out for Mary Redneck," the note cautioned; it went on to complain of a substantial fine and a stern lecture. As Judge Mary read the note, all eyes were riveted on her. Slowly, Mary began to smile. Then she was laughing-tear streaming, gut-wrenching laughter. She returned the note to offender with the notation: "Sorry. This seems to have gotten misdirected. Best wishes, Judge Mary Redneck."

So often, in the shadow of life's triumphs come the cruel, unexpected twists. My grandmother was diagnosed with terminal cancer only a few years after being elected Justice of the Peace. Determined to battle the disease, she struggled to survive the ravages of chemotherapy. With all of her heart she fought, until she could see that it was time to give in with grace.

On the last evening, she gathered her family together. "I told God I wanted ten more years," she said, that wry smile still working the corners of her mouth. "But when you're dealing with Him . . . you have to compromise a little." To the end, Old Mama was indomitable.

On April 14, 1982, Mary Riedel was layed to rest. Although she is not here in person, herspirit lives on in the hearts of those who loved her; her strength, faith, and courage fire my imagination and warm my heart. Mary Riedel was a woman to be admired and remembered, and I am proud that she was my grandmother. She showed us how to live . . . and when the time came, she showed us how to die.

WORKS CITED

Beers, Burton F., *World History: Patterns of Civilization:* Prentice Hall; Englewood Cliffs, New Jersey; Needham, Massachusetts; Updated Edition, 1993.

The Bible, New International Version as written by the Apostles.

Burt, Justin, "Mary Riedel: An Influencing Force in Montana History," *Women of Montana Essays 1991–1995;* American Association of University Women; Kalispell, Montana 1996.

Burt, Kathleen, "Remembering Mary Redneck," an unpublished paper.

Burt, Kathleen, A personal interview.

Riedel, Mary, "Pat," an unpublished autobiography.●

PLEASANT VIEW GARDENS

● Mr. SARBANES. Mr. Chairman, recently the Washington Post contained an article recognizing an innovative and successful approach to public housing in Baltimore, MD. Pleasant View Gardens, a new housing development, holds great promise as a new approach to public housing in the Nation.

The birth of this new project began in 1994, when the City of Baltimore in cooperation with the Department of Housing and Urban Development and the State of Maryland, made funds available for the demolition of Lafayette Courts and began the process of replacing it with the new Pleasant View Gardens. As the Washington Post reported, high rise buildings in the "densest tract of poverty and crime in [Baltimore] city" have been replaced by low-rise, low density public housing where in the evenings you hear "the murmur of children playing on the jungle gym at sunset,. . .police officers [chat] with residents..[and] the street corners [are] empty." Residents who once referred to their housing as a "cage," now allow their children to play outside.

Pleasant View offers homeownership opportunities and affordable rental housing to its residents as well as a medical clinic, a gymnasium, a job training center, an auditorium and includes a 110-bed housing complex for senior citizens. Pleasant View is part of a plan to replace more than 11,000 high-rise units in Baltimore with approximately 6,700 low-rise units to be completed by 2002, with remaining residents to be relocated throughout the city. I believe that the Pleasant View initiative offers a new path for public housing in the future and demonstrates that working with the community, the government can help to make an important difference. I ask that the full text of this article be printed in the RECORD.

The article follows:

[Washington Post, April 26, 1999.]

PLEASANT VIEW LIVES UP TO NAME—NEW PUBLIC HOUSING HAS LESS CRIME

(By Raja Mishra)

BALTIMORE.—On a recent April evening in the Pleasant View public housing development here, the ordinary was the extraordinary.

The only sound was the murmur of children playing on a jungle gym at sunset. Police officers chatted with residents on the sidewalk. Street corners were empty. Just over three years ago, Lafayette Towers stood on this spot five blocks northeast of the Inner Harbor. The half-dozen 11-story high-rise buildings were the densest tract of poverty and crime in the city.

Public planners trace the lineage of Lafayette Towers—and hundreds of high-rise buildings like them in other cities—to modernist European architects and planners of the post-World War II era. When the need for urban housing gave birth to such places, the term "projects" was viewed with favor.

Plasant View residents who once lived in Lafayette Towers had their own term for the buildings: cages. Life in the project remains seared in their memories.

"I had to lug groceries up to the 10th floor because the elevator was always broke," said Dolores Martin, 68. "But you're afraid to go up the steps because you don't know who's lurking there."

Eva Riley, 32, spent the first 18 years of her life in Lafayette Towers.

"It gives you a feeling of despair," she recalled. "You're locked up in a cage with a fence around you and everything stinks."

In Pleasant View, the federal government's more recent theories of public housing—which stress low-rise, lower density public housing rather than concentrations of massive high-rises—have been put to the test.

The physical layout of Pleasant View is the heart of the new approach. Each family has space: large apartments, a yard and a door of their own. There are no elevators or staircases to navigate. Playgrounds and landscaping fill the space between town houses. There is a new community center.

One year into the life of the new development, the results present a striking contrast to life in the old high-rise complex: Crime has plummeted. Drugs and homicide have all but disappeared. Employment is up.

"Folks are revitalized. The old is but, the new is in. And the new is much better," said Twyla Owens, 41, who lived in Lafayette Towers for six years and moved into Pleasant View last year.

"People who live here care about how it looks and keeping it safe," said Thomas Dennis, 63, who heads a group of volunteers that patrols Pleasant View. "We all pull together. There was nothing like that at Lafayette."

"Federal housing officials say they view Pleasant View as their first large-scale success in rectifying a disastrous decision half a century ago to build high-rise public housing.

"It's an acknowledgment that what existed before was not the right answer," said Deborah Vincent, deputy assistant secretary for public housing at the Department of Housing and Urban Development.

The about-face is a welcome change for longtime critics of high-rise projects.

"I don't hold any real animosity to the people who sat down in the 1940s and planned Lafayette Towers," said Baltimore City Housing commissioner Daniel P. Henson III. "But, boy, were they short-sighted."

In retrospect, it seems as if the idea of the urban apartment project was destined to lead to problems, several housing experts said.

It concentrated the poorest of the poor in small spaces set apart from the rest of the city. The idea is thought to have originated with Le Corbusier, considered one of the giants of 20th century architecture.

Le Corbusier was grappling with the problem of crowding in big cities in France as populations swelled at the beginning of the century. Slums were rapidly expanding in urban areas. Rather than move housing outward, Le Corbusier thought it would be better to move it upward: high-rises. He conceived of them as little towns unto themselves, with commerce, recreation and limited self-government.

As hundreds of thousands of young Americans returned from World War II, eager to find transitional housing for their young families, and a mass migration began from the rural South to the urban North, Le Corbusier's thinking influenced a generation of U.S. policymakers.

In this country, cost became a central issue. The new projects were designed to house as many people as possible for as little money as possible.

"Who wanted to put poor people in lavish housing? So they used shoddy materials and were built poorly," said Marie Howland, head of the Urban Studies and Planning Department at the University of Maryland at College Park.

The tall high-rises soon because symbols of blight.

"Then the sigma of public housing increased because everyone could just point to the housing high-rises," said Sandra Neuman, interim director of the Institute for Policy Studies at Johns Hopkins University.

As the ex-servicemen departed for new suburban developments, many of the projects took on the appearance of segregated housing, particularly in cities south of the Mason-Dixon line. Baltimore housing department officials unearthed official city documents from the 1940s that refer to the planned high-rises as "Negro housing."

The most public initial concession that high-rise public housing had failed came on July 15, 1972, when the notorious Pruitt-Igoe projects of St. Louis were demolished with explosives.

High-rise projects have been crashing down across the country with increasing frequency in recent years. They have been replaced with low-rise, low-density public housing in 22 cities, including Alexandria, New York, Chicago, Philadelphia and Atlanta.

The $3 billion effort there aims to replace more than 11,000 high-rise units. HUD hopes to have all the construction done by 2002. Most of the new units will be town houses. There will be a few low-rise apartments and some stand-alone homes as well. Those who do not get space in the new units will be relocated in other, existing low-rise apartments.

The facilities reflect other shifts in public housing philosophy; social needs must also be addressed and a positive environment must be created.

Twenty-seven of the 228 homes in Pleasant View are owned by their occupants. The city is trying to coax some of the renters, as well as others, to buy. The idea is to have a mixed-income population with long-term responsibilities. All residents are required to have a job or be enrolled in job training.

"Before, you had too many people with too many social problems concentrated in one area. Here you have a mix of incomes," said U-Md.'s Howland.

Pleasant View has a new medical clinic, a gymnasium, a 110-bed housing complex for senior citizens, a job training center and an auditorium, where President Clinton recently delivered a speech on homelessness.

Pleasant View also has its own police force, a small cadre of officers from the Baltimore City Housing Authority police unit.From a small station in the community center, officers monitor the community using cameras that are mounted throughout the neighborhood.

In 1994, the last year Lafayette was fully operative, there were 39 robberies. In Pleasant View, there have been three. In 1994, there were 108 assaults; Pleasant View had seven. Lafayette had nine rapes, Pleasant View none.

Four hundred of the 500 people who lived in Lafayette Towers have returned to live in Pleasant View, among them Eva Riley. After a childhood in the high rises, she left as soon as she could afford subsidized housing in another part of the city, vowing never to raise her children in a place like Lafayette Towers.

But when she visited Pleasant View shortly after its construction, she decided to return to her old neighborhood with her children, Jerod, 13, and Lakeisha, 11.

"It's much safer," she said. "I don't mind my kids playing outside in the evening."●

25TH ANNIVERSARY OF THE VERMONT COUNCIL ON THE HUMANITIES

● Mr. JEFFORDS. Mr. President, I am pleased today to recognize the Vermont Council on the Humanities on the occasion of its 25th anniversary.

In 1965, Congress created the National Endowment for the Humanities (NEH) with the goal of promoting and supporting research, education, and public programs in the humanities. The mission of the NEH was to make the worlds of history, language, literature and philosophy a part of the lives of more Americans. Over the past three decades, the NEH has lived up to its founding mission and has made the humanities more accessible. As Chairman of the Senate Health, Education, Labor and Pensions Committee, which has jurisdiction over the agency, I have been extraordinarily proud to support NEH during my years in Congress.

NEH brings the humanities to our lives in many unique and exciting ways. NEH makes grants for preserving historic resources like books, presidential papers, and newspapers. It provides support for interpretive exhibitions, television and radio programs. The agency facilitates basic research and scholarship in the humanities. And NEH strengthens teacher education in the humanities through its summer institutes and seminars. Yet, in my view, one of the most important ways that NEH broadens our understanding of the humanities is through the support it provides for state humanities councils. These state humanities councils, at the grassroots level, encourage participation in locally initiated humanities projects. Every state has one, but few are as innovative, creative and self-sufficient as the Vermont Council on the Humanities.

Early on, the Vermont Council on the Humanities determined that the first step in engaging Vermonters in the humanities was to ensure that all Vermonters were able to read. The Vermont Humanities Council met this challenge head on and provided support for reading programs and book discussions targeted at people of all levels of literacy—from the Connections programs which serve adult new readers to the scholar-led discussions held in public libraries. In 1996, the Council initiated the Creating Communities of Readers program. Five Vermont communities received grants to help them achieve full literacy for their communities. This undertaking of "creating a state in which every individual reads, participates in public affairs and continues to learn throughout life," involves an enormous commitment. Yet, undaunted by the enormity of the challenge, the Vermont Humanities Council stepped to the plate and hit a home run.

Vermont has taken quite literally the mission of bringing the humanities to everyone and, in doing so, the Vermont Council has distinguished itself as a national leader in promoting reading as a path towards participation in the humanities. Recently, the Vermont Council received a national award of $250,000 from the NEH to implement humanities based book discussions for adult new readers nationwide. Through this national Connections program, 14,000 children's books will become part of the home libraries of adults who are learning to read.

There is much we can gain from studying the humanities. The small amount of money that the federal government spends on NEH goes a long way toward building a national community. Coming together to learn from literature, learn from our past, and learn from each other is, in my view, an extraordinarily valuable use of our public dollars.

Twenty-five years ago, the Vermont Humanities Council chose the road less traveled, and that has made all the difference in Vermont and in the nation. The Council, with its focus on literacy, chose to experiment by developing new and different ways of bringing the humanities to all Vermonters. By choosing to move to the beat of its own drum, the Vermont Humanities Council has become a unique and independent actor promoting the importance of literacy as a means of pursuing the humanities.

In honor of this twenty-fifth anniversary, I offer my sincere congratulations to the Vermont Council on the Humanities for a job well done. I would also like to offer a special note of gratitude to Victor Swenson and the Council's extraordinary Board of Directors. Victor's leadership and the commitment of the Board has made our Council a shining example of excellence. Keep up the good work.•

COMMEMORATING THE 100TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS

• Mr. JOHNSON. Mr. President, as we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

Before we embark upon the Twenty-First Century, the Veterans of Foreign Wars (VFW) will celebrate an historic milestone. On September 29, the VFW will celebrate the 100th anniversary of the organization's founding. For over one hundred years, the VFW has supported our armed forces from the battlefields to the home front. From letter-writing campaigns in WWI to "welcome home" rallies after the Persian Gulf War to care packages sent to Bosnia, the VFW continues to take pride in supporting American troops overseas.

The VFW's support for our nation's armed forces has been exemplary over the last one hundred years, but it is the VFW's work with our nation's veterans that has been most impressive. The original intention of the VFW, in fact, was to ensure that the veterans of the Spanish-American war would not be forgotten and that they received medical care and support in return for their service and sacrifice. The VFW's motto, "Honor The Dead By Honoring The Living", resonates to this day and will carry forth into the next century. Since organizing the first national veterans service office in 1919, to today's nationwide network of service offices, the VFW provides the assistance veterans need in order to obtain much-deserved benefits.

To celebrate this prestigious occasion, a resolution, S. J. Resolution 21, has been introduced in the United States Senate designating September 29, 1999 as "Veterans of Foreign Wars of the United States Day", and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities. I am a proud cosponsor of this resolution which honors the VFW's recognition of military service and remembrance of the sacrifices made in our nation's defense. I feel this resolution presents an opportunity to recognize, honor, and pay tribute to the more than 2,000,000 veterans of the armed forces represented by the VFW, and to all the individuals who have served in the armed forces

Throughout my service in Congress, I have long appreciated the leadership of both the South Dakota VFW and the Ladies Auxiliary for their input on a variety of issues impacting veterans and their families in recent years. Their insight and efforts have proven very valuable to me and my staff, and I commend each and every one of them for their leadership on issues of importance to all veterans of the armed forces. I was honored to have theVFW's strong support when I offered my amendment to increase veterans health care in this year's budget to $3 billion. Even though it wasn't the full amount of my amendment, the final Budget Resolution contained a $1.7 billion increase above what the Clinton Administration had requested for veterans health care. This never would have been possible without the grassroots support of the VFW.

Mr. President, as Americans, we should never forget the men and women who served our nation with such dedication and patriotism. I close my remarks by offering my gratitude and support for all the achievements performed by the Veterans of Foreign Wars. For a century, this organization has been the standard bearer in the representation of our veterans, as well as their undying patronage to our armed forces and support for the maintenance of a strong national defense.•

TRIBUTE TO ANTONIO J. PALUMBO

• Mr. SANTORUM. Mr. President, I rise today to recognize Antonio J. (Tony) Palumbo, a coal miner from Western Pennsylvania who humbly represents the generous spirit of community.

President and owner of the New Shawmut Mining company, Mr. Palumbo was born in Pennsylvania on June 14, 1906 and actively serves as a Trustee for La Roche College, Duquesne University, Carlow College, Gannon College, the Villa Nazareth School in Rome, Italy, and the Mayo Clinic Foundation for Medical Education and Research. He has also developed unique relationships with the Catholic Diocese of Erie, Elk County Christian High School, the Nicaraguan-American Nursing Collaboration, the Cystic Fibrosis Foundation, the Holy Family Institute and the Boy Scouts of St. Marys, PA.

Throughout his years of involvement at these institutions, Mr. Palumbo has gained the admiration and respect of the many students that he has come in contact with. His influence in their lives will be felt for many years to come.

Mr. Palumbo was recently presented with a Lifetime Achievement Award by the National Society of Fund Raising Executives. His efforts have helped build educational and health care facilities, endow research, provide scholarships, deliver care to the poor and support community initiatives. As varied as each of these causes are, they all reflect Tony Palumbo's compassion for the needs of others and his commitment to using his time and talents to enrich the lives of those around him.

Mr. President, I ask my colleagues to join with me in commending Tony Palumbo for the leadership and compassion that he has portrayed, as well as the platform that he has created for motivating the stewardship of others.•

75TH ANNIVERSARY OF THE FOREIGN SERVICE

• Mr. SARBANES. Mr. President, on May 24, 1924, President Calvin Coolidge signed into law the Rogers Act, establishing a unified corps of career diplomats to represent the United States abroad. Based on the principles of professionalism, non-partisanship and merit-based promotion, thus was born the modern foreign service.

This year we join in commemorating the 75th anniversary of the foreign service. Over the years there have been many changes: it has become more diverse, more specialized, and has been called to deal with an ever-expanding list of issues. While this milestone is an occasion for celebration and congratulations, there are some sobering reminders of the task that still awaits us. 1998 saw the worst attack on American diplomats in history, with two tragic bombings that resulted in the deaths of over 220 persons, twelve of them Americans. Here in Washington, we continue to contend with budget cuts that handicap the ability of our foreign service officers to perform their duties safely and effectively.

On the occasion of this anniversary, Secretary Albright hosted a dinner at the State Department as a tribute to the efforts of the brave men and women who have served over the past three-quarters of a century. In her speech, she challenged the unfortunate and inaccurate stereotypes of the foreign service and emphasized the urgency of providing adequate resources to promote U.S. interests abroad. I strongly agree with the thrust of her remarks, and I ask that the full text of her statement be printed in the RECORD.

The statement follows:

Remarks by Secretary of State Madeleine K. Albright, 75th Anniversary Dinner of the United States Foreign Service, May 24, 1999

Secretary Albright: It is indeed a pleasure to be able to first congratulate Nicholas (Bombay) for winning the essay contest. It's never too early in life to learn the value of strong diplomatic leadership, and although I didn't meet you until tonight, I already like the sound of the name Bombay preceded by the term "Ambassador" or "Secretary of State." (Laughter.)

Congratulations, once again.

Thank you, Cokie, and good evening to all of you. It's a great pleasure to be able to spend the evening here with you, and I must say that a special pleasure for me to have had George Kennan on my right and Paul Sarbanes on my left—can't ask for much more. It has been a great evening to be able to exchange views.

Members of Congress and distinguished colleagues and friends, and so many of you who have contributed to the rich legacy of the modern US Foreign Service, as we mark our 75th anniversary, I want to begin by thanking Under Secretary Pickering for his remarks. There is really no better advertisement for what can be achieved in the Foreign Service than the career of Tom Pickering. From 1959 to 1999, as Cokie explained, he has served everywhere and done everything; and he's still doing it. Tom, the Foreign Service doesn't have a Hall of Fame, but it should, and you and others here tonight belong in it.

I also want to congratulate Ambassador Brandon Grove and Dan Geisler and Louise Eaton and our Director General, Skip Gnehm, our generous sponsors and everyone who helped to organize this magnificent event. It was a big job and everybody's done it terrifically well.

I especially endorse the conception of this anniversary as a challenge to look forward. Your goal of outreach through this essay contest and other initiatives is right ontarget, for if we are to match or surpass the accomplishments of the past 75 years, we must have the understanding and support of the American people. This requires that we tell the story of U.S. diplomacy clearly and well. It is to that purpose that I will attempt a modest contribution in my remarks here tonight.

Thank God I don't have to win any contests. [Laughter.]

I start with a simple request. Let us take the old, but persistent, stereotype of the diplomat as dilettante and do to it what one Presidential candidate wanted us to do to the tax code: let us drive a stake through it, kill it, bury it and make sure that it never rises again.

The job of the Foreign Service today is done with hands on and sleeves rolled up. It is rarely glamorous, often dangerous and always vital.

In my travels, I have seen our people at work not only in conference rooms, but in visits to refugee camps, AIDS clinics and mass grave sites. I have seen them share their knowledge and enthusiasm for democracy with those striving to build a better life in larger freedom.

I have seen them and their families give freely of their energy and time to comfort the ill and aid the impoverished. I have seen them provide incredible administrative support despite antiquated equipment, crowded workspace and impossible time constraints. And I've stood with head bowed at memorial services for heroes struck down while representing America or helping others to achieve peace. In the past 35 years, the number of names listed on the AFSA plaque has grown from 77 to 186. And the memory of those most recently inscribed, as Tom Pickering's toast reflected, is fresh and painful in our hearts.

So let us not be shy about proclaiming this truth. In a turbulent and perilous world, the men and women of the Foreign Service are on the front lines every day, on every continent for us. Like the men and women of our armed forces—no more, but no less—they deserve, for they have earned, the gratitude and full backing of the American people.

Now, having impaled that stereotype, let's proceed to the second challenge. Let us make clear to our citizens the connection between what we do and the quality of life they enjoy; let us demonstrate that there's nothing foreign about foreign policy any more.

Consult any poll, visit any community hall, listen to any radio talk show; it's no secret what Americans care about, fear and hope for the most. Certainly, foreign policy isn't everything. We cannot tell any American that our diplomacy will guarantee safe schools, clean up the Internet or pay for long term health care.

But we can say to every American that foreign policy may well help you to land agood job; protect your environment; safeguard your neighborhood from drugs; shield your family from a terrorist attack; and spare your children the nightmare of nuclear, chemical or biological war.

Our Foreign Service, Foreign Service National and Civil Service personnel contribute every day to America through the dangers they help contain, the crimes they help prevent, the deals they help close, the rightsthey help ensure and the travelers they just plain help. Right, Cokie?

There is much more we could say and 100 different ways to say it, but the bottom line is clear. The success or failure of U.S. foreign policy will be a major factor in the lives of all Americans. It will make the difference between a 21st Century characterized by peace, rising prosperity and law, and a more uncertain future in which our economy and security are always at risk; our values always under attack; and our peace of mind never assured.

To convince the public of this, we must erase another myth, which is that technology and the end of the Cold War have made diplomacy obsolete.

Some argue that Americans concluded after Vietnam that there was nothing we could do in the world; after the Berlin Wall fell, that there was nothing we could not do; and after the Gulf War, that there was nothing left to do. Others suggest that whatever we want to do, there is no need to be diplomatic about it. Our military is the best, our economy the biggest; so what's left to negotiate?

But as Walter Lippmann once wrote, "Without diplomacy to prepare the way, soften the impact, reduce the friction and allay the tension, money and military power are double-edged instruments. Used without diplomacy, they may, and usually do, augment the difficulties they are employed to overcome. Then more power and money are needed." So spake Walter Lippmann.

The United States emerged from the Cold War with unequaled might. On every continent, when problems arise, countries turn to us. Few major international initiatives can succeed without our support.

But with these truths comes a paradox: In this new global era, there are few goals vital to America that we can achieve through our actions alone. In most situations, for most purposes, we need the cooperation of others; and diplomacy is about understanding others and explaining ourselves. It is about building and nourishing partnerships for common action toward shared goals. It's about listening and persuading, analyzing and moving in at the right time. And certainly, at this time, there is no shortage of important diplomatic work to be done.

As I speak, we are using diplomacy in support of force to bring the confrontation in Kosovo to an end on NATO's terms. We are launching a strategy for drawing the entire Balkans region into the mainstream of a democratic Europe. We are preparing for a new push on all tracks of the Middle East peace process. We have a high-level team inPyongyang to explore options for enhancing stability on the Korean Peninsula. And we're working hard to help democracy take a firmer hold in capitals such as Jakarta and Lagos, Bogota and Phnom Penh.

Around Africa, we are supporting African efforts to end conflicts and promote new opportunities for growth. And around the world, we are striving to prevent the spread of advanced technologies, so that the new century does not end up even bloodier than the old one.

Certainly, the diplomatic pace has quickened since 1924, when the Rogers Act was signed, Calvin Coolidge was President, the State Department's entire budget was $2 million and the Secretary of State had a beard. (Laughter.)

In that time, the door of the Foreign Service has opened further to minorities and women, although not far and fast enough. America's overseas presence has grown several fold, as has the demand for our consular services. Public diplomacy has become an integral part of our work. And we've learned that, merely to keep pace, we must constantly manage smarter, recruit better, adjust quicker and look ahead further.

That is why we are modernizing our technology, training in 21st Century skills and implementing a historic restructure of our foreign policy institutions. And it's why we know that the Foreign Service of 75 years from now—or even ten years from now—will look far different than the Foreign Service of today.

What has not and will not change are the fundamentals: the professionalism; the pride; the patriotism; the tradition of excellence reflected here tonight by the wondrous George Kennan and other giants of the Foreign Service. And what has not changed, as well, is the need for resources.

The problem of finding adequate resources for American foreign policy has been with us ever since the Continental Congress sent Ben Franklin to Paris. But it has reached a new stage.

Today, we allocate less than one-tenth of the portion of our wealth that we did a generation ago to support democracy and growth overseas. In this respect, we rank dead last among industrialized nations.

For years, we have been cutting positions, shutting AID missions and eliminating USIS posts. And now, under the year 2000 budget allocations that Congress is considering, we may be asked to go beyond absorbing cuts to the guillotine.

???e face overall reductions of 14 percent to 29 percent from the President's foreign operations request and 20 percent for State Department operations and programs. Yes, members of Congress, this is a commercial. This will undermine our efforts to protect ourborders, help Americans overseas and make urgently needed improvements in embassy security. And it could translate into cuts of 50 percent or more in key programs from fighting drugs to promoting democracy to helping UNICEF.

Now, I'm not here to assign blame. We have gotten bipartisan support from those in Congress—including those with us tonight—who know the most about foreign policy. And Congress did approve the President's request for supplemental funds for Central America, Jordan and the Balkans.

But this is madness. America is the world's wealthiest and most powerful country. Our economy is the envy of the globe. We have important interests, face threats to them, and nearly everywhere.

And I hope you agree. Military readiness is vital, but so is diplomatic effectiveness. When negotiations break down, we don't send our soldiers without weapons to fight. Why, then, do we so often send our diplomats to negotiate without the leverage that resources provide? The savings yielded by successful diplomacy are incalculable. So are the costs of failed diplomacy—not only in hard cash, but in human lives.

Tonight, I say to all our friends on Capitol Hill, act in the spirit of Arthur Vandenberg and Everett Dirksen and Scoop Jackson and Ed Muskie: help us to help America. Provide us the funds we need to protect our people and to do our jobs. Let America lead!

As we look around this room, we see depictions of liberty's birth and America's transformation from wilderness to greatness.

From the adjoining balcony, we can see the memorials to Lincoln and Jefferson, the Washington Monument, the Roosevelt Bridge, the white stone markets of Arlington and the silent, etched, eloquent black wall of the Vietnam Wall.

It is said there is nothing that time does not conquer. But the principles celebrated here have neither withered nor worn. Through Depression and war, controversy and conflict, they continue to unite and inspire us and to identify America to the world.

From the Treaty of Paris to the round-the-clock deliberations of our own era, the story of US diplomacy is the story of a unique and free society emerging from isolation to cross vast oceans and to assume its rightful role on the world stage. It is the story of America first learning, then accepting and then acting on its responsibility.

Above all, it is the story of individuals, from Franklin onwards, who answered the call of their country and who have given their life and labor in service to its citizens.

As Secretary of State, the greatest privilege I have had has been to work with you, the members of the Foreign Service and others on America's team.

Together, tonight, let us vow to continue to do our jobs to the absolute best of our abilities, and to tell our stories in language and at a volume all can understand.

By so doing, we will keep faith with those who came before us, and we will preserve the legacy of liberty that was our most precious inheritance and must become our untarnished bequest.

To the men and women of the Foreign Service who are here this evening or at outposts around the world or enjoying their retirement, I wish you a happy 75th anniversary; and I pledge my best efforts for as long as I have breath, to see that you get the support and respect you deserve.

Thank you and happy birthday. (Applause.)•

TRIBUTE TO LEONARD AND MADLYN ABRAMSON FAMILY CANCER RESEARCH INSTITUTE

• Mr. SPECTER. Mr. President, I have sought recognition today to pay tribute to two distinguished Pennsylvanians, Leonard and Madlyn Abramson, upon the establishment of the Abramson Family Cancer Research Institute at the University of Pennsylvania Cancer Center. The $100 million commitment from The Abramson Family Foundation—the largest single contribution for cancer research to a National Cancer Institute-designated comprehensive cancer center—supports the unprecedented expansion of cancer research, education and patient care at Penn's Cancer Center.

The Abramson Family Foundation is a trust fund directed by Leonard and Madlyn Abramson. Mr. Abramson is the founder and former chairman and CEO of U.S. Healthcare, Inc. Best known for his accurate predictions in the changing world of health care over the past two decades, Mr. Abramson believed in HMOs as the best health care alternative in the early 1970s. He went on to build one of the nation's largest and most successful managed care organizations before selling it to Aetna in 1996. Madlyn Abramson is a trustee of the University of Pennsylvania, as well as a member of the Health System's Board of Trustees and the Graduate School of Education's Board of Overseers.

The Abramsons have been supporters of cancer research, as well as numerous other causes, for more than a decade. The family's long and generous history with the University of Pennsylvania Health System includes gifts to endow two professorships and a multi-year grant through the former U.S.Healthcare to the Cancer Center's Bone Marrow Transplant Program.

The Abramson Family Cancer Research Institute has created a revolutionary framework for facilitating innovation in cancer research, enabling the Penn Cancer Center to bring together the best scientists, physicians, and staff and to develop new approaches in an effort to make current treatments for cancer obsolete. John H. Glick, M.D., the Leonard and Madlyn Abramson Professor of Clinical Oncology and Director of Penn's Cancer Center for more than a decade, serves as Director and President of the Abramson Family Cancer Research Institute.

The gift of The Abramson Family Foundation will significantly increase our opportunities to break new ground in the war on cancer—especially in the areas of cancer genetics and molecular diagnosis, from which future research and patient care advances will occur.

The Institute supports leading-edge cancer research through the recruitment of outstanding scientists and physicians from around the world and the design of innovative patient care paradigms. The Abramson pledge propels the University of Pennsylvania Cancer Center—already one of the nation's top cancer centers—to the next level of research and patient-focused care.•

NEW BUDGET MATH

• Mr. KOHL. Mr. President, I rise today to recommend an article that appeared this week on *National Journal's* website. It is "More New Budget Math" by Stan Collender and discusses in a very readable way why gross federal debt continues to rise even when the government is running a surplus. The concepts of deficit, surplus, debt, and trust funds lie at the heart of many of our fiercest budget battles, and everyone has an opinion, or a one-liner, about all of them. But these concepts are as technical and difficult to understand as they are controversial, and I always appreciate it when they are explained in a clear manner, as they are in this article.

Mr. President, I ask that the article "More New Budget Math" be printed in the RECORD.

The article follows.

[From the National Journal's Cloakroom, June 8, 1999]

BUDGET BATTLES—MORE NEW BUDGET MATH

(By Stan Collender)

This column pointed out a year ago (*June 2, 1998*) that, in light of the surplus, the old mathematics of the federal budget were no longer adequate to explain what was happening. A variety of new calculations would have to become as commonplace as the old measures to move the debate along. Now we have yet another example.

One of the questions I get most these days is, how is it possible for total federal debt to be increasing if there is a surplus? That inevitably leads to someone insisting that there really isn't a surplus at all, and that all the talk about it coming from Washington is just an accounting trick or an X-Files-style government conspiracy.

Here, however, is the new math to explain things:

A federal surplus or deficit is the amount of revenues the government collects compared to the amount it spends during a fiscal year. Whenever spending exceeds revenues the government runs a deficit, and has to find a way to make up the difference. It can sell assets (like gold from Fort Knox, timber from national forests or an aircraft carrier) or borrow from financial markets to raise the cash it needs to cover a shortfall.

But the revenues vs. spending calculation is not as straightforward as it seems. Because of rules enacted in 1990 as part of the Budget Enforcement Act, the federal budget does not show the actual amount of cash the government uses to make loans (i.e., to students or to farmers). Instead, the budget shows only the amount needed to cover the net costs to the government of lending that money.

But because the government lends real money rather than this calculation, its actual cash needs are greater than what is in thebudget. This is not an insignificant amount. OMB is projecting that the fiscal

1999 net cash requirements for all federal direct loans will be $25 billion, which must be financed either by reducing the surplus or, when there is a deficit, by additional federal borrowing. As a result, the actual surplus is a bit lower, and the amount available to reduce debt is lower than is immediately apparent.

Then there are the loans made to the government. When ever it borrows to finance a deficit, the government incurs debt. Conversely, whenever it runs a surplus, debt is reduced. As might be expected given the surpluses that are projected over the next 10 years, this debt, formally known as "debt held by the public," was projected in January by the Congressional Budget Office to fall from its current level of about $3.6 trillion to $1.2 trillion by the end of fiscal 2009.

However, financing the deficit is not the only reason the federal government borrows. Whenever any federal trust fund takes in more than it spends in a particular year, that surplus must be invested in federal government securities. In effect, a trust fund's surplus is lent to the government, so federal debt increases.

CBO's January forecast showed this separate category of debt—"debt held by the government"—increasing from almost $2.0 trillion in fiscal 1999 to $4.4 trillion by the end of 2009.

The combination of debt held by the public and debt held by the government—"gross federal debt"—is increasing, according to CBO, from $5.57 trillion in 1999 to $5.67 trillion in 2000 and $5.84 trillion in 2005.

The bottom line, therefore, is that the measurement of what the government borrows to finance its debt is projected to decline because of the surplus. However, overall federal debt will be increasing because of the growing surpluses in the Social Security and other federal trust funds.

This shows that the situation is neither the budget sophistry nor government conspiracy that some talk show hosts and conservative columnists often make it out to be. It is also hardly unique. Try to imagine the following situation:

Your personal budget is not just in balance, but you are actually running a small surplus each month. Because of that, you are also slowly paying down your credit cards.

The next month, you buy a bigger and more expensive home. Because of lower interest rates and other financing options, your monthly payments actually go down from their current levels so your surplus goes up. As a result, you increase the payments you make each month on your credit cards, so that portion or your debt decreases faster.

However, the bigger and more expensive house you just bought increases the overall amount you have borrowed by, say, $200,000. Your budget is still in surplus, and some of your debt is decreasing, but your overall debt is actually growing substantially.

This is roughly the same situation now facing the federal government, given the new budget math of the surplus.

One more thought: The debt ceiling was raised in the 1997 budget deal to accommodate the deficits that had been projected to require additional federal borrowing through fiscal 2002. But if the limit had not been raised that high in 1997, this new budget math could have meant that Congress would be in the anomalous, ironic, and certainly frustrating situation of having to pass an increase in the debt ceiling at the same time the budget was in surplus. Try to imagine explaining *that* to constituents.

Budget Battles Fiscal Y2K Countdown; As of today there are 54 days potential legislative days left before the start of fiscal 2000. If Mondays and Fridays, when Congress does not typically conduct legislative business are excluded, there are only 33 legislative days left before the start of the fiscal year.

The House and Senate have not yet passed even their own versions of any of the regular fiscal 2000 appropriations bills, much less sent legislation on to the president.

Question Of The Week; Last Week's Question. The statutory deadline for reconciliation is established by Section 300 of the Congressional Budget Act, which shows that Congress is required to complete action by June 15 each year. This year's congressional budget resolution conference report established the deadline as July 16 for the House Ways and Means Committee and July 23 for the Senate Finance Committee to report their proposed changes to their respective houses. But, as a concurrent resolution, the budget resolution did not amend the Congressional Budget Act so the dates are not statutory requirements.

Congratulations and an "I Won A Budget Battle" T-shirt to Stephanie Giesecke, director for budget and appropriations of the National Association of Independent Colleges and Universities, who was selected at random from the many correct answers.

This Week's Question. A T-shirt also goes to Amy Abraham of the Democratic staff of the Senate Budget Committee, who suggested this week's question as a follow-up to last week's. If June 15 is the statutory date for Congress to complete reconciliation, what is the official sanction for failing to comply with that deadline? Send your response to *scollender@njdc.com* and you might win an "I Won A Budget Battle" T-shirt to wear while watching the July 4th fireworks.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

On June 8, 1999, the Senate passed S. 1122, Department of Defense Appropriations Act, 2000. The text of S. 1122 follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $22,041,094,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,236,001,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,562,336,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,873,759,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,278,696,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,450,788,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $410,650,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $884,794,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,622,479,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,494,496,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,624,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $19,161,852,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,155,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $22,841,510,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,758,139,000.

Operation and Maintenance, Air Force

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,882,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $20,760,429,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

Operation and Maintenance, Defense-Wide

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $11,537,333,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $32,300,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,438,776,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, andadministration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $946,478,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $126,711,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,760,591,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $3,156,378,000.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,229,638,000.

Overseas Contingency Operations Transfer Fund

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $2,087,600,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts, within this title, the Defense Health Program appropriation, and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $7,621,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $378,170,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $284,000,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,800,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $25,370,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $239,214,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $55,800,000, to remain available until September 30, 2001.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $475,500,000, to remain available until September 30, 2002: *Provided*, That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

PENTAGON RENOVATION TRANSFER FUND

For expenses, not otherwise provided for, resulting from the Department of Defense renovation of the Pentagon Reservation; $246,439,000, for the renovation of the Pentagon Reservation, which shall remain available for obligation until September 30, 2001.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,440,788,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,267,698,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,526,265,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,145,566,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 36 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,658,070,000, to remain available for obligation until September 30, 2002.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $8,608,684,000, to remain available for obligation until September 30, 2002.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,423,713,000, to remain available for obligation until September 30, 2002.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $510,300,000, to remain available for obligation until September 30, 2002.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

NSSN (AP), $748,497,000;

CVN–77 (AP), $751,540,000;

CVN Refuelings (AP), $345,565,000;

DDG–51 destroyer program, $2,681,653,000;

LPD–17 amphibious transport dock ship, $1,508,338,000;

LHD–8 (AP), $500,000,000;

ADC(X), $439,966,000;

LCAC landing craft air cushion program, $31,776,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $171,119,000;

In all: $7,178,454,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That the Secretary of the Navy is hereby granted the authority to enter into a contract for an LHD–1 Amphibious Assault Ship which shall be funded on an incremental basis.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 25 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,184,891,000, to remain available for obligation until September 30, 2002.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 43 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $1,236,620,000, to remain available for obligation until September 30, 2002.

Aircraft Procurement, Air Force

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereonprior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $9,758,333,000, to remain available for obligation until September 30, 2002.

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,338,505,000, to remain available for obligation until September 30, 2002.

Procurement of Ammunition, Air Force

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $427,537,000, to remain available for obligation until September 30, 2002.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 53 passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,198,627,000, to remain available for obligation until September 30, 2002.

Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 103 passenger motor vehicles for replacement only; the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,327,965,000, to remain available for obligation until September 30, 2002.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $300,000,000, to remain available for obligation until September 30, 2002: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,905,294,000, to remain available for obligation until September 30, 2001.

Research, Development, Test, and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,448,816,000, to remain available for obligation until September 30, 2001.

Research, Development, Test, and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $13,489,909,000, to remain available for obligation until September 30, 2001.

Research, Development, Test, and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,325,315,000, to remain available for obligation until September 30, 2001.

Developmental Test and Evaluation, Defense

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,957,000, to remain available for obligation until September 30, 2001.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $34,434,000, to remain available for obligation until September 30, 2001.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds; $90,344,000.

National Defense Sealift Fund

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $354,700,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $11,184,857,000, of which $10,527,887,000 shall be for Operation and maintenance, of which not to exceed 2 per centum shall remain available until September 30, 2001, of which $356,970,000, to remain available for obligation until September 30, 2002, shall be for Procurement: and of which $300,000,000, to remain available for obligation until September 30, 2001, shall be for Research, development, test and evaluation.

Armed Forces Retirement Home

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,295,000, of which $12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,029,000,000, of which $543,500,000 shall be for Operation and maintenance to remain available until September 30, 2001, $191,500,000 shall be for Procurement to remain available until September 30, 2002, and $294,000,000 shall be for Research, development, test and evaluation to remain available until September 30, 2001: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $842,300,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $137,544,000, of which $136,244,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,300,000 to remain available until September 30, 2002, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $209,100,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; $149,415,000, of which $34,923,000 for the Advanced Research and Development Committee shall remain available until September 30, 2001: *Provided*, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2002, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2001.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $35,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Longbow Apache Helicopter; MLRS Rocket Launcher; Abrams M1A2 Upgrade; Bradley M2A3 Vehicle; F/A–18E/F aircraft; C–17 aircraft; and F–16 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2000, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2001.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than three years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That this limitation shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2001 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a State which is not contiguous with another State is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations): *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8026. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8027. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8028. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8030. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8031. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8032. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8033. Of the funds made available in this Act, not less than $26,470,000 shall be available for the Civil Air Patrol Corporation, of which $18,000,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8034. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal 2000 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2000, not more than 6,100 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,000 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2001 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8035. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8036. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8037. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8038. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2000. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8039. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8041. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8042. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense agencies.

SEC. 8043. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8044. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until thirty days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2000 and 2001, and the specific expenditures to be made using funds transferred from this account during fiscal year 2000.

SEC. 8045. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8046. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8047. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2001 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8048. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2001: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8049. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8050. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8051. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8052. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8053. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8054. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8055. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned

from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8056. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2000 until the enactment of the Intelligence Authorization Act for Fiscal Year 2000.

SEC. 8057. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8058. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts and programs in the specified amounts:

Under the heading, "Other Procurement, Air Force, 1999/2001", $5,405,000;

Under the heading, "Missile Procurement, Air Force, 1999/2001", $8,000,000 ; and

Under the heading, "Research, Development, Test and Evaluation, Air Force, 1999/2000", $40,000,000.

SEC. 8059. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8060. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8061. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8062. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8063. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1999 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8064. (a) None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

(b) The Secretary shall, in conjunction with the Pentagon Renovation, design and construct secure secretarial offices and support facilities and security-related changes to the subway entrance at the Pentagon Reservation.

SEC. 8065. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8066. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8067. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8068. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8069. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8070. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8071. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8072. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8073. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8074. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8075. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8076. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8077. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8079. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8080. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8081. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/2001":

SSN–688 attack submarine program, $6,585,000;

CG–47 cruiser program, $12,100,000;

Aircraft carrier service life extension program, $202,000;

LHD–1 amphibious assault ship program, $2,311,000;

LSD–41 cargo variant ship program, $566,000;

T–AO fleet oiler program, $3,494,000;

AO conversion program, $133,000;

Craft, outfitting, and post delivery, $1,688,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2001":

DDG–51 destroyer program, $27,079,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/2000":

DDG–51 destroyer program, $13,200,000;

Aircraft carrier service life extension program, $186,000;

LHD–1 amphibious assault ship program, $3,621,000;

LCAC landing craft, air cushioned program, $1,313,000;

T–AO fleet oiler program, $258,000;

AOE combat support ship program, $1,078,000;

AO conversion program, $881,000;

T–AGOS drug interdiction conversion, $407,000;

Outfitting and post delivery, $219,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

LPD–17 amphibious transport dock ship, $21,163,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/2002":

SSN–688 attack submarine program, $5,606,000;

DDG–51 destroyer program, $6,000,000;

ENTERPRISE refueling/modernization program, $2,306,000;

LHD–1 amphibious assault ship program, $183,000;

LSD–41 dock landing ship cargo variant program, $501,000;

LCAC landing craft, air cushioned program, $345,000;

MCM mine countermeasures program, $1,369,000;

Moored training ship demonstration program, $1,906,000;

Oceanographic ship program, $1,296,000;

AOE combat support ship program, $4,086,000;

AO conversion program, $143,000;

Craft, outfitting, post delivery, and ship special support equipment, $1,209,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/2002":

T–AGOS surveillance ship program, $5,000,000;

Coast Guard icebreaker program, $8,153,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2002":

LPD–17 amphibious transport dock ship, $7,192,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

CVN refuelings, $4,605,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":

SSN–21(AP) attack submarine program, $1,614,000;

LHD–1 amphibious assault ship program, $5,647,000;

LSD–41 dock landing ship cargo variant program, $1,389,000;

LCAC landing craft, air cushioned program, $330,000;

AOE combat support ship program, $1,435,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2001":

CVN refuelings, $10,415,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/2001":

SSN–21 attack submarine program, $11,983,000;

Craft, outfitting, post delivery, and DBOF transfer, $836,000;

Escalation, $5,378,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2001":

CVN refuelings, $18,197,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/2002":

Carrier replacement program(AP), $30,332,000;

LSD–41 cargo variant ship program, $676,000;

AOE combat support ship program, $2,066,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $2,127,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

CVN refuelings, $29,884,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2002":

Craft, outfitting, post delivery, conversions, and first destination transportation, $5,317,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/2003":

LHD–1 amphibious assault ship program, $18,349,000;

Oceanographic ship program, $9,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/2003":

DDG–51 destroyer program, $18,349,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2003":

Craft, outfitting, post delivery, conversions, and first destination transportation, $9,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

SSN–21 attack submarine program, $10,100,000;

LHD–1 amphibious assault ship program, $7,100,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

DDG–51 destroyer program, $3,723,000;

LPD–17 amphibious transport dock ship, $13,477,000.

SEC. 8082. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8083. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8084. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8085. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8086. During the current fiscal year, refunds attributable to the use of the Government travel card and the Government Purchase Card by military personnel and civilian employees of the Department of Defense and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to the accounts current when the refunds are received that are available for the same purposes as the accounts originally charged.

SEC. 8087. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8088. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8089. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State and local government agencies for the use of these funds.

SEC. 8090. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 1998, may include a base contract period for transition and up to seven one-year option periods.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $452,100,000 to reflect savings from revised economic assumptions, to be distributed as follows:

"Aircraft Procurement, Army", $8,000,000;

"Missile Procurement, Army", $7,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", $9,000,000;

"Procurement of Ammunition, Army", $6,000,000;

"Other Procurement, Army", $19,000,000;

"Aircraft Procurement, Navy", $44,000,000;

"Weapons Procurement, Navy", $8,000,000;

"Procurement of Ammunition, Navy and Marine Corps", $3,000,000;

"Shipbuilding and Conversion, Navy", $37,000,000;

"Other Procurement, Navy", $23,000,000;

"Procurement, Marine Corps", $5,000,000;

"Aircraft Procurement, Air Force", $46,000,000;

"Missile Procurement, Air Force", $14,000,000;

"Procurement of Ammunition, Air Force", $2,000,000;

"Other Procurement, Air Force", $44,400,000;

"Procurement, Defense-Wide", $5,200,000;

"Chemical Agents and Munitions Destruction, Army", $5,000,000;

"Research, Development, Test and Evaluation, Army", $20,000,000;

"Research, Development, Test and Evaluation, Navy", $40,900,000;

"Research, Development, Test and Evaluation, Air Force", $76,900,000; and

"Research, Development, Test and Evaluation, Defense-Wide", $28,700,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

Sec. 8092. Training and Other Programs. (a) Prohibition.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) Monitoring.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) Waiver.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Report.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

Sec. 8093. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

Sec. 8094. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $209,300,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

"Operation and Maintenance, Army", $45,100,000;

"Operation and Maintenance, Navy", $74,400,000;

"Operation and Maintenance, Air Force", $59,800,000; and

"Operation and Maintenance, Defense-Wide", $30,000,000.

Sec. 8095. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $206,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

"Operation and Maintenance, Army", $138,000,000;

"Operation and Maintenance, Navy", $10,600,000;

"Operation and Maintenance, Marine Corps", $2,000,000;

"Operation and Maintenance, Air Force", $43,000,000; and

"Operation and Maintenance, Defense-Wide", $13,000,000.

Sec. 8096. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $250,307,000 to reflect savings from reductions in the price of bulk fuel, to be distributed as follows:

"Operation and Maintenance, Army", $56,000,000;

"Operation and Maintenance, Navy", $67,000,000;

"Operation and Maintenance, Marine Corps", $7,700,000;

"Operation and Maintenance, Air Force", $62,000,000;

"Operation and Maintenance, Defense-Wide", $34,000,000;

"Operation and Maintenance, Army Reserve", $4,107,000;

"Operation and Maintenance, Navy Reserve", $2,700,000;

"Operation and Maintenance, Air Force Reserve", $5,000,000;

"Operation and Maintenance, Army National Guard", $8,700,000; and

"Operation and Maintenance, Air National Guard", $3,100,000.

Sec. 8097. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of the family housing at Fort Buchanan, Puerto Rico, as the Secretary deems necessary to meet military family housing needs arising out of the relocation of elements of the United States Army South to Fort Buchanan.

Sec. 8098. Funds appropriated to the Department of the Navy in title II of this Act may be available to replace lost and canceled Treasury checks issued to Trans World Airlines in the total amount of $255,333.24 for which timely claims were filed and for which detailed supporting records no longer exist.

Sec. 8099. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration in the case of a lease of personal property for a period not in excess of one year to—

(1) any department or agency of the Federal Government;

(2) any State or local government, including any interstate organization established by agreement of two or more States;

(3) any organization determined by the Chief of the National Guard Bureau, or his designee, to be a youth or charitable organization; or

(4) any other entity that the Chief of the National Guard Bureau, or his designee, approves on a case-by-case basis.

Sec. 8100. In the current fiscal year and hereafter, funds appropriated for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management and related supporting activities in the geographic area of responsibility of the Commander in Chief, Pacific and beyond in support of a global disaster information network: *Provided*, That the Secretary may enable the Pacific Disaster Center and its derivatives to enter into flexible public-private cooperative arrangements for the delegation or implementation of some or all of its missions and accept and provide grants, or other remuneration to or from any agency of the Federal government, state or local government, private source or foreign government to carry out any of its activities: *Provided further*, That the Pacific Disaster Center may not accept any remuneration or provide any service or grant which could compromise national security.

Sec. 8101. Notwithstanding any other provision in this Act, the total amount appropriated in Title I of this Act is hereby reduced by $1,838,426,000 to reflect amounts appropriated in H.R. 1141, as enacted. This amount is to be distributed as follows:

"Military Personnel, Army", $559,533,000;

"Military Personnel, Navy", $436,773,000;

"Military Personnel, Marine Corps", $177,980,000;

"Military Personnel, Air Force", $471,892,000;

"Reserve Personnel, Army", $40,574,000;

"Reserve Personnel, Navy", $29,833,000;

"Reserve Personnel, Marine Corps", $7,820,000;

"Reserve Personnel, Air Force", $13,143,000;

"National Guard Personnel, Army", $70,416,000; and

"National Guard Personnel, Air Force", $30,462,000.

Sec. 8102. Notwithstanding any other provision of law, that not more than twenty-five per centum of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

Sec. 8103. Of the funds made available under the heading "Operation and Maintenance, Air Force", $5,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base.

Sec. 8104. (a) Of the amounts provided in Title II of this Act, not less than $1,353,900,000 shall be available for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(b) The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

Sec. 8105. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8106. (a) The Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

(b) The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) Notwithstanding any other provision of law any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(1) appropriations available for the performance of the lease at the time the lease takes effect;

(2) appropriations for the operation and maintenance available at the time which the payment is due; and

(3) funds appropriated for those payments.

(f) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

SEC. 8107. (a) The Communications Act of 1934 is amended in section 337(b) (47 U.S.C. 337(b)), by deleting paragraph (2). Upon enactment of this provision, the FCC shall initiate the competitive bidding process in fiscal year 1999 and shall conduct the competitive bidding in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Act not later than September 30, 2000. To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Act, the rules governing such frequencies shall be effective immediately upon publication in the Federal Register, notwithstanding 5 U.S.C. 553(d), 801(a)(3), 804(2), and 806(a). Chapter 6 of such title, 15 U.S.C. 632, and 44 U.S.C. 3507 and 3512, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Act, no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act, the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

SEC. 8108. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Titles II and III is hereby reduced by $3,100,000,000 to reflect supplemental appropriations provided under Public Law 106-31 for Readiness/Munitions; Operational Rapid Response Transfer Fund; Spare Parts; Depot Maintenance; Recruiting; Readiness Training/OPTEMPO; and Base Operations.

SEC. 8109. Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended—

(1) by striking "not later than June 30, 1997,"; and

(2) by striking "$1,000,000" and inserting "$500,000".

SEC. 8110. In addition to any funds appropriated elsewhere in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", $9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element.

SEC. 8111. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", is hereby reduced by $26,840,000 and the total amount appropriated in this Act for title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", is hereby increased by $51,840,000 to reflect the transfer of the Joint Warfighting Experimentation Program: *Provided*, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the congressional defense committees on the role and participation of all unified and specified commands in the JWEP.

SEC. 8112. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $23,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8113. In addition to the funds available in title III, $10,000,000 is hereby appropriated for U-2 cockpit modifications.

SEC. 8114. The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this Act in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105-262): *Provided*, That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH-64 or RAH-66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further*, That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH-64 and RAH-66 from the threat of hostile forces. The Secretary is to provide his findings in a report to the defense oversight committees, no later than March 31, 2000.

SEC. 8115. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $6,000,000 may be made available for the 3–D advanced track acquisition and imaging system.

SEC. 8116. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available for electronic propulsion systems.

SEC. 8117. Of the funds appropriated in title IV under the heading "COUNTER-DRUG ACTIVITIES, DEFENSE", up to $5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8118. Of the funds made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $6,000,000 may be provided to the United States Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems.

SEC. 8119. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to $13,000,000 may be available for depot overhaul of the MK–45 weapon system, and up to $19,000,000 may be available for depot overhaul of the Close In Weapon System.

SEC. 8120. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

SEC. 8121. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $1,000,000 may be made available only for alternative missile engine source development.

SEC. 8122. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

SEC. 8123. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $4,500,000 may be made available for a hot gas decontamination facility.

SEC. 8124. Of the funds made available under the heading "DEFENSE HEALTH PROGRAM", up to $2,000,000 may be made available to support the establishment of a Department of Defense Center for Medical Informatics.

SEC. 8125. Of the funds appropriated in title III under the heading "PROCUREMENT, MARINE CORPS", up to $2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

SEC. 8126. Of the funds made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

SEC. 8127. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E–350, manufactured 1992.

(5) Ford E–302, manufactured 1990.

(6) Bauer Compressor, Bauer–UN 12–E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8128. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

SEC. 8129. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for Information Warfare Vulnerability Analysis.

SEC. 8130. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $7,500,000 may be made available for the GEO High Resolution Space Object Imaging Program.

SEC. 8131. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

SEC. 8132. Of the funds made available in title IV of this Act for the Defense Advanced Research Projects Agency under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

SEC. 8133. From within the funds provided for the Defense Acquisition University, up to $5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated Government procurement environment.

SEC. 8134. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance:, *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8135. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to $4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

SEC. 8136. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for visual display performance and visual display environmental research and development.

SEC. 8137. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", $51,250,000 shall be available for the Information System Security Program, of which up to $10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

SEC. 8138. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to $10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1957).

SEC. 8139. (a) Congress makes the following findings:

(1) The B–2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B–2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, "long range air power is an increasingly important element of United States military capability".

(4) The crews of the B–2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the

personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B–2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B–2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B–2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

SEC. 8140. Of the funds appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $10,000,000 may be made available for U–2 aircraft defensive system modernization.

SEC. 8141. Of the amount appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", $25,185,000 shall be available for research and development relating to Persian Gulf illnesses, of which $4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to $2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

SEC. 8142. Of the total amount appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $17,500,000 may be made available for procurement of the F–15A/B data link for the Air National Guard.

SEC. 8143. Of the funds appropriated in title III under the heading "WEAPONS PROCUREMENT, NAVY", up to $3,000,000 may be made available for the MK–43 Machine Gun Conversion Program.

SEC. 8144. DEVELOPMENT OF FORD ISLAND, HAWAII. (a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.".

(m) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term "property support service" means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

SEC. 8145. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8146. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be made available to continue research and development on polymer cased ammunition.

SEC. 8147. (a) Of the amounts appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

SEC. 8148. Of the funds appropriated in this Act under the heading "OPERATION AND MAINTENANCE, ARMY", up to $500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Toussaint River.

SEC. 8149. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", $63,041,000 may be available for C–5 aircraft modernization.

SEC. 8150. None of the funds appropriated or otherwise made available by this or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8151. Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this Act which addresses the following issues:

(1) A review and evaluation of the operational planning and other preparations of the United States Department of Defense, including but not limited to the United States Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

(2) A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

(3) A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

SEC. 8152. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the training with weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such training;

(2) the Secretary of Defense should not authorize the Navy to resume live ammunition training on the Island of Vieques, Puerto Rico, unless and until he has advised the congressional defense committees of the Senate and the House of Representatives that—

(A) there is not available an alternative training site with no civilian population located in close proximity;

(B) the national security of the United States requires that the training be carried out;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the training; and

(D) training with ammunition containing radioactive materials that could cause environmental degradation should not be authorized;

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the Secretary of Defense should advise the Governor of Puerto Rico of those findings and, if the Secretary of Defense decides to resume live-ammunition weapons training on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the training.

SEC. 8153. Of the funds appropriated in title IV for Research, Development, Test and Evaluation, Army, up to $10,000,000 may be utilized for Army Space Control Technology.

SEC. 8154. (a) Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE" (other than the funds appropriated for space launch facilities), up to $7,300,000 may be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

SEC. 8155. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be made available for the Advanced Integrated Helmet System Program.

SEC. 8156. PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE. None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

SEC. 8157. Of the funds appropriated in title III, Procurement, under the heading "MISSILE PROCUREMENT, ARMY", up to $35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

SEC. 8158. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary shall carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer or property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of Defense determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose. Funds available to the Department for such purpose include funds in the Project Fund.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Construction or improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, construction, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base, except that the Secretary may redirect up to 50 per cent of amounts in the Project Fund for such uses at other installations under the control and jurisdiction of the Secretary as the Secretary determines necessary and in the best interest of the Department.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) ACQUISITION OF INTERESTS IN REAL PROPERTY.—(1) The Secretary may acquire any interest in real property in and around the Community that the Secretary determines will advance the purposes of the Project.

(2) The Secretary shall determine the value of the interest in the real property to be acquired and the consideration (if any) to be offered in exchange for the interest.

(3) The authority to acquire an interest in real property under this subsection includes authority to make surveys and acquire such interest by purchase, exchange, lease, or gift.

(4) Payments for such acquisitions may be made from amounts in the Project Fund or from such other funds appropriated or otherwise available to the Department for such purposes.

(k) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662, but for paragraph (1).

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(l) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(m) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(n) DEFINITIONS.—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

SEC. 8159. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102-396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footware, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

SEC. 8160. In addition to funds appropriated elsewhere in this Act, the amount appropriated in title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby increased by $220,000,000 only to procure four (4) F-15E aircraft: *Provided*, That the amount provided in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby reduced by $50,000,000 to reduce the total amount available for National Missile Defense: *Provided further*, That the amount provided in title III of this Act under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby reduced by $50,000,000 on a pro-rata basis: *Provided further*, That the amount provided in title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by $70,000,000 to reduce the total amount available for Spares and Repair Parts: *Provided further*, That the amount provided in title III of this Act under the heading "AIRCRAFT PROCUREMENT, NAVY" is hereby reduced by $50,000,000 to reduce the total amount available for Spares and Repair Parts.

SEC. 8161. (a) FINDINGS.—Congress makes the following findings—

(1) on June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) an FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) the Senate in Senate Resolution 273 in the One Hundred Fourth Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) the FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

TITLE IX

MILITARY LAND WITHDRAWALS

CHAPTER 1

RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 9001. SHORT TITLE. This chapter may be cited as the "Military Lands Withdrawal Renewal Act of 1999".

SEC. 9002. WITHDRAWALS. (a) MCGREGOR RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws).

(2) Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 9004(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(d) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(4) Any of the public lands withdrawn under paragraph (1) which, as of the date of the enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until otherwise expressly provided by law.

(b) FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3)(A) The lands referred to in paragraph (1) are—

(i) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled "Fort Greely Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(e) of the Military Lands Withdrawal Act of 1986; and

(ii) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled "Fort Greely, Air Drop Zone Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of such section.

(B) Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(c) FORT WAINWRIGHT MANEUVER AREA.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on the map entitled "Fort Wainwright Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(f) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

SEC. 9003. MAPS AND LEGAL DESCRIPTIONS. (a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn by this chapter; and

(2) file maps and the legal description of the lands withdrawn by this chapter with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this chapter except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the following offices:

(1) The Office of the Secretary of Defense.

(2) The offices of the Director and appropriate State Directors of the Bureau of Land Management.

(3) The offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service.

(4) The office of the commander, McGregor Range.

(5) The office of the installation commander, Fort Richardson, Alaska.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in carrying out this section.

SEC. 9004. MANAGEMENT OF WITHDRAWN LANDS. (a) MANAGEMENT BY SECRETARY OF THE INTERIOR.—(1) The Secretary of the Interior shall manage the lands withdrawn by this chapter pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.) and this chapter. The Secretary shall manage such lands through the Bureau of Land Management.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by this chapter may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of the enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of the lands withdrawn by this chapter, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this chapter.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this chapter, that Secretary may take such action as that Secretary determines necessary to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) During any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—(1)(A) The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn by this chapter.

(2) Each plan shall—

(A) be consistent with applicable law;

(B) be subject to conditions and restrictions specified in subsection (a)(3); and

(C) include such provisions as may be necessary for proper management and protection of the resources and values of such areas.

(3) The Secretary of the Interior shall develop each plan required by this subsection not later than three years after the date of the enactment of this Act. In developing a plan for an area, the Secretary may utilize or modify appropriate provisions of the management plan developed for the area under section 3(c) of the Military Lands Withdrawal Act of 1986.

(d) BRUSH AND RANGE FIRES.—(1) The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn by this chapter as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) Each memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of fires referred to in paragraph (1) in the area covered by the memorandum of understanding, and for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each area withdrawn by section 9002) enter into a memorandum of understanding to implement the management plan developed under subsection (c).

(2) Each memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn by this chapter if requested by the Secretary of the military department concerned.

(f) ADDITIONAL MILITARY USES.—(1) The lands withdrawn by this chapter may be used for defense-related uses other than those specified in the applicable provision of section 9002. The use of such lands for such purposes shall be governed by all laws applicable to such lands, including this chapter.

(2)(A) The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this chapter will be used for defense-related purposes other than those specified in section 9002.

(B) Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the land or portions thereof.

(3) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources on the lands withdrawn by this chapter when the use of such resources is required to meet the construction needs of the military department concerned on the lands withdrawn by this chapter.

SEC. 9005. LAND MANAGEMENT ANALYSIS. (a) PERIODIC ANALYSIS REQUIRED.—Not later than 10 years after the date of the enactment of this Act, and every 10 years thereafter, the Secretary of the military department concerned shall, in consultation with the Secretary of the Interior, conduct an analysis of the degree to which the management of the lands withdrawn by this chapter conforms to the requirements of laws applicable to the management of such lands, including this chapter.

(b) DEADLINE.—Each analysis under this section shall be completed not later than 270 days after the commencement of such analysis.

(c) LIMITATION ON COST.—The cost of each analysis under this section may not exceed $900,000 in constant 1999 dollars.

(d) REPORT.—Not later than 90 days after the date of the completion of an analysis under this section, the Secretary of the military department concerned shall submit to Congress a report on the analysis. The report shall set forth the results of the analysis and include any other matters relating to the management of the lands withdrawn by this chapter that such Secretary considers appropriate.

SEC. 9006. ONGOING ENVIRONMENTAL RESTORATION. (a) REQUIREMENT.—To the extent provided in advance in appropriations Acts, the Secretary of the military department concerned shall carry out a program to provide for the environmental restoration of the lands withdrawn by this chapter in order to ensure a level of environmental decontamination of such lands equivalent to the level of environmental decontamination that exists on such lands as of the date of the enactment of this Act.

(b) REPORTS.—(1) At the same time the President submits to Congress the budget for any fiscal year after fiscal year 2000, the Secretary of the military department concerned shall submit to the committees referred to in paragraph (2) a report on environmental restoration activities relating to the lands withdrawn by this chapter. The report shall satisfy the requirements of section 2706(a) of title 10, United States Code, with respect to the activities on such lands.

(2) The committees referred to in paragraph (1) are the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives.

SEC. 9007. RELINQUISHMENT. (a) AUTHORITY.—The Secretary of the military department concerned may relinquish all or any of the lands withdrawn by this chapter to the Secretary of the Interior.

(b) NOTICE.—If the Secretary of the military department concerned determines to relinquish any lands withdrawn by this chapter under subsection (a), that Secretary shall transmit to the Secretary of the Interior a notice of intent to relinquish such lands.

(c) DETERMINATION OF CONTAMINATION.—(1) Before transmitting a notice of intent to relinquish any lands under subsection (b), the Secretary of Defense, acting through the military department concerned, shall determine whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of a determination with respect to any lands under paragraph (1) shall be transmitted to the Secretary of the Interior together with the notice of intent to relinquish such lands under subsection (b).

(3) Copies of both the notice of intent to relinquish lands under subsection (b) and the determination regarding the contamination of such lands under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(d) DECONTAMINATION.—(1) If any land subject to a notice of intent to relinquish under subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, makes the determination described in paragraph (2), the Secretary of the military department concerned shall, to the extent provided in advance in appropriations Acts, undertake the environmental decontamination of the land.

(2) A determination referred to in this paragraph is a determination that—

(A) decontamination of the land concerned is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws.

(e) ALTERNATIVES.—(1) If a circumstance described in paragraph (2) arises with respect to any land which is covered by a notice of intent to relinquish under subsection (a), the Secretary of the Interior shall not be required to accept the land under this section.

(2) A circumstance referred to in this paragraph is—

(A) a determination by the Secretary of the Interior, in consultation with the Secretary of the military department concerned that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated to a sufficient extent to permit its opening to the operation of some or all of the public land laws; or

(B) the appropriation by Congress of amounts that are insufficient to provide for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this chapter which have been proposed for relinquishment under subsection (a)—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands; and

(2) the Secretary of the military department concerned shall report to the Secretary of the Interior and to Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(g) REVOCATION OF AUTHORITY.—(1) Notwithstanding any other provision of law, the Secretary of the Interior may, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), revoke the withdrawal established by this chapter as it applies to such lands.

(2) Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal;

(B) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

(h) TREATMENT OF CERTAIN RELINQUISHED LANDS.—Any lands withdrawn by section 9002(b) or 9002(c) that are relinquished under this section shall be public lands under the jurisdiction of the Bureau of Land Management and shall be consider vacant, unreserved, and unappropriated for purposes of the public land laws.

SEC. 9008. DELEGABILITY. (a) DEFENSE.—The functions of the Secretary of Defense or of the Secretary of a military department under this chapter may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order described in section 9007(g) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 9009. WATER RIGHTS. Nothing in this chapter shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 9002. No provision of this chapter shall be construed as authorizing the appropriation of water on lands described in section 9002 by the United States after the date of the enactment of this Act except in accordance with the law of the relevant State in which lands described in section 9002 are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 9010. HUNTING, FISHING, AND TRAPPING. All hunting, fishing, and trapping on the lands withdrawn by this chapter shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 9011. MINING AND MINERAL LEASING. (a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—(1) As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (a), (b), and (c) of section 9002 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening pursuant to this section and specifying the opening date.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 9002.

(d) REGULATIONS.—(1) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 9002 for military purposes.

(2) Such regulations shall contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—(1) Except as otherwise provided in this chapter, mining claims located pursuant to this chapter shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this chapter, this chapter shall prevail.

(2) All mining claims located under the terms of this chapter shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this chapter for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this subsection, all minerals subject to location under the Mining Law of 1872 shall be treated as locatable minerals.

SEC. 9012. IMMUNITY OF UNITED STATES. The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 9002.

CHAPTER 2

McGREGOR RANGE LAND WITHDRAWAL

SEC. 9051. SHORT TITLE. This chapter may be cited as the "McGregor Range Withdrawal Act".

SEC. 9052. DEFINITIONS. In this chapter:

(1) The term "Materials Act" means the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601–604).

(2) The term "management plan" means the natural resources management plan prepared by the Secretary of the Army pursuant to section 9055(e).

(3) The term "withdrawn lands" means the lands described in subsection (d) of section 9053 that are withdrawn and reserved under section 9053.

(4) The term "withdrawal period" means the period specified in section 9057(a).

SEC. 9053. WITHDRAWAL AND RESERVATION OF LANDS AT McGREGOR RANGE, NEW MEXICO. (a) WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this chapter, the Federal lands at McGregor Range in the State of New Mexico that are described in subsection (d) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the Materials Act.

(b) PURPOSE.—The purpose of the withdrawal is to support military training and testing, all other uses of the withdrawn lands shall be secondary in nature.

(c) RESERVATION.—The withdrawn lands are reserved for use by the Secretary of the Army for military training and testing.

(d) LAND DESCRIPTION.—The lands withdrawn and reserved by this section (a) comprise approximately 608,000 acres of Federal land in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Land Withdrawal-Proposed," dated January ____, 1999, and filed in accordance with section 9054.

SEC. 9054. MAPS AND LEGAL DESCRIPTION. (a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the withdrawn lands; and

(2) file one or more maps of the withdrawn lands and the legal description of the withdrawn lands with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal description shall have the same force and effect as if they were included in this chapter, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) AVAILABILITY.—Copies of the maps and the legal description shall be available for public inspection in the offices of the New Mexico State Director and Las Cruces Field Office Manager of the Bureau of Land Management and in the office of the Commander Officer of Fort Bliss, Texas.

SEC. 9055. MANAGEMENT OF WITHDRAWN LANDS. (a) GENERAL MANAGEMENT AUTHORITY.—During the withdrawal period, the Secretary of the Army shall manage the withdrawn lands, in accordance with the provisions of this chapter and the management plan prepared under subsection (e), for the military purposes specified in section 9053(c).

(b) ACCESS RESTRICTIONS.—

(1) AUTHORITY TO CLOSE.—Subject to paragraph (2), if the Secretary of the Army determines that military operations, public safety, or national security require the closure to public use of any portion of the withdrawn lands (including any road or trail therein) commonly in public use, the Secretary of the Army is authorized to take such action.

(2) REQUIREMENTS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods required for the purposes specified in such paragraph. During a closure, the Secretary of the Army shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(c) MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of McGregor Range in accordance with Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 155–158).

(2) MANAGEMENT OF MINERAL MATERIALS.—Notwithstanding any other provision of this chapter or the Materials Act, the Secretary of the Army may use, from the withdrawn lands, sand, gravel, or similar mineral material resources of the type subject to disposition under the Materials Act, when the use of such resources is required for construction needs of Fort Bliss.

(d) HUNTING, FISHING, AND TRAPPING.—All hunting, fishing, and trapping on the withdrawn lands shall be conducted in accordance with section 2671 of title 10, United States Code, and the Sikes Act (16 U.S.C. 670 et seq.).

(e) MANAGEMENT PLAN.—

(1) REQUIRED.—The Secretary of the Army and the Secretary of the Interior shall jointly develop a natural resources management plan for the lands withdrawn under this chapter for the withdrawal period. The management plan shall be developed not later than three years after the date of the enactment of this Act and shall be reviewed at least once every five years after its adoption to determine if it should be amended.

(2) CONTENT.—The management plan shall—

(A) include provisions for proper management and protection of the natural, cultural, and other resources and values of the withdrawn lands and for use of such resources to the extent consistent with the purpose of the withdrawal specified in section 9053(b);

(B) identify the withdrawn lands (if any) that are suitable for opening to the operation of the mineral leasing or geothermal leasing laws;

(C) provide for the continuation of livestock grazing at the discretion of the Secretary of the Army under such authorities as are available to the Secretary; and

(D) provide that the Secretary of the Army shall take necessary precautions to prevent, suppress, or manage brush and range fires occurring within the boundaries of McGregor Range, as well as brush and range fires occurring outside the boundaries of McGregor Range resulting from military activities at the range.

(3) FIRE SUPPRESSION ASSISTANCE.—The Secretary of the Army may seek assistance from the Bureau of Land Management in suppressing any brush or range fire occurring within the boundaries of McGregor Range or any brush or range fire occurring outside the boundaries of McGregor Range resulting from military activities at the range. The memorandum of understanding under section 9056 shall provide for assistance from the Bureau of Land Management in the suppression of such fires and require the Secretary of the Army to reimburse the Bureau of Land Management for such assistance.

SEC. 9056. MEMORANDUM OF UNDERSTANDING. (a) REQUIREMENT.—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement this chapter and the management plan.

(b) DURATION.—The duration of the memorandum of understanding shall be the same as the withdrawal period.

(c) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

SEC. 9057. TERMINATION OF WITHDRAWAL AND RESERVATION; EXTENSION. (a) TERMINATION DATE.—The withdrawal and reservation made by this chapter shall terminate 50 years after the date of enactment of this Act.

(b) REQUIREMENTS FOR EXTENSION.—

(1) NOTICE OF CONTINUED MILITARY NEED.—Not later than five years before the end of the withdrawal period, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Army will have a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period.

(2) APPLICATION FOR EXTENSION.—If the Secretary of the Army determines that there will be a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this chapter. The application shall be filed with the Department of the Interior not later than four years before the end of the withdrawal period.

(c) LIMITATION ON EXTENSION.—The withdrawal and reservation made by this chapter may not be extended or renewed except by Act or joint resolution.

SEC. 9058. RELINQUISHMENT OF WITHDRAWN LANDS. (a) FILING OF RELINQUISHMENT NOTICE.—If, during the withdrawal period, the Secretary of the Army decides to relinquish all or any portion of the withdrawn lands, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) DETERMINATION OF PRESENCE OF CONTAMINATION.—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Army, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) DECONTAMINATION AND REMEDIATION.—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Army shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) DECONTAMINATION AND REMEDIATION ACTIVITIES SUBJECT TO OTHER LAWS.—The activities of the Secretary of the Army under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquishment or, if at the expiration of the withdrawal made under this chapter, the Secretary of the Interior determines that some of the withdrawn lands are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall retain jurisdiction over the withdrawn lands, but shall undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) SUBSEQUENT DECONTAMINATION OR REMEDIATION.—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Army certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this chapter as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 9059. DELEGATIONS OF AUTHORITY. (a) SECRETARY OF THE ARMY.—The functions of the Secretary of the Army under this chapter may be delegated.

(b) SECRETARY OF THE INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order under section 9058(h) to accept relinquishment of withdrawn lands may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

TITLE X

SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 10001. SUSPENSION OF SANCTIONS. (a) IN GENERAL.—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) SPECIAL RULE FOR COMMERCIAL EXPORTS OF DUAL-USE ARTICLES AND TECHNOLOGY.—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or technology that is not primarily used for missile development or nuclear weapons programs.

(c) NATIONAL SECURITY INTERESTS WAIVER OF SANCTIONS.—

(1) IN GENERAL.—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interests of the United States and that this control list requires refinement; and

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) CONGRESSIONAL NOTIFICATION.—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) RENEWAL OF SUSPENSION.—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the

President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) RESTRICTION.—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 10002. REPEALS. The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105–277).

SEC. 10003. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED. In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

This Act may be cited as the "Department of Defense Appropriations Act, 2000".

RECOGNITION OF JEANINE ESPERNE

Mr. KYL. Mr. President, it is common for Members of the Senate to thank members of their staff, particularly after handling an important piece of legislation. I am sure our constituents realize much of what we do is in reliance on very capable members of our staff. I have never taken the opportunity to talk about a member of my staff before, but on this occasion I wish to do so very briefly, because tomorrow a member of my staff is leaving to go on to another wonderful opportunity. I think it is important to recognize her as someone who embodies really the qualifications and the qualities of staff that all of us would like to have work with us and represent our constituents' interests.

Her name is Jeanine Esperne. She began working with me about a dozen years ago when I was a Member of the House of Representatives and served on the House Armed Services Committee. She became my chief legislative assistant on defense matters. She came from the office of General Abramson, who at the time was head of the Strategic Defense Initiative Organization at the Pentagon, with rich experience in defense and national security matters.

She worked with me as staff person on my Defense Armed Services Committee matters throughout my career in the House. Then, when I came to the Senate, she remained on my staff responsible for all foreign policy and national security matters.

That was important, because I began serving immediately on the Senate Select Committee on Intelligence in an active capacity and had a significant need for someone of her qualifications and experience.

In addition to that, I chaired the Subcommittee on Technology, Terrorism, and Government Information of the Judiciary Committee, again requiring someone with her expertise to assist me in those matters.

Throughout her tenure on my staff, she has worked with Arizona companies and interests that have important defense-related concerns and with other people around the country who share a strong desire that we have a strong national defense, including contractors and other individuals with a direct interest in the government process.

During this time, the feedback I received from both my own constituents and others around the country was uniformly in praise of Jeanine Esperne for her willingness to listen, her professionalism, the fact she used time very economically. She didn't waste time; she understood that time was important to everyone. She got her job done very quickly with a minimum of excess effort, almost always satisfying the interests of the constituent or the person with whom we were trying to work.

It is with mixed emotions that today I pay tribute to Jeanine Esperne on her next to last day on my staff as she moves on to another opportunity. I do so not only because she has worked for me in a way which exemplifies the way most Members would have their staffs work with them, but I think it is important for our constituency to know that we have very fine staff in the Congress, that our work could not be done without that staff, and that when we take the opportunity to praise the staff, it is really to praise their exceptional abilities and the way in which they have served our constituents.

In the case of Jeanine Esperne, I certainly express all of those sentiments, wish her very well in her new endeavors, and certainly suggest that occasionally those Members who are so busy doing jobs here take the time more often to thank those staff who, after all, are responsible for so much of our success.

Jeanine Esperne, good wishes and thank you for all of your services on behalf of the U.S. Government, and on my behalf specifically.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. DASCHLE. Mr. President, the agreement signed yesterday between NATO and Yugoslavia is hopeful news as we move toward our goals of ending the atrocities and genocide in Kosovo and bolstering stability in southeastern Europe. The vote by the UN Security Council today authorizing an international peacekeeping force in Kosovo is yet another hopeful sign.

This agreement is a victory for freedom. It is a defeat for dictators around the world. NATO's resolve to halt and redress Milosevic's crimes against humanity sends an important message to world leaders who engage in ethnic cleansing and other atrocities. NATO's victory over Yugoslav aggression also sends a positive signal to the forces of democracy in the region.

President Clinton deserves immense credit for his leadership throughout this 11-week military operation. When so many said it was impossible, he kept a 19-member NATO alliance intact. When so many said it would never work, he stuck to the air campaign that led that NATO alliance to victory.

The President never wavered in his commitment to the alliance's goals of ending the atrocities in Kosovo, forcing the withdrawal of Serb forces from the region, and ensuring the safe return of Kosovar refugees to their homes. President Clinton's steadfast resolve, together with our NATO allies, forced President Milosevic to back down and accept NATO's conditions for a halt in the bombing campaign.

It would appear that some of those who were most critical of the President's Kosovo policies were more concerned with waging a political assault than in stopping the Serbs' military assault on Kosovo. But now that the Serbs have conceded defeat, one can only hope that those who were so harshly critical of the President might concede they were mistaken.

Our NATO allies also deserve great credit and much gratitude. They understood the long-term implications of failing to address the Yugoslav threat to Kosovo and to regional stability. They met the challenge head-on and showed that NATO remains the most formidable military alliance in the world.

And the front-line states—Albania, Macedonia, Bulgaria, and Romania—were forced to experience firsthand the consequences of Milosevic's ethnic cleansing. They, and the Republic of Montenegro, should be commended for accepting hundreds of thousands of refugees and enduring the instability caused by the actions of the Yugoslav government.

Of course, those truly on the front lines were our U.S. military forces who contributed so skillfully to the success of the air campaign. They deserve our full support and our thanks for carrying out their mission so bravely, and for achieving our military goals with virtually no casualties.

It is now vitally important that the United States and our NATO allies remain vigilant to ensure that the Serbs live up to their agreement so that the Kosovars can return to their country and their homes, and rebuild their lives. They have a right to live in peace without fear of further atrocities.

The agreement reached yesterday is cause for great hope that we can achieve those goals, and I want to again commend the President, our troops, NATO, and those front line countries who gave so much for the success and the victory that we celebrate today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I commend the democratic leader on behalf of the entire country for the statement he has just made. Think for just a minute what has taken place: Thousands and thousands of individual sorties by 19 member nations. There are some, who were detractors, who referred to this as Clinton and GORE's war. No, it was not Clinton and GORE's war, but rather a war of those people of good will around the world, and certainly in this country, who detest evil, repudiate ethnic cleansing, and, in short, believe that atrocities by bullies like Slobodan Milosevic should be no more.

So, I am confident and hopeful this will send a message to those around the world who feel they can maim and kill and displace those people with whom they disagree for purposes only they understand—the color of their skin, their religion—a message that this will no longer happen.

So I, too, applaud the Commander in Chief. I especially applaud Secretary of Defense William Cohen for his leadership and commend all the American forces deployed in the Balkan region who have served and succeeded in the highest traditions of our country, and, finally, I wish to thank the families of the brave service men and women who participated in Operation Allied Force, who have borne the burden of being separated from their families for these many weeks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—KOSOVO

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Kosovo-related resolution; that the resolution and preamble be agreed to en bloc; and that the motion to reconsider be laid upon the table.

Mr. LOTT. Mr. President, I have to object at this time, not that I will object to it in the end. The Senate will go on record on this matter, but we just saw the language 15 minutes ago. I have already initiated a process to have it reviewed by the chairman of the Armed Services Committee, the chairman of the Foreign Relations Committee, the chairman of the Foreign Operations Appropriations Subcommittee, and other interested Senators, to make sure they are comfortable with the language, because it does go beyond just the resolution we see underway now concerning Kosovo and the withdrawal of the Serbian troops and, hopefully, the return of the Kosovars. It also goes into some language with regard to what should happen in Kosovo now and also language with regard to President Milosevic.

All I am saying is we want to review the language and make sure all interested Senators are aware of it. We will be glad to work with Senator REID, Senator DASCHLE, and others to have a statement by the Senate on this matter, as we usually do when there are events such as this.

I do want to go ahead and say for the record, as others have, that the Senate is, I am sure, and I personally am very pleased an agreement appears to have been worked out and appears to be going forward.

Earlier I was able to discuss this matter with the President. It does appear that the Serbian troops are beginning to be withdrawn and the bombing will be halted. This should lead to a process where the Kosovars can return to their homeland. That is good news.

I think we all should express our appreciation for the leadership that has occurred in this area, and also for the good and outstanding work done by our troops. That is the thrust of what is in this resolution. So I think we all should acknowledge that. I think there is a sigh of relief that it did not go on further, with great problems facing U.S. men and women in uniform who had to go in as ground troops, or as the weather turned bad. We are all very pleased that this appears to be working out.

As the President said to me when we talked earlier today—and I do not want to quote the President, because you do not do that, but the upshot of it was we still have a long way to go. And we do. But we all can hope and pray for the best.

So while I will reserve the right to object at this point, we will work with the leadership on both sides of the aisle and develop some language on which the Senate can act.

Mr. REID. Mr. President, we understand the objection of the majority leader. We wish we could have gotten the information in the form of this resolution to him sooner. But the war just ended, and the United Nations resolution just a matter of hours ago was passed.

We thought it was very appropriate prior to this weekend—we are going out of session now until Monday—that the President, the Secretary of Defense, and especially those military men and women who have been away from home for weeks—the bombing has taken 11 weeks—that we commend and applaud the work they have done.

The way to do that formally is through a resolution. As the leader has said, he agrees generally with the thrust of what we are trying to do. We will be happy to work with the Republican leadership to come up with a resolution that makes sure the fighting men and women of this country are commended, that the Secretary of Defense is commended, the Commander in Chief, and that also we acknowledge we set out to make sure the Serb forces got out of Kosovo—they are on their way out—that the ethnic Albanians are allowed to return—they are on their way back—and, of course, there be a peacekeeping force on the ground, which this body has already approved.

So with that, I will yield the floor, recognizing that this is a great day in the history of the United States, and it is a great day in the history of the other 18 nations in that we have been able to force evil to come to an end. We have won the war. It is very important that we now win the peace.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. One final comment on that. The record will show the Senate is working on an appropriate resolution. We will have one, I am sure, early next week.

Mr. REID. Mr. President, I ask unanimous consent that the Daschle-Reid resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. —

Whereas United States and NATO Forces have achieved remarkable success in forcing Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed or killed by Serb security forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress applauds and expresses the appreciation of the Nation to:

(A) President Clinton, Commander in Chief of all American Armed Forces, for his leadership during Operation Allied Force.

(B) Secretary of Defense William Cohen, Armed Forces Chief of Staff Hugh Shelton and Supreme Allied Commander—Europe Wesley Clark, for their planning and implementation of Operation Allied Force.

(C) All of the American forces deployed in the Balkan region, who have served and succeeded in the highest traditions of the Armed Forces of the United States.

(D) All of the forces from our NATO allies, who served with distinction and success.

(E) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Serb forces from Kosovo according to relevant provisions of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) An end to the hostilities in Kosovo on the part of Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(4) The Congress urges the KLA to observe the ceasefire and demilitarize.

(5) The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Slobodan Milosevic and other Serb military leaders and forces.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to calendar No. 89, S. 557, the budget process bill to which the lockbox issue has been offered as an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process.

The Senate resumed consideration of the bill.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk to the pending amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 297 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process:

Trent Lott, Pete Domenici, Rod Grams, Mike Crapo, Bill Frist, Michael B. Enzi, Ben Nighthorse Campbell, Judd Gregg, Strom Thurmond, Chuck Hagel, Thad Cochran, Rick Santorum, Paul Coverdell, Jim Inhofe, Bob Smith of New Hampshire, and Wayne Allard.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur then on Tuesday under rule XXII.

CALL OF THE ROLL

I now ask unanimous consent that the vote occur immediately following the passage vote on the Y2K bill Tuesday, with the mandatory quorum under rule XXII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEEL, OIL AND GAS LOAN GUARANTEE PROGRAM—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. I now move to proceed to H.R. 1664 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 121, H.R. 1664, the steel, oil and gas loan guarantee program legislation:

Trent Lott, Pete Domenici, Rick Santorum, Mike DeWine, Ted Stevens, Kent Conrad, Joe Lieberman, Robert C. Byrd, Byron L. Dorgan, Jay Rockefeller, Tom Daschle, Harry Reid, Paul Wellstone, Tom Harkin, Fritz Hollings, Robert J. Kerrey, and Tim Johnson.

Mr. LOTT. For the information of all Senators, this cloture vote will also occur on Tuesday.

CALL OF THE ROLL

I ask unanimous consent that the cloture vote occur immediately following the cloture vote on the lockbox issue, if not invoked, on Tuesday. In addition, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

NATIONAL YOUTH FITNESS WEEK

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 34, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 34) designating the week beginning April 30, 1999, as "National Youth Fitness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 34), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 34

Whereas the Nation is witnessing a historic decrease in the health of the youth in the United States, with only 22 percent of the youth being physically active for the recommended 30 minutes each day and nearly 15 percent of the youth being almost completely inactive each day;

Whereas physical education classes are on the decline, with 75 percent of students in the United States not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in 4 years;

Whereas more than 60,000,000 people, ⅓ of the population of the United States, are overweight;

Whereas the percentage of overweight youth in the United States has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, youth in the United States;

Whereas youth in the United States represent the future of the Nation and the decrease in physical fitness of the youth may destroy the future potential of the United States unless the Nation invests in the youth in the United States to increase productivity and stability for tomorrow;

Whereas regular physical activity has been proven to be effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of the youth in the United States; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning June 21, 1999, as "National Youth Fitness Week";

(2) urges parents, families, caregivers, and teachers to encourage and help youth in the United States to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation calling on the people of the United

States to observe the week with appropriate ceremonies and activities.

The title was amended so as to read: "A resolution designating the week beginning June 21, 1999, as 'National Youth Fitness Week'."

THE YEAR OF SAFE DRINKING WATER

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 81, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 81) designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas clean and safe drinking water is essential to every American;

Whereas the health, comfort, and standard of living of all people in this Nation depends upon a sufficient supply of safe drinking water;

Whereas behind every drop of clean water are the combined efforts of thousands of water plant operators, engineers, scientists, public and environmental advocacy groups, legislators, and regulatory officials;

Whereas public health protection took an historic leap when society began treating water to remove disease-causing organisms;

Whereas over 180,000 individual water systems in the United States serve over 250,000,000 Americans;

Whereas the Safe Drinking Water Act is one of the most significant legislative landmarks in 20th century public health protection;

Whereas the enactment of the Safe Drinking Water Act on December 16, 1974, enabled the United States to take great strides toward the protection of public health by treating and monitoring drinking water, protecting sources of drinking water, and providing consumers with more information regarding their drinking water;

Whereas Americans rightfully expect to drink the best water possible, and expect advances in the public health sciences, water treatment methods, and the identification of potential contaminants; and

Whereas the continued high quality of drinking water in this country depends upon advancing drinking water research, vigilantly monitoring current operations, increasing citizen understanding, investing in infrastructure, and protecting sources of drinking water: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 1999 as "The Year of Safe Drinking Water";

(2) commemorates the 25th anniversary of the enactment of the Safe Drinking Water Act; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate programs that enhance public awareness of—

(A) drinking water issues;

(B) the advancements made by the United States in the quality of drinking water during the past 25 years; and

(C) the challenges that lie ahead in further protecting public health.

NATIONAL PEDIATRIC AIDS AWARENESS DAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 114, which was also reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 114) designating June 22, 1999, as "National Pediatric AIDS Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 114

Whereas acquired immune deficiency syndrome (referred to in this resolution as "AIDS") is the 7th leading cause of death for children in the United States;

Whereas approximately 15,000 children in the United States are currently infected with human immunodeficiency virus (referred to in this resolution as "HIV"), the virus that causes AIDS;

Whereas the number of children who have died from AIDS worldwide since the AIDS epidemic began has reached 2,700,000;

Whereas it is estimated that an additional 40,000,000 children will die from AIDS by the year 2020;

Whereas perinatal transmission of HIV from mother to child accounts for 91 percent of pediatric HIV cases;

Whereas studies have demonstrated that the maternal transmission of HIV to an infant decreased from 30 percent to less than 8 percent after therapeutic intervention was employed;

Whereas effective drug treatments have decreased the percentage of deaths from AIDS in the United States by 47 percent in both 1998 and 1999;

Whereas the number of children of color infected with HIV is disproportionate to the national statistics with respect to all children;

Whereas The Elizabeth Glaser Pediatric AIDS Foundation has been devoted over the past decade to the education, research, prevention, and elimination of acquired immune deficiency syndrome (AIDS); and

Whereas the people of the United States should resolve to do everything possible to control and eliminate this epidemic that threatens our future generations: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all of the individuals who have devoted their time and energy toward combatting the spread and costly effects of acquired immune deficiency syndrome (AIDS) epidemic, designates June 22, 1999, as "National Pediatric AIDS Awareness Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

PRESENTATION OF GOLD MEDAL TO ROSA PARKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 127, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (H. Con. Res. 127) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 127) was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 1259

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 1259 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE PAGES

Mr. LOTT. Mr. President, today is the last day of work of the present group of pages—the "youngest Government employees." I commend all of the pages and wish them good luck in their future endeavors. I know all Members would want to personally thank them for their hard work. Many days they have worked late into the night, and the next morning they would get up early to go to school. It is not an easy job being a Senate page. Their work here is very important, as we move through our legislative process and quite often move a lot of paper around. They help us an awful lot.

I have particularly enjoyed watching this group and seeing them at the door and seeing them in the halls and seeing them led by Senator THURMOND into the dining room for ice cream for one and all.

I therefore ask consent that the names of this class of Senate pages be printed in the RECORD with our heartiest appreciation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE PAGES

REPUBLICAN PAGES

Jennifer Duomato.
Micah Ceremele.
Rick Carrol.
Cathy Cone.
Courtney Mims.
Marian Thorpe.
Jessica Lipschultz.
Derrek Allsup.
Mark Nexon.
Clay Crockett.

DEMOCRAT PAGES

Stephanie Valencia.
Patrick Hallahan.
Danielle Driscoll.
Halicia Burns.
Bud Vana.
Stephanie Stahl.
Mark Hadley.
Devin Barta.
Brendan McCann.
Jennifer Machacek.
Chandra Obie.

Mr. REID. Will the leader yield?

Mr. LOTT. I am glad to yield.

Mr. REID. I also say to the pages that there has been an example set in years past that pages become Members of the Senate, not the least of which is our own Senator CHRIS DODD. If you think the example we have set for you is one you would want to follow later in life, you should know you have a very good foundation by being a page.

ORDERS FOR MONDAY, JUNE 14, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 14. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask consent that at 1 p.m. the Senate begin consideration of the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, tomorrow the Senate will not be in session. On Monday, the Senate will consider the energy and water appropriations bill, as was just agreed to, with the first rollcall vote expected to occur at approximately 5:30 on Monday. We will need to work with all Senators to make sure Senators can be present for that vote but, as is usually the case, unless notified otherwise, there will be votes on Monday at approximately 5:30 or sometime shortly thereafter.

It is my hope the energy and water appropriations bill can be completed during Monday's session of the Senate. Two cloture motions were filed with respect to the Social Security lockbox issue and the oil, gas, and steel appropriations revolving fund bill.

Also, under previous consent, the Y2K bill will be completed on Tuesday. Therefore, a series of votes will occur beginning at 2:15 on Tuesday, June 15.

ADJOURNMENT UNTIL MONDAY, JUNE 14, 1999

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Monday, June 14, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 10, 1999:

CONSUMER PRODUCT SAFETY COMMISSION

ANN BROWN, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 1999. (REAPPOINTMENT)

ANN BROWN, OF FLORIDA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION. (REAPPOINTMENT)

DEPARTMENT OF STATE

JAMES CATHERWOOD HORMEL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF JUSTICE

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HUNGER, RESIGNED.

EXECUTIVE NOMINATION RECEIVED BY THE SENATE MAY 26, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*RAAN R. AALGAARD, 0497
CARLENA A. ABALOS, 2381
JOSEPH D. ABEL, 3049
JOSEPH A. ABRIGO, 6661
PATRICK K. ADAMS, 2293
BRIAN T. ADKINS, 5318
ROY ALAN C. AGUSTIN, 0466
DONALD W. AILSWORTH, 0972
KRISTOPHER J. ALDEN, 2351
*STEPHEN J. ALEXANDER, 4337
MICHAEL D. ALFORD, 0900
ALEE R. ALI, 1437
CHARLES T. ALLEN, 0852
KEVIN S. ALLEN, 2383
MARK P. ALLEN, 4991
*SCOT T. ALLEN, 5621
MICHAEL W. ALLIN, 6342
STEVEN G. ALLRED, 0860
DOUGLAS E. ALMGREN, 7357
JAMES W. ALSTON, 3876
JOHN S. ALTO, 0468
DENIO A. ALVARADO, 1386
IGNACIO G. ALVAREZ, 7023
MATTHEW G. ANDERER, 3730
ARTHUR W. ANDERSON, 5795
*BARBARA A. ANDERSON, 7096
BERNADETTE A. ANDERSON, 9188
BETTY L. ANDERSON, 5854
CALVIN N. ANDERSON, 9392
CHRISTOPHER M. ANDERSON, 8154
DANIEL L. ANDERSON, 6454
EUGENE S. ANDERSON, 5479
JOHN R. ANDERSON, 6623
JON M. ANDERSON, 9217
MARK RICHARD ANDERSON, 8466
MICHAEL A. ANDERSON, 9915
RICHARD N. ANDERSON, 5018
EDWARD C. ANDREJCZYK, 0491
HAROLD G. ANDREWS, II, 8043
PETER J. ANDREWS, 8424
BENJAMIN C. ANGUS, 4748
ANTHONY R. ARCIERO, 3152
NINA M. ARMAGNO, 3926
TIMOTHY L. ARMEL, 7372
*JOHN E. ARMOUR, 7935
MARK J. ARMSTRONG, 3073
JOHN T. ARNOLD, 4151
*MARTHA ARREDONDO, 6551
DAVID R. ARRIETA, 2817
AMY V. ARWOOD, 6177
MYRON H. ASATO, 1697
CHRISTOPHER D. ASHABRANNER, 4578
TROY A. ASHER, 1720
*IRENE L. ASHKER, 7374
JAMES M. ASHLEY, 5151
*RANDALL M. ASHMORE, 2297
GARY A. ASHWORTH, 8566
DONALD A. ASPDEN, 5702
HANS R. AUGUSTUS, 4460
*DAVID A. AUPPERLE, 7990
STEVEN A. AUSTIN, 2408
CASSANDRA D. AUTRY, 5416
M. SHANNON AVERILL, 6927
CHRISTOPHE L. AVILA, 2740
*JOSEPH L. BACA, 9091
THOMAS A. BACON, 0604
DAVID P. BACZEWSKI, 3803
JOSEPH V. BADALIS, 5480
BRYAN J. BAGLEY, 4106
FREDERICK L. BAIER, 6363
SHARON F. BAILEY, 6527
WILLIAM D. BAILEY, 8673
LINDA L. BAILEYMARSHALL, 5784
JEFFREY A. BAIR, 6070
JAMES C. BAIRD, 9517
MELVIN A. BAIRD, 0016
ERIC W. BAKER, 9043
RUSTY O. BALDWIN, 1233
SUSAN F. BALL, 6917
CHRISTOPHER BALLARD, 2791
MERRILL D. BALLENGER, 0888
JOHN M. BALZANO, 6527
JOHN D. BANSEMER, 0341
NORMAN W. BARBER, 9345
SALVADOR E. BARBOSA, 5193
*JIMMY LEE BARDIN, 5820
TONY L. BARKER, 1033
ROBERT J. BARKLEY, 3267
PHILLIP B. BARKS, 6829
WILLIAM A. BARKSDALE, 6307
CASSIE B. BARLOW, 9615
WARREN P. BARLOW, 1437
JAMES A. BARNES, 0869
KYLER A. BARNES, 3708
*BARTON V. BARNHART, 7530
ANTHONY J. BARRELL, 7694
ANNE H. BARRETT, 5596
SAM C. BARRETT, 4813
DOUGLAS W. BARRON, 9500
FRANCESCA BARTHOLOMEW, 2593
JOHN S. BARTO, 4838
MARCUS P. BASS, 3574
DALE L. BASTIN, 8658
MARK J. BATES, 0975
DAVID W. BATH, 8108
*CHRISTOPHER R. BAUTZ, 0896
BRENT R. BAXTER, 8037
DAVID B. BAYSINGER, 0143
MATTHEW D. BEALS, 7488
CHARLES L. BEAMES, 3913
*ADAM G. BEARDEN, 4367
KEITH L. BEARDEN, 9072
ANDREW C. BEAUDOIN, 7412
BRIAN A. BEAVERS, 9837
SCOTT M. BEDROSIAN, 0805
JEANNINE A. BEER, 7814
MICHAEL A. BEHLING, 3280
MARY A. BEHNE, 9265
ROBERT H. BEHRENS, 6675
*STEVEN G. BEHRENS, 5437
SCOTT W. BEIDLEMAN, 6854
BRIAN A. BEITLER, 8039
LEWONNIE E. BELCHER, 1265
*BRADLEY L. BELL, 5012
DOVER M. BELL, 9525
JOHN L. BELL, JR., 5477
GREGORY J. BELOYNE, 3246
MARIALOURDES BENCOMO, 4771
CHRISTIAN P. BENEDICT, 7074
WARREN L. BENJAMIN, 4879
KEVIN S. BENNETT, 3355
WILLIAM T. BENNETT, 2423
STEPHEN R. BENNING, 1670
*MICHAEL P. BENSCHE, 8369
CHRISTOPHER J. BEODDY, 4965
DIANA BERG, 1430
WILLIAM S. BERGMAN, 5598
KEVIN L. BERKOMPAS, 9301
*NATHAN M. BERMAN, 6448
*PETER H. BERNSTEIN, 0176
ALAN R. BERRY, 2520
KENNETH B. BERRY, 9908
MARIE L. BERRY, 0353
JAMES A. BESSEL, 5985
BELLA T. BIAG, 0446
ROBERT W. BICKEL, 6406
*PAUL J. BIELEFELDT, 6443
KURT J. BIENIAS, 7855
VAL J. BIGGER, 2457
STEVEN A. BILLS, 6119
TRENT D. BINGER, 3369
PETER D. BIRD, 0333
MICHAEL O. BIRKELAND, 2112
KURT D. BIRMINGHAM, 2623
LEOLYN A. BISCHEL, 4579
*DAMON D. BISHOP, 6299
DARREN L. BISHOP, 7580
STEPHEN H. BISSONNETTE, 6116
*CHRISTOPHER S. BJORKMAN, 1132
*ROBERT S. BLACK, 1745
MILTON L. BLACKMON, JR., 7295
DAVID T. BLACKWELL, 3829
KRISTINE E. BLACKWELL, 7287
RICK A. BLAISDELL, 1954
JEFFREY E. BLALOCK, 2409
THOMAS S. BLALOCK, JR., 7228
JOHN E. BLEUEL, 9035
RAYMOND H. BLEWITT, 1607
SONNY P. BLINKINSOP, 1432
RICHARD D. BLOCKER III, 1362
FRANZ E. BLOMGREN, 9748
ADAM J. BLOOD, 2416
MARK E. BOARD, 5498
DAVID W. BOBB, 4361
JUSTIN L. BOBB, 9391
GREGORY D. BOBEL, 0244
KEVIN J. BOHAN, 4525
BARBARA D. BOHMAN, 9998
MATTHEW J. BOHN, 7168
LORENZO L. BOLDEN, JR., 8831
JOANNE BOLLHOFER, 3059
JENNIFER A. BOLLINGER, 7369
CRAIG L. BOMBERG, 2040
LISA D. BOMBERG, 8920
GREGORY L. BONAFEDE, 6307
JEFFREY P. BONS, 9830
*GERALD A. BOONE, 5157
*ROBERT K. BOONE, 4931
SCOTT C. BORCHERS, 1614
*JANET A. BORDEN, 8146
PHILLIP M. BOROFF, 9032
*ANDREW J. BOSSARD, 4757
DAROLD S. BOSWELL, 4958
MARY NOEHL BOUCHER, 3039

FRITZIC P. BOUDREAUX, JR., 2873
*JAMES D. BOUDREAUX, 4487
THOMAS A. BOULEY, 0235
DUANE K. BOWEN, 2717
ROBERT D. BOWER, 3691
MICHELLE M. BOWES, 1313
CLIFFORD M. BOWMAN, 9667
TERRY L. BOWMAN, 2711
GORDON F. BOYD II, 5413
JOHN A. BOYD, 5661
MARCUS A. BOYD, 7961
TUCK E. BOYSON, 8037
TAURUS L. BRACKETT, 8975
HAROLD W. BRACKINS, 7564
JAMIE S. BRADY, 6508
MICHAEL H. BRADY, 7205
JAMES I. BRANSON, 5073
*HARRY BRAUNER, 2114
JAMES R. BRAY, 4071
JEFFREY R. BREAM, 3148
JOHN M. BREAZEALE, 9485
GARY R. BREIG, 4129
KELLY J. BREITBACH, 2561
DAVID A. BRESCIA, 0756
COY J. BRIANT, 6380
DAVID P. BRIAR, 6102
ANTHONY S. BRIDGEMAN, 2367
WILLIAM S. BRINLEY, 1502
*TIMOTHY B. BRITT, 7231
PAUL D. BRITTON, 4544
DERRELL R. BROCKWELL, 8364
LINDA S. BROECKL, 4889
*DAVID G. BROSIUS, 4634
DARRELL P. BROWN, 3498
HAROLD D. BROWN, JR., 6508
KEVIN D. BROWN, 8110
MANNING C. BROWN, 7974
SCOTT L. BROWN, 2597
SCOTT T. BROWN, 3034
BRUCE F. BROWNE, 6171
KEVIN G. BROWNE, 8633
HERALDO B. BRUAL, 1102
PATRICIA S. BRUBAKER, 5246
LARRY A. BRUCE, JR., 8821
STEVEN E. BRUKWICKI, 4086
JANET D. BRUMLEY, 8079
MICHAEL H. BRUMMETT, 1878
ERIC J. BRUMSKILL, 7198
ARCHIBALD E. BRUNS, 6030
EFFSON CHESTER BRYANT, 7455
JAMES E. BUCHMAN, 9379
GERALD A. BUCKMAN, 6611
JOHN T. BUDD, 5745
GEORGE B. BUDZ, 6402
ANTHONY W. BUENGER, 9051
STEVEN C. BUETOW, 3850
JOHN J. BULA, 0537
MARIAN R. BUNDY, 7679
MICHAEL P. BUONAUGURIO, 5582
*VINCENT M. BUQUICCHIO, 4380
RODNEY J. BURCH, 9311
RONALD A. BURGESS, 3213
DOUGLAS A. BURKETT, 4783
ROBERT R. BURNHAM, 8705
ANN M. BURNS, 4068
KEVIN E. BURNS, 1295
TIMOTHY A. BURNS, 4762
PHLECIA R. BURSEY, 8991
JAMES B. BURTON, 5357
MICHAEL D. BUSCH, 2507
TIMOTHY E. BUSH, 6384
DEAN E. BUSHEY, 2309
*CARLOS E. BUSHMAN, 0587
JEFFREY T. BUTLER, 2466
RANDALL L. BUTLER, 6338
ANTHONY C. BUTTS, 3106
CARL A. BUTTS, 4061
*JOHN J. CABALA, 3110
DAN D. CABLE, 4589
HENRY T. G. CAFFERY, 2326
DANIEL B. CAIN, 2437
SHAWN D. CALDWELL, 8106
ELWIN B. CALLAHAN, 4335
SEAN P. CALLAHAN, 7181
RONALD CALVERT, 3457
MARLON G. CAMACHO, 4184
SCOTT C. CAMERON, 9234
CAROLYN D. CAMPBELL, 1873
DENNIS T. CAMPBELL, 2560
GORDON H. CAMPBELL, JR., 7759
MICHAEL F. CANAVAN, 2086
JR C. CANDELARIO, 0833
*BEVERLY J. CANFIELD, 7147
CHRISTOPHER G. CANTU, 1991
DANIEL D. CAPPABIANCA, 9819
DANIEL F. CAPUTO, 7063
ALEXANDER C. CARDENAS, 1481
JAMES L. CARDOSO, 7195
BARAK J. CARLSON, 9901
KENNETH A. CARPENTER, 7133
KEVIN P. CARR, 5334
THOMAS J. CARROLL III, 4459
*LISA C. CARSWELL, 2829
MICHAEL C. CARTER, 3057
WILLIAM T. CARTER, 2524
STEVEN M. CASE, 7599
*JAMES W. CASEY, 8491
LINA M. CASHIN, 6133
MANUEL F. CASIPIT, 9453
BRIAN G. CASLETON, 2036
HENRI F. CASTELAIN, 8931
ELMA M. CASTOR, 8572
MARTHA E. CATALANO, 5916
WADE K. CAUSEY, 1854
BRUCE C. CESSNA, 4527
JAMES L. CHAMBERLAIN, 0057
CHARLES E. CHAMBERS, 8476
CHARLES R. CHAMBERS, 4979
SHERI L. CHAMBLISS, 7018
ROBERT D. CHAMPION, 6178
SANDRA M. CHANDLER, 2689
CRAIG C. CHANG, 9321
ALICE S. CHAPMAN, 7556
JOHN W. CHAPMAN, 1723
JOHNNY R. CHAPPELL, 6626
THOMAS M. CHAPPELL, 9191
MARK C. CHARLTON, 9746
XAVIER D. CHAVEZ, 7983
CHRISTOPHER D. CHELALES, 2008
JOHN A. CHERREY, 9090
ROBERT T. CHILDRESS, 2013
SCOTT D. CHOWNING, 3209
LILLY B. CHRISMAN, 8476
*DON M. CHRISTENSEN, 2205
TERRENCE J. CHRISTIE, 2989
ROBYN A. CHUMLEY, 8568
*KAREN L. CHURCH, 4065
PATRICIA M. CIFELLI, 5523
ANTHONY J. CIRINCIONE, 6419
MICHAEL S. CLAFFEY, 7658
BERYL M. CLAREY, 6796
*BRIAN D. CLARK, 5550
KELLY B. CLARK, 2227
ROBERT J. CLASEN, 5982
JOHN L. CLAY, 0478
WILLIAM T. CLAYPOOLE, 9464
MICHELLE M. CLAYS, 8519
JEFFREY C. CLAYTON, 2916
JEFFERSON W. CLEGHORN, 6847
LISA M. CLEVERINGA, 3419
JEFFREY E. CLIFTON, 9123
LUKE E. CLOSSON III, 0495
JONATHAN C. CLOUGH, 5379
CAROL A. CLUFF, 2372
THOMAS C. CLUTZ, 3915
RICHARD G. COBB, 6854
ALFORD C. COCKFIELD, 8188
DWIGHT F. COCKRELL, 8232
KAREN F. COFER, 1920
JAMES A. COFFEY, 8430
DAVID COHEN, 2959
MARK A. COLBERT, 4610
STEVEN D. COLBY, 2920
THOMAS D. COLBY, 5217
PHILBERT A. COLE, JR., 5778
JON M. COLEMAN, 0571
JAMES W. COLEY, 2362
THOMAS W. COLLETT, 1188
JAMES C. COLLINS, 9250
JON C. COLLINS, 2517
RANDY L. COLLINS, 4375
*NATHAN J. COLODNEY, 8566
KIMBERLY G. COLTMAN, 8113
EDWARD S. CONANT, 7071
SHANE M. CONNARY, 0061
JOHN T. CONNELLY, JR., 0714
SEBASTIAN M. CONVERTINO, 9143
DOUGLAS G. COOK, 9455
JEFFREY J. COOK, 5565
MICHELE M. COOK, 6847
WILLIAM T. COOLEY, 6085
DENNIS E. COOPER, 7597
STEPHEN D. COOPER, 8424
BRIAN C. COPELLO, 2372
JAN L. COPHER, 5347
BARBARA M. COPPEDGE, 3297
DAVID S. CORKEN, 0173
CHARLES R. CORNELISSE, 9685
KYLE M. CORNELL, 5897
*JOHN J. CORNICELLI, 3909
NICHOLAS COSENTINO, 1924
DONDI E. COSTIN, 7032
JEFFREY R. COTTON, 7976
JAMES A. COTTURONE, JR., 3779
BRYAN R. COX, 7360
JEFFREY A. COX, 9459
KEITH A. COX, 1785
MARK A. COX, 4765
GREGORY P. COYKENDALL, 3814
BEVERLY J. COYNER, 7074
STEPHEN P. CRAIG, 8662
CHRIS D. CRAWFORD, 4674
ROSE M. CRAYNE, 0846
ROGER W. CREEDON, 1067
JEFFERY J. CRESSE, 5781
ROBERT A. CREWS, 4786
JOHN T. CRIST, 7172
STEPHEN P. CRITTELL, 7925
*TIMOTHY D. CROFT, 5626
MYRNA E. CRONIN, 4719
WILLIAM J. CRONIN IV, 8524
BRENDA L. CROOK, 4203
*MICHAEL B. CROSLEN, 0823
ANDREW R. CROUSE, 6788
STANLEY D. CROW, JR., 0895
JAMES A. CRUTCHFIELD, 7614
NEAL J. CULINER, 3907
CURTIS N. CULVER, 4047
JAMES P. CUMMINGS, 7325
BRIAN W. CUNNING, 9974
BARBARA C. CUPIT, 4179
DARRIN L. CURTIS, 7298
DEAN A. CUSANEK, 7947
DAVID J. CUSTODIO, 9305
GLENN T. CZYZNIK, 0336
*JONATHAN S. DAGLE, 7414
SCOTT V. DAHL, 1869
STEPHEN C. DALEY, 9788
KENT B. DALTON, 2327
STEVEN J. DALTON, 3670
CHARLES J. DALY, 6905
LEONARD J. DAMICO, 4507
JAMIE A. DAMSKER, 0442
JOHN B. DANIEL, 9889
ERIC D. DANNA, 7574
LARRY J. DANNELLEY, JR., 7234
JEFFREY C. DARIUS, 2028
LARRY G. DAVENPORT, 4257
PAUL D. DAVENPORT, 8326
*AARON A. DAVID, 2216
MELVIN G. DEAILE, 4818
DWIGHT E. DEAN, 8428
MICHAEL E. DEARBORN, 7508
MICHAEL A. DEBROECK, 4573
JAMES J. DECARLIS III, 7465
KIMBERLY JO DECKER, 4246
TIMOTHY B. DECKER, 0856
ALEXANDER I. DEFAZIO, 0138
PHILIP S. DEFENBACH, 4915
DREXEL G. DEFORD, JR., 5433
MITCHELL T. DEGEYTER, 4255
ROD A. DEITRICK, 5936
ELAINE M. DEKKER, 6685
PENA EDUARDO C. DELA, JR., 6196
MARY M. DELGADO, 7879
JAY B. DELONG, JR., 8416
MICHAEL T. DELUCIA, 2101
JOSEPH W. DEMARCO, 7427
JOHN T. DEMBOSKI, 1537
GERALD M. DEMPSEY, 0486
DAVID R. DENHARD, 6156
KEVIN R. DENNINGER, 7855
MICHAEL R. DENNIS, 7421
ANTHONY J. DENNISON III, 1874
TIMOTHY J. DENNISON, 5083
JANE G. DENTON, 9896
EUGENE F. DEPAOLO, 4031
IAN J. DEPLEDGE, 5437
DAVID G. DERAY, 7295
JOSEPH L. DERDZINSKI, 3110
JAY B. DESJARDINS, JR., 3230
FRANCES A. DEUTCH, 2861
NATHAN P. DEVILBISS, 4736
MARK D. DEVOE, 7252
GRANT C. DICK, 2684
*SANDRA M. DICKENSON, 5035
MATTHEW J. DICKERSON, SR., 0427
JOHN R. DIDONNA, 3067
JAMES H. DIENST, 8215
TODD A. DIERLAM, 3555
PAMELA D. DIFFEE, 0541
MICHAEL L. DILDA, 1627
JOSEPH A. DILLINGER, 2123
ELLIS D. DINSMORE, 4198
STEPHEN J. DION, 8242
DONALD G. DIPENTA, 0357
DOUGLAS S. DIXON, 8776
PHILLIP N. DIXON, 0758
CHRISTOPHER P. DOBB, 3218
DEAN E. DOERING, 6562
MARY A. DOLAN, 7411
NEAL E. DOLLAR, 3423
BRIAN P. DONAHOO, 8403
ANDREW H. DONALDSON, 9985
*ROBIN ANNE DONATO, 2955
LAUREEN M. DONOVAN, 7089
WILLIAM R. DONOVAN II, 6255
STEFAN B. DOSEDEL, 0638
GARTH D. DOTY, 9802
PAUL D. DOTZLER, 7344
STEVEN I. DOUB, 5354
RONALD J. DOUGHERTY, 3783
BARRY D. DOVIN, 2966
JOHN J. DOYLE, 1997
*JOSEPH R. DOYLE, 3311
TAMMY J. DOYLE, 0545
THOMAS P. DOYLE, 6808
THURMAN L. DRAKE, JR., 7725
TIMOTHY J. DRANTTEL, 5509
SUSAN C. DRENNON, 1102
ROBERT S. DROZD, 1956
JONATHAN T. DRUMMOND, 7042
*KEITH J. DUFFY, 1600
LAURA L. DUGAS, 8801
LEA A. DUNCAN, 2572
DAWN M. DUNLOP, 7307
CARRIE L. DUNNE, 4532
PATRICK B. DUNNELLS, 2957
RONDA L. DUPUIS, 0331
KENT A. DUSEK, 1970
BRIAN T. DWYER, 9560
*JOHNNY F. DYMOND, 6506
ROBERT L.P. EADES, 4102
THOMAS A. EADS, 0547
ROBERT M. EATMAN, 8402
STEVEN P. EBY, 3127
JAMES R. ECHOLS, 5382
KEVIN L. EDENBOROUGH, 0171
KIRK W. EDENS, 6400
CHRISTOPHER R. EDLING, 4555
*ALAN M. EDMIASTON, 7022
BOBBY G. EDWARDS, JR., 7093
CHERYL L. EDWARDS, 0274
JAMES W. EDWARDS, 6188
RICHARD F. EDWARDS, 2766
ROBERT R. EDWARDS, JR., 2523
SCOTT D. EDWARDS, 3387
BRIAN L. EGGER, 3850
PATRICIA D. EGLESTON, 7300
LAWRENCE A. EICHHORN, 5716
CRAIG S. EICKHOFF, 2405
KENNETH A. EIKEN, 4798
RONALD S. EINHORN, 9169
THOMAS D. EISENHAUER, 4588
GERARD H. EISERT, 7574
ELAINE S. ELDRIDGE, 1413
GEORGE G. ELEFTERIOU, 0942
*DONALD RICHARD ELLER, JR., 5429
WENDY CARLEEN ELLIOTT, 8450
BARNEY G. ELLIS, 9480
PATRICK M. ELLIS, 0758
PATRICK W. ELLIS, 3821
GREGORY C. ELLISON, 9638
PATRICK H. ENCINAS, 6198
GREGORY S. ENGLE, 8999
ADAM C. ENGLEMAN, 1314
MARK E. ENNIS, 2418
LARRY T. EPPLER, 1984
REY R. ERMITANO, 6673
KENNETH G. ERNEWEIN, 1256
BRIAN E. ERNISSE, 3124
ALEXANDER A. EROLIN, 8733
RICHARD ESCOBEDO, 1518
STEVEN A. ESTOCK, 9254
*MARK D. EVANS, 9418
SONGI R. EVANS, 3496
WILBURN EVANS III, 3847
BRIAN D. EWERT, 3934
ROBERT A. FABIAN, 8621
DAVID T. FAHRENKRUG, 8785
JAMES D. FAIN, 0057
HENRY J. FAIRTLOUGH, 2275
KELLY S. FARNUM, 9791
MICHAEL G. FARRELL, 2451
CHERYL R. FARRER, 9772
KURTIS W. FAUBION, 0753
JEFFREY N. FAWCETT, 9947
JAMES L. FEDERWISCH, 4290
*SUSAN M. FEDRO, 2701
*CATHERINE L. FEIL, 5185
BRADLEY K. FELIX, 9252
LAURA FELTMAN, 2670
DONALD S. FELTON, 3623
TIMOTHY J. FENNELL, 3887
*THOMAS A. FERRARI, 7135
CHRISTOPHER R. FERREZ, 1495
WILLIAM A. FERRO, 1840
MICHAEL S. FIELDS, 1783
WILLIE L. FIELDS III, 1887
SCOTT T. FIKE, 8843
RICHARD E. FILER, 8558
PAUL K. FINDLEY, 7669
DONALD N. FINLEY, 8829
*KIMBERLY FINNEY, 1470
MICHAEL J. FINNEY, 3402
STEVEN T. FIORINO, 3835
CYNTHIA L.H. FISHER, 3361
JASON FISHER, 7516
JAY R. FISHER, 7473
TIMOTHY L. FITZGERALD, 5850
DAVID M. FITZPATRICK, 8337
JOHN D. FITZSIMMONS, JR., 6719
MICHAEL F. FLECK, 6997
KEVIN S. FLEMING, 6966
WILLIAM J. FLEMING, 2479
LEE A. FLINT III, 5884
*JAMES K. FLOYD, 7952
SCOTT G. FLOYD, 4339
THOMAS J. FLYNN, JR., 9313
RICHARD L. FOFI, 2328
PATRICK F. FOGARTY, 4923
JETH A. FOGG, 9455
DARLENE L. FOLEY, 6052
JOHN T. FOLMAR, 1736
*ARNALDO FONSECA, 1584
*DAVID J. FORBES, 7635
EDWARD L. FORD, 0906
TEDDY R. FORDYCE II, 5463
SCOTT A. FOREST, 5522
GERALD T. FORGETTE, 4890
MARK A. FORINGER, 8463
LANCE N. FORTNEY, 3243
CLAUDIA M. FOSS, 2936
HARRY A. FOSTER, 5579
STEVEN D. FOUCH, 3354
*JENNIFER E. FOURNIER, 6438
JOHN A. FOURNIER, 4676
*ROBERT J. FOURNIER, 5543
STEVEN J. FOURNIER, 2625
KAREN S. FRALEY, 6416
MICHAEL S. FRAME, 2435
EDWARD M. FRANKLIN, 1621
ELLEN A. FRANKLIN, 8215
STEVEN C. FRANKLIN, 4180
*GINA T. FRATIANI, 9899
GEORGE W. FRAZIER, JR., 0289
JOHN T. FREDETTE, 0039
BRIAN E. FREDRIKSSON, 8581
FRANK FREEMAN III, 3803
JEFFREY B. FREEMAN, 9705
LEE S. FREEMAN, 7536
MICHAEL D. FREESTONE, 7022
KATHLEEN A. FRENCH, 6668
ROBERT J. FREY, 7999
*ERIC L. FRIED, 6848
*MARIA A. FRIED, 0189
JOSEPH P. FRIERS, 5839
WILLIAM E. FRITZ II, 7277
KENNETH D. FROLLINI, 9984
*JAY. D. FULLER, 7509
*CHRISTOPHER A. FURBEE, 4027
JEFFREY C. GADWAY, 1265
WALTER A. GAGAJEWSKI, 2462
JOHN W. GAGE, 1061
CRAIG L. GAGNON, 1686
DAVID A. GAINES, 9891
NATHAN W. GALBREATH, 8547
PETRA M. GALLERT, 7149
*LIBBY A. GALLO, 4910
JAMES C. GALONSKY, 6580
TROY R. GAMM, 6205
EDWARD W. GANIS, JR., 1729
RICHARD K. GANNON, 7614
ARTHUR G. GARCIA, 7473
JOHN R. GARCIA, 1175
RAUL V. GARCIA, 9096
JOHN R. GARRETT, 1914
CLAY L. GARRISON, 1502
MARK P. GARST, 4211
BRENDA M. GARZA, 8931
DAVID J. GAUTHIER, 0455
THOMAS W. GEARY, 0247
EDWARD R. GEDNEY, 7095
MICHAEL T. GEHRLEIN, 2037
JEWEL A. GEORGE, 7700
SCOT B. GERE, 2018
WILLIAM E. GERHARD, JR., 5484
JEFFREY J. GERINGER, 9889
DANIEL E. GERKE, 2476
*PATRICIA A. GETHING, 8808
CAROL C. GIACHETTI, 3788
ANTHONY P. GIANGIULIO, 6522
GEOFFREY M. GIBBS, 2787
*PARKS G. GIBSON, 2833
ROBERT C. GIBSON, 8951
FRANCES M. GIDDINGS, 9968
DANNY R. GIESLER, 5325
THOMAS C. J. GILKESON, 0403
ANDREA L. GILL, 0408
DAVID L. GILL, 2934
ANDREW W. GILLESPIE, 6817
ERIC J. GILLILAND, 5494
KENNY Y. GILLILAND, 7419
THOMAS C. GILSTER, 6581
STEVEN R. GIOVENELLA, 5932
PETER D. GIUSTI, 5170
ANTHONY L. GIZELBACH, 2018
MICHAEL W. GLACCUM, 7756
JERRY E. GLATTFELT, 6281
FRANK A. GLENN, 3067
KEVIN B. GLENN, 1228
DONAVAN E. GODIER, 9898
*MARTHA D. GOFF, 9747
NATHAN E. GOFF, 9666
JASON L. GOLD, 0502
DAVID J. GOLDEN, 7391
JOHN D. GOLDEN, 2172
PETER E. GOLDFEIN, 3521
DAVID B. GOLDSTEIN, 1185
DANIEL J. GOLEN, 9383
WILLIAM M. GOLLADAY, 5401
GERARD A. GONZALUDO, 8567
JULIA R. GOODE, 6123
JANET L. GOODER, 9160
*GARY R. GOODLIN, 2752
JANETTE B. GOODMAN, 5502
THOMAS E. GOODNOUGH, 6234
STEVEN F. GOODWILL, 4589
JANET K. GORCZYNSKI, 4547
KEVIN A. GORDEY, 2356
JAMES S. GORDON, 0161
JANICE Y. GORDON, 8429
JOHN R. GORDY II, 4036
CATHERINE M. GORTON, 1542
DONALD J. GRABER, 7877
BETH ANN GRADY, 1717
DANIEL R. GRAHAM, 2440
GLENN L. GRAHAM, 6542
JANINE D. GRAHAM, 7835
SCOTT D. GRAHAM, 0092
JONATHAN A. GRAMMER, 7559
ERIK L. GRAVES, 5243
JOHN A. GRAVES, 7330
CHARLES W. GRAY, 0151
DAVID E. GRAY, 6237
GORDON P. GREANEY, 0809
STEWART F. GREATHOUSE, 1555
DARRYL W. GREEN, 2319
DAVID R. GREEN, 4451
*TIMOTHY P. GREEN, 4048
JONATHAN J. GREENE, 8984
STEPHEN E. GREENTREE, 7749
CHARLES S. GREENWALD, 2999
MICHAEL R. GREGG, 8238
MICHAEL R. GREGORY, 9815
MICHAEL C. GRIECO, 0466
DAVID R. GRIFFIN, 5827
WILLIAM M. GRIFFIN, II, 0319
STANLEY E. GRIFFIS, 5267
CEABERT J. GRIFFITH, 0157
*DONALD W. GRIFFITH, 9175
*JENNIFER L. GRIMM, 1687
PATRICK J. GRIMM, 8125
LUCIEN A. GRISE, 5088
JOHN F. GROFF, 0164
RONALD J. GROGIS, 7573
CHARLES K. GROSSART, 7202
JANET R. GRUNFELDER, 3823
*JOHN W. GUETERSLOH, 6361
PAUL R. GUEVIN III, 5571
KEVIN J. GULDEN, 7581
ERIC C. GUMBS, 5654
LARRY E. GUNNIN, JR., 1807
STEPHEN E. GURNEY, 1691
MARTIN D. GUSTAFSON, 5594
CARLOS M. GUTIERREZ, 0257
FLOYD A. GWARTNEY, 1459
DAVID M. HAAR, 0460
WILLIAM E. HABEEB, 1028
DOUGLAS I. HAGEN, 5711
JOHN O. HAGEN, JR., 7306
BELINDA F. HAINES, 9106
STEPHEN A. HAJOSY, 9918
LAWRENCE E. HALBACH, 9919
CALVIN S. HALL II, 3509
JASON T. HALL, 9215
MICHAEL J. HALL, 6177
STEPHEN N. HALL, 9480
MATTHEW W. HALLGARTH, 2097
PAUL S. HAMILTON, 8097
FRANCISCO G. HAMM, 0999
DAVID W. HAMMACK, 2960

BRADLEY K. HAMMER, 5248
DOUGLAS M. HAMMER, 6713
MICHAEL C. HAMMOND, JR., 4326
MARK D. HANCOCK, 2500
WILLIAM J. HANIG, JR., 5611
FRED HANKERSON III, 9662
DARREN T. HANSEN, 4772
JOHN M. HANSEN, 6504
DAVID A. HANSON, 3322
JAMES R. HARDEE, 3810
STEVEN B. HARDY, 6780
*JOANNE C. HARE, 0553
MICHAEL R. HARMS, 0485
TERRANCE A. HARMS, 9981
WILLIAM M. HARNLY, 4985
DON S. HARPER III, 5000
GERALD J. HARPOLE, 8789
MICHAEL HARRINGTON, 8236
PATRICK M. HARRINGTON, 0376
RICKEY O. HARRINGTON, 6042
CHARLES H. HARRIS, 7476
*REBA E. HARRIS, 5288
WANDA F. HARRIS, 9993
JOHN M. HARRISON, 9293
LEONARD P. HARRISON, 0125
MARCIA E. HARRISON, 0343
WILLIAM R. HARRISON, 1490
YVONNE HARRISON, 4701
RODNEY A. HART, 0509
STEPHEN L. HART, 0636
MICHAEL M. HARTING, 6710
RICHARD T. HARTMAN, 0747
JAMES E. HARVEY, 6990
JERI L. HARVEY, 9646
JERRY R. HARVEY, JR., 8882
LYNN M. HARVEY, 6867
DAVID R. HASSLINGER, 4348
*MARK A. HATCH, 0829
STEVEN M. HATCHNER, 7892
DAVID A. HAUPT, 5643
CHRISTOPHER P. HAUTH, 6431
*CHRISTOPHER A. HAWES, 2164
*STEVEN K. HAYDEN, 2128
DAVID C. HAYEN, 9149
BRADLEY F. HAYWORTH, 1581
AMAND F. HECK, 9423
JANE E. HEETDERKSCOX, 2214
DAVID M. HEFNER, 2705
PAUL B. HEHNKE, 6912
*CURTIS L. HEIDTKE, 1105
ROBERT D. HELGESON, 2010
*GUBA LISA M. HELMS, 7244
CRAIG A. HENDERSON, 3214
MARKUS J. HENNEKE, 0006
THEODORE P. HENRICH, 8751
JOSEPH S. HENRIE, 3562
GARY L. HENRY, 8922
WENDY C. HEPT, 6531
MARK R. HERBST, 4079
MARK L. HEREDIA, 3126
CHRISTOPHER A. HERMAN, 7904
GREGORY A. HERMSMEYER, 6872
MAYNARD C. HERTING, JR., 8057
JOHN P. HESLIN, 9508
CRAIG J. HESS, 6261
THOMAS P. HESTERMAN, 3390
MICHAEL H. HEUER, 6788
DAVID L. HICKEY, 1457
HARLAN K. HIGGINBOTHAM, 1681
ALBERT M. HIGGINS, 2737
JEFFREY L. HIGGINS, 3963
THOMAS M. HILDEBRAND, 9755
RANDOLPH C. HILDEBRANDT, 5372
KENNETH A. HILL, 2936
*SCOTT J. HILMES, 9766
DAVID W. HILTZ, 6066
BRADLEY T. HINCE, 8169
CARLETON H. HIRSCHEL, 8095
RONALD W. HIRTLE, 8443
PETER HJELLMING, 4998
BRIAN S. HOBBS, 9344
DAVID J. HOFF, 2138
LAWRENCE M. HOFFMAN, 2683
*BRIAN E. HOFFMANN II, 2395
WAYNE P. HOLDEN, 5432
RHONDA D. HOLDER, 4975
PAUL E. HOLIFIELD, JR., 9217
STEVEN R. HOLKOVIC, 0838
MICHAEL W. HOLL, 4502
DALE S. HOLLAND, 4165
KENNETH G. HOLLIDAY, 5833
DANIEL F. HOLMES, 6894
*GERALDINE E. HOLMESBARNETT, 2693
ERIC L. HOLSTROM, 7332
CHRISTOPHER M. HOLTON, 5222
JOEL N. HOLTROP, 7788
LEA D. HOMSTAD, 4764
*CRINLEY S. HOOVER, 4536
*JEANETTE C. HOPE, 8794
JAMES M. HOPKINS, 0927
JAY R. HOPKINS, 3200
*MARY F. HORNBACK, 2562
ROBERT E. HORSMANN, 7574
SHAUN D. HOUSE, 3748
MICHAEL L. HOUSEHOLDER, 0994
*MAX D. HOUTZ, 3632
ADRIAN L. HOVIOUS, 0208
CHERYL Y. HOWARD, 0792
RUSSELL D. HOWARD, 3480
TIMOTHY W. HOWARD, 1467
ROBERT R. HOWE, 0041
DONNA MARIE HOWELL, 7656
WALTER C. HOWERTON, 8032
BILLIE I. HOYLE, 2515
JEFFERY L. HOYT, 4611
DIRK D. HUCK, 8767
JANET C. HUDSON, 9213
DENISE A. HUFF, 8570
DOUGLAS A. HUFFMAN, 6070
JOHNATHAN B. HUGHES, 8686
JUDITH A. HUGHES, 2208
KEITH M. HUGO, 9303
RODNEY R. HULLINGER, 5453
DEAN G. HULLINGS, 7315
CAMERON D. HUMPHRES, 4072
SUSANNE M. HUMPHREYS, 9082
CRAIG G. HUNNICUTT, 2228
DAVID R. HUNT, JR., 7725
JEFFREY R. HUNT, 5260
ROBERT G. HUNT, 5983
JOHN E. HUNTER, 6720
JON C. HUNTER, 1139
THOMAS M. HUNTER, 7474
BRYAN D. HUNTLEY, 6426
STEVEN B. HURTEAU, 0909
AMELIA L. HUTCHINS, 1051
RICHARD A. HYDE II, 1024
DAVID C. IDE, 2071
GRETCHEN LARSEN IDSINGA, 9181
MARK INGUAGGIATO, 1951
JEFFREY D. IRWIN, 8467
STEPHAN C. ISAACS, 9685
JOHN J. IWANSKI, 7684
KYLE E. JAASMA, 9869
TODD A. JAAX, 3949
CHRISTOPHER J. JACKSON, 6594
DAVID C. JACKSON, 3676
LINWOOD J. JACKSON, JR., 0800
TROY S. JACKSON, 9906
CHRISTOPHER M. JACOBS, 0802
WAYNE R. JACOBS, JR., 9205
*IAN CHARLES JANNETTY, 8814
SUSAN JANO, 8103
BARBARA E. JANSEN, 2852
PATRICK M. JEANES, 3959
*NELTA JEANPIERRE, 5640
RHETT W. JEFFERIES, 3198
BRIAN K. JEFFERSON, 7156
BILLIE M. JENNETT, 2085
CARLOS D. JENSEN, 7321
SEAN L. JERSEY, 5780
KIRK C. JESTER, 9443
LINDA J. JESTER, 7402
MARCUS A. JIMMERSON, 2861
*SUSAN D.K. JOBE, 3280
CONNIE J. JOHNMEYER, 0077
*ANDREW D. JOHNSON, 7960
CAROL A. JOHNSON, 3411
CLARENCE JOHNSON, JR., 6629
DALE R. JOHNSON, 3481
DANIEL E. JOHNSON, 1297
DAVID W. JOHNSON, 8553
ERIC C. JOHNSON, 9416
JAMES M. JOHNSON, 3683
KARLTON D. JOHNSON, 1058
KEVIN L. JOHNSON, 2433
PHILIP E. JOHNSON, 2904
RICHARD A. JOHNSON, 9717
SCOTT F. JOHNSON, 6928
STEVEN B. JOHNSON, 8447
THOMAS N. JOHNSON, 0502
WALTER M. JOHNSON, JR., 7533
JOHNNY K. JOHNSTON, 4587
BRIAN S. JONASEN, 2342
*BRUCE W. JONES, 3244
CHRISTOPHER P. JONES, 4039
CRAIG R. JONES, 4143
*MARC A. JONES, 9148
PATRICIA J. JONES, 6360
PHILLIP W. JONES, JR., 3121
ROY V.J. JONES, 2888
SYLVIA B. JONIGKEIT, 0566
BRIAN D. JOOS, 7477
*FRANZISKA JOSEPH, 1167
*CHRISTOPHER J. JOYCE, 0785
TRACY J. KAESLIN, 7655
KEITH B. KANE, 6702
KIM M. KANE, 6579
STEPHEN J. KARIS, 6667
KIRK S. KARVER, 2958
JANET LYNN KASMER, 4569
MICHAEL B. KATKA, 9365
JAMES C. KATRENAK, 7607
SCOTT M. KATZ, 7630
ANTHONY T. KAUFFMAN, 8600
DAVID A. KAUTH, 9068
CHRISTOPHER M. KEANE, 1547
SHEILA F. KEANE, 4552
JEFFREY T. KEEF, 3728
WILLIAM J. KEEGAN, JR., 3596
DANIEL J. KEELER, 4329
ROBERT W. KEIRSTEAD, JR., 6623
LORETTA A. KELEMEN, 2573
DAVID E. KELLER, 6614
REBECCA A. KELLER, 7572
RONALD J. KELLER, 5855
*CHRISTOPHER L. KELLY, 8216
JEFFREY W. KELLY, 3140
MICHAEL J. KELLY, 8505
RICHARD F. KELLY, 7141
RICHARD S. KELLY, 2564
*JAMES P. KENNEDY, 4823
*JAY KENT, 0649
ROMAN H. KENT, 7598
LINDA J. KEPHART, 5588
ROBERT J. KEPPLER, 0883
FADI P. KHURI, 5867
DARWIN P. KIBBY, 4939
DOUGLAS W. KIELY, 5515
DAVID W. KIERSKI, 5862
*KRISTINE M. KIJEK, 4891
ERIC D. KILE, 4575
ROBERT KILLEFER III, 1039
*CHARLES C. KILLION, 4580
KEVIN R. KILLPACK, 6182
KENNETH T. KILMURRAY, 3893
PETER E. KIM, 2129
*ROBIN P. KIMMELMAN, 1810
MICHAEL T. KINDT, 5220
CARL L. KING, 9747
KRISTY G. KING, 9156
*RAVEN MICHELLE L. KING, 4985
ROSEMARY KING, 5429
CHRISTOPHER E. KINNE, 7147
GUS S. KIRKIKIS, 9544
JAMES J. KISCH, 5805
DOUGLAS K. KLEIST, 8882
KENNETH J. KNAPP, 8286
JAMES A. KNIGHT, 7223
STEPHEN M. KNIGHT, 9046
TRACY L. KNUEVEN, 7267
DANIEL P. KNUTSON, 2185
STACEY T. KNUTZEN, 7863
MARISSA KOCH, 5289
SANDRA L. KOERKENMEIER, 0481
LORIANN A. KOGACHI, 4897
JOSEPH KOIZEN, 9320
KURT M. KOLCH, 4007
*ANTON G. KOMATZ, 1803
MICHAEL W. KOMETER, 2890
DAVID W. KOONTZ, 0174
JOSEPH H. KOPACZ, 8437
RONALD B. KOPCHIK, 7637
CRYSTAL L. KORBAS, 5701
ERIC T. KOUBA, 3705
CHARLES H. KOWITZ, 4016
*ANDREW P. KRAFT, 9358
GREGORY A. KRAGER, 2928
JAMES N. KRAJEWSKI, 1725
*GARY MITCHELL KRAMER, 0735
ANNA MARTINEZ KRAMM, 2975
STEVEN KRAVCHIN, 6100
*ROBERT K. KRESSIN, 6163
THOMAS R.W. KREUSER, 1563
GUYLENE D. KRIEGHFLEMING, 2732
GREGORY A. KROCHTA, 5763
*GREGORY W. KRUSE, 5118
CHRISTOPHER J. KUBICK, 6890
SUZANNE S. KUMASHIRO, 0491
SHIAONUNG D. KUO, 9970
MARK C. KURAS, 0332
ANTHONY C. KWIETNIEWSKI, 5728
SHOMELA R. LABEE, 1312
MANUEL LABRADO, 6809
GUERMANTES E. LAILARI, 9671
DAVID W. LAIR, 7728
MARY T. LALLY, 6023
PETER J. LAMBERT, 5850
*GILBERTO LANDEROS, JR., 5962
BRIAN W. LANDRY, 9319
JOSEPH C. LANE, 5665
THOMAS R. LANE, 9312
DAVID M. LANGE, 9994
MARK A. LANGE, 3680
MARK J. LANGLEY, 7977
*DENNIS W. LANGSTON, 8898
JEFFREY W. LANNING, 2024
ROWENE J. LANT, 0782
TIMOTHY P. LAQUERRE, 8358
MICHAEL E. LARAMEE, 2177
MARGARET C. LAREZOS, 2064
CRAIG C. LARGENT, 9904
ANDRE M. LARKINS, 4858
BRET C. LARSON, 9137
KELLY J. LARSON, 0803
LAURA L. LARSON, 2136
LOREN B. LARSON, 5506
PHILLIP J. LASALA, 8193
JEFFREY R. LATHROP, 6255
ROBERT R. LATOUR, 0095
SCOTT C. LATTIMER, 4827
RICHARD W. LAURITZEN, 4413
DAVID P. LAVALLEY, 0912
PAUL A. LAVIGNE, 1044
PETER S. LAWHEAD, 0148
TIMOTHY J. LAWRENCE, 5586
KATHLEEN A. LAWSON, 0015
KELLY A. LAWSON, 1269
EUGENE D. LAYESKI, 3888
ANITA L. LEACH, 8486
JULIE A. LEAL, 0946
RICHARD D. LEBLANC, 6149
JAMES E. LEDBETTER, JR., 5311
DAVID J. LEE, 9982
DEAN W. LEE, 7768
JAMES K. LEE, 1614
KEVIN R. LEE, 3608
JOHN R. LEITNAKER, 7084
GLENN B. LEMASTERS, JR., 4322
*DANIEL G. LEMIEUX, 5203
LAWRENCE M. LENY, 4278
CHARLES W. LEONARD, 8833
ROBERT T. LEONARD, 3924
THOMAS A. LERNER, 3919
DAVID M. LEVINE, 9852
*CHARLES E. LEWIS, 5843
KEITH E. LEWIS, 9001
RAYMOND K. LEWIS, 9381
GARY D. LIEBOWITZ, 7306
MICHAEL P. LIECHTY, 8715
RONALD K. LIGHT, JR., 8045
ALFRED M. LIMARY, 0039
LEIGH A. LINDQUIST, 2149
RAY A. LINDSAY, 8329
*JOSEPH G. LINFORD, 7459
*JOHN T. LINN, 8775
DEWEY G. LITTLE, JR., 1327
JENICE L. LITTLE, 5116
JOHN W. LITTLEFIELD, 2909
THOMAS B. LITTLETON, 6897
DANIEL D. LLEWELYN, 4130
*DAVID L. LOBUE, 2808
DONALD C. LOCKE, JR., 9667
ERVIN LOCKLEAR, 9540
JANET K. LOGAN, 8703
BRYAN D. LOGIE, 7587
VINCENT P. LOGSDON, 5998
DAVID S. LONG, 7302
GREGORY P. LONG, 2898
SHARON M. LOPARDI, 3707
JOSEPH C. LOPERENA, 5649
ADALBERTO LOPEZ, JR., 5140
MAX LOPEZ, 5527
RAYMOND S. LOPEZ, 9998
ROYCE D. LOTT, 1663
ANDREW LOURAKE, 1314
JOSEPH C. LOVATI, 1961
JEFFREY D. LOVE, 0614
CHRISTOPHER W. LOWE, 9177
DAVID B. LOWE, 4225
GREGG S. LOWE, 9054
JANE K. LOWE, 4696
KEITH F. LOWMAN, 7353
DAVID S. LUBOR, 4392
DAVID J. LUCIA, 3284
ABBIE K. LUCK, 1963
GREGORY T. LUKASIEWICZ, 1893
STEVEN P. LUKE, 3783
JEFFREY S. LUM, 6749
VALERIE L. LUSTER, 8073
NATHAN G. LYDEN, 0265
SHANNON D. LYNCH, 8948
STEPHAN G. LYON, 3705
ADAM MAC DONALD, 9809
JOHN R. MAC DONALD, 4772
RONALD G. MACHOIAN, 6754
DAVID P. MACK, 5117
JOHN R. MACKAMAN, 6329
MATTHEW M. MACKINNON, 1873
TIMOTHY J. MADDEN, 0542
MICHAEL E. MADISON, 1918
KENNETH D. MADURA, 4970
CARL F. MAES, 6893
PATRICK J. MAES, 0950
CHERYL L. MAGNUSON, 3781
DENA M. MAHER, 0659
EDWARD A. MAITLAND, 2305
STEVEN R. MALL, 4590
CHARLES J. MALONE, 3492
WILLIAM H. MALPASS, 7428
PETER E. MANCE, 1378
PAUL R. MANCINI, 1021
WILLIAM J. MANDEVILLE, 4831
MATTHEW A. MANDINA, 5945
MICHELLE R. MANDY, 4903
GREGORY J. MANG, 1715
MATTHEW E. MANGAN, 7686
JEFFREY J. MANLEY, 6944
JUDY L. MANLEY, 3624
JOHN F. MANNEY, JR., 3639
*SCOTT A. MANNING, 2703
ROBERT A. MARASCO, 1915
MARTIN R. MARCOLONGO, 1433
DEBORAH R. MARCUS, 4325
GOUVEIA TAMZI M. MARIANO, 1758
JEFFREY L. MARKER, 0144
ROBERT G. MARLAR, 1698
JAMES D. MARRY, 3389
MARK A. MARRY, 8359
LEE H. MARSH, JR., 3341
RAYMOND W. MARSH, 1007
STEVEN C. MARSMAN, 9013
JAVIER MARTI, 6130
CYNTHIA A. MARTIN, 8737
HAROLD W. MARTIN III, 5218
ELFIDO MARTINEZ, 0257
GLENN E. MARTINEZ, 7365
JUAN F. MARTINEZ, 9997
ORLANDO M. MARTINEZ, 5822
DAVID B. MARZO, 7196
MICHAEL L. MASON, 3108
RICHARD L. MASTERS, JR., 2786
EDWARD J. MASTERSON, 2309
KEVIN M. MASTERSON, 0137
KEVIN P. MASTIN, 5619
RUBEN MATA, 5751
ROY V. MATHIS, 4037
DANE D. MATTHEW, 6600
AUDRA R. MATTHEWS, 5216
PATRICK S. MATTHEWS, 9009
MIKE M. MATTINSON, 8605
KYLE H. MATYI, 6989
DAVID K. MAY, 7315
JONATHAN R. MAY, 3365
ROBERT L. MAY, JR., 5998
SCOTT L. MAYFIELD, 4858
AARON D. MAYNARD, 5837
CRAIG E. MAYS, 3896
EUGENE J. MAZUR, JR., 8876
MAURIZIO MAZZA, 4609
ANDRE MC AFEE, 3633
KEITH D. MC BRIDE, 0491
RACHEL A. MC CAFFREY, 0313
TERRANCE J. MC CAFFREY II, 4033
CHRISTOPHER C. MC CANN, 5815
GERALD J. MC CAWLEY, 4322
JAMES C. MC CLELLAN, 4570
JAMES M. MC CLESKEY, 5769
CHARLES J. MC CLOUD, JR., 1485
ROBERT M. MC COLLUM, 4289
RICHARD D. MC COMB, 5837
*KATHY P. MC CONNELL, 2387
THOMAS L. MC CONNELL, 9970
*MICHAEL J. MC CORMICK, 3292
ALISON F. MC COY, 7502
STEVEN R. MC COY, 9153
ILYO L. MC CRAY, 7915
JAMES D. MC CREARY, 9017
MARY A. MC CUBBINS, 5225
*REGINALD G. MC CUTCHEON, 6273
MICHAEL B. MC DANIEL, 8126
CHARLES M. MC DANNALD III, 7700
IDA L. MC DONALD, 3853
JOE D. MC DONALD, 1787
JOHN J. MC DONOUGH III, 8810
WANDA J. MC FATTER, 5453
JENNY A. MC GEE, 1185
LETITIA R. MC GEE, 7870
KRISTINE A. MC GINTY, 3727
JERRY H. MC GLONE, 4973
THERESA J. MC GOWANSROCZYK, 6617
CARLTON W. MC GUIRE, 9049
*RALPH D. MC HENRY, JR., 6845
GENE P. MC KEE, 1078
THOMAS H. MC KENNA, 3700
*TIMOTHY J. MC KENNA, 0087
JOHNNY R. MC KENNEY, JR., 6115
MATTHEW A. MC KENZIE, 1596
PATRICK T. MC KENZIE, 8601
MARY L. MC KEON, 0112
RICHARD R. MC KINLEY, 8903
CAREY M. MC KINNEY, 8101
TANYA R. MC KINNEY, 1632
RANDALL A. MC LAMB, 1314
LAWRENCE W. MC LAUGHLIN, 2670
*VONDA F. MC LEAN, 3983
SCOTT D. MC LEOD, 4037
MICHAEL C. MC MAHON, 3382
TERENCE J. MC MANUS, 1743
THOMAS J. MC NEILL, 1247
GREGORY J. MC NEW, 3695
STACY S. MC NUTT, 9300
CAROL L. MC TAGGART, 8362
HUGH J. MC TERNAN, 5060
LAURA J. MC WHIRTER, 9132
MICHAEL A. MEANS, 7824
BRIAN B. MEIER, 0853
DOUG J. MELANCON, 3877
AURA L. MELENDEZ, 6098
LIBERTAD MELENDEZ, 7092
THOMAS S. MENEFEE, 5243
MARK W. MERCIER, 9876
KENT I. MEREDITH, 6567
SCOTT C. MERRELL, 4933
KAREN R. MERTES, 7871
DAVID P. MERTZ, 0798
DEBORAH A. MESERVE, 1204
DONALD E. MESSMER, JR., 9486
FREDERICK G. MEYER, 9233
JEFFREY A. MEYER, 9784
LINDA P. MEYER, 3092
MICHAEL B. MEYER, 0598
JESSICA MEYERAAN, 0825
DOUGLAS B. MEYERS, 5043
HAROLD F. MEYERS, 4741
MONICA E. MIDGETTE, 9884
JOSEPH A. MIGGINS, 3889
JOHN M. MIGYANKO, 0416
QUINTEN L. MIKLOS, 8758
CURTIS S. MILAM, 6227
GARY L. MILAM, 0912
SHARI T. MILES, 1901
ANGELA D. MILEY, 3579
ALAN R. MILLER, 5264
BRYAN E. MILLER, 0573
CURTIN W. MILLER, 0078
DANIEL A. MILLER II, 6012
DAVID G. MILLER, 1386
DOUGLAS R. MILLER, 6015
EDDIE T. MILLER, 5554
GRETCHEN P. MILLER, 0260
JODY D. MILLER, 5569
KARLA J. MILLER, 9515
*RANDALL J. MILLER, 3581
RICHARD C. MILLER, 8545
ROBERT C. MILLER, 4047
VIVIAN L. MILLER, 3162
MICHAEL S. MILLS, 5050
AVERY D. MIMS, 0095
*FRANCIS P. MINOGUE, 0418
JOSEPH B. MIRROW, 1953
KEVIN J. MISSAR, 1065
ELSPETH J. MITCHELL, 5497
GLENDA M. MITCHELL, 1718
JOSEPH C. MITCHELL, 5436
*MARGUERITE T. MITCHELL, 0251
MARK E. MITCHELL, 3016
MICHAEL E. MITCHELL, 4600
RICHARD L. MITCHELL, 7867
ROBYN A. MITCHELL, 0161
MARK J. MITTLER, 0443
*DONALD C. MOBLY, 5263
STEPHEN E. MOCZARY, 4199
JAMES J. MODERSKI, 8619
COLIN R. MOENING, 2558
JOHN J. MOES, 1622
CHRISTOPHER A. MOFFETT, 4049
CHARLES M. MONCRIEF, 2561
DENNIS A. MONTERA, 5558
THOMAS P. MONTGOMERY, 4463
*BRYAN S. MOON, 4437
DARRYL W. MOON, 6069
ANNETTE MOORE, 7688
*AUNDRA L. MOORE, 3506
*JOE W. MOORE, 1197
LOURDES D. R. MOORE, 5182
MICHAEL A. MOORE, 2273
PATRICIA R. MOORE, 4961
THOMAS C. MOORE, 4012
TIMOTHY K. MOORE, 2239

RICHARD D. MOOREHEAD, 7067
RAFAEL MORALESFIGUEROA, 1831
JACK P. MORAWIEC, 2240
JOHN W. MOREHEAD, 7613
MICHAEL D. MORELOCK, 0593
DAVE B. MORGAN, 7140
DAVID S. MORK, 2738
RONALD P. MORRELL, 4384
LINDA J. MORRIS, 1189
RICHARD W. MORRIS, 6080
BROOK S. MORROW, 4879
GARY S. MOSER, 7089
KEVIN B. MOSLEY, 1591
GREGORY D. MOSS, 2310
KARI A. MOSTERT, 6962
KIRK B. MOTT, 4022
TIMOTHY B. MOTT, 5835
PETER G. MOUTSATSON, 0194
TY C. MOYERS, 9829
PAUL J. MOZZETTA, 2670
DAVID G. MUEHLENTHALER, 7702
RICHARD J. MUELLER, 1567
ALAN G. MUENCHAU, 1968
JAMES R. MUNFORD, 2038
DAVID W. MURPHY, 0992
LYNN P. MURPHY, 1288
RICKY R. MURPHY, 6399
THOMAS E. MURPHY, 6679
JOHN P. MURRAY, 3757
TIMOTHY M. MURTHA, 3182
DEBORAH K. MURTOLA, 1044
CANDICE L. MUSIC, 0366
TONY P. MUSSI, 8179
*ANTHONY E. MUZEREUS, 1554
JEFFREY B. MYERS, 4630
*CHARLES D. MYRICK, 0693
DANA L. MYRICK, 7019
MARY J. NACHREINER, 7077
DAVID S. NAHOM, 5839
DAVID S. NAISBITT, 9504
MICHAEL L. NAPIER, 3106
PATRICIA A. NARAMORE, 7546
*GILBERT G. NARRO, 4972
JOSEPH B. NATTERER, 8527
JOHN R. NEAL, 9880
KELLY L. NEAL, 6807
RANDALL C. NEDEGAARD, 6609
HOWARD D. NEELEY, 2529
DALE L. NEELY, JR., 7274
JAMES R. NEEPER, JR., 8010
CLIFTON D. NEES, 5864
CATHERINE M. NELSON, 5977
DAVID K. NELSON, 3965
JON C. NELSON, 4629
KRISTEN A. NELSON, 9770
*LENORA C. NELSON, 4687
SCOTT R. NELSON, 4525
SHAWN D. NELSON, 1052
THOMAS N. NELSON, 7721
STEVEN W. NESSMILLER, 8270
KATERINA M. NEUHAUSER, 8916
JOSEPH H. NEWBERRY, 8656
KENNIS R. NICHOLLS, 2651
RICHARD B. NICHOLS, 5269
ANTHONY B. NICHOLSON, 9134
ANDREW T. NIELSEN, 4276
GAIL M. NOBLE, 0158
JEFFREY R. NOLAN, 2770
RICHARD E. NOLAN, 7379
TIMOTHY J. NOLAN, 5693
MICHAEL J. NOLETTE, 9032
GARY V. NORDYKE, 4727
THOMAS W. NORRIS, 4243
WILLIAM A. NOVAK, 1662
*ANTHONY T. NOVELLO, 1061
MICHAEL J. NOYOLA, 3944
FREDERICK D. NYBERG, 1300
ADAM E. NYENHUIS, 2827
JEFFREY W. NYENHUIS, 7583
DEBORAH LYNNE ODELL, 4876
DIANA R. ODONNELL, 9589
WALSH TRACY A. OGRADY, 9906
ANGEL R. OLIVARES, 5104
*MICHAEL J. OLIVE, 3242
JOHN SHERMAN OLIVER, 3302
*CHARLES S. OLSON, 0623
CRAIG A. OLSON, 3675
CHRISTOPHER J. OMLOR, 6962
PATRICK R. ONEILL, 7973
DWAYNE J. OPELLA, 6111
ANTHONY L. ORDNER, 4905
HOWARD K. OSBORNE, 5059
DOLORES M. OSBORNEHENSLEY, 5387
EDWIN H. OSHIBA, 2397
LOUIS C. OSMER, 8418
*HEATHER L. OSTERHAUS, 2442
BEVERLY D. OSTERMEYER, 9768
*JOLANTA J. OSZURKO, 6981
KARL E. OTT, 7375
KAREN L. OTTINGER, 1430
ROGER R. OUELLETTE, 2121
DANIEL J. OURADA, 6766
BRENDA L. OWEN, 7923
CHARLES R. OWEN, 9644
RHONDA G. OZANIAN, 4459
ANTHONY M. PACKARD, 0779
MARIA C. PAGAN, 8145
BENJAMIN R. PAGANELLI, 1049
CLEVELAND S. PAGE, 1801
JAMES P. PAGE, 2709
*BRENDA A. J. PAKNIKNAGEM, 4927
JOSEPH F. PALLARIA, JR., 0318
DAVID J. PALMER, 1312
RICHARD S. PALMIERI, 0541
JAMES P. PALMISANO, 7382
STANLEY D. PANGRAC, II, 1407
*JAMES W. PANK, 2942
LOUIS P. PAOLONE, 1177
ANTHONY F. PAPATYI, 8036
JENNIFER R. PAPINI, 3705
AMY A. PAPPAS, 1562
JAMES M. PAPPAS, 3415
KATHYLEEN M. PARE, 8914
JEREMY M. PARISI, 8745
JOHN T. PARK, 4020
VINCENT K. PARK, 9689
BRIAN A. PARKER, 6094
EDWARD L. PARKER, JR., 2982
GREGORY H. PARKER, 0782
JAMES G. PARKER, JR., 3217
TIMOTHY W. PARKER, 7199
RICHARD L. PARKS, 9274
MICHAEL L. PARLOW, 7677
KEITH C. PARNELL, 0084
DEBRA A. PARRISH, 0333
SEAN P. PARRY, 2888
DALE A. PARSONS, 8882
JAMES L. PATTERSON, II, 8301
MARK A. PATTERSON, 2093
RONNIE M. PATTERSON, 7916
BRADLEY H. PATTON, 5055
SCOTT GEORGE PATTON, 3616
DALE A. PATTYN, 8686
RONALD E. PAUL, 9139
JOHN G. PAYNE, 4110
JOHN R. PAYNE, 8588
JOHN W. PEARSE, 6170
WILLIAM R. PEARSON, 3231
PAUL J. PEASE, 2293
DONALD J. PECK II, 5235
*LISA T. PEGUES, 9669
*DAVID W. PENCZAR, 3482
DONALD R. PENDERGRAFT, 9638
TRAVIS E. PEPPLER, 7288
GROVER C. PERDUE, 9102
ROBERT M. PERON, 9063
LUCI P. PERRI, 7852
DOUGLAS W. PERSONS, 6665
CHRISTINE M. PETERS, 6198
DAVID E. PETERS, 5381
MELVIN H. PETERSEN, 9648
ERICK S. PETERSON, 3660
KARL R. PETERSON, 8831
RICHARD A. PETERSON, JR., 9943
RODNEY J. PETITHOMME, 7046
JON J. PETRUZZI, 2482
ROBERT A. PFEIFER, 4719
JOHN J. PHALON, 2676
BRETT A. PHILLIPS, 9061
BRIAN S. PHILLIPS, 9971
RODGER W. PHILLIPS, 3970
TODD R. PHINNEY, 3118
TODD L. PHIPPS, 2802
MARC D. PICCOLO, 3709
MICHAEL M. PIERSON, 3448
*RUSSELL L. PINARD, 1686
*SCOTT F. PINKMAN, 3905
JO A. PINNEY, 6660
DAVID S. POAGE, 6304
DAVID J. POHLEN, 9904
VICTOR P. POLITO, 7666
*MARK D. POLLARD, 9691
DAVID E. POLLMILLER, 7156
STEPHEN R. POMEROY, 8899
MARK S. POOL, 7384
LOURDES M. POOLE, 3473
ANTHONY P. POPOVICH, 4202
JOSEPH T. POPOVICH, 1443
ROBERT J. POREMSKI, 1257
GARDINER V. PORTER, 1507
SCOTT W. PORTER, 7930
CATHERINE A. POSTON, 0763
*SHEILA D. POWELL, 2313
JOHN W. POWERS III, 2471
WILLIAM M. PRAMENKO, 1730
MICHAEL W. PRATT, 5332
KEITH M. PREISING, 0573
ROBERT D. PRICE, 4043
STEVEN J. PRICE, 0754
JOHN E. PRIDEAUX, 3253
KENNETH D. PRINCE, 8687
GREGORY B. PROTHERO, 8650
ROBERT J. PROVOST, 0319
WILLIAM PUGH, 7213
JACK D. PULLIS, 7279
WALTER E. PYLES, 3622
TERESA A. QUICK, 9157
JAMES A. QUIGLEY, 8462
JOHN T. QUINTAS, 2479
CHRISTOPHER J. QUIROZ, 2474
JOSEPHINE C. K. QUIROZ, 2877
RODNEY ALLEN RADCLIFFE, 5651
BRIAN D. RADUENZ, 0525
RICHARD A. RADVANYI, 2518
KURT R. RAFFETTO, 1009
MICHELLE M. RAFFETTO, 1463
DANIEL G. RAINES, 8094
ELIOT S. RAMEY, 6344
*ROBERT A. RAMEY, 9466
GREGORY N. RANKIN, 1713
ROBERT J. RANKIN, 2993
VICKI J. RAST, 0601
GLENN A. RATCHFORD, 4881
*DIANE L. RAUSCH, 9664
DOUGLAS M. RAUSCH, 1341
MARINA C. RAY, 2933
BRUCE RAYNO, 8829
DARRELL M. RAYNOR, 6740
CATHERINE A. REARDON, 9363
ALAN F. REBHOLZ, 2121
ROBERT D. REDANZ, JR. 9480
MICHAEL E. REDDOCH, 9475
BRADLEY S. REED, 9450
*CARL L. REED II, 8721
ROBERT L. REED, 2981
PATRICK S. REESE, 6962
MICHAEL J. REEVES, 2368
JAMES A. REGENOR, 9264
THOMAS T. REICHERT, 2703
DAVID E. REIFSCHNEIDER, 8976
KEVIN P. REIGSTAD, 6524
DOUGLAS P. REILLY, 3695
JAMES E. REINEKE, 3565
GREGORY M. REITER, 7178
PAUL RENDESSY, 9380
PETER C. RENNER, 8824
*JULIE L. RESHESKEFISHER, 2553
DAVID A. REY, 2058
MICHAEL REYNA, 4109
KENNETH D. RHUDY, 5813
KENNETH E. RIBBLE, 2741
ROBERT S. RICCI, 0291
DOMINICA R. RICE, 7211
RANDER RICE, 5351
ETHAN B. RICH, 7477
HAROLD L. RICHARD, JR., 9413
CHRISTOPHER C. RICHARDSON, 2142
JAMES D. RICHARDSON, 3767
PAUL RICHARDSON, 7613
RENEE M. RICHARDSON, 9564
RUDY L. RIDENBAUGH, 9778
PETER A. RIDILLA, 2625
CURTIS B. RIEDEL, 4196
KEITH B. RIGGLE, 4949
*ROBERT J. RIGGLES, 6612
DANNY W. RILEY, 8696
PATRICIA M. RINALDI, 8887
RUBEN RIOS, 1761
RANDOLPH E. RIPLEY, 5145
DAVID G. RISCH, 8372
ALEXANDER K. RITSCHEL, 4428
TODD A. RITTER, 5391
KATHLEEN M. RIZZA, 4019
CHRISTOPHE F. ROACH, 8912
KARI W. ROBERSONHOWIE, 7692
JAMES E. ROBERTS, JR., 7505
*TONY R. ROBERTS, 8135
RANDALL D. ROBERTSON, 2612
CHANDRA L. ROBESON, 5383
PETER C. ROBICHAUX, 4488
*PANDOLLA ROBIN, 1766
CHARLES T. ROBINSON, 0466
DAVID T. ROBINSON, 6548
DIANE W. ROBINSON, 3831
*JOHN A. ROBINSON, 8672
JULIETTE ROBINSON, 2565
MICHAEL A. ROBINSON, 5552
NEIL W. ROBINSON, JR., 7924
ROGER E. ROBINSON, 8630
STANLEY K. ROBINSON, 8190
WILLIAM A. ROBINSON, JR., 8585
*JAMES E. RODRIGUEZ, 8068
*LUIS A. RODRIGUEZ, 6815
*JOHN K. ROGERS, 7236
ROBERT M. ROGERS, 1734
JOSEPH A. ROH, 2839
LUIS A. ROJAS, 4217
*KENNETH J. ROLLER, 6236
GREGORY E. ROLLINS, 5146
JOSEPH J. ROMERO, 4615
MICHAEL E. RONZA, 9520
EVA M. ROSADO, 8955
JOHN J. ROSCOE, 9209
DAVID J. ROSE, 3066
LEE W. ROSEN, 4556
RONALD L. ROSENKRANZ, 3152
GREGORY J. ROSENMERKEL, 4492
JAMES P. ROSS, 1747
SCOTT K. ROSS, 4836
*DETLEF H. ROST, JR., 6387
DOUGLAS F. ROTH, 2121
RICHARD P. ROTH, 7495
ROBERT B. ROTTSCHAFER, 8330
CHRISTOPHER E. ROUND, 4389
MICHAEL C. ROUSE, 3798
ANDERSON B. ROWAN, 0479
MICHAEL J. ROWE, 5256
RICHARD L. ROWE, JR., 8929
DAVID B. ROWLAND, 8404
THOMAS M. ROY, 4517
JAMES M. RUBUSH, 8108
GARY S. RUDMAN, 6976
CHRISTIAN M. RUEFER, 8649
BRIAN C. RUHM, 5077
RAMPHIS E. RUIZ, 9091
DAVID L. RUNDELL, 5628
LAUREN RUNGER, 8237
DANIEL H. RUNKLE, 3165
*DANIEL B. RUNYON, 8686
RALPH J. RUOCCO, 9335
JAMES M. RUPA, 8935
*DANIEL J. RUSH, 8746
CHE V. RUSSELL, 8193
ROY C. RUSSELL, 6724
PHILIP E. RUTLEDGE II, 7711
PATRICK G. RYAN, 1412
*REBECCA L. RYAN, 3724
STEPHEN M. RYAN, 6099
JON J. RYCHALSKI, 8928
JAMES RYPKEMA, 0629
JEAN M. SABIDO, 5567
*JOHN A. SADECKI, 7444
THOMAS G. SADLO, 8899
MARK P. SALANSKY, 8549
BIENVENIDA M. SALAZAR, 2923
JOHN C. SALENTINE, 2385
MATTHEW D. SAMBORA, 1208
ALBERTO C. SAMONTE, 3128
KIRK J. SAMPSON, 9898
MONTAGUE D. SAMUEL, 7109
JOHN J. SANCHEZ, 1707
PABLO A. SANCHEZ, 4212
DAVID P. SANCLEMENTE, 6148
ALBERT G. SANDERS, 8992
ELIA P. SANJUME, 1987
*J. EMMANUEL I. SANTATERESA, 4870
THOMAS A. SANTORO, JR., 5543
ROY C. SANTOS, 4583
MARK A. SARDELLI, 0507
PETER E. SARTINO, 3952
PETER A. SARTORI, 0050
TIMOTHY D. SARTZ, 8063
TODD M. SASAKI, 8658
JEFFREY A. SATTERFIELD, 3684
SHERRIE L. SAUNDERSGOLDSON, 3328
DUANE A. SAUVE, 4527
JEFFREY A. SAXTON, 2930
DARRYL F. SCARVER, 9162
DOUGLAS P. SCHAARE, 4296
DOROTHY RUTH SCHANZ, 4053
KEVIN D. SCHARFF, 7422
*RAFAEL A. SCHARRON, 6588
*CHRISTOPHER S. SCHARVEN, 1152
PAUL E. SCHERER, 6497
NICOLAUS A. SCHERMER, 4071
TIMOTHY K. SCHIMMING, 8124
CONSTANCE E. SCHLAEFER, 9136
DAVID J. SCHLUCKEBIER, 1745
JAMES G. SCHMEHIL, JR., 8098
ALLEN T. SCHMELZEL, 4841
GARRETT J. SCHMIDT, 4105
LISA A. SCHMIDT, 2103
MARK C. SCHMIDT, 7777
BRIAN A. SCHOOLEY, 2220
SUZET SCHREIER, 4567
ROBERT P. SCHROEDER, 6074
JOHANNA Q. SCHULTZ, 8400
TIMOTHY P. SCHULTZ, 8086
ROBERT J. SCHUTT, 1424
BERNARD SCHWARTZ, 9616
HEIDI H. T. SCHWENN, 7445
*KAREN L. SCLAFANI, 2636
ANNE MARIE SCOTT, 5485
ERIC C. SCOTT, 1619
HERBERT C. SCOTT, 4507
JAMES C. SCOTT, 0047
RONALD L. SCOTT, JR., 7725
TERRY SCOTT, 5240
JEFFREY E. SCUDDER, 9931
DOUGLAS B. SEAGRAVES, 9641
MALINDA K. SEAGRAVES, 4881
JOHN T. SEAMON, 2084
JAMES N. SEAWARD, 1786
ROBERT C. SELEMBO, 7092
MICHAEL A. SEMENOV, 7810
DANIEL M. SEMSEL, 4553
JAMES L. SENN, 3464
JAMES N. SERPA, 8957
KIMBERLY D. SEUFERT, 6290
CHAD R. SEVIGNY, 5675
JOSEPH A. SEXTON, 5186
JOHN K. SHAFER, 7755
MILHADO L. SHAFFER III, 5757
RAY A. SHANKLES, 8778
MICHAEL P. SHANNAHAN, 2766
BRETT D. SHARP, 3782
JEFFREY M. SHAW, 6890
ETHEL S. SHEARER, 7732
CHRISTINE J. SHEAROUSE, 5404
PERRY T. SHEAROUSE, 0324
*LISA C. SHEEHAN, 5190
BRYAN H. SHELBURN, 2998
MARIAN B. SHEPHERD, 6988
JOHN M. SHEPLEY, 0860
RYAN M. SHERCLIFFE, 8400
JEFFREY R. SHERK, 8052
GEORGE A. SHERMAN III, 1200
*BARBARA E. SHESTKO, 6958
JEREMIAH L. SHETLER, 9410
MICHAEL W. SHIELDS, 5204
FREDERICK R. SHINER, 5638
CHERRI L. SHIREMAN, 9547
WILLIAM T. SHEPHERD SHIRLEY, 1960
WILLIAM L. SHOPP, 7543
*ALAN T. SHORE, 3870
LAWRENCE M. SHOVELTON, 1335
CHARLES A. SHUMAKER, 5667
DALE G. SHYMKEWICH, 8303
CHARLES P. SIDERIUS, 4620
JOSEPH F. SIEDLARZ, 8410
LEANNE M. SIEDLARZ, 5900
PATRICK R. SILVIA, 1044
*THOMAS A. SILVIA, 0079
JOSEPH SIMILE, JR., 1043
RONALD J. SIMMONS, 2315
ROBERT V. SIMPSON, 8608
*WILLIAM T. SINGER, 1000
NAVNIT K. SINGH, 9077
JAMES M. SIRES, 6916
JAMES B. SISLER, 0888
RICHARD A. P. SISON, 4821
LOUANN SITES, 8408
JOHN H. SITTON, 8195
JONATHAN L. SKAVDAHL, 9447
DAVID W. SKOWRON, 8057
MICHAEL L. SLOJKOWSKI, 7301
GREGORY L. SLOVER, 2117
ROBERT L. SLUGA, 1574
THOMAS E. SLUSHER, 7492
KALWANT S. SMAGH, 1812
KENNETH SMALLS, 5545
MARK P. SMEKRUD, 7324
DOUGLAS S. SMELLIE, 7006
BETTY M. SMITH, 1299
CHRISTOPHER AVERY SMITH, 3164
CORNELL SMITH, 6702
DAVID A. SMITH, 6876
DAVID GILMAN SMITH, 1811
DIRK D. SMITH, 4850
DORRISS E. SMITH, 7413
DOUGLAS R. SMITH, 0935
GEORGE T. SMITH III, 1513
GLENN P. SMITH, 8786
GREGORY A. SMITH, 7260
KENDA C. SMITH, 8831
*PAUL F. SMITH, 7970
RANDELL P. SMITH, 8563
*RICKY L. SMITH, 0869
SANDRA K. SMITH, 3758
SCOTT T. SMITH, 6514
THOMAS J. SMITH, 3869
VERNETT SMITH, 1079
CRAIG A. SMYSER, 4935
*DAVID ROBERT SNYDER, 9651
RICHARD H. SOBOTTKA, 7761
CLARK M. SODERSTEN, 9901
JAMES P. SOLTI, 6740
NEBOJSA SOLUNAC, 6720
EDWARD D. SOMMERS, 0977
DWIGHT C. SONES, 9945
MAURO D. SONGCUAN, JR., 9659
DAVID M. SONNTAG, 1094
JOHN G. SOPER, 2918
*PETER A. SORENSEN, 8256
EVA CHRISTINE SORROW, 0092
SEAN M. SOUTHWORTH, 0408
DAVID M. SOWDERS, 8958
ROBERT L. SOWERS II, 2916
MICHAEL J. SPANGLER, 5889
MILTON C. SPANGLER II, 2069
THOMAS E. SPARACO, 6471
*VANCE HUDSON SPATH, 9259
JONATHAN R. SPECHT, 8072
CALVIN B. SPEIGHT, 7151
TANGELA D. SPENCER, 1667
JAMES A. SPERL, 8092
CARLA M. SPIKOWSKI, 4303
HAROLD S. SPINDLER, 1000
ANDREW D. SPIRES, 8171
ERIC K. SPITTLE, 2168
ROBERT A. SPITZNAGEL, 0948
SAMUEL L. SPOONER III, 3823
SHARON L. SPRADLING, 7251
*WONSOOK S. SPRAGUE, 7282
STEPHEN L. SPURLIN, 4419
RAYMOND W. STAATS, 8738
JOHN J. STACHNIK, 5864
STANLEY STAFIRA, 1311
EDWARD C. STALKER, 9546
ALINE M. STAMOUR, 5485
GEORGE L. STAMPER, JR., 7230
CARL M. STANDIFER, 7878
BRIAN K. STANDLEY, 8217
MARIA STANEK, 4696
CLIFFORD B. STANSELL, 8606
MICHAEL P. STAPLETON, 6919
STEVEN H. STATER, 7376
GREGORY C. STAUDENMAIER, 1088
*DAWN M. STAVE, 3641
SHERRY L. STEARNS, 5566
JOHN H. STEELE, 8704
JENNIFER E. STEFANOVICH, 9965
*ETHAN A. STEIN, 1293
JOHN C. STEINAUER, 4712
CINDY D. STEPHENS, 4473
JAMES R. STEPHENS, JR., 0024
TIMOTHY M. STEPHENS, 4163
JAY C. STEUCK, 5631
ALAN C. STEWART, 4738
JEFFREY P. STEWART, 4339
KEVIN STEWART, 1382
DAVID R. STIMAC, 2631
HENRY E. E STISH, 2165
CHARLES G. STITT, 0675
STEPHEN J. STOECKER, 9978
PATRICK J. STOFFEL, 6307
RODNEY J. STOKES, 0113
*SCOTT E. STOLTZ, 6233
CRISTINA M. STONE, 7697
ELMER C. STONE, JR., 4345
JAY M. STONE, 7258
*JOHN A. STONE, 8164
*CHRISTOPHER K. STONER, 6039
SHARION L. STONEULRICH, 2516
DOUGLAS C. STORR, 9358
PAUL S. STORY, 2124
*JULIA G. STOSHAK, 9302
ANGELA G. STOUT, 9008
NAOMI E. STRANO, 0726
CHRISTOPHER J. STRATTON, 6445
DANIEL E. STRICKER, 4355
ROBERT STRIGLIO, 3370
DANA E. STRUCKMAN, 9496
NELSON R. STURDIVANT, 2193
JAIME E. SUAREZ, 8736
CHARLES S. SUFFRIDGE, 9153
PATRICK T. SULLIVAN, 7422
SCOTT A. SULLIVAN, 0433
BEVERLY J. SUMMERS, 7698
LUTHER W. SURRATT II, 5611
CHRISTOPHER S. SVEHLAK, 3547
PETER F. SVOBODA, 2581
DEVIN P. SWALLOW, 7338

MICHAEL W. SWANN, 0726
RUSSELL L. SWART, 4526
BRUCE A. SWAYNE, 7525
BRYAN E. SWECKER, 1906
*JOHN G. SWEENEY, 5212
ROBERT J. SWEET, 7296
RICHARD W. SWEETEN, 5006
VIRGINIA G. SWENTKOFSKE, 3392
JOHN B. SWISHER, 1506
ELIZABETH A. SYDOW, 5850
JEFFREY P. SZCZEPANIK, 4100
STEVEN F. SZEWCZAK, 9494
DENISE M. TABARY, 1883
SCOTT D. TABOR, 2885
BRUCE A. TAGG, 2339
JON T. TANNER, 2329
MOLLY L. TATARKA, 2578
JAMES S. TATE, 0343
KYLE F. TAYLOR, 6214
ROBERT K. TAYLOR, 5737
STEPHEN W. TAYLOR, 7940
STEVEN M. TAYLOR, 4078
TIMOTHY S. TAYLOR, 9110
STEPHANIE M. TEAGUE, 4349
DAVID B. TEAL, 6089
ALVARO L. TEENEY, 8137
RAYMOND J. TEGTMEYER, 9026
KEITH J. TEISTER, 8850
TAMMY R. TENACE, 6256
JOHN M. TENAGLIA, 6477
CURTIS G. TENNEY, 9866
TED M. TENNISON, 2664
MICHAEL J. TERNEUS, 6591
MARK D. TERRY, 0833
ROYCE M. TERRY, 4592
NEAL A. THAGARD, 2257
DOUGLAS G. THAYER, 4604
PAUL T. THEISEN, 9300
SCOTT D. THIELEN, 7272
BEN M. THIELHORN, 3483
JAMES C. THOMAS, 7038
JEFFERY L. THOMAS, 8440
JONATHAN W. THOMAS, 5680
WILLIAM C. THOMAS, 6741
CHARITY J. THOMASOS, 0257
BRADLEY P. THOMPSON, 8543
MICHAEL E. THOMPSON, 6456
ANDREW A. THORBURN, 4536
*RICHARD H. THORNELL, 7528
MICHAEL THORNTON, 7327
SHARON D. THUROW, 0539
KARI A. THYNE, 6945
*PERRY D. TILLMAN, 1101
JEFFREY M. TODD, 9713
STEVEN M. TODD, 6806
PATRICK M. TOM, 1666
KEVIN S. TOMB, 7138
KEVIN C. TOMPKINS, 8937
KEITH R. TONNIES, 1516
TIMOTHY K. TOOMEY, 8621
ALEXANDER V. FR TORRES, 2457
*CARLOS A. TORRES, 7705
ROBERT P. TOTH, 2829
STEPHEN J. TOTH, 4890
SUSAN A. TOUPS, 6442
ADDISON P. TOWER, 5493
JOEL B. TOWER, 7745
NELSON TOY, 8084
REBECCA A. TRACTON, 2896
DEE A. TRACY, 3400
HAI N. TRAN, 5206
GARY S. TRAUTMANN, 6582
SCOTT L. TRAXLER, 5848
TIMOTHY TREFTS, 7387
MARVIN H. TREU, 5678
CHERYL SCHARNELL TROCK, 8939
SANDRA K. TROEBER, 8058
HUGH M. TROUT, 5528
THOMAS J. TRUMBULL II, 2310
KENNETH C. TUCKER, 8691
ZENA A. TUCKER, 8290
*STEPHEN B. TUELLER, 2338
BARBARA A. TUITELE, 1275
KIP B. TURAIN, 6153
JOSEPH J. TURK, JR., 2998
SUSAN L. TURLEY, 0908
BRYAN K. TURNER, 9073
GREGARY S. TURNER, 6874
MICHAEL G. TURTURRO, 6981
LINDA M. TUTKO, 0040
RICHARD L. TUTKO, 0375
JAMES H. TWEET, 0939
SCOTT S. TYLER, 1094
WILLIAM R. TYRA, 3554
CHRISTINE S. UEBEL, 3478
*THOMAS R. UISELT, 4042
JAMES C. ULMAN, 4682
KEVIN R. UMBAUGH, 2427
*MICHAEL UPDIKE, 1646
DANIEL URIBE, 3430
GEORGE A. URIBE, 5076
DAVID J. USELMAN, 9341
AMY L. VAFLOR, 1454
GREG A. VALDEZ, 0487
VICENTE V. VALENTI, 7718
REBECCA M. VALLEJO, 3853
PAUL J. VALLEY, 8025
*BEMMELEN TROY A. VAN, 6434
HOOK RICHARD B. VAN, 4404
*JEFFERY A. VANCE, 7584
ROBERT M. VANCE, 3180
EDWARD J. VANGHEEM, 1096
KERRY VANORDEN, 0222
JOSEPH L. VARUOLO, 9574
CRISTOS VASILAS, 0324
GLENN M. VAUGHAN, 5655
SCOTT E. VAUGHN, 2042
WADE H. VAUGHT, 7198
*RAMON A. VELEZ, 3761
DANGE GERALD J. VEN, 5814
JOHN E. VENABLE, 4866
ANTONIOS G. VENGEL, 3515
DELORIES M. VERRETT, 6807
DAVID F. VICKER, 4396
PAUL E. VIED II, 1466
DARREN R. VIGEN, 8431
SCOTT D. VILTER, 5826
*KEITH E. VINZANT, 3876
DEAN C. VITALE, 2909
LEAMON K. VIVEROS, 8749
KEVIN M. VLCEK, 4613
DAVID A. VOELKER, 6520
CYLYSCE D. VOGELSANGWATSON, 8757
KARL W. VONLUHRTE, 7956
JAY C. VOSS, 9435
SUSAN M. VOSS, 4942
DARLENE E. WADE, 0225
ROBERT L. WADE, JR., 0689
JOHN G. WAGGONER, 4499
GARY F. WAGNER, 0171
JOHN A. WAGNER, 5210
THOMAS E. WAHL, 1673
DUNKIN E. WALKER, 4024
*EVA D. WALKER, 3878
SCOTTY L. WALKER, 7219
THOMAS B. WALKER, JR., 4253
*WESTON H. WALKER, 4533
EUGENE J.J. WALL, JR., 4685
BRIAN T. WALLACE, 7407
RICHARD E. WALLACE, 3461
GERALD W. WALLER, 1118
JASON W. WALLS, 4392
MITCHELL D. WALROD, 6169
*CATHERINE L. WALTER, 0905
KENNETH A. WALTERS, 6885
TODD P. WALTON, 1483
BUI T. WANDS, 0105
BENJAMIN F. WARD, 5843
DALE A. WARD, 2955
KEVIN D. WARD, 5726
WALTER H. WARD, JR., 3530
GEORGE H.V. WARING, 6334
PETER H. WARNER, 9153
RUSSELL M. WARNER, 3805
TIMOTHY S. WARNER, 8642
BRIAN L. WARRICK, 9107
MARY E. WARWICK, 4280
JOHN A. WARZINSKI, 9791
*ANGELA D. WASHINGTON, 0065
HARRY W. WASHINGTON, JR., 2428
JOSEPH M. WASSEL, 9443
KERVIN J. WATERMAN, 7767
LARRY K. WATERS, 6116
JAMES N. WATRY, 4934
LEANNE M. WATRY, 1281
CHRISTINA L. WATSON, 9822
DON R. WATSON, JR., 1703
*JOHN K. WATSON, 1538
NINA A. WATSON, 0492
RICHARD A. WATSON, 5520
ROBERT O. WATT, 7885
MICHAEL K. WEBB, 3991
TIMOTHY S. WEBB, 1517
ERNEST P. WEBER, 3958
ROBERT J. WEBER, 0371
DOROTHY A. WEEKS, 6540
HAL J. WEIDMAN, 7439
JERRY A. WEIHE, 3916
JEFFERY D. WEIR, 5105
*JOHN K. WEIS, 3887
KATHLEEN A. WELCH, 4596
CLAY E. WELLS, 3493
CAROL P. WELSCH, 8459
*ROGER M. WELSH, 7271
NEIL D. WENTZ, 7620
KRISTA K. WENZEL, 5777
ELIZABETH A. WEST, 3437
OTIS K. WEST, 5007
DANIEL H. WESTBROOK, 9448
BEATRIZ WESTMORELAND, 1673
RALPH D. WESTMORELAND, 1929
GREGORY G. WEYDERT, 5574
JEFFERY C. WHARTON, 5579
ROBERT L. WHITAKER, 0253
JEFFREY M. WHITE, 5251
MARK H. WHITE, 0232
MICHAEL I. WHITE, 7649
RANDALL L. WHITE, 1592
TIMOTHY M. WHITE, 2424
MARY M. WHITEHEAD, 3507
RONALD J. WHITTLE, 6148
JAMES D. WHITWORTH, 7528
*WILSON W. WICKISER, JR., 8502
ROBERT WILLIAM WIDO, JR., 6164
JEFFREY L. WIESE, 2753
GLEN M. WIGGY, 3321
HOLLY R. WIGHT, 1294
JOHN L. WILKERSON, 4396
KIRK D. WILLBURGER, 2363
DAVID R. WILLE, 0902
APRIL Y. WILLIAMS, 8829
CARL J. WILLIAMS, 1778
CARY M. WILLIAMS, 4221
DOUGLAS A. WILLIAMS, 3869
GREGORY A. WILLIAMS, 1432
GREGORY S. WILLIAMS, 8513
MICHAEL R. WILLIAMS, 9640
NANCY J. WILLIAMS, 5687
NANCY T. WILLIAMS, 3704
NANETTE M. WILLIAMS, 7460
PATRICK J. WILLIAMS, 9611
PAUL E. WILLIAMS, 3385
PAUL R. WILLIAMS, 7079
THOMAS M. WILLIAMS, 8082
TIMOTHY L. WILLIAMS, 4937
*ANNETTE J. WILLIAMSON, 5595
SHERI L. WILLIAMSON, 7069
ERIC E. WILLINGHAM, 7868
ADAM B. WILLIS, 5348
ANTHONY W. WILLIS, 5830
TRAVIS A. WILLIS, JR., 3605
CHRISTOPHER A.D. WILLISTON, 5388
STEWART S. WILLITS, 6771
CEDRIC N. WILSON, 9790
DARRYL L. WILSON, 5169
DONALD R. WILSON, 8292
DWAYNE L. WILSON, 5446
GREGORY WILSON, 0126
JANET L. WILSON, 6370
JOEL L. WILSON, 1510
KAREN G. WILSON, 8192
KELLY D. WILSON, 9065
MARTY E. WILSON, 2226
TIMOTHY D. WILSON, 9289
VAN A. WIMMER, JR., 1756
MARTIN G. WINKLER, 7129
MARYELLEN M. WINKLER, 7161
MATTHEW R. WINKLER, 4907
BRAD S. WINTERTON, 3858
DUDLEY C. WIREMAN, 5336
DAVID B. WISE, 3623
DOUGLAS P. WISE, 8729
JAMES H. WISE, 3428
COLLEEN M. WISEVANNATTA, 5799
*CHARLES F. WISNIEWSKI, 8885
*BRIAN E. WITHROW, 1555
SCOTT J. WITTE, 7811
JULIE A. WITTKOFF, 3973
JOEL L. WITZEL, 4799
JEFFREY S. WOHLFORD, 9921
*TERRI S. WOMACK, 4559
DEANNA C. WON, 8490
GRAND F. WONG, 6748
*KEVIN K.Y. WONG, 7059
*THERESA G. WOOD, 4027
TIMOTHY S. WOOD, 7899
NEIL E. WOODS, 4017
VINCENT G. WOODS, 3290
LARRY D. WORLEY, JR., 7746
MICHAEL A. WORMLEY, 4375
NORMAN M. WORTHEN, 7091
BARBARA L. WRIGHT, 3499
EDDY R. WRIGHT, 7283
EDWARD K. WRIGHT, JR., 5411
*JOEL C. WRIGHT, 0037
*NATASHA V. WROBEL, 7837
JOHN R. WROCKLOFF, 4115
DANIEL M. WUCHENICH, 7897
CHRISTIE M. WYATT, 8077
MARK P. WYROSDICK, 3238
JULIE ANN WYZYWANY, 4552
JASON R. XIQUES, 4864
JOSEPH M. YANKOVICH, JR., 3982
ANCEL B. YARBROUGH II, 3292
TAMARA YASELSKY, 2497
JEFFREY H.L. YEE, 9753
JEFFREY K. YEVCAK, 1051
BRIAN B. YOO, 8301
JOHN P. YORK, 0946
DAVID A. YOUNG, 0994
JANE C. YOUNG, 8709
RICHARD R. YOUNG, 3858
WILLIAM G. YOUNG, 3042
RAMONA D. YOUNGHANSE, 1120
RITA R. YOUSEF, 3354
LING YUNG, 1881
*WILLIAM Z. ZECK, 6402
GREGORY S ZEHNER, 3513
ELIZABETH A. ZEIGER, 3700
WILLIAM E. ZERKLE, 4593
*STEPHEN T. ZIADIE, 1384
*JAMES D. ZIMMERMAN, 1776
THOMAS ZUPANCICH, 7071
STEVEN R. ZWICKER, 8162

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

HARRY B. AXSON, JR., 8396
GUY M. BOURN, 3022
RONALD L. BURGESS, JR., 2986
REMO BUTLER, 3143
WILLIAM B. CALDWELL IV, 8600
RANDAL R. CASTRO, 5962
STEPHEN J. CURRY, 1664
ROBERT L. DECKER, 3601
ANN E. DUNWOODY, 4139
WILLIAM C. FEYK, 7754
LESLIE L. FULLER, 0504
DAVID F. GROSS, 0065
EDWARD M. HARRINGTON, 9537
KEITH M. HUBER, 0101
GALEN B. JACKMAN, 4626
JEROME JOHNSON, 6280
RONALD L. JOHNSON, 8452
JOHN F. KIMMONS, 1861
WILLIAM M. LENAERS, 8865
TIMOTHY D. LIVSEY, 9286
JAMES A. MARKS, 6071
MICHAEL R. MAZZUCCHI, 4315
STANLEY A. MC CHRYSTAL, 3565
DAVID F. MELCHER, 8170
DENNIS C. MORAN, 4584
ROGER NADEAU, 8893
CRAIG A. PETERSON, 3114
JAMES H. PILLSBURY, 8970
GREGORY J. PREMO, 5029
KENNETH J. QUINLAN, JR., 0015
FRED D. ROBINSON, JR., 0142
JAMES E. SIMMONS, 7320
STEPHEN M. SPEAKES, 9036
EDGAR E. STANTON III, 8742
RANDAL M. TIESZEN, 5163
BENNIE E. WILLIAMS, 1311
JOHN A. YINGLING, 0713

HOUSE OF REPRESENTATIVES—*Thursday, June 10, 1999*

The House met at 10 a.m.

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray. Of all our prayers that ring with fervor and intensity, our prayers for peace come from the depths of our hearts and souls. O gracious God, from whom all blessings flow, we earnestly pray for peace in our world so that people will live without threats or fear and know the gifts of security and freedom. Our prayers of thanksgiving and appreciation are with all those people who have used their abilities and responsibilities to promote safety and accord. May Your Spirit, O God, encourage us to do the works of reconciliation, for Your Wsord assures us that the peacemaker shall be called blessed. In Your Name we pray. Amen.

THE JOURNAL

The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REREFERRAL OF H.R. 915, AUTHORIZING COST OF LIVING ADJUSTMENT IN PAY OF ADMINISTRATIVE LAW JUDGES

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from consideration of the bill (H.R. 915) to authorize a cost of living adjustment in the pay of administrative law judges, and that the bill be rereferred to the Committee on Government Reform.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 1-minutes on each side.

A COP KILLER FOR COMMENCEMENT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, Evergreen State College is having a convicted cop killer, Mumia Abu-Jamal, as their commencement speaker this year. This outrage is as sad as it is maddening.

America wonders why there are shootings in schools. Well, irresponsible institutions making celebrities out of killers are part of the problem.

In our mixed-up times, heroes are often made for the wrong reasons. The real hero in this case is the police officer who was shot in the back while doing his duty. Yet the twisted radicals in the ivory tower give the spotlight to his murderer while refusing the officer's widow time to speak.

At this time, Mr. Speaker, I would like to take a moment of silence to protest this outrage to honor Officer Faulkner and to give sympathy to the real hero's wife, Maureen.

KOSOVO POLICY WORKED

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Madam Speaker, we woke up this morning with news reports that the first Serb forces in Kosovo are finally being withdrawn. The policy is working, so let us give credit where credit is due. It was because of the perseverance and unity of all 19 democratic nations of NATO that finally got Milosevic to capitulate and stop the atrocities in Kosovo.

Let us hope we are at the dawn of a new era, of peace in the Balkans, a peace that will see the removal of Milosevic from power, true democratic reforms take place, the eventual inclusion of the Balkan countries in the European Union and perhaps even NATO someday.

A foolish speculation? An idle dream? I do not think so. Who amongst us could have predicted that within 10 short years some of the most repressive communist regimes in Central Europe would today be flourishing democracies, members of the European Union, and even members of NATO itself?

I do believe that the historical trends sweeping across Europe today are on our side in this endeavor. Now comes the difficult task of enforcing the peace. My thoughts and prayers are with our young men and women in American uniform who are being called upon once again in the 20th century to restore the peace and humanity on the Statement of Europe.

SALUTE TO MARK MARSHALL, CARSON CITY SHERIFF'S DEPARTMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, as Congress prepares to debate the juvenile crime legislation next week, I would like to highlight the extraordinary efforts of an individual in the State of Nevada.

Mark Marshall, of the Carson City Sheriff's Department, was honored this week by the Carson City International Rotary Club as Law Enforcement Officer of the year because he established a proactive campaign of gang suppression for the city and the Sheriff's Department. These results have been recognized nationwide and have greatly benefited the troubled youths in the area.

As a Vietnam veteran, he courageously served his country overseas and now serves the people back home in the State of Nevada. In an era where brainstorming runs rampant on how to curb gang violence, Mark has stepped to the forefront to take on this difficult task.

His nearly 15 years of service to the people of Carson City has earned him this prestigious award. Along with his colleagues and the public he serves, I extend my best wishes and congratulations to this fine peace officer, his wife, Jennifer, and their two daughters, Elizabeth and Sarah.

Mark, we are all proud of your accomplishments.

KOSOVO PEACE AGREEMENT IS FRAGILE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, I hope for the best, but this peace agreement seems very fragile. After rape, murder, and genocide, no simple piece of paper will stop the war in Yugoslavia.

Ethnic Albanians did not fight and die for autonomy or self-rule. Neither

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

did George Washington, Congress. But, for sure, ethnic Albanians did not die for the right to live in a suburb of Belgrade.

Congress was warned in 1986 that without freedom for Kosovo, there will be no long-lasting peace in the region. I say, "Free Kosovo, protect a sovereign border, or there will be no long-lasting peace."

SALUTE TO CUBAN PATRIOTS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, this past Monday scores of Cuban dissidents began a hunger strike in Havana to protest the 40 years of oppression that their countrymen have been subjected to under the tyrannical rule of Fidel Castro.

Dr. Oscar Elias Biscet, one of the organizers of this public protest has said that the goal of the hunger strikers is to draw attention to the numerous violations of human rights in Cuba and to ask for freedom for all of the political prisoners.

Their courageous defiance of the Cuban tyrant is heroic, and once again attracts worldwide attention to Castro's deplorable human rights record.

Because we pride ourselves in being the land of the free and the home of the brave, we must applaud the efforts of these patriots who are peacefully trying to bring liberty to their enslaved homeland.

I ask my colleagues in Congress to send the opposition inside of Cuba the clear message that we stand in solidarity with them and that we will do our part to help bring freedom and democracy to the 11 million presently shackled in the island nation.

SUCCESSFUL TEST FOR THAAD

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Madam Speaker, at 7:20 a.m. this morning THAAD intercepted a Hera target at the White Sands Missile Range, New Mexico. Like a bullet hitting a bullet, the THAAD missile had a direct hit on the target.

Although there have been difficulties along the way for this program, the THAAD team has accomplished one of the most technologically challenging feats ever attempted. Significantly, this morning's test is the first time that THAAD has been able to make it to the end game, and I want to stress that it worked, the technology works.

Previous tests were plagued with low-tech failures that did not allow the THAAD missile to reach the end game to attempt the intercept. In conjunction with the PAC III that hit on March 15, this proves that hit-to-kill technology can work.

We must remain mindful, however, that THAAD and other missile defense systems are still at the R&D stage. There still could be more failures. But we must remain supportive of these systems.

I want to congratulate the United States Army, especially the soldiers at Fort Bliss in White Sands, and all of the employees at White Sands Missile Range. I also want to congratulate the Ballistic Missile Defense Organization and THAAD contractors for this great success.

Madam Speaker, this is an important and momentous day for national missile defense but, ultimately, for the defense of our troops in deployed areas throughout the world.

SUPPORT FOR EFFORTS OF CUBAN INTERNAL OPPOSITION

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Madam Speaker, a message to Dr. Oscar Elias Biscet, Dr. Leonel Morejon Almagro, William Herrera Diaz, Marco Lazaro Torres, and Rolando Munoz, and the scores of others who have joined throughout the island of Cuba 3 days ago in protest to reject the violation of human rights and demand democracy for the Cuban people:

We are with you. We will continue with you. You have our support, our solidarity, like all of the heroic political prisoners in Cuba; such as Vladimiro Roca, Marta Beatriz Roque, Feliz Bonne, Rene Gomez Manzano, Jorge Luis Garcia Perez Antunez, Maritza Lugo, Rafael Ybarra Roque, and the thousands of others.

And, Madam Speaker, I am still waiting to see the first time when someone in this body who advocates trade and tourism for Castro comes down here and advocates freedom for the thousands of Cuban political prisoners.

CONGRATULATIONS ON VICTORY IN KOSOVO

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, God bless our United States troops and God bless them for the victory that we have obtained in the conflict in Kosovo.

When I went to the Macedonian refugee camps just a couple of weeks ago, every man, woman and child, every elderly person pleaded with me, let us go back home.

And although we must be cautious now that Serbian troops are on their way out, now we will have, with our NATO allies, peacekeeping troops. Congratulations Mr. Clinton. There is no shame in acknowledging when the United States is unified we can do good for the world.

Congratulations to Sandy Berger. It is time now for us to stand united in an effort to make sure that peace maintains and the Kosovo refugees go back.

Finally, Madam Speaker, I will introduce today the Legal Amnesty Restoration Act of 1999, because we have 350,000 refugees in the United States who have not been able to apply for their citizenship; people from all over the world, taxpaying people who have been able to provide for this Nation. It is a shame and a travesty. I hope my colleagues will vote for the Legal Amnesty Restoration Act of 1999.

CHILD SURVIVAL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, around the world today there are daughters and sons of many nations whose lives are at stake. Why? In large part because our Nation has sought to impose our own population control ideas on other countries whose most pressing needs are for basic nutrition and health care.

☐ 1015

Children in these countries are dying. Yet, an increased push for population control has come at the expense of saving the lives of little children.

A Kenyan doctor makes this point, and I quote. He says, "Our health sector is collapsed. Thousands of Kenyan people will die of malaria whose treatment costs a few cents in health facilities, whose stores are stacked to the roof with millions of dollars' worth of pills, IUDs, Norplant, Depo-provera, most of which are supplied with American tax money."

When a mother brought a child with pneumonia to this doctor, he had no penicillin to give the child. All he had were cases upon cases of contraceptives.

Madam Speaker, let us respond to the true health needs of these people, the needs of life and death. Join in transferring at least a portion of the population control funds to what we know works, child survival. Join in cosponsoring the Save the Children Act.

MONEY TALKS ON CAPITOL HILL

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Madam Speaker, there is no doubt about it, money talks on Capitol Hill. And for the Republican leadership, no money talks louder than gun money.

The National Rifle Association has been the largest political donor to Members of Congress throughout the decade. In fact, the NRA soft money contributions to the Republican Party grew exponentially when the Republicans took over the House in 1994.

So it should come as a surprise to absolutely no one that the Republican leadership turned to the NRA to write their so-called "gun control" legislation, a proposal that is rife with loopholes.

The truth of the matter is that big money talks louder than kids' lives on Capitol Hill. Enormous soft money contributions have blinded the Republican leadership to 13 children who die every day in America in gun-related violence.

Let us stop the madness. Let us start saving our children's lives by passing real gun control legislation, and let us pass campaign finance reform to cut the ties between gun money and Congress once and for all.

AMERICANS WANT REAL PROBLEMS ATTACKED IN CONGRESS, NOT BOGUS ISSUES

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Madam Speaker, we can hear it already. It is, bash the special interest groups, bash the grass-roots organizations out there, and avoid the real issue.

Unfortunately for the other side, and fortunately for real America out there, the American people know otherwise. The other side, in support of their gun control antics, frequently throw poll numbers around. Well, they do not tell, as usual, the rest of the story.

For example, the CNN–USA Today poll recently found that only 4 percent of Americans believe that guns were to blame for the tragic shooting at Columbine High School. By contrast, that same poll found, and these folks over here will never tell us that, that nearly 60 percent of the American people put the blame on family breakdown, mental problems, and lack of morals, not on guns.

That is what we ought to be addressing. That is what we are not addressing.

Big-city mayors are in there with them. They are saying, let us go after firearms manufacturers and put thousands of people out of jobs. That will solve the problems in our society. Wrong again. And the American people know it is wrong. They will not support that sort of big government, big litigation.

What they support are the honest proposals that will be before this House, hopefully will be before this House, to attack the real problems, not the bogus issues that we just heard from the other side.

LET US KEEP GUNS OUT OF HANDS OF CHILDREN

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. ROTHMAN. Madam Speaker, I am a Democrat who believes in the Second Amendment right to bear arms, but a Democrat who believes that we need gun control to keep guns out of the hands of our children.

There are plenty of causes of the violence in Littleton and in Georgia: parental neglect, teacher neglect, those young people who fired those weapons and committed those crimes, violence, sadistic and cruel videos and movies, and video games. But the number one culprit is the guns that the kids use to kill the other kids.

Some people say we cannot do two things at once in America, we cannot enjoy the right to bear arms and go hunting and use our guns lawfully and at the same time enact laws to keep guns out of the hands of 12- and 14-year-olds.

They are wrong. They underestimate the intelligence and ability of Americans to do two important things at once, recognize our right to bear arms, but protect our children.

The Republican leadership must stop its efforts to water down and delay reasonable, common-sense gun control that keeps guns out of the hands of our children.

I urge my Republican colleagues to get their leadership to allow reasonable, common-sense gun control to be passed in this House.

FISH AND WILDLIFE MITIGATING ONGOING SAFETY PROGRAMS REQUIRED BY FAA

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Madam Speaker, on May 26, 1999, the City Manager of Corona testified that the City of Corona has been forced by the Fish and Wildlife Service to buy new land for mitigation in order to maintain and operate existing levees, flood control, streets, parks, and airport protection zones, which means clearing out trees in front of the runway that have been there for over 30 years and continually maintained.

That is right, Madam Speaker, Fish and Wildlife wants to mitigate for ongoing safety programs required by the FAA.

All of the mitigation required by Fish and Wildlife on this project were for existing projects, not for new ones. However, Fish and Wildlife Director Jamie Clark stated in that same hearing that requiring retroactive mitigation is not allowed.

Today I will introduce legislation that would prohibit retroactive mitigation for impacts that have occurred in the past. This is just common-sense legislation.

GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, 2 weeks ago the other body passed a modest gun safety package to keep guns out of the hands of kids and of criminals. They did the right thing. Now it is our turn to do the right thing.

But instead of doing the right thing, the Republican leadership in this House is playing games with gun safety. We now have a gun safety bill that has been written by the National Rifle Association. Instead of closing the gun show loophole to allow criminal background checks at gun shows, the NRA opens that loophole wider.

Background checks work. I would refer my colleagues to a study released in this morning's USA Today that says, "The instant background check might be the most effective piece of gun legislation ever."

The NRA says that we do not need new gun safety to protect kids and that the Justice Department has failed to do its job. Wrong again. This new study shows that gun laws are enforced more vigorously today than 5 years ago, prosecutions are up, and crime is down.

Gun legislation we passed in 1994 is working. We did the right thing then. Let us do the right thing now for our children and for families in this country.

CHINO BASIN DAIRIES

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY MILLER of California. Madam Speaker, I would like to commend the House for passing H.R. 1906, the Fiscal Year 2000 Agriculture Appropriations bill.

One of the bill's provision contains an earmark of $99 million for watershed and flood prevention operations. This is highly important to the dairy producers of my district, primarily located in Chino and Ontario, California.

As a result of the up-slope urbanization, the Chino Basin dairies, which are comprised of 270 dairies and 350 cows, have experienced increased flooding. This flooding washes manure and other water into the Santa Ana River, which is the source of drinking water downstream for 2½ million people.

Report language contained in H.R. 1906 identifies the Chino dairy preserves as an important project. Madam Speaker, this is one of the many steps which I hope the House will continue to take in resolving this tremendous problem.

COX REPORT PUTS BOMBSHELLS ON PUBLIC RECORD

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, the recent release of the Cox report on the Chinese espionage at our nuclear laboratories has put on the public record a number of bombshells.

The crown jewel of our nuclear arsenal, design of the W–88 warhead, has been stolen by the Chinese Communists. Even more amazing is that nothing was done about it after it was discovered in 1995.

Chinese Communist penetration of our nuclear secrets is almost total.

The response from the White House? "Everybody does it" and "Let's not overreact."

I can hardly imagine how one could possibly say, "Let's not overreact." What could possibly be worse than losing the single most valuable nuclear secret we have? And as for the everybody-does-it defense when confronted by scandal, the charge is false. It is a lie.

President Ronald Reagan did not arm China with our best military technology, and President Reagan did not silence anyone inside the executive branch who dared challenge this policy. But this is exactly what has happened during this administration.

DEMOCRATS PROPOSE TO RAISE OUR TAXES, LOWER OUR DEFENSES

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, raise our taxes and lower our defenses. That is what the top Democrat in the House just proposed the other day.

What must other Democrats be saying privately about the statement made by the gentleman from Missouri (Mr. RICHARD GEPHARDT), the minority leader, about his desire to cut defenses and raise taxes?

Most of them quietly agree with the Democrat leader, but they also know that politically it would be difficult to express out loud their belief that taxes are not high enough, that middle-class families should endure the tax-and-spend policies of liberal Democrats.

Perhaps they are applauding their leader's courage for standing up for what they believe, a smaller defense and greater taxes. But it seems many of them are also nervous.

What if Americans learn that Democrats still stand for the 1960's style liberalism of even bigger government, ever higher taxes, and less freedom for individuals?

This is a truly fascinating case in American politics today. Right now in Congress, Democrats stand in the way of a Republican tax cut. And now Democrats have made public their plans to lower our defenses and raise our taxes.

KOLBE-STENHOLM SOCIAL SECURITY PLAN ON WOMEN

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Madam Speaker, my colleague the gentleman from Texas (Mr. CHARLIE STENHOLM) and I have introduced a comprehensive Social Security reform legislation, H.R. 1793, and I want to talk today about some of the provisions that are in this bill. Today, I want to concentrate on those dealing with women.

Our bill contains a minimum benefit provision that would provide a more robust benefit than afforded by the current system. For an individual who works 40 years, we guarantee them a Social Security benefit equal to 100 percent of the poverty level. And as a result of that provision alone, 50 percent of women will get more retirement benefits under the Kolbe-Stenholm plan than under current law.

Our plan also allows workers to contribute an additional $2,000 per year into their personal account. Women expected to take time off to raise children can make voluntary contributions both before and after their hiatus to catch up. For women who earn less than $30,000, the Kolbe-Stenholm plan provides a savings subsidy for up to $600 per year.

One of the reasons our bill is better for women is the changing nature of divorce. Not only has the divorce rate skyrocketed, but marriages are not lasting as long and more and more women are not remarrying. Consequently, more and more women are heading into retirement alone without the benefit of a spouse's Social Security income.

As more women are raising children alone, working in lower-paying jobs, or not remarrying after divorce, the minimum benefit provision, the ability to catch up for lost years and the savings subsidy will do more to lift those women out of poverty.

NATO HAS PREVAILED

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Madam Speaker, let me just say a word about what is happening in another part of the world. We are achieving at least a temporary peace in the Balkans. Hopefully, it will be a sustained peace.

NATO and the United States have prevailed. They have been resolute, they have been strong, and in fact, they have been successful.

There has only been begrudging admission that it has been a successful policy. But when we consider the fact that we have not lost one pilot to enemy fire, we did not have to send in troops, and yet NATO has now prevailed. And it is clear now that NATO is resolute, it is stronger, and in fact it can control what happens in Europe, particularly the volatile region of Eastern Europe, into a much greater conflagration that might otherwise have expected that we would have been responsible for ultimately getting under control had not NATO been able to pull together 19 nations and pursue a coordinated, resolute policy.

This is terribly important for the long-term security of the United States. The President, the Secretary of State, General Clark and NATO, deserve a great deal of credit for their principled and resolute leadership.

PERMITTING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO ROSA PARKS

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 127) permitting the use of the rotunda of the Capitol for a ceremony to present a Gold Medal on behalf of Congress to Rosa Parks, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

□ 1030

The SPEAKER pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from Oklahoma?

Mr. FATTAH. Mr. Speaker, reserving the right to object, while I am not planning to object, I just want to concur that those of us on this side of the aisle join with the gentleman from Oklahoma in support of this resolution.

I yield to the gentleman from Oklahoma (Mr. WATTS) for purposes of explaining the resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

First I would like to thank the gentlewoman from Indiana (Ms. CARSON) for introducing the resolution to award Mrs. Parks the Congressional Gold Medal of Honor. With such leadership Americans will never forget where we came from and never lose sight of where we must go.

Mr. Speaker, I rise to support honoring Mrs. Rosa Parks in the Capitol Rotunda under the dome of the People's House with the Gold Medal of Honor. What could be more appropriate than for Mrs. Parks to receive the Congressional Gold Medal of Honor in the Capitol Rotunda, the structure that unites the House and Senate, a symbol of a government of the people, by the people and for the people. Our majestic Rotunda is the world's emblem of democracy and freedom. Mrs. Parks stood in the face of segregation and started a movement that united a Nation. How appropriate for us to honor her where we come together as Members and where we come together as Americans.

Over 40 years ago, Mrs. Parks united the races on a bus in Montgomery, Alabama, and how appropriate for us to honor her in our country's most enduring symbol of unity, the Capitol Rotunda.

Mr. FATTAH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. FATTAH) for yielding, and I join the gentleman from Oklahoma (Mr. WATTS).

I do not know how many Americans have seen Rosa Parks. Rosa Parks is a woman small in stature. But that belies the fact that she was a giant in her courage and in her commitment and in the impact she made on America, not just on African Americans, though an impact she had on their lives and the respect accorded to them, but on the lives of every American who live today in a better country, more conscious of our need to give to each individual within our country the respect that they are due as human beings and children of God.

Rosa Parks, Mr. Speaker, is a giant in the history of America. On December 1st, 1955, Rosa Parks looked up from her seat and said, "No, I will not give you my seat. I was here first. I'm an American citizen. I paid my fare. And I ought to be able to sit on this seat." Mr. Speaker, she was absolutely correct. But as Martin Luther King observed some 8 years later, in August of 1963, America had yet to live out the reality of the promises made in our Declaration of Independence and in our Constitution, that Rosa Parks, like the gentlewoman from Missouri (Mrs. EMERSON), was endowed not by government but by her Creator with certain unalienable rights, and among these were life, liberty, and the pursuit of happiness. And our Constitution said, particularly in the 14th amendment and the 15th amendment, that color would not dictate lesser Americans.

Rosa Parks is a giant, and I am pleased, Mr. Speaker, to join the gentleman from Pennsylvania and the gentleman from Oklahoma in setting aside, as the gentleman from Oklahoma so ably articulated, the Rotunda, a revered spot not only in this country but around the world, to honor Rosa Parks, to say to her, "Thank you. Thank you for helping America be a better country."

Mr. FATTAH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to compliment the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Pennsylvania (Mr. FATTAH). I want to give a special commendation to the gentlewoman from Indiana (Ms. CARSON) who works hard and did a great job on this issue. I would just like to say that when Rosa Parks sat down on that bus, she stood up for all Americans, not just black Americans. I, too, am honored to be here today.

Mr. FATTAH. Mr. Speaker, further reserving the right to object, let me just also add my voice.

I had the opportunity to meet Rosa Parks when she came to Philadelphia and visited with a group of young people at the Liberty Bell in Philadelphia. Observing the crack, she had a fairly profound statement to make about the fact that there was still some need for healing in our own country about issues related to civil rights, but that her work and her life and her legacy had played just a small part. It really was the support and the prayers of millions and millions of Americans of different ethnic backgrounds who supported the efforts of the civil rights movement which really started with her decision not to relinquish her seat.

From time to time I know we have broad disagreements around here, but it is refreshing to see that in a bipartisan way we could come together. I am pleased to join with my colleague and my friend from Oklahoma as we move now to make the rotund available. Some are honored by having this type of honor bestowed upon them. Today I think the Congress is honored by having an American of Rosa Parks' stature to be able to honor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 127

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on June 15, 1999, for a ceremony to present a gold medal on behalf of Congress to Rosa Parks. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Pursuant to House Resolution 200 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1401.

□ 1037

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, with Mrs. EMERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 9, 1999, amendment No. 14 printed in part A of House Report 106–175 by the gentlewoman from California (Ms. SANCHEZ) and offered by the gentlewoman from Florida (Mrs. MEEK) as her designee had been disposed of.

It is now in order to consider amendment No. 15 printed in House Report 106–175.

AMENDMENT NO. 15 OFFERED BY MR. BUYER

Mr. BUYER. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 15 offered by Mr. BUYER:

Page 207, after line 5, add the following new subtitle (and redesignate the succeeding subtitle accordingly):

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.

(a) AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"§ 8440e. Members of the uniformed services

"(a)(1) A member of the uniformed services performing active service may elect to contribute to the Thrift Savings Fund—

"(A) a portion of such individual's basic pay; or

"(B) a portion of any special or incentive pay payable to such individual under chapter 5 of title 37.

Any contribution under subparagraph (B) shall be made by direct transfer to the Thrift Savings Fund by the Secretary concerned.

"(2)(A) Except as provided in subparagraph (B), an election under paragraph (1) may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2)(A)–(D) thereof.

"(B)(i) Notwithstanding subparagraph (A), a member of the uniformed services performing active service on the effective date of this section may make the first such election during the 60-day period beginning on such effective date.

“(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60-day period referred to in clause (i).

“(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund.

“(2)(A) The amount contributed by a member of the uniformed services under subsection (a)(1)(A) for any pay period shall not exceed 5 percent of such member's basic pay for such pay period.

“(B) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

“(3) No contributions under section 8432(c) shall be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

“(4) In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund, the reference in subsection (g)(1) or (h)(3) of section 8433 to contributions made under section 8432(a) shall be considered a reference to contributions made under any of sections 8351, 8432(a), 8432b(b), or 8440a–8440e.

“(c) For purposes of this section—

“(1) the term ‘basic pay’ has the meaning given such term by section 204 of title 37;

“(2) the term ‘active service’ means—

“(A) active duty for a period of more than 30 days, as defined by section 101(d)(2) of title 10; and

“(B) full-time National Guard duty, as defined by section 101(d)(5) of title 10;

“(3) the term ‘Secretary concerned’ has the meaning given such term by section 101 of title 37; and

“(4) any reference to ‘separation from Government employment’ shall be considered a reference to a release from active duty (not followed by a resumption of active duty, or an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director in regulations) before the end of the 31-day period beginning on the day following the date of separation), a transfer to inactive status, or a transfer to a retired list pursuant to any provision of title 10.”.

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

“8440e. Members of the uniformed services.”.

(b) Amendments Relating to the Employee Thrift Advisory Council.—Section 8473 of title 5, United States Code, is amended—

(1) in subsections (a) and (b) by striking “14 members” and inserting “15 members”; and

(2) in subsection (b) by striking “and” at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “; and”, and by adding at the end the following:

“(10) 1 shall be appointed to represent participants who are members of the uniformed services (within the meaning of section 8440e).”.

(c) Technical and Conforming Amendments.—(1) Paragraph (11) of section 8351(b) of title 5, United States Code, is amended by redesignating such paragraph as paragraph (8).

(2) Subparagraph (B) of section 8432b(b)(2) of title 5, United States Code, is amended by striking “section 8432(a)” and inserting “sections 8432(a) and 8440e, respectively,”.

(3)(A) Section 8439(a)(1) of title 5, United States Code, is amended—

(i) by inserting “or 8432b(d)” after “8432(c)(1)”; and

(ii) by striking “8351” and inserting “8351, 8432b(b), or 8440a–8440e”.

(B) Section 8439(a)(2)(A)(i) of title 5, United States Code, is amended by striking “8432(a) or 8351” and inserting “8351, 8432(a), 8432b(b), or 8440a–8440e”.

(C) Section 8439(a)(2)(A)(ii) of title 5, United States Code, is amended by striking “title;” and inserting “title (including subsection (c) or (d) of section 8432b);”.

(D) Section 8439(a)(2)(A) of title 5, United States Code, is amended by striking “and” at the end of clause (ii), by striking “, over” at the end of clause (iii) and inserting “; and”, and by adding after clause (iii) the following:

“(iv) any other amounts paid, allocated, or otherwise credited to such individual's account, over”.

SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.

(a) In General.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

“§ 211. Contributions to Thrift Savings Fund

“A member of the uniformed services who is performing active service may elect to contribute, in accordance with section 8440e of title 5, a portion of the basic pay of the member for that service (or of any special or incentive pay under chapter 5 of this title which relates to that service) to the Thrift Savings Fund established by section 8437 of title 5.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“211. Contributions to Thrift Savings Fund.”.

SEC. 663. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement sections 8351 and 8440e of title 5, United States Code (as amended by section 661) and section 211 of title 37, United States Code (as amended by section 662).

SEC. 664. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect one year after the date of the enactment of this Act, or on July 1, 2000, whichever is later.

(b) Exception.—Nothing in this subtitle (or any amendment made by this subtitle) shall be considered to permit the making of any contributions under section 8440e(a)(1)(B) of title 5, United States Code (as amended by section 661), before December 1, 2000.

(c) Effectiveness Contingent on Offsetting Legislation.—(1) This subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the 106th Congress qualifying offsetting legislation.

(2) If the conditions in paragraph (1) are met, then, this section shall take effect on the date on which qualifying offsetting legislation is enacted or, if later, the effective date determined under subsection (a).

(3) For purposes of this subsection:

(A) The term “qualifying offsetting legislation” means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term “PayGo scorecard” means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. Buyer) and a Member opposed will each control 10 minutes.

Does the gentleman from Hawaii (Mr. Abercrombie) oppose the amendment?

Mr. ABERCROMBIE. Madam Chairman, I do not oppose the amendment, and I ask unanimous consent that in the absence of opposition that I be allowed to control the time otherwise reserved for the opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Indiana (Mr. Buyer).

Mr. BUYER. Madam Chairman, I yield myself such time as I may consume.

The Subcommittee on Military Personnel has been striving to find the right combination of incentives to address the negative recruiting and retention trends that threaten the readiness of our military forces. That is the purpose of the Buyer-Abercrombie amendment, to offer a military thrift savings plan.

On the retention front, all services have incurred unsustainable losses among pockets of highly qualified experienced personnel, including aviators and many high tech skills. The most severe retention problems are in the Navy and the Air Force where officers, noncommissioned officers and enlisted members across the force are leaving at rates that threaten the future viability of those services.

On the recruiting front, three of the services, beginning with the Army, then the Navy and finally the Air Force, have been struggling to meet production goals for new recruits. In addition, some sources of officer commissions, specifically Army and Air Force senior reserve officer training programs, are failing to produce the required number of new officers.

As a result of the continuing recruiting shortfalls and reduced retention, senior military leaders find themselves compelled to deploy forces to crises and contingencies at manning levels well below the 100 percent or better standard that heretofore has been their goal. With reduced manning levels among the deployed forces, senior leaders are reluctantly accepting higher operational risks, reduced readiness and increased stress on both deployed and nondeployed forces.

The Subcommittee on Military Personnel conducted a number of hearings on recruiting and retention this spring. Although we learned that recruiting and retention are complex problems for which there are no simple solutions, a consistent theme among the military was a strong interest in participating in a tax deferred savings plan like the Federal Government's thrift savings plan. Today's military members like many in our society want to have control over their own retirement. They understand the value of saving and they want the benefits of tax deferred savings enjoyed by 45 million Americans participating in over 600,000 defined contribution retirement plans like the Federal Government's own TSP. While H.R. 1401 contains many compensation and policy initiatives to combat recruiting and retention problems, the one key piece that is not included at this point is the thrift savings plan. There is no doubt that the ability to participate in a thrift savings program will be a powerful tool in our fight to stabilize recruiting and retention programs.

The amendment being offered jointly by myself and the gentleman from Hawaii, the ranking member of the Subcommittee on Military Personnel, is a bare bones thrift savings program modeled after the savings program the Congress granted 965,000 Federal employees who qualify for a pension under the Civil Service Retirement System. The plan includes a maximum payroll contribution of 5 percent of basic pay with no government matching or automatic payments. We would add the ability to make contributions from special and incentive pays. But the participants would not be authorized to exceed contribution limits established by the tax code.

There is lost revenue associated with the deferral of taxes on the contributions and earnings. We did not include the TSP in the bill because we were still working on alternatives for addressing the direct spending question. The Joint Committee on Taxation estimates the direct spending incurred with this provision to be $11 million in fiscal year 2000 and $993 million through fiscal year 2009. This amendment addresses this pay-go requirement by making the provision contingent upon the President submitting and the Congress enacting qualified offsetting legislation during the consideration of the fiscal year 2000 budget request.

I would like to compliment publicly the working relationship I have had with the gentleman from Hawaii (Mr. ABERCROMBIE). It has been a true pleasure in working to address our recruiting, our retention and the retirement concerns affecting the Nation's military.

Madam Chairman, a vote for this amendment is a vote for the people who serve this Nation in uniform. A vote for this amendment is a vote for military readiness. It is a vote for military retention. I urge my colleagues to support a military thrift savings plan.

Madam Chairman, I reserve the balance of my time.

Mr. ABERCROMBIE. Madam Chairman, I yield myself such time as I may consume.

I rise today in strong support of what the gentleman from Indiana (Mr. BUYER) has correctly characterized as a bipartisan amendment. I would think that we might even say that it is a nonpartisan amendment, to offer the thrift savings plan to our dedicated service members. As the senior Democrat on the Subcommittee on Military Personnel, I am extremely proud of the compensation package that we have put in this bill to help military personnel. This package addressed pay and retirement, as the gentleman from Indiana indicated, in a comprehensive fashion. May I add parenthetically, Madam Chairman, that I give full credit to the gentleman from Indiana for the really fabulous job that he, the staff and the other Members did with respect to making this truly comprehensive and far reaching.

□ 1045

We were unable to include, as he indicated, a provision that we both viewed as critical not only to the military, but to the economic security of this Nation, the Thrift Savings Plan.

We have the lowest personal savings rate since 1950. Over the past year, the personal savings rate, the amount of savings divided by disposable income expressed as a percentage in this country, has been less than 1 percent. The savings rate in the country is important because it represents the resources that can be used to create, sustain or expand the Nation's capital. Savings represent the potential for long-term future growth and increase the national standard of living, and we want our military to be able to participate in it.

As a Nation, we should encourage all people to save, and, as an employer, the government is remiss if we do not offer that same opportunity to the military. Service members should be extended the same benefits as other Federal employees.

Madam Chairman, as my colleagues know, we, as Members of Congress, are permitted to participate in the Thrift Savings Plan, and we think that, at a minimum, equity requires us to open up this process to members of the United States military. There are currently 1.4 million employees who do not have the employer-sponsored savings plan; that is the military. The military is the largest employer that does not offer a 401(k) plan. We do offer the benefit to Federal civilians, as I indicated, of the Thrift Savings Plan.

Extending this plan to the military will have a salutary effect on the economy. Participation in the Thrift Savings Plan is 86.1 percent of the FERS employees and 61.2 percent of the CRS employees. If only 61.2 percent of the people in the military were to participate, there would be 848,000 participants. This amounts to a total contribution of additional savings of almost $1 billion over a 10-year period.

It is past overdue then for us to extend this benefit to the military and allow them the benefit from and contribute to the growth of the economy.

So I urge all my colleagues to support this amendment and reiterate, if I might, in this closing portion of these remarks that this is the product, this amendment is the product of a work effort which has characterized the Subcommittee on Military Personnel of the Committee on Armed Services from the beginning under the leadership of the gentleman from Indiana (Mr. BUYER) which was one of encouragement and cooperation not only extended to all Members, but extended to all members of the armed services who were invited to participate in our deliberations, and credit for that goes to the leadership of Mr. BUYER.

Madam Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MALONEY) to speak on the amendment.

Mr. MALONEY of Connecticut. Madam Chairman, I rise to speak in support of this amendment and would like to start by commending the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Indiana (Mr. BUYER) for proposing this amendment to provide the men and women of our military with an employer-sponsored 401(k)-style retirement plan. Indeed, as the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Indiana (Mr. BUYER) have both said, the underlying bill makes major steps in regard to compensation and retirement; and I have heard already from people in the armed services and former members of the armed services their gratitude for the work that the subcommittee and the committee have done in regard to this matter.

This amendment, however, makes a good bill even better. This is a no-frills proposal that will allow military personnel to direct up to 5 percent of their own income, their money, into tax-deferred investment accounts without any direct expense to the Federal budget. Private citizens, Federal employees and Members of Congress currently enjoy this opportunity, and we should offer it to the dedicated personnel of our armed services.

Indeed, many young men and women in the military have urged me to support this Thrift Savings Plan proposal as a means for them to start a portable savings plan for their retirement. At a time when the military is competing with a very strong economy and a private sector that is hungry for the same motivated and talented workers we need to fill the ranks of our armed services, it makes great sense to offer an employment package that includes a tax-deferred savings plan.

Once again, as we have seen in the military campaign against Yugoslavia, our Nation has the most capable armed forces on Earth. That is because we have outstanding soldiers, sailors, airmen and marines. We need to make sure that we do all we can to keep them.

I urge my colleagues to support these brave and courageous men and women and vote "aye" for the Abercrombie-Buyer amendment.

Mr. BUYER. Madam Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I want to thank our chairman, the gentleman from Indiana (Mr. BUYER), as well as the gentleman from Hawaii (Mr. ABERCROMBIE); Mr. BUYER has been a tireless defender of trying to advance the rights and the additional support of our armed forces throughout the world.

I rise in strong support of the Buyer-Abercrombie amendment to authorize members of the uniformed services to participate in the Federal Thrift Savings Plan. Madam Chairman, with the exception of the military, the Congress has already acted to give virtually every other Federal employee access to tax-deferred savings. We have even authorized the 960,000 employees eligible for the Civil Service Retirement System, CRS, the option to participate in the Thrift Savings Plan. Fully 61 percent of those employees are making contributions to the Thrift Savings Plan; and if they are investing in the common stock option, they are benefiting from a rate of return in excess of 30 percent over the last 4 years. This is simply an amendment to provide equity and fairness to one of the most deserving populations in America, the men and women who serve our Nation in uniform.

At a time when most Americans are benefiting from a strong economy with immense growth in personal wealth using tax-deferred savings military personnel are denied the opportunity. Given the sacrifices being made by military members and their families today, difficult and often hazardous working conditions, long deployments from home, long working hours, limited funding for parts and other on-the-job resources, underfunded quality of life programs, the uniformed services should be the last group denied the opportunity to invest in their own future.

We attempted earlier this year to address the pay inequities, as we did in the past Congress, because we were increasing Federal employees and other areas, but not our armed forces. This is an attempt to expand not only the pay question, but the benefits that other government employees get to the military, who should be the first to get these benefits, not the last.

There is every indication that military people want to participate in the Thrift Savings Plan and are willing to make the financial sacrifices necessary to benefit from the Thrift Savings Plan. It is time to set the record straight. Vote "yes" on the Buyer-Abercrombie amendment, and I again want to congratulate the chairman for his efforts.

Mr. ABERCROMBIE. Madam Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Madam Chairman, I rise in support of this amendment, and I commend the authors of the amendment for offering it here today. I sponsored legislation on this issue myself that was not successful, I am sorry to say, but I am very happy to be here in support of this amendment. I think it is a provision that is long-past due.

The military has a very small percentage of the people that enter who end up making it a career. Eighty-three percent of the people that enter the military do not intend to make it a career, and at the present time, they have no means to start a retirement fund. This will give them that opportunity by allowing them to participate in the Thrift Savings Plan.

The proposal here would be a no-frills plan modeled after the savings program that Members of Congress have, 5 percent payroll contribution without government matching or automatic contribution. Thrift Savings Plan participation offers service members some portability for retirement benefits that they would not otherwise have, and I think this will encourage people to want to serve in our military. The savings program would be managed by the Federal Thrift Saving Investment Board, a professional, independent organization that will insure and guarantee the security of the money set aside by these people seeking to build a retirement fund.

Madam Chairman, I am very pleased that this amendment is being offered. I know that it is going to help our military in their recruitment and retention efforts, and I think it is a step in the right direction to make certain that our military people, even those who do not plan to make the military a career, have the opportunity to create and sustain a retirement program.

Mr. BUYER. Madam Chairman, I yield myself 1 minute.

I would like to compliment the gentleman who just spoke, the gentleman from Virginia (Mr. PICKETT) whose district and his home are the Navy in Norfolk. Mr. PICKETT has been a hard worker on the Subcommittee on Military Personnel, very tireless in his efforts to address the recruiting and retention and retirement issues; and he has also been an advocate of the Thrift Savings Plan over the years, and I know this is a good moment for him likewise.

Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Madam Chairman, I rise in support of this amendment and to commend the chairman and ranking member, the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) for cooperation and their hard work and their can-do spirit.

Madam Chairman, as I mentioned earlier this morning, members of the Committee on Armed Services were firmly committed to making this the year of the troops. We recognize that American military personnel and their families were bearing the brunt, the 10-year shrinkage in annual defense spending. The result has been devastating. Military quality of life is severed to the point that all of our service branches are having difficulty recruiting and retaining quality military personnel.

This year's defense authorization legislation reverses the downward spiral in defense funding and begins the difficult process of rearming our military both as a fighting force and as a family. While sophisticated hardware and advancements in technology are critical elements of this rebuilding effort, it is our exceptional personnel, the engine of the American fighting force.

I believe our legislation takes an important first step in reaching out to our men and women in uniform and letting them know that they count and that we appreciate the difficult job they do.

The Buyer-Abercrombie amendment would make our already good authorization bill even better. This amendment provides our service personnel the same benefit we provide to all civil servants, the opportunity to participate in the Federal Government's Thrift Savings Plan. Such an initiative would give every sailor, soldier, airman and marine a chance to plan and prepare for the future through participation in the plan. Individual service personnel could make tax-deferred deposits into accounts similar to IRAs.

Madam Chairman, this measure would have a positive effect on recruiting and retention and does not begin to describe the benefit. The Buyer-Abercrombie amendment is an effective tool in our effort to ensure our highly qualified men and women remain in service. We express our appreciation for their protection by our support of the Buyer-Abercrombie amendment.

Mr. ABERCROMBIE. Madam Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. SKELTON), the senior Democrat on the committee, who has been a mentor to us all, and it is a great pleasure to have him speak on this most important amendment.

Mr. SKELTON. Madam Chairman, I first must say how very proud I am of the chairman of the subcommittee, the gentleman from Indiana (Mr. BUYER), how proud I am of our ranking member, the gentleman from Hawaii (Mr. ABERCROMBIE) for the work that they did on the personnel section of this bill. The work that they provided for us, and hopefully we will have a strong vote on this entire bill at a later moment today, will give encouragement, will give heart, to those who are in the military and have some doubts as to whether they should stay and serve our Nation in uniform or to seek their fortunes elsewhere.

□ 1100

The pay package, which includes the pay raise, the pay tables, the pension package, it will encourage so many to stay and seek retirement later than leaving. I just cannot compliment the gentlemen enough. I want this House to know of my praise for the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) on the fine work they have done.

Let me also add that I support this amendment that they have offered. It was first brought to my attention by the Chief of Naval Personnel, and it is an excellent amendment. It is a key part of the full package that will be comprising the personnel section of this bill.

The military is the largest employer that does not offer a 401(k) plan. However, we do offer this benefit to Federal civilian employees under the Thrift Savings Plan. As a government, we should strive for equity among the different types of employees. I fully support this. It is equity on the Federal level among all different types of employees, soldiers, sailors, airmen and marines who leave before completing 20 years will not leave empty-handed, but be able to take the Thrift Savings Plan with them into another 401(k) plan.

This is the right thing to do for the young people as they grow in service and in maturity. I fully support, fully support this amendment.

Mr. ABERCROMBIE. Madam Chairman, with the Chair's permission and with the indulgence of the gentleman from Indiana, there was a request by a Member to speak, and I ask unanimous consent to extend the debate by 1 minute.

The CHAIRMAN pro tempore (Mrs. EMERSON). The Chair would entertain that request if it were equally divided, 1 minute on both sides.

Mr. SKELTON. Madam Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Does the gentleman from Hawaii withdraw his unanimous consent request?

Mr. ABERCROMBIE. Yes, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) will be recognized to 5 minutes.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, I request that the time that has been yielded to me be divided, 2½ minutes each to the gentleman from Indiana (Mr. BUYER) and myself.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) does have the 5 minutes under the 5-minute rule.

Mr. SKELTON. I will be pleased to yield to the gentleman from Indiana at the proper time.

Mr. ABERCROMBIE. Madam Chairman, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Chairman, I did not realize we were going to have such a complicated and convoluted situation here.

I think what the gentlemen are doing, I say to the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Indiana (Mr. BUYER), is absolutely necessary. I think when we do the little things, the big things take care of themselves.

I had not really looked carefully at this amendment, but having looked at this amendment, it is the types of little things that build morale and stabilization to a military force that is deserving.

I just wanted to echo here and compliment the chairman, the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Missouri (Mr. SKELTON) and all associated with this.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, in closing, I would like to thank the subcommittee staff for their very hard work. Additionally, I would like to thank my colleague, the gentleman from Indiana (Mr. BUYER). It has been a pleasure to work with him, to develop such a comprehensive benefits package that I am certain will ensure the viability of the all-volunteer force well into the next century.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding to me, Madam Chairman, and for his contribution and that of the gentleman from Hawaii (Mr. ABERCROMBIE).

One of the challenges associated with recruiting the high quality military force that we possess today are the demands the force places on personnel programs within the uniformed services.

Military men and women today are bright, confident, and they are honorable young people. If these superb young people were anything less than the best, they would not measure up to the extreme challenges that we call on them to overcome each and every day as they serve the Nation around the world.

This high quality force includes members that are more independent and savvy than we have seen in the past. They understand the importance of saving for retirement and they want to control their future.

We have observed a revolution in investment that has changed the retirement planning in the private sector, and those in the military services want to participate in a strong economy that has benefited some others in America. For example, they want the same 30 percent rate of return that 1.8 million Federal civilian employees enjoyed today from their Thrift Savings program. They want some retirement portability that they do not have today within the military retirement system. In short, they want to participate in the Thrift Savings Plan.

While this, again, is no silver bullet that guarantees good recruiting and retention, we must not allow this powerful, cost-effective recruiting and retention tool to go unused. The readiness of the force depends on our action today.

I urge that the administration would include this in the 2001 budget. I urge my colleagues to vote "yes" on the Buyer-Abercrombie amendment. I urge my colleagues to provide the uniformed services access to the Thrift Savings Plan.

Mr. MICA. Mr. Chairman, I want to thank the Chairman of the Subcommittee on Military Personnel, Mr. BUYER and the gentleman from Hawaii, Mr. ABERCROMBIE for introduction of this amendment to provide all members of our uniformed services with the opportunity to participate in a Thrift Savings Plan. This proposal mirrors legislation that was introduced by me and the gentleman from Virginia, Mr. PICKETT last year and again this year as H.R. 556.

It is not only reasonable but also fair that those who serve our nations armed forces should be eligible for personal savings plans available to other federal employees and Members of Congress. Today when our military pay falls behind cost of living, other federal worker pay and benefits it is essential that Congress provide our military services with additional incentives for recruitment and retention.

With recruitment down, and re-enlistments dropping we must reexamine both the compensation, living conditions and benefits offered our military personnel.

This action today is only one change of many needed to address problems and challenges facing our military and their dependents. It has been my privilege to work with others to help enact this savings plan and I urge its adoption as this military authorization legislation moves forward.

This action will also compliment legislation that I helped to author last year that begins to open our federal employees health benefit program to our military retirees and their dependents.

Mr. ABERCROMBIE. Mr. Chairman, I rise today in support of the Buyer-Abercrombie amendment to provide, in law, a provision for disability separation and retirement for service members with pre-existing conditions. This amendment is one of the en-bloc amendments.

Current law does not include a standard to establish eligibility for disability retirement and separation based on medical conditions that existed prior to members entry into military service. Previously, disability retirement and separation based on pre-existing medical condition had been authorized in regulations after eight years of service.

In 1979 the Department of Defense recommended to the Congress that disability compensation be extended to personnel with less than eight years of service, in order not to "worsen . . . the competitive position of the armed forces in attracting and retaining the numbers and quality of members essential to the proper functioning of the forces" in context of the "All Volunteer" service. Congress, under the Military Personnel and Compensation Amendments of 1980, approved this request. The DoD disability directive written at this time maintained the eight years length of service requirement only for pre-existing conditions. That policy was removed from the regulations in 1996 after a legal finding that there was no law to support the policy.

Only in very rare instances is medical evidence provided that states unequivocally that military service played no part in the progression of the disease. In fact, such evidence has been presented for just a handful of diseases i.e. (Retinitis Pigmentosa, Huntington's Chorea) and the Services have found their hands tied by current DoD policy and legislation.

This amendment offered by myself and Mr. BUYER would place in law a well-conceived and once well-executed policy and has the strong support of the Department of Defense. Adoption of this proposal would provide compensation to a small number of deserving people—perhaps 50 annually—that are afflicted by hereditary or congenital disease undetected at the time they joined the military.

These affected service members are patriots, who after faithfully serving their country for at least eight years, are now told they are no longer fit for military duty because of a preexisting condition. These men and women joined the military in good faith and it is that good faith that we must return to them. Mr. BUYER and I strongly urge our colleagues to support the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BUYER. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on this question will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 106–175.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 16 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 283, after line 6), insert the following new section:

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM.—If the assignment of members is requested under subsection (b), the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, they say this is a perennial Traficant amendment. For 12 years I worked to change the budget surplus in an IRS civil tax case, 12 years, and yes, this is 3 years in a row, because a report recently filed said the greatest national security threat facing the American people is not a foreign enemy per se and their missiles, it is the easy access to America by terrorists and drug smugglers, and our borders are wide open.

The Traficant amendment does not mandate troops on the border. It says if the administration has an emergency and calls them, which they can, it codifies the conditions by which those troops shall be placed. They must be trained. They can never go out alone. They cannot make arrests.

Let me say this, only 3 out of 100 trucks coming across our borders are even inspected, and we are building houses and giving rabies vaccinations in Haiti, guarding borders in the mideast, waging peacekeeping missions all over the world. The number one security threat facing America and the weak link is our border.

Madam Chairman, I reserve the balance of my time.

Mr. BUYER. Madam Chairman, I rise in opposition to the amendment, reluctantly, and I yield myself such time as I may consume.

Madam Chairman, I again reluctantly oppose the amendment for the following reasons: It is unnecessary. The President of the United States already has the inherent authority to declare a national emergency and employ national reserves to protect the borders of the United States. It is inherent within the constitutional powers of the president. If we cannot protect our own borders within those inherent powers, we do not have to specifically ordain, we do not have to enumerate nor dictate to the President of the United States.

This amendment seeks to protect our border against terrorists and weapons of mass destruction. In fact, major initiatives are already underway to mobilize the Nation against such threats through the utilization of the National Guard weapons of mass destruction programs.

The evidence is overwhelming that our military forces are stretched to a breaking point. Readiness is suffering due to an overcommitment and underresourcing. We have just added Kosovo to the many locations around the world where the United States forces will be semi-permanently assigned to a major new mission, like policing the border. Redirecting many military personnel to nonmilitary missions would increase the negative impact on military readiness.

Under U.S. law, law enforcement is historically and properly left to the Department of Justice and its agencies, as it should be. The United States military is precluded from becoming a police force, under the posse comitatus act. We ought not to change the basic principle.

We have had many discussions about this, and I compliment the gentleman's tenacity over the years in bringing this amendment. But if it is the border the gentleman wants to strengthen, we can do that through other proper agencies and not through the use of a military force.

At a time when this Nation has embraced the North American Free Trade Agreement and we want to have even better relations with Mexico and Canada, putting a military force on the border itself sends a very awful message to our friend to the south.

I urge my colleagues to vote "no" on this amendment.

Mr. TRAFICANT. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I ask my colleagues to think, instead of feel. I know they are worried about a negative message being sent. But let me say to my colleague that Mexico places their troops along the border because they recognize that the battle against drugs is going to have to be fought on the border.

The concept of political correctness, of what might look bad is unimportant to Mexico. They know how desperate the situation is. They put their troops where the problem exists. We send our troops all over the world. We are ready to send another 7,000 to Kosovo to protect other neighborhoods and other borders.

What about the American neighborhoods that are being poisoned by drugs today? Is it too much to ask that the American taxpayer who pays for these troops, be allowed to be protected from drugs by these troops?

Madam Chairman, I want to point out, almost every State along the border has committed its National Guard to helping along the border at addressing this crisis. Is it too much to say, with good training and appropriate supervision, that the United States Federal Government will make its contribution, too, in every way possible?

Please, common sense says we should be doing as much for our American citizens as we are doing for people all over the world.

Mr. BUYER. Madam Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

PARLIAMENTARY INQUIRY

Mr. REYES. Madam Chairman, parliamentary inquiry. There are a number of Members that would like a unanimous consent to be in opposition to the amendment.

Do I yield time, or does it count against my 1½ minutes? What is the procedure? Obviously, we do not have enough time to have everybody speak.

The CHAIRMAN pro tempore. The gentleman is recognized for 1½ minutes, during which time he may yield to anyone he wishes within the 1½ minutes that he has been yielded.

Mr. REYES. It will count against my time?

The CHAIRMAN pro tempore. That is correct. The gentleman is recognized for 1½ minutes.

Mr. REYES. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Chairman, I rise in opposition to the Traficant amendment.

Mr. Chairman, I rise to oppose the Amendment by the gentleman from Ohio.

I do want to commend my colleague from Ohio for his dedication and tenacity in fighting drugs. Every member of this body, I am sure, shares his commitment to ending this scourge on our society. But, while we share the same goals, we do have a difference in opinion on how to eradicate drug smuggling and drug abuse.

The District I represent sits on the Mexican border. One of the crossings in my District is the busiest border crossing in the entire world! So, I have personal experience with the border and all the opportunities and challenges associated with border crossings.

There is no question that we must gain better control of our borders. There have been Herculean efforts by the Immigration and Naturalization Service, the Customs Service, the Drug Enforcement Agency, the Federal Bureau of Investigation, and many other government agencies, including state and local agencies. All these agencies are to be commended for their efforts and dedication to controlling our borders and ending the illegal crossing of narcotics and narcotics smugglers.

And, though much remains to be done, I have serious and grave reservations about this proposal to literally arm the border. Yes, we need to better control the border, but placing armed military personnel on our borders, who are trained to fight and win wars by killing people, is not the answer.

The United States military is the best equipped, best trained, most disciplined, and most efficient in the world. Our military can win any war that the American people choose to fight. But, the brave men and women serving in our Armed Forces win those wars by killing people. As repulsive and unforgiving as killing is, it is the way wars are won. With people who are trained to kill other people patrolling our own border, I fear for the safety of our own citizens—not from intent, but from accident.

I also want to remind everyone that Mexico is a friendly country. They have made no attempts at invasion since the Alamo. Accordingly, I believe this proposal could do serious damage to a relationship that is fragile, at best.

Mr. Chairman, we must find new and innovative methods for stopping illegal drugs from coming into our country and killing our people. But I do not believe arming the Mexican-American border with the United States military is the best way. I call on my colleagues to not limit themselves to old and easy ideas for ending this scourge of deadly drugs. Let us think beyond the conventional solutions of greater force and move toward new proposals.

□ 1115

Mr. REYES. Madam Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Madam Chairman, I oppose the amendment. I think that the gentleman from Ohio (Mr. TRAFICANT) has made some good points about terrorism, but this is something that Immigration and Customs can do. I rise in opposition to the amendment at this time.

Mr. REYES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I have a tremendous amount of respect for both the gentleman from Ohio (Mr. TRAFICANT) and those Members of Congress that are frustrated about the specter of terrorism, drugs, and all of these other things. But these are the facts: 90 percent of the drugs enter through our ports of entry. As the gentleman from Ohio (Mr. TRAFICANT) mentioned, only three of out of every 100 trucks are inspected.

Currently there are only 8,000 Border Patrol agents to cover our border. We need 20,000 to do the job. $1.9 million was paid out in a settlement to the Ezequiel Hernandez family as he was shot by a military patrol in Texas on the border.

The needs of the border are this: We need to understand and have a common-sense approach from this Congress. We need more Border Patrol agents. We need more Customs inspectors. We need more INS inspectors. We also need to support the technology that will make us effective in inspecting those trucks at the ports of entry.

The consequences I see are, are we moving towards marshal law, not just for border communities, but throughout the country? Are we going to have armed personnel from the United States military in our neighborhoods, not just on the border, but throughout the country? Are we going to have another Ezequiel Hernandez incident?

This has a tremendous impact, not only on border communities, but on this country and a tremendous impact on the readiness and our ability to deploy our troops and expect the best from our armed forces.

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want every Member of Congress to look at the chart that the opposition brought in. I want the chairman of the subcommittee to look at it. I want the Committee on National Security to look at it. We are talking about every country all over the world, and the National Security report came out and said the biggest weakness to America's national security is our own border.

Listen carefully. Increased availability of inexpensive cruise missiles and the capability to fabricate and introduce biotoxins and chemical agents into the United States at record levels, warheads housing nuclear/chemical/biological weapons proliferating, effective missile defenses needed.

But look at our borders. Although not seriously considered, coastal and border defense of the homeland is a challenge that needs attention. Infiltration of our borders by drug smugglers and contraband goods illustrates a dangerous problem.

Now let me say this. Only three out of 100 trucks. Where are the agents? I support the agents. This does not even deal with immigration. Terrorists finance their business with narcotics. Congress talks about a war on narcotics.

All we have is a war going on in Kosovo. We are building homes in Haiti and giving vaccinations to dogs in Haiti, and the damn border is wide open, and I am going to hear this. The committee would not even have had a debate on our border if it was not for this amendment.

Now, this amendment may not pass this time, but 90 percent of the American people are fed up with a Congress that does nothing and talks about a war on crime and a war on terrorism when we are ripe and wide open.

I want to say one last thing. I want some support in a conference. There is not enough anatomy in the other body to even consider these issues. This is the House of Representatives. Show some backbone.

I do not mandate these troops. The President must ask for them. But by God, if he gets them, the Traficant law says they cannot violate posse comitatus. They must be trained. They must give notice to the governors, and it must be coordinated.

Now, that is the way it is. I expect the support of this House today.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). The Chair will remind Members that the use of profanity in the Chamber is not permitted.

Mr. BUYER. Madam Chairman, I yield myself such time as I may consume.

I would say to the gentleman from Ohio (Mr. TRAFICANT) that your passion is real. It is misdirected. It should not be the troops on the border, it should be increasing Customs, INS and DEA.

Madam Chairman, I yield 45 seconds to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Madam Chairman, I admire the gentleman from Ohio (Mr. TRAFICANT), and as the gentleman from Indiana (Mr. BUYER) said, for his tenacity, but I disagree strongly with his proposal to militarize our border, to put a significant part of my congressional district under martial law.

He is not talking about martial law in Youngstown, Ohio. He is not talking about martial law in New York City. He wants to clear the streets of gangs and drug dealers. What about clearing them with military troops there in those cities as well?

He wants to use the military resources to help stop drugs at our borders and prevent terrorists. Guess what. It is happening. It is happening right now. Joint Task Force 6, located in El Paso, Texas, is doing that.

Here are some of the things that the military does now along the border. Army engineering groups are building roads and fences along the border so that we can patrol it. We have the National Guard unloading trucks at our crossing stations so they can be inspected for drugs. We have the Air Force operating our aerostats which provide radar coverage against drug-smuggling aircraft. It is Customs that should deal with this. It is Immigration and Border Patrol that should deal with this; it is not the military role to deal with this.

I urge my colleagues to defeat this amendment.

Ms. JACKSON-LEE of Texas. Madam Chairman. I rise in strong opposition to the Traficant amendment to place armed troops on the border. This great nation of ours is both a nation of immigrants and a nation of laws, not a nation against immigrants. This means that we have laws, but we also have fairness, we also have due process, and yes, we have a group of hardworking men and women who make up the U.S. Border Patrol. Rather than giving up and becoming a military police-state, let's continue to support our Border Patrol and do everything we can to improve the border patrol. I have joined with Congressman SYLVESTRE REYES to introduce H.R. 1881, the Border Patrol Recruitment and Retention Act of 1999. This legislation will provide incentives and support for recruiting and retaining border patrol agents. This legislation would increase the compensation for Border Patrol agents and allow the Border Patrol agency to recruit its own agents without relying on personnel offices of the INS.

The Border Patrol is not able to recruit enough agents to meet this authorizing level. Therefore, after speaking with the budget analysts at the INS, an additional $3.7 million is needed to raise the starting salary level from GS–5 level to GS–7 level, which will be slightly over $30,000 and comparable with the other federal law enforcement agencies.

Apparently Madam Chairman, the Border Patrol Agency loses a lot of its agents when they reach the GS–9 level, and that salary level is around $33,000 because there is currently a ceiling on how much an agent can earn. We must do this every year Madam Chairman until FY 2001, which is the remaining authorizing years for Border Patrol agents as mandated by the 1996 law.

Let's not line up troops along the border. The military is not supposed to be used for such purposes. Let's beef up our nation's Border Patrol and pass H.R. 1881, the Border Patrol Recruitment and Retention Act of 1999.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 15 offered by the gentleman from Indiana

(Mr. BUYER) and amendment No. 16 offered by the gentleman from Ohio (Mr. TRAFICANT).

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

AMENDMENT NO. 15 OFFERED BY MR. BUYER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BUYER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 9, as follows:

[Roll No. 185]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Bono
Brown (CA)
Cooksey
Hilleary
Holt
Kasich
Lofgren
Olver
Wynn

□ 1144

Mr. MOLLOHAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to House Resolution 200, the Chair announces that she will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postpored and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 181, not voting 11, as follows:

[Roll No. 186]

AYES—242

Aderholt
Andrews
Archer
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burton
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clay
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doyle
Duncan
Dunn
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf

Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wise
Wolf
Young (FL)
Wexler
Weygand
Whitfield
Woolsey
Wu
Young (AK)

NOES—181

Abercrombie
Ackerman
Allen
Armey
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Burr
Buyer
Callahan
Capps
Capuano
Cardin
Carson
Chenoweth
Clayton
Clement
Clyburn
Condit
Cox
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Goodling
Graham
Green (TX)
Gutierrez
Hansen
Hastings (FL)
Hayes
Hayworth
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Lampson
Larson
Leach
Lee
Lewis (GA)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Ortiz
Ose
Pastor
Paul
Payne
Pelosi
Pickett
Pombo
Pomeroy
Porter
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Skelton
Slaughter
Snyder
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner

NOT VOTING—11

Bliley
Bono
Brown (CA)
Conyers
Hilleary
Holt
Kasich
Lofgren
Manzullo
Olver
Wynn

☐ 1153

Messrs. CRAMER, OXLEY, and DEUTSCH changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. EMERSON). It is now in order to debate the subject of the policy of the United States relating to the conflict in Kosovo.

The gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as the 3-month air war appears to be winding down and NATO operations in Yugoslavia appear headed for a new and, in my opinion, perhaps more troubling phase for our country, I think it is entirely appropriate that the House have a debate over various aspects of our Kosovo policy.

Over the past few months, the issue of this administration's policy has been contentious and confusing not only to the Congress but to the American people, as well. Under such circumstances, I do not understand why debate is a bad thing.

In my personal opinion, the conflict in Kosovo and the wider wars in the Balkans do not directly impact on core United States national security interests. Our interests in the current conflict are primarily humanitarian.

Madam Chairman, in the words of NATO Secretary General Solana, Operation Allied Force is “a war fought for values.” I am not minimizing the importance of values. They mean a lot to the American people and to me personally.

Americans take their political values seriously. We declared our independence from Great Britain on the basis of inalienable rights. Yet, as a Nation, when it comes to matters of national security and foreign policy, when it comes to matters of these kind, we have always tempered our values with an appreciation of our broader national interests, as did the Founding Fathers, who were especially weary of foreign entanglements.

The need for a clear right assessment of the national interest is especially important when it comes to the use of United States military force. Committing our Armed Forces to combat should never be done without an objective reckoning of interest, cost, and benefits. Indeed, that ought to be our solemn obligation to the men and women in uniform who place their lives at risk to protect and promote American interests all around what remains a dangerous world.

We cannot afford to simply ask whether the cause is just but whether we are willing and able to pay the many direct and indirect costs necessary to achieve victory if victory can be clearly defined.

The costs to our Armed Forces of ongoing operations in the Balkans from 1995 until today has been substantial and continues to rise exponentially. Also, there is no end in sight.

Including the funds recently approved by Congress in the Kosovo supplemental and in this bill, the cost of operations in the Balkans is approaching $20 billion.

☐ 1200

That figure represents just the incremental costs to the Department of Defense, the costs of the additional fuel, munitions, spare parts, personnel and other associated costs with operations in the Balkans. It does not begin to cover the capital costs associated with raising, equipping, training and maintaining our armed forces.

Put simply, American military commitments in the Balkans have risen to the level of a third major war, over and above the two potential major wars facing us in Korea and Southwest Asia, and form the basis of our United States national strategy. We are involved in an unanticipated major war in Europe with a military force that in my view is overextended and underresourced to the point where it cannot effectively protect our national interests around the world, nor can it execute the Nation's military strategy in time of war.

These basic realities have shaped my position in regard to our operations in the Balkans over the past several years. I do not downplay the humanitarian tragedy that has befallen the Balkans. None of us do. With our military already overextended, I have long maintained that it is unwise to commit our forces, especially United States ground forces, to an open-ended commitment in Southern Europe that would place our other vital interests around the world at immediate and, in my opinion, unacceptable risk. Parenthetically I note that the two new incoming Chiefs of Staff of the Army and the Marine Corps have expressed similar concerns about this matter.

Mr. Chairman, despite the fact that our armed forces are at a fraction of their Gulf War strength of the late 1990s, it seems that the administration has approached this entire Balkans policy for the past several years and certainly the past several months in isolation from Korea or the Persian Gulf. We must first and foremost consider our security and foreign policy with our heads, not just our hearts. And we cannot consider the signals we send to Serbia separately from the signals we send to Iraq and Iran and North Korea or any other nation that is or might become our adversary where the threats posed are a higher degree than that in the Balkans.

I urge my colleagues to bear in mind our global interests and responsibilities and the ability of our military forces to protect all of these interests as we debate the Kosovo policy today and in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Let us speak of Kosovo today. We have achieved, our country has achieved, NATO has achieved a victory in the field of battle in the Balkans. The issues we debate today and the votes taken today will tell whether we keep that victory or whether we sour it or whether we throw ashes on it and tell those young men and young women who have been in harm's way that their efforts were for good or whether they were for naught.

Mr. Chairman, never in the history of this country has a Congress voted to deprive America of a military victory in the field after it has been achieved. It is my sincere hope that this Congress today will not deprive America, will not deprive the NATO nations of a victory that it has achieved by placing young men and young women in harm's way.

The House is now going to consider a series of amendments concerning our involvement in NATO operations in Yugoslavia. The House should approve my amendment to delete section 1006(a) of the bill and we should approve the Taylor amendment which outlines the goals for our military and peacekeeping operations in Yugoslavia. However, we should reject the Souder amendment, which is even more restrictive than the flawed language that is in the bill, and we should reject the Fowler amendment because the House debated and rejected a similar Fowler amendment in March by a vote of 178–237.

Mr. Chairman, when I spoke during general debate on this bill, I mentioned that my only reservation about this legislation concerns section 1006 relating to budgeting for operations in the Federal Republic of Yugoslavia. This provision, which prohibits the use of funds authorized by this legislation for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia, is too restrictive and can result in funds being cut off while our troops are in the field. I agree with the necessity to fund our operations in the Balkans with supplemental appropriations and I have so stated. However, if the bill's provisions are left in place, we could have a situation where the funds from one supplemental run out before another is enacted. In that case, the section in question would prevent the use of these Department of Defense funds authorized by this bill to support our troops in the region whether in combat or peacekeeping. Moreover, if this language remains in the authorization bill, this otherwise excellent legislation that we have will be subject to a presidential veto.

The amendment which I offer will delete subsection (a) of section 1006 while leaving in place subsection (b) which requires the President to request supplemental appropriations in order to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia. Subsection (b), standing alone, adequately protects the funding authorized in this bill without running the risk of undermining America's and NATO's military peacekeeping efforts in Kosovo.

Mr. Chairman, 2 weeks ago when we were first scheduled to take this bill up on the floor, I would have argued that the language in the bill sent the wrong message at the wrong time. Now with the withdrawal of Serbian forces from Kosovo scheduled to begin today, the message we would send by rejecting my amendment and the timing of that message would be even worse. Specifically, retaining that harmful section would send a signal to U.S. and allied military personnel in the region that their superb performance to date may be cut off at a fiscally-driven date having nothing to do with operational or diplomatic considerations.

It would send a signal of uncertainty to our NATO allies at a time when American leadership on the ground, in the air and in various diplomatic venues is carrying Operation Allied Force and related efforts forward.

It would send a signal to Kosovar refugees depending on America and NATO that the Alliances's commitment to returning them safely to their homes is wavering.

It would send a signal to President Milosevic that he need only hold on or stall for a few more months before funding for American participation in the NATO air campaign or peacekeeping mission is accomplished.

Mr. Chairman, this is a very, very serious issue. It relates not only to Kosovo, it relates not only to Yugoslavia, it relates to the leadership of this bastion of freedom, of America, in this world.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, let me respond briefly to my friend from Missouri with respect to depriving us of what he calls victory in this war.

The war that I am concerned about, Mr. Chairman, is the next war, and I am concerned about the stocks of ammunition that are now very low. I am also concerned about those young men and women who have served us so well in the air war that has taken place over the last 78 days or so. The best way we can serve those men and women in uniform is to see to it that we get a large number of them off food stamps. I am talking about the 10,000 military families that currently are on food stamps.

Another way we can serve them is to see to it that we have the spare parts to get our mission capability rates up above 70 percent and to get that crash rate which last year was 55 aircraft crashing resulting in 55 deaths during peacetime operations down to a lower level, if not an acceptable level. All of that is going to take money.

Mr. Chairman, this war will be a disaster if we pay for it out of the moneys that would have gone to increase our munitions back to the two-war requirement, that would have gone to raise the pay of our military people up to the level where they can make more than the food stamp rate, if the money is taken out of the spare parts coffers where it has been taken in the past to leave 40 percent of our aircraft grounded because they are not mission capable.

I just say to my friend from Missouri, let us not pull money out of operations in this new euphoria that he thinks we should be engaged in, out of operations and out of the spare parts supplies and out of the ammunition coffers and out of the personnel benefit coffers. Otherwise, the next war will be a disaster for us. I hope that he will work with me to see to it that money is not taken out of the defense budget for Kosovo.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, we won the war. Now we must win the peace. We led NATO into that war in order for us to end the atrocities over in Kosovo and now we must be part of NATO to ensure that peace is there and that it will stick. Not only do the Republican amendments today undermine our efforts in Kosovo but the underlining provisions of this bill without the Skelton amendment make it nearly impossible to effectively implement the peace agreement because it cuts off the funds on September 30. Every major newspaper in the world has a peace agreement on the front page of every major newspaper. Why can our friends on the Republican side not read what is on the front page of every major newspaper in the world and declare that we have peace and we have the responsibility to be part of making sure that peace works.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I do commend our young men and women in the military for this peace that we hope has been achieved today because it is due to their great efforts that we have this opportunity for peace.

Mr. Chairman, I do not often disagree with the gentleman from Missouri, he is a Member of this House for whom I have the highest regard and affection, but on this particular issue, I think he is wrong. Just this last weekend, General Shelton, the Chairman of the Joint Chiefs of Staff, stated that even with the peace agreement, the NATO operation in the Federal Republic of Yugoslavia is no longer one of peacekeeping but of peace enforcement. We are clearly going to be placing U.S. forces in a hostile environment.

On one side of our forces, we will have the Serbs who we have been bombing for the last 2½ months. On the other side we will have the Kosovo Liberation Army which will be frustrated by the failure of the peace agreement to require a referendum as the Rambouillet accord would have done on independence. NATO forces will be defending Belgrade sovereignty over Kosovo, a position which is directly at odds with the KLA's paramount goal of independence. Moreover, while all the details of the peace agreement are not clear, it appears that the Russian element will approximate 10,000 troops compared to America's 7,000. Their line of command remains undetermined.

Over the last 2½ months, the United States has provided the lion's share of the effort in the air campaign. The latest figures indicate that the United States has had 723 aircraft involved versus 257 provided by the European states of NATO. The ratio of U.S. to European aircraft is almost 3 to 1. Yet the European states of NATO combined have more than twice as many active duty troops than we do, and their combined gross domestic product of $8.1 trillion is actually slightly more than our own GDP of $8.08 trillion.

The gentleman from Missouri would delete the provision in this bill that adds teeth to it, that the President may not spend money in fiscal year 2000 authorized by this bill for our military for operations in Kosovo but rather must submit a request for supplemental funding to meet any cost associated with the Kosovo mission.

☐ 1215

Given the inadequate funding that our military has received over the last 6 years, I believe this would be a grave mistake. I note that just this week the incoming chiefs of the Army and Marine Corps are quoted in the press as expressing concern about the long-term implications of the mission. I quote Army General Shinseki:

> Each additional contingency operation impacts the Army's ability to remain focused on its war-fighting requirements. I am concerned about the prospects of a long-term commitment to Kosovo with ground forces.

I just want to put it down to home. Earlier this year I visited my naval air station in Jacksonville. I was shocked at what I saw. Of 21 P–3 aircraft on the tarmac, only four could fly. My S–3 pilots were only getting 5 hours a month flying time because there were not enough planes.

This House just passed the supplemental appropriations bill to reimburse the services for the President's air campaign and provide for other urgent service requirements. It was not enough, but it was a start. Now that we have met these urgent needs, we must prevent readiness from declining again.

The gentleman from Missouri's amendment would allow that to happen, and I urge my colleagues to oppose it.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have a peace plan for Kosovo. Milosevic's troops are moving out, peacekeepers are moving in, the refugees are going home. America can claim a victory by the outstanding young men and women in our armed services. Yet this House could snatch defeat from the jaws of victory.

We must support the agreement, provide the funds, back the peacekeepers. Instead, in this bill, the Republican majority has chosen to cut the funds, to pull back the peacekeepers.

This bill prohibits funding after September 30 for any U.S. military involvement in Kosovo, even to help secure the peace. Not only that, two other Republicans, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from Florida (Mrs. FOWLER) have amendments that would undermine the peace plan by banning peacekeepers. We should defeat these and approve the Skelton amendment to strike the provisions in the underlying bill.

Mr. Chairman, faced with tough choices, the President concluded that the risks of action were outweighed by the risks of inaction. Turns out he was right and the naysayers were wrong.

The naysayers said to ignore this ethnic cleansing, it is not our problem. The President said Milosevic's brutality must not stand. The naysayers said, never mind. The President said, never again. The naysayers warned of American battle deaths, but not one American has been lost in combat.

The naysayers said the conflict would spread, but it has been contained. The naysayers said it would sever relations with Russia, but Russia is our partner in the peace plan. Criticism is easy, but leadership takes courage.

This House has not shown courage on Kosovo. It has acted irresponsibly, voting against withdrawing troops, voting against the air campaign, yet doubling funds for the campaign. If we vote today to cut off funding and renege on our commitment to NATO, Russia and the world, we bring further shame to this House.

Mr. Chairman, we are better than that. Our country deserves more than that. Bring peace in the Balkans, preserve America's role as a world leader, reject these ill-advised efforts to undermine a peace in Kosovo.

Reject the Souder and Fowler amendments. Vote for the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me respond to the last speaker that talked about the House acting irresponsibly. Irresponsible action by this House would be to not properly fund the Nation's national military strategy to fight and win two nearly simultaneous major regional conflicts. That is exactly what would be irresponsible.

To come onto this floor and then to try to claim that if we are not funding some peacekeeping operation that does not even test the gut-wrenching test of vital national security interest, that we can somehow then go to sleep with our responsibilities in other areas of the world, baffles my mind.

I mean, let me share with my colleagues what I mean by the gut-wrenching test. Does the United States have vital interests? None that could be debated. Why? Because we see the President and the American people were unwilling to put troops on the ground. That is the gut-wrenching test.

America understands the test for "vital" is if, in fact, we would sacrifice or send our own son or daughter into combat. But if people in America are unwilling to do that, then there is a strong sense in their gut that it must not be vital to our particular interest.

Now, we are in NATO. Because of our interest in NATO, the United States is a leader in NATO, we are in it. That is what is very, very clear.

Now I am going to be a constructive critic, and that is what I have tried to do in this process. But there is a clear difference in foreign policy between Republicans and Democrats, and that is very clear in the enjoinment of this debate.

Presently, there is a foreign policy of engagement where we have 265,000 troops in 135 countries all around the world; we have reduced the force in half, we have placed great stresses on the force, increased the operational tempo. We cannot retain the force, and we cannot even recruit to meet the goals of the force structure to meet our national military strategy.

Now let me shift gears. This allegation boggles my mind: Somehow achieved a victory? Why are we so anxious to say a victory has been achieved? Do my colleagues realize that Milosevic was able to achieve his objectives on the ground and that because refugees have now been sent to all areas of the world, try to get these refugees back into Kosovo at a time when are they going to feel the security to even go back?

Now let me pose another question. Peacekeepers? Do my colleagues know what protects a peacekeeper? It is neutrality. I feel much more comfortable having an international force on the ground, not NATO. NATO, that is not neutral. We have been bombing for 2 months, 3 weeks. We are seen as the enemy by the Serbs. That makes us a target. In their eyes it makes us the occupiers, and if there is anything we ever learn about the Balkans in the thousands of pages I have read it is that a bad situation always gets worse in the Balkans when there is an outside intervening source, especially one that is seen as the enemy.

So, yes, there is some apprehension.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, does the gentleman believe that the situation in Bosnia-Herzegovina is worse today than it was 3 years ago?

Mr. BUYER. In Bosnia-Herzegovina it is better today than it was 3 years ago.

Mr. HOYER. Mr. Chairman, I remind the gentleman Bosnia-Herzegovina is in the Balkans.

Mr. BUYER. I understand that, I understand that. I am just saying that what I most fear about is, in Kosovo shots can be taken and that has not happened in Bosnia-Herzegovina. The gentleman's point is well taken.

Let me also compliment the gentleman who is the chairman of the Subcommittee on Military Procurement, and I think the gentleman from Missouri (Mr. SKELTON) understands this. What we are trying to achieve here is for the President, if he wants to use moneys for the peacekeeping operation, then come with the supplemental appropriation, do not take it out of hide. A lot of the things for which we are doing here is to fund the national military strategy; that is our goal, and I also would want to work with the gentleman.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, 3 months ago I went with the Secretary of Defense to Aviano where, as the first order of business, we were to be briefed by Brigadier General Dan Leaf, the commander of our air forces there. General Leaf was there to meet us on the runway early that morning even though the night before he had flown a mission himself.

He briefed us with confidence, professional pride. And without bluster, he told us that his success to date was due more to the discipline and perfection with which his men had executed their mission, and, yes, their morale, because they believed in what they were doing; and not in the ineffectiveness of our adversary because our adversary was formidable. He did not promise us any quick results, but he did not shrink from the mission, and he left us believing the mission would be accomplished.

Well, Mr. Chairman, General Leaf and his troops did not disappoint us. They did what we asked them to do. They demonstrated the prowess of the United States Air Force, once again on a level with the Persian Gulf, and let me say I am proud to represent those troops because some of them came from my district, from Shaw Air Force Base. They did their job, they served us well, they made us proud, and I am here in the well of the House to commend them.

They must wonder, as many of us do, why this bill cut short what they have accomplished. The bill itself, the text of the bill, precludes further funding for peacekeeping or combat operations next year, and not satisfied with that, the majority has made in order three more amendments which pound the same issue: no money for military operations of any kind. I suppose that means no signal intelligence to see what Milosevic is up to, no overhead satellites, no CIA, no search and rescue.

What in the world are we doing considering amendments like this?

I know peacekeeping is onerous and expensive, I know our forces are stretched out around the globe, but I cannot believe that we are considering amendments like this at this time. We should be savoring our victory. We should voice vote up the Skelton amendment, remove the ban on funding, tell the President, sure, send us a supplemental next year to pay for the peacekeeping. But we should savor our victory, defeat these other amendments and see that our victory is consummated by a successful peacekeeping operation.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I want to compliment my friends, the gentleman from Missouri (Mr. SKELTON) and the distinguished chairman of the full committee for their fine work here, and I would like to say that the agreed-to settlement yesterday is, I believe, good news for Kosovo, good news for the North Atlantic Treaty Organization and good news for the American people and for our forces who have fought with tremendous professionalism and valor in dealing with what is obviously a very, very tough situation.

We all know that NATO's campaign had a specific goal. It was about bringing a political settlement that could be supported by both the Kosovar Albanians as well as the Serbs. At the same time, America's ultimate goal I believe must be a future which ensures that our troops will not be needed in Kosovo or, for that matter, anyplace else in the region. That is a very important goal that we need to pursue.

I frankly am troubled if we look at the historic pattern that we have seen in Yugoslavia, in the entire region, which has required that presence, but I think that we need to do everything that we can to continue to pursue that ultimate goal.

Now, having said those things, Mr. Chairman, I think it is very important for us to realize that we need to proceed with an important and rigorous debate on exactly what U.S. national interests are around the world; and as we look at the challenge of having deployed troops in many parts of the world beyond the Balkans, we need to decide what it is that we want to pursue, what our priorities as a Nation are, and I hope that in the not too distant future we will be able to proceed with that.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

□ 1230

Mr. TURNER. Mr. Chairman, the House will decide today not whether or not we will pursue the war, because the war is over and the settlement has been signed and the United States and NATO have prevailed. The question before the House today is whether, after winning the war, will we lose the peace?

In this bill there is language that would cut off all funding for the peacekeeping operations 3½ months from now. It is my view that we must send a very clear signal to the world community and to President Milosevic that we intend to keep the peace; that when the world community stood united, when our NATO allies stood united, when our forces prevailed in the 78 days of the bombing campaign, that this House of Representatives also will stand united in supporting those troops and supporting that peacekeeping effort.

There is no question that we all believe in a strong military and we all believe that the supplemental appropriation, the emergency appropriation that we passed, was important to funding adequately the military. But to hide behind that smokescreen and say that we will oppose the Skelton amendment and keep the language in the bill that cuts off funding 3½ months from now, just because we want to try to get another emergency appropriations bill passed sometime in the future, is, in my judgment, a wrong approach to a very serious issue.

It is my hope that this House will support the Skelton amendment, to tell the world community that we intend to do our part, and reject the Fowler amendment, which was the subject of legislation we debated back on March 11 before the conflict began, when this House agreed to authorize forces of the United States to participate in a NATO peacekeeping operation. In that debate I offered the amendment that would restrict our participation to 15 percent.

We need to continue on that course today, and we need to adopt the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to ask the esteemed ranking member and anybody else who wants to speak on this, we have heard a number of statements about how much you love the troops. I do not have any influence with the President. The President is sending budgets down that do not pay for ammunition, do not give adequate pay to our troops, keep them on food stamps, do not give them spare parts and do not give them planes new enough to avoid a 55 crash a year crash rate. We all know what we are trying to do. We are trying to keep our money in the ammunition coffers so we do not spend that on other things and have empty ammunition coffers when the next war comes around.

I want to ask the gentleman, will the gentleman work to get the $13 billion ammunition shortage plussed up to where it is at parity with what we need to fight the two wars?

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, absolutely.

Mr. HUNTER. Will the gentleman make a pitch to the President to do that?

Mr. SKELTON. Absolutely.

Mr. HUNTER. Mr. Chairman, I will work with the gentleman over the next couple of weeks, and I hope all the other leaders and Members who have spoken on the Democrat side will use their influence to get this funding executed.

Mr. SKELTON. If the gentleman will yield further, the gentleman will recall that I put together just a few short years ago a military budget calling for an increase in three successive years. I know full well and the gentleman knows full well that we need additional funding for the military. We made substantial gains this year. I am very pleased with this bill.

What I do not want to happen is for this provision to stay in which cuts off the funds. We do need a supplemental. I would encourage that. That is why I have left section B untouched. We encourage and require the President to send a supplemental in the future.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very pleased to serve with the gentleman on the National Security Caucus, and the gentleman does an outstanding job in that. I am going to join the gentleman and the gentleman from Missouri (Mr. SKELTON) and the chairman of the committee in the effort he speaks of, but I believe we ought to perceive this on a bipartisan basis.

I will be speaking about what I think the President's role has been and what Congress' role has been, both parties, in terms of under funding our defense. We have not passed bills that were adequate to the task. The President has not vetoed any bills. We simply have not passed them. I want to work with the gentleman, and I appreciate his comments.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey, Mr. ANDREWS.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I begin by offering my congratulations and thanks to the men and women in uniform who have done such a fantastic job in the Balkans. I hope that they and their families are listening and understand the unanimous feeling of pride and support for what they have done.

The question before us this afternoon is what do we do next? This bill offers a good prescription for what not to do next, because if this bill becomes law, on the 30th of September, whatever efforts we are making to sustain the peace that has been won will terminate. Now, that is a shortsighted and I believe irrational approach to solving this problem. So we need to amend the bill.

With all due respect, I do not think we need to amend the bill in the way that our friends from Florida and Indiana have proposed amending it, because they say before we could put peacekeeping forces in, as I understand it, since they are ground forces, there would have to be specific Congressional authorization.

What clearly has happened is that the objectives of this campaign are being realized. The refugees are going home, the Serbian troops are being withdrawn, and the objectives are being realized. To force us to go through a process now where we cannot follow through on this decision that has been made until there has been a debate and vote here I think would be a mistake. It would be an equally grave mistake to tie the President's hands and to terminate his authority on the 30th of September, a truly arbitrary deadline.

The right amendment to support is the Skelton amendment. It says the right thing, that the President in fact should come to this body for a supplemental appropriation and not pay for these operations out of the regular military budget. I agree with that. But it does not make the mistake of unduly tying the hands of the commander-in-chief and restraining him and our military leaders from following through on the peace that has been won with such valor and distinction in the last few weeks and months.

I strongly support the Skelton amendment; oppose the others.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, years ago when George McGovern ran for president, our current President and National Security Adviser worked in his campaign. Sandy Berger supposedly even coined the phrase "come home America." Our boys of the Vietnam era have now grown up. It has gone from come home America to go everywhere America, to stay everywhere America.

We do have the best military in the world. Nobody is disputing that. We are proud of them. But they can only do so much with poorly conceived political strategies.

This is certainly no victory. After 11 weeks of bombing, we have less world stability than when we started. After 11 weeks of bombing, we have a settlement that we probably could have achieved at the beginning. If this is a victory, what would a defeat look like? We are not snatching defeat from the jaws of victory, we are trying to snatch future victories from the jaws of this defeat.

Let me look at the specifics here. We probably have destabilized Montenegro, although hopefully we can get the pro-western government stabilized.

We certainly have put Macedonia at risk, which was a country where all the factions had pulled together, watched their trade get devastated, and now potentially have changed the mix and the politics of Macedonia.

We have set a precedent on autonomous semi-independent republics, and it is not clear whether Kosovo can actually stay under Serbian control. What does this mean for Palestine? What does this mean for the Kurds? Have we taken a foreign policy change and had a potential impact around the world?

What about internal interventions? What does this mean for Chechnya, what does this mean if there are Tiananmen Squares? Are we going to intervene in other countries, with terrible tragedies and the genocide in those countries. We do not have a clear policy of how and when we are going to intervene.

Furthermore, has this advanced the stability with Russia, has this advanced the stability with China, where we clearly have national interests and world peace interests. I would argue no.

Furthermore, we have disproportionately pinned down our forces in an area of the world where we do not have clear national interests, and where, after 700 or 1,500 or 2,000 years of fighting, we are unlikely at the second we pull out not to see reoccurrences. As long as Pristina is conceived as the Jerusalem of the Serbian people, they are not likely, whether it takes 20 years or 50 years or 200 years, to change that attitude.

Furthermore, why did I say that about the peace settlement? Milosevic remains in power. He keeps his military. Furthermore, we now disarm his enemies, the KLA. We have Russian troops, his friends, as part of the thing. I am not arguing against these points. I am saying this is something that he probably would have taken in the beginning.

Furthermore, it is under UN at this point, under UN control, where China has a veto in the Security Council. We do not even know what the Russian government is going to be like after the next elections, and we probably are going to be there a lot more than 3 months.

So you look at this and say, why is this peace settlement a defeat for Milosevic? He has moved the Kosovars out. He does not have enough Serbians to occupy that whole territory. We are looking at 100,000-some versus 1 million people. He wanted his enemies disarmed, and we are going to do that.

I do not think this in any way can be called a victory.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the NATO mission in Yugoslavia has prevailed over the brutal dictatorship of Slobodan Milosevic. NATO has shown tremendous resolve, tremendous persistence, throughout this crisis. Now that this diplomatic resolution has been reached on NATO's terms, on NATO's terms, this is not the time to show weakness, to cut funding or to damage the unity of the western democracies.

What can the proponents of this bill be thinking by cutting funding for peacekeeping? This is not the Republican party of my father or the Republican party of my grandfather. I learned around the dinner table that the primary rule of foreign policy was politics ends at the water's edge.

The modern Republican Party in this House seems to have forgotten that lesson. They seem to be setting foreign policy on personal considerations and a personal hatred for the President of the United States.

Important challenges continue to face us in Yugoslavia. We have got to return the refugees and house them and clothe them and feed them by winter. We have got to avoid partition of Kosovo. We have got to make sure that Milosevic does not receive immunity for his war crimes, and Serbia must not receive international aid until Yugoslavia becomes democratic.

What we have achieved is that NATO has shown it is willing and able to keep the peace in Europe. Until now they have been a defensive alliance. For the first time they have had to act militarily, and they have succeeded, they have prevailed, and they will keep the peace in Europe.

The central question here all this century has been do free peoples in democracies have the self-discipline to prevail against dictatorships and all the coercive power they can bring to bear? In this century we have answered that question affirmatively, in two world wars, in the Cold War, and now in Yugoslavia.

It is no time to step back. Support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, I believe it is not only prudent but part of a vital duty for this Congress to continue to discuss national security and policy questions relating to our ongoing operations in Kosovo. As part of this debate, I believe we must take a longer view of our foreign policy goals using lessons learned in this current crisis. In a nutshell, what does our intervention in Kosovo imply for our foreseeable future as the world's dominant power? And we are.

Consider that NATO attacked a sovereign country that offered no military threat to the members of the alliance. Consider that NATO justified its attack on the basis of morality rather than self-defense, and NATO limited the accuracy and effectiveness of its attack to those measures that presented the least risk to NATO participants, even though this format predictably caused innocent civilians' deaths.

Where do these actions as a precedent take us? Who else has the "right" to mount such an attack? China? Russia? The Organization of African Unity? Some other power? Some rogue Nation?

Where else should NATO attack? The principles of morality have no geographic boundaries. We know that. For every ethnic cleansing in the Balkans, there will be several more, in Africa, Indonesia, any other headline you want to pick in the paper. How can NATO not intervene in the next Liberia, Rwanda or East Timor?

□ 1245

How committed are we to such attacks? Have standoff smart bombs become NATO's version of diplomatic demarche? Is this what we do every time negotiations stall at the bargaining table?

Underlying all these questions is the one most fundamental: What effect do such activities have upon our national security? I have, as chairman of the House Permanent Select Committee on Intelligence, seen a divergence of the intelligence capabilities and assets towards the Balkans that has left much of the intelligence field elsewhere empty.

What then is the end game for this and for future Kosovos? What is the lesson?

I have two recommendations on how to get there. First, I suggest we look with the wisdom of hindsight at the role of NATO in attacks other than for self-defense. I believe that the citizens of NATO countries support our purely humanitarian operations outside our territory, but I have less assurance that after the bloodshed on the ground in Yugoslavia, they will so readily support a military attack outside our territory unless it is in clear self-defense.

Second, I urge that any future interventions never again leave our national security, the United States of America, so vulnerable to surprise and to compromise. We must not allow such efforts to leave us vulnerable to unanticipated crises with our friends or with our adversaries.

We must, in short, have an intelligence and national security structure sound enough and broad enough to handle any such matters as Kosovo, if that is what the future portends, and still stand watch around the world in defense of our national security, which is the number one purpose, the number one duty, and the number one objective of our military.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, the critics were wrong. The headline in today's paper says, "Kosovo Pullout to Start Today." NATO's 11-week, 78-day campaign to stop the genocidal policies of Slobodan Milosevic in Kosovo is producing the results we sought. Today's pullout is the first step towards a complete victory.

As William Kristol and Robert Kagan wrote this week in the Weekly Standard, the victory in Kosovo should send a message to would-be aggressors that the United States and its allies can summon the will and force to do them harm.

Syndicated columnist William Safire hit the nail on the head when he wrote recently, "International moral standards of conduct, long derided by geopoliticians, now have muscle," said Bill Safire. Why? Because of NATO's unified, unwavering action in Kosovo.

The threat of a NATO ground invasion had a decisive impact on the butcher of Belgrade. Not surprisingly, Milosevic capitulated as President Clinton consulted his military advisers on options for ground troops.

Like the cowardly bully who picks on the weak and defenseless, Milosevic caved when he knew there would be no escape. President Clinton's resolve on the Kosovo crisis has enhanced the credibility of the United States and the Atlantic Alliance throughout the world.

Finally, let me state, our efforts to secure a peace in the Balkans are not over. Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal in the Hague, and he must be held accountable. Our credibility has been enhanced, NATO has been strengthened, a brutal dictator has been repulsed, and the cause for human rights has been advanced. If those are not good causes, I do not know what are.

In that context, Mr. Chairman, I urge that we adopt the Taylor amendment, I urge that we adopt the Skelton amendment, and I urge that we reject the Souder and Fowler amendments, which will declare defeat, not victory, which is appropriately our task today.

Mr. Chairman, the doomsayers and the critics were wrong. The banner headline on today's Washington Post says it all: "Kosovo Pullout Set To Start Today."

NATO's 11-week, 78-day air campaign to stop the genocidal policies of Slobodan Milosevic in Kosovo is producing the results we sought.

Today's pullout is the first step toward complete victory.

Soon we will be able to count these as our accomplishments:

Success in providing the 1.3 million Kosovars who have been forced to flee their own country or displaced within the province with a safe re-entry to their homeland.

Success in stabilizing this most unstable region of Europe.

And, of utmost importance, success in vindicating the credibility of NATO—and the United States—in rejecting and punishing Milosevic's unbridled barbarism.

As William Kristol and Robert Kagan wrote this week in the Weekly Standard: the victory in Kosovo should "send a message to would-be aggressors that . . . the United States and its allies can summon the will and the force to do them harm."

With the Serb invaders retreating and the NATO peacekeepers ready to restore order, it's not too soon to consider the lessons in this campaign and what still must be done.

First, NATO's air campaign in Kosovo decisively demonstrates that the alliance can engage in military action to protect basic human rights and to deter aggression on the European continent.

This policy is not just the right thing to do—it's a strategic imperative.

Syndicated columnist William Safire hit the nail on the head when he wrote recently: "International moral standards of conduct, long derided by geopoliticians, now have muscle." Why? Because of NATO's unified, unwavering action in Kosovo.

Would-be aggressors everywhere have this message ringing in their ears—don't do it.

If you take aggressive, hostile action against others, you may pay a very steep price indeed.

Further, we have learned that our awesome military might—coupled with the will to use it—provides a very real strategic advantage.

Clearly, the threat of a NATO ground invasion had a decisive impact on the butcher of Belgrade—Slobodan Milosevic.

Not surprisingly, Milosevic capitulated as President Clinton consulted his military advisers on options for ground troops.

Like the cowardly bully who picks on the weak and defenseless, Milosevic caved in when he knew there would be no escape.

President Clinton's resolve on the Kosovo crisis has enhanced the credibility of the United States and the Atlantic Alliance throughout the world.

We make good on our word.

American credibility is a strategic asset of the highest order and well worth fighting for.

Finally, let me state our efforts to secure peace in the Balkans are not over.

Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal at The Hague.

And he must be held accountable.

Our policy goal now should be his removal from office.

But we should encourage the Serbs to remove Milosevic and the brutal leaders who have caused this unnecessary suffering and misery.

Serbia also must be clear about this: so long as Milosevic remains in power, it will not receive financial assistance for its reconstruction.

Mr. Speaker, like some of my colleagues who have traveled to Macedonia and Albania, I have seen the devastating consequences of genocide.

These images have been seared into my memory forever.

We will not always be able to intervene to stop injustice wherever it occurs.

But we have laid down a powerful precedent in Kosovo.

Our credibility has been enhanced, NATO has been strengthened, a brutal dictator has been repulsed, and the cause for human rights has been advanced.

If those are not good causes, I frankly don't know what are.

I urge my colleagues to adopt the Taylor and Skelton amendments and reject the Souder and Fowler amendments.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me.

I wanted to respond to one allegation we heard here on the floor today, that what is in the bill under the chairman's language would cut the funds and pull back peacekeepers, once they are in place. I believe such comments are disingenuous and the allegation is false.

The emergency supplemental that we passed here on the floor is not only for 1999, but also for the 2000 cycle. So as we move through the 1999 cycle and we finish, and now we begin the October 1, the funds are not cut off. Yes, there were funds there through the emergency supplemental, but those funds were really used to pay the accounts and pay for the weapons and ammo and other things for the operations.

Can they reprogram? Yes. But what we would like and prefer is for regular order. That would be for the President to offer the amendment, a budgetary amendment in 2000, and to do that with offsets that are nondefense offsets and do not spend the social security surplus.

That is the obligation the Republican Congress has taken up: for every dollar of surplus, we will not spend it. That is what we request of the President.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the ranking member for yielding time to me.

Mr. Chairman, I rise today in strong support of the Skelton amendment, and would strongly encourage my colleagues to oppose the Fowler and Souder amendments. I believe those are the wrong amendments at the wrong time when we are on the brink of peace in the Balkans. I believe that the NATO policy in Kosovo has been the right policy for the right reasons at the right time.

There were two overriding concerns that got the NATO democracies involved in the Balkans.

One of these, and not least of which, was the importance of trying to contain the conflict so it did not spread into other countries and ultimately result in much greater cost and greater sacrifice to the western democracies later.

But the overriding one, Mr. Chairman, was the humanitarian and moral concerns involved in trying to help the Kosovar families and end the atrocities.

We were reminded by Elie Wiesel what this was all about. When he was asked about the NATO air strike campaign in the Balkans, he responded, listen, the only miserable consolation the people in the concentration camps had during the Second World War was the belief that if the western democracies knew what was taking place, they would do everything in their power to try to stop it, bomb the rail lines and the crematoriums.

Unfortunately, history later showed that the western leaders did know, but did not take any action. This time it is different. This time the western democracies do know what is going on, they are taking action, they are intervening. This time, he said, we are on the right side of history.

Mr. Chairman, we woke up this morning with the news that the first Serb troops are being withdrawn from Kosovo. The policy is working. I think credit should be given where credit is due. It was through the perseverance and unity of all 19 democratic nations of NATO that forced Milosevic to capitulate and end the atrocities in Kosovo.

Now we are at the dawn of a new era of peace in the Balkans. Let us hope it is a peace that sees the eventual removal of Milosevic from power, that sees true democratic reforms take place so the Balkan countries can eventually join the European Union, the community of democratic nations, and perhaps even the NATO alliance itself.

A pipe dream? An illusion? I do not think so. Who among us could have predicted that within 10 short years, some of the most repressive Communist regimes in all of Europe would be today flourishing democracies, members of the European Union and NATO itself?

The same can happen in the Balkans. Let us give this policy of peace in the Balkans a chance.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, NATO has achieved not a victory but a cessation of war, for now. It is important that Congress maintain a tight rein on the administration's policy in the Balkans through not providing a blanket authorization past September 30, which the Skelton amendment would effect.

The agreement that was signed is significant for what it does not say. The KLA was not a party to the agreement. The KLA is not even mentioned in the text of the agreement. The agreement does not limit the types and quantities of weapons the KLA must turn in. The agreement does not require the KLA to turn in rifles and machine guns purchased in Albania and on the black market.

Keep in mind the KLA's goal is still an independent Kosovo. They will not accept NATO's new goal of autonomy. They will return to the province well armed and well protected.

The agreement also provides for Yugoslav forces to be allowed back into Kosovo, but it does not say when. This agreement may have established a fertile ground for more war. This agreement could exchange the ill-fated and ill-advised quest for a greater Serbia for an ill-fated and ill-advised quest for a greater Albania.

It is urgent that Congress keep control in such an undefined and unpredictable environment created by an undefined agreement. Our young men and women could end up trapped in a ground war in Kosovo. Our young men and women could end up in a circular firing squad between an armed KLA and Serbs, Serb units trying to get back into the province.

Only congressional oversight will keep America from getting deeper and deeper into a reignited war between the KLA and Serbia. That is why I am going to support the Fowler and Souder amendments.

The administration already has funds appropriated for peacekeepers and military. There is no cut in funds being affected here. The Skelton amendment will permit the administration to have more authority to use money to send in troops or peacekeepers after October 1. This is June 10. Vote against the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DeFAZIO. Mr. Chairman, the Skelton amendment would allow a legitimate and proportionate role in peacekeeping, 7,000 troops. Earlier the gentleman from Indiana questioned whether that would stretch our forces too thin, whether they were overextended.

I do not believe the short-term commitment of 7,000 peacekeepers is an overextension. But the thoughtless, nonstrategic, nontactical permanent garrison of 100,000 troops in Europe is expensive and does overtax our military resources.

Ask a military strategist, why a permanent garrison of 100,000 troops in Europe? They say, well, to show commitment to Europe. I think we have shown commitment. Commitment to what, I might ask? To subsidizing and offsetting the legitimate defense obligations of our allies in Europe?

For years we were poised to repel an attack through the Fulda Gap. The only invasion going on in Eastern Europe into the former Soviet bloc involving the Gap is an invasion by a U.S.-based clothing store into that area. There is no threat from the Soviet bloc any longer. We no longer need to permanently garrison 100,000 troops in Europe.

Support the later vote on the Shays-Frank amendment to phase down our obligation to 25,000 troops, and help our military to husband its resources so they can serve their core obligations to defend our Nation against real threats.

That would be a vote here. If Members are really concerned about the military being stretched too thin, vote to stop that permanent, thoughtless, anachronistic deployment of 100,000 troops.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, a peace has been negotiated in Kosovo, and are we not relieved? And are we not proud of our troops, and are we not proud that we did not do this in a unilateral effort, it was a multilateral effort?

But at the same time, we must not overlook the United States' share of the burden to reach this agreement. In this effort, the United States forces have flown about 65 percent of the air sorties, including combat and support operations. The U.S. is also providing at least 25 percent of refugee and migration assistance, shouldering the major burden of the Kosovo conflict.

Even when this conflict is right in their own backyard, as the situation in the Balkans takes its toll, many of our allies are continuing to enjoy higher standards of living than our constituents, the American people. These nations can support education, health care, child care, and vital social programs because we pay their military bills.

☐ 1300

Our Europeans have gotten used to the American taxpayer picking up the tab for their defense. When they are allowed to do this, we cheat our children, we cheat our seniors, we cheat ourselves.

Mr. Speaker, the time has come for our allies to pay their fair share and come to the United States with that share so that we can invest in our children, our seniors, and our environment. Vote for Shays-Franks this afternoon.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, the Yugoslav surrender is the first mark of hope in a long time for more than a million Albanian Kosovars. The horror that they have endured has ignited outrage around the world.

In a recent trip that I took with some of my colleagues to Albania and Macedonia and to the border of Kosovo, I talked with refugees coming and streaming across the border and into the camps.

I talked with one 16-year-old boy who told me he watched in horror as the paramilitary police tore the eyes out of his father's head.

I talked to a woman who told me how they came into her home, took her jewelry, stole her money, took her documents, and then ordered her out of the House as they burned her house with her mother and father still in it.

I talked to a woman, who had five children, who told me they could not get food for 4 days. They were locked in their house, afraid to go out because of the troops. When they sent the grandfather, who volunteered to go out to get them food, he was executed in the street.

The horrors go on and on and on. From a moral perspective, Mr. Speaker, America and our NATO allies had no choice but to hit Milosevic, hit him hard, hit his forces in Kosovo hard in order for them to withdraw.

Now, this has not been easy, nor without controversy. Military action never is. I respect those in the House whose opinions differ from mine. Each of us must answer to our own conscience in these very difficult issues.

I want to thank, those Members on this side of the aisle who, under tremendous pressure, stood firm in their support for this policy. I believe their resolve has been vindicated.

The Speaker was in a difficult decision in terms of his own conference pulled one way and the other way, and he stood up at various times throughout this process and helped move it forward, I think, in a positive way. I only hope today that he will stand up again.

I regret to say, though, there are those who have tried to politicize the war. For more than 2 months, they have rallied against this war, they have called it, quote-unquote, the Clinton-Gore war. This was America's effort, not the Clinton-Gore war, America's effort to say never again. It was our effort to try to say to those who were trying to commit ethnic cleansing, no, you cannot do that. We will not sit idly by.

Now these forces are attacking the peace. Our troops are still engaged. Their lives are at risk. From the beginning of this conflict, the brave men and women of America's armed forces have performed magnificently. They have answered the call of duty with tremendous bravery and skill and determination. We owe it to them to support their critical work in the months ahead.

This House of Representatives has not handled, in some instances, this matter with dignity. We have sent contradictory signals throughout the past several months. We have been divided too long. But today we have a chance to set aside these divisions.

This is an historic moment for NATO and for the strength of our alliance. Let us come together today in this House. Let us support the peace process. Let us recognize that America has once again stood tall for the values that our great-grandparents, our grandparents, our fathers and mothers stood for when they fought in the First and Second World Wars in Europe.

The road ahead will be arduous. It is not going to be easy. Kosovo must be secured, and nearly half a million of their people must be settled in their homes. We owe it to those who fought bravely for us and to those who have been persecuted so much, we owe it to finish this thing in a responsible way.

It will not be finished by September. Cutting off their funding would only undermine their mission, even as they stand on the bridge of success. So let us support our troops and let us support a strong peace.

I urge my colleagues to vote yes on the Skelton amendment and no on the Fowler and the Souder amendments.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Let me just say a couple of things here. First, the devil is in the details. Mr. Milosevic has burned every village in Kosovo, or almost every village, and the simple fact is that he is now going to stop burning, now that there is nothing left, is not necessarily a victory.

I have two staff members who, as volunteers, have delivered some 20,000 packages of food and medicine to the refugee camps. They report to me that massive numbers of men are missing. By British estimate, I believe it is, 100,000 men from the Kosovar peasant population. We need to know what has happened to those men. Have they been executed? Are there mass graves? Are they in the custody of Serbs?

So the Serbs are moving back, in theory, or moving back into Serbia, but many questions remain.

But a very important thing has happened here, Mr. Chairman. The ranking member has informed me that the President has called just a few minutes ago and said, in response to our concerns, that he is not going to spend any readiness money on reconstruction or on peacekeeping operations, but that he will come to us with a supplemental appropriations request.

Mr. Chairman, I yield, and I would like the gentleman from Missouri (Mr. SKELTON) to make that clear.

Mr. SKELTON. Mr. Chairman, yes, I will restate what the President told me just briefly a few moments ago. First is that he fully intends to ask for a supplemental from the Congress for peacekeeping.

Second, after I raised the matter of timeliness with him, he said he fully intends to ask for it well before September 30.

Third, he said it is not his intent to use any readiness funds that we are authorizing and appropriating for peacekeeping.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman for the clarification, and I hope he will work with me and other members on both sides who are concerned about getting our ammunition stocks back to where they need to be. I know the gentleman knows they are very low right now.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, that is the reason I left section B out of my amendment. It has always been my intent that there should be a supplemental request and now, of course, fortunately, it is just for peacekeeping as opposed to both combat and peacekeeping.

Mr. HUNTER. Mr. Chairman, I think that makes very, very clear the point of the gentleman from South Carolina (Mr. SPENCE), which was that the President had put nothing for peacekeeping in this defense bill. So the logical deduction was that any peacekeeping, absent a supplemental, had to come out of ammunition, had to come out of readiness; and that is something that would have disserved the country.

I appreciate the gentleman from Missouri (Mr. SKELTON) for explaining the President's recent statement.

Mr. UNDERWOOD. Mr. Chairman, there is no doubt that the underlying bill is worthy of support. However, the language contained within, which prohibits funds from being utilized for Kosovo operations next year, will destroy the faith in the peace accords that were just yesterday agreed to.

Section 1006, as drafted by the Republican majority, will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. While almost impossible to enforce and monitor, this section has a demoralizing effect upon the morale and welfare of our troops engaged in the NATO operations. This section is completely unnecessary and sends the wrong message to our allies and troops. I applaud Congressman SKELTON's efforts to strike this language.

The insidious language built into this bill is there for the purpose to embarrass the President and his efforts to broker peace in the Balkans.

As this operation was conducted on the basis of coalition forces, it is absolutely essential that American forces participate without any hesitation. This spending "road block" may prevent military peace keeping planners and commanders from placing necessary equipment in place to do the job and do it right.

Mr. Chairman, I can appreciate that many may fear that this unforeseen operation would place extra burdens on our troops. I can also appreciate that the President must be reminded that he should not pay for this operation out of hide. But by pinching off this artery of military funding, we are removing the flexibility of our commanders to make deployment decisions based on practical military and peace keeping operations. That is irresponsible.

Furthermore, Mr. Chairman, I do not understand the rhetoric on this debate about the need to "protect the funding of our military." I would ask my colleagues in opposition to simply read the amendment. That is precisely what Mr. SKELTON's amendment does—it asks that the President return to this body to seek additional funds for Kosovo operations.

Additionally, I do not understand the rhetoric over "winning" or "losing" in terms of Operation Allied Force. There was no real victory—thousands of Kosovars have been killed in a Serbian campaign of genocide—and there was no real defeat—Belgrade has capitulated and accepted the peace accords that will bring a durable armistice to the Kosovo region. Indeed what we do have is success—the success of President Clinton and his leadership, the success of NATO, and the success of a measured response—air power—to a complex situation that was engineered by a now indicted war criminal, Yugoslavian President, Milosevic. My dear colleagues, let us not turn this success into failure.

Mr. Chairman, by passing the Skelton amendment, Congress will send two strong messages: First—we let our NATO allies know that our full resources are behind the peace accord 1000 percent. Second—we let the Administration know of our strong concern to not let this peace keeping operation further degrade the readiness of our military. The President should return to Congress for an Emergency Supplemental next year to pay for this peace accord and our role within it. Mr. Chairman, let's choose leadership over fear and pass the Skelton Amendment.

The CHAIRMAN. All time for general debate has expired.

It is now in order to consider the last five amendments printed in part A of House Report 106–175 which shall be considered in the following order: Amendment No. 17 offered by the gentleman from Mississippi (Mr. TAYLOR), Amendment No. 18 offered by the gentleman from Indiana (Mr. SOUDER), Amendment No. 19 offered by the gentleman from Missouri (Mr. SKELTON), Amendment No. 20 offered by the gentlewoman from Florida (Mrs. FOWLER), and Amendment No. 21 offered by the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. BILBRAY), the gentleman from Florida (Mr. FOLEY) or the gentleman from Michigan (Mr. UPTON).

It is now in order to consider Amendment No. 17 printed in House Report 106–175.

AMENDMENT NO. 17 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 17 offered by Mr. TAYLOR of Mississippi:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. ___. OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, section 8 of the United States Constitution provides that: "The Congress shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .".

(2) On April 28, 1999, the House of Representatives by a vote of 139 to 290, failed to agree to House Concurrent Resolution 82, which, pursuant to section 5(c) of the War Powers Resolution, would have directed the President to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia.

(3) In light of the failure to agree to House Concurrent Resolution 82, as described in paragraph (2), Congress hereby acknowledges that a conflict involving United States Armed Forces does exist in the Federal Republic of Yugoslavia.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. TAYLOR of Mississippi—

In the text of the matter proposed to be inserted, strike clauses 2 and 3.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. HUNTER. Mr. Chairman, reserving the right to object, I would simply like to ask the gentleman from Mississippi (Mr. TAYLOR) to explain his modification.

I yield to the gentleman from Mississippi (Mr. TAYLOR) for that purpose.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) for yielding to me, and I very much appreciate his previous remarks about the willingness to work with all parties to see to it that the military is adequately funded while we ensure the victory that has been won.

As the gentleman knows, we began this debate 2 weeks ago. At that time, American armed forces were at war, as far as I am concerned, with the Yugoslav army and Serbians. Because of the Memorial Day district work period, because of the other delays in getting this vote to the floor, a great many things have happened, all, in my opinion, good for the United States and good for NATO and good for the good guys, the forces of peace in the world.

One of the things that was included in the original motion was to have Congress admit that a conflict does, indeed, exist between the United States of America and Yugoslavia. Because of the good news that came out of the Balkans yesterday, that is no longer necessary.

A second portion that the gentleman from California (Mr. CAMPBELL) and others might have found offensive was a reminder of Congress' failure to act on this matter before.

At the request of the gentleman from California (Mr. CAMPBELL), I am removing those two portions. The first one makes absolute sense because, thank goodness, we are no longer involved in armed conflict with the people of Yugoslavia.

The second one, I must admit, was probably done, I felt, to help strengthen the cause of what needed to be done then when we were still in conflict and no longer is necessary. So, therefore, I have agreed to remove it at the request of the gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The Chair requests that the gentleman from Mississippi (Mr. TAYLOR) provide another copy of his proposed modification to the Chair.

The Clerk will rereport the modification.

The Clerk read as follows:

Modification to part A amendment No. 17 printed in House Report 106–175 offered by Mr. TAYLOR of Mississippi:

In the text of the matter proposed to be inserted, strike the section heading and all that follows through the end of paragraph (a) and insert in lieu thereof the following:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. GOALS FOR THE CONFLICT WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDING.—Article I, section 8 of the United States Constitution provides that: "The Congress shall have Power To . . . provide for the common Defence . . . To declare War . . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .".

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

The CHAIRMAN. Does the gentleman from California (Mr. HUNTER) continue to reserve the right to object?

Mr. HUNTER. Yes, Mr. Chairman.

Further reserving the right to object, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I simply wish to be clear and offer the gentleman from Mississippi (Mr. TAYLOR) a chance to respond if he would be so kind. First of all, I express gratitude to the gentleman from Mississippi for his kindness. Secondly, I express admiration to him for his consistency. Though we disagree on the policy in Kosovo, I note that the gentleman and one other Member of our body had the courage of his convictions to recognize that what was happening was war and to so vote when I brought a resolution to the House floor on April 28. I admire him for that. I have so said so publicly and I repeat it today.

I wish to be clear, and I ask the gentleman from Mississippi if he would be so kind as to make it clear that the purpose of his unanimous consent to remove clauses 2 and 3 in his amendment is to prevent any possible implication of relevance to the pending litigation one way or the other, which I commenced with other Members of the Congress regarding the legality of this war.

Mr. HUNTER. Further reserving my right to object, I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me return the compliment to the gentleman from California (Mr. CAMPBELL). I thought it was of the utmost importance that this body, which has the constitutional duty to declare a war, had to vote on that issue. It was the gentleman from California (Mr. CAMPBELL) that forced that to happen on the House floor.

Although I regret the outcome of that vote, we did at least what the Constitution says that we were supposed to do, which was to vote on that. I have no intention of trying to do anything legislatively that affects the outcome of the gentleman's lawsuit or any other lawsuit.

As the gentleman knows, as Members of Congress, things I have to remind my constituents on on a regular basis, that we are barred by law from getting involved in anything that involves another person's litigation as Congresspeople.

So, therefore, I certainly do not want to adversely affect the gentleman's suit in any way. If this helps the gentleman to accomplish his goals, which is to clarify the War Powers Act, and reestablishes Congress' constitutionally mandated duty to declare a war that is our decision, then I want to see to it that that happens.

Mr. HUNTER. Mr. Chairman, further reserving my right to object, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR), and I renew my expression of high regard for him. We share this common goal.

Mr. HUNTER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR) for 15 minutes.

Mr. TAYLOR. Mr. Chairman, 2 weeks ago yesterday, an extremely high-ranking member of the American forces in Europe took the time to visit, at our request, the gentleman from Missouri (Mr. SKELTON) and myself.

□ 1315

At that time, that extremely high-ranking American officer expressed his concern that the Congress really had not gotten behind this effort, and he felt that it was bad for morale, bad for the troops and quite possibly could affect the outcome of the conflict.

The question, as I recall, from the gentleman from Missouri (Mr. SKELTON) was what can we do; how can we help? If I recall, that officer, being the good officer that he is, he said that is not my place to tell Congress what to do. So, then, a suggestion was made by the gentleman from Missouri, well, what if we came out for something? What if after all this time, and at that time it had been over 45 days, Congress finally says what we are for in this conflict? That extremely high-ranking officer said, yes, that would help; the troops need to know that Congress is for something.

He then went on to say that it would probably be helpful to say that we are for the goals already articulated by NATO. And at some point someone said, well, what about the war criminals; what about the ones who made this happen? Should they not be held accountable? The answer was yes, they should be, and that should be one of America's goals. With that in mind, the gentleman from Missouri and I drafted this amendment.

I want to take the time to compliment the new Speaker of the House. He may not even remember the conversation, but 2 weeks ago today, as the rule for this bill appeared to be going down, I took the time to ask the Speaker to sit right there, explained to him what had happened, and told him how important I thought it was that America's Congress, if the 435 elected representatives of the people elected just last November, express what we are for in this conflict. I do not think it is a coincidence that we are where we are today, and I do thank the Speaker for what I think is his help in seeing that this will happen.

The amendment before my colleagues takes the stated goals of NATO and adds to them two additional goals. Number one, Slobodan Milosevic, who by all accounts has now started four wars, one in Slovenia, one in Croatia, one in Bosnia, one in Kosovo, be held accountable for the rapes, the murders, the torture and the destruction caused by him and his lackeys in four wars.

I took the time to research the Gulf War debate from January of 1991. I took the time to see what many of my colleagues said then. In almost every instance they talked about the rapes, they talked about the murders, they talked about innocent lives being taken by a brutal dictator and his henchmen. It is the same thing now.

We are the good guys. And as many of my colleagues have reminded their other colleagues, yes, we cannot be the policemen for the world, but there are some things that we can do. And those things we can do, we should do. And to quote the preacher at Walter Jones, Sr.'s funeral, "And with the help of God, we will do."

We have proven in Bosnia there are some things we can do. The highest reenlistment rates in the United States Army come from people who have just been to Bosnia, because they know they are doing good things.

A couple of years ago I went over there fully intending to come home with a notebook full of stories of why we should not be in Bosnia. I took the time to stay at the mess halls and visit with the kids. A young kid from Ocean Springs, Mississippi, not knowing my agenda, just told me what was on his mind. His name was Chuck Rhodes. Should we be here? Yes. Why? Because I am keeping women from getting raped, I am keeping little kids from getting tortured, I am keeping old people from being drug out of their houses and murdered. That is why I joined the United States Army, to be a good guy.

He said it more clearly than any Secretary of State, any admiral, any general, any President. In five sentences he articulated what we are trying to do as a Nation. It is about time that this Congress, which is given the constitutional duty to provide for the troops, to provide for the common defense, to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces. That is what this is all about. We are making the rules for the peace in Bosnia. And I regret that we are 60 days late, but it is never too late to do the right thing.

So I would ask all of my colleagues, regardless of whatever hesitation that they may have had before this started, to recognize the fact that Bill Clinton did not win this war, Madeleine Albright did not win this war, the brave young Americans who flew over 30,000 sorties, and put their lives on the line every time they did so, they won this war. Let us do not give away the peace that they have won. And let us say as a Nation this is what we are for, and that since they have been willing to put their lives on the line to let it happen, let us as a Congress make sure that it does happen.

So I ask all of my colleagues, regardless of whatever hesitations they might have had before, let us be for this. Let us be for taking a communist tyrant who has raped people, murdered people, forced parents to have sex with their own children at gun point, thrown so many bodies in the rivers of Yugoslavia that the turbines in the hydroelectric plants clogged with their corpses, let us see to it that they are brought to justice and that we send a message as a Nation that people who do those sorts of things will be held accountable and we are not going to let it happen again.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition to the amendment of the gentleman from Mississippi?

Mr. HUNTER. Mr. Chairman, I claim the time set aside for the opposition.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HUNTER) for 15 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Let me just say to my colleague, as a Member who did vote to support the air operation, and who has a number of members of my staff working as volunteers to try to help the people who have been oppressed, who have been moved out of Kosovo, that we are not home free; that this is a very, very difficult situation; that it can be argued very strongly that Mr. Milosevic has accomplished most of his foreign policy goals, if in fact those goals were to destroy the homes and the livelihoods of the ethnic Albanians in Kosovo. Very clearly, that has been almost entirely accomplished. I have not gotten the latest reports, but my understanding is that most of the villages, and which a substantial majority of Kosovo is ethnic Albanian, have in fact been burned. There are not many villages, if any, left to burn.

Now, my friend talked about the troops and about the wonderful performance of our men and women in this air war. Let me just reiterate this point, because I do not think it can be reiterated enough. I do not think many of those folks watch us on television, and I do not think many of them read the CONGRESSIONAL RECORD. I think the place where they see the manifestation of our support or lack of support is in several ways: One, when they sit at the breakfast table with their wives and their children and they look at their paycheck and they notice that their paycheck is now 13 percent on the average less than the paycheck on the outside. That means if they are an electronics technician in the Navy that they are making 13 percent less than if they were working in the private sector. I think that says something to them about how important they are to us.

Secondly, when they go out on operations and they discover that they do not have the right type of preferred ammunition, and in some cases they know the ammunition stocks are almost gone, that says something to them about their prioritization within this House of Representatives.

And lastly, when they have to climb into that piece of equipment, whether it is the B–52 bomber that the Clinton administration now says we will fly until they are 80 years old, instead of new equipment, instead of a B–2, for example, or even a B–1, that says something to them also. I think whether a person works for a trucking company or whether they work for the U.S. Air Force, the age of the equipment that person is supplied with to work with has a large effect on their morale.

Now, we all know now that this budget that the President submitted for this year did not put a dime in for the Kosovo operation, so that led us to the inescapable conclusion that if the President was going to start a peacekeeping operation, he was going to start doing what he has done in the past, which is dipping into the cash register and taking ammunition money and taking pay money and taking readiness money out of that cash register to pay for an ongoing operation. We want to make sure that does not happen. And I think the gentleman from Missouri (Mr. SKELTON) wants to make sure that does not happen also.

So let me say a couple of things. First, the devil is in the detail with respect to the Kosovo operation. I want to know what has happened to the 100,000 men, and I believe that is the British estimate of men who are missing from their family groups. And my own staff stood there at the Albanian border and watched thousands of women and children come across with no men, and almost all those families had stories of the men being separated and taken off to an undisclosed destination by Serbian troops. What has happened to those people? Have they been taken up into Serbia? Are they at camps? Have they been executed?

Secondly, what is left of the infrastructure inside Kosovo with respect to its ability to accommodate anybody, now that Mr. Milosevic has burned most of those villages? Is there anything left for them to go back to? We need to look at that very closely.

Lastly, I think we need to look at the European Community and make sure that the European Community, which has budget problems just like this community has, the American community, is not looking at a way to make the Americans pay for the majority of the restoration of Kosovo. Because very clearly we have paid for the majority of the air campaign and we know it is very important for our allies to participate in this.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, based on the gentleman's comments, I find that he and I are singing from the same sheet of music, and I thank him for that.

My main purpose for rising, however, is to compliment the gentleman from Mississippi. I think it is important that the goals for this entire challenge be set forth, and he has done that quite well for today as well as the challenge for tomorrow. I thank him for his thorough review of those goals.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman and I also want to compliment the gentleman for his laying out of the goals that the United States as well as other western nations must be interested in.

Mr. Chairman, I would ask how much time we have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Mississippi (Mr. TAYLOR) has 7½ minutes remaining, and the gentleman from California (Mr. HUNTER) has 9 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the distinguished Navy ace.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

When this whole event started, many of us fought against it; felt it was wrong. The total number of people killed in Kosovo, prior to the United States bombing, was 2,012. Not saying a single life is not worth something, but of that 2,012, one-third of those were Serbs that were murdered by the KLA. Their churches were bombed, their police were killed and kidnapped. And was there fighting there? Yes. Were both sides brutal? Absolutely yes. But was there massive ethnic cleansing? No.

There are 300,000 Serbs that live where the KLA is not, mostly in Belgrade. Not a single one has left.

□ 1330

But the KLA wants a complete separation of Kosovo. They also want Montenegro. They also want Macedonia. And they also want part of Greece. That is why the Greeks are so adamant about supporting the Serbs; they are afraid of expansionism by the KLA.

And yes, there are atrocities on both sides. And I have no doubt that on both sides there have been atrocities, mostly by the Serbs. But for us to go over there and do what we have done is unconscionable.

The President said this is a big win. We have killed more civilians, two-and-a-half times, over twice, the amount that the Serbs killed in an entire year prior to the bombing. Through the bombing of NATO, there have been over twice the number of people killed in Kosovo as were killed prior to our bombing.

If we listen to the people, the Albanians themselves coming out of Kosovo, listen to what they are saying, they were forced out of their homes after the bombing started. And many of my colleagues say, well, Milosevic had a plan, he had a plan, and we had a plan. Well, we implemented that plan.

There are hundreds of thousands of people, in my opinion and, I think, the world's opinion that would not be refugees today if we had not bombed. That is not a win. And they say there is no loss of life. Ask the crew of the Apache that were killed over there in Kosovo, the loss of 117s.

Before we get out of this, conservative estimates say, $50 billion to help rebuild Kosovo and what we have destroyed. Jesse Jackson, I do not support Mr. Jackson's views most of the time, but I thought he showed some real wisdom in the fact that he said that to get into the minds of the other side, to understand what the fears are of both sides, not just the Albanians, but what the fears of the Serbs are.

He also said we ought to have as much compassion for the innocent men, women and children, the Yugoslavs, as we have for the Serbs. And all I hear is that the Serbs are terrible. It is not all true. We cannot demonize an entire nation of people. The Nazis were terrible in World War II, but all Germans were not Nazis and did not commit those crimes.

From the very first day, I said there were certain things that we had to do to bring peace. And if we take a look, the number one fear, put ourselves in the Serbs' shoes, where one of three of them died in World War II defending Kosovo, their number-one fear was that, under Rambouillet, Kosovo was going to become independent.

There is nothing in this agreement. And I agree that is what should have been done. They may have cantonization, but it still should remain under former Yugoslavia.

Second, the Serbs were absolutely petrified. Where the KLA is, they are not in mass forces, but there are Mujahedin and Hamas within that and they want independence and they are going to cause problems and they were afraid. And when Rambouillet said that all their forces had to go out and their police, and none of the laws would form under Belgrade but from the Albanian civilians, they said, hey, this is Serbia.

That is like Texas falling to Mexico and then saying, hey, Washington, D.C., has no laws over that. We would not do that.

But if we take a look, the Russians in there support it. The Greeks in there support it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to debate the exact type of horror that was perpetrated on the people of Kosovo. But I would daresay that using the analogy that some of my colleagues have used, that World War II was a failure because we did not prevent Hitler from killing over 4 million Jews, I do not think World War II was a failure. We stopped the horror.

I do not think what we did in Kosovo was a failure. We stopped the horror. We did it with absolute minimum loss of American life.

Are we somehow disappointed there was not a big body count? Are we somehow disappointed there will not be another wall on the Mall with 50,000 American names? I am not. I am happy. We did not lose one kid.

The gentleman from California (Mr. DUNCAN HUNTER) is exactly right, we need to get them new weapons, we need to get them the right ammunition, we need to pay them like a free society ought to pay volunteers. He is exactly right. And none of us are in disagreement on that.

We also need to protect the peace that they have won. We, as the Congress of the United States, ought to set the rules for the Army and the Navy, and that is what I am asking the Congress of the United States to do right now. And we ought to bring those people who have done horrible things to justice. They should be held accountable for what they have done.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield the remaining time to the distinguished gentleman from Virginia (Mr. BATEMAN).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Virginia is recognized for 4 minutes.

Mr. BATEMAN. Mr. Chairman, I thank my friend from California for yielding the time.

This issue of America's involvement in the Balkans has given me more difficulty than any public policy issue I have ever been called upon to address. I must tell my colleagues that I have no satisfaction whatsoever in the manner in which the Congress of the United States has dealt with that terrible issue and the way we have performed consistent with what I would regard, if not our constitutional duty, the duty of common sense and of good public policy. We have, basically, from the beginning sought to insulate ourselves from what was going on.

I do not have the time to lay out anything other than just a very few bullet points that need much more exposition.

I have a strong point of view that this administration stumbled and bumbled through incredible ineptness in their execution of policy that got us into the mess we are in. But once we were in that mess, I have never understood the unwillingness of the Congress to confront the fact that we are there and our forces were engaged. And being engaged, we ought to either say, bring them home, or we ought to have supported them by a resolution authorizing them to be there and allowing such forces as were necessary to accomplish goals that we established as being valid goals.

Because we did nothing of that sort in the four resolutions that were offered on the floor of the House, I introduced H.J.Res. 51. I suggest my colleagues might want to read it. I am very disturbed by the fact that we have not done what we should.

The amendment of the gentleman from Mississippi (Mr. TAYLOR), as I understand it, there is little, if anything, in it that I would disagree with. I think it is basically a rhetorical statement. I happen to agree with the rhetoric. It gives me no problems at all.

Let me take what remaining time I have to address the amendment of the gentleman from Missouri (Mr. SKELTON) which I understand will be next or soon in order.

I do not have any disagreement with Mr. Skelton on that because I do not think this Congress ought to be saying to the President of the United States that he cannot deploy forces that are already deployed, he must withdraw. But this amendment, the language which is in the bill, is not intended to be an interference with the President's constitutional prerogatives. It is intended to be in keeping with the constitutional prerogatives that are clearly those of the Congress.

As chairman of the Subcommittee on Military Readiness, I am very, weary year after year after year of authorizing and appropriators' appropriating funds for stated purposes in areas of concern to be taken care of where there are problems, only to find that the administration, because of contingencies, has taken the money and spent it somewhere else.

What do we care, or do we even care anymore, about our responsibility as the Congress to control the purse strings? What difference does it make for us to spend our time authorizing after months of study and then appropriating funds if, having done so, the President can go off on any operation he chooses, spend the money in ways other than what we direct, and say nothing to this?

I am not against what the President is doing or finally has been required to do in Kosovo, and I am delighted with what appears to be a reasonable success. But it does not alter the fact that when we appropriate hundreds of millions of dollars devoted to specific reasons and purposes to look after the readiness and to get the equipment for our forces, we want it spent for those reasons.

If the President's policy takes us in a deployment somewhere, the President should come back to us and seek the funds for it, not spend it from things that we have otherwise authorized and appropriated. And that is what the issue is about and the only reason I would not be able to support the Skelton amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by thanking the gentleman from California for what he did back in April, which was to force the 435 elected officials, not one of us was appointed, not one of us was annointed, every one of us begged for this job, for forcing us to do what we should have done all along.

I also want to thank him for coming to me with what I thought was a very common-sense compromise on this issue. Again, what I had set out to do in the beginning was to help that very high-ranking American officer and let him and all the troops know that the Congress of the United States is behind them in what they are trying to accomplish. We have a chance to do that right now.

And lastly, I want to thank the Speaker of the House, who I do believe played a part in seeing to it that that amendment which was originally blocked from consideration 2 weeks ago is being voted on today. I think that is supporting what we are doing today.

I think for the sake of the kids who flew the 30,000 sorties and put their lives on the line every time that we protect the peace, that they risked their lives to gain.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 18 printed in Part A of House Report 106–175.

AMENDMENT NO. 18 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 18 offered by Mr. SOUDER:

Strike section 1006 (page 270, line 20, through page 271, line 9) and insert the following new section:

SEC. 1006. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN FEDERAL REPUBLIC OF YUGOSLAVIA.

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Missouri (Mr. SKELTON) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of our troops and the fundamental national security interests of this country. This bill is, in fact, about our national defense and readiness. I also want to commend the chairman of the Committee on Armed Services for his excellent work and commitment in this bill to rebuild our national defense posture.

It is my strong conviction that the United States' involvement in leadership in the conflict in the Federal Republic of Yugoslavia has, in fact, undermined our national interest, not furthered it. The President's national security adviser Sandy Berger supposedly, according to the President, coined the phrase "come home, America" for the McGovern campaign in 1972. Apparently, we changed this to "go everywhere, America" and now to "stay everywhere, America." While our motives may be good, the fact is that that is not much of a national interest policy.

I would like to also thank our leadership in the committee for including a prohibition in the bill restricting the use of funds for Kosovo. My amendment simply strengthens the prohibition already in the bill against the use of Department of Defense funds towards the conflict in Kosovo by applying the prohibition for all defense funds for Fiscal Year 2000, not merely to funds authorized in this bill.

□ 1345

The amendment also eliminates the invitation in the bill to the President to request additional funds for the conflict in Yugoslavia. We have already given too many taxpayer dollars to this ill-conceived operation which would be better used to strengthen our national defense and to be put into areas where we actually have direct national interests and world peace concerns as well as when we talk about this being $15 billion, $20 billion, $80 billion, whatever it turns out to be, that also means that domestic expenditures are being reduced which is a legitimate taxpayer question as far as where our national interest is.

I want to make clear that I do not intend to limit support for refugees, nor does this amendment prevent missions specifically limited to rescuing United States military personnel or citizens in the same way that the underlying bill was not intended to prevent such activity.

When given the opportunity a few weeks ago, the House of Representatives failed to support U.S. involvement in the bombing campaign in Yugoslavia. While we all hope for eventual peace, the many reasons to oppose involvement remain today. Reasons to oppose any additional funding for Kosovo include:

The potential permanent placement of U.S. ground troops in a region secondary to our national interests where forces will be at risk from violence on both sides. The continued redirection of funds essential to restoring United States military readiness. Let me address one question that we have been debating here, is could funds be diverted from this bill. In fact as I pointed out in the supplemental, there are not restrictions that keep funds from being moved. We often play in the Federal Government these games where, "Oh, we're not directly funding the supplies for the troops, what we do is just replace the supplies that were sent." So that the supply stream that is in the military currently that we were supposedly putting in for military readiness and buildup will be diverted over there and the new funds will merely go to replace what is being diverted. We have seen billions of dollars that were not allocated for Kosovo already spent, and it is disingenuous to say that, "Oh, there would be another supplemental that would take the additional funds" because they are diverting funds that are already there for troop training, for the gas, for the armaments and so on, and this has disguised the costs of this war and continues to do it. When we say we are building the readiness of our armed forces but do not restrict the funds from being directly or indirectly transferred to Kosovo, it is less than straightforward.

Furthermore, we are continuing to undermine the U.S. troop morale because they are being asked to do more with less and are being deployed at a rate like never before. That not only includes our active military but it also includes our Reserve and Guard where we are seeing a drop in reenlistments.

The fact that the NATO air war accelerated and augmented the tragic refugee crisis which we are and will continue to support financially through other areas. That is not arguing that he was not an evil man and is not an evil man. I am speaking of President Milosevic. Or that other leaders in countries in the Balkans did not practice genocide. The fact is it is not clear what was going to happen and to what extent it was going to happen.

Furthermore, the additional confusion which is added to our foreign policy priorities when we fail to establish a clear standard for humanitarian intervention while clearly undermining our relationships with international powers that clearly impact high priority U.S. national security interests including China and Russia. Let me explain that. It is terrible. I was in the camps in Macedonia, too. I spent a whole afternoon talking to refugees. You cannot deny, any citizen cannot deny who has talked to these people that throats were slit, that there are mass graves, that there were rapes. The question is, that is also occurring in many other parts of the world. What is our standard for intervention? That is the question here. And when? Is it just because they are white? That is a kind of question we have to confront with ourselves, just because CNN is in a certain part of the world. Why are we not in Sudan? What are the compelling reasons why we would intervene in one country and not another? Furthermore, to divert these resources like the last carrier over to the Persian Gulf so another carrier could be diverted into the Mediterranean leaving us blind in Asia where clearly we have potential coming conflicts between India, China and China's client states like Pakistan and North Korea and Japan, where clearly there are world peace major issues at stake and we are bogged down now in Iraq, in Bosnia, now in Haiti and now potentially even greater in Kosovo.

The continuous undermining of the stability of neighboring democracies like Macedonia and impeding the democratic position of Montenegro.

The U.S. policy of supporting, at least tacitly, the Kosovo Liberation Army which has some established ties to narcotics trafficking and terrorism targeted at Americans. One of the fundamental questions here in the ironies of this agreement is that we did not support the Kosovo Liberation Army and yet at the same time we are now going to accomplish for Milosevic one of the goals that he had in disarming them, at least temporarily.

The undermining of NATO when we define its continuing existence as dependent upon as the defeat of a sovereign country with a history of internal conflict which offers no direct threat to a NATO member. We constantly heard about article 5 which was supposedly the stability of Europe. Now, how in the world have we advanced the stability of Europe? We have Macedonia and Montenegro teetering, we have Greece with domestic conflict. We had Romania and Hungary concerned on the northern border. We have Russia, a historic ally of Serbia and a rising nationalist movement in Russia that we have given credibility to and potentially with the switch in the government of Russia having their armed troops on the ground in a very dicey type of situation in an area where we thought we had expelled them. We have a general and potentially and most likely an independent Kosovo in the middle of Europe. An armed Muslim state in the center of Europe will not add to the stability. I point that out because I did not meet a single Kosovar who was ever willing to serve under a Serbian government.

Furthermore, what does this mean in the concept of independent states, if the Kosovars have no intention of ever serving under a Serbian government? Does this now mean that in Palestine we are giving a blank check to the Palestinians to have an independent state separate from Israel? What about the Kurds in Turkey? There is a very difficult international policy question underneath this supposed peace settlement that I say puts our world positions at greater risk than we had when we first went in.

Furthermore, it is no wonder that China and Russia in the earlier question of when we are going to intervene in a humanitarian intervention, part of the concern here around the world, this is not a Christian moral position. I could argue from a Christian moral position that we should intervene anywhere. And when Russians started bombing Chechnya we should have gone in. But what are our criterias? If they are a big partner, we do not go in? If they are a little trade partner, we do go? It is not clear. Because the terror and the murder is happening in many places throughout the world and was not extraordinarily greater in this area until we started the process. It was terrible but it was not extraordinarily greater than anywhere else in about 30 to 40 countries.

Mr. Chairman, the bottom line is if we should not be involved, then we should not be involved in either the war or the peacekeeping which is not necessarily the cessation of hostilities and may in fact even be an Iraq situation where he plays this like a yo-yo.

My amendment simply provides, if we should not be there and we should not stay there, then we should not fund the money. We then bear part of that responsibility. My amendment provides Members of this House the opportunity to vote in a manner consistent with their consciences and the congressional responsibility to use wisely the constitutional spending power which is the power of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I must say, Mr. Chairman, in the words of Mark Twain, the literary giant from my State of Missouri, "The more you explain it to me, the more I don't understand it." I really have a difficult time in understanding this amendment. For if I read it correctly, it is more restrictive than the language that is already in the bill. On top of that, it prohibits use of any funds, whether they be appropriated as a supplemental appropriation or otherwise from being used in the Republic of Yugoslavia effort. On top of that, it deletes the subsection which invites the President to request additional funds. That was put in by the majority, and I agree with it. The President should come forth and seek supplemental funds for the year 2000.

So this amendment is a very drastic one. If you read it very carefully, it is a short amendment that has very far reaching, difficult results.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) the ranking member for yielding this time to me. I would like to respond to the gentleman from Indiana (Mr. SOUDER) very briefly regarding the question he raised about how we are providing for a stable Europe by the actions that have been undertaken.

Last week I traveled with the gentleman from New York (Mr. HOUGHTON) to the Oxford Forum in Belfast, Ireland. While there our interlocutors were parliamentary officials from Germany and from England. We left there and went to London and met with Robin Cook. All along the way, including with the Prime Minister of Ireland, all we heard was praise for the overall aspect of this particular operation and how it has unified the alliance in the new paradigm. I think we really need to examine it from that point of view.

But I do rise in opposition to the amendment from my friend from Indiana. It is unfathomable to me that as a peace agreement has just been signed and we are about to achieve our goals for ending the ethnic cleansing in Kosovo that some Members of this great institution are attempting to prevent the United States from participating in an international security force. Quite frankly I am not only shocked, I am outraged at the lengths to which critics of our Commander in Chief will go to embarrass him. Rather than at this time celebrate a triumph and applaud our military for having achieved a successful operation, we are about the business of continuing to try to hamper the efforts that are put forward for peace. First these persons tried to prevent the Commander in Chief from stopping genocide in Europe. Now they are trying to stop him from securing peace. This simply cannot happen. I urge the body to please oppose the Souder amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume, and I yield for a question to my friend, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding. I just wanted to say, to get my oar in the water here, that this amendment does do what several people thought the base bill does, that is, this amendment would in my understanding immediately stop all operations in Kosovo. That is, it would paralyze air operations, no moneys of any stripe, whether it is this year or supplemental money or money for next year would be available. That means that everything would stop.

Let me just say from my perspective the same thing that I said several weeks ago on this, that I think that would be a major mistake. This, regardless of how we got here, we are operating this air war, bringing it to a conclusion, and I intend and I think a number of other Members intend on this side to oppose this amendment as much as we respect our friend from Indiana.

Mr. SKELTON. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding me this time. I rise in opposition to the gentleman from Indiana's amendment. I believe it creates an entirely unworkable situation which could pose grave harm to the men and women in uniform who are serving in the Balkans. In order to understand that, we have to understand what would happen on September 20th if, as I expect, we have several thousand troops in place, conducting peacekeeping activities, and think about the options the President would have to continue that operation. The first option he would have, and I hope that he would do it, would be to come to this body for a supplemental appropriation above and beyond the regular defense appropriations for fiscal year 2000 to pay for the cost of this. And we could make an honest decision as to whether we want to do that and where the money ought to come from. I want to underline what the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) and many others have said this afternoon, that that is the right thing, that is what he ought to do. But he may not do it. The President may not do that. And we may not act expeditiously if he does.

About 2 weeks ago, just before the Memorial Day break, we were intending to get to work on this bill, and because of various legitimate political disagreements in this body, we were unable to pass a rule to take up this legislation.

□ 1400

That could certainly happen again, certainly happen again in the context of a supplemental appropriation.

The second option the President would have under normal circumstances would be to reallocate funding in the fiscal year 2000 bill for this purpose. Now that is what he would do in the absence of a supplemental if this amendment were not the law.

But if this amendment becomes the law, as I understand it, the President cannot do that. It flatly bars any shift of funds, any transfer of accounts for the purpose of supporting the ongoing peacekeeping operation or any other operation which we may need in the Republic of Yugoslavia at that time.

His third option, as I read it, his only option, would be completely unacceptable, and that would be to unilaterally and immediately stop any operations that our military is conducting in the Republic of Yugoslavia. I think that does not make a lot of sense.

For those reasons, I would oppose.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the author, the gentleman from Indiana, if he has a question.

Mr. SOUDER. Mr. Chairman, I wanted to clarify the amendment, if I may. It only affects fiscal year 2000 funding. It has 4 months for us to withdraw. It does not have any immediate impact.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, what does the President do on September 28 of 1999 if we have not gotten a supplemental through here, and he wants to leave 7- or 8,000 people there to do their job? How does he pay for it?

I yield back for the answer.

Mr. SOUDER. He would presumably have to overturn this bill.

Mr. ANDREWS. Reclaiming my time, he would have to ignore the will that we enacted here in the bill?

With all due respect, I think that proves my point, that it puts the President in an untenable situation where our failure to act to enact the supplemental, which happens around here a lot, would tie the President's hands and create, I think, an irresponsible situation.

I yield to the gentleman from Indiana.

Mr. SOUDER. My understanding of the bill, my amendment to the bill, would eliminate the invitation that both the chairman and the gentleman from Missouri (Mr. SKELTON) have for a supplemental, but it would not prohibit the President from coming with the supplemental. It prohibits any funds that we currently have for fiscal year 2000.

Mr. ANDREWS. Reclaiming my time, it would though, if I am correct, prohibit the transfer of any funds from one account to another for this purpose; is that correct?

Mr. SOUDER. Absolutely.

Mr. ANDREWS. Mr. Chairman, I oppose the amendment.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Indiana (Mr. SOUDER), and I want to compliment him for bringing it forward. But I also want to clarify the discussion which just occurred because I think it may have left some ambiguity in the minds of Members.

Let me make it very, very clear. This amendment does not in any way prevent the President from coming forward in a straightforward fashion and saying to the Congress, "I want and I request and I ask you to appropriate additional funds for the conduct of this war or for the conduct of peacekeeping."

What this amendment does is say, "Mr. President, the power we have in the Congress is the power of the purse. You have clearly indicated that you are going to proceed on your own within your authority." So be it.

But we do have the power of the purse, and this amendment would say, "Mr. President, you have 4 months to conclude the action, and then if in that 4 months you want more money, come back to the Congress and ask for it," and I think that is a perfectly legitimate role for the Congress to play; indeed, it is the role that the Constitution contemplates that we should play, and I urge my colleagues to support the amendment for that reason.

But I want to move on to another topic because I think there is going to be some additional confusion later in the discussion. Later today, on this bill, my colleague, the gentleman from Missouri (Mr. SKELTON), I believe is going to offer an amendment to strike the language in the base bill which prohibits funds in fiscal year 2000 from being used for the war.

Specifically, on page 270 in section 1006 he is going to move to strike lines 21 through 24. That is the language that specifically prohibits the President from using fiscal year 2000 moneys for the conduct of this war or peacekeeping without coming back to the Congress for permission.

But in a move which will confuse Members he is going to leave in place the following language in subsection B of that section on page 271 which creates the impression that the President will have to come to Congress and ask permission, but not the reality.

I urge my colleagues to support the Souder amendment and to oppose the Skelton amendment, Mr. Chairman. The Skelton amendment appears to force the President to come to the Congress for proper budget authority for the conduct of this war, but it will not do that.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have always found it important to read what the amendments say, and this particular amendment strikes that provision which requires the President to come forth with a supplemental. Further, it prohibits, it prohibits other appropriated or supplemental appropriations by these words:

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

I mean, how much clearer can we get? That cuts it off.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, let me precisely explain. The gentleman is right. This language says that this piece of legislation would not authorize the President to continue the conduct of the war or the peacekeeping mission. That would leave the President with the option, which he has at any time, to bring forward a request for a supplemental appropriation specifically for the operation of the war. Then we could debate that issue, should we fund the war and at what level, or should we fund the peacekeeping effort and at what level?

Nothing in this language says the President is precluded from bringing forward such a proposal, and I give the gentleman back his time.

Mr. SKELTON. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman who offered the amendment asked, "Duke, would you like to speak in favor of the amendment?" Not only a good guy, he has got a good heart, and I would like to talk to the gentleman on why I oppose this particular amendment.

First of all, I have already spoken to why I did not believe that we should be in Kosovo in the first place. I have also spoken to why I thought that Rambouillet actually caused the war, that there was a no-win from the start, that the President did not understand that we could not have an independent Kosovo, that they would never give that up, and that they had fears that the KLA would reprise, and we could not take out other military and police, and that there had to be something in between.

Well, now the new agreement said that we will have Russian and Greek troops, which I wanted in there, to separate the two sides, and there is a difference between war and potential peace and what we do support.

George Bush in Desert Storm had our allies pay for Desert Storm, and I think that NATO ought to pay for this, at least 99 percent of this, and let the United States back out of it because we have been into all of the other things that we have talked about, from Iraq to other areas, as well as in the Sudan.

I disagreed with my colleague on his amendment because I felt that it took money out of the military requirements when our Joint Chiefs said we need 148 billion just to come up to a low-ball figure, the President, under the Bottom Up Review and the QDR; and I understand now that the supplemental will come in and not do that. But I would still oppose the gentleman's amendment if it takes the money out, because there is never a payback in this business.

And I would say that under this amendment it totally ties the hands of the President as far as our troops, and I do not want to do that. I am trying to get us out of Kosovo. I am trying to do it because I do not think that we should demonize one side or another on this because both sides have been, but at the same time I do not want to totally tie the hands of the President if there is hope for peace and we can separate those forces.

And with winter coming on, there is no electricity, no food, no heat, and there are innocent Yugoslavians and innocent Albanians at the same time. How are we going to handle that? I would like NATO to pay for it all. I am not naive enough to think they are going to do that.

I thank the gentleman from my heart for having given me the time, and part of me supports what the gentleman is trying to do, but overall I would have to vote against the gentleman's amendment and urge my colleagues to do the same.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate my friend from California (Mr. CUNNINGHAM) stating this. Obviously he did read the amendment, as I did, and the language is pretty clear.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. CUNNINGHAM. Actually, I had not, but I listened to what the gentleman said.

Mr. SOUDER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank my friend for having yielded this time to me.

And he has pointed out, pointed to the language in his bill that the bill refers to 2000 money, and that would not necessarily keep the President from spending dollars that are presently in the 1999 accounts; and so I want to apologize to the gentleman for misconstruing his amendment and saying that it would immediately paralyze all air operations. It would not stop for 4 months.

I still oppose the gentleman's amendment, but I do want to let him know that that statement was in error.

Mr. SOUDER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as my colleagues know, NATO is the alter ego of the United States. Whatever NATO does, it means the United States does, and what have we done?

Milosevic is still in power, close to 200 schools in Serbia have been destroyed, a half-dozen bridges across the Danube, power plants. We have destroyed a country. We have wasted our precious military resources. The American people have been asked to pay not only for the war, but the President will come back and ask us to rebuild Serbia. It is wrong. It is fiscally wrong and it is morally wrong.

The President needs to be stopped in this unwanted use of taxpayers' dollars. That is the purpose of the Souder amendment, to bring some sanity to what is going on in the world. This war never should have been started, and the American taxpayers should not be called upon to complete it.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. GEJDENSON).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Connecticut is recognized for 2½ minutes.

Mr. GEJDENSON. Mr. Chairman, I want to commend the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for coming together in opposition to this amendment.

The logic, at this point, as we have begun a process which ends the horror and extermination that was going on in Kosovo, to suddenly believe that we can crawl into some isolationist shell just does not make sense. The President and the Secretary of State, Sandy Berger, and the Secretary of Defense have done a spectacular job. They have kept NATO united, and frankly, as we are skeptics by nature in this Congress, I was skeptical that we could keep NATO united. They were successful in an air campaign, and so many experts told us we could not be successful with just an air campaign.

To come to the floor today and blame us for the devastation wrought on the Serbs would be akin to blaming the allies for the bombing that occurred on Germany in World War II. We have a responsibility in this Congress. It is to critically examine the actions of the executive.

But what I am fearful of here is that the hostility to this administration carries over in legislative attempts that defy America's basic national interest. Whether one believes the campaign could work or not, whether one believes we ought to have been there or not, at this stage to argue that America should simply remove itself is unacceptable and unwise for America's national interest.

□ 1415

America, under this President's leadership with our Secretary of State and their foreign policy team, has gotten an agreement for the smallest percentage of American participation in any action since the end of World War II that I can remember, less than 15 percent, a little over 7,000 of the troops. Our other NATO allies are taking a substantial portion, as they should, because it is Europe. That never happened before.

We should be in the well congratulating our military and our political leadership for having stood up to a tyrant and stopped the killing. Yes, there was a price paid, a price paid on civilians on both sides, but no one has any right to criticize our response in fighting for the lives of men and women being raped and murdered, being taken from their homes.

Was America to sit by and build one more monument? I have said this before. I have seen virtually every one of our colleagues at ceremonies for the Holocaust and Armenian genocide. This time we acted. We did not wait afterwards to wring our hands. I support the efforts of the chairman and the ranking Democrat to defeat this amendment.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Indiana is recognized for 2 minutes.

Mr. SOUDER. Mr. Chairman, a couple of points: One is I do not think it is helpful to take really serious deep disagreements about the validity of this particular war and imply that it has a political motive. I think I can stand here with the respect of this House and say I am not obsessed with removing this President or blaming everything on this President. I have deep reservations and opposition, not only to the war, but what we are potentially going to get into in destabilization in the peacekeeping force, not because horror is not terrible, just like in Sudan and many other places around the world, but I fear greater consequences in the other places in national interest.

Let me make clear again, this is the hardest core amendment. The amendment of the gentleman from South Carolina (Mr. SPENCE) is more moderate. If the Skelton amendment passes to the Spence amendment, the House will have no way to vote for those of us who oppose this war because the Skelton amendment would gut the Spence amendment.

My amendment does not remove that, although there is a question whether some of the supplemental funds would be affected. In my opinion, and I believe in most people's opinion, it would allow the funds to be expended for the rest of this year. We would have four months to make whatever transfer over of a European problem to the Europeans in the case of funding the peacekeepers after this.

If one does not favor the extended intervention in the Balkans through whatever, whether it is peacekeeping or in fact a continuation of the war or an Iraq-type situation, this amendment gives one the ability to say in the fiscal year 2000 funds, after October 1 and for that year, unless the President comes to this House and says, "This is an emergency, I need to waive what you previously passed, I need additional money," but it restricts the funding we are now putting out and have put out for fiscal year 2000 and says you cannot use that, yes, not only for air war and ground war, but you cannot use it for the peacekeepers either.

I do not expect a lot of support for this amendment, but for those of us who have deep concerns, this is our chance to cast that vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 328, not voting 9, as follows:

[Roll No. 187]

AYES—97

Aderholt
Archer
Bachus
Baker
Barr
Bartlett
Bilbray
Bilirakis
Bonilla
Brady (TX)
Bryant
Burton
Campbell
Canady
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Cubin
Danner
DeMint
Doolittle
Duncan
Ewing
Ganske
Gibbons
Goode
Goodlatte
Goodling
Graham
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hoekstra
Horn
Hostettler
Hulshof
Istook
Jenkins
Jones (NC)
Kasich
Kingston
Kucinich
LaHood
Largent
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McKinney
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Paul
Pease
Peterson (MN)
Petri
Pitts
Pombo
Radanovich
Ramstad
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Souder
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Vitter
Wamp
Watkins
Watts (OK)
Weldon (FL)

NOES—328

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens

Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bono
Brown (CA)
Clayton
Dickey
Engel
Hilleary
Holt
Lofgren
Olver

☐ 1443

Messrs. FRANKS of New Jersey, NEY, and BLAGOJEVICH changed their vote from "aye" to "no."

Messrs. SHAYS, WATTS of Oklahoma, HERGER, PITTS, HULSHOF, EWING, GARY MILLER of California, SCARBOROUGH, SUNUNU, and Ms. McKINNEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, earlier today, I was unavoidably detained on official business in my congressional district in central New Jersey. During that time, I missed three rollcall votes.

Had I been here, I would have voted "yes" on rollcall No. 185 and "no" on rollcall Nos. 186 and 187.

The CHAIRMAN. It is now in order to consider amendment No. 19 printed in Part A of House Report 106–175.

AMENDMENT NO. 19 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 19 offered by Mr. SKELTON:

In section 1006—

(1) strike subsection (a) (page 270, lines 21 through 24);

(2) in the section heading (page 270, line 20), strike "**BUDGETING FOR**" and insert "**SUPPLEMENTAL APPROPRIATIONS REQUEST FOR**"; and

(3) in subsection (b), strike "(b) SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—".

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it rather ironic; no, I find it rather sad that in the wake of a military victory for America and for the NATO forces, we find ourselves in this excellent authorization bill discussing language that cuts off funding for the troops on September 30 of this year.

☐ 1445

The amendment which I offer will delete subsection A of section 1006, while leaving in place subsection B. Subsection B requires the President to request supplemental appropriations in order to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia. Subsection B, standing alone, adequately protects the funding authorized by this bill without running the risk of undermining America's and NATO's military and peacekeeping efforts in Kosovo.

Mr. Chairman, 2 weeks ago, when we were first scheduled to take this bill up, I would have argued that the language in this bill sent the wrong message at the wrong time. Now the withdrawal of Serb forces, which is under way from Kosovo today, the message that we would send by rejecting my amendment would be a horrific message. The timing of the message would make it even worse.

We must pass this amendment so that we can proceed further and not cut off the troops for the wonderful job that they have done. We cannot cut them off on September 30 of this year.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise today in support of the Skelton amendment to the defense authorization bill, an amendment this House should pass for many reasons.

The gentleman's amendment strips the present language out of the bill which prohibits funds being expended in Yugoslavia after September 30, 1999. The current language in the bill does not reflect the best that this country and this Congress can offer in our defense policy bill.

The House Committee on Armed Services struggled long and hard to get this bill to the floor. It is generally an outstanding bill, a very good bill. But this language will garner a presidential veto, and our purpose here is to pass a bill that the President will sign, as well as safeguard our troops and the security interests of the United States of America.

Leaving the restrictive language on Yugoslavia in this bill puts its passage in jeopardy, and that is bad enough. But worse, it puts our troops in jeopardy, those young men and women fighting for the strategic interests of the United States.

Mr. Chairman, we cannot try to run this conflict, this war, like we run a regular business. We cannot do that. We are dealing with a man who is a vicious killer. Soldiers in the field, I do not think will appreciate it if we do not support this amendment.

Lastly, we would be terribly ill-advised to include this language in our bill because it sends a mixed message to Milosevic, the latest hate-monger of the 20th century. The very last person to whom we want to provide aid and comfort is Milosevic, a devoted enemy of peace in Central Europe.

I urge my friends and colleagues to support this amendment.

Mr. Chairman, the Government of the Republic of China announced on June 7 that it would provide a grant aid equivalent to about US$300 million to help the Kosovar refugees. The aid will consist of emergency support for food, shelters, medical care, and education for the refugees. In addition, short term accommodations will be provided for some of the refugees in Taiwan. Most important of all, Taipei will support the rehabilitation of the Kosovar area in coordination with other international agencies.

Taipei's offer of help drew a favorable response from our State Department and I think Taiwan's plan to assist Kosovar refugees and Macedonia is praiseworthy and demonstrates Taiwan's commitment to play a helpful role in the international community.

President Lee Teng-hui of the Republic of China on Taiwan should be commended for his willingness to commit his country's resources to help other countries in need. President Lee's aid initiative to the Kosovar refugees is yet another demonstration of the Republic of China's support of U.S. policies in the Balkans.

TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES,
Washington, DC, June 9, 1999.

Hon. SOLOMON ORTIZ,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ORTIZ: As we are all eagerly awaiting a peaceful resolution of the Kosovo conflict, I am writing today to direct your attention to my country's efforts to aid the huge numbers of Kosovar refugees currently residing in other countries.

As a member of the world community committed to protecting and promoting human rights, the Republic of China on Taiwan is deeply concerned about the plight of the Kosovars and hopes to contribute to the reconstruction of their war-torn land. To that end, President Lee Teng-hui announced on June 7, 1999 that our country will grant U.S. $300 million in an aid package to the Kosovars. The aid package will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc. for Kosovar refugees living in exile in neighboring countries.

2. Short-term accommodations for some of Kosovar refugees in Taiwan, with opportunities of job training to enable them to be better equipped for the restoration of their homeland upon their return.

3. Support for the restoration of Kosovo in coordination with international long-term recovery programs once a peace plan is implemented.

We earnestly hope that our aid will contribute to the promotion of the peace plan for Kosovo and that all the refugees will be able to return safely to their homes as soon as possible. In this regard, we hope that we may rely on your continued support and friendship as we seek to fulfill our obligations as a responsible member of the international community.

With best regards,

Sincerely yours,

STEPHEN S. F. CHEN,
Representative.

Mr. RILEY. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. RILEY) is recognized for 15 minutes.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak directly to my friend, the gentleman from Missouri (Mr. SKELTON) on his amendment. He is my friend, but I thought it was unfair to characterize this as a vote against our troops. As I see it, what our original base bill did was prevent the President from taking supplemental money that the House and the Senate voted for and passed for emergency supplemental, which was going directly to take care of many of the ills our military had.

The gentleman's amendment would allow the President to take money out of that fund and use it to expand Kosovo. Our position is that no money should come out of that which would detriment readiness for our military, and secondly, that it would not expand Kosovo.

Now, as I see it, the situation today, and I will have the gentleman correct me, he has had a phone call from the President that says he will not take money out of readiness. Secondly, he will come back to this Congress for a supplemental to pay for this, and the money will not come out of the hide of defense. That is good.

If that is the case, this gentleman would be willing to accept the amendment of the gentleman from Missouri.

But I have feared, and to me there is a difference between expanding a war and being able to pay to keep people separated and prepare for the problems that we have over there, even though I think NATO ought to pay for this, not the United States.

I also want to make it clear that any supplemental is going to come out of the things that both sides want to do. Those are the social issues.

So if the gentleman has that guarantee in writing, and I say writing because I would tell the gentleman I know what "is" is. Just a verbal acknowledgment that the President has promised, this is not enough.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time. Just for the record, the gentleman's word is good enough for me. It does not have to be in writing.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I did not say the word of the gentleman from Missouri (Mr. SKELTON) was not good. I said I did not believe the word of the President without its being in writing.

I totally take the word of the gentleman from Missouri (Mr. SKELTON).

Mr. REYES. Mr. Chairman, I appreciate the gentleman from California clearing that up.

Mr. Chairman, I rise today in strong support of the amendment to strike the Kosovo language from this bill.

Like many of my Democratic colleagues on the House Committee on Armed Services, my main concern with the underlying bill language has been and continues to be the inclusion of language which would basically require us to cease our operations in the Kosovo region at the end of this fiscal year.

Although I voted for the bill in the committee, I was greatly concerned with the message we were sending to Milosevic, to our military and the rest of the world. Although I do agree with the funds that we are providing in this bill, the manner in which the language is currently written will cause an unnecessary crisis on October 1 in the Balkans.

Having recently returned from that region and having heard from the refugees the horrors that they have experienced, I believe that we need to be in Kosovo and assist with the peace process.

I urge my colleagues to vote for the Skelton amendment and to make this defense authorization a truly comprehensive bill.

Mr. SKELTON. Mr. Chairman, may I inquire of the time remaining on each side.

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 10 minutes remaining. The gentleman from Alabama (Mr. RILEY) has 13 minutes remaining.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I rise in opposition to this amendment. This is a very important amendment, and what we do on it will be with us for a long time.

We are endorsing, if we vote in favor of this amendment, a policy of occupation of Kosovo for an endless period of time. We have now been fighting an undeclared war for more than 70 days. We have endlessly bombed a country the size of Kentucky killing many, many civilians.

It is an undeclared war. It is an immoral, illegal war. It violates the Constitution. It violates the War Powers resolution.

It is claimed now that we have had a great victory. But what we are doing now, after bombing a country to smithereens, is laying plans to occupy it. We are asking the American people to make an endless commitment to occupying this country.

A few years back, we were going to occupy Bosnia for a short period of time. We are still occupying Bosnia, spending between $10 billion, $20 billion already, depending on the estimate.

A few years back it was in our national interests to be involved in the Persian Gulf. We had to do a lot of bombing there and a lot of fighting. We are still bombing in the Persian Gulf. I mean, when will it end? Where do our borders end? What are the limits to our sovereignty? Where is our responsibility? It seems like it is endless anyplace, anywhere we have to go. We are now supporting an empire.

No wonder there is anti-American hostility existing around the world, because we believe that we can tell everybody what to do. We can deliver an ultimatum to them. If they do not do exactly what we say, whether it is under NATO or the United Nations or by ourselves stating it, what happens, we say, "If you do not listen to us, we are going to bomb you."

I think that policy is a bad policy. If we vote for this amendment, we endorse this policy, and we should not. This is not the end of the Kosovo war; it's only the beginning of an endless occupation and the possibility of hostilities remain. The region remains destabilized and dangerous. Only a policy of non-intervention and neutrality can serve the interest of the American people. The sooner we quit accepting the role of world policemen, the better. We cannot afford to continue our recent policy of intervention to satisfy the power special interest that influences our foreign policy.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, after 78 long days, the United States and its NATO allies have won a major victory over the forces of instability and inhumanity. Today, we are trying to snatch defeat from the jaws of victory.

We have won the war. Serbian troops are withdrawing from Kosovo under the exact terms that we have held out since the beginning of this action. We now have an opportunity to win the peace finally in the Balkans.

A vote against the Skelton amendment would prevent us from achieving the fruits of our success, restoring peace and stability to Kosovo, returning 1 million refugees to their homeland, and making sure that the bloodshed will finally end.

Even if one was against the military action, one should be for the peacekeeping effort. If one cares about the humanitarian catastrophe that has happened in the Balkans, if one cares about the future stability in Europe, the peacekeeping effort is the best way to continue this success.

Our heroic young people, men and women, for 74 days led this air campaign against the Serbian military, and therefore, we must be part of the peacekeeping effort.

□ 1500

The President has said that the peacekeeping force will be overwhelmingly made up of European troops. We must continue to fulfill our obligation to NATO through our participation in this effort. Turning our backs on this effort now would send a horrible signal to NATO and to the rest of the world that the United States is turning to an isolationist stance.

Congress has been criticized for our erratic policy on Kosovo. This is our chance today to be consistent and to be united behind the policy of peace and responsible American leadership in the world. We have a responsibility to our troops, to NATO, and to the refugees to fulfill our role in this peacekeeping effort.

I pray that Congress can put aside the actions of the last several months and join together to support this effort. It is the right thing to do, it makes sense, and it is worthy of our bipartisan support.

I urge Members on both sides of the aisle to back the Skelton amendment, to back peacekeeping, and to back what is right for the world.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

What the Skelton amendment does is not what was just described. What the Skelton amendment does is give an absolute blank check.

Let me make it very, very clear. The language of the bill does not snatch defeat from the jaws of victory. Indeed, nothing in the language of the bill would in any way hamper the peacekeeping effort or the effort of our troops. What the language of the bill does, which the gentleman from Missouri (Mr. SKELTON) would like to strip out, is to say that the Congress has a proper role in deciding what our expenditures in support of the operations in Kosovo and in Yugoslavia ought to be.

It says that, in subsection (a), the President cannot spend these monies appropriated for other purposes in Kosovo. But it says in subsection (b) that the President has to, instead, come back to the Congress and ask for a supplemental appropriation in which he specifies what he wants for the operation in Kosovo.

That is perfectly logical, and I defend the product of the committee. It makes sense. It defines the proper policy and gives the Congress the role it ought to have.

But here is the problem with the Skelton language. The Skelton language would delete subsection (a), taking away the prohibition, giving the President the ability to do what he wanted to do with those funds. But then it leaves Pyrrhic language which does not protect anyone. It says if the President wants to use those monies in Yugoslavia, in Kosovo, he can go ahead the minute he transmits a request for a supplemental appropriation.

It does not say he has to get a supplemental appropriation, it does not say that Congress has to pass a supplemental appropriation. Indeed, any court reading the fact that this Congress had in the base bill subsection (a) saying the funds cannot be used and subsection (b) saying he must ask instead for a supplemental appropriation, and watching that on this floor we strip subsection (a), would read what we had left to say there is no prohibition. The President can do whatever he wants. He has a blank check.

I urge my colleagues to defeat the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I think it is very important here for the Members to hear the language that is in the bill that the gentleman from Missouri seeks to strike. It says:

> Section 1006. Budgeting For Operations In Yugoslavia. (a) In General. None of the funds appropriated pursuant to the authorizations of appropriations in this act may be used for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia.

Now, the gentleman from Missouri wants to strike that language, and I think every Member of this House should want to strike that language. I am on the Committee on Appropriations. It is not easy to get a supplemental appropriations bill through the Congress, and it may take us extra time to do it. We have had supplementals that get stalled for weeks.

I just think that to have an amendment like this that basically says we do not support either our troops in combat or our troops in peacekeeping is a mistake. But this one really bothers me.

We should strike this out of here. We know we are going to have our Marines going into Kosovo to conduct a peacekeeping mission, and all the legislative strategists on the other side there may say, well, but we will get a supplemental that will then do it, but we really do not support it because we passed this amendment.

Why do we not strike this thing out so it removes any ambiguity about our support for our troops in the field? That is what is wrong with this. It sends this mixed message that somehow we are not really for this and, therefore, we are going to come up with language that says we do not support either combat or peacekeeping.

Now, I do not see why we have to have this in this. This war is over. The peace is about to be established, and I think the Skelton amendment should be passed overwhelmingly; should be accepted by the majority.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes.

First, I want to address my friend from Washington (Mr. DICKS). When the President asked for $6 billion within a supplemental for this operation, I wanted to give him $28.7 billion. We ended up, on this side of the aisle, giving the people in uniform, the people who count, $12 billion. We came up with twice as much for combat operations and for military accounts, for ammunition, for spare parts, for equipment than the President wanted. In fact, he complained he had too much.

The gentleman knows what the problem is here. The problem is in the fiscal year 2000 budget the President did not come up with a doggone cent for this operation. Everything that we have got in that $280-some billion budget is designated for certain things, like ammunition, where we are extremely low. We are $13 billion low on ammunition; spare parts. We crashed 55 aircraft last year in peacetime operations. We have got 10,000 troops on food stamps. We are 18,000 sailors short in the Navy.

The gentleman knows, as my good friend who works these issues with me, that we have a lot of deficiencies. And yet when the President came up with the budget, he did not put a dime toward Yugoslav operations.

Now, what does that mean? It means he is going to reach into the cash register and he is going to take money out that was going to go for M–16 bullets; it means he is going to reach into the cash register and take money out that would have gone for cruise missiles.

Now, I have voted with the gentleman on every single one of the amendments that have come up with respect to supporting the air war. We have, on this side of the aisle, when it really counted, we have given the men and women in uniform twice what the President wanted in terms of money. All we want is the assurance that the gentleman from Missouri (Mr. SKELTON), I believe now has received from the President, where the President called up and said, Okay, I am going to come with a supplemental appropriation, I will not take money out of readiness accounts.

And the gentleman knows as well as I do that we will have disserved the men and women in uniform if we force them to continue to fly in unsafe aircraft. In many cases we have aircraft that are much older than they should, be; if we continue to make them go into conflict with inadequate munitions and all the other things, we are worried about the next war.

So I would just agree with the gentleman that we need to spend money on supporting the troops. We want to make sure money is spent on supporting the troops.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for his comments. I think we are aiming at the same destination.

The problem is that should a supplemental be 1 day, 1 week, 1 month or whatever late, whatever flows from this bill cannot be spent. They would be without food, without ammunition, without uniforms, and it would make a laughing stock out of the Congress of the United States. We do not intend that.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, let me make one statement, and then I will yield to my friend.

I think the gentleman from Missouri would agree with me that we will have done a great service for the men and women in uniform if in fact the President says, Okay, on top of this year's appropriation and authorization for maintaining the military, I will come with extra money for the Yugoslav operation, for the peacekeeping operations, so we will not be dipping into ammunition accounts to fund that.

Would the gentleman agree with me?

Mr. SKELTON. Mr. Chairman, if the gentleman will continue to yield, that has been my intent all along. Now, the gentleman asked what the President told me a few minutes ago.

Mr. HUNTER. Mr. Chairman, let me take back my time for just a minute. I appreciate the gentleman's intent, he is my good friend from Missouri, but the President committing to do it is another step that goes beyond the gentleman's intent.

If the gentleman from Missouri had his way, we would be spending an additional $20 billion in defense this year. If I had my way, and I think if most people on my side of the aisle had our way, we would be spending an additional $20 billion in defense this year. The commitment from the President to come with a supplemental is, I think, a very important thing.

And I understand the gentleman now has a letter from the President that assures that?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield very briefly to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I am making, I would like to see us say, Mr. President, send up a supplemental to take care of the peacekeeping and the combat because we support the effort; not saying we do not support it, or no money shall be spent on it. It is not a positive way of dealing with the problem.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, I think the gentleman saw the results of the amendment that was just offered and saw the number of folks on both sides of the aisle who opposed the support of that amendment. I think that sends a message.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in favor of the Skelton amendment, which would strike from this bill a dangerous Republican provision that bars the use of funds for operations in Yugoslavia after September 30 of this year.

I would ask my colleagues on the opposite side of the aisle to please stop the political micromanagement of this conflict. We should be on this floor congratulating the President, giving support to our troops, and commending our negotiators and NATO for ethnic cleansing and genocide.

This provision could not be more untimely than it is today. Just yesterday, Yugoslavian and NATO officials signed an agreement that requires a demonstrable withdrawal of Yugoslavian military forces from Kosovo by this afternoon and a complete withdrawal within 11 days. The agreement also requires an immediate cease-fire by Yugoslav forces and a suspension of NATO air strikes once the withdrawal of forces has begun. NATO officials are monitoring developments in Kosovo as we speak to ensure that Yugoslavia abides by its agreement.

Stop undermining our troops and the President. Let us have all of us get together on this issue.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to the Skelton amendment, and let me just say I have my deep admiration for the gentleman from Missouri (Mr. SKELTON). I am sure he is very sincere, but here we are, in the last minutes or last hours of this debate on such an important piece of legislation, and then at the last minute we get a call from the President of the United States saying a letter is on the way.

The gentleman from Missouri does not even have the letter in his possession. We have seen letters from the President of the United States before. We have seen letters from this President that had so many holes in them they leaked like a spaghetti strainer, for Pete's sake. We do not know what kind of guarantee we have from the President.

I am sure the gentleman from Missouri is sincere. I want to see exactly what the President has to say before we give him a blank check to spend billions of dollars out of readiness, putting our other people in jeopardy, to spend it down in the Balkans.

The American people want us to be responsible and be very careful in our consideration of the lives of these people that are defending our country. I do not believe the President of the United States has demonstrated that same type of consideration, as he has sent our troops all over the world, stretched them so thin that our people are in jeopardy now.

I say if the President is truthful, and the gentleman from Missouri (Mr. SKELTON) does believe that his commitment is true, I would ask him to withdraw his amendment. It is not necessary. The gentleman's amendment is not necessary if the gentleman believes the President's word. If the President's word, if we trust the President's word that he is not going to spend it out of this bill and that he will come to us with a supplemental, the gentleman should withdraw his amendment. It is not necessary.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Ms. McCARTHY).

Ms. McCARTHY of Missouri. Mr. Chairman, I rise today to support the amendment offered by my colleague, the gentleman from Missouri (Mr. SKELTON). I commend the gentleman for offering this amendment and I urge my colleagues to support it.

We must stand behind our American troops who have spent the past 72 days in harm's way.

□ 1515

Through their valiant actions and service, Mr. Milosevic has conceded to NATO's demands to withdraw Serb troops from Kosovo. While America celebrates this victory, our fighting men and women in Yugoslavia would be out of the resources and support that they need.

They have served willingly and honorably, and we must ensure that they are able to carry out the peace plan and stabilize this vulnerable region. We must take our role as the defender of democracy seriously so that all citizens of the world are empowered to speak freely out against totalitarian regimes.

Mr. Chairman, I rise today to support the amendment offered by my colleague from Missouri, Mr. SKELTON, Ranking Member on the Armed Services Committee. This amendment would delete the provision currently in H.R. 1401 which would prohibit the use of any FY2000 funds for operations in Kosovo after September 30.

I commend Mr. SKELTON for offering this amendment and urge my colleagues to vote in favor of it. We must stand behind our American troops who have spent the past 72 days in harm's way. Through their valiant actions and service, Mr. Milosevic has conceded to NATO's demands and announced that Serb troops will begin their withdrawal from Kosovo immediately.

While America celebrates victory, our fighting men and women in Yugoslavia would be without the resources and support that they need. They have served willingly and honorably, and we must ensure that we are able to carry out the peace plan and stabilize this vulnerable region. The United States must stand firm at this point to ensure that the Albanians are able to return to Kosovo and to put America's strength behind the agreement with Milosevic.

Besides supporting our troops, we must also be sure that we continue our humanitarian aid to this area. Over a million refugees are depending on assistance from several countries to survive the brutality inflicted upon them by the Kosovar military. Without shipments of food, clothing, and medical supplies, these refugees would be in even worse conditions than the squalor that currently pervades the camps they are living in. We must not desert these people.

As the last "superpower" in the world, the United States must take its role as the defender of democracy seriously. We must not allow dictators like Milosevic to wipe out whole populations in order to "purify" the areas they rule. We must demand that all citizens of the world are empowered and free to speak out against totalitarian regimes.

I urge my colleagues to support the amendment of the gentleman from Missouri and support our troops.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, on April 28, when we were debating the resolutions regarding Kosovo, the President of the United States sent a letter to the floor of the House, and many represented that that letter meant he would obtain the approval of Congress before inserting ground troops. And then over the subsequent weeks we discovered he really did not mean it.

In testimony by the Secretary of Defense and the Secretary of State and their designees, they said, well, no, the President was not going to wait for a vote of approval by the House before sending in ground troops, if he felt ground troops were needed.

The point is that the mission in Yugoslavia can change. So if we accept the Skelton amendment and the mission changes and we have to send ground troops in, hear me, my colleagues, the President will say that this vote gives him the authorization. He will do it. My colleagues know he will do it, because he said he could send in ground troops without getting a vote by Congress.

What else can we do? I have tried in court. The Constitution gives Congress the right to declare war. But the court has said that a Member of Congress does not have standing. Even though the President carried on the war past the 60 days, in violation of the War Powers Resolution, we do not have standing to contest it.

The restriction in the bill, that the Skelton Amendment would remove, is all we can do to assert our right in the constitutional scheme.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The Clerk will report the motion.

The Clerk read as follows:

> Mr. OBEY moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I apologize to the Committee for not informing them ahead of time of this motion, but I made the motion in order to obtain the time to respond to some of the comments that I have just heard.

I think if this institution is to regain an ounce of credibility in the way it has dealt with this entire issue of the war in Kosovo, it must pass the Skelton amendment.

I simply do not understand what I have seen in this House in the last 2 months on this issue. I have seen our good friends in the majority first vote against substituting a ground war for the air war that NATO is conducting. Then I have seen them vote against supporting the air actions that were being taken by our forces in the field.

And then, in a double reverse that would make Barry Sanders proud, they voted to double the amount of money that they wanted to spend on the same war they said they did not want to see fought.

I saw one member of the majority leadership in the other body stand up twice in meetings that we had with the President and tell the President that he was wrong to conduct military operations of any kind against Mr. Milosevic, and he even suggested that the United States was guilty of attacking a sovereign country.

That same Senator, the day the peace accord was signed, then attacked the President because Mr. Milosevic was being allowed to stay in power under the agreement that was just signed. I guess that means he believes that new governments can be brought into being in Yugoslavia through immaculate conception. I do not quite understand how that is possible, but I guess some people think it is. That kind of double reverse is enough to give anybody watching, a bad case of whiplash.

What is important here at this time is for the Congress not to make a negative statement about what is happening in Yugoslavia but to make a positive statement. Of all times, it is necessary for us to be unified if we are going to be in the strongest possible position to carry out our opportunity and our duties and our responsibilities because of the apparent ending of military action in Kosovo.

It seems to me that the way that we can assert a positive position at this time is to eliminate the language that the gentleman from Missouri (Mr. SKELTON) is trying to eliminate and, on a bipartisan basis, see to it that the way we handle our forces in that area is consistent with our national interest and consistent with stabilizing that area so we do not have to go through this again.

I urge support for the Skelton amendment.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HUNTER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his inquiry.

Mr. HUNTER. Mr. Chairman, does this side have an additional 5 minutes as a result of the request of the gentleman?

The CHAIRMAN. The motion has been withdrawn by unanimous consent.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise respectfully to oppose the Skelton amendment.

NATO has achieved a victory, but it is really not a victory. It is a cessation of war, a cessation for now. The war is stopped not because of bombing but because Congress did not give wholesale authorization to the war.

It is important that Congress maintain its constitutional duty to reign the administration's war policies through not providing a blanket authorization past September 30, which the Skelton amendment would affect.

The agreement that was passed involving the war does not involve the KLA, and the fact that it does not involve the KLA ought to give pause to Members of this Congress, because the KLA's goal is still an independent Kosovo. We could end up in a situation where our young men and women whom we all support would be in a circular firing squad with KLA members being arrested and Serb units trying to get back into the province.

A vote against the Skelton amendment would be a vote to support the troops. The only way that we are going to have peace in the end is to make sure that there continues to be congressional oversight. Let us not give that up.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of the Skelton amendment.

I would remind the Members of this body when President Bush stood up to another thug in the person of Saddam Hussein, every Member of the Republican leadership voted to give maximum executive authority to enable President Bush to act as Commander in Chief regardless of the War Powers Act.

Then after the vote was taken on which the Democrats were divided, we requested another vote; and we voted nearly unanimously to give maximum authority to President Bush to act as Commander in Chief. And on every single subsequent vote, it was nearly unanimous that this entire House voted to support the President. But now the Republican majority wants to snatch defeat from the jaws of victory.

We have prevailed in this war. We have a more resolute, a stronger NATO. We have worked in coordination with 19 nations. We have achieved something nearly miraculous. We have not lost one soldier, sailor, or airman to enemy fire. We have shown that we can wage an air war alone and be successful. We have won.

Let us sustain this victory. Let the President act responsibly with the advice of the military and not politically with the advice of the Republican majority of this Congress who are absolutely and irresponsibly wrong on this issue. Support the Skelton amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the 30 seconds remaining.

Let me just put the playing ground where it is right now. At this point, we have in this bill a provision that makes the President come to the Congress for a supplemental instead of taking Kosovo money out of ammunition accounts, out of spare parts accounts.

The gentleman from Missouri (Mr. SKELTON) has advised us that the President has now made that commitment to us. I think that is something that the gentleman from Missouri (Mr. SKELTON) and the chairman should take up shortly and discuss.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. MORAN of Virginia. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. MORAN of Virginia. Mr. Chairman, under the rule, the gentleman from California (Mr. HUNTER) did not have the right. That is the reason for the objection.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I express my appreciation to the chairman of the Committee on Armed Services.

Mr. Chairman, I rise in somewhat of a dilemma here regarding the Skelton amendment. If he were to suggest striking the language having to do in this proposal with section 106 relating to peacekeeping operations rather than the entire section, I would be in support of it. But as I was when we voted 213–213 back at the start of these activities in Yugoslavia, I continue to see no reason to be engaged in combat in Yugoslavia.

I am ready, willing, and able to support peacekeeping operations there, but I must draw the line on combat. I am supporting not doing combat in Yugoslavia. I am supporting doing peacekeeping in Yugoslavia.

If the gentleman would be so kind as to amend his request to only strike the combat portion so that, and I do not know the technical details, but if we would be allowed to do peacekeeping, I would be in support accordingly.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think it is moot because the combat is over. That is in the past. Peacekeeping is the only thing in front of us. And I appreciate his support for that position.

Mr. OSE. Mr. Chairman, if the gentleman would continue to yield, I have great admiration for the gentleman from Missouri. My concern is that combat is just beginning.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding.

I think that the gentleman from Missouri has a very valid and sincere concern when he offers this amendment. But I, too, must oppose it and am opposing it because I still do not feel comfortable the way this administration has handled this aggressive NATO action.

NATO, as we know, is a defensive alliance and has been using an aggressive posture in Kosovo. For 78 days we have bombed the heck out of a country which is the size of Kentucky. We have 855,000 refugees that have left the border that have to be brought back, 500,000 within the borders. These people will be returning home within a month, but to homes that are not there, on roads that they cannot drive on, to jobs that no longer exist because the businesses have been blown up.

Ten thousand people have been killed. And what is worse, we have not gotten rid of Milosevic. I do not feel comfortable the way this administration has handled this.

Now, I like the idea that the administration will have to come back to Congress and ask us for additional funding or ask us for one thing or the other. It seems to be the only thing that attempts to keep this administration in check. We do not have international unity. We do not have national unity. We do not have the central question answered, which is, why are we in Kosovo to begin with?

□ 1530

To say that these 50,000, quote, peacekeeping forces are going to be in there only keeping peace is ridiculous. What happens when the people do not want to give up their guns and their ammunition? We know that we are going to be right back in a warlike posture.

I think, that being the case, it is very important that the administration continues to stay close to the Committee on Armed Services, to the Members of Congress, and to be accountable to us of what more money they want and what they want to spend and so forth. I am rising in opposition of the gentleman from Missouri's amendment.

Mr. SPENCE. Mr. Chairman, I have been hearing a lot of talk today on this amendment and on other amendments about cutting funds. I would like to remind this body that we are talking about funds in the fiscal year 2000 budget. No funds have been requested in the fiscal year 2000 budget for Kosovo. You cannot cut what you have not requested for. I think that is a big misunderstanding on the part of some people on the other side. I repeat, for clarity, you cannot cut what you have not already asked for in next year's budget. This is next year's budget.

PREFERENTIAL MOTION OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. HUNTER moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Chairman, is that motion renewable at this time?

The CHAIRMAN. It is in order. The last motion of the gentleman from Wisconsin (Mr. OBEY) was withdrawn by unanimous consent.

The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. I thank the gentleman for yielding.

Mr. Chairman, we are in the process of negotiating a settlement of this matter. In the meantime, I would like to take this additional time to explain what we have before us today.

As I said a few moments ago, this budget that we have before us that we are considering is for the year 2000. There are no funds requested by the President for 2000 for Kosovo in this budget.

We have recently, as my colleagues remember, passed a supplemental for Kosovo that took us up to the end of this fiscal year. You cannot do it for the next fiscal year.

We have had over a number of years now similar provisions to this one in our defense authorization bills. These provisions simply say that if any contingencies arise which are unbudgeted for, that the President should come before the committee and ask for funding for that. In the year that we are in right now, this fiscal year, that is what happened.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding. I would just point out that I think there is a problem, because it could well be that the Committee on Appropriations would appropriate money for the Kosovo peacekeeping, for this operation. If you have not authorized it, it would be subject to a point of order on the floor of the House. So the lack of authorization would have an impact.

Mr. SPENCE. The problem is, getting back to the point I was making, that the funds were not requested for. This provision is nothing new. It has been in other bills before now. Nothing unforeseen has happened because of them. As a matter of fact, as I just stated, the President came to us for a supplemental for funds up until the end of this fiscal year, it was passed and things keep on going. I suspect the same thing is going to happen again. This provision was put in the bill just like it has in the ones before, thinking no problem would arise because of it, and then this came up.

Now, we are in the position where we have to assume that the President is going to come back to us, as a matter of fact, he has said so before, that he will come to us with an additional request for funds for Kosovo for the year 2000, and that is where we are today. Nothing has changed. This provision in the law, as I said, is in the law right now and it is just repeating it again.

I will say something else again. The people here today in this body who are arguing on the other side of this issue have voted for this provision in other bills. As a matter of fact, they have voted for this provision in the context of a bill that we reported out of the Committee on Armed Services by a vote of 55–1. This issue came up in our committee, we voted on it, it was disposed of, and then when we voted a bill out of committee, those members by a vote of 55–1 voted for the bill with this provision in it. So we have the unconscionable position some people are taking today of opposing something they have already themselves voted for. I am just trying to explain why we have this provision in the bill and why nothing is wrong with it. People are trying to make it out as a cutting off of funds when you cannot cut off funds that have not even been requested for and are not provided for in next year's budget.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

Does the gentleman from California seek withdrawal of his motion?

Mr. HUNTER. No, Mr. Chairman; I would be happy to have the other side proceed.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. Mr. Chairman, my first question is how much time is left under the regular order for debate?

The CHAIRMAN. The gentleman from Missouri controls 2 minutes. There is no time left on the opposition.

Mr. SKELTON. My second question is, do I have 5 minutes in opposition to the gentleman's request?

The CHAIRMAN. The gentleman controls 5 minutes in opposition to the gentleman from California's motion.

Mr. SKELTON. Then I so claim.

My third inquiry is, would I be entitled to an additional 5 minutes should I seek to strike the last word at a later moment?

The CHAIRMAN. The gentleman is correct.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I was trying to make, and I would like to hear the gentleman from South Carolina respond to it, if in fact the Committee on Appropriations appropriated money for Kosovo, that money would be subjected on the floor of the House, according to the Parliamentarian, to a point of order because it would lack authorization. So to say that this does not have any impact I believe is incorrect. And in fact our committee has put money in the appropriations bills for various peacekeeping operations before, so that it would not be taken out of readiness, which is the same thing that the gentleman from South Carolina wants to do.

I understand that good people here can have a differing view of this, and I certainly respect the gentleman's perspective on this. But I do believe that this amendment, if it is enacted, anybody in this House could stand up on the floor unless a rule were enacted and object on a point of order and the money in the appropriations bill would be stricken.

So I do not think we should take that risk. I think we should vote for the Skelton amendment.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. The 1 minute that was just eaten up came out of the 5 minutes in opposition to the gentleman from California's motion, is that correct?

The CHAIRMAN. The time was consumed on the motion of the gentleman from California. The time was consumed by the gentleman from Missouri.

Mr. SKELTON. So I have 4 minutes left of that 5 minutes, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

I just wanted to note to my friend that we had one speaker who did not have an opportunity to speak because of the oversight of this side, the gentleman from Illinois (Mr. HYDE), and I would ask the gentleman's indulgence to yield to the gentleman from Illinois.

Mr. SKELTON. I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank the gentleman for the generous concession. As I look at this, both sides are right. You obviously are correct in that this is a terrible time to pull the plug on the operations over in Kosovo when we are on the verge of solving the most volatile part of that entire operation, and this is not the time to give signals of uncertainty as to where we stand or what abilities our commanders will have in the field.

On the other hand, they are perfectly correct over here in saying why are you not paying for this, why are you divesting and draining quality of life accounts, modernization accounts, ammunition accounts, readiness accounts. You are doing no favor to the cause of international stability by weakening and debilitating the rest of the military to pay for something going on in Kosovo.

Now, that ought to be resolved and should be resolved. We really should not be at loggerheads here. You are right and you are right. I just do not see why you cannot get together and have the administration ask for the money to pay for Kosovo and not keep draining the readiness accounts.

Mr. SKELTON. Mr. Chairman, I would like to mention to my friend from Illinois that the time for the President to make such a supplemental is hardly here. Number one, we have not even passed this bill. Number two, peace just broke out yesterday. I fully believe, based on my conversation with the President, that he is going to ask for a supplemental for peacekeeping in

Kosovo in a very timely manner. I am convinced of it. He said so to me.

Mr. Chairman, I yield to the gentleman from Texas (Mr. LAMPSON).

The CHAIRMAN. The Chair advises the gentleman from Missouri that he has 1 minute remaining on his time in opposition to the motion of the gentleman from California (Mr. HUNTER). That is the matter on which the Chair is dealing at this time.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. I have 1 minute in opposition to the motion made by the gentleman from California (Mr. HUNTER), I have 2 minutes in regular time, and should I seek additional time on a striking of the last word, I would have 5 minutes there?

The CHAIRMAN. The gentleman is correct. However, the Chair will need to have a disposition of the gentleman from California's motion as soon as this 1 minute is complete.

Mr. SKELTON. I understand that.

Mr. LAMPSON. Mr. Chairman, I support the gentleman from Missouri's amendment which would delete the language that would prohibit funding military operations, be they offensive or defensive, in Yugoslavia.

In the tradition of the home State of the gentleman from Missouri, it is time that the United States show the world and Slobodan Milosevic that we as a Nation of peacekeeping people are committed to ensuring peace in Kosovo by continuing to fund the military operations in this region of the world.

Congress must support this important amendment. Now is not the time to blink. To cut off military funding in Yugoslavia during this initial stage of Serb troop withdrawals is not only bad policy for Kosovo but also for America and for the world. Support this amendment. Our Nation must show the world that we follow through on our promises to ensure peace in Kosovo now and for the future.

□ 1545

The CHAIRMAN. Does the gentleman from California ask unanimous consent to withdraw this preferential motion?

Mr. HUNTER. No, Mr. Chairman.

The CHAIRMAN. Then the question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was rejected.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise in strong support of the Skelton amendment.

I have seen the refugee camps in Albania, the refugee camps in Macedonia. They are unlike anything I have ever seen, and I cannot do an adequate job of recounting to my colleagues the horror that the ethnic Albanians have been through.

I do want to quote to my colleagues from a letter written to the President from Elie Weisel, Nobel Peace Prize winner, and himself a Holocaust survivor, in terms of his observations as he visited the camps on behalf of President Clinton.

> What I saw and heard there was often unbearable to the survivor that still lives in my memory. In fact, I never thought I would hear such tales of cruelty again. Now I must share them with you in this brief report, which began in anguish and ended in qualified, vacillating hope. While I sat in my last session with the former prisoners of Milosevic's police, the Yugoslav parliament approved NATO's conditions for surrender.

Mr. Chairman, we know much has happened since then to advance that fragile hope for peace. Milosevic agreed to the terms, the G–8 agreed to the terms, U.N. language, U.N. Security Council language, was negotiated and agreed to across the G–8.

We know in the negotiation with the Serbian generals they had nothing but trouble. The generals tried to renege, more bombs were dropped, more Serbs were killed. Ultimately, the generals reconsidered and are back on the agreement.

The only doubt raised this afternoon on this peace is raised on the floor of this House, and that is an incredible thing. Across this 19-nation alliance, engaged in trying to address these horrors, this House, the People's House of the United States of America, would raise a doubt about our commitment to see this peace treaty go forward.

Support the Skelton amendment. Without passage of this amendment, we leave open the question, come October 1, whether the United States will continue to provide the vital leadership in bringing this matter to an end.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. SKELTON) has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, as my colleagues know, it seems like this provision in this bill has become like a piece of Super Glue we are all trying to shake off our hand and just cannot quite figure out how to do it.

With regard to what the chairman of the committee talked about, the 55 to 1 vote, being one of the 55, I thought we had some assurances during that fairly painful discussion that there would be work on this language. We are all trying to figure out a way to get around it, and in fact, the original rule that came to the House floor had a self-executing provision, the majority's rule, to get rid of this language, and the rule was defeated, I believe, or did not have the support only because of some other extraneous problems depending on some amendments that did not get on the floor under that rule.

So, I mean, this thing has been a problem from the very beginning, and I would hope that we could take care of it today.

As my colleagues know, after we had that 55-to-1 vote, we were all very proud of this bill, and what was the headline in the paper? "House Votes to Cut Off Funds for Kosovo."

That is what will happen again if this bill passes today.

I woke up this morning excited about all the work we put in this bill and finishing it and heard a radio report that the House will vote today on cutting off funds for Kosovo. That is the way this provision is going to be interpreted if we do not strike it, and I fear that we have got ourselves into an anti-commander-in-chief feeling, meaning anti-Bill-Clinton feeling in our partisan divide. I believe that is unfortunate.

I hope that we will vote for the amendment of the gentleman from Missouri (Mr. SKELTON) and put out the good authorization bill we have.

Mr. SKELTON. Mr. Chairman, a number of years ago the famous author Barbara Tuchman wrote a book, "March of Folly," wherein she set forth a good number of examples where governments made actions and decisions contrary to their own best interests. It is my intent today to keep that from happening.

We in this Congress, this great deliberative body in which I am thrilled to be a Member, we should not, number one, send a signal not just our troops, but to the world, that we wish to cut off funds, but we should not gamble with this matter at all.

I fully intend to seek the President's offering of a supplemental to us. He told me he would. He also told me he would do it in a timely fashion. I certainly hope that comes to pass. Even if he does, it is a very timely request for a supplemental.

What happens if there is a long holiday or it gets hung up in the Senate, or there is a disagreement over putting another supplemental together with it? What happens if we run out of time on September 30? Congress will be the laughing stock of the world, and we would all have very embarrassed faces.

We do not want that to happen. We do not want that to happen at all.

So, with that in mind, I would certainly hope that my amendment would be adopted, that we can get on with our business. And, Mr. Chairman, the sad problem is, the real sad analogy is that this is a great bill, the best one I have seen, the best one I have seen since early 1980s. It really helps the young people in uniform. And to mess it up with an issue like this, sending wrong signals, and as a practical legal matter, we would have young men and young women doing peacekeeping; if a supplemental gets hung up for 2 weeks, we cannot feed them, we cannot clothe them, we cannot give them ammunition.

That would be a terrible reflection upon this wonderful deliberative body.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, as my colleagues know, the good news is that the rest of the world is figuring out this institution is not on the level. When we had the earlier votes, somebody said it better than I can, we voted not to go backwards, not to go forward and not to do what we were doing.

Now we are in the process of implementing what I think is a broad-based goal of the American people and the Congress, stopping the killing of the Kosovar Albanians, getting them back in their homes, and we are in this dance. I am not sure what we do here has the meaning or the impact because of the irresponsible nature of these actions.

If we compare what the opposition in this Congress did during the Gulf War, once that initial vote was taken, the Democratic side of the aisle stood with the President every step of the way. One would get the sense here that every opportunity, there is an attempt to undermine a policy simply because it is successful.

Mr. MCGOVERN. Mr. Chairman, I rise today in support of the Taylor and Skelton amendments. I hope my colleagues on the other side of the aisle will refrain from offering amendments aimed at undermining the hard-won peace agreement in support of human rights and basic human dignity in Kosovo.

In bases across the United States and Europe, our men and women in uniform can be proud of the role they played in bringing peace and security to a suffering people. Their dedication and commitment not only ended the campaign of ethnic cleansing against the Kosovar Albanian people, but also reshaped the social and political landscape of Europe.

While only time will reveal the future of Kosovo, of the Balkans and of Europe as a whole, we do know this campaign marks a turning point in U.S.-European affairs.

Surely, there is a great deal left to be done in Kosovo. The most complicated, and perhaps the most dangerous, tasks still remain: ensuring the security of returning refugees, disarming the KLA, cleaning landmines and booby-traps set by Serbian troops, prosecuting war criminals who committed unspeakable acts against defenseless civilians, providing a framework to allow the Kosovar people—of all ethnicities—to govern themselves, and rebuilding the infrastructure and economies of the region. I believe the nations of Euripe will and should bear the greatest responsibility for achieving these objectives, but the United States will also play an important role. Once again, we shall ask much of our service men and women; and once again, I know they will carry out their duties with honor and distinction.

Celebration is not appropriate as we reflect on this hard-won peace. The horrors inflicted on the Kosovar people over the past months are too painful. The destruction of their homes, livelihoods and security will haunt the future. The tasks ahead of us are sobering. It is a moment to remember and honor their sacrifices. And most especially, to honor and to express our appreciation for the members of the U.S. Armed Forces and our NATO allies whose efforts demonstrated to the world community that the words "Never Again" are more than hollow rhetoric.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of Representative SKELTON's amendment. This amendment will strike the prohibition on the use of funds for operations in Yugoslavia.

The prohibition currently contained in H.R. 1401 requires that the administration submit supplemental budget in the event military operations continue into FY 2000. This statutory prohibition preventing the President from using funds contained in the FY 2000 defense authorization sends the wrong message to the Yugoslavian President Slobodan Milosevic. As negotiations continue to proceed towards a settlement, this body should resist the temptation to remove another bargaining chip from the peace table. Our sustained bombing of the Yugoslavian army and police units has began to take a toll. When we are so close to helping NATO achieve its objectives we should not relent. The bill as currently written will only encourage Milosevic to hold out against the terms of NATO.

This provision sends the wrong message to friend and foe alike. When we have stood by our NATO partners in this conflict or restore peace to the Balkans we should not now turn our collective backs on our partners. It should be clear that America still has a significant role in the security of Europe. Our NATO partners look at the United States for leadership and direction.

I believe that our leadership through this current crisis has brought Milosevic to the table of peace. When I visited the refugee camps last month in Albania, I had the chance to ask many of the ethnic Alabanians, if they thought NATO's actions where to blame for their situation. Mr. Chairman, to a person they all agreed that the responsibility for this crisis rests squarely at the feet of Milosevic. The Kosovar refugees are depending on the U.S. and NATO to fulfill their commitment of returning them safely to their homes. This body cannot relent from our mission of peace and must ensure that Milosevic pays a heavy price for his present policy of repression.

Every time that Congress says it will not fund this or that our troops should be out of the region by this date, we only embolden the forces of Milosevic. Our message should be singular in nature, committed to restoring peace in the Balkans. This provision establishes a fiscally driven date with no consideration of operational or diplomatic concerns. It sends a message to Milosevic that he need only to hold on for a few more months before funding for U.S. participation in the NATO air campaign or a peacekeeping mission is thrown into question.

Finally, Mr. Chairman, if this provision remains in the bill, the President has promised to veto this bill. This promised veto would come because of the negative effect on this provision on our troops, on the refugees to whom we have made commitments, and on the alliance which has provided security in Europe for fifty years.

I ask the members of this body to vote—"yes" on the Skelton Amendment, which demonstrates strong support for our national security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Missouri (Mr. SKELTON) will be postponed.

The point of no quorum is considered withdrawn.

The Chair understands that Amendment No. 20 will not be offered.

It is now in order to consider Amendment No. 21 printed in Part A of House Report 106–175.

AMENDMENT NO. 21 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 21, offered by Mr. SHAYS:

At the end of title XII (page 317, after line 17), add the following new section:

SEC. 1206. REDUCTION AND CODIFICATION OF NUMBER OF MEMBERS OF THE ARMED FORCES AUTHORIZED TO BE ON PERMANENT DUTY ASHORE IN EUROPEAN MEMBER NATIONS OF NATO.

(a) IN GENERAL.—(1) Section 123b of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) EUROPEAN END-STRENGTH LIMITATION.—(1) Within the limitation prescribed by subsection (a), the strength level of members of the armed forces assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed approximately—

"(A) 100,000 at the end of fiscal year 1999;

"(B) 85,000 at the end of fiscal year 2000;

"(C) 55,000 at the end of fiscal year 2001; and

"(D) 25,000 at the end of fiscal year 2002 and each fiscal year thereafter.

"(2) For purposes of paragraph (1), the following members are not counted:

"(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

"(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of this title.

"(3) In carrying out the reductions required by paragraph (1), the Secretary of Defense may not reduce personnel assigned to the Sixth Fleet.".";

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following new sentence: "Subsection (b) does

not apply in the event of declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization."; and

(4) in subsection (d), as redesignated by paragraph (2), by striking "The President may waive" and all that follows and inserting "The President may waive the operation of subsection (a) or (b) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.".

(b) CONFORMING REPEAL.—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is repealed.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before using my time, I want to just point out there are many cosponsors, and I would like to yield half of my time to the gentleman from Massachusetts (Mr. FRANK) to give out as he chooses.

The gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. BILBRAY), the gentleman from Florida (Mr. FOLEY), the gentleman from Michigan (Mr. UPTON), and the gentlewoman from Michigan (Ms. RIVERS) are also cosponsors.

Mr. Chairman, I yield half of my time to the gentleman from Massachusetts.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. FRANK) will be recognized for 7½ minutes and will be permitted to control that time.

There was no objection.

Mr. SHAYS. Mr. Chairman, to explain the amendment, first, this is a bipartisan amendment that is offered by Members from both the Republican and the Democrat side of the aisle and spans the ideological spectrum from liberal to moderate to most conservative member. It calls for a gradual decrease in the level of permanent stationed troops in Europe from 100,000 to 25,000, beginning with a troop reduction of 15,000 by September 30 next year, and then 30,000 troops the year after, September 2001, and 30,000 the year 2002, bringing us to a total of 25,000.

This amendment does not pull the rug out from under the Europeans, it does not reduce the overall U.S. troop levels, and it does not affect operations such as the operations in Bosnia or Kosovo. It simply says that we will have 25,000 troops instead of 100,000 and ask for our allies to pay more.

In the past, we have had burdensharing amendments. And we have had burdensharing amendments because the Japanese pay $3.4 billion for the 40,000 troops that we have in Japan. The Europeans now pay for 100,000, less than $70 million, a gigantic difference, and yet those European nations are quite wealthy.

The spending on military is a percent of our budget; we spend 17.4 percent. The European NATO nations spend 5.6 percent, and it is interesting to note that the leaders of the 15 European countries decided last Thursday to make the European unit a military power for the first time in its 42-year history with command headquarters staff and force for its own peacekeeping and peacekeeping missions in future crisis like those in Kosovo and Bosnia.

We are asking the Europeans to step up and pay more and do more, and we are asking that we be able to allocate our troops in a more efficient way and not spend so much of our money in Europe.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman I rise in opposition to the amendment.

Mr. Chairman, I am in no way unsympathetic with its purposes. I certainly hope that the opposition I will speak is a bipartisan opposition. I certainly do not oppose it, certainly for any partisan reasons; I oppose it because I think it is impractical and I think it is unnecessary. I think it is counterproductive to our national security interests.

We do not deploy our forces in Europe to defend someone else; we put them there because of our national security interest and concerns.

□ 1600

It is an error to say that we have a permanent force of 100,000 people there. We have a force that is as large as we choose it to be, as small as we choose it to be. We have no treaty obligation that commits us to a precise number of 100,000 or any other number. Those who are there are there because our military have determined it is in our national security interests for them to be there.

With reference to the cost, I can tell you that with the authorized force levels of the Army, the Navy, the Air Force and Marines, none of them have as much manpower authorized to them as they need to execute the missions being assigned to them, so you can bring every one of the 100,000 home and you will not have reduced the number of people in the military by one.

We are even in the very sad situation where we cannot even maintain the presently authorized end strength of the Army, Navy and Air Force because of problems in recruiting and in retention.

We are not going to reduce the cost to the defense budget one iota by this amendment. In fact, we will increase it by this amendment because you will force us to bring more of the troops home, even though our military believes they are better in our national security interests to be there than to be back in the Continental United States. At least in NATO, the NATO investment security account, we participate in by something like 23 percent. The rest of it on these bases in Europe is absorbed by the Nato Security Investment Account. We are not paying for it at all. If they come back and are garrisoned in the United States where the military do not think they serve our national security interests as well, we will pay more, not less.

So I do not understand, other than some sort of symbolism, what it is we are supposed to gain by reducing the number of our troops in Europe. If you want to argue there is not a fair burdensharing when we have had missions and deployments on the Continent of Europe, I am entirely in agreement with you. I do not think we should have had nearly the burden in Bosnia that we bore. I do not think we should have had the burden in Kosovo that we have borne. I think that was unfair and disproportionate.

But this amendment is not about any of that and would have no bearing upon any of that. This amendment is simply saying to the United States Department of Defense, you are going to have an arbitrary ceiling that is set legislatively on how many people you deploy somewhere, notwithstanding your views as to what serves the national security interests of the United States, and which will have zero implications in terms of the defense budget of the United States.

It is well intended, but ill-conceived. I hope it will be the pleasure of the House to defeat it.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CONDIT), a cosponsor of the amendment.

Mr. CONDIT. Mr. Chairman, I rise in support of this amendment. In the last few years the Europeans have increased their social spending while steadily decreasing the defense spending. Why? Because they rely on us to pick up their costs and to defend them. Our friends in Europe can afford the cost of defending themselves, and I think it is about time that they did that.

This amendment also has been criticized that maybe it will restrict our ability to put forces in Europe around the world if we need to in a timely fashion. This amendment does not remove our ability to respond to a worldwide European crisis. Under the current doctrine, we are able to leave the equipment there. As a matter of fact, currently we will have, with this amendment passing, we will have the ability to keep the equipment, tanks, three brigades' worth of equipment in Europe, which will mean that we will have the equipment there, and all we will have to do is send the men or the military in a short period of time. This amendment does not touch those reserve stocks. We are able to respond in just a matter of hours because the equipment will be there. We are only removing the personnel.

So with that, I would ask my colleagues to support this amendment. We are having a hard time getting burdensharing passed. This is one way for us to do it. This is one way for us to make the point that it is time that our European allies and European friends paid their fair share. This will force them to do that by paying for their own defense.

Mr. Chairman, I rise in strong support of this amendment. I think we ought to take a hard look at some very serious issues regarding the defense of Europe and this amendment squarely focuses us on that.

Along with my friends, the gentleman from Connecticut, Mr. SHAYS; the gentleman from Massachusetts, Mr. FRANK; my colleagues from California, Mr. ROHRABACHER and Mr. BILBRAY; the gentlelady from Michigan, Ms. RIVERS; the gentleman from Vermont, Mr. SANDERS; the gentleman from Florida, Mr. FOLEY; and the gentleman from Michigan, Mr. UPTON; I am offering this common sense amendment to gradually reduce our forward military presence in Europe. Our goal is to decrease the number of troops in Europe from the current level of 100,000 to 25,000 between now and 2002.

It's not a secret that the United States has been the primary defender of Europe for the better part of this century. After World War 2 we adopted the Marshall Plan to help us defend our allies who were facing incredible economic times following six long years of war.

In those days the mission was to defend our European allies from an invasion by the Soviet Union and Warsaw Pact nations. Mr. Chairman, as important as that mission was, it doesn't take a rocket-scientist to figure out the Cold War has been over for a decade, yet, here we are continuing to subsidize Europe's defense. It just doesn't make sense that we should continue to do this.

I want to stress this amendment will not reduce overall U.S. troop levels, nor will it preclude the United States from participating in military operations in Europe. However, it finally restores European responsibility for defending its own borders. While U.S. subsidies for Western Europe's defense made sense during the Cold War, these expenditures are no longer necessary.

Is it any wonder that while Great Britain saw fit to decrease its government's defense spending from 24 percent to their GNP in 1951 to less than seven percent in 1997, it boosted social spending from 22 percent to 53 percent during the same time period?

The answer is a resounding NO. Our wealthy European allies—whose GNP-growth has actually outpaced our own economic growth—deliberately underfund their defense spending because they fully expect us to bear the costs of protecting them when they are fully capable of doing so themselves. It's time to let them do so.

Why is it that we spend $100 billion more than all the other NATO nations combined when their GNP and population base is larger than ours? It just doesn't pass the common sense test. Not now. Not ever.

I know there are some who may question whether this leaves us in a precarious situation as far as defending Europe is concerned. I want to be very clear about this. This amendment doesn't remove our ability to respond to world wide or European crises such as the current military operations in Yugoslavia. In fact, it enhances our ability by ensuring our forces remain mobile and prepared to respond to emergencies around the globe.

This amendment doesn't effect our prepositioned War Reserve Stocks in Europe. Currently we have 3 Brigades' worth of equipment—tanks and mechanized infantry—assigned to Europe. The methodology of placing 10 battalions' worth of equipment and material in strategic locations is sound. Our amendment doesn't affect these reserves. Those numbers do not change under this legislation. The equipment that is currently readily available to U.S. forces in the event of war or other emergency will continue to be readily available with this amendment.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. BATEMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. DICKS), in demonstration of the bipartisan support of this amendment.

Mr. DICKS. Mr. Chairman, first of all, I think this would be a very major mistake on the part of our country to reduce by 75 percent our force structure in Europe.

The reason we are in Europe is because it is in our national security interests to be in Europe. I believe the force structure we have there adds to stability in the area.

I would like to mention a few reasons why the Department of Defense opposes this. The proposed legislation is contrary to current guidance articulated in the national security strategy and force level recommendations in the 1997 Quadrennial Defense Review. The 1997 National Military Strategy states that current force structure and overseas presence posture are the minimum, minimum, force capabilities required to execute military responsibilities. Without detailed analysis of current and future requirements, it is impossible to determine if the existing force structure is adequate to accomplish our task. There is also a possibility that such a study may recommend force reductions based on changes in priorities and objectives.

The current U.S. overseas presence posture in Europe serves a number of critical concerns. First of all, as I mentioned, is regional stability. As evidenced by operations in the Balkans, regional stability in Europe is not a given. Eastern Europe in particular may see an increase in the number of failed and failing states, rogue actors and non-state entities that will threaten European stability as a whole.

U.S. forces serve as both a bulwark to existing security agreements and a deterrent to opportunistic aggression in the region. The credibility of this deterrent capability must be unquestioned in the eyes of those who would threaten our interests in the region: major U.S. staging areas, as we have seen in this operation, for EUCOM, CENTCOM, PACOM areas of responsibility. The proximity of U.S. forces to critical regions outside of Europe improves our capability to respond to crisis. The presence of U.S. forces in Europe serves to enhance deterrence and provide secure locations from which U.S. forces can operate in central Asia, southwest Asia, and south Asia.

Just for example, I was in England at Fairford to see our B–52 pilots and our B–1B pilots and KC–135s operating out of that area. Now, you have got to have these four deployed bases and U.S. forces there in order to be able to move forces from the United States to a place like Fairford and then into the area of responsibility in Yugoslavia. The fact that we have these troops forward based, in my mind, is exactly the right thing to do, because they can train in the area of responsibility and they add stability to the area. So I think this is a very drastic amendment and it should be, as it always has been in the past, overwhelmingly defeated by this House.

Mr. Chairman, I include the following information paper for the RECORD.

INFORMATION PAPER

Subject: Amendment Number 16 by Representative Shays mandates a phased reduction of European overseas presence force structure from current levels by 75% at the end of fiscal year 2002.

DoD Position: Oppose.

Proposed legislation is contrary to current guidance articulated in the National Security Strategy and force level recommendations in the 1997 Quadrennial Defense Review.

The 1997 National Military Strategy states that current force structure and overseas presence posture are the minimum force capabilities required to execute military responsibilities.

Without detailed analysis of current and future requirements, it is impossible to determine if the existing force structure is adequate to accomplish our taskings. There is also a possibility that such a study may recommend force reductions based on changes in priorities and objectives.

Talking Points: The current U.S. overseas presence posture in Europe serves a number of critical concerns:

Regional stability: As evidenced by operations in the Balkans, regional stability in Europe is not a given. Eastern Europe in particular may see an increase in the number of failed and failing states, rogue actors, and non-state entities that will threaten European stability as a whole. U.S. forces serve as both a bulwark to existing security agreements and a deterrent to opportunistic aggression in the region. The credibility of this deterrent capability must be unquestioned in the eyes of those who would threaten our interests in the region.

Major U.S. staging area for EUCOM, CENTCOM, and PACOM AORs. The proximity of U.S. forces to critical regions outside of Europe improves our capability to respond to crises. The presence of U.S. forces in Europe serves to enhance deterrence and provides secure locations from which U.S. forces can operate in Central Asia, Southwest Asia, and South Asia.

NATO Leadership and commitments. The stability of the NATO alliance is a vital U.S. national interest as stated by both the President and Secretary of Defense. The presence of sizable U.S. forces in theater is a visible demonstration of our commitment to NATO. The United States would abrogate its leadership role and significantly reduce its influence on the shape of European security were we to sizably reduce our presence in Europe.

Partnership for Peace. As with NATO, the U.S. plays a vital leadership role in the Partnership for Peace (PfP). By increasing transparency and mutual understanding among Partners, PfP contributes immeasurably to stability in Eastern Europe and Eurasia. Because U.S. forces based in Europe routinely engage with Partner nations, they constitute the vanguard of a larger effort to build confidence and enhance security among PfP member nations.

Reassurance to Europeans in the event of Russian resurgence or instability. The future of Russia is uncertain. Economic and political instability remain a critical concern to European and U.S. security. A significant reduction in U.S. forces in Europe could contribute to further instability on the continent.

Integrated regional approach (complementing other U.S. elements of power). Military forces help to establish the conditions of peace and security that enable the application of other elements of power. We remain economically and politically committed to Europe. A significant reduction of our overseas presence would diminish our capacity to develop and implement a comprehensive regional approach.

Organization for Security and Cooperation in Europe (OSCE). The presence of U.S. forces overseas as a demonstrable commitment of U.S. resolve and leadership bolsters the effectiveness of international institutions like OSCE.

Finally, allies in other regions may see a large reduction of forces in Europe as a precursor of a more broad-scale withdrawal and the beginnings of a more neo-isolationist U.S. policy. This would serve to decrease our global influence and may encourage aggression elsewhere.

Mr. BATEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, our colleague from Washington has it right, this is a drastic proposal. We have seen some burden-sharing amendments here in the past, but this is draconian. I am shocked by it.

As a matter of fact, I chair the delegation to the NATO Parliamentary Assembly, and so I follow NATO issues carefully, as do many of my colleagues who are here involved in this debate. I think this proposed reduction over 3 fiscal years is simply bad national security policy.

The U.S., as mentioned, is not in Europe to protect European interests, but to defend American national interests. Our borders are more secure because we kept the threat far from American shores through our worldwide forward-based military presence. The real threat to our interests is broad, such as the potential conflict in Korea or southwest Asia where U.S. vital interests lie.

The U.S. recently completed a reduction in Europe of our troops from the 320,000 to 100,000 level. I would ask the question, is this really sufficient to protect American interests there? It probably is. But if you reduce it systematically to 25,000, the practical effect is we cannot have even one combat division in Europe under those numbers.

Our vital security interests in Europe and globally have not been delineated since the end of the Cold War, but I think it is incumbent on us to understand what our interests are before we begin additionally modifying our force posture in Europe or anywhere else.

Remember the core of U.S. forces in the Gulf War. They were deployed from Europe. Many more months and much more capital would have been required to deploy to the Gulf without those forward-based forces. Today we are using airfields in Turkey for operations in northern Iraq. Forward deployment based out of Europe enhances U.S. readiness to respond expeditiously, which can increase our potential for success.

Even making a decision to reduce U.S. forces in Europe at this point, I think, would be premature. DOD is in the early stages of its European Posture Review. In it, DOD is evaluating options to reduce stress on U.S. forces in Europe. The impact of these changes in force numbers, types and equipment, I am told is quite seriously being examined. Included will be review of U.S. commitments to Kosovo. It is prudent to wait for the completion of this study, which will be grounded in empirical data and be subject to careful examination. Completion is expected in the next several months.

In addition, over time, the European Union's new ESDI, European Security and Defense Initiative, has, I think, great potential to contribute meaningfully to Europe's defense and to allied burden-sharing. But, let us face it, the gap in weapons technology is growing between our European and Canadian partners in NATO, rather than shrinking. At this point our force commitment is really needed in Europe.

I urge defeat for this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds to just point out our amendment contains a conforming repeal of section 1002 of the Department of Defense Authorization Act of 1995. There at C(1) it says the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe member nations in NATO may not exceed a permanent ceiling of approximately 100,000 in any fiscal year. The number exists and we are amending that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment. Simply put, it reduces our troop strength in Europe from 100,000 to 25,000 over a 3-year period. This makes a lot of sense, does it not? The Cold War is over. The threat that we tried to deter for such a long time, the Soviet Union, is no longer a threat. It is time for us to say to our troops, good job, come on home. It is not time to say let us find another way to spend money, let us find another way of using these troops.

That is ridiculous. NATO was meant, and we carried a burden for 4 decades, it costs us hundreds of billions of dollars, to protect Europe. Yes, the argument was correct, we were protecting ourselves, because there might have been a Soviet invasion. That has been handled now. Now it is time to decrease the number of troops in Europe so that we can spend that money elsewhere, whether it is in Social Security or Medicare, or whether it is for our readiness and troops someplace else in the world, like Asia, where there may be a threat to our national security.

But we do not need to subsidize Europe's defense anymore. In fact, this is not subsidizing Europe's defense, we are subsidizing stability. Is that not great? If we do not reduce our troops in Europe, if we do not reevaluate our position in NATO, there will be many more Balkan adventures, whether it is Moldova or elsewhere, draining tens of billions of dollars, putting us in jeopardy because we will spend ourselves into a position where we are vulnerable to our real enemies and we will break our bank. We will just not be able to do it.

Let us have no apologies. We have no apologies about watching out for America's interests, spending money for our defense. But this amendment makes it clear that the Cold War is over and it is a waste of our money to be defending Europe, spending billions of dollars putting troops in Europe to protect their stability. They are richer than we are. Let them pick up their own price tag.

□ 1615

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank my friend for yielding time to me.

The current situation regarding U.S. troop presence in Europe is very strange, because many countries in Europe are now far wealthier than the United States and are more than able to defend themselves. They do not need us.

In Europe, because their countries invest in health care, almost all Europeans have free or inexpensive health care. Yet in our country, 43 million Americans lack health care. In Europe, almost all young people are able to go to college free or very inexpensively. In our country, young people and their families are going deeply into debt.

It seems to me absolutely appropriate that Europe provide more funds for their own defense. If they do that, maybe we can join them and provide health care to all of our people, and free and inexpensive college education to our young people.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Virginia (Mr. BATEMAN), a member of our Committee on Armed Services, for yielding.

Though I have the highest respect for the author of this amendment, the gentleman from Connecticut (Mr. SHAYS) and his underlying intentions, I am strongly opposed to this measure. I base my opposition on two concerns.

First, I believe the notion that we would be reducing the burden of our Armed Forces to our taxpayers by agreeing to the amendment is based upon a false impression. We have invested significantly over the past 50 years in our military infrastructure in Europe. It is this investment that is now paying dividends which allowed us, such as the air strikes in the Federal Republic of Yugoslavia, to utilize our bases in Italy, Germany, the United Kingdom, and in other countries.

It is also paying off in the NATO mission in Bosnia, where we were able to rotate in units from our Armed Forces in Germany and to protect them with air power based in Italy at a much lower cost than having them flown in from the United States, as we appear to be facing an imminent new NATO mission in Kosovo, and we will see our investment recouped there as well.

The reductions in Armed Forces required by this amendment simply mean that we will have to forfeit our investment in infrastructure.

The second basis for my concerns about this amendment arise from the implications in the message that sends, particularly to our newest allies in Central and Eastern Europe and those in that region that aspire to become our allies. We would forfeit our leadership within the North Atlantic Council and send a disturbing signal to our allies about the nature of our commitment to our common security requirements.

Since the end of the Cold War, we have already reduced our troop levels by over two-thirds, from more than 300,000 to just over 100,000. While that sizeable reduction is warranted, the drastic cuts called for in this amendment are not.

I most of all would like to emphasize to my colleagues that our Armed Forces are not in Europe because they serve Europe's interest, but because they serve our Nation's interest. So I urge my colleagues to vote no on this amendment and preserve our Nation's vital role in Europe.

Mr. Chairman, I thank the gentleman from Virginia a member of our Armed Services Committee, Mr. BATEMAN, for yielding. Although I have the highest respect for the author of this amendment, Mr. SHAYS, and his intentions, I am strongly opposed to this measure.

I base my opposition on two concerns. First I believe that the notion that we would be reducing the burden to our armed services and to our taxpayers by agreeing to this amendment is based upon a false impression. We have invested significantly over the past fifty years in our military infrastructure in Europe.

It is this investment that is now paying off which allows NATO air strikes in the Federal Republic of Yugoslavia utilizing our bases in Italy, Germany, the United Kingdom and in other countries. It also was paying off in the NATO mission in Bosnia where we are able to rotate in units from our armed forces in Germany and protect them with air power based in Italy at a much lower cost than having to fly them in from the United States. As we appear to be facing an imminent new NATO mission in Kosovo, we will see our investment recouped there as well.

We not only face missions in Europe that our forward deployments there make easier. We have our on-going effort in the Persian Gulf for which we rely on the air base we share with Turkey, and in recent years we have been called upon to respond to humanitarian emergencies in Africa.

The reductions in armed forces required by this amendment simply mean that we will have to forfeit our investment in infrastructure.

The second basis for my concerns about this amendment arises from the implications of the message it sends, particularly to our newest allies in central and eastern Europe and those from that region that aspire to become our allies.

We would forfeit our leadership within the North Atlantic Council, and send a disturbing signal to our allies about the nature of our commitment of our common security requirements. Since the end of the Cold War we have already reduced our troop levels by two-thirds—from more than 300,000 to just over 100,000. While this sizeable reduction was warranted, the drastic cuts called for in this amendment are not.

I most of all would like to emphasize to this House that our armed forces are not in Europe because they serve Europe's interest, but because they serve the United States' interests. I urge my colleagues to vote no on this amendment and preserve the U.S. vital role in Europe.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman from Virginia said that he agrees that the Europeans are not doing enough on the ground. There is virtual unanimous agreement here that it is an inappropriate strain on the American taxpayer and the American defense establishment for us to be providing the ground troops that will have to be contributed from America in Kosovo and Bosnia. We are told time and again we should not have to do it, but the Europeans are not capable without us.

There is only one way we will reach a situation where the Europeans are able to provide the ground troops for European activity. That is by beginning a 3-year process. This begins a 3-year process of a drawdown in American troops. At the end of the first year, we will still have 85,000 there. Then we will go down to 60,000, then to 25,000.

The fact is that the remaining lavish welfare program in the world is the one by which American taxpayers allow our European allies not to bear a fair share of the burden. Members say, oh, we wish the Europeans would do it. We can wish and we can wish and we can wish, and it is not going to happen. It will happen when we bring down our troops.

By the way, this amendment leaves the Sixth Fleet in place. We are not abandoning Europe. Members say, well, we need the forward bases. Are they telling us that if we leave the Sixth Fleet and 25,000 troops, our European allies will deny us access to these bases? They will not deny us access to these bases, although there have been times in the past, particularly when the Middle East was involved, when they have restricted our use of those bases.

We are not talking about shutting down the bases, necessarily, although I must say, when it comes to shutting down bases, I do not understand why this Congress should always be willing to shut bases in America and never shut bases overseas.

The gentleman says, what about the spending? It is also, by the way, one of our major foreign aid programs. I am for more foreign assistance to the poor, but substantial foreign assistance in the billions and billions of dollars to Europe, to Germany, and Italy, does not make sense.

As to whether or not it saves defense money, we are not here reducing overall strength. But if they are not pinned down there, if there is more flexibility, and in particular, if this leads the Europeans to have the ground troops, then we could at the end of this period perhaps reduce our troops.

Is there a Member of the House who thinks it is legitimate that the United States, that has all the burden in South Korea, most of the burden in the Middle East, that did most of the air war in Kosovo, that we should also have to have thousands of American peacekeeping troops, at the cost of billions, in Bosnia and Kosovo?

If Members vote down this amendment, then please do not, in the future, lament the fact that American ground troops were necessary as part of the peacekeeping forces in Kosovo and Bosnia, because as long as we make the

Europeans this gift of welfare, they will never have the capacity.

Let us do a little capacity-building. Let us follow the principles we have tried in some parts of welfare reform. Let us tell the Europeans that within 3 years, they are going to be on their own and we will stop enabling them not to do their own job.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment. I would like to echo, for once I would like to echo the position of my colleague, the gentleman from Massachusetts (Mr. FRANK): Let us not be enablers. We are enabling Europe not to bear their fair share of the responsibility of defending their neighborhood.

The United States has restructured our presence all over the world, but explain to the people of America, where we are going have 100,000 troops in Europe to defend Europe, but we are now not going to have any troops in the Panama Canal Zone; that the Western Hemisphere is somehow not quite as important as Europe.

We have gone through changes. I will remind my colleagues, we have gotten out of the Philippines, we have pulled out of places all over the world where we have found now we need to restructure.

We went into Europe with NATO with a plan of defending Europe and to keep NATO from being overrun within a week. I ask my colleagues, who is planning to overrun Europe within a week? Who can constitute the threat to justify the American presence? In fact, it is not there.

The most important issue is this: We continue to subsidize the European community at the price of American taxpayers. We not only have a right, we have a responsibility to expect our allies to tow their fair share. Being an ally does not mean how many troops we put on their soil. Australia is a major ally of this country. There are 300 U.S. troops in Australia. Does that make them less of an ally than Europe? Let us use that as an example: Fair share. Help Europe do the right thing and defend themselves on their soil, and use us as an aid, but not a crutch.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a very popular issue. We have had this issue before, of course, in the name of burdensharing. But I want to remind my colleagues, this is not a goal, this is the real thing. In burdensharing we had a goal.

I listed a number of points here that hopefully will convince most of the people that this is a bad deal.

Number one, the force level we have now is a minimum requirement, according to the current national security strategy, which is the QDR.

Number two, the Secretary of Defense right now is conducting a European posture review to re-evaluate force requirements in Europe.

Number three, the presence of U.S. forces helps Europe to preserve regional stability and recover from instability.

Number four, there is no substitute for being there. Europe is a major staging area for surrounding regions.

Number five, the presence of sizeable U.S. forces in theater is a visible demonstration of our commitment to NATO.

Number six, U.S. forces in Europe play a vital role in rebuilding Eastern Europe through a partnership for peace.

Mr. Chairman, let me just say this, the troops that we have in Europe are there for our convenience, not the Europeans' convenience, with stability and other things, and the ability to go from Europe to anyplace, along with families who travel with our troops. I would remind this body that we reduced from about 350,000 troops in 5 years to 100,000, and we should never forget that.

Mr. Chairman, I would ask this body, please vote no on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of our time to the gentleman from Michigan (Mr. BONIOR), the minority whip.

The CHAIRMAN. The gentleman from Michigan (Mr. BONIOR) is recognized for 2 minutes.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding, and I want to thank my colleagues, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Connecticut (Mr. SHAYS), for their amendment.

Mr. Chairman, I took this well back in 1991 on this very bill and I offered an amendment, and did not tell anybody I was going to do it, did not tell our leadership, I did not tell anybody on this side of the aisle. I certainly did not tell the Japanese government.

I offered an amendment on burdensharing. We had 50,000 troops stationed in Japan at that time. We were paying 75 percent of the cost for those troops to be there, defending basically Japanese interests, and our interests as well, but the Japanese interests, in addition to that. That seemed to me to be an unfair ratio.

I offered an amendment to change that ratio or to bring American troops home. Within 3 months, and by the way, that passed on the floor 350 to 50, something like that, it passed in the Senate and the President signed it into law. Three months later, Secretary Baker signed an agreement with the Japanese to pick up 50 percent of the cost. Now we are moving closer to the 75-25 reversal in sharing of those costs of American troops in Japan.

We need to do the same thing in Europe. This amendment will help us get there. This amendment will help our European allies continue to meet their responsibilities within Europe. They have begun to, after a shaky start in Bosnia-Herzegovina, in a very positive way throughout this process that we have just gone through with NATO in the Balkans, in Kosovo, in Southeastern Europe. They need to pick up the financial burden, as well.

I urge my colleagues to support this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to continue where the gentleman from Michigan (Mr. BONIOR) ended and to say that what he did and because of what the Members did supporting him, we now get $3.6 billion in cash from the Japanese. When we started these burdensharing amendments a few years ago, the Europeans were paying $300 million for over 100,000 troops.

□ 1630

Now, they dropped down to $200 million, and now the latest number is $66 million. They are getting the message from us. We are fools. Yes, we are fools. They are just going to keep asking us to pay more.

I am sure our troops in Europe are there for our convenience and because we want them there, but they are there because the law says that we have to be up to 100,000. We want to move it to up to 25,000 over 3 years.

We want the European nations, which are as wealthy as we are, to defend themselves. We do not need 100,000 troops to defend from a Soviet attack. It is just not there. This has to someday be added, and the sooner we do it, the better.

Our military is not as strong as it should be because we are oversubscribed in weapons systems. Our military is not as strong as it should be because our allies are not paying their fair share. Our military is not as strong as it should be because we have too many bases at home and abroad. We had better cut them in order to survive as the nation of power.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I remind my colleagues that there is a world of difference between not exceeding which is a floor, not a ceiling. I would further remind my colleagues that everything they have heard on behalf of this bill or this amendment is really not going to accomplish anything that was said on its behalf.

It is certainly not going to achieve flexibility for deployment of our forces. It is inflexible when my colleagues say we cannot put people there that our military says they want there for our national security purposes. My colleagues are not accomplishing anything. My colleagues are not adding one troop to any European subcountry's army. My colleagues are only detracting from the flexibility of our own government to defend its interests.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose the Shays-Frank amendment which would reduce American troops in Europe from 100,000 to 25,000. If American troops were deployed in Europe only for the purpose of defending Europe, I might support the amendment. However, the fact is that an overseas presence in Europe is in the interest of the United States because it is an essential element for our engagement in the world. Despite the fact that it entails costs, it carries risks. There is no alternative but to have continued American engagement in the world.

We have a responsibility to use our unchallenged position of global leadership in a fashion that will make the universeal hope for peace, prosperity and freedom the norm of international behavior.

Engagement is essential to our military security. Military engagement abroad is essential to build and enforce a more peaceful, cooperative world in which human rights, fair trade practices, and other interests and values can flourish.

Effective international engagement requires an active and extensive military involvement abroad, especially in Europe. A military presence in Europe serves us in many ways. It contributes to regional stability. U.S. forces serve both as a bulwark to existing security agreements and, in turn, to aggression in the region.

It enhances our ability to respond to crises around the globe. It is a visible demonstration of our committment to NATO and alliance that has maintained the peace and stability for Europe for 50 years. I might mention, Mr. Chairman, I was pleased to be present when the three new nations joined NATO just a number of weeks ago in Independence, Missouri.

Mr. Chairman, the U.S. policy of engagement has been a success largely due to the performance of our military. Although the struggle for international peace may never be concluded, we must continue to make this effort. It is an effort we cannot make without a well-equipped, highly trained, and ready military force. Deployment in Europe is essential to our readiness and to our ability to meet and deter other threats.

We should reject, Mr. Chairman, this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member for yielding to me, and I thank him for the great courtesy that he has shown in this debate.

I would just point out the amendment that we have offered hardly disengages from Europe. Our amendment would leave in Europe, untouched, the Sixth Fleet, one of the great fighting forces in the history of the world. It would also leave 25,000 troops and a cooperative effort on the bases.

The question we have to face is this is, there is virtual unanimity in this Chamber lamenting the need for American ground troops to be part of the ongoing peacekeeping force in Bosnia and Kosovo.

By the way, this amendment leaves in place language that allows the President at any time to dispatch troops in an emergency and to waive the restriction.

The point we have is this: We believe there ought to be a European capacity not to duplicate the Sixth Fleet, which will be there, not to duplicate our air power, but to provide peacekeeping ground forces. We are convinced that as long as America has 100,000 troops there year in, year out, no matter what, there will never be the capacity in Europe to do it.

One of the opponents of our amendment said, well, the Europeans are fully behind us in capacity, do not allow them to fall further behind. Give them a 3-year notice. Three years from now this wealthy concentration of sophisticated industrial nations will be responsible for the ground forces on their own in all but emergency circumstances.

We believe in the Sixth Fleet. They will be there if we need them. Otherwise, be prepared to continue American ground forces as part of peacekeeping operations in Kosovo and Bosnia ad infinitum.

Mr. SKELTON. Mr. Chairman, despite the eloquence of the gentleman from Massachusetts (Mr. FRANK), I feel compelled to say that I still remain opposed to his amendment. I will vote against the amendment. It is essential that America remain engaged in Europe.

We have cut back our troop strengths so very, very much. One hundred thousand, quite honestly, in my opinion, is the minimum amount that we should have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 200, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc to H.R. 1401 as reported offered by Mr. SPENCE, amendments in Part B of House Report 106–175: Amendment No. 22, amendment No. 23, amendment No. 24, amendment No. 25, amendment No. 26, amendment No. 27, amendment No. 28, amendment No. 29, amendment No. 30, amendment No. 31, amendment No. 32, amendment No. 33, amendment No. 34, amendment No. 35, amendment No. 36, amendment No. 37, amendment No. 38, as modified, amendment No. 39, amendment No. 40, amendment No. 41, amendment No. 42, as modified, amendment No. 43, amendment No. 44, amendment No. 45, as modified, amendment No. 46.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GALLEGLY OF CALIFORNIA

(Amdt B–22 in House Report 106–175)

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed $16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SPENCE OF SOUTH CAROLINA

(Amdt B–23 in House Report 106–175)

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) AUTHORITY TO PROCEED.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy shall be procured and installed into commissioned vessels, shore facilities, and aircraft of the Navy before completion of the operational test and evaluation of shipboard cooperative engagement capability in order to ensure fielding of a battle group with fully functional cooperative engagement capability by fiscal year 2003.

(b) FUNDING.—The amount authorized to be appropriated in section 102(a)(1) for E–2C aircraft modification is hereby increased by $22,000,000 to provide for the acquisition of additional cooperative engagement capability equipment. The amount authorized to be appropriated in section 102(a)(4) for Shipboard Information Warfare Exploit Systems is hereby reduced by $22,000,000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. HALL OF OHIO

(Amdt B–24 in House Report 106–175)

At the end of subtitle B of title II (page 37, after line 13), insert the following new section:

SEC. 213. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FAILURE TO COMPLY WITH FUNDING REQUIREMENTS.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as required by section

214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapons systems.

(b) FUNDING REQUIREMENTS.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) CERTIFICATION.—If a proposed budget fails to comply with the objective set forth in subsection (b), the President shall certify to Congress that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapons systems.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. REYNOLDS OF NEW YORK

(Amdt B–25 in House Report 106–175)

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $5,500,000 shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC–138 and AN/PRC–148, identified as being capable of fulfilling mission requirements.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. EVANS OF ILLINOIS

(Amdt B–26 in House Report 106–175)

At the end of subtitle F of title V (page 138, after line 13), insert the following new section:

SEC. 553. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SWEENEY OF NEW YORK

(Amdt B–27 in House Report 106–175)

Page 142, line 12, strike "may" and insert "shall".

Page 142, line 13, insert "qualified" after "to support".

Page 142, line 15, before the closing quotation marks insert the following:

The Secretary shall prescribe by regulation standards for determining what nongovernmental organizations are qualified for purposes of this subsection, the type of support that may be provided under this subsection, and the manner in which such support is provided.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BUYER OF INDIANA OR MR. ABERCROMBIE OF HAWAII

(Amdt B–28 in House Report 106–175)

At the end of subtitle E of title VI (page 207, after line 5), insert the following new section:

SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

"§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

"(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member's disability is determined to have been incurred before the member becoming entitled to basic pay in the member's current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether it was incurred in the line of duty.

"(b) A member described in subsection (a) is a member with at least eight years of active service.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

"1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.".

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

"§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

"In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

"(b) Notification under subsection (a) may not be made if—

"(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

"(2) the disability was incurred during a period of unauthorized absence."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

"12731b. Special rule for members with physical disabilities not incurred in line of duty.".

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting ", in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000," after "determination, and".

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GILMAN OF NEW YORK

(Amdt B–29 in House Report 106–175)

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) REPORT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. THUNE OF SOUTH DAKOTA OR MR. STENHOLM OF TEXAS

(Amdt B–30 in House Report 106–175)

At the end of subtitle B of title VII (page 224, after line 24), insert the following new sections:

SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER THE TRICARE PROGRAM.

Section 1095c of title 10, United States Code, as added by section 711, is amended by adding at the end the following new subsection:

"(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be permitted to provide financial incentives to health care providers who file claims for payment electronically.".

SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL SERVICES; PROPOSAL FOR CERTAIN RATE INCREASES.

Not later than February 1, 2000, the Secretary of Defense shall submit to Congress—

(1) a study on how the maximum allowable rates charged for the 100 most commonly performed medical procedures under the Civilian Health and Medical Program of the Uniformed Services and Medicare compare with usual and customary commercial insurance rates for such procedures in each TRICARE Prime catchment area; and

(2) a proposal for increases of maximum allowable rates charged for medical procedures under the Civilian Health and Medical Program of the Uniformed Services should the study conducted under paragraph (1) find 20 or more rates which are less than or equal to the 50th percentile of the usual and customary commercial insurance rates charged for such procedures.

SEC. 715. REQUIREMENTS FOR PROVISION OF CARE IN GEOGRAPHICALLY SEPARATED UNITS.

(a) CONTRACTUAL REQUIREMENT.—The Secretary of Defense shall require that all new contracts for the provision of health care under TRICARE Prime include a requirement that the TRICARE Prime Remote network, to the maximum extent possible, provide health care concurrently to members of the Armed Forces in geographically separated units and their dependents in areas outside the catchment area of a military medical treatment facility.

(b) REPORT ON IMPLEMENTATION.—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the extent and success of implementation of the requirement under subsection (a), and where concurrent implementation has not been achieved, the reasons and circumstances that prohibited implementation and a plan to provide TRICARE Prime benefits to those otherwise eligible covered beneficiaries for whom enrollment in a TRICARE Prime network is not feasible.

SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is a TRICARE eligible beneficiary not enrolled in TRICARE Prime, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary can demonstrate significant cost avoidance for specific procedures at the affected military treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED BY COVERED BENEFICIARIES WHEN REFERRED FOR CARE OUTSIDE LOCAL CATCHMENT AREA.

The Secretary of Defense shall require that any new contract for the provision of health care services under chapter 55 of title 10, United States Code, shall require that in any case in which a covered beneficiary under such chapter who is enrolled in TRICARE Prime is referred by a network provider or military treatment facility to a provider or military treatment facility more than 100 miles outside the catchment area of a military treatment facility because a local provider is not available, or in any other respect not within the terms of a new managed care support contract, the beneficiary shall be reimbursed by the network provider or military treatment facility making the referral for the cost of personal automobile mileage, to be paid under standard reimbursement rates for Federal employees, or for the cost of air travel in amounts not to exceed standard contract fares for Federal employees.

SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER TRICARE.

(a) ELIMINATION OF PREAUTHORIZATION REQUIREMENTS FOR CERTAIN CARE.—Under regulations prescribed by the Secretary of Defense, and in all new managed care support contracts the Secretary shall eliminate requirements in certain cases under TRICARE Prime that network primary care managers preauthorize covered beneficiaries under chapter 55 of title 10, United States Code, to receive preventative health care services within the managed care support contract network without preauthorization from a primary care manager.

(b) COVERED SERVICES.—Should such a covered beneficiary choose to receive care from a provider in the network, the covered beneficiary shall not be required to have a referral from a primary care manager—

(1) for receipt of preventative obstetric or gynecological services by a network obstetrician or gynecologist;

(2) for mammograms performed by a network provider if the beneficiary is a female over the age of 35; or

(3) for provision of preventative specialty urology care from a network urologist if the beneficiary is a male over the age of 60.

(c) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(d) REGULATIONS.—The Secretary shall prescribe the regulations required by subsection (a) not later than May 1, 2000 and implement the regulations not later than October 1, 2000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. TRAFICANT OF OHIO

(Amdt B-31 in House Report 106-175)

At the end of title VIII (page 246, after line 18), insert the following new section:

SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt B-32 in House Report 106-175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term "Asia-Pacific Center" means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of

funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt B–33 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the "operations tempo", and on the "personnel tempo", of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. CASTLE OF DELAWARE, MR. BISHOP OF GEORGIA, OR MR. ROEMER OF INDIANA

(Amdt B–34 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON SPACE LAUNCH FAILURES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "specified congressional committees" means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MRS. FOWLER OF FLORIDA

(Amdt B–35 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON AIRLIFT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

(a) REPORT REQUIRED.—Not later than June 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2015.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) The identity, size, structure, and capabilities of the airlift requirements necessary for the full range of shaping, preparing, and responding missions demanded under the National Military Strategy.

(2) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy, on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(3) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping and other contingency missions, and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(4) The effect on mobility requirements of new service force structures, such as the Air Force's Air Expeditionary Force and the Army's Strike Force, and any foreseeable force structure modifications through 2015.

(5) The need to deploy forces strategically and employ them tactically using the same airlift platform.

(6) The need for an increased airlift platform capable of deploying outsize equipment or large volumes of supplies and equipment.

(7) The anticipated role of host nation, foreign, and coalition airlift support and requirements through 2015.

(8) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GILCHREST OF MARYLAND

(Amdt B–36 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after paragraph (b) the following new subsection:

"(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.".

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GOODLING OF PENNSYLVANIA OR MR. TRAFICANT OF OHIO

(Amdt B–37 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. INSPECTOR GENERAL INVESTIGATION OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF FREE WEIGHT STRENGTH TRAINING EQUIPMENT.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense shall conduct an investigation to determine whether the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) PURCHASES COVERED.—The investigation shall cover purchases made during the three-year period ending on the date of the enactment of this Act of free weights for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions).

(c) REPORT.—The Inspector General shall prepare a report for the Secretary of Defense on the investigation. Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress such report, together with such additional comments and recommendations as the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term "free weights" means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. SKELTON OF MISSOURI

(Amdt B–38 in House Report 106–175)

The amendment as modified is as follows:

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

"SEC. 1404. THREAT AND RISK ASSESSMENTS.

"(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

"(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

"(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General shall conduct a pilot test of any proposed method or model by which such assessments are to be performed. The Attorney General shall conduct the pilot test in coordination with appropriate Federal, State, and local agencies.

"(2) The pilot test shall be performed in cities or local areas selected by the Attorney General in consultation with appropriate Federal, State, and local agencies.

"(3) The pilot test shall be completed not later than one month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.".

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. HOBSON OF OHIO OR MR. HALL OF OHIO

(Amdt B–39 in House Report 106–175)

At the end of title XI (page 307, after line 13), insert the following new section:

SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RETIREMENT AND SEPARATION INCENTIVES FOR CERTAIN CIVILIAN EMPLOYEES.

(a) EARLY RETIREMENT INCENTIVE.—(1) An employee of the Department of Defense is entitled to an annuity under chapter 83 or 84 of title 5, United States Code, as applicable, if the employee—

(A) has been employed continuously by the Department of Defense for more than 30 days before the date that the Secretary of Defense made the determination under subparagraph (D);

(B) is serving under an appointment that is not time-limited;

(C) is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(D) is separated voluntarily;

(E) has completed 25 years of service or is at least 50 years of age and has completed 20 years of service; and

(F) retires under this subsection before October 1, 2000.

(2) As used in this subsection, the terms "employee" and "annuity" shall have the same meaning as the meaning of those terms as used in chapters 83 and 84 of title 5, United States Code, as applicable.

(b) VOLUNTARY SEPARATION INCENTIVE.—(1) The Secretary of Defense may, to restructure the workforce to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions, offer separation pay to an employee under this subsection subject to such limitations or conditions as the Secretary may require. Such separation pay—

(A) shall be paid, at the option of the employee, in a lump sum or equal installment payments;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) $25,000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments.

(2) For purposes of this subsection, the term "employee" means an employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) ADDITIONAL CONTRIBUTIONS TO RETIREMENT FUND.—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department of Defense who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For purposes of this subsection, the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, with appropriate adjustments if the employee last served on other than a full-time basis.

(d) APPLICABILITY.—The provisions in this section shall only apply with respect to a civilian employee of the Department of Defense who—

(1) is employed at the military base designated by the Secretary of Defense under subsection (e), or who is identified by the Secretary as part of a competitive area of the civilian personnel service population of such military base, during the period beginning on October 1, 1999, and ending on October 1, 2000;

(2) is one of 300 employees designated by the Secretary of the military department with jurisdiction over the designated base; and

(3) elects to receive an annuity or separation incentive pursuant to such provisions during such period.

(e) DESIGNATION OF MILITARY BASE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a military base to which the provisions of this section shall apply. The base designated by the Secretary shall—

(1) be a base that is undergoing a major workforce restructuring to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, supervisory, or similar positions; and

(2) employ the largest number of scientists and engineers of any other base of the military department that has jurisdiction over the base.

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. ORTIZ OF TEXAS

(Amdt B–40 in House Report 106–175)

At the end of title XI (page 307, after line 13), insert the following new section:

SEC. 1104. EXTENSION OF AUTHORITY TO CONTINUE HEALTH INSURANCE COVERAGE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXTENSION OF AUTHORITY.—Clauses (i) and (ii) of section 8905a(d)(4)(B) of title 5, United States Code, are amended to read as follows:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

(b) OFFSET.—Of the amount authorized to be appropriated in section 301(5) for Defense-wide activities—

(1) $9,100,000 shall be available to continue health insurance coverage pursuant to the authority provided in section 8905a(d)(4)(B) of title 5, United States Code (as amended by subsection (a)); and

(2) the amount available for the Defense Contract Audit Agency shall be reduced by $9,100,000.

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. NEY OF OHIO

(Amdt B–41 in House Report 106–175)

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The Secretary of Defense shall prepare an annual report, in both classified and unclassified form, on the current and future military strategy and capabilities of the People's Republic of China. The report shall address the current and probable future course of military-technological development in the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through 2020.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The size, location, and capabilities of Chinese strategic, land, sea, and air forces.

(4) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(5) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance military capabilities.

(c) SUBMISSION OF REPORT.—The report under this section shall be submitted to Congress not later than March 15 each year.

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. BOEHLERT OF NEW YORK

(Amdt B–42 in House Report 106–175)

The amendment as modified is as follows:

In the table in section 2301(a) (page 339, after line 18), insert an item relating to the Rome Research Site, New York, in the amount of $3,002,000, and strike the amount identified as the total in the amount column and insert "$635,272,000".

Page 343, line 3, strike "$602,270,000" and insert "$605,272,000".

Page 344, line 6, strike "$6,600,000" and insert "$9,602,000".

At the end of title XXIII (page 344, after line 10), insert the following new section:

SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.

(a) PLAN REQUIRED.—Not later than January 1, 2000, the Secretary of the Air Force shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) RELATION TO STATE CONTRIBUTIONS.—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. OSE OF CALIFORNIA

(Amdt B–43 in House Report 106–175)

At the end of part III of subtitle D of title XXVIII (page 399, after line 7), insert the following new section:

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the "Regents"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not exceed $17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SCARBOROUGH OF FLORIDA

(Amdt B-44 in House Report 106-175)

At the end of section 3162 (page 445, after line 17), insert the following:

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MCINTYRE OF NORTH CAROLINA

(Amdt B-45 in House Report 106-175)

The amendment as modified is as follows:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and nonbinding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That the expedited procedure used for a particular dispute shall be chosen—

(A) collaboratively by the Secretary and by appropriate representatives of the contractor operating the national laboratory and of the private sector entity; and

(B) if an expedited procedure cannot be chosen collaboratively under subparagraph (A), by the Secretary.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term "national laboratory" means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MRS. WILSON OF NEW MEXICO

(Amdt B-46 in House Report 106-175)

Page 452, line 22, strike "subsection (c)" and all that follows through "indicates" on line 24 and insert "subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating".

Page 453, strike lines 7 through line 10 and insert the following:

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk proceeded to read the modifications.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments as modified be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from South Carolina for yielding to me.

Mr. Chairman, I rise in strong support of the en bloc amendments, and I want to speak specifically to amendment No. 32 briefly.

The purpose of this amendment is to permanently authorize that the Asia Pacific Center for Security studies the waiver authority for some attendance costs that were granted to it in the fiscal year 1999 Defense Authorization Act and to enact new, permanent legislation for the Center that expands its ability to fund its crucial work in the region.

Specifically, the provisions in this amendment will permit the Asia Pacific Center, a component of Pacific Command, to accomplish two important objectives:

First, the provisions will permit the Center to waive reimbursement for certain costs of conferences, seminars, and courses of instruction for participants of foreign countries when the Secretary of Defense determines that such participation is in the national security interests.

This Member strongly concurs with both Admiral Prueher, the previous Commander-in-Chief, Pacific Command, and Admiral Blair, who recently assumed this position, that this waiver of charges is critical to the Center's ability to attract participants from developing and developed countries in the region. The Center complements the Command's strategy of maintaining positive security relationships with all nations in the region. It enhances cooperation and builds relationships through mutual understanding and study of the range of security issues among military and civilian representatives of the U.S. and other Asia-Pacific nations.

Second, the provisions will permit the acceptance of foreign gifts and donations. No such authority currently exists for the Center, and such is key to providing an alternate source of income to defray costs or to enhance operations. It will permit the acceptance of donations in the form of funds, materials, property, or services from foreign sources, within ethical guidelines to be developed by the Secretary of Defense.

Amending H.R. 1401 to permanently authorize the waiver of reimbursement and the acceptance of foreign gifts and donations will mirror legislative authority previously granted to the George C. Marshall European Center for Security Studies. In addition, significantly, enactment of these provisions will impose no increase in DoD budgetary requirements.

Secondly, for amendment No. 33, the purpose of this amendment is to direct the Secretary of Defense to evaluate and report to Congress the U.S. armed forces' ability to successfully prosecute a conflict on the Korean Peninsula or a 2-major-theater-war strategy over the next 5 years while simultaneously engaged in continued operations in the Balkans.

Anyone who has been watching our combat strength erode over the last decade or the juggling of equipment and forces to meet Kosovo requirements will understand why this is a vitally important national security issue.

U.S. military operations in the Balkans, in this Member's view, will include Kosovo for the foreseeable future. U.S. efforts there clearly are stretching the already ample divide between our global security obligations and military capabilities. The argument that we have heard for years—that with the Cold War over, we can spend less on our Armed Forces—would be true only if we expected less of our military. However, this has not been the case—indeed, our forces have been asked to do more and more with less and less.

According to the Congressional Research Service, President Reagan used the military abroad 17 times; President Bush, 14 times, including the Persian Gulf conflict. President Clinton, however, has called on the military over 45 times, including the ongoing Kosovo operations. Such extensive use is unprecedented; moreover, it has been presided over by an Administration that not only has trimmed the fat in our Armed Forces—to its credit—but has, in the view of many senior military officials with whom this Member agrees, cut considerably into its "muscle" as well. The dramatic increase in "operations tempo" has taken a significant toll on an already substantially downsized, underfunded, and inadequately equipped force. Moreover, the results of the Quadrennial Defense Review, recently concluded by the DoD, projects an increasing number of military commitments into the next century.

This is a dangerous situation, in this Member's opinion, and calls into serious question U.S. capabilities to successfully prosecute one or more major contingencies over at least the next several years—major contingencies, such as on the Korean Peninsula or in Southwest Asia, that are in this nation's vital interests.

We in Congress first must be fully informed as to our Armed Force's capabilities and limitations. Then, we must be willing to address the challenges they face if we expect them to continue to meet our global challenges. This amendment, requiring the Secretary of Defense to report on the U.S. Armed Forces capability to respond to other regional contingencies while remaining engaged in the Balkans, will provide the baseline analysis we need to "right-size" and "right-equip" our forces in the future.

Mr. SISISKY. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise today in support of the en bloc amendment to H.R. 1401. This amendment includes an amendment which I propose along with the gentleman from South Dakota (Mr. THUNE). Our amendment makes needed improvements to TriCare, the military managed health care program.

Our amendment complements the excellent work done by the Committee on Armed Services to better military health care. The Thune-Stenholm amendment will improve the claims processing system, reduce paperwork and financial burdens to TriCare beneficiaries, and improve coverage for active duty members of the armed services. Our amendment has the support of the Military Coalition and the National Military and Veterans Alliance.

As we increase military pay and benefits, it is important that we also continue in our efforts to provide the highest quality medical care for military members and their families, retirees and their families, and survivors.

I urge the support for the Thune-Stenholm amendment as included in the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I have a great announcement to follow up the distinguished gentleman from Texas (Mr. STENHOLM), who announced this earlier.

For all those naysayers, today the THAAD program had a very successful intercept. We hit a bullet with a bullet. Not only did we hit the target, we hit it right in the spot where that target would be eliminated so that the trajectory of the missile would not continue on into where our troops would be held.

So for all of those people who stood on the House floor and said missile defense does not work, the technology is not there, it is a failure, guess what, Mr. Chairman, today we hit a bullet with a bullet. We solved the problem that people said we could not solve.

I just want to thank my colleagues on both sides of the aisle who had the good common sense to understand that American technology can do anything, and we are never going to have a case where those 28 brave young Americans, half of whom were from my State, came back to their homeland in a body bag because we could not defend a missile attack against them.

Mr. SISISKY. Mr. Chairman, I congratulate the gentleman from Pennsylvania (Mr. WELDON).

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, I urge my colleagues to support the en bloc amendment. It contains my amendment to waive the statutory time limit and authorize the President to present the Congressional Medal of Honor to Alfred Rascon for his brave and heroic actions during the Vietnam War. He truly embodies the spirit and sacrifices made by those gallant individuals who have earned our Nation's highest military honor.

In 1966, he was a paramedic and risked his life many times to save the lives of his colleagues. When his unit came under intense enemy attack, Mr. Rascon on three separate occasions ran through enemy fire to jump on soldiers to protect them from exploding grenades or incoming rifle and machine gun fire.

On one occasion, he suffered grenade shrapnel and wounds while protecting another solder he was caring for. On two other occasions, he dove on soldiers to shield them from several incoming exploding grenades, observing the full blast himself each time.

Regardless of these wounds and an additional wound to his face from an exploding grenade, he retrieved the point squad's abandoned machine gun and its ammunition while drawing heavy fire.

Mr. Chairman, I urge my colleagues to support the en bloc amendment.

Mr. Chairman, I urge my colleagues to support the Chairman's En Bloc amendment. The En Bloc package contains my amendment to waive the statutory time limit and authorize the President to present the Congressional Medal of Honor to Alfred Rascon for his heroic and brave actions during the Vietnam War. His case embodies the spirit and sacrifice made by those gallant individuals who have earned our nation's highest military honor.

On 16 March 1966, Sp4 Alfred Rascon, distinguished himself by a series of extraordinarily courageous acts while assigned as a medic to the Reconnaissance Platoon, Headquarters Company, 1st Battalion (Airborne), 503d Infantry, 173d Airborne Brigade. While moving to reinforce a sister unit under intense enemy attack, the Reconnaissance Platoon came under heavy fire from a numerically superior enemy force.

The intense fire severely wounded several soldiers and repulsed repeated attempts by fellow soldiers to rescue their fallen comrades. Ignoring this and directions to stay behind shelter, Mr. Rascon repeatedly tried to crawl forward to assist the wounded soldiers but was driven back each time by the withering enemy fire. Despite the risks to his own safety and realizing that the point machine-gunner was severely wounded and still under direct enemy fire, he dashed through gunfire and exploding grenades to reach his comrade. To protect him from wounds, Mr. Rascon intentionally placed his body between the soldier and the enemy machine guns and in doing so sustained numerous shrapnel injuries and a serious hip wound from an enemy bullet. Despite his wounds, he dragged him from the fire-raked trail and then crawled back through the area of heaviest fire with ammunition for a machine gunner, allowing the soldier to resume life protecting covering fire for the beleaguered squad. As Mr. Rascon crawled through the murderous fire to retrieve an abandoned machine gun and ammunition, a grenade exploded directly in front of him, severely wounding him in the face and torso.

Although weakened by loss of blood and his painful wounds, he recovered the machine gun and ammunition for another soldier who was then able to provide badly needed suppressive fire for the pinned-downed unit. As Mr. Rascon went forward to aid a badly wounded grenadier, he saw grenades fall near the stricken soldier. With complete disregard for his own life, he dove on the wounded man and covered him with his body, absorbing the full force of the grenade explosion but saving the soldier's life. Although he sustained additional fragmentation wounds to his face, back and legs, Mr. Rascon continued to treat the wounded. Seeing grenades land near the wounded point squad leader, and without regard for the consequences, he again rose to his feet and dove on the wounded man, again absorbing the blast of the grenades with his own body and suffering additional multiple fragmentation wounds. After treating the wounded sergeant, Mr. Rascon remained on the battlefield, providing medical aid to the wounded and inspiring his fellow soldiers to continue the battle.

After the enemy broke contact, he treated and directed the evacuation of the wounded, and only then allowed himself to be treated. While making his way to the evacuation zone, Mr. Rascon collapsed from the result of his wounds and blood loss, and was carried from the battlefield.

Because of the selflessness and bravery he demonstrated that day, Mr. Rascon's unit members submitted a recommendation for him to receive the Medal of Honor. Unfortunately, the written recommendation never made it up the chain of command. While we can't erase the mistake that deprived him of this award over thirty years ago, we can today finally do justice to Mr. Rascon.

There are many people to thank for their work to recognize Alfred Rascon's extraordinary heroism. Gil Coronado, Director of the

Selective Service System, brought this case to my attention over six years ago and has been a consistent champion of this cause. Ken Smith, Colonel, US Army (Ret.), President of the Society of the 173rd Airborne Brigade, has been a steadfast supporter and brought his years of military experience as well as his dogged determination to the table. He and the Society were critical to the success of this effort. Gordon Sumner, COL, USA Ret., the Chairman of the DC Chapter of the 82nd Airborne Division, also assisted at critical times and deserves credit.

Kelli R. Willard West, former legislative director of the Vietnam Veterans of America, helped bring the voice of Vietnam Veterans to this endeavor. Her hard work and steadfast support made an impact on this effort. John Fales, known as Sgt. Shaft to Washington Times readers, let the public know of Mr. Rascon's bravery and the efforts to properly honor him.

Chairman BUYER and Ranking Member NEIL ABERCROMBIE should be commended for their assistance on bringing this amendment to the floor. I would also like to thank the staff of the Military Personnel Subcommittee, in particular Mike Higgins, for their efforts over the many years of work it took to bring this case to its logical conclusion.

I also thank my colleagues who signed the numerous letters and joined in my efforts to honor Mr. Rascon. Specifically, Representatives ROSCOE BARTLETT and LUIS GUTIERREZ should be noted for their support as well as Members of Congress who served in the 173rd, including Representatives DUNCAN HUNTER, MIKE THOMPSON and CHARLIE NORWOOD. My colleagues on the Senate side, Senators SPENCER ABRAHAM and STROM THURMOND must also be commended. Their efforts led to this amendment being included in the Senate's version of the FY2000 DOD Authorization Act. Stuart Anderson of Senator ABRAHAM's staff should be particularly thanked for his efforts.

Above all, members of Mr. Rascon's unit, the 1–503d Reconnaissance Platoon, must be recognized. Without their dogged efforts and those of Jacob R. Cook, SFC, USA Ret., Willie Williams, SFC, USA Ret., James K. Akuna (Deceased), SFC, USA Ret., Forrest Powers, SFC, USA Ret., Elmer R. Compton, SGT, SP4 John Kirk, Neil Haffey, PFC and Larry Gibson, PFC (MSG, USANG) this oversight never would have been brought to the attention of Congress and the public. Other members up and down the chain of command of the 173rd should be thanked as well, including Paul F. Smith, MG, USA Ret., John Tyler, COL, USA Ret., Bill Vose, CPT, USA Ret., Frank Vavrin, LTC, (Chaplain), USA Ret., Tom Marrinan, SFC, USA Ret., Jess Castanon, SGT (Deceased), Bob Berruti, SGT, Bob McCarthy, SGT, Ray Penzon, SGT, and Dan Ojeda. A special thanks should go to Roy Lombardo, LTC, USA Ret., who initially resubmitted the MOH packet to the Department of Defense. Mr. Lombardo, a Captain in the 173rd's 2nd Battalion during 1966, took this action when he was made aware, by Mr. Rascon's platoon members during the 173d's 1990 25th reunion, that the nomination never went forward.

Other individuals and organizations who deserve credit and thanks include: Bishop Joseph Madera, Brig. Gen. Michael F. Aguilar, USMC, Suzanna Valdez, the National Council of La Raze, Daniel B. Gibson, Bill Dunker, the Heroes and Heritage Foundation, Raul Yzaguirre, Ken Steadman, Richard Boylan, the Veterans of Foreign Wars and Robert Stacy.

It is my true belief that we do not live up to our nation's sacred commitment to our veterans if we do not properly honor the sacrifices made by those who went above and beyond the call of duty. Again, I urge my colleagues to support the Chairman's En Bloc amendment and this important effort to honor Alfred Rascon, a true American hero.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement.

Mr. Chairman, section 151 of the authorization bill would prevent the Department of Defense from buying a commercial communications satellite system or leasing a communications service unless independent testing proves that the system or service will not cause harmful interference to collocated global positioning system receivers used by the DOD.

Mr. Chairman, I support the efforts to protect DOD technology, including GPS, from harmful interference. However, I am concerned that the independent testing requirement in section 151 could have the inadvertent effect of precluding DOD's purchase of cellular telephones, two-way radios, and other communication services until new standards and testing protocols are developed.

I ask the gentleman if this is the intent of section 151, and I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to assure the gentleman from Arizona (Mr. STUMP) that the purpose of section 151 is not to delay the acquisition of needed communications or to impose new and unnecessary regulations. Our military forces rely very heavily on GPS signals for navigation, precision munitions, and other purposes. This section is intended to assure that communication systems using the spectrum close to that used by GPS do not interfere with GPS receivers.

Mr. STUMP. Mr. Chairman, I thank the gentleman. I believe this clarification will help us address DOD needs while being mindful of private sector concerns.

Mr. HUNTER. Mr. Chairman, I look forward to working with the gentleman on this matter.

Mr. SISISKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) for the purpose of a colloquy.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

Mr. Chairman, I rise to engage the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services in a colloquy regarding the defense of the United States electric power grid against information attacks, something that is very prominent at a large regional institution in our area, Drexel University.

☐ 1645

A growing number of my constituents have expressed concern over the reliability of the U.S. electric power grid when challenged by natural disaster, terrorist attack or other threats. A major outage in the national electric power grid could severely cripple our society and significantly impact the national defense capabilities of this country.

I raise this issue today because all Department of Defense facilities in the contiguous United States depend to a greater or lesser extent upon commercially owned and operated electric power grids that are managed through computer networks that are increasingly using the Internet as a communication and control network. Because of the interconnection of the Nation's electric power grid, the increased dependence on information systems and technology for control of the grid, and the potential threat of cyber-terrorism to the Nation's information infrastructure, I have personal concerns about the potential threat that targeted or massive outages could pose to the national security of the United States.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I share the gentleman's concerns and applaud him for his outstanding national leadership on this issue. The committee's report states that the protection of the Nation's critical infrastructure against strategic information warfare attacks will require new tools and technology for information assurance and dominance. The ability to assess the vulnerability of the domestic electric power grid infrastructure to information attack will require the development of integrated models that can be used to develop strategies and procedures to detect and respond to terrorist attacks on the national electric power grid. Because defense information infrastructure is closely linked and dependent upon the domestic information infrastructure, I believe, and the committee report states, and I reinforce, that government, industry and academia should form partnerships to cooperatively develop information assurance solutions to protect the Nation's critical information systems infrastructure.

Mr. Chairman, I applaud the gentleman because he has taken a leadership role in developing such a model in the Philadelphia metropolitan region.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the gentleman and look forward to working with him and I thank him for his leadership.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise for the purpose of engaging the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services in a colloquy.

Mr. Chairman, during the markup of H.R. 1401 by the Committee on Armed Services, I offered an amendment that would have conveyed real property at military installations closed under the base closure laws at no cost to those communities still in the process of negotiating agreements with the Department of Defense governing the terms under which the property would be disposed and put back into effective reuse. In return, communities which would have received property in this manner would be required to invest in reuse that provides job creation, effective economic redevelopment, and other public purposes.

This is an issue of fundamental fairness to me. Base closures can have a disastrous effect on communities. As one example, the largest county in my district may lose 2 out of every 5 jobs as a result of the closure of Fort McClellan. The last thing we should be doing now is kicking an area like Calhoun County when it is already down.

Mr. Chairman, I withdrew my amendment in full committee based on the commitment of the gentleman from Colorado (Mr. HEFLEY) to work with me to try to find a solution to this problem. I am hopeful that the committee will soon hold a hearing on the subject. It is terribly important to the communities in Alabama and across the country who continue to struggle to recover from the effects of base closures.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

I want to note the support of the Department of Defense for the basic concept articulated by the gentleman from Alabama. Current law compels the Department of Defense to maintain these properties at enormous cost while expending considerable resources to negotiate acceptable purchase prices.

In my hometown of Fort Smith, Arkansas, the former army installation of Fort Chaffee was closed in 1995. Lately, the local redevelopment authority has been working diligently with the DOD to negotiate an acceptable purchase price. However, it is now clear that if the property is transferred at current market value, the purchase price will exceed the expected revenues generated from redevelopment.

A number of unique characteristics of the property make redevelopment a costly endeavor. There is little incentive to pursue a redevelopment plan if the public trust is unable to recoup the cost of purchasing the property.

Mr. Chairman, I had intended to offer an amendment similar to that proposed by the gentleman from Alabama (Mr. RILEY), but I understand the concerns expressed by the chairman of the subcommittee that his subcommittee has not had adequate time. So I hope we can move forward and resolve this issue promptly and look forward to working with the chairman.

Mr. RILEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Colorado, the chairman of the subcommittee.

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding.

I am acutely aware of the problem which the gentleman from Alabama (Mr. RILEY) and the gentleman from Arkansas (Mr. HUTCHINSON) have raised today. The Department of Defense has also made a proposal to expedite the reuse process. I am very sympathetic to the desire of the local communities to see effective economic reuse of former military installations and see it happen at the earliest possible time.

As both gentlemen know, this is a complicated area of law. I regret the administration did not forward the formal proposal in this area to our committee in time for us to really take action on it. We have not had the opportunity to have adequate hearings, but we fully intend to have those hearings, to have them in a timely fashion, and to have them prior to the time that we go to conference on this. I would like for both of my colleagues, and others that are interested, to participate in these hearings with us.

Mr. Chairman, I thank the gentleman for yielding to me, because this is an important issue and we do intend to address it. I appreciate both of my colleagues bringing it to my attention.

Mr. RILEY. Mr. Chairman, reclaiming my time, I wish to thank the chairman for his assurances.

Mr. SISISKY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to cosponsor the amendment requiring the Secretary of Defense to report to the Congress on the results of investigations into the rash of recent failures of several of our space launch vehicles.

I serve on the Permanent Select Committee on Intelligence, and while this committee does not have jurisdiction over the Department of Defense space launch vehicles, it does exercise oversight over the National Reconnaissance Office, which is a primary customer of Air Force launch vehicles. Indeed, one of the 4 recent Titan IV launch failures involved an extremely expensive NRO satellite and another involved the loss of a missile early warning satellite that is of considerable interest and importance to the intelligence community.

I know that many of my colleagues, as well as many individuals in the executive branch and industry, and the public at large, are gravely concerned about these failures. Within the last year there have been 4 failures of the Titan IV, two failures of the newly designed Delta III, and one failure of the Athena rocket.

While 4 of these 6 failures entail the loss of commercial satellites and, therefore, did not cost the taxpayers anything, the other 4 failures were extremely costly to the government, in the neighborhood of $3 billion, I am told.

I understand very well that launching large satellites in space is inherently risky, and it is inevitable failures will occur from time to time, but this many failures in so short a time compels us to question our practices. It is doubly important to do so now since we are close to the first launches of the new Evolved Expendable Launch Vehicle, and since we have another dozen of the old Titan IVs remaining to be launched over the next 5 years. If we need to learn new lessons or rediscover old verities, now is the time.

It appears that there are no common causes for any of these failures, although the failure investigations are incomplete. However, I believe it is the case that all of the failures involve two companies, the two companies that are the prime contractors for all of the government launch vehicles.

It is certainly possible that this string of failures is merely some statistical aberration and does not reflect any systemic type of problem, or maybe there is really a systemic problem only within one program, like the Titan IV or the Delta III, or maybe the Delta III failures are just teething pains of a new system and the Athena failure is an isolated event.

Alternatively, and of utmost concern, is the possibility that the various pressures operating on the industry at this time are somehow causing problems that pose a threat to national security.

We know that launch rates in the industry for existing boosters are up substantially at the same time that new vehicles are being developed, which conceivably could stretch available managerial and engineering talent and attention. We also know that competition is keener than ever, which combined with government pressure to reduce costs, conceivably could tempt some unwise cost cutting.

We also need to consider the potential impact of changes in acquisition processes, such as the level of oversight and inspection conducted by the government, performance incentives by our contractors, buying launch services, and even private insurance for government launches.

I know the executive branch and industry are anxious as we get to the bottom of this matter, and so I urge that this amendment be adopted.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I rise to ask for the help of my colleague, the gentleman from South Carolina (Mr. SPENCE), in bringing just compensation and closure to the surviving families of a tragic accident involving United States servicemen.

On September 13 of 1997, a German Tupelov aircraft veered off course and collided with a United States Air Force C–141 off the coast of Namibia. Nine American servicemen perished in the collision. Accident investigations conducted by both the United States Air Force and the German Ministry of Defense both concluded that the fault of the collision lay with the German crew, who had not only filed an inaccurate flight plan, but were also flying at the wrong altitude.

Five months after this accident, as we all know, a United States aircraft clipped a ski gondola cable in Italy, causing the deaths of 20, 7 of whom were German nationals. As has been customary, the United States Government is preparing to make financial settlement with the families of those victims. Unfortunately, the German Government has been slow to show a reciprocal sense of responsibility and concern for the loss of 9 American lives.

Senator STROM THURMOND has attached a resolution to the Senate defense authorization bill calling for the German Government to make a prompt, fair settlement with the families lost in this tragedy. This is similar to a resolution that I, along with 15 other bipartisan cosponsors, have introduced in the House.

I appreciate the strong support the chairman of the Committee on Armed Services has already given the surviving families of this accident, and I ask that when the Defense Authorization Act comes to conference the gentleman will accede to the Senate position with regard to the families of our lost airmen.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for raising this important issue.

As the gentleman indicated, I have had a long-standing interest in seeing justice done in this case. The gentleman can be assured that I support the timely payment of compensation from the German Government in response to claims from surviving family members. Accordingly, I will support legislation that seeks to achieve that objective when it is considered for inclusion in the National Defense Authorization Act for the Year 2000.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I thank the gentleman for his support.

Mr. SISISKY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I appreciate the committee accepting my "buy American" amendment. If we do not make it here and we go to war, who will we buy from; our enemy?

So I wish to thank the committee for its continued support, and I also want to thank the members of the committee for accepting the amendment from the gentleman from Pennsylvania (Mr. GOODLING) and myself that deals with weights bought for training measures from China.

Let me just advise Members of Congress that they have a $67 billion trade surplus, and they are buying submarines, tanks and aircraft with our money and pointing their missiles at us. So I thank my colleagues for accepting my amendments.

□ 1700

The CHAIRMAN. The gentleman from Virginia (Mr. SISISKY) has 2 minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 1 minute remaining.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the en bloc amendment, particularly that portion that pertains to the subject the gentleman from Georgia moments ago was talking about, the failures of the Titan 4–A and 4–B rockets and/or their upper stages, resulting in the loss of valuable military and intelligence satellites. This is $3 billion we have lost in these satellites, and we are counting with respect to that.

As a member of the Permanent Select Committee on Intelligence and as chairman of the Subcommittee on Technical and Tactical Intelligence, I also have jurisdiction over this matter from the intelligence perspective, and we have had meetings with the Air Force and other personnel concerning this, including the companies involved in the failures. And there are investigations under way from the executive branch's perspective.

But the national security interests and billions in costs required that appropriate committees in Congress, we believe, received detailed reports on failures as well as the reforms being implemented to prevent future failures.

As my colleagues can see, the amendment would require the Secretary of Defense to report to Congress and the President on factors involved in these failures and what systemic and management reforms are being implemented to minimize future failures. This oversight is not only desired, but required by us in the Congress to appropriate funds for these launches.

This amendment's requirements, we think, are prudent, and we thank the committee for considering them.

Mr. SISISKY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in support of the McIntyre-Cramer amendment and would like to express my appreciation to the chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their inclusion of this amendment in the en bloc package.

I thank my colleagues for allowing this amendment to go forward. I am committed to working with all parties concerned.

The thrust of the amendment is good government, three components: a positive relationship between our national laboratories and small business; a proper technology transfer program that enhances efficiency and integrity and maintains our global competitiveness in technology; and a productive partnership and level playing field between the Federal Government and the private sector. A positive relationship, proper technology transfer, productive partnership, three ingredients that will have a successful relationship between the Federal Government and small business.

I look forward to working with my colleagues in a continuing, constructive dialogue as we move forward to conference and including this in the DOD bill.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I know the gentlemen from California, Mr. CALVERT and Mr. HORN, want to engage me in a colloquy.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I would like to engage in a colloquy.

It is my understanding that the Department of Defense has been authorized to purchase a total of 120 C–17s as a follow-on aircraft to the C–141, which is in the process of a complete drawdown. It is also my understanding that the C–17 aircraft is a key component for modernizing our Nation's Active Duty and Reserve component's air mobility resources.

I ask the chairman, the gentleman from California (Mr. HUNTER), what is his opinion of the effectiveness of the C–17 aircraft, especially during the current high level of operations.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, I want to thank my good friend from California, who happens to have the March Air Reserve Base in his district, I want to thank him for involving me in this important discussion of the future air mobility needs of our military.

I also agree with him that the C–17 is a very vital tool for our Nation's air mobility needs. In fact, it has performed beyond the high expectations of the committee and the Department of Defense. With our increased reliance on Reserve components, coupled with technological advancements, we will become further reliant on flexible, multipurpose aircraft, such as the C–17.

Mr. CALVERT. Finally, would the gentleman comment on what role he thinks the Reserve units will play in our military's air mobility capacity?

Mr. HUNTER. Mr. Chairman, of course, this is a conversation, too, that I know the chairman of the full committee is very interested in; he is a very important part of this, and I appreciate this opportunity to respond to this inquiry.

As many Members with Reserve components in their district know, such as the gentleman from California (Mr. CALVERT) with March Air Reserve Base, the Nation's Reserve components currently play a very key role in our Nation's air mobility capacity. We could not be involved in the air campaign right now without that Reserve component.

As has been displayed in this recent conflict, the Reserve units are being heavily utilized both in air mobility and other key areas. I believe that this trend of relying on Reserve components will only continue to increase. But we should ensure that these units are outfitted with the most technologically advanced resources available. And once again, the C–17 has done a great job.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, I thank my two colleagues from California.

The C–17, as we all know, is one of the great success stories. I am proud to say it is built in Long Beach, California. It started with Douglas Aircraft, now owned by Boeing Aircraft. They won the top award for quality in America last year in manufacturing. That is the Malcolm Baldrige Quality Award administered by the United States Department of Commerce.

In Kosovo, C–17s showed that they can deliver both humanitarian goods and military goods on time in small airports with short runways. It is my hope that we will have more and more C–17s sold to foreign governments so their military groups can build up their capacity in air mobility and bring needed equipment, supplies, and personnel to the war zone.

I would also hope that civilian cargo airlines could use the C–17s on the very small landing fields we have around the world. The C–17 is a success story. It ought to be shared. Those sales would help us lower the per-unit cost.

I thank the gentleman from California (Mr. HUNTER) for all that he has done to procure the C–17.

Does the gentleman from California (Mr. HUNTER) believe that the Secretary of Defense should explore the recent offer to drastically reduce the price of additional C–17s as a means for addressing some of the future needs at home and abroad?

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further, yes. And I want to thank both gentlemen from California for their interest in this important discussion.

It is my understanding the Secretary is currently exploring all options to modernize our air mobility forces, including the need to acquire additional C–17s.

With respect to selling some of these to our allies, often the answer given to us by them when we ask for their support in operations like the air campaign that is currently being undertaken where we are doing the lion's share of the work and paying the lion's share, that often the answer to us is that we have the resources, we have the aircraft. And if we can sell some of these C–17s to our allies, with that, along with the possession of high-capability aircraft, will go the responsibility to use them in joint operations and take some of the burden off American forces. I think that is a good thing.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the chairman for yielding.

The amendment I am rising to speak on in favor of is that which allows the transfer of the reactor at McClellan Air Force Base to the University of California.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina (Mr. SPENCE) has expired.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the chairman for yielding.

The amendment allows the transfer of the unwanted reactor at McClellan Air Force Base to the University of California (Davis) and provides the funding for decommissioning it. This is a reactor owned presently by the Air Force for which they have no further use. The expectation is that they will pay the decommissioning cost.

This transfer allows our region, which is suffering through base closures, to realize the benefit of 25 additional years of use of this small reactor without any additional cost.

I appreciate the committee making this amendment in order. I look forward to its passage. This is a win in our very difficult base closing process, and I applaud the Congress for making us part of this.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I appreciate very much the committee's cooperation and the distinguished chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) for making in order the Thune-Stenholm amendment and agreeing to accept it.

It is very important to a lot of the current members of active duty forces in the armed services, military retirees, and their dependents. This amendment seeks to help make TriCare, the military health care system, a more efficient, more user-friendly military health care system.

Since 1987, 35 percent of the military hospitals in the United States have closed. Similarly, the number of doctors, nurses, and medical technicians in military services dwindles. However, the number of beneficiaries is not dropping at nearly that rate.

As a result, defense medical leaders needed to find a way to deliver health care that would combine military and civilian resources into a system that would maintain or improve quality, increase access, and control costs for beneficiaries and taxpayers. TriCare is intended to fill that need.

My State, the State of South Dakota, is home to the fine men and women of Ellsworth Air Force Base, as well as to a sizable military retiree population. Each of those individuals and the many health care providers in western South Dakota have a direct interest in TriCare.

This amendment does not make massive changes in the TriCare system. Rather, it is about fine-tuning the system to make it better for all those involved. The language deals with specific areas of concern expressed by constituents, military service organizations, health care providers, contractors, and the Department of Defense.

The amendment will help ensure contracts allow for best business practices, help provide for a better understanding of the reimbursement rate structure in rural areas, improve health care access for military personnel deployed in remote and rural locations, and reduce some of the paperwork burdens for beneficiaries of the military fee-for-service program.

The gentleman from Texas (Mr. STENHOLM) and I have spent hours receiving comments and reworking the amendment to address many of the concerns that we have heard. And again, I would like to thank the chairman for including and accepting it.

These amendments have the support of the National Military and Veterans Alliance and the Military Coalition, which together represent over 40 military veterans' organizations with a combined membership of well over five million people.

It is important change. It is not going to make the TriCare system perfect. But I do believe it will make it better for those who have served and continue to serve our great Nation.

So I thank the chairman for yielding and appreciate his acceptance of this amendment.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, the gentleman from Virginia (Mr. DAVIS) had to leave, but he was concerned about the multipurpose processor program, a program that was developed in his district in one of the premier high-tech companies in the country, which is located in Northern Virginia, that has reinstated to a large degree the superiority of American submarines, giving us some 200 times the capability we had in the past with about one-tenth of the cost. It has really been a great breakthrough.

The committee likes this program.

We want to apologize to the gentleman from Virginia (Mr. DAVIS) and to the Navy because due to a technical error, the program fell out of our budget. The other body does have it in their budget. And so, when we go into conference, we are going to make sure that we work to restore that. It is an outstanding program. It provides enormous leverage for the U.S., and we will work during the conference to restore it.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from California (Mr. HUNTER), section 141 of the National defense authorization bill for fiscal year 2000 contains a provision that would allow nonstockpile chemical agents, munitions, or related materials specifically designated by the Secretary of Defense to be destroyed at chemical stockpile facilities once the affected States have issued the appropriate permits.

One of those facilities is located in my district at Anniston, Alabama. I am concerned and strongly believe that local jurisdictions should have a voice in any decision to use chemical stockpile destruction facilities for purposes other than the purpose for which they were originally constructed, destruction of the stockpile of lethal agents and munitions that are stored at the site.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his expression of concern and for his leadership in this area.

In discussing the chemical agents and munitions weapons destruction program, the committee report notes and has emphasized the increasing practice of meaningful involvement by State and local jurisdictions in the development of programmatic and policy decisions that are specific to their local stockpile storage sites.

We will work with the gentleman in this area.

Mrs. TAUSCHER. Mr. Chairman, I rise to express some concerns that I have with the McIntyre Amendment, which is included in the en bloc amendment offered by Mr. SPENCE.

The McIntyre Amendment would direct DOE laboratories to make available a range of expedited dispute resolution procedures to resolve differences with private sector entities. The goal of this amendment is good. Given the nature of technology transfer, and the demands of bringing new technologies to the marketplace in a timely manner, it is important that disputes are settled quickly and amicably.

But I am worried that this amendment's focus on expedited resolutions would sometimes exclude more appropriate forums for the resolution of disputes. I also believe we need to keep in mind the interest of the American taxpayer and not subject federally funded institutions to dispute resolution procedures that fail to protect their interests. In an effort to provide a speedy resolution to disagreements, I am concerned that this amendment may unintentionally fail to ensure access to the appropriate venue for resolution.

There is no evidence, Mr. Chairman, that system-wide deficiencies exist in the federal technology transfer process. Indeed, technology transfer laws have made it possible for important federally developed technologies to reach the commercial marketplace. It is important that we not threaten the success we have had in technology transfer by making changes in the process that might restrict the ability of our laboratories to participate.

I appreciate the dialogue that Mr. MCINTYRE and I have had on this amendment in recent days and I look forward to working with him to address my concerns as this legislation moves forward.

Mr. GALLEGLY. Mr. Chairman, I rise in support of the en bloc amendment and want to thank the Chairman of the Armed Services Committee, the Ranking Democrat, and the Chairman of the Procurement Subcommittee for their support of my amendment which provides an authorization of funding for the procurement of important fire fighting equipment used by the Air National Guard and Air Force Reserve.

Currently, there are twelve Modular Airborne Firefighting Systems known as MAFFS in operation, two of which operate in California. These units, which are twenty-six years old and which are used exclusively on military aircraft to help fight forest fires across the country, are now at the end of their useful life and are in urgent need of replacement. Our Air Force Reserve and National Guard believe that each year these aged and outdated systems continue to be used, the more they become a danger to the C-130s they are flown in and the crews that man them.

As you know California and many other areas of the Southwest suffer from severe wildfire damage every year. These units are extremely important in helping to fight these fires and the replacement of these MAFFS units is a high priority among our National Guard.

Last year, for Fiscal Year 1999, the Defense Appropriations bill included $6 million for the procurement and replacement of the first several MAFFS units. I understand the Air Force has already begun the process of competing these funds for the replacement units.

My amendment simply authorizes the Secretary of the Air Force to carry out the remainder of this procurement.

I understand the many competing, and important programs for which the Committees must provide funding and I appreciate the Committee's willingness to help support this critically needed firefighting equipment by accepting my amendment.

Mr. CRAMER. Mr. Chairman, this amendment was inspired by a House Science Committee Democratic Staff report entitled "Spinoff or Ripoff," released on April 9 of this year, which examined many aspects of the technology transfer program at a government-owned contractor-operated National Laboratory. I would like to submit to the record Chapter C of the Committee Staff report, which reviews an intellectual property dispute, and the technology transfer practices at one of our National Laboratories.

This amendment will help ensure that the transfer of technology from our National Labs to American business is working hard as well as it should. It will make alternative dispute resolution and mediation available to small companies that simply can't afford the time or costs associated with a prolonged legal dispute with the government-owned Labs. Avoiding a prolonged legal battle will not only save money and resources for American companies, but it will also save money for the American taxpayers.

This amendment will hold the contractor that operates the Lab liable for damages to the extent that they are found at fault. This is simply assuring appropriate accountability for those who participate in technology transfer practices that may cause harm to commercial businesses.

This amendment also addresses the structure of the technology transfer policies at each of the DOE National Laboratories. Today, if any company in this Nation wanted to enter into technology transfer partnerships with multiple DOE National Laboratories, they would have to deal with a different set of procedural requirements at each Lab. This amendment will ensure consistency of technology transfer policies and procedures across the Labs. We hope that this will encourage maximum utilization of tax-payer funded research and development by commercial industry.

I would like to make it clear that I believe that most of the people working at our National Laboratories are among our most talented and patriotic citizens. We are concerned that the technology personnel at these Labs receive sufficient training in U.S. law governing technology transfer. This amendment requires that personnel responsible for patenting, licensing, and commercialization activities—all of which are fundamental to a successful technology transfer program—be knowledgeable about the appropriate legal, procedural, and ethical standards.

This amendment is intended to help ensure that future technology transfer activities at the National Labs are carried out in a manner befitting a taxpayer-funded entity, with the goal of strengthening the competitive, scientific, and economic stature of American companies and research organizations. This amendment will strengthen the role that the National Laboratories will play in bringing this great Country into the 21st Century. Mr. Speaker, I urge my colleagues to support the future of technology transfer and our National Laboratories by supporting the McIntyre-Cramer amendment.

SPINOFF OR RIPOFF?

TECHNOLOGY TRANSFER AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES: THE DEVELOPMENT & COMMERCIALIZATION OF MICROPOWER IMPULSE RADAR AT LAWRENCE LIVERMORE NATIONAL LABORATORY

(C) The Intellectual Property Dispute with TDC

There are four stories that can be told relating to the intellectual property dispute between the Laboratory and TDC. The first story, and the one that attracted Congressional attention, was a claim by TDC that Thomas McEwan and the LLNL/UC had appropriated TDC's technology and passed it off as their own. The second story is Mr. McEwan's story; not surprisingly, it lies approximately 180 degrees away from the TDC claims. While Democratic Staff will briefly recount these two claims, we do not have the capability to determine where the truth lies. We simply cannot ascertain whose version of the truth is right, and we repeat the tales simply to aid those who would take up further investigation and to create a context in which the third and fourth stories make more sense.

It is the third and fourth stories, regarding technology transfer practices at the National Laboratories and the Laboratories' response to complaints such as TDC's, that raise important policy questions: Is there adequate guidance for inventors on what prior art they are required to cite when crafting patent applications? Are the Laboratory technology transfer attorneys doing a reliable job of scrubbing and perfecting those applications before submitting them to the PTO?[1] Is there a policy in place at the Laboratories that directs what the response of a Laboratory should be when it is faced with a complaint like TDC's?

If the technology transfer process at the Laboratories allows incomplete applications to go forward, it may be that there are cases out there, still unidentified, where the PTO has assigned a patent in good faith to the Laboratory based on incomplete disclosure of prior art. In this event, the taxpayers are at risk for legal costs and damages should a private firm or individual challenge that patent and win at trial. Without judging the merits of the TDC claim against the Laboratory, there may be a system in place at LLNL that could create more TDC-type complaints in the future.[2]

Finally, a fourth story can be told about the response of LLNL/UC to TDC's claim as well as to repeated requests by Members of Congress both for information and for a resolution to the problem. TDC first brought this matter to the attention of DOE in fall, 1995. It was not until December 1997 that LLNL/UC submitted the patent for reexamination to the PTO. Moreover, LLNL/UC have consistently supplied both TDC and Members of Congress misleading or factually incorrect information regarding several aspects of the commercialization of MIR technology, and their submission of this information has consistently taken much longer than it should have. The policy issue raised by this aspect of the case is whether there are options available to a small private sector entity when making a complaint against a National Laboratory to ensure that the complaint is addressed promptly and in good faith by the Laboratory in question.

(1) TDC's account of intellectual property theft

In essence, the TDC account is that Thomas McEwan and LLNL/UC stole technology from TDC and Larry Fullerton. As Ralph Petroff of TDC stated in a February 9, 1999 letter to Dr. Michal Freedhoff: "(t)his is not technology transfer; this is the 'evil twin' of technology transfer—the government knowingly appropriates technology that it did not invent, sells licenses for technology that does not work, and declares the whole process "the most successful technology transfer project in DOE history."

TDC argues that Mr. McEwan began working on his MIR project immediately upon his return from the March, 1990 LANL meeting on UWB radar where he had heard at least one presentation involving Fullerton, and that "Mr. Fullerton presented two papers at the Symposium."[3] TDC describes this symposium as a "small conference" and quotes another attendee as saying that "(y)ou could not have attended that conference without being exposed to the Fullerton technology."[4] TDC also notes that Aviation Week & Space Technology, "a publication that is widely read at LLNL," ran two articles subsequent to the conference that emphasized Mr. Fullerton's work and patents.[5] Finally, TDC notes that several other publications that would probably have been seen by those in the UWB radar community in the early 1990s also mention Larry Fullerton and his inventions.[6] In short, Mr. McEwan had to have known who Larry Fullerton was, the nature of Mr. Fullerton's work and that Mr. Fullerton held patents in the UWB radar field.

More proof of Mr. McEwan's awareness of Fullerton is offered by TDC: "The 'never-heard-of-Fullerton' explanation was further contradicted by the comments of two customers (one commercial, one government) who claimed that Lawrence Livermore personnel (including McEwan himself) had contacted them in an attempt to take potential business away from Time Domain. The basic message was 'You don't want to (sic) business with Time Domain. Our technology is the same as Fullerton's—only better.'"[7]

TDC also claimed that "McEwan himself made the comment that the 'MIR technology was the same as Fullerton's—only better."[8]

Finally, TDC points to a September, 1990 funding proposal co-authored by Thomas McEwan and David Christie. This presentation, titled "Ultra-Wideband Time Domain Imaging Radar," included a graph that TDC's attorneys concluded was a reconstruction of a graph included in the paper co-authored by Fullerton and presented at the March, 1990 LANL meeting.[9] That presentation, according to TDC: "utiliz(ed) only slightly reformatted graphs of the same information (emphasis in original) that Fullerton presented at Los Alamos! . . . This proves McEwan knew of the Fullerton technology and was busily preparing presentations within weeks after the Los Alamos Symposium . . . (T)his document proves that McEwan had access to Fullerton's work, and therefore that McEwan derived his invention from Fullerton."[10]

TDC goes on to say: "This blatant misappropriation of intellectual property was the beginning, we believe, of the pattern of 'inventions' by McEwan. McEwan's successful solicitation of financial support from LLNL led the Lab into the field of 'reverse technology transfer'—*taking technology from the private sector and using public funds to compete against the original inventor* (emphasis in original).[11]

Review of Laboratory documents and other materials by Democratic Staff revealed at least two other occasions when, prior to his 1993 patent application, Mr. McEwan cited the work of Larry Fullerton. A June 27, 1990 internal memo from T.E. McEwan to E.M. Campbell stated: "A recent Aviation Week article brought out another new area for fast impulses—covert and spread-spectrum communications. Apparently some outfit perfected a time-domain encoder which uses picosecond timing to convey information and is both undetectable and undecipherable with conventional gear." This quote describes the substance of the June 4, 1990 Aviation Week & Space Technology article that pointed to Fullerton's work in UWB communications.[12]

On February 11, 1992, Thomas McEwan faxed a copy of a Fullerton paper entitled "Ultra-Wideband Beamforming in Sparse Arrays" to Mr. Bruce Winker of Rockwell International.[13] Mr. Winker had been in discussions with Mr. McEwan and LLNL about licensing a shockline technology.[14] Mr. McEwan had apparently promised to send Mr. Winker a paper that spoke to a technical issue that Winker had raised—Fullerton's paper is what was faxed out.

This additional example confirms Mr. McEwan's knowledge of Fullerton and TDC's work in this area as of February, 1992. In August, 1992, McEwan filed his first Invention Disclosure form; in 1993 he filed his first patent applications on UWB for motion-sensing radar technology. As TDC notes, neither the Invention Disclosure nor the patent application makes any mention of Larry Fullerton despite the many occasions on which

---

Footnotes at end of document.

McEwan was exposed to Fullerton's work. TDC goes on to claim that McEwan was engaged in "terminology tactics" designed to obscure the similarities between the device he was submitting for patent protection and the inventions that Fullerton already had patents on—patents going back to 1987.[15]

In sum, TDC argues that Mr. McEwan knew about Mr. Fullerton's work; Mr. McEwan felt Fullerton's work was important enough to cite or mention to others at the Laboratory and to an outside party with whom he was negotiating; Mr. McEwan neglected to cite any of that work in his Invention Disclosure form or patent applications to try to obscure from the PTO the similarity between his and Fullerton's work. With a patent in hand, Mr. McEwan and LLNL/UC could then proceed to license "their" technology and reap the enormous profits that would come—all at the expense of TDC. To defend its intellectual property, TDC would have to bear the costs of litigation against a Federally-funded entity and the State of California.

(2) Thomas McEwan's account of intellectual creativity

Mr. McEwan's account of events is extraordinarily different from the TDC version. It is difficult to form a coherent picture of the McEwan and LLNL/UC account because of differences in claims that have come to us from Mr. McEwan and LLNL/UC and because of holes in the documentary record provided by LLNL/UC. Consequently, some of the following is based on piecing that record together, largely from communications from Mr. McEwan to others, including Democratic Staff.[16]

Mr. McEwan became interested in UWB applications and decided to attend the March, 1990 LANL meeting. He wrote in his trip report on the symposium that his interest was piqued by an article in Aviation Week & Space Technology[17] that "it could defeat stealth technology and the stealth community regards impulse radar as a 'very very touchy issue.'"[18] In preparation for the March session at LANL, he began reading relevant literature in January, 1990. His Task Progress Report (TPR) for January reads (in part): "Impulse radar was surveyed in the library, with some papers on subsurface probing found." Mr. McEwan's February, 1990 TPR reads (in part): "Impulse radar range calculations were made, and related survey work continued."

Mr. McEwan attended the March, 1990 LANL meeting along with 10 other LLNL employees. This Symposium included more than 200 official participants with 74 papers presented. Mr. McEwan maintains that: "I did not see or hear Mr. Fullerton at the conference, and can only assume that he made an oral presentation, if any, during the classified session, which I can prove I missed except for the opening paper by Col. Taylor (as I recall)."

Mr. McEwan also adds that: "I believe Forrest Anderson orally presented the first [Fullerton] paper on antenna arrays, with Mr. Fullerton cited as a co-author. Mr. Fullerton is not listed as an author or co-author on the second paper,[19] so I'm confused about TDC's claim that it's Fullerton's paper (don't you have to be an author to claim it's your paper?). Neither paper was mentioned in my extensive trip report, nor Dave Christie's."[20]

Mr. McEwan is right to raise a question about the TDC claim that Fullerton presented two papers. There are references to Fullerton in the text of the Bretthorst paper, but he is not listed as a co-author; TDC's assertion that he had two papers at the conference is misleading. In any case, Mr. McEwan's trip report does not offer clear evidence that he attended either presentation. However, he does mention work being done at Washington University, stating "They ran probability of detection studies on 300 ps impulse returns."[21] This is certainly a reference to the Bretthorst (Washington University) et al. paper. Whether McEwan attended the presentation or saw a poster regarding this work, or learned of it in some other way, is unclear. But even if he had attended the presentation, it was not given by Mr. Fullerton.[22]

Mr. McEwan submitted a very detailed, six-page trip report that mentions 23 different organizations or presentations, though it isn't always clear whether he was at a presentation, saw a poster, collected a paper or learned about the work he mentioned in another fashion. One could probably fairly characterize the majority of his discussion regarding applications that relate the possibility that UWB could defeat stealth technology.

Mr. McEwan returned from LANL excited about the possibilities of developing UWB technologies. In his trip report, he writes: "There was virtually no mention of work below 100 ps and no mention of high power avalanche shock-wave devices. By all appearances, our work in the Laser Program places us well in the lead for high power sub-100-ps pulses . . ."[23]

"Our work in the Laser Program positions us in the areas of waveform generation and transmitters with our avalanche shock-wave devices and in the receiver area with our high speed instrumentation work, e.g., photoconductive sensors and sampling devices. Avalanche shock-wave pulse generation is an area where LLNL retains international leadership. We are currently generating 100 kW pulses with a 25ps risetime and expect to be near the 1MW level within six months. . . . It is possible that avalanche shock-wave techniques could satisfy virtually all impulse radar requirements."[24]

Mr. McEwan wasn't the only one from the group who saw some possibility of applying the work they had been doing for the NOVA laser to solving challenges to UWB applications. Mr. David Christie's trip report reads in part: "My assessment is that this technology is still in its infancy . . . Clearly, the message was that everything is at an early stage of development, not just the high average power, high rep-rate impulse generator technology. This leaves both time and room for us to get involved . . . My opinion is that the 'bulk avalanche' GaAs [gallium arsenide] switch is a good candidate for further examination. Its availability at a significant peak power and rep-rate could serve to shape the direction of the impulse radar business. At a minimum, it would give us a clear entry into the early development of impulse radar technology. Power Spectra [a private firm] is known to be developing this technology for radar, countermeasure, and detonator applications. My impression is that they are still struggling with life and reliability issues. The University of Texas has one graduate student working on the avalanche mode switch, and LLNL, as you know, has a small effort funded by Engineering. The physics of the 'bulk avalanche' switch are not yet understood, and . . . would be the most important thing to address first."[25]

Mr. McEwan did apply or internal Laboratory funding to develop this technology; he and LLNL/UC have maintained that he never received funding and had to work on the UWB technology in this spare time. However, Democratic Staff are in possession of a series of documents that indicate that he not only proposed and received funding for these efforts in FY 91, FY92, and FY 93, but was also involved in a series of marketing presentations in 1991 and 1992[26] (see appendix 2 for citations). These presentations raise the possibility that Mr. McEwan possessed the elements for his invention well before the date on his invention Disclosure Form. However, we were unable to examine his lab notebooks to track the progress of his work.

In any case, Mr. McEwan did not file an Invention Disclosure until August 28, 1992. He portrays the moment as coming from a flash of insight. A July 24, 1998 letter from Mr. McEwan to Mr. Ron Cochran states: "I invented MIR during 1992 while experimenting with a classic impulse radar that is well-described in the technical literature; the radar was similar to ground penetrating radar, but employed sampling technology that I developed for the Nova laser program at LLNL. The idea for MIR came quite by accident and in a flash of inspiration—I still remember the moment. Its subsequent development and refinement relied heavily on my extensive background in high speed electronics, electronic warfare and sampling technology."[27]

After this insight, he reportedly began and completed his 30-page Invention Disclosure form (over a very short ten-day period) and worked with the LLNL patent office to prepare his first MIR patent application.

Mr. McEwan has not denied knowing something about Fullerton and his work. However, he denies that he had an obligation to cite Fullerton in his patents or Invention Disclosure: "As I understand it, TDC's position is that I should have cited Fullerton on my MIR motion sensor patent. I agree—had I known about the Fullerton motion sensor patent. I disagree with the idea that knowing someone was working in radar would be sufficient grounds to search their patent records. By that logic, I should have searched all 100 presenters at the LANL '90 conference, and (sic) well as 1000s of others in the field of radar. After all, radar is a greatly diversified field."[28]

He goes on to say that: "The LLNL patent group did not perform a prior art search on the disputed MIR patent. As I understand it, LLNL patent group generally relies on the PTO to conduct a minimal prior art search. There's nothing illegal in not performing a prior art search—you are only required to submit known relevant art."[29]

(3) LLNL/UC technology transfer practices may be inadequate

It is impossible to determine, based on the materials in our possession, whose version of the story is accurate. But from a policy perspective, our concern rests with the adequacy of the LLNL/UC patenting process. In this sense, this third story begins where Mr. McEwan's defense leaves off.

Mr. McEwan's defense for not citing TDC rests on his understanding that relevant prior art resides only with patents. It is clear that even as late as October, 1998, three years after the intellectual property dispute with TDC had begun, he was still defending his failure to cite TDC based on his lack of awareness of the TDC patents. The duty of candor that comes with a patent application includes a much broader conception of prior relevant art than Mr. McEwan's position reveals.[30]

Independent patent experts contacted by Democratic Staff have said that material information could include articles in the press, white papers, presentations at conferences, or publicly available information from any other source, including but not limited to patents.[31] Consequently, Mr. McEwan's knowledge of the Fullerton patent portfolio is not the sole universe of prior art which he should have been concerned about citing in a patent application. Mr. McEwan could reasonably have been expected, had he understood this broader definition of prior art, to have cited the Fullerton work that he was aware of that TDC can point to as proof that Mr. McEwan had knowledge of Mr. Fullerton's efforts.

To put this another way, if Mr. Fullerton's work was important enough to cite in internal Laboratory memoranda and faxes to third parties, it was probably something an attorney would suggest be included in his patent applications. The evidence that Mr. McEwan may not, even now, understand this broader responsibility lies in the language of his defense; he does not say he didn't cite Mr. Fullerton's body of work because it was not relevant prior art, nor does he deny that he at least knew something about Mr. Fullerton. He rests his defense on ignorance of Mr. Fullerton's patents. This suggests that neither at the time he was preparing his patents nor to this day has Mr. McEwan been properly instructed by a LLNL/UC patent attorney on the subject of prior relevant art.

LLNL/UC's technology transfer office had a duty to vet Mr. McEwan's work in a meaningful fashion.[32] Their guidance and questioning of the inventor should have made clear the scope of materials that would constitute prior relevant art. Further, we would expect that the technology transfer office should have engaged in their own review of the literature and existing patents and Fullerton should have shown up prominently in one place or the other (or both), leading to follow-up with Mr. McEwan.[33]

This apparently did not happen. If LLNL/UC's patenting process was more rigorous, it is highly likely that at least some of Mr. Fullerton's work would have been cited as prior art. It is also likely that any one of those citations would have triggered the patent reviewers to find and examine Mr. Fullerton's patents for comparison and all parties in this dispute would have had a clearer, fuller ruling from the PTO many years ago. If there is fault here, it perhaps lies not with Mr. McEwan, but with LLNL/UC's patenting process. We strongly recommend that this process be reviewed by DOE and Laboratory management, and that steps be taken to insure that a) every disputed patent owned by LLNL/UC is thoroughly reviewed, and the PTO and general public be immediately notified of any failures to cite relevant prior art and b) every future patent application is thoroughly reviewed and appropriate prior art searches done before the attorneys for LLNL/UC move patents forward to the PTO.

(4) LLNL/UC's response to TDC and Members of Congress was inadequate

The fourth story associated with the intellectual property dispute between LLNL/UC and TDC is LLNL/UC's response, both to the dispute and to Congressional inquiries associated with it.

In September, 1995, a meeting was held in Senator Shelby's office which included DOE personnel and representatives of a precursor entity to TDC. LLNL/UC personnel were reportedly invited but unable to attend. This meeting was the first known instance in which DOE was made aware that the MIR patent claims granted to Mr. McEwan and LLNL/UC were being contested by TDC. It also appears clear from the Taylor/McEwan paper cited earlier that Mr. McEwan and LLNL/UC personnel knew about TDC's patents by fall, 1995.[34]

Appendix 4 lists more than 40 additional attempts by Members of Congress and TDC and/or its precursor entities to resolve this matter with correspondence, meetings and conversations with LLNL/DOE. In the words of TDC: "Neither LLNL–UC nor DOE has made any serious attempt to resolve the situation. Indeed, there is little incentive for LLNL–UC to "do the right thing" under the present structure because they can outlast any private sector challenge by using the almost unlimited legal and financial resources of the state of California and the U.S. Government."[35]

Several of the contacts listed in Appendix 4 are worthy of some mention. The June 19, 1997 document entitled "Summary of the Dispute Between Time Domain and LLNL" is 21 pages long with a very lengthy appendix, and was provided by TDC to LLNL at the request of Dr. C. Bruce Tarter.[36]

On February 2, 1998, Dr. C. Bruce Tarter responded to the June 19, 1997 submission from TDC with a 5-page reply. The response stated that: "In response to the initial complaint, the matter was fully investigated and no evidence was found to support any of the allegations. . . . Upon receipt of the "new material," we took all the papers and exhibits you submitted and reviewed them in detail. I sought input from several associates, with knowledge of the patenting process and the technical fields. Our unanimous conclusion, after that review, was that the material did not support your representations."

When LLNL/UC personnel were asked to provide copies of this investigation, Committee Staff were informed that the results of these endeavors were conveyed to Dr. Tarter orally, and that correspondence between LLNL/UC and its counsel was privileged and could not be shared.

On September 25, 1998, Congressmen Brown, Cramer, Roemer, Aderholt and Callahan submitted 9 pages of detailed questions to both LLNL/UC and DOE.[37]

On December 21, 1998 LLNL/UC responded to this letter. The response contained few specific answers to the variety of technical and legal questions posed, referring the requesters to submissions by LLNL/UC to the PTO and other documentation. On February 23, 1999, the DOE responded with no specific answers to these questions.

The LLNL/UC MIR web site continues to make no mention of this dispute or the status of the PTO reexamination. A prospective licensee who was perusing the site would know neither that the intellectual property was being challenged, nor that the PTO had issued a First Office Action.

TDC attempted to resolve this matter with LLNL/UC in 1995; Nearly four years later and after numerous attempts on the part of Members of Congress to expedite the resolution of this problem, it remains tied up in what could be a lengthy and costly ruling and appeals process in the PTO—a process that was only started two and a half years after the beginning of the dispute. Dr. C. Bruce Tarter does state, in a September 17, 1998 letter to Congressmen Brown, Cramer and Roemer, that: "For example, the allegation that LLNL has not done what it should to resolve this issue as quickly as possible is especially troubling in light of the special efforts LLNL has made toward expeditious resolution. In fact, shortly after initial questions were raised more than two and one-half years ago, a request for re-examination was proposed by LLNL. Filing this re-examination request was delayed at the urging of a predecessor to TDS in this area, Pulson, and subsequently of TDS in order to explore other approaches. Nevertheless, in LLNL's view, this PTO process continued to provide the only feasible means available to us to effect an objective and expedient resolution to this issue by an entity with the expertise to deal with the highly technical subject matter."[38]

Democratic Staff believes that if a private sector entity enters into dispute with a Federally Funded entity, that the Federally Funded entity should behave with the utmost haste and integrity in order to see that the matter is resolved as expeditiously as possible and with the least possible expense to the private sector entity. This may not have happened in this case. We believe that before resorting to a PTO process which can take years and cost hundreds of thousands of dollars, Federally Funded entities should attempt to enter into a less expensive, less time-consuming solution such as alternative dispute resolution (ADR). We have been told that both TDS and DOE were willing in principle to enter into some sort of ADR, but that LLNL/UC was not; we don't know the degree to which the option was explored by LLNL/UC before it was rejected, nor do we know why it was ultimately rejected.

We also note that since beginning to examine the allegations made by TDC against LLNL/UC we have been made aware of three additional disputes, two of which involve LLNL/UC, that have also been in progress for several years without any resolution.[39]

Another issue is the manner in which LLNL/UC responded to inquiries made by TDC, Members of Congress, and Democratic Staff. The responses were generally late, generally lacking specific answers to the questions asked, and at times including information later established to be incorrect or misleading. One such example (discussed in an earlier section) involves LLNL/UC's response to a question regarding the way the FCC licensing requirements were portrayed. Another involves the genesis of early UWB radar work at LLNL, as Thomas McEwan and LLNL/UC personnel have maintained a version of the circumstances surrounding the development and commercialization of MIR that is often at odds with other documentation obtained by Democratic Staff (see Appendix 2).

APPENDIX 2, THE EARLY DEVELOPMENT OF MIR

The discovery of MIR was said to have been accidental, not to have been a result of targeted UWB radar R&D, and to have taken place in 1992 during a flash of inspiration experienced by Mr. McEwan. LLNL/UC and Mr. McEwan have made the following statements in regard to this discovery: "Since the MIR technology was developed in conjunction with work being performed for laser fusion research, there was no separate request for funding in the early stages of the work.[40]

"After the LANL '90 conference, LLNL turned down my radar funding requests in the '90–'93 time frame. I ended up developing MIR after hours."[41]

During a meeting with Committee Staff at LLNL on December 8, 1998, Dr. Michael Campbell, Director of Laser Programs at LLNL, reiterated the claim that no targeted development of UWB radar technology was funded prior to Mr. McEwan's reportedly accidental discovery of MIR in 1992. According to Dr. Campbell, Mr. McEwan's sole responsibility until the date of that discovery in 1992 was the development of the transient digitizer used in NOVA experiments, and no UWB radar work done by Mr. McEwan or anyone else in the Laser Programs division at LLNL until after the accidental 1992 discovery of MIR.

However, LLNL/UC documents obtained by Democratic Staff indicate that funding was obtained to conduct this work in FY91, FY92 and FY93:

January, 1990: "Impulse radar was surveyed in the library, with some papers on subsurface probing found." Tom McEwan's Task Progress Report.

February, 1990: "Impulse radar range calculations were made, and related survey work continued." Tom McEwan's Task Progress Report.

March, 1990: "Attended the four day "First Los Alamos UWB Radar Conference. . . Several basic impulse radar antennas were built and pulses were propagated. . . Met with other Lab researchers on impulse radar and decided we could all be of mutual benefit." Tom McEwan's Task Progress Report.

April, 1990: "Wrote an IR&D [Industrial Research and Development] proposals on impulse radar and presented the proposal to the Lucifer group." Tom McEwan's Task Progress Report.

May, 1990: "A prototype solid-state pulser was built and tested. Pulse amplitude was 1.28 kV into 25m at 200ps FWHM. An annual report was written. Fast pulse/impulse radar potential users were surveyed and related proposal work took." Draft of Tom McEwan's Task Progress Report.

May 10, 1990: "Mike, this is in response to your recent memo. . . . With the development of higher power avalanche diodes (10MW), we could meet virtually all future impulse radar requirements. . . . Receiver development—picosecond amplifier, detector and sampler design work using the ERD foundry. . . Licensing would be a particularly sensitive issue since to some extent all the individual elements of our pulser have been published by others and so far the technology is completely off-the-shelf. . . we probably don't have a case for a patent. . . What we have is very close to a profitable product which would normally be deemed proprietary in private industry. . . we need some time to work with the Patent Office and the technology transfer people. . ." Memo entitled Impulse Radar R&D Proposal from Thomas E. McEwan to E. M. Campbell.

June 27, 1999: "A recent Aviation Week article brought out another new area for fast impulses—covert and spread-spectrum communications. Apparently some outfit perfected a time-domain encoder which uses picosecond timing to convey information and is both undetectable and undecipherable with conventional gear." Memo entitled Avalanche Pulser Update from Thomas E. McEwan to E.M. Campbell.

June 27, 1990: "Concerning impulse radar interest, I talked to Rick Ziolkowski of ERD's Electromagnetics Group. He said he mentioned our work to several impulse radar funding committee members in Washington, and they are very interested." Memo entitled Avalanche Pulser Update from Thomas E. McEwan to E.M. Campbell.

September 12, 1990: "The objective of this project is to create a unique capability at LLNL in ultra-wideband time domain imaging radar. . . FY '91 efforts will result in a demonstration of imaging with time domain radar. . . This is an opportunity to generate new programs in a growing technology. . ." Internal funding proposal entitled "Ultra-Wideband Time Domain Imaging Radar," Thomas McEwan and David Christie.[42]

February 28, 1991: A presentation by Thomas McEwan to General Motors entitled "Ultra-Short Pulse Radar Proximity Sensor" described a device that was "Low cost, <$10 projected, Low power (1 microwatt) spread spectrum operation, small size & low cost, Environmental, safety and FCC approval should be assured" whose applications were the same as those claimed by what would become known as MIR technology to be: "position sensing, fluid levels, trunk lid position, side & rear obstacle detection, smart highway vehicle spacing, motion sensing, wheel motion, security alarm, and collision detection." Also, the presentation stated that LLNL was "funded to develop a prototype chip,"[43] was "building a short-pulse radar security alarm," and had "most of the base technology in place."

March 1, 1991: "We are moving closer to making serious proposals both within the Lab and through tech. Transfer, in the area of transient digitizers and impulse radars," memo entitled "Monolithic Shock Line Feasibility Study" from Thomas McEwan to Don Meeker, also at LLNL. The memo also requested funding.

May 21, 1991: "Vast market potential exists for these systems," that "Impulse radar shows potential for future automotive sensors" due to its "simplicity and low cost," and that "covert operation [of a spread spectrum communications system] is possible, especially if receiver has timing knowledge for multiple pulse integration."[44] Thomas McEwan and Gregory Cooper, also of LLNL, research proposal for an internal Lab-Wide IR&D Competition entitled "Development of a Transmit/Receive Element for New Sensor, Radar and Communications Systems."

July 1, 1991: Thomas McEwan wrote a letter to W.R. Coggins, Commander, Naval Sea System Command, describing the UWB equipment that LLNL "currently uses or have in design" to include an "ultra-low cost, compact 50ps system in design for short range mass-market applications" in response to the Commander's June 20, 1991 request for such information.

March 19, 1992: "A transmit/receive version will be used in a very compact ultra-wideband (UWB) radar sensor," "Mass market UWB radar applications" include "door opener, stud detector, motion detector/security alarm," the proximity sensor "antenna and electronics module fit in 1″ package," "low cost, <$10 projected," "Low power (1 microwatt) spread spectrum operation" and "FCC approval should be assured." Excerpts from a presentation by Thomas McEwan and Gregory Cooper, in a Laboratory Directed Research and Development (LDRD) Midyear Review[45] entitled "Development of a Transmit/Receive Element for New Sensor, Radar and Communications Systems."

May 1, 1992: "Electrical pulse compression techniques developed under LDRD '92 funding[46] (short title: "transmit Element") provide the foundation for a new sensor technology based on the direct radiation of picosecond pulses for pulse-echo radar. The sensor is expected to have a 2M range, 2mm resolution, physical dimensions on the order of 2 cm and a cost of less than $10 . . . Signal processing enhancements will allow extremely low power operation for environmental, safety and FCC compatibility. A fully functional prototype will be built as a precursor to a miniaturized version based on custom integrated circuits. . . ." FY 93 funding proposed entitled "Development of a Miniature Ultra-Short Pulse Radar Sensor" by Thomas McEwan and Gregory Cooper.

October, 1992: A LLNL viewgraph entitled "FY93 RISE Electronics Engineering Technology Base Plan" dated October, 1992, lists a project entitled "Ultra wideband radar motion sensors" with T. McEwan as the lead researcher. The proposed funding for FY93 was $70,000—which was said to equal the FY92 level.

August 28, 1992: The first known MIR Invention Disclosure by Thomas McEwan entitled "Ultra Wideband Radar Motion Sensor" was filed on August 28, 1992. This 30-page document states that funding had already been provided for the project. The disclosure also states that the earliest documentation of the invention was the first sketch or drawing describing it, done on August 18, 1992, only 10 days before the Invention Disclosure document was written. The first model prototype was said to have been completed 4 days later, on August 22, 1992. So, in the course of 10 days, Mr. McEwan had his idea for MIR, drew complicated circuit and block diagrams describing it, built a working prototype, analyzed operational test data and prepared a 30-page Invention Disclosure document. The disclosure states that "no past disclosures" of "documents that describe the invention, that you have published or prepared for publication, or presented on the subject" had taken place despite the February, 1991 and March, 1992 UWB radar presentations which also contained verbal and pictorial descriptions of a technology that seems extremely similar if not identical to MIR. No dated pages from laboratory notebooks are included in the Invention Disclosure submission, and no other patents or publications or references thereto are included as prior art references.

FOOTNOTES

[1] Democratic Staff would certainly agree that a Laboratory stealing the innovations of a private sector firm and passing them off as their own would raise a significant policy issue. However, given the documentation in our possession, the facts are not conclusive and we are reluctant to do more than simply recount the competing claims of both sides.

[2] In fact, one such complaint has recently been brought to the attention of Democratic Staff. Biosource, a small company with ten issued patents in a particular water purification technology, believes that LLNL/UC has patented and marketed a similar technology without citing the relevant prior art and with full knowledge of the existence of that prior art. Democratic Staff have not conducted a thorough investigation of this claim.

[3] TDC's June 19, 1997 submission to Dr. C. Bruce Tarter, Director of LLNL, entitled "Summary of the dispute between Time Domain and Lawrence Livermore National Laboratory," page 11.

[4] "Summary of the Dispute," page 11. The quote used by TDC on the impossibility of attending the conference without seeing Fulllerton is unattributed.

[5] Excerpts from these articles, both published in Aviation Week & Space Technology and authored by William B. Scott include: "Larry R. Fullerton, president of Time Domain Systems, Inc., said his company has secured two patents on UWB-based communications techniques and one for a radar concept. Additional patent applications are 'in progress' in the U.S., Europe, Japan, India, Brazil and other countries, he said. These ultra-wideband techniques are applicable to covert communications, commercial/consumer products and an area security system, in addition to standard radar applications. All of these were 'reduced to practice' before he filed for patents, Fullerton said . . . Fullerton is part of a small group of researchers that has been working on UWB technologies and applications since the late 1970s." March 26, 1990, Vol. 132, No. 13, page 55. "For example, Larry Fullerton, president of Time Domain Systems, Inc., built his first UWB communicator in 1976 and currently has a functioning analog breadboard system in a Huntsville, Ala., laboratory. It comprises a transmitter, receiver with cross-correlation front end, antennas, time-coding and all the necessary components and subsystems required of a military-glass UWB communications system. Fullerton recently demonstrated short-range, end-to-end transmission, reception and processing of voice information . . .", June 4, 1990, Vol. 132, No. 23, Page 40. "GRAPHIC: Photograph, Time Domain Systems-developed ultra-wideband or impulse communicator would find immediate applications as a covert communication device for special forces. A laboratory

demonstration system currently is being tested; Graph. Time Domain Systems President Larry Fullerton demonstrates breadboard version of a basic UWB link. Cross-correlator, lock error and modulation recovery circuit boards are at lower center." June 4, 1990 Vol. 132, No. 23, page 40.

[6] (a) A panel convened to assess the state of UWB technology issued its report, "Assessment of Ultra-Wideband (UWB) Technology," OSD/DARPA Ultra-Wideband Radar Review Panel, on July 13, 1990. The report, which examined public, private and classified work in the field, indicates that Larry Fullerton made a presentation to the panel, and that TDC was working in the UWB-related areas of Switches, Sources, Receivers, Antennas and Ranges. (b) "The panel [the 1990 DARPA panel] listened to many proponents of and contributors to the field of Impulse Radar . . . It heard of interesting, creative work in the field by some of the principal contributors: Gerry Ross of ANRO, Roger Vickers of SRI, Larry Fullerton of Time Domain Systems, to mention some. It learned that commercially available impulse radars were doing terrain profiling, finding buried pipes and doing other jobs where the combination of good range resolution, relatively low frequency and a impulse, inexpensive systems was a clear winner for such short range applications." Charles A. Fowler, Chairman, DARPA UWB Radar Panel, in "The UWB Impulse Radar Caper or Punishment of the Innocent", IEEE AES Systems Magazine, December 1992 issue, page 3: (c) "Other panelists included . . . Larry Fullerton of Time Domain Systems . . ." Yale Jay Lubkin, "illuminating the Scene with Impulse Radar," A&DS, September/October 1990 edition, page 15.

[7] Summary of the Dispute," page 12.

[8] Summary of the Dispute," page 15.

[9] Wideband Beam Patterns from Sparse Arrays," by Forrest Anderson, Consultant; Larry Fullerton, TDS; and Wynn Christensen and Bert Kortegaard, LANL, Proceedings of the First Los Alamos Symposium, March, 1990.

[10] Summary of the Dispute," page 12.

[11] "Summary of the Dispute," page 13.

[12] There is no definitive proof that Mr. McEwan read the March 26, 1990 Aviation Week & Space Technology article—though he did read prior articles and cites the June 4, 1990 piece in his memo. The March 26, 1990 article specifically cites Fullerton for having secured two patents on UWB-based communications techniques and one for a radar concept. Additional patent applications were described as being in progress.

[13] F. Anderson, W. Christensen, L. Fullerton and B. Kortegaard, "Ultra-wideband Beamforming in Sparse Arrays," IEE Proceedings II, Vol. 138, No. 4, August 4, 1991. This paper appears to be an updated version of the paper bearing the same title that was presented at the March, 1990 LANL meeting. An excerpt of this paper reads "This research is also of importance to wideband radar. Medical ultrasound steered phase arrays use transmitted pulses consisting of from one to three cycles of a damped sinusoid, which is similar to certain ultra-wideband radar systems . . . This type of transmitted pulse is use in an impulse radar that is commercially available for geophysics applications . . . Wide-band arrays have been constructed and tested by Time Domain Systems . . ."

[14] As we understand it, this technology is an impulse generation technology. Rockwell was also, unbeknownst to LLNL, talking to TDC about using their signal processing receiver design, placing Rockwell at the crossroads of integrating LLNL and TDC technologies for the purpose of developing a landmine detection and imaging system.

[15] "Summary of the Dispute," page 13.

[16] We have chosen to tell Mr. McEwan's version as much as possible, rather than the pre-masticated story LLNL/UC has offered up. Mr. McEwan, as the LLNL inventor, is the central figure and has neither the management nor political concerns to temper his message that may play a role in shaping LLNL/UC's pablum. LLNL/UC's role will be discussed in a later section.

[17] Early articles that discuss the potential ability of UWB radar to defeat stealth aircraft include "UWB Radar Has Potential to Detect Stealth Aircraft," William B. Scott, and "Radar Networks, Computing Advances Seen As Keys to Counter Stealth Technologies," David F. Bond, Aviation Week & Space Technology, December 4, 1989.

[18] T.E. McEwan to J.D. Kilkenny, "Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 1.

[19] "Radar Target Discrimination Using Probability Theory," C. Ray Smith, U.S. Army Missile Command; Lloyd S. Riggs, Auburn University; and G. Larry Bretthorst, Washington University at St. Louis. This second paper references Mr. Fullerton's work, stating that "The impulse radar used to gather the experimental data used in this simulation is briefly described in the introduction. Due to proprietary restrictions, a complete description of the system cannot be given at this time—contact Mr. Larry Fullerton for further information."

[20] October 7, 1998 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 5.

[21] T.E. McEwan to J.D. Kilkenny, "Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 6.

[22] While Mr. Fullerton was not a presenter or coauthor on this paper, he is reported to have taken an active role in the discussion following the presentation from his seat in the audience. A February 2, 1998 affidavit from Mr. William B. Moorhead, consultant, states ". . . Fullerton bluntly emphasized that he had some patents on his work . . . Similarly, I observed Larry Fullerton answer questions from his seat when another paper entitled 'Radar Target Discrimination Using Probability Theory' was being presented. It was apparent to me that he was fielding the really difficult questions . . ."

[23] T.E. McEwan to J.D. Kilkenny, "Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 4.

[24] T.E. McEwan to J.D. Kilkenny, "Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 6.

[25] March 26, 1990 Memorandum from David J. Christie to Georg F. Albrecht entitled "First Los Alamos Symposium on Ultra-Wideband Radar," page 2.

[26] While some of these were specifically about the shockline technology (which would be used to generate impulse signal), as in the Rockwell negotiations discussed in the above section, others appear to be general presentations on a complete UWB radar system—not just an impulse source. For example, a February 28, 1991 presentation by Thomas McEwan to General Motors entitled "Ultra-Short Pulse Radar Proximity Sensor" described a device that was "Low cost, <$10 projected, Low power (1 microwatt) spread spectrum operation, small size & low cost, Environmental, safety and FCC approval should be assured" whose applications were the same as those claimed by what would become known as MIR technology to be: "position sensing, fluid levels, trunk lid position, side & rear obstacle detection, smart highway vehicle spacing, motion sensing, wheel motion, security alarm, and collision detection." Also, the presentation stated that LLNL was "funded to develop a prototype chip," was "building a short-pulse radar security alarm," and had "most of the base technology in place." See Appendix 2 for other citations.

[27] July 24, 1998 letter from Mr. Thomas McEwan to Mr. Ron Cochran, page 1.

[28] October 25 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 3.

[29] October 25 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 3.

[30] Mr. McEwan was clearly aware of Mr. Fullerton's patents by November 29, 1995, when Colonel James D. Taylor sent McEwan a draft of an article on MIR that McEwan and Taylor had agreed to coauthor the previous winter. The draft article states: "MIR provides a convenient implementation of a impulse radio link. An impulse radio system using these principles was described by Mr. Larry Fullerton in his patient descriptions for a time domain radio transmission system [25] and a spread spectrum radio transmission [26]." James D. Taylor and Thomas E. McEwan, draft article. "The Micropower Impulse Radar."

[31] Chapter 2000 on Duty of Disclosure of the Manual of Patent Examining Procedure (MPEP), used as the statutory guideline by all patent examiners handling patent applications at the U.S. PTO, states that: "All individuals covered by 37 CFR 1.56 (reproduced in MPEP §2001.01) have a duty to disclose to the Patent and Trademark Office all material information they are aware of regardless of the source of or how they become aware of the information. Materiality controls whether information must be disclosed to the Office, not the circumstances under which or the source from which the information is obtained. If material, the information must be disclosed to the Office. The duty to disclose material information extends to information such individuals are aware of prior to or at the time of filing the application or become aware of during the prosecution thereof. Such individuals may be or become aware of material information from various sources such as, for example, coworkers, trade shows, communications from or with competitors, potential infringers, or other third parties, related foreign applications (see MPEP §2001.06(a)), prior or co-pending United States patent applications (see MPEP §2001.06(b), related litigation (see MPEP §2001.06(c)) and preliminary examination searches."

[32] Chapter 2000 on Duty of Disclosure of the Manual Patent Examining Procedure (MPEP), used as the statutory guideline by all patent examiners handling patent applications at the PTO, states that: "While it is not appropriate to attempt to set forth procedures by which attorneys, agents, and other individuals may ensure compliance with the duty of disclosure, the items listed below are offered as examples of possible procedures which could help avoid problems with the duty of disclosure. Though compliance with these procedures may not be required, they are presented as helpful suggestions for avoiding duty of disclosure problems. 1. Many attorneys, both corporate and private, are using letters and questionnaires for applicants and others involved with the filing and prosecution of the application and checklists for themselves and applicants to ensure compliance with the duty of disclosure. The letter generally explains the duty of disclosure and what it means to the inventor and assignee. The questionnaire asks the inventor and assignee questions about—the origin of the invention and its point of departure from what was previously known and in the prior art—possible public uses and sales—prior publication, knowledge, patents, foreign patents, etc. The checklist is used by the attorney to ensure that the applicant has been informed of the duty of disclosure and that the attorney has inquired of and cited material prior art. The use of these types of aids would appear to be most helpful, though not required, in identifying prior art and may well help the attorney and the client avoid or more easily explain a potentially embarrassing and harmful "fraud" allegation. 2. It is desirable to ask questions about inventorship. Who is the proper inventor? Are there disputes or possible disputes about inventorship? If there are questions, call them to the attention of the Patent and Trademark Office."

[33] Professor Donald Chisum (a nationally recognized expert on patent law whose treatise is often cited in case law), clarifies the duty of candor requirements further in "A Review of Recent Federal Circuit Cases and a Plea for Modest Reform," published in 1997 by the Santa Clara Computer & High Tech. Law Journal: "The duty of candor requires persons who are substantively involved in a prosecution to disclose only what they know. Courts decisions do not impose a duty to conduct a search of the prior art, but they caution that a person may not cultivate ignorance, that is, 'disregard numerous warnings that material information or prior art may exist, merely to avoid knowledge of that information or prior art.'" It isn't clear from this guidance whether Mr. McEwan, who had at least general knowledge of Mr. Fullerton's work, should have engaged in a more thorough effort to search for his patents. However, we would argue that the patent attorneys at LLNL/UC had a duty to go beyond the bare minimum requirements for prior art searches because of the competitiveness consequences of filing and prosecuting a patent that treads upon existing patents held by private entities. In this regard, the Laboratories should establish patent review and application processes that are so thorough and rigorous so as to be above suspicion.

[34] It is worth noting that 18 MIR patents (see appendix 3 for a list) that did not include citations of TDC's patents were prosecuted by and granted to Mr. McEwan and LLNL/UC subsequent to fall, 1995, and 19 new MIR license agreements granting rights under LLNL/UC's patents were signed. The Democratic Staff has not attempted to determine which, if any, of the MIR patents granted subsequent to November, 1995 should have included citations of TDC's patents, and the PTO has not yet been asked to reexamine any of these patents.

[35] February 9, 1999 letter from Mr. Ralph Petroff, President and CEO of TDC to Dr. Michael Freedhoff.

[36] The document contains: (1) the history of TDC's inventions and the dispute with LLNL/UC; (2) two claim—by-claim patent comparisons of TDC's patents with the MIR patents; (3) estimation of damages to TDC' (4) a proposal for a settlement agreement; and (5) documentation to substantiate their allegations.

[37] The questions included requests for: (1) detailed and specific technical differences that led LLNL/UC to state that the MIR inventions were patentably distinct from TDC's; (2) substantiations of statements made by LLNL/UC that the allegations made

by TDC were false, including all documentation surrounding the complete investigation into the matter that LLNL/UC claimed to have made; (3) information on how the First Office Action made by the PTO would, if upheld, impact the rest of the LLNL/UC MIR patent portfolio; (4) information on how LLNL/UC would respond to a Final Office Action by the PTO should it be substantially similar to the First Office Action; (5) clarifications of statements made by LLNL/UC in light of the materials in the June 19, 1997 package submitted by TDC to LLNL; (6) clarifications of statements made by LLNL/UC at a July 29, 1998 briefing with Committee Staff; and (7) export control documentation for international LLNL/UC MIR licensees.

[38] September 17, 1998 letter from Dr. C. Bruce Tarter to Congressmen Brown, Cramer and Roemer, page 1.

[39] The claims have been made by: Ultratech, a stepper company who believes that LLNL/UC illegally disclosed their intellectual property in September, 1997; Biosource, a company with ten issued patents in the area of capacitive deionization of water, who believes that LLNL/UC filed and obtained a similar patent in 1995 even though the LLNL inventor knew about Biosource's prior art; and Mr. Sanford Rose, who has been in litigation with Brookhaven National Laboratory (BNL) since 1993 because he believes he acquired an exclusive license to a cleanup technology developed by BNL that BNL later reneged on in order to further develop and commercialize the technology on its own. We have not attempted to determine the validity of these claims and cite them only to point out that the TDC dispute is not an isolated one. We believe that DOE and the Laboratories involved should take immediate steps to investigate and resolve these additional disputes in the fairest and most expeditious way possible, perhaps through the use of independent mediators.

[40] September 17, 1998 letter from Dr. C. Bruce Tarter, Director LLNL, to Congressmen Brown, Cramer and Roemer.

[41] October 25, 1998 e-mail from Mr. Thomas McEwan to Dr. Michael Freedhoff.

[42] According to Mr. Christie's recollection, the proposal was partially funded for FY 1991. However, Mr. Christie left LLNL in early 1991, and Democratic Staff have not been able to determine how much money was received or what it was used for.

[43] It is not clear whether the funding discussed in this presentation was related to the September 12, 1990 funding proposal by Christie and McEwan.

[44] Interestingly, the part of the June 4, 1990 article in *Aviation Week & Space Technology* that Mr. McEwan chose to highlight in his June 27, 1990 memo to Dr. E.M. Campbell was TDC's covert and spread spectrum UWB communications device. This article also described the patented timing system used by TDC in its UWB receiver.

[45] The fact that this was a mid-year review suggests that his project did receive funding in FY 1992.

[46] This also suggests that funding was received in FY 1992.

Mr. HAYES. Mr. Chairman, I support the amendment offered by the gentleman from New York, Mr. REYNOLDS, and appreciate his concern for the operational readiness of the 82nd Airborne Division.

The 82nd Airborne Division is the jewel in the crown of the Army, and I'm proud that this elite division makes its home at Ft. Bragg in the 8th District of North Carolina. When conflict arises in any corner of the world, it's a safe bet that the United States will call on the 82nd Airborne first to defend her interests. Since its inception in 1942 when it contributed greatly to the Allied victory of WWII, the 82nd Airborne has amassed a record of military successes unrivaled by any fighting force in the world.

To maintain the integrity of the 82nd Airborne's warfighting capability, Congress must provide them the equipment, weapons and training necessary to accomplish the many missions with which they are charged. Currently, two obsolete, non-secure hand held radios are in use by the 82nd, representing what I believe is an operational risk. As outlined in an Operational Needs Statement by the commanding officer of the XVIII Airborne Corp, Lt. General Buck Kernan, secure means of communications are a critical element of reconnaissance operations. To ensure the safety of 82nd Airborne scouts whose surveillance missions bring them in close proximity to the enemy, we must provide the our reconnaissance teams with lightweight, secure radios.

I commend my colleague's efforts to see to it that our forces have the equipment they need, and I will certainly support his amendment.

The CHAIRMAN. All time has expired.

The question is on the amendments en bloc offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 47 printed in House Report 106–175.

AMENDMENT NO. 47 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 45 offered by Mr. WELDON of Florida:

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds otherwise authorized in this Act for the operation and maintenance of the space launch facilities of the Department of the Air Force, there is hereby authorized to be appropriated $7,300,000 for space launch operations at such launch facilities.

(b) CORRESPONDING REDUCTION.—The amount authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,300,000, to be derived from other service-wide activities.

(c) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—(1) The Secretary of Defense shall conduct a study—

(A) to access anticipated military, civil, and commercial space launch requirements;

(B) to examine the technical shortcomings at the space launch ranges;

(C) to evaluate oversight arrangements at the space launch ranges; and

(D) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

(2) The Secretary shall conduct the study using the Defense Science Board of the Department of Defense.

(3) Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

□ 1715

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Florida (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the Cox Commission report in recommendation No. 24 recommended that it is in the national security interests of the United States that we expand our domestic launch capacity. My amendment addresses this issue. I would like to point out that we have no other proposal being put forward to address that. The Air Force in its IPT report indicated that with $7.3 million—I say million dollars, not billion dollars— you can increase the domestic launch capacity of the United States by 20 to 30 percent, a remarkable achievement with such a small amount of money. Indeed, the other body has already funded this priority in their appropriation bill.

Now, the Air Force in their unfunded priority list listed this as one of their priorities. I believe it was their fourth priority. I believe it is the responsibility of this body to decide what are the priorities. I believe that we need to ask ourselves what are we going to do to address the issue of all of these launches going overseas and going overseas particularly to China.

This amendment is very, very simple. It authorizes the $7.3 million. It additionally calls for a study to be conducted by the Secretary of Defense to look at how we are going to offer our launch ranges to these commercial users in the future years. I would encourage all of my colleagues to vote in support of this amendment if they want to do something to address this particular recommendation in the Cox Commission report. I think it is also well worth pointing out that many of the other recommendations in the Cox Commission report, which we are ultimately going to try to implement, they are going to cost millions and millions more than this recommendation. Indeed some of them will cost hundreds of millions. Some of them may actually cost billions of dollars.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I would like to reinforce the point that the gentleman from Florida (Mr. WELDON) just made. One of the central recommendations of the Cox-Dicks report is that we need to beef up domestic launch capacity here in the United States as a matter of national security. We have a very direct, simple opportunity to do that by investing in increased launch capacity in the Vandenberg Air Force Base in California and in the Kennedy Space Center in Florida. This amendment provides additional funding for a second shift, will increase the ability of the Kennedy Space Center and the Vandenberg Air Force Base to engage in other commercial launch capacity, exactly what is being recommended by the Cox-Dicks report. This should be the first in a series of steps we take to directly respond to that recommendation. I urge adoption of the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. If there were a national security issue that needs addressing any more important, I cannot quite understand how it could be here on the floor. This is a readiness issue and it should allow, as does Cox-Dicks, for robust, versatile and capable handling of our current demand as well as our future demand. The fact of the matter is what my colleague from Florida is proposing will add a second crew to cut the 48-hour turnaround time in half and it will result in nine additional launches in the United States that may otherwise be launched overseas. Do we want them to launch from over yonder or do we want them to launch from here?

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume. I understand that the work of this committee is very difficult, that we are operating under very tight budget constraints and priorities have to be set. But it is really the will of the People's House that sets the ultimate priorities. That is the way the Founding Fathers intended it. If you support this amendment, you will not be helping China's missile program. You will be helping immediately to expand our domestic capacity by 20 to 30 percent. You will promote more satellites being launched from U.S. soil. It is a very, very modest amount of money. I encourage all my colleagues on both sides of the aisle to support the amendment.

Mr. WELDON of Florida. Mr. Chairman, today Congress takes definitive action on addressing the recommendations in the Cox Report. My amendment addresses the issue that was the catalyst for the establishment of the Select Committee—the transfer of missile technology under the commercial satellite launch agreements.

One of the principle reasons American satellites were being launched from communist China is due to the fact that our national launch ranges (the Eastern and Western Range) could not accommodate these launches—they simply did not have the capacity. This is because our ranges are operating under a tight budget with outdated equipment and they are unable to reduce turnaround time. Turnaround time is the amount of time it takes to reconfigure the range from one launch to the next launch.

With the appropriation of $7.3 million for an additional crew at the Eastern and Western range will cut turnaround time in half. This will lead to a 20% to 30% increase in American launch capacity. This will immediately translate into 9 more launches taking place from American soil rather than from countries like China.

Providing this funding is the most important thing we can do in the short-term to reduce launches from foreign soil and keep them in the U.S. Adoption of this amendment will have a direct and immediate positive impact. This is probably the best bang we will get for our buck in addressing the issues raised in the Cox Report. This is not the long-term solution. It is a short-term action we can take today that will have a positive impact toward stemming the flow of critical technology to China.

Due to the fact that range upgrade money has been raided again and again, our ranges have fallen into disrepair. This has reduced the launch capacity of our ranges, meaning that they cannot accommodate the launch demand. Range Standardization and Automation (RSA) program was to be completed in 2003. Because of excessive diversions of these funds, RSA will not be completed until 2006.

The failure to adequately fund our ranges also means we have delayed the efficiencies we had hoped to achieve. This means the savings we had anticipated seeing because of the range upgrades is also delayed.

My amendment will help to stem the flow of American technology going overseas by ensuring that our national launch ranges are robust and capable of handling the demand of both government and non-government launches.

Unlike many other military installations, Cape Canaveral Air Station (Eastern Range) and Vandenberg Air Force Base (Western Range) provide vital, one-of-a-kind services to the United States. Nowhere else in the entire United States can military, civil, and commercial assets be launched into space.

Over the past few years, I have devoted a considerable amount of my time to issues relating to our national ranges. I cannot overemphasize how important this is for our national security interest.

My amendment also directs the Secretary of Defense, through the Defense Science Board of the Department of Defense to conduct a study of our space launch ranges and requirements and report back to the Congress by February 15, 2000.

This study is critical as the ranges' unique position requires the Air Force to manage them and make them adaptive along two tracks. The first track has been and will continue to be the development and testing of national security launch systems and assets. There are and will continue to be numerous national security payloads that will be launched from the ranges and it is imperative that we maintain these critical national security assets.

The second track—a more recent mission—includes commercial space ventures. As these dual purposes continue to mature, Congress and the Department of Defense must assess how best to operate the ranges. Specifically, we must set forth a plan for managing the ranges in a manner that best accommodates the ranges' critical role in meeting our national security needs while accommodating a growing commercial market. The study requested in my amendment would provide the Congress with additional insight on how to move forward on this matter.

I would like to address the various aspects of the ranges that the Science Board is to review under my amendment.

First (subsection A), the board is to assess anticipated military, civil, and commercial space launch requirements. This assessment will help us better understand the current and future users of the launch ranges. This study is to estimate the number of military payloads, NASA and other civil payloads as well as the number of commercial launches. This is important as we try to determine how to ensure that the range is more user friendly to all of these customers and to determine how we can best accommodate the growing demand for launch services.

Second (subsection B), my amendment directs the board to examine the technical shortcomings at the space launch ranges. This recognizes that fact that the equipment at our ranges is antiquated and has deteriorated. It is simply too old to be operated efficiently and hinders the expansion of range capacity. We must move forward with modernization in a manner that improves the ranges with interests of all parties in mind.

Third (subsection C), the study is particularly important as we seek to gain efficiencies. The Joint Base Operations and Support Contract (JBOSC) is generating significant savings for the Air Force and NASA. Also, NASA established a contract with United Space Alliance (USA) to operate the Space Shuttle program. Similar consolidations and new contractual arrangements could help the Air Force operate the ranges more efficiently and increase our domestic launch capacity. The study should examine ways that will help the Air Force reduce its long-term costs and involvement by enhancing the likelihood that some components and operations at the ranges can be commercialized, privatized, or contracted out for better management, efficiency, and range scheduling.

Finally (subsection D), the study is to assess the costs associated with being able to meet the domestic launch needs of military, civil, and commercial users at the ranges. This review should include an assessment of the costs that the military might incur if they were to upgrade the systems in order to accommodate the increased launch demands. Also, the assessment may include an assessment of the costs to the private sector and/or state agencies if they were to assume some of the operations as the ranges. The study shall examine the use of and/or procurement of government space launch assets by commercial or state launch entities. Such study should also include an assessment of the likelihood, willingness or ability of industry or a state agency to assume any operation and/or costs associated with them. In conducting this part of the study, the board should receive input from industry and state agencies that might be interested in any such contract.

Mr. Chairman and members of the Committee, I thank you for your time and attention to this matter.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 303, noes 118, not voting 13, as follows:

[Roll No. 188]

AYES—303

Abercrombie
Aderholt
Allen
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bonilla
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Clement
Clyburn
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mollohan
Moore
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shows
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Traficant
Udall (CO)
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—118

Ackerman
Andrews
Archer
Baker
Barrett (WI)
Bateman
Bilbray
Blagojevich
Bliley
Bonior
Borski
Boswell
Boucher
Brown (OH)
Camp
Capuano
Chabot
Coble
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (VA)
DeGette
Dickey
Dingell
Doggett
Dreier
Duncan
Dunn
Ewing
Fossella
Frank (MA)
Franks (NJ)
Gephardt
Goode
Goodling
Gordon
Greenwood
Gutierrez
Hinchey
Horn
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kilpatrick
Kuykendall
Latham
Lee
Lipinski
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Matsui
McDermott
McInnis
McNulty
Miller, Gary
Miller, George
Minge
Mink
Moran (KS)
Moran (VA)
Neal
Nussle
Obey
Owens
Paul
Peterson (MN)
Petri
Phelps
Pickett
Pitts
Porter
Rahall
Ramstad
Rangel
Rivers
Roemer
Rogan
Roukema
Sabo
Sanchez
Sanford
Scott
Serrano
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Stark
Stump
Talent
Tauscher
Taylor (NC)
Thune
Tierney
Towns
Turner
Udall (NM)
Upton
Velázquez
Vento
Wamp
Watt (NC)
Weiner
Whitfield
Woolsey

NOT VOTING—13

Blunt
Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Moakley
Nadler
Olver

□ 1745

Messrs. WAMP, SMITH of Washington, SLAUGHTER, OBEY, TAYLOR of North Carolina, MORAN of Virginia, Ms. WOOLSEY, Messrs. ARCHER, SCOTT, WATT of North Carolina and Ms. DEGETTE changed their vote from "aye" to "no."

Ms. SCHAKOWSKY and Messrs. FARR of California, SPRATT, GILLMOR, EVERETT, CHAMBLISS, and SAWYER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1745

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to explain and apologize for my absence during part of the debate on the Skelton amendment earlier today. I was involved in negotiations toward a settlement of that issue, and I was involved partly in conversations with the President, who called me and said that he would commit to us that he would submit a request for Kosovo for fiscal year 2000 in a timely manner with the funds to be used not to be taken from readiness. That, after all, was the object of our having this provision in the bill in the first place.

Having this assurance from the President and the gentleman from Missouri (Mr. SKELTON), I am prepared to accept the gentleman's amendment.

Mr. Chairman, I submit a copy of the letter from the President for the RECORD.

THE WHITE HOUSE,
Washington, June 10, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter responds to your inquiry concerning the funding of the Kosovo peacekeeping operations. As was set forth to you in a May 26, 1999, letter from the Director of the Office of Management and Budget, I intend to fund these operations in a manner fully consistent with maintaining the high state of military readiness we require.

We are in the early stages of a transition from a military campaign to a peacekeeping force. Clearly this will alter the pattern of funding required compared to the assumption of a continued air campaign through the end of the current fiscal year, which was the assumption underlying my FY99 emergency supplemental request.

I have asked the Secretary of Defense and the Director of the Office of Management and Budget to conduct a detailed review to reconcile the cost of current operations with the previously funded program. It is critical that my Administration maintain the flexibility which I and previous Presidents have used to deal with emerging situations. To the extent that ongoing requirements exceed an amount that could be managed without harming military readiness, I will submit a further FY00 budget request in a timely manner. I look forward to working with the Congress to ensure that these critical operations are fully funded.

Sincerely,

BILL CLINTON.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me first thank the gentleman from South Carolina (Chairman SPENCE) for his comments a few moments ago. It is true that this matter has been resolved. At least it appears to be. I want a supplemental, the gentleman from South Carolina wants a supplemental, the President will request a supplemental, and I think every Member of this chamber wants a supplemental, and that the funds for any continuation of peacekeeping should not come out of readiness in the bill we are about to pass.

I thank the gentleman for his understanding, for hearing us out, for his gentlemanly demeanor in the debate.

As a matter of fact, that goes for everyone who participated in the debate today.

Mr. Chairman, this is an excellent bill. I certainly urge the adoption of my amendment. At the end of the day I urge an overwhelming vote for the bill so we can let our troops know we really care about them.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 19 by the gentleman from Missouri (Mr. SKELTON) and Amendment No. 21 by the gentleman from Connecticut (Mr. SHAYS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 19 OFFERED BY MR. SKELTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 155, not voting 10, as follows:

[Roll No. 189]

AYES—270

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Ballenger
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Shaw
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—155

Aderholt
Archer
Bachus
Baker
Baldwin
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Burton
Campbell
Canady
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Danner
Deal
DeMint
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Istook
Jackson (IL)
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Kucinich
LaHood
Latham
Lazio
Leach
Lee
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (TX)
Souder
Stark
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Weldon (FL)
Whitfield
Wicker
Wilson

NOT VOTING—10

Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Olver

□ 1809

Mr. TAUZIN and Mr. SWEENEY changed their vote from "aye" to "no."

Mr. KUYKENDALL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 200, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the other amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 21 OFFERED BY MR. SHAYS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 307, not voting 11, as follows:

[Roll No. 190]

AYES—116

Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bilbray
Blagojevich
Blumenauer
Bonior
Brown (OH)
Campbell
Cannon
Capuano
Chabot
Chenoweth
Coble
Condit
Conyers
Cook
Costello
Crane
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeMint
Duncan
Emerson
English
Eshoo
Evans
Farr
Foley
Frank (MA)
Franks (NJ)
Ganske
Gephardt
Goode
Green (TX)
Gutknecht
Hall (TX)
Hayes
Hill (MT)
Hoekstra
Hooley
Inslee
Jackson (IL)
Jefferson
Jones (NC)
Kingston
Kucinich
Lee
Lewis (GA)
Linder
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Metcalf
Miller, George
Minge
Mink
Moakley
Morella
Myrick

Nadler
Neal
Ney
Norwood
Nussle
Owens
Paul
Pelosi
Peterson (MN)
Phelps
Ramstad
Rivers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Salmon
Sanders
Sanford
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shays
Shimkus
Slaughter
Smith (TX)
Souder
Stabenow
Stark
Tancredo
Tauzin
Thompson (CA)
Tiahrt
Tierney
Towns
Traficant
Udall (NM)
Upton
Velázquez
Vento
Walsh
Wamp
Waxman
Weiner
Woolsey
Wu

NOES—307

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clement
Clyburn
Coburn
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Etheridge
Everett
Ewing
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Napolitano
Nethercutt
Northup
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sessions
Shaw
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Turner
Udall (CO)
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Olver
Peterson (PA)

☐ 1820

Mr. RUSH, Mrs. EMERSON and Mr. GEORGE MILLER of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. CAPPS. Mr. Chairman, I rise in support of H.R. 1410, the National Defense Authorization Act for Fiscal Year 2000. This legislation contains several important provisions, including a much needed pay raise and revamping of the retirement system.

As Members of Congress, we have the distinct—almost sacred—responsibility to preserve our nation's security. This means ensuring that our military remains the best trained, best equipped, and most prepared in the world.

We need to provide the men and women of the armed forces, and those who have retired, with the support they need to maintain the quality of life they deserve. This is especially true at a time when military personnel are being deployed more and more frequently all over the world.

During visits to Vandenberg Air Force Base in my district and conversations with the base commander, Col. Mercer, I have heard firsthand the concerns of our men and women in the military. In particular, I have heard about some key issues—supporting an increase in military pay, improved health care coverage, and a strengthened retirement system.

H.R. 1410 provides for a 4.8% pay raise and authorizes bonuses and other incentives to retain and promote our service men and women. It will also change the unfair REDUX retirement plan in order to give retirees the choice to return to the more generous pre-REDUX system or receive a $30,000 retirement bonus.

In addition, this important legislation includes $16.8 million to continue a critical family housing initiative at Vandenberg Air Force Base. This project will replace outdated facilities with the safe, modern, and efficient family homes so important for service men and women and their families. Such projects increase morale and strengthen a sense of community in and around the base.

The legislation also includes important provisions to support the growing commercial space industry at Vandenberg. I am pleased that $3 million is included for the study, planning, and design of a universal space port at Vandenberg. And, in response to the Cox-Dicks Commission recommendation that we improve our domestic launch capacity, I am pleased that the House today approved the Weldon amendment that will increase the amount of funding for space launch operations at Vandenberg and Cape Canaveral by $7.3 million.

This bill incorporates other important recommendations offered by the Cox-Dicks Commission to safeguard our weapons facilities and national laboratories from Chinese efforts to steal U.S. military technology. It institutes new procedures to increase security at sensitive Energy Department facilities, requires the president to submit frequent reports to Congress on Chinese espionage and military activities, and establishes new guidelines to prevent the illegal transfer of technology to foreign countries during satellite launches.

We have an obligation to stand fully and completely behind all American service men and women who are putting their lives on the line. We need to do everything possible to guard and protect their safety and morale. I will always support our fighting men and women, whether in peace time or in war. I urge support for this bill.

Mr. SPENCE. Mr. Chairman, I am submitting for inclusion in the RECORD a letter from the Chairman of the Committee on Commerce, Mr. BLILEY, regarding H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. I thank Chairman BLILEY for his letter and for his decision not to seek sequential referral on several provisions that are of jurisdictional interest to the Commerce Committee.

COMMITTEE ON COMMERCE,
Washington, DC, May 24, 1999.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am following up on my correspondence of May 21, 1999 concerning H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. After consultation with the Parliamentarians, we continue to believe that several provisions of H.R. 1401, as ordered reported, may fall within the jurisdiction of the Committee on Commerce. These provisions include:

Section 321—Remediation of Asbestos and Lead-Based Paint. One reading of this provision would permit a waiver of applicable law with respect to the remediation of asbestos and lead-based paint. I am sure that that is not the legislative intent of the language, however.

Section 653—Presentation of United States Flag to retiring Members of the Uniformed Services not Previously Covered;

Section 3152—Duties of Commission. This section, as ordered reported, makes clear that the Commission on Nuclear Weapons Management formed pursuant to Section 3151 will specifically deal with environmental remediation. Such matters are traditionally within the jurisdiction of the Commerce Committee. I understand, however, that you have deleted subsection (a)(9) from this section, and therefore the Committee registers no jurisdictional objection.

Section 3165—Management of Nuclear Weapons Production Facilities and National Laboratories. As ordered reported, this section contains a number of provisions which we feel strongly fall within the Committee's Rule X jurisdiction over management of the Department of Energy. In particular, we are concerned about provisions which move functions heretofore carried out by various offices within the Department to the direct control of the Assistant Secretary for Defense Programs. We believe that this kind of wholesale reorganization of DOE functions must be considered by all of the committees of jurisdiction, including the Committee on Commerce.

However, recognizing your interest in bringing this legislation before the House expeditiously, the Commerce Committee has agreed not to seek a sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral, the Commerce Committee does not waive its jurisdiction over the provisions listed above or any other provisions of the bill that may fall within its jurisdiction. The Committee's action in this regard should not be construed as any endorsement of the language at issue. In addition, the Commerce Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference.

I request that you include this letter in the RECORD during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

Mr. LEVIN. Mr. Chairman, genocide should never be appeased. The lesson of Kosovo is that it does not have to be. NATO has shown that it is willing and able to keep the peace in Europe. We have stopped the genocide. Now we have to return the Kosovars to their homes in security and help them rebuild their lives in this troubled land.

We should salute our men and women in uniform. We should also salute our men and women in leadership positions, both military and civilian. We should be standing here applauding with our hands, not placing handcuffs on our President and our military leaders.

I favor continued Congressional oversight. There are plenty of hurdles yet to overcome and it is time for Congress to come together and forge the policies needed to advance our goals in Kosovo. This is not the time for rear-guard actions here on the Floor to make it more difficult to overcome the challenges ahead in the Balkans.

I urge my colleagues to support the Skelton amendment and to reject the Souder amendment. It is time for peacekeeping. It is time to stop the war on the President on this issue.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, pursuant to House Resolution 200, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 365, noes 58, not voting 12, as follows:

[Roll No. 191]

AYES—365

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—58

Baldwin
Barrett (WI)
Becerra
Brown (OH)
Campbell
Capuano
Conyers
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Doggett
Eshoo
Fattah
Filner
Frank (MA)
Gutierrez
Holt
Hooley
Jackson (IL)
Jones (OH)
Kleczka
Kucinich
Lee
Lewis (GA)
Lowey
Markey
McDermott
McGovern
McKinney
Miller, George
Minge
Nadler
Oberstar
Obey
Owens
Paul
Payne

Pelosi
Peterson (MN)
Rivers
Rush
Sabo
Sanders
Schakowsky
Sensenbrenner
Serrano
Shays
Stark
Tierney
Towns
Velázquez
Vento
Waters
Weiner
Woolsey
Wu

NOT VOTING—12

Bono
Brown (CA)
Clay
Clayton
Graham
Hall (TX)
Hilleary
Kasich
Lofgren
Luther
Norwood
Olver

☐ 1838

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 10, FINANCIAL SERVICES ACT OF 1999

Mr. LEACH. Mr. Speaker, I ask unanimous consent for the Committee on Banking and Financial Services to file a supplemental report to accompany H.R. 10, the Financial Services Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000, OR TO HOUSE AMENDMENT TO TEXT OF S. 1059

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 1401, or a House amendment to the text of Senate 1059, that (1) the Clerk shall insert at the end of the title XIV, rather than at the end of the title XII, the sections inserted by the action of the Committee of the Whole in adopting amendments numbered 6, 8 and 10 of House Report 106–175; and (2) the Clerk may make corrections to section numbers, cross references, the table of contents, and punctuation and other such clerical corrections as may be necessary to reflect the actions of the House in amending the bill H.R. 1401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850 and H.R. 1732

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of the following bills: H.R. 850 and H.R. 1732.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. Obey).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 302, answered "present" 1, not voting 27, as follows:

[Roll No. 192]

AYES—104

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barcia
Barrett (WI)
Becerra
Bonior
Boucher
Brown (FL)
Capuano
Cardin
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeLauro
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hill (IN)
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kaptur
Kennedy
Kilpatrick
Kleczka
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Markey
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Skelton
Slaughter
Spratt
Stabenow
Stark
Stupak
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Weiner
Weygand
Woolsey

NOES—302

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moore
Moran (KS)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman

Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—27

Bentsen
Bono
Brown (CA)
Clay
Clayton
Cooksey
Doyle
Frost
Goss
Graham
Green (TX)
Hilleary
Jones (OH)
Kanjorski
Kasich
Kuykendall
Lofgren
Luther
Martinez
Miller, Gary
Mollohan
Nethercutt
Olver
Rangel
Shaw
Wicker
Young (FL)

□ 1859

Mr. SESSIONS changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 or 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 18, line 19, through page 19, line 15. No amendment shall be in order except the amendment printed in the report of the Committee on Rules accompanying this resolution and except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate. The amendment printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1900

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 96, nays 298, answered "present" 1, not voting 39, as follows:

[Roll No. 193]

YEAS—96

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Bishop
Boucher
Brown (FL)
Capuano
Cardin
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Dixon
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gejdenson
Hastings (FL)
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lowey
Markey
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Roybal-Allard
Rush
Sabo
Sawyer
Skelton
Spratt
Stark
Stupak
Tancredo
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey

NAYS—298

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Kanjorski
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Ose
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—39

Bentsen
Boehner
Bonior
Bono
Brown (CA)
Clay
Clayton
Cooksey
Frost
Gephardt
Goss
Graham
Green (TX)
Gutierrez
Hilleary
Hinojosa
Hunter
Johnson, Sam
Kasich
Kennedy
Leach
Lofgren
Lucas (OK)
Luther
Menendez
Nethercutt
Olver
Ortiz
Oxley
Rangel
Reyes
Roukema
Sanders
Scott
Shaw
Stearns
Sweeney
Whitfield
Wicker

□ 1921

Mr. BRADY of Pennsylvania, Ms. McCARTHY of Missouri, Mr. HILLIARD and Mr. TAUZIN changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000.

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 190 is a structured rule that governs the consideration of H.R. 1905, the Legislative Branch appropriations bill for Fiscal Year 2000. This type of rule has become customary for legislative branch spending bills due to the controversy that often surrounds them. Last month, when the Committee on Rules held a hearing on this bill, we heard from very few Members who took issue with the provisions in the bill, but there are some unrelated issues that may disrupt today's debate. Therefore, a structured rule that ensures an orderly yet adequate debate is wholly appropriate and fair.

Under the rule, 1 hour of general debate will be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives a limited number of points of order against consideration of the bill to address some minor issues related to the compensation of specific employees which fall under the Congressional Budget Act. The rule also waives points of order against some provisions of the bill for failure to comply with clause 2 of rule XXI which prohibits unauthorized or legislative provisions in a general appropriations bill.

I would like to take this opportunity to commend the gentleman from North Carolina (Mr. TAYLOR) and the Subcommittee on Legislative for their hard work to bring this legislation to the floor in a timely manner. As a testament to their good work product, only seven amendments were filed with the Committee on Rules. Of the seven, two were very similar. Both would allow Members who do not use their entire budget allowance to return any unused portion to the Treasury. The savings would then be devoted to deficit or debt reduction. This concept, which has earned broad support in the past, encourages Members of Congress to lead by example and be frugal in the use of taxpayers' dollars. The Committee on Rules encouraged the cosponsors of these amendments to combine their efforts and made in order a Camp-Roemer-Upton amendment which is printed in the Committee on Rules report. That amendment will be debatable for 20 minutes, equally divided between a proponent and an opponent and shall not be subject to amendment. Further, the rule waives points of order against the amendment for failure to comply with clause 2 of rule XXI.

Four other amendments were filed with the Committee on Rules which addressed juvenile crime and gun laws. Obviously these issues are not even remotely related to funding for the Legislative Branch. Therefore, the amendments which are not germane to the bill or appropriate in the context of this debate were not made in order under the rule, and, as my colleagues are well aware, we will have the opportunity to address Youth Violence issues next week. Under the rule, the minority will have an additional opportunity to make changes to the bill through the customary motion to recommit, with or without instructions.

The Fiscal Year 2000 Legislative Branch Appropriations bill continues our efforts which began in 1994 to scale back the Federal Government and balance the budget by cutting spending first. As reported by the Committee on Appropriations, the funding in H.R. 1905 is 6.6 percent lower than the total legislative spending provided in fiscal year 1999. The bill cuts some $135 million as well as a total of 98 positions throughout the legislative branch.

We have come a long way since the first year of the Republican majority. Since 1994 more than 4,400 positions have been eliminated; that is, 16 percent of the legislative work force, and with enactment of H.R. 1905 the House would save a total of $1.2 billion over 5 years.

However, many of my colleagues think that we should go even further than H.R. 1905 to reduce spending on the legislative branch. Therefore, I will seek to amend the rule prior to its adoption by the House to make in order an amendment that will further reduce spending on the legislative branch by $54 million. The amendment will be debatable for 20 minutes, and it will include cuts from the House's salaries and expenses as well as reductions in spending for the Architect of the Capitol, the Library of Congress and the General Accounting Office. This amendment is in line with the Speaker's updated appropriations strategy announced earlier this week which will ensure that we allocate our scarce resources in an equitable manner among our many spending priorities while abiding by the limits agreed to in the Balanced Budget Act of 1997.

It is important to keep in mind that the Legislative Branch Appropriation bill is about more than funding Members' offices and their staffs. H.R. 1905 ensures that the United States Congress runs efficiently as a professional institution, and at the same time the bill supports the Capitol Building as a tourist attraction and national landmark that plays host to thousands of visitors each year. The Legislative Branch Appropriations bill provides funding for the maintenance of the Capitol building and grounds through the Architect of the Capitol; it finances the security provided by the Capitol Police, and it ensures access to government documents through the Government Printing Office. These organizations serve the public as much as they serve the people's elected representatives.

This rule will provide for sufficient consideration of the substance of the legislation in a fair and orderly manner, and with the amendment I will offer to the rule the House will have the opportunity to vote to further reduce spending on the Legislative Branch by $54 million.

Our efforts today prove that Congress is willing to look in its own backyard and do its part to cut spending to reach our balanced budget goals. If the rest of the federal budget had been reduced at the same rate as the Legislative Branch, we would have an additional one trillion, one hundred billion dollar budget surplus.

Mr. Speaker, this is a fair rule for a reasonable Legislative Branch spending bill which continues our commitment to a smaller, smarter government that works for the American people. I urge my colleagues to support this rule and my amendment to it so that the House can move forward to debate and pass a responsible Legislative Branch Appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume and, I want to thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time.

This is a structured rule. It will allow for consideration of H.R. 1905, which is a bill that makes appropriations for the Legislative Branch for the year 2000. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits only one amendment. That amendment assures that any unspent funds in a Member's representational allowance will be returned to the Treasury and used to reduce the national debt. If this amendment passes, any Member who feels that his or her office allowance is too high can in essence make a cut by not spending that money. This rule will allow the House to consider funding for the operations of the House of Representatives, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress and Congressional Research Service, the Government Printing Office and the General Accounting Office. The money provided in this bill funds the office of every Member of this body.

□ 1930

Each Member's office provides service to our constituents and represents their interests in Washington, and we depend on CBO and the Library of Congress and the Congressional Research Service to assist in the representational duties assigned to us by the Constitution.

The Government Printing Office does an extraordinary job by printing the bills and reports that are essential to our work and turning out the Congressional RECORD so we have a printed copy of our proceedings the day after they happen.

We also depend on the Government Accounting Office to conduct professional nonpartisan reports and analysis of issues facing the Congress, and the Architect of the Capitol ensures that this magnificent building which we are so privileged to work in is maintained, cleaned and preserved.

I would like to point out that there are a number of serious fault in this rule. One, the rule waives all points of order against all legislative provisions of the bill except for one. That provision was added by the gentleman from California (Mr. FARR) during the Committee on Appropriations markup. The Farr language requires that the Architect of the Capitol institute an effective waste recycling program and an environmentally sound and perhaps financially rewarding goal. Yet the Committee on Rules refused to waive points of order against this provision in spite of the fact that the waiver was requested by the Committee on Appropriations.

For that reason and for this amendment that we just heard about in the last 15 minutes that is going to be added, if it passes, we will urge our colleagues certainly on this side and in the whole body to defeat the previous question, and, if the previous question is defeated, there will be another amendment offered to the rule to protect the provision requiring an effective recycling program in the House.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I think a lot of our colleagues know that most of us in this chamber work very hard in committee, we work on a bipartisan basis in many committees and subcommittees. I am shocked at what I have seen tonight with motions to adjourn when we still have a lot of business that needs to be done.

As I look at our Democratic friends on the other side, 103 voted for the motion to adjourn, 92 voted against the motion to adjourn and joined the unanimous majority Republican vote of 210, for a total of 302 versus 104. I would hope those 92 Democrats would send a message to the 104 on the other side. They were the half who want to go home. Almost half of them do not want to go home. They want to work with us to carry on the Nation's business.

Many know that I am not a partisan type of subcommittee Chair. During my four years as chairman, I have had full cooperation of three outstanding Democratic ranking Members. All three of them voted against the motion to adjourn. That would be typical, because they have been hard working Members in the committees. Despite that bipartisan relationship at the committee level somehow a few things can go awry on the floor.

We have heard for months that some Democrats planned to disrupt the place, so we could not get the appropriation bills through the floor process. The ones in opposition seem to feel that slowing down the process will enable them to attack this "do-nothing" Congress.

Well, that is just nonsense. This is a "do" Congress. It has done many good things. When the chips are down, a lot of the Democrats vote with us on final passage. The President signs many of those bills, into law despite a lot of antics along the way sometimes.

Mr. Speaker, I think we should get back to work and not have these motions to adjourn that just put the whole chamber behind time in the schedule. I am glad we are pursuing this appropriations bill tonight.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, it is important that the previous speaker understand that what has been happening in this House tonight on these motions to adjourn has nothing whatsoever to do with whether any of us want to work or do not want to work. They do have everything to do with procedural fairness and treating the average Member of this House the same way the leadership is treated.

For three out of the four appropriation bills which have been brought to the floor this year, we have had the Republican leadership unilaterally rewrite committee products with no consultation with the minority party.

The first of those occurred on the original hurricane supplemental, where the leadership unilaterally decided to rewrite that bill after it had left the committee.

The second was the agriculture appropriations bill. Again, we had a bipartisan bill as it emerged from the committee. It was rewritten unilaterally by the leadership of this House, and that caused considerable problems, as you know.

We now had a third bipartisan bill, the legislative appropriations bill, and again today the House leadership unilaterally rewrote that bill, without any consultation with the minority and without any consultation with the Committee on House Administration, which has authorization jurisdiction over House accounts.

Now what we are asked to do is to approve a rule which will allow for only one amendment. The practical result of that will be that the majority whip will be protected in his 30 percent increase in his office account, other leadership Members will be protected with their increases in their office accounts, committees will be protected from significant reductions, but the rank and file Members of this House will have their office accounts frozen. That will mean that the average member will have a very difficult time providing a cost-of-living increase for their employees in their offices, even though they work just as hard as committee employees, but the committees will have no trouble providing cost-of-living increases for their staffers, and the leadership certainly will have no problem providing cost-of-living increases for their staff. That is reason number two why we have had these actions.

Thirdly, at this point this bill has become so politicized that in my view it should not be considered until we know how other branches of government are treated. This Congress has no right to be treated any better than any other branch of government, and it has no obligation to be treated worse. We should be treated precisely the same. But at this point we have no idea what is going to happen to other agencies of government, and so, until we do, in my view, we should not be considering this bill at all.

Fourthly, we have no idea what is going to happen to the American public in terms of the programs that affect them. We do know that we are going to see substantial cuts in Head Start, we are going to see a substantial squeeze on education, we are going to see a substantial squeeze on the Environmental Protection Agency budgets, and yet the Congress itself is being treated rather modestly in this legislation. It seems to me that that is not fair to our constituents.

So, for a lot of reasons, we feel that this bill should not be before us tonight. I do not care when you bring it up, but it should not be brought up until we know how other branches of government are going to be dealt with and until we know how we are going to treat our own constituents with respect to programs that are of vital concern to them.

We will not be able to amend tonight the account of the General Accounting Office. We will not be able to amend the account for the Speaker's office or for the majority leader's office or the minority leader's office or the whip's office. We will not be able to amend the budget for the Government Printing Office, for the Congressional Budget Office or a variety of other offices on the Hill. We will only be allowed to vote on that one amendment.

Last week we had amendment after amendment on the agriculture appropriation bill. All of those accounts were subject to cuts. But under this rule tonight, very few accounts will be subject to reductions under the rule. That, to me, does not seem to be a fair way to do business.

Now, I apologize to the House because taking a stand on principle is inconveniencing Members tonight. I am sorry about that. It is also inconveniencing me personally. Yesterday was my 37th anniversary. My wife and I did not get a chance to celebrate it last night. We expected to do it tonight. My wife is not a very happy person right now, and she has every right to be unhappy. But there are some matters of principle that we need to deal with whenever they arise.

I knew the Republican leadership believed in trickle-down economics for the public. I did not know that the Republican leadership believed in trickle-down economics when it came to the House leadership versus the way they treat every other Member of the House. I find it interesting; I also find it not very healthy for the House.

So I would say again in closing, this bill should not be before us until we know how we are going to deal with other bills that affect our constituents, and it certainly should not be before us until we know how we are going to treat other departments of government. We should be treated no worse than any other branch of government and we should be treated no better, and certainly we will have no way of measuring that if this bill is brought up on this ill-advised schedule this evening.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, one of the things I think most of us respect mostly on this floor is someone that we may disagree with but fights for principle, and I know the gentleman from Wisconsin (Mr. OBEY), even though we disagree on some issues, one thing he does, he stands up for what he believes in. I respect that very, very much, and part of me understands what the gentleman is doing.

But let me give you just another side of some of our feelings. I did not know what they were doing on this particular bill. I am not in the leadership. I do not have a staff. I am just a small cog in this whole membership. But each year I turn back about 20 percent of my own office budget. I try not to put in extra newsletters, do all the things that many of the Members do, and try to turn back money to the government to set an example, yet I try and take care of my staff very well.

There are 13 appropriation bills, Mr. Speaker, and there are many of us that, when it comes down the line, things like Labor-HHS, I chaired a committee hearing for the gentleman from Illinois (Mr. PORTER). I had to shut down the hearing twice because the hearing was about children that had diseases and their only hope was Labor-HHS and medical research. I had to stop. I had so many tears coming down my eyes. I will never sit in another one of those hearings. I cannot do it.

Where we think there are some tough choices, it may be in our own accounts, it is a place where we can add money, things like medical research and Labor-HHS. The gentleman from Wisconsin (Mr. OBEY) said the other day he said he did not think we could double medical research. I would sure like to try. I think the gentleman from Wisconsin (Mr. OBEY) would too.

I think where we are taking small amounts of each committee, when you have got billions of dollars out of each one of these appropriations bills, including defense we just did for peacekeeping, then I think if we can shift over some of those amounts, and many of us feel the reason we want to get out of Kosovo is I think we are spending too much, not that that is the only reason, but spending too much money.

I would say to my friend that, yes, we do want to help Social Security and we do want to help Medicare. Education, I want to reform it, and I do want to increase medical research. I honestly do as a Member.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply like to ask one question: If we are going to cut Members' accounts, why should the majority whip receive a 30 percent increase in his account, while the average Member of this House has his account frozen?

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, I cannot answer that, other than with a 5 vote margin, quite often it is very, very difficult to bring Members on your side to our way of thinking, and sometimes your thinking and the whip organization that tries to bring all of this together. Granted, we do not always do that in the best way.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1945

Mr. BLUMENAUER. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, part of why I am in Congress is because I believe that the Federal government has an opportunity to be a better partner with the rest of America to promote livable communities.

This is a very small item in the large scheme of things in the debate that is going on tonight, but I think it speaks volumes to the level of hypocrisy that goes on in Washington, D.C.

There was a provision that was inserted in the Committee on Appropriations by the gentleman from California (Mr. FARR) that would require a meaningful recycling program to be developed for the House of Representatives.

I have been stunned at what we do not do in the House. We have the worst performance of any agency in the Federal government. I have Boy Scout troops in my district that have made more money recycling cans, bottles, and Christmas trees than the House of Representatives has done in the last 3 years that I have been in Congress. There are homeless people within the sight of this Capitol that make more money in a day than the House of Representatives was able to surplus for all the tons of paper that pass through this place in the year 1997.

We are repeatedly assured that we have a recycling program. We have the funny little blue cans and cannisters, but it simply does not work. The Committee on Appropriations stepped forward to try and help encourage it in this bill.

I note that under this rule, the only provision that is not protected is this requirement that we get serious about recycling. It seems to me that we have an opportunity to lead by example, to try and promote more livable communities. This does not cost any money. In fact, if we would grow up and do what we ask the rest of America to do, it would mean tens of thousands, perhaps hundreds of thousands of dollars in terms of increased money that we make to this House, and it would save disposal costs.

A little thing? I do not understand what is going on tonight with some of this folderol. Somebody will explain it to the reporters and I can read about it tomorrow. But I do know that it is embarrassing that we do not have a recycling program, that the House of Representatives is the worst performer in the Federal government; that we are being outperformed by homeless people and Boy Scout troops. We deserve to do better.

I would ask that people not play games with this provision, that it be not struck down under a point of order. I think that it would be an important signal for us to send to the rest of America that we are serious about promoting livable communities, and we are willing to lead by example and not be hypocritical about it.

If Members are going to do this, then for heavens sakes get rid of all the things that pretend to be recycling, throw them out. Do not have staff waste the time and money.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, a couple of different points that I want to make here.

One is that this is a very difficult process. We have a budget agreement that the President says he supports, that all of us in Congress say we support, that calls for very difficult appropriations levels, and quite bluntly, none of us are really happy with it.

We want to keep the budget caps. We are trying to stay with the budget agreement. We all go out home and say we want to save all this money for social security. But when it comes to each bill, it is always, well, we really need this, we really need that.

We have been trying to save a little bit of money in each one because a number of us strongly felt that while everybody talks about the need to stay within the budget agreement, the fact is that the money we had on the table for Labor-HHS, for Interior and Veterans, was not sufficient, and that every side was kind of doing a wink-wink and saying, well, we are trying to try to stay within the caps and within the budget agreement, knowing we were not working towards that.

Every dollar we save in this appropriations bill, the agriculture appropriations bill, is going to be able to be used for those programs that the gentleman from Wisconsin (Mr. OBEY) and others have said they are concerned about and will help us preserve social security. That is the real trade-off.

Yes, it will be difficult for Members' offices to live under a freeze, which is in effect a reduction. But we also gave each Member of Congress flexibility to move their funds around, and most Members do not even spend their full account.

Furthermore, this is another round, in my opinion, of "pick on the majority whip." The plain truth of the matter is that the majority and minority are both getting the same amount of money in this. We reduced, in this agreement, the amendment that will be offered, the money going to leadership; not by a lot, but by some. This amendment does not really please anybody, but at least it moves the ball forward and reduces some funds overall.

The minority leader, the gentleman from Missouri (Mr. GEPHARDT) gets the same amount as the majority whip. He can either give it to the minority whip or do it elsewhere. The fact is that early on, for many different reasons, in the majority side the whip's office was disproportionately cut in its budget. That is why the majority is choosing to put the money in the whip's office.

The minority has the same amount of funds. What is good for one side is good for the other. We have also reduced the committee spending. We need to lead by example. Every dollar we can save in the operations that support Congress, in our own operations, in all of the many organizations here we can put into educating our children, into the health concerns raised by the gentleman from California (Mr. CUNNINGHAM), in the difference diseases. We can put it into our national defense.

That is one of the problems here. We have just seen all of our secrets in our military, offensive and defensive, potentially be at risk to China. At the same time, unless we spend more money in defense, we are completely vulnerable. If we spend more money there, it squeezes elsewhere.

I believe this amount of sacrifice is minimal on our parts, and it is courageous, because normally Congress does not allow any amendment on the leg branch. I think there should be more, but normally we do not allow any. Tonight we are taking a very important step that no other Congress has done.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, do we really want to take care of ourselves first before the rest of the country? This is the bill that takes care of us, of our internal operations. When we finish with this, 97 percent of the appropriations process is still undone. Legislative branch may be the first appropriations bill. It could be the only appropriations bill enacted.

Do we really want that? Do we really want to be increasing the majority whip's organization by 35 percent when we cut Head Start by 20 percent, when we cut Meals on Wheels for the elderly by 20 percent? Is that really the situation that we want to present to our constituents?

If in fact we are going to increase House operations, is it really appropriate to be putting the money into the leadership offices, into the committee offices, as deserving as they may be, when we know that the people who are most underpaid are the people who work directly for us for our constituents, the people who answer constituent letters, the people who deal with constituent problems, the people who are out face-to-face with the people we represent?

They are the most underpaid of all of the people that work within this organization. We can show the Members the statistics. Yet, their allocation is frozen so that we can provide the money for the leadership, for the whip's operation, primarily. If I am wrong, if the gentleman from Indiana (Mr. SOUDER) can tell me that the office of the gentleman from Texas (Mr. DELAY) does not get a 35 percent increase in this budget. I would be more than happy for that to be explained cn the floor.

My understanding is that the gentleman from Texas (Mr. DELAY) does get 35 percent.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, the whip's office took a $300,000 cut the first year the majority took over because of differences internally. This will put them, inflation-adjusted, about where they would have been. The minority is actually getting more than the gentleman from Texas (Mr. DELAY), but it goes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. MORAN of Virginia. Would the knowledgeable gentleman from Indiana tell us on the floor how much the whip's organization is funded, and how many personnel work for the gentleman from Texas (Mr. DELAY)?

Mr. SOUDER. This I think would put them roughly at $1.4 million. It was at roughly $1.3 million in 1994 when the Democrats were in. That is not much of an increase in the whip operation.

Furthermore, the Democrats are getting more money for the leader's office than the Republicans.

Mr. MORAN of Virginia. I would ask the gentleman, Mr. Speaker, is it not correct that the operation of the gentleman from Texas (Mr. DELAY) will get a 35 percent increase in this legislative branch appropriations bill?

Mr. SOUDER. It is because they took a 35 percent cut earlier.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. To put that in context, when the majority took over, they promised that every agency in the Congress was going to have had a 25 percent cut.

Mr. MORAN of Virginia. I appreciate the gentleman putting that information on the RECORD.

The fact is that all of us, we are going to have to tell our staffs that we have to swallow a cost of living increase, which means that we are going to probably have to make cuts across-the-board.

This bill freezes what we are going to be allocated for our personal staffs. I do not think that is what we want to do, and I do not think this is the proper allocation of very limited resources that are available to us.

I do not think we want this bill to be the first and perhaps the only appropriations bill that actually gets enacted. I think we ought to be taking care of Health and Human Services first; of State, Justice, Commerce.

FBI gets a 10 percent cut. Do we really want to deal with that when we have already provided significant increases for the leadership of this body? I do not think so. I do not think this shows that our priorities are in the right place.

Mr. Speaker, I would urge a no vote on the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise today in opposition to this rule. I do so because the Committee on Rules specifically singled out one little provision in the bill and subjected it to elimination. The whole rest of the bill is safe. Any points of order against any problems in this bill are waived, except for one, just one. It is about whether this House ought to recycle.

The Committee on Rules arbitrarily and with little regard simply waved their hand and said, no, the House will not recycle. This is what the effect of the rule is: We cannot adopt a mandatory recycling program.

There is no recognition that the House already has a recycling program, and that it did not work. There is no recognition that the Committee on Appropriations accepted this language, and they accepted this language because they realized that it did not work, and they accepted this language in a bipartisan way because they realized that this is one part of the bill where we can make some money.

The debate here tonight is about how we cut the costs. This is the one part of the bill that allows us to earn something for the trash that we produce. There is no recognition that everyone else in America has to recycle except the House of Representatives.

What is so hard about recycling? What is so threatening about recycling, that this body has to strike it from this bill? What is it about recycling that scares the majority party about separating paper waste? You would think we were trying to talk about a tax increase, the way they are reacting on it.

All we are asking is to recycle trash so that the House can conserve resources, reduce costs, and earn some money. The language in question says that the money earned, that the money earned from this will go to help underwrite the activities and operations of the House day care center.

So by leaving this language exposed, we not only admit our reluctance to recycling, we deny our children access to better quality care. The rule stinks, and I ask for a no vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, Will Rogers once said, you can be moving on the right track, but if you are not moving fast enough, you are going to get run over.

The budget process right now is such that we have a badly biased budget process that is headed for a train wreck, and that train wreck is going to crash into our children. The education and labor bill that we are going to eventually take up in this body I hope, if we can get to it, is about $12 billion shortfunded, $12 billion. That is not my particular figure, that is the figure of the Republican chairman, the gentleman from Illinois (Mr. PORTER).

Why is that important? Why should we try to handle this budget process now, rather than wait for this train wreck for our children later? That particular subcommittee funds NIH, health care, grants to help with Alzheimer's and Parkinson's and breast cancer.

That particular $12 billion underfunded bill funds Head Start, where we only have 36 percent of our eligible children enrolled.

□ 2000

That bill funds Pell Grants to get our Nation's high school students into college and help them pay for it. That bill funds TRIO programs for the poorest of the poor for after-school programs and summer school programs.

Now, why is that important if it is not important for very obvious reasons for education? Well, we have got a juvenile justice bill coming up next week. We have got gun provisions on that particular bill.

Now, that gun provision will not be in my first three or four immediate solutions to the shooting in Littleton. I think families are important, media, violence, school safety.

School safety. What about TRIO programs? What about Head Start for our young people? That is the program in Labor HHS that is $12 billion underfunded.

My good friend, the gentleman from Indiana (Mr. SOUDER), I think makes some good points. He wants to put some more into defense. He wants to make some cuts. Well, we have cut $102 million from the agriculture appropriations bill, $54 million from this bill. My figures give that $156 towards a $12 billion shortfall. Whether one wants to put it into defense or education, let us get to it. Let us have the debate now.

I try to work as much as anybody with the Republicans, and I thank the Committee on Rules for the rule for my amendment with the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. UPTON) to return money that we do not spend. I have approached $1 million that I have not spent in my office account. That is a decision I made.

I voted for the agriculture appropriations bill even though it took a $102 million hit, even though my farmers are at depressionary prices in the Midwest on hog, wheat, corn prices. But let us work in a bipartisan way to solve this education problem.

Let us fix the budgetary problem now and not shut down government later. Let us fix the budgetary process now and not let this train wreck hit our children later.

Let us work together across the aisle to try to fix this process and not do it piecemeal on this legislative branch bill on a Thursday night and let this train wreck happen. We have a juvenile justice bill coming up. We have an education bill with NIH and Head Start and preschool programs. Let us fix the budgetary process.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. ROEMER), whose amendment was made in order by the Committee on Rules, is absolutely right. Dollars are short, and that is one reason that the amendment to cut the $54 million out of our own account should be approved by this body so that we can make that apply across the board, down the line further when we do not have the dollars for Labor HHS and some of the other very important priorities of this Congress. So I urge us to adopt that amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I know the hour is getting late, and we have had a lot of votes, not only tonight, but earlier nights as well.

I want to take this opportunity to congratulate the gentleman from Wisconsin (Mr. OBEY), my friend and colleague on the other side of the aisle in celebration of his 37th anniversary. I would like to note that we are circulating a card, and all Members can sign this to my friend, the gentleman from Wisconsin (Mr. OBEY) to congratulate him and his wife, Joan. We are glad that he is here tonight, and we hope to get him back soon.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I suppose I could wax eloquent about the 37 years that Joan has put up with the gentleman from Wisconsin (Mr. OBEY), but

I will refrain from that and simply say that those of us who have the opportunity to serve with him and know Joan know them to be one of the most loving, caring couples that we know. We join the gentleman from Michigan (Mr. UPTON) in congratulating them on their 37 years.

Mr. Speaker, I rise in opposition to this rule and in opposition to this bill. I say to my colleagues in the majority, I do not know in whom you are repositing responsibility, but I do know this: There has been a lot of talk about working together. There has been a lot of talk about a family-friendly Congress.

We went to Hershey, Pennsylvania, to talk about working together. That was apparently an objective of the majority. Well, I happen to serve on the Subcommittee on Legislative, which is chaired by the gentleman from North Carolina (Mr. TAYLOR). I do not suppose there is anybody on the other side of the aisle that believes that the gentleman from North Carolina (Mr. TAYLOR) is a profligate spender. Is there?

Apparently not.

The gentleman from North Carolina (Chairman TAYLOR) looked at this bill and I presume made a judgment, a judgment as to what this institution needed to run responsibly. In that process, of course we adopted a budget that was promulgated by the Republicans, the budget of the gentleman from Ohio (Mr. KASICH) and his Senate counterpart.

Now, very frankly, I voted against that budget. My belief is there are an awful lot of people who voted for that budget who know it will not work and know it is going to crash, period, paragraph, 30.

Now we pursue a charade, and that charade is that we are going to nickel-and-dime. This entire bill is four-tenths of a percent of the discretionary spending that the appropriators will spend pursuant to the budget resolution.

There is no Budget Act point of order that would lie against this bill. Why? Because it is within the budget resolution. This is not something that we went outside the constraints of the budget resolution and the 302(b) allocations to our committee. We are within the allocation.

But there is now this pretense that somehow we are going to save education. We are going to put $2 billion, that is what the chairman of our subcommittee wants to do, the gentleman from Illinois (Mr. PORTER), 2 billion extra dollars in NIH by somehow reconfiguring these figures at the last minute.

The gentleman from North Carolina and I do not always agree, but I will tell my colleagues this, the gentleman from North Carolina (Mr. TAYLOR) sat down with the gentleman from Arizona (Mr. PASTOR), the ranking member on our subcommittee, in a bipartisan fashion and said, how do we make this bill work?

Guess what, Mr. Speaker, their bill passed out of our subcommittee unanimously. Then it went to full committee. In a bipartisan fashion, the gentleman from Florida (Mr. YOUNG) conducted the debate. The gentleman from Wisconsin (Mr. OBEY) made his comments, the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) made their comments, and it passed by voice vote unanimously out of the committee.

This was not a bill that had great controversy to it. But then, as I said the other day on this floor, that happened on the agriculture bill. All of a sudden, arising from the bosom of the Republican Conference came a hue cry, "This is not enough"; and without any consultation with our side of the aisle at all, totally destroyed the bipartisanship that had created a consensus on this legislation.

We are confronted with these amendments which, yes, do undermine the ability of Members, in my opinion, to represent appropriately their constituents and to recognize the effort of our employees.

This will not save education, which, as the gentleman from Indiana (Mr. ROEMER) pointed out, is $12 billion under what my colleagues say we need, what the chairman says we need, not us on our side of the aisle, but what my chairman says is necessary to fund adequately education and health care in the Labor HHS bill.

Mr. Speaker, this is, as I said earlier, a charade to serve some rhetorical argument about fiscal responsibility while, at the same time we say we want to save education, we in fact underfund education.

This is very early in the process. This is an extraordinarily easy proposal to make. But the hour will come when the proposals will not be so easy, the rhetoric will not be so symbolic, and when the consequences will be much more severe. Let us reject this rule.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Ohio (Mr. HALL) has 1½ minutes remaining. The gentlewoman from Ohio has 14½ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of the rule, but just want to express tremendous reservation that this House that passed the congressional accountability bill to get Congress under all the laws we impose on the rest of the Nation would not shield the requirement that the House have mandatory recycling.

I think it is a terrible mistake that this House, this Congress, is not setting the example for the rest of the country; and I hope that we resolve this issue quickly, given it will probably be declared out of order in the bill itself.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply say, if the majority party leadership wants to save $50 million, all they have to do is to sit down with us and ask us to participate in shaping that cut so that it could be fair and balanced and real.

I would urge them, do not unilaterally take actions that belie their claim to want bipartisanship and do not play games with rank and file Members and squeeze their budgets while insulating the power centers of this body.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I do have great respect for the gentleman from Wisconsin (Mr. OBEY). I do believe he is a man of principle. But I think that the reason we are at this position is that there is a bigger principle, and the bigger principle, in 1997, this Congress and the President of the United States agreed to spend a certain amount of money; and this is the year that the hard, tough cuts come in that.

Now, for many years, Congresses have said, we will make a deal and wink, and we know 2 or 3 years down the road we are not going to honor that deal. Well, we have a new dilemma before us, and the new dilemma before us is every penny that we spend above that agreement we take from the seniors in this country, we take from the working men and women in this country, and we take from the children who are going to work, because every one of those dollars is going to be stolen from Social Security.

Now, in Oklahoma, we think $54 million is a whole lot of money. We think $54 million added to Labor HHS might make the difference in somebody's life. I am sorry that the people on the other side do not think that that is a significant sum. But I would tell you that $54 million will make a difference. It is money that we are not going to spend now so that we will have it available to take care of those people in this country that are depending on us.

We claim a surplus. The only surplus we have is the excess of the payments that are coming into the Treasury over the Social Security payments that are going out. It is not our money to spend. We have an absolute obligation to make every effort to try to live up to the agreement between the Congress of the United States and the President that we made in 1997.

It is unfortunate that it is happening this way, but the fact is that every senior out there believes that we should not touch their Social Security money.

Most people who are paying 12.5 percent FICA believe we should not be touching their Social Security money. The children that are coming up are either going to have to pay 25 percent FICA or they are not going to have any Social Security.

So we can say this is a partisan debate. What the real debate is is whether or not we can lead by example.

Now, the average Member of Congress has $1.5 million, almost $1.6 million, to spend a year; and that is more than enough to adequately represent our districts.

I noticed that the two gentlemen that I have great respect for, who really made a statement that that was not enough, happened to represent the bureaucracy in Washington. $1.6 million to employ somewhere between 18 and 22 people and adequately represent that constituency is far greater than what we need.

□ 2015

But that is where we are. We can live within that budget. If we cannot live within that budget, then we ought to have a better understanding of what the Social Security recipients out there are doing when they get a COLA of 1.3 percent.

So the real principle is, if we have been elected to represent a group of people in this Congress, the least we can do is lead by example in our own offices. We do not have to pay high rents in our own offices. We can find something less. There will not be one person who does not get an increase that is earned by us freezing our Members' representational allowance.

I would ask the Members of this body to support this rule. We are spending adequate amounts on the legislative branch. And let us lead by example and let us save the money for the Labor-HHS that is coming up later.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time and would just say that I would urge my colleagues to defeat the previous question. If the previous question is defeated, we will offer an amendment to the rule that extends waivers provided in this rule to language in the bill which requires an effective recycling program in the House.

Furthermore, if the amendment to the rule is approved, we will oppose the rule. We are taking up a major change in the rule. Our side received almost no advanced notice. Occasionally we pass a technical amendment to a rule, once in a while it is substantive, but in the past, as long as I have been on the Committee on Rules, we have always had consultation and we have always had an agreement with the minority. This is the first time I can remember that we have passed a rule like this.

For these reasons we will oppose the rule and certainly ask for a vote on the previous question.

Mr. Speaker, I submit for the RECORD the text of the amendment we will offer if the previous question is defeated:

On page 2, line 12, strike "except" and all that follows through "15" on page 13.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Ms. PRYCE of Ohio:

Strike all after the resolved clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 or 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 18, line 19, through page 19, line 15. No amendment shall be in order except the amendment printed in House Report 106–165, the amendment printed in section 2 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate. The amendment printed in the report may be offered only by a Member designated in the report, and the amendment printed in section 2 may be offered only by a Member designated in section 2. Each amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points or order against the amendment printed in the report and the amendment printed in section 2 are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. After a motion that the Committee rise has been rejected on a legislative day, the Chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader or their designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

"SEC. 2. (a) The amendment described in the first section of this resolution is as follows:

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

On Page 38 before line 4 add the following new section:

SEC. . Notwithstanding any other provision of this Act, appropriations under this Act for the following agencies and activities are reduced by the following respective amounts: House of Representatives, Salaries and Expenses, $29,135,000, from which the following accounts are to be reduced by the following amounts:

House Leadership Offices, $142,000;

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail, $28,297,000;

Committee on Appropriations, $213,000;

Salaries, Officers and Employees, $483,000 to be derived from other authorized employees;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses, $1,465,000;

Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings, $3,400,000;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Power Plant, $4,400,000;

Libary of Congress, Congressional Research Service, Salaries and Expenses, $315,000;

Government Printing Office, Congressional Printing and Binding, $4,127,000;

Library of Congress, Salaries and Expenses, $685,000;

Library of Congress, Furniture and Furnishings, $5,415,000;

Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, $4,372,000; and

General Accounting Office, Salaries and Expenses, $1,500,000: *Provided*, That the amount reduced under House of Representatives, House Leadership Offices, shall be distributed among the various leadership offices as approved by the Committee on Appropriations: *Provided further*, That the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses, is reduced by $1,465,000; the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings, is reduced by $3,400,000; and the amount to remain available under the heading Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, is reduced by $4,000,000.

(b) The amendment printed in subsection (a) may be offered only by Representative YOUNG of Florida or his designee.".

Ms. PRYCE of Ohio. Mr. Speaker, this amendment will provide for consideration of another amendment which would cut $54 million in legislative spending. The gentleman from Florida (Mr. YOUNG) or his designee will offer the amendment and it will be debatable for 20 minutes. In addition, the amendment prevents further dilatory tactics during consideration of H.R. 1905 so that we can finish tonight.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore (Mr. HANSEN). The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 213, nays 198, not voting 23, as follows:

[Roll No. 194]

YEAS—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Obey
Ose
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—23

Bass
Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Frelinghuysen
Graham
Green (TX)
Hilleary
Hunter
Kasich
Largent
Lofgren
Luther
Nethercutt
Oxley
Payne
Petri
Rangel
Smith (NJ)

□ 2045

Messrs. NADLER, JOHN, and MARTINEZ changed their vote from "yea" to "nay."

Messrs. LEWIS of California, COX, ARMEY, and Mrs. JOHNSON of Connecticut changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. OBEY).

MOTION TO TABLE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table the motion to reconsider offered by the gentlewoman from Ohio (Ms. PRYCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 194, not voting 23, as follows:

[Roll No. 195]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)

Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—23

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Gephardt
Graham
Green (TX)
Hilleary
Hunter
Hyde
Kasich
Largent
Lofgren
Luther
Nethercutt
Oxley
Rangel
Scarborough
Stark
Wexler

□ 2053

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the amendment in the nature of a substitute offered by the gentlewoman from Ohio (Ms. PRYCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 182, not voting 20, as follows:

[Roll No. 196]

AYES—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Obey
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)

Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Gephardt
Graham
Green (TX)
Hilleary
Houghton
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rangel

☐ 2102

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the amendment was just adopted.

MOTION TO TABLE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentlewoman from Ohio (Ms. PRYCE) to lay on the table the motion to reconsider offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 180, not voting 24, as follows:

[Roll No. 197]

AYES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Wu
Wynn

NOT VOTING—24

Bentsen
Berman
Bono
Brown (CA)
Clay
Conyers
Cooksey
Crowley
Engel
Gephardt
Graham
Green (TX)
Hilleary
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rahall
Rangel
Weygand
Woolsey

☐ 2109

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 194, not voting 25, as follows:

[Roll No. 198]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary

Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Obey
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—25

Bentsen
Blumenauer
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Graham
Green (TX)
Hilleary
Johnson (CT)
Kasich
Largent
Lofgren
Luther
Maloney (NY)
McDermott
Neal
Nethercutt
Oxley
Porter
Rahall
Rangel
Weygand

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2116

MOTION TO RECONSIDER OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the resolution was adopted.

MOTION TO TABLE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion to table offered by the gentlewoman from Ohio (Ms. PRYCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 197, not voting 20, as follows:

[Roll No. 199]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)

Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Cox
Engel
Graham
Green (TX)
Hilleary
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rahall
Rangel

□ 2124

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. Obey).

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KOLBE. Mr. Speaker, is the motion to adjourn in writing?

The SPEAKER pro tempore. Yes. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 325, answered "present" 1, not voting 19, as follows:

[Roll No. 200]

AYES—90

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Berry
Bonior
Boucher
Brown (FL)
Capps
Capuano
Cardin
Clement
Clyburn
Coyne
Crowley
Danner
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Filner
Frost
Gejdenson
Gephardt
Hall (OH)
Hastings (FL)
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kilpatrick
Kleczka
Lantos
Lee
Levin
Lewis (GA)
Lowey
Markey
Martinez
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Roybal-Allard
Sabo
Sawyer
Skelton
Slaughter
Spratt
Stupak
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Waters
Waxman
Weiner

NOES—325

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Pascrell
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—19

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Frank (MA)
Graham
Green (TX)
Hilleary
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rangel

□ 2142

Mr. ROTHMAN changed his vote from "aye" to "no."

Ms. WATERS changed her vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1905.

□ 2141

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. PASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present the legislative branch appropriations bill for fiscal year 2000. I want to begin by thanking the members of my subcommittee for all the hard work in writing this bill. They include the gentleman from Tennessee (Mr. WAMP); the gentleman from California (Mr. LEWIS); the gentlewoman from Texas (Ms. GRANGER); the gentleman from Pennsylvania (Mr. PETERSON); the ranking minority member, the gentleman from Arizona (Mr. PASTOR); the gentleman from Pennsylvania (Mr. MURTHA); and the gentleman from Maryland (Mr. HOYER).

□ 2145

I also want to thank the gentleman from Florida (Mr. YOUNG), the full committee chairman, and the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full committee, for their assistance.

The bill was considered by the full committee on May 20 and reported to the House on May 21. No roll call votes were taken in full committee. The Fiscal Year 2000 Legislative Branch Appropriations bill totals $1.9 billion in new obligational authority of which $1.178 billion is for congressional operations exclusive of Senate items.

The balance of the bill, $739 million is for the operations of the other legislative branch agencies.

The bill, Mr. Chairman, is $116 million below the budget request, a 5.7 percent reduction. Also, it is $135 million below the current fiscal year, including the supplementals, a 6.6 percent reduction. Now, if a further amendment is passed, which I will support later tonight, it will be reduced by 9.3 percent.

Major items in the bill: The House of Representatives is funded at $769 million. Primarily, this includes funds for staff COLA's, merit increases, and benefits. There is also an increase for communications costs.

The Joint Economic Committee is funded at the request level, an increase of $104,000. The Joint Committee on Taxation is funded at $6.2 million. The attending physician is funded at $1.9 million. That is the amount requested.

The funding for the Capitol Police is $85.2 million. That includes $78.5 million for salaries and $6.7 million for expenses. The CBO is funded at $26.2 million.

The Architect of the Capitol receives $154 million. The operating budget increase of about $4 million will cover staff costs. The capital budget is lower than 1999 due to one-time costs for the Capitol Visitors Center.

Except in a few instances, funding has not been provided for projects which have not been 100 percent designed. The Architect has asked for construction funds for 39 projects that have not been designed, including phase 2 of the Dome Project.

We have several instances where the Architect's design team has significantly increased their funding requests after the original construction was funded. So a policy not to provide construction funds until design is finished will create more discipline and fiscal prudence in the process.

The Dome will not be delayed. We will still be on schedule if funds are provided in the Fiscal Year 2001 cycle.

The Congressional Research Service will receive $71.3 million, and the Library of Congress, $315 million. This provides funds for the current employment level. We have asked the Library to fund $3.4 million of requested program increases through savings.

The Government Printing Office will receive $107 million, and a limit of 3,313 FTEs has been set.

The GAO will be funded at $372 million plus authority to spend $1.4 million in receipts from audits that they do for other agencies. The GAO funds include COLAs for 3,245 FTEs, a slight decrease under the current level projected for 1999.

General administrative provisions have been included. We have also made some technical corrections asked for by the Committee on House Administration.

We have included a provision of permanent law, section 101, that gives House counsel comparable authority and notification as the Senate counsel now has.

The bill equals the subcommittee 302(b) allocations. The bill continues with constraint. The bill is substantially under our appropriations of last year, not counting the supplemental, and is substantially under the 1995 bill. I urge all Members to support the bill.

Mr. Chairman, I include the following tables for the RECORD:

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 (H.R. 1905)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	137			-137	
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,686	1,748	1,740	+54	-8
Office of the Majority Floor Leader	1,652	1,712	1,705	+53	-7
Office of the Minority Floor Leader	1,675	2,071	2,071	+396	
Office of the Majority Whip	1,043	1,423	1,423	+380	
Office of the Minority Whip	1,020	1,060	1,057	+37	-3
Speaker's Office for Legislative Floor Activities	397	410	406	+9	-4
Republican Steering Committee	738	763	757	+19	-6
Republican Conference	1,199	1,246	1,244	+45	-2
Democratic Steering and Policy Committee	1,295	1,343	1,337	+42	-6
Democratic Caucus	642	666	664	+22	-2
Nine minority employees	1,190	1,229	1,218	+28	-11
Training and Development Program:					
Majority	290	290	290		
Minority	290	290	290		
Subtotal, House Leadership Offices	13,117	14,251	14,202	+1,085	-49
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	385,279	421,403	413,576	+28,297	-7,827
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	89,743	96,570	93,878	+4,135	-2,692
Committee on Appropriations (including studies and investigations)	19,373	22,255	21,308	+1,935	-947
Subtotal, Committee employees	109,116	118,825	115,186	+6,070	-3,639
Salaries, Officers and Employees					
Office of the Clerk	15,365	15,831	14,881	-484	-950
Office of the Sergeant at Arms	3,501	3,812	3,746	+245	-66
Office of the Chief Administrative Officer	63,584	60,112	57,289	-6,295	-2,823
Office of Inspector General	3,953	4,082	3,926	-27	-156
Office of General Counsel	840	840	840		
Office of the Chaplain	133	137	136	+3	-1
Office of the Parliamentarian	1,106	1,172	1,172	+66	
Office of the Parliamentarian	(904)	(961)	(961)	(+57)	
Compilation of precedents of the House of Representatives	(202)	(211)	(211)	(+9)	
Office of the Law Revision Counsel of the House	1,912	2,045	2,045	+133	
Office of the Legislative Counsel of the House	4,980	5,085	5,085	+105	
Corrections Calendar Office	799	829	825	+26	-4
Other authorized employees	191	688	688	+497	
Former Speakers		(483)	(483)	(+483)	
Technical Assistants, Office of the Attending Physician	(191)	(205)	(205)	(+14)	
Subtotal, Salaries, Officers and Employees	96,364	94,633	90,633	-5,731	-4,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,575	2,655	2,741	+166	+86
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410		
Government contributions	132,832	132,333	131,595	-1,237	-738
Miscellaneous items	651	676	676	+25	
Subtotal, Allowances and expenses	136,468	136,074	135,422	-1,046	-652
Total, salaries and expenses	740,344	785,186	769,019	+28,675	-16,167
Total, House of Representatives	740,481	785,186	769,019	+28,538	-16,167
JOINT ITEMS					
Joint Economic Committee	3,096	3,200	3,200	+104	
Joint Committee on Printing	352			-352	
Joint Committee on Taxation	5,965	6,256	6,188	+223	-68
Trade Deficit Review Commission	2,000			-2,000	
Office of the Attending Physician					
Medical supplies, equipment, expenses, & allowances	1,415	1,898	1,898	+483	

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 (H.R. 1905)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	37,037	38,847	37,725	+688	-1,122
Sergeant at Arms and Doorkeeper of the Senate	39,807	42,350	40,776	+969	-1,574
Subtotal, salaries	76,844	81,197	78,501	+1,657	-2,696
General expenses	113,019	8,990	6,711	-106,308	-2,279
Subtotal, Capitol Police	189,863	90,187	85,212	-104,651	-4,975
Capitol Guide Service and Special Services Office	2,195	2,424	2,293	+98	-131
Statements of Appropriations	30	30	30		
Total, Joint items	204,916	103,995	98,821	-106,095	-5,174
OFFICE OF COMPLIANCE					
Salaries and expenses	2,086	2,076	2,000	-86	-76
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	25,671	26,821	26,221	+550	-600
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses	143,683	87,581	47,569	-96,114	-40,012
Capitol grounds	6,046	5,993	5,579	-467	-414
House office buildings	47,699	53,389	40,679	-7,020	-12,710
Capitol Power Plant	42,174	49,075	43,180	+1,006	-5,895
Offsetting collections	-4,000	-4,000	-4,000		
Net subtotal, Capitol Power Plant	38,174	45,075	39,180	+1,006	-5,895
Total, Architect of the Capitol	235,602	192,038	133,007	-102,595	-59,031
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	67,124	71,255	71,255	+4,131	
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	74,465	82,214	77,704	+3,239	-4,510
Total, title I, Congressional Operations	1,350,345	1,263,585	1,178,027	-172,318	-85,558
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,052	3,972	3,538	+486	-434
LIBRARY OF CONGRESS					
Salaries and expenses	238,373	254,013	256,970	+18,597	+2,957
Authority to spend receipts	-6,850	-6,850	-6,850		
Net subtotal, Salaries and expenses	231,523	247,163	250,120	+18,597	+2,957
Copyright Office, salaries and expenses	34,891	37,639	37,639	+2,748	
Authority to spend receipts	-21,170	-26,254	-26,254	-5,084	
Net subtotal, Copyright Office	13,721	11,385	11,385	-2,336	
Books for the blind and physically handicapped, salaries and expenses	46,824	48,033	48,033	+1,209	
Furniture and furnishings	4,448	5,827	5,415	+967	-412
Total, Library of Congress (except CRS)	296,516	312,408	314,953	+18,437	+2,545
ARCHITECT OF THE CAPITOL					
Congressional cemetery	1,000			-1,000	
Library Buildings and Grounds					
Structural and mechanical care	12,672	19,871	17,782	+5,110	-2,089
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,264	31,245	29,986	+722	-1,259
Government Printing Office Revolving Fund					
GPO revolving fund		15,000			-15,000
Total, Government Printing Office	29,264	46,245	29,986	+722	-16,259

APPROPRIATIONS BILL, 2000 (H.R. 1905)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	361,268	388,448	374,081	+12,813	-14,367
Offsetting collections	-2,000	-1,400	-1,400	+600	
Total, General Accounting Office	359,268	387,048	372,681	+13,413	-14,367
Total, title II, Other agencies	701,772	769,544	738,940	+37,168	-30,604
Grand total	2,052,117	2,033,129	1,916,967	-135,150	-116,162
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	740,481	785,186	769,019	+28,538	-16,167
Joint items	204,916	103,995	98,821	-106,095	-5,174
Office of Compliance	2,086	2,076	2,000	-86	-76
Congressional Budget Office	25,671	26,821	26,221	+550	-600
Architect of the Capitol	235,602	192,038	133,007	-102,595	-59,031
Library of Congress: Congressional Research Service	67,124	71,255	71,255	+4,131	
Congressional printing and binding, Government Printing Office	74,466	82,214	77,704	+3,238	-4,510
Total, title I, Congressional operations	1,350,345	1,263,585	1,178,027	-172,318	-85,558
TITLE II - OTHER AGENCIES					
Botanic Garden	3,052	3,972	3,538	+486	-434
Library of Congress (except CRS)	296,516	312,408	314,953	+18,437	+2,545
Architect of the Capitol (Congressional Cemetery and Library buildings and grounds)	13,672	19,871	17,782	+4,110	-2,089
Government Printing Office (except congressional printing and binding)	29,264	46,245	29,986	+722	-16,259
General Accounting Office	359,268	387,048	372,681	+13,413	-14,367
Total, title II, Other agencies	701,772	769,544	738,940	+37,168	-30,604
Grand total	2,052,117	2,033,129	1,916,967	-135,150	-116,162

Mr. Chairman, it is my pleasure to present the legislative branch appropriations bill for fiscal year 2000. I want to begin by thanking the members of my subcommittee for all their hard work in writing this bill.

They include myself, as Chairman, ZACH WAMP of Tennessee; JERRY LEWIS of California; KAY GRANGER of Texas; JOHN PETERSON of Pennsylvania; and ED PASTOR, the ranking minority member from Arizona; JOHN MURTHA of Pennsylvania; and STENY HOYER from Maryland. I also want to thank the full committee chairman, BILL YOUNG of Florida; and DAVID OBEY, the full committee ranking minority member from Wisconsin, for their assistance.

The bill was considered by the full committee on May 20 and reported to the House on May 21. No rollcall votes were taken in full committee.

RECOMMENDATIONS FOR FISCAL YEAR 2000

The fiscal 2000 legislative branch appropriations bill totals $1.9 billion ($1,916,967,000) in new obligational authority of which $1.178 billion ($1,178,027,000) is for congressional operations exclusive of Senate items.

The balance of the bill, $739 million ($738,940,000), is for the operations of the other legislative branch agencies.

The bill is $116.2 million ($116,162,000) below the budget request, a 5.7% reduction.

Also, it is $135.2 million ($135,150,100) below the current fiscal year (including supplementals)—a 6.6% reduction.

MAJOR ITEMS IN THE BILL

The House of Representatives is funded at $769 million ($769,019,000).

Primarily, this includes funds for staff COLA's, merit increases, and benefits.

There is also an increase for communications costs, some of which are made necessary by the cyber Congress initiative.

The Joint Economic Committee is funded at the request level, an increase of $104,000 for committee staff COLA's.

The Joint Committee on Taxation is funded at $6.2 million ($6,188,000).

The Attending Physician's funding is $1.9 million ($1,898,000). That is the amount requested.

The funding for the Capitol Police is $85.2 million ($85,212,000). That includes $78.5 million ($78,501,000) for salaries and $6.7 million ($6,711,000) for expenses.

The Congressional Budget Office is funded at $26.2 million ($26,221,000).

The Architect of the Capitol receives $154 million ($154,327,000). The operating budget increase of $4 million ($3,973,000) will cover staff costs. The capital budget is lower than FY1999 due to one time costs for the Capitol Visitors Center.

Except in a few instances, funding has not been provided for projects which have not been 100% designed. The Architect asked for construction funds for 39 projects that have not been designed, including phase 2 of the dome project.

We have several instances where the Architect's design team has significantly increased their funding requests after the original construction funding.

So, a policy not to provide construction funds until design is finished will create more discipline and fiscal prudence in the process. The dome will not be delayed—we will still be on schedule if funds are provided in the FY 2001 cycle.

The Congressional Research Service will receive $71.3 million ($71,255,000) and the Library of Congress $315 million ($314,953,000).

This provides funds for the current employment level. We have asked the library to fund $3.4 million of requested program increases through savings.

The Government Printing Office will receive $107.7 million ($107,690,000) and a limit of 3,313 FTE's has been set.

The General Accounting Office will be funded at $372.7 million ($372,681,000) plus authority to spend $1.4 million ($1,400,000) in receipts from audits they do for other agencies.

The GAO funds include COLA's for 3,245 FTE'S, a slight decrease under the current level projected for FY 1999.

General and administrative provisions: Several standard general provisions have been included. We have also made some technical corrections asked for by the House Administration Committee.

And we have included a provision of permanent law, section 101, that gives House counsel comparable authority and notification as Senate counsel now enjoys.

Bill summary: BA compared to:

1999 level: A reduction of 6.6%, or $135.2 million—(−$135,150,000).

2000 request: A reduction of 5.7%, or $116.2 million—(−$116,162,000).

302b: The bill just equals the 302B allocation (Senate excluded).

Here are some additional interesting comparisons:

Since 1995, the legislative bill has produced savings of $1.2 billion below the trend of appropriations levels during the previous 5 years.

If all Federal outlays had been constrained at the same rate as the legislative budget, the entire Federal budget would have produced a cumulative additional surplus beyond those currently projected of $1.1 trillion during these past 5 years.

Since 1994, the legislative branch has downsized by 4,412 employees. That is a 16% reduction.

The bill continues that constraint, but it will provide the Congress and our support agencies the resources needed to carry out our jobs.

I urge all Members to support the bill and I reserve the balance of my time.

Mr. Chairman, I reserve the balance of my time.

Mr. PASTOR. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY) for the purpose of a motion.

MOTION TO RISE OFFERED BY MR. OBEY

Mr OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The motion during general debate is in order because the minority manager yielded for that purpose. The question is on the motion to rise offered by the gentleman from Wisconsin (Mr. Obey).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 130, noes 263, answered "present" 1, not voting 41, as follows:

[Roll No. 201]

AYES—130

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Berkley
Berry
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clement
Clyburn
Coyne
Crowley
Cummings
Danner
DeLauro
Dicks
Dingell
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (CT)
Maloney (NY)
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Mink
Moakley
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Serrano
Sisisky
Slaughter
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn

NOES—263

Aderholt
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger

Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Markey
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—41

Archer
Bentsen
Bishop
Bonior
Bono
Boucher
Brown (CA)
Buyer
Clay
Conyers
Cooksey
Cox
DeLay
Dixon
Frank (MA)
Ganske
Gilchrest
Graham
Green (TX)
Hilleary
Jefferson
Kasich
Largent
Lofgren
Lucas (OK)
Luther
McKinney
Neal
Nethercutt
Olver
Oxley
Pombo
Rangel
Salmon
Scott
Shuster
Smith (WA)
Stearns
Watt (NC)
Watts (OK)
Weldon (PA)

□ 2208

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I also would like to commend and thank the staff that helped us develop this bill and the members of the subcommittee who worked on this bill and produced a bill that is fair and meets the needs of the House.

This bill basically deals with the safety of the buildings, Mr. Chairman. It also ensures security for the personnel that work in this building and those who visit this building. But this building is mainly about personnel, and that is how we treat our employees who work in our offices to make sure that we are effective and efficient.

I have to tell my colleagues that I commend the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR). He was very fair, very bipartisan. We had the hearings, we developed this bill in a bipartisan manner, and we were cognizant of the needs of this House. It is a responsible bill.

Through the subcommittee, as my colleagues were told earlier, by unanimous vote, this bill was forwarded to the full Committee on Appropriations, and the Committee on Appropriations unanimously, on a voice vote, forwarded it to the House.

It is with great disappointment I must now vote against this bill. We thought this was a fair bill; that the Members would accept it and adopt it. We did not expect a long time in its debate or in bringing it forth. In fact, we were so confident that this bill would be accepted that as we talked about the calendar, we thought that it would take a few minutes, it would get adopted, and the Members would be able to leave early. Well, here we are, late at night, and it is taking a while to get this bill through the House.

It is a fair bill, and the reason I have to ask the members of the Democratic Conference to not support this bill is that the late developments are that they are requesting a big reduction in the Members' allowance. We had in that allowance considered a cost-of-living increase for our employees. These are the men and women who work for us, who make sure that we represent our constituents very well. It is our feeling that what was a reasonable bill, a fair bill, now is something that we cannot support. I know there will be debate, but it is our position that our employees who work very hard for us, long hours, also deserve consideration when it comes to a cost-of-living increase.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding me this time. If the chairman would engage with me in a colloquy, I would ask the chairman if he would tell me and the Members of the House how the appropriated amount in this bill compares to the amount that was last passed when the Democrats were in the majority. That would have been fiscal year 1995, I presume.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Well, Mr. Chairman, I would tell my colleague that since 1995, my predecessors, the last two chairmen, have saved over $1.2 billion in this bill. Now, that is a savings trend established in the 1990 to 1995 period.

In addition, the FTEs have been substantially reduced, and we have a work force that is about 16 percent lower than it was in 1994, the last year that the majority party was in power, which at that time were the Democrats.

So we have had both a savings in substantial dollar savings and in FTE employment savings.

Mr. COBLE. Reclaiming my time, Mr. Chairman, I thank my colleague for that information.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), and respond to the previous comments by saying that, as was shown, the bill itself has produced reductions in the past and continues to reduce the funding for the legislative branch.

Mr. OBEY. Mr. Chairman, this argument that we have had tonight is not about cuts in this bill, it is about the way we make choices or should make choices in a bipartisan manner on issues that affect this institution and our constituents.

Last month, the majority passed a budget resolution, which it has every right to do, which cut $36 billion below current services for domestic programs. The issue is how those cuts are going to be distributed both between departments and programs and within departments and programs, and it is about whether those cuts will be fair or unfair.

After that budget resolution was passed, the Republican majority again, as is its right, divided that money between the 13 subcommittees on the Committee on Appropriations, and the committee began to report its bills. First, we reported agriculture. We reported a bipartisan bill, supported on both sides of the aisle, and I think the committee did a good job in distributing the cuts within the Department. But then the Republican leadership, in response to concerns expressed by some members in its caucus, responded unilaterally by unilaterally changing that bill, by cutting agriculture research, by cutting food and drug funding without consultation with anyone on this side of the aisle. And in the process they turned a bipartisan bill into a partisan one.

□ 2215

Now we have the same process, unfortunately, being repeated on this bill. Again, this bill that funds the Congress itself was reported out of committee on a bipartisan basis.

Again, the Republican leadership now unilaterally made changes in that bill only a few hours earlier today. Those changes protect committee staff. They leave plenty of room for cost-of-living adjustments for people who work for committees. Those changes leave plenty of room for staffers who work for the leadership on both sides of the aisle. But they really leave very little room for cost-of-living adjustments for people who happen to work for rank-and-file Members.

That is one issue this is about, whether people who work for this body are going to be treated fairly and whether the squeeze on the budget is going to be distributed equitably between all of the folks who work very hard for all of us on both sides of the aisle.

I have two points I would like to make. First of all, if the majority wants to make additional cuts, fine, let us make them. But do not do it unilaterally. Sit down with us, sit down with people on both sides of the aisle, sit down with the House Committee on Administration that has jurisdiction over most of these issues so that we can make sure that the cuts that are made are fair.

I would like to make another more basic point. The cuts that are made in this bill are really, with the exception of its impact on the folks who work for us, relatively minor. But the cuts that will be required for bills that are yet to come will be far deeper in education, they will be far deeper in health, they will be far deeper in veterans' benefits, especially in the out years. And that, in my view, is not fair.

If these bills are to be changed from the amount that was just agreed to in the 302 allocation process, then, in our view, this bill should not be considered until we know how other Government agencies are going to be treated. Congress should be treated no better and no worse than any other Government agency.

Second, this bill should not be passed until we know how deep the cuts are that are being contemplated for veterans, for education, for health care, and other areas of major responsibility to our people. Because in the end, if this bill is one of the first out of the gate and if it is signed into law before those other cuts are made, then the American people are really going to have a right to ask whether we are more concerned with taking care of ourselves than we are with taking care of their own problems.

The most basic issue we have before us is that we have a long way to go in the appropriations process. There are a number of appropriation bills which we expect to be handled in a bipartisan manner. It would be sad indeed if every bill that is brought before this House winds up being dealt with in a partisan manner because the leadership on that side of the aisle makes unilateral choices. We were all elected to represent our people and it is not right to cut half of us out of that process.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of the bill before the House but also to personally pay tribute to the House Page Program funded in this bill. Especially, I wish to acknowledge the service and dedication of this academic year's House Pages.

Today marks the last legislative day before the end of duty for this class, and tomorrow is their last day to be enrolled in the Page Program.

Mr. Chairman, I want these special young people to know how grateful I, the members of the Page Board, and all of the Members of Congress are for their marvelous efforts on behalf of the American people. Their tireless work and dedication to this House allow for work to be done in a more efficient and professional manner.

We are all truly grateful to each individual page for their willingness to leave the comfort and security of home to live, work, and attend school in an environment that certainly requires a tremendous adjustment. These exceptional young men and women, who stand in the back of the chamber today, have made an incredible sacrifice, Mr. Chairman, by dedicating their minds and enthusiasm during their service to our Nation.

From the beginning, we had great expectations of this Page class. They have not disappointed us. We have asked for their loyalty. And again, they have not disappointed us. Now, as they return to their home communities and schools to continue their studies, we wish them all the best of luck and ask them to hold this House in the same high regard and esteem as we do their contributions to the House's works.

It is with great pride and appreciation, as chairman of the House Page Board, that I rise to salute our pages and wish them the best in their future endeavors.

Mr. Chairman, I insert into the CONGRESSIONAL RECORD the official listing of names of the departing House pages.

1998–1999 U.S. HOUSE PAGE CLASS

Graham Babbitt, Joel Bagwell, Kyle Becker, Nicholas Bronni, Ashley Bumgarner, Dan Cosman, Bernadette Cullen, Becca Dalton, Tina Dannelly, Sheila Davies, Nick Dexter, Mike DiRoma, Leif Erickson, Caroline Evans, Rebecca Forster, Benjamin Foster, Andrea Green, Jay Greenbaum, Lauren Haller, Danny Hanlon, Gillian Hanson, Haley Hobbs, Patrick Janelle, Adam Jones, Glenn Kates, Amy Kennedy, Megan Kennedy, Janel Koehler, Rebekah Krieger, Michael Lanzara, Robert Leider, Scott Levine, Jonovan Luckey, Emilie Mague, Mike Mahoney, Natalie Mariona, Kareem Merrick, Megan Miller, Lindsey Much, Billye Nelson, Cristie Neubert, Dave Newcomb, Frank Nicklaus, Daniel Ortega, Kari Peterson, Patrick Pugh, George Robinette, Tracy Robinson, Katy Rosenberg, Noah Sanders, Jen Sauers, Karen Schulien, Jay Schwarz, Harlan Scott, Jacob Shellabarger, Elizabeth Smith, Kathy Smith, Robert Smith, Tristan Snyder, Cody Specketer, Sara Steines, Michelle Sullivan, Blair Sweeney, Micah Thompson, Darius Underwood, Matt Wagner, Kara Wenzel, Will Whitehead, Robyn Willie, and John Yarborough.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentlewoman for her comments and our pages for the excellent work they have done.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I also would like to commend these young men and women and thank them for the great service they did to the membership of this House. We wish them the best.

Mr. Chairman, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, during my career I have had the opportunity to serve on the Page Board. And as I say each year, when we take an opportunity such as this to thank the departing pages for the service that they have given to this people's House, I had the opportunity to serve as president of the Maryland Senate, and in that capacity ran the page program in that body. It was one of the best duties that I had.

Not only do our pages provide extraordinary service, but they learn a lot. They observe the dedication of the men and women who have been selected by their neighbors to serve in the Congress of the United States, in this, the greatest example of democracy in this world.

Vaclav Havel came and gave a speech on that second rostrum, and he pointed out that the Constitution of the United States, the Declaration of Independence, the Capitol itself, and the legislative process that occurs in this Capitol are inspiration for all the world.

There are only a few young Americans who can have the opportunity to witness democracy in action firsthand. The process of 435 individuals coming together, representing roughly 600,000 people each, over 260 million people collectively, to resolve the questions that confront our country is truly extraordinary.

Our pages have had a unique window on that operation. I believe that experience places upon our departing pages a special responsibility, a special responsibility to return to their communities, their schools, and their neighborhoods, and to impart to their friends what they have learned.

I believe that each of our pages leaves with a conviction that our democracy works pretty well and that it produces representatives who really care. They may differ, and they may fight, and on C-SPAN sometimes they appear overly contentious. But our pages have an opportunity to see a broader participation than C-SPAN affords most of the public; and, therefore, they can impart a much more accurate picture of this institution.

I hope that each of our pages is as proud of this institution as each of us who serves within it. I hope that each of them leaves this institution with the intention to tell other Americans, whether they be young people, or their parents, or their uncles and aunts and relatives, and all of their peers, about how precious this democracy is and how important to its success is their participation in it.

We have had a number of people who have served in the Congress who started their careers as pages. The late Bill Emerson is a specific example. The gentleman from Michigan (Mr. DALE KILDEE) is another, who used to chair this Page Board. The gentleman from Pennsylvania (Mr. KANJORSKI) is another.

Any one of our fine pages standing in the well may stand here where I stand, or where the gentlewoman from New York (Mrs. KELLY) stands, and speak on behalf of his and her neighbors and friends.

The only way to get to the House of Representatives as a Member is to be elected. One cannot be appointed. Our Founding Fathers wanted to make sure that it was constituents who selected their representatives, not governors, not presidents, but the people. That is why we proudly call this the people's House.

Our pages have served here with us. They have served not only us, but America. We urge them to go back and continue to help us build a better country for us all. I know they will.

Thank you and Godspeed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I would like to speak for two Members who are not here tonight at the moment who I know would like to be here, my colleague the gentleman from Michigan (Mr. KILDEE), who serves on the Page Board, along with my good friend the gentleman from Arizona (Mr. KOLBE). And for all Members, we are so appreciative of all the work that you did.

You do see us long days, long hours, early in the morning, and certainly again late at night. I have had the opportunity to appoint a number of students, wonderful students, from my district that have served. And it is terrific to watch them work and know who the Members are and understand a little bit of the process.

After they have left here, I have often seen them back at their schools back at home. And I correspond with them after they have left, even many years after they have left. And as I talk to their parents, I know that it is an opportunity that they will never ever forget.

It is a great privilege for all of you to be here. It is a privilege for us to have you be here, as well. And even though some of us might look like a page from time to time, particularly if we wear a blue coat, I just wanted to say for all of us, thank you. You do a wonderful job.

Mr. PASTOR. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. PASTOR) has 16 minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 19½ minutes remaining.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have here a speech prepared for this bill. Let me read the first paragraph.

> Mr. Chairman, I urge the Members to support this bill. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. PASTOR) have fashioned a bill that will serve the legislative branch well next year.

That paragraph, of course, was written before a determination was made unilaterally to change this bill, to undermine the premise on which that paragraph was written.

□ 2230

I regret that unilateral change which, as the gentleman from Wisconsin (Mr. OBEY) has pointed out, was not taken in a bipartisan way. I said this earlier on another bill. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Florida (Mr. YOUNG) both led this bill through its two phases, subcommittee and full committee, in a bipartisan, fair fashion. It was that procedure that I respected and that bill that I was going to support. Unfortunately, however, after it left the bosom of our committee, other forces were brought to bear, the bill will now be changed, and I do not believe it will serve this institution as well as it should.

There are some things in this bill that I am pleased about, such as the transit subsidy program for the roughly 4,000 employees of the Library of Congress. Approximately 140 Federal agencies, including the House and Senate, and numerous private-sector employers, offer their employees similar benefits to encourage use of public transportation. Last year we extended those benefits to our own employees at the option of each Member. That was a good step for us to take. This year we are extending it to the employees of the Library of Congress, another significant step forward. By expanding this transit-subsidy program to Library employees, we can help to ease highway congestion, reduce demand for scarce parking, reduce pollution.

I was very pleased that the bill, as reported, funded the succession initiatives in the Library and the Congressional Research Service, and hope the reductions to be taken in the Young amendment can be restored in conference. Over the next few years, numerous senior Library/CRS employees will leave Federal service for their well-earned retirement. These succession initiatives would enable the Library to ensure that key personnel pass their knowledge and expertise on to successors prior to their departure.

I am also pleased, Mr. Chairman, that the reported bill includes the amendment offered in the committee by the gentleman from California (Mr. FARR). The committee adopted it by voice vote. But as the gentleman from California, I am sure, will observe and as I will lament, the only provision in this bill that is not protected by the rule is a provision to say that we will protect the environment and recycle paper, as we expect every other Federal agency to do.

It is a shame that the Committee on Rules would not see that as a sufficiently important policy position for this bill to take for our institution. This is not extraneous. This is about the legislative body.

I would hope that no one would rise to make the point of order. I would say that this matter is in the jurisdiction of the committee of which I have the privilege of being the ranking member. I would hope that we would not claim jurisdiction on this issue. It ought not to be controversial.

As the gentleman from California pointed out, the House recycling program does not work as well as it should. One year it earned $7.51. Last year, however, it earned $25,000. But it has been suggested, Mr. Chairman, that the program could earn $150,000 if we recycled just 60 percent of our high grade paper. Think of that, $25,000. Now, the good news is what happens with this $25,000 under the Farr amendment. Mr. Chairman, the bill provides that recycling proceeds would go to our child-care center. Is there one of us that does not have an employee with a problem getting proper child care, and therefore needs the House child care center? Under the Farr amendment, not only do we get the opportunity to recycle, and to help our environment by reusing materials that are fully reusable, but we can also get to help our employees' children and be a more family-friendly institution.

Mr. Chairman, most Members and staff want to recycle, and they deserve a program that will facilitate it.

Finally, there is one item not in this measure but which I believe should appear in the final version. I thank the gentleman from North Carolina, our chairman, who has been very receptive to this issue. I believe in the final version we should include funding for U.S. Capitol Police information technology services. These services are mission-critical, but are now provided through the Senate Sergeant at Arms at whatever level of funding and support he has available after his primary responsibilities to the Senate are met. This item ought to be included in our bill and I look forward to working with the chairman on this issue in conference.

Mr. Chairman, I ask the Members to oppose the Young amendment and support the bill as originally reported by the subcommittee and full committee.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Arizona (Mr. PASTOR) for yielding me this time. I want to associate myself with the remarks of the gentleman from Maryland (Mr. HOYER). As a member of the Committee on Appropriations, I was very pleased with the bill that was worked out in a bipartisan fashion. In that bill I offered an amendment, and the amendment was adopted, and the amendment requested that the House put itself into a serious mode of trying to recycle, because the recycling program that the House now has is not running very well. We are an embarrassment in the Federal system. We are really an embarrassment. All other Federal agencies operate under a Federal Executive Order 12–873 which requires all Federal agencies to implement recycling programs. The legislative branch is the only branch that is not required to participate. The reason it is not working is because it is totally voluntary here.

The failure to operate the program has been pointed out by our own House Architect, his own numbers. In testimony before the Committee on Appropriations last year, he pointed out that in this House building, in our employment of the House building, and these are the 1997 figures, we employed 8,000 workers. That is quite a figure. I do not think many people realize that that many people work for the House of Representatives. Our 8,000 workers in our building generated 4.4 million pounds of waste. For this in 1997, we earned $7.51. As was pointed out earlier, people collecting bottles on the streets, almost any Girl Scout unit earns more than that in a week or a day than we earned in an entire year. By comparison, the U.S. Department of Agriculture, which is just down the street, in 1997 employed 7,000 workers who generated 1 million pounds of waste. And for this they earned $29,730. They produced one-fourth the amount of waste that we did and earned thousands of times more. They use that revenue for child care purposes in the Department of Agriculture.

So I offered the amendment in the Committee on Appropriations. The amendment does four things:

It requires the House, Members and the administrative offices, to participate in the existing recycling program. Requires them to, not just it is up to you. It tasks the Architect with developing strategies so that the recycling program is flexible, user friendly and effective. The third thing it does is require the architect to report semiannually to the Committee on House Administration and Committee on Appropriations on the status of the program, how is it working, so we can get feedback. Fourth, it dedicates the proceeds that we would earn, and they could be considerable, from this program to the House child care center. Or, we left it in the bill, as may be determined by the Committee on Appropriations. So if we want to put that money someplace else, we have the flexibility to do it.

The amendment was adopted by voice vote in a bipartisan fashion. It is necessary that we have this program because you cannot run a recycling program and just let some offices do it and other offices do not. After all, it is the same janitorial staff that cleans all of these offices. So in order to eliminate the excuses of why we cannot be what we have mandated on the rest of America, why we cannot be what all other Federal agencies have done, why we cannot be what America expects us to be, we have adopted this amendment.

Now, we have before us in the rule that was just adopted the ability to strike this. No other provision of this bill, they waived all the points of order for all the others except this one. I think it is kind of a mean, reckless error. What you are saying is that we can waive points of order and, my God, we do that every week here. I remember in the supplemental just a few weeks ago, we have 3,000 Soviet scholars coming to this country, that was certainly the jurisdiction of other committees, it was never heard in committee, never debated, it was just put in the supplemental, and we all support it and nobody ever raised a point of order that it was a jurisdictional issue.

We do this all the time. I think it is foolish of us to expose ourselves to the public on the embarrassment of our House. I think we all agree, we ought to be doing it. There was a lot of testimonial in the Committee on Appropriations how bad the program is working and how we can do a much better job. We know in our own homes that our kids force us to do it. We participate in this stuff. We have just praised these future leaders of America who have been our pages. Why can we not demonstrate to them that there is some meaning in our words by demonstrating that we can run this House like most people run their homes, like most businesses around this country run themselves and certainly like all other Federal agencies.

Mr. Chairman, I came here with great hope that we could support this bill. But with this rule that is adopted and a point of order is raised, we are going to have to urge our colleagues to defeat it, and I think it will be an embarrassment to the United States Congress.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume. I rise also to commend the gentleman from California (Mr. FARR) who through his insistence the full Committee on Appropriations adopted a mandatory recycling program. As he explained, a program such as this is required in many cases of our constituents and I think that we as Members of the House should also have a recycling program that is mandatory, efficient and effective and will produce the moneys.

Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, we all know as Members of this institution that this is a troubled House of Representatives. At times in the history of this institution it has also been similarly troubled. But I have heard from many who have served longer than the 3½ terms I have served that they have never remembered the place being as mean-spirited, as venal, as partisan as it is now. I think we ought to be working on ways to change that, and I know many of the Members on both sides of the aisle are men and women of good spirit that would very much like to work to get a greater comity of views, even across the wide divergence of opinion in this body. That really depends upon process, rules of fair play. There is a majority. There is a minority. But if the rules of fair play are engaged in, losing votes is something the minority will understand, just as long as the process is a fair one.

Now, what is so objectionable about the amendment offered by the chairman is that it completely blows up any notion of fairness in the appropriations process. The process for appropriations is that you have allocations. Each of the subcommittees is given a certain amount of money to spend. It is set by the budget that was earlier passed by this body. This once again just like the agriculture budget a few days before, agriculture appropriations of a few days before, is a budget brought that comports with the allocation. Hearings have been held. Bipartisan votes have been cast. The subcommittee has reached an agreement. They have brought a recommendation to the floor. That is the process working as it should.

□ 2245

Now it totally blows away that process when the majority says, "Oh, by the way, without any advanced notice to you all in the minority, we're going to give another whack right across the board without so much as a discussion in committee about what we are doing."

The chairman of the Committee on Appropriations is a man that we know well, he served long, we respect him deeply, and really it is beneath his leadership to subvert the process of fair play in the fashion the amendment to the agriculture appropriations bill and this amendment represent.

I believe that if this body, if this majority, wants to take additional sums out, go back and revise the allocations, send the appropriation subcommittees back to work, and at least we again have the process functioning; but this last minute, eleventh hour, blind side, irrespective of consequences, totally shutting out minority opinion, is the very type of foul play that makes the minority feel utterly disenfranchised, that makes the constituents we represent totally shut out of the process and that creates and contributes to the vile, bad spirit that plagues this place.

Treat us fairly. Adhere to process. Let the legislative function work.

Mr. Chairman, that would mean rejecting this amendment tonight.

Mr. PASTOR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore (Mr. HANSEN). The gentleman from Arizona is recognized for 1 minute.

Mr. PASTOR. Mr. Chairman, I would like to again thank the staff, the members of the subcommittee; I would like to thank the gentleman from North Carolina (Mr. TAYLOR) for the fairness in developing this bill. It was a reasonable bill, it was a fair bill, and due to last-minute decisions that were beyond our control, it has now become a very harsh bill, especially when it deals with the House Members not being able to provide COLAs to our staff.

So, Mr. Chairman, I would ask that the Democrat side oppose this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when I came here in 1991, this House was much more troubled than the last speaker before the gentleman from Arizona (Mr. PASTOR) indicated. We had a House bank that had been corrupted by abuses of some former Members of this body, we had drugs being sold in the post office, we had purchases being made by former Members of this body. There were a number of perks that were abusive of this body.

Members of both parties got together and eliminated those abuses. We have worked to see that this House is a House that we can all be proud of. We have done that in points of law, and we have done that by cutting our own budget to respect what is happening in the public generally. Most people are having to cut their budgets, and we will have to wrestle with a lot of problems in the other 12 bills that will be coming before us. We have done it in a bipartisan way, and I am proud of our bill that we have now.

I appreciate the work of both parties of the committee in this area.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HANSEN). All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1905 is as follows:

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

Salaries and Expenses

For salaries and expenses of the House of Representatives, $769,019,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $14,202,000, including: Office of the Speaker, $1,740,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,705,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,071,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,423,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,057,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $406,000; Republican Steering Committee, $757,000; Republican Conference, $1,244,000; Democratic Steering and Policy Committee, $1,337,000; Democratic Caucus, $664,000; nine minority employees, $1,218,000; training and program development—majority, $290,000; and training and program development—minority, $290,000.

Members' Representational Allowances

Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $413,576,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $93,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2000.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $21,308,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $90,633,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $14,881,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,746,000; for salaries and expenses of the Office of the Chief Administrative Officer, $57,289,000, of which $2,500,000 shall remain available until expended, including $25,169,000 for salaries, expenses and temporary personal services of House Information Resources, of which $24,641,000 is provided herein: *Provided*, That of the amount provided for House Information Resources, $6,260,000 shall be for net expenses of telecommunications: *Provided further*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,926,000; for salaries and expenses of the Office of General Counsel, $840,000; for the Office of the Chaplain, $136,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,172,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,085,000; for salaries and expenses of the Corrections Calendar Office, $825,000; and for other authorized employees, $688,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $135,422,000, including: supplies, materials, administrative costs and Federal tort claims, $2,741,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $131,595,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $676,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

Administrative Provisions

SEC. 101. (a) COMPLIANCE WITH ADMISSION REQUIREMENTS.—The General Counsel of the House of Representatives and any other counsel in the Office of the General Counsel of the House of Representatives, including any counsel specially retained by the Office of General Counsel, shall be entitled, for the purpose of performing the counsel's functions, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(b) NOTIFICATION BY ATTORNEY GENERAL.—The Attorney General shall notify the General Counsel of the House of Representatives with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the House to direct the General Counsel to intervene as a party in such proceeding pursuant to applicable rules of the House of Representatives.

(c) GENERAL COUNSEL DEFINITION.—In this section, the term "General Counsel of the House of Representatives" means—

(1) the head of the Office of General Counsel established and operating under clause 8 of rule II of the Rules of the House of Representatives;

(2) the head of any successor office to the Office of General Counsel which is established after the date of the enactment of this Act; and

(3) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to the House in connection with the matters described in this section.

SEC. 102. Section 104(a) of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2439) is amended by striking "(2 U.S.C. 59(e)(2))" and inserting "(2 U.S.C. 59e(e)(2))".

SEC. 103. (a) CLARIFICATION OF RULES REGARDING USE OF FUNDS FOR OFFICIAL MAIL.—

(1) IN GENERAL.—Section 311(e)(1) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(e)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "There is established" and all that follows through "shall be prescribed—" and inserting the following: "The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—"; and

(B) in subparagraph (A), by striking "the Allowance" and inserting "official mail (except as provided in subparagraph (B))".

(2) LIMITATIONS ON AVAILABILITY OF FUNDS.—Section 311(e)(2) of such Act (2 U.S.C. 59e(e)(2)), as amended by section 104(a) of the Legislative Branch Appropriations Act, 1999, is amended—

(A) in the matter preceding subparagraph (A), by striking "The Official Mail Allowance" and inserting "Funds used for official mail";

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B).

(3) REPEAL OF OBSOLETE TRANSFER AUTHORITY.—Section 311(e) of such Act (2 U.S.C. 59e(e)) is amended by striking paragraph (3).

(4) CONFORMING AMENDMENTS.—(A) Section 1(a) of House Resolution 457, Ninety-second Congress, agreed to July 21, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57(a)), is amended by striking "the Official Mail Allowance" each place it appears and inserting "official mail".

(B) Section 311(a)(3) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(a)(3)) is amended by striking "costs charged against the Official Mail Allowance for" and inserting "costs incurred for official mail by".

(b) REPEAL OF OBSOLETE REFERENCES TO CLERK HIRE ALLOWANCE.—

(1) IN GENERAL.—Section 104(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92(a)) is amended by striking "clerk hire" each place it appears.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act (2 U.S.C. 92(a)) is amended by striking "CLERK HIRE".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,200,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,188,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed eleven assistants on the basis heretofore provided for such assistants; and (4) $1,002,600 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,898,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $78,501,000, of which $37,725,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $40,776,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,711,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2000 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 104. Amounts appropriated for fiscal year 2000 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,293,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than forty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,000,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $26,221,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to enhance staff recruitment and to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1999.

SEC. 106. Paragraph (5) of section 201(a) of the Congressional Budget Act of 1974 (2 U.S.C. 601(a)) is amended to read as follows:

"(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

"(i) the highest annual rate of compensation of any officer of the Senate; or

"(ii) the highest annual rate of compensation of any officer of the House of Representatives.

"(B) The Deputy Director shall receive compensation at an annual rate of pay that is $1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).".

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $47,569,000, of which $4,520,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,579,0000, of which $155,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $40,679,000, of which $7,842,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $39,180,000: *Provided*, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2000.

ADMINISTRATIVE PROVISION

SEC. 107. (a) PARTICIPATION IN OFFICE WASTE RECYCLING PROGRAM.—Each Member and each employing authority of the House of Representatives shall comply with the Architect of the Capitol's Office Waste Recycling Program for the House of Representatives (hereafter in this section referred to as the "Program"). The Architect shall provide a convenient, clearly marked, and effective system for the collection of recyclable materials under the Program.

(b) REPORT.—The Architect of the Capitol shall submit semiannually to the Committees on Appropriations and House Administration of the House of Representatives a written report on the status and results of the Program.

(c) USE OF PROCEEDS FOR CHILD CARE CENTER.—All funds collected through the sale of materials under the Program shall be deposited in an account established in the Treasury. Amounts in such account shall be used for payment of activities and expenses of the House of Representatives Child Care Center, to the extent provided in appropriations Acts.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $71,255,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $77,704,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code.

This title may be cited as the "Congressional Operations Appropriations Act, 2000".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,538,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $256,970,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2000, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2000 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $10,438,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $2,347,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, $5,579,000 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $37,639,000, of which not more than $20,800,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2000 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,454,000 shall be derived from collections during fiscal year 2000 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $26,254,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for Copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,033,000, of which $14,032,600 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $5,415,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $198,390, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2000, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $98,788,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. The Library of Congress may use available funds, now and hereafter, to enter into contracts for the lease or acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter into multi-year contracts for the acquisition of property and services pursuant to sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

SEC. 208. (a) Notwithstanding any other provision of law regarding the qualifications and method of appointment of employees of the Library of Congress, the Librarian of Congress, using such method of appointment as the Librarian may select, may appoint not more than three individuals who meet such qualifications as the Librarian may impose to serve as management specialists for a term not to exceed three years.

(b) No individual appointed as a management specialist under subsection (a) may serve in such position after December 31, 2004.

SEC. 209. (a) Section 904 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 136a–2) is amended to read as follows:

"SEC. 904. Notwithstanding any other provision of law—.

"(1) the Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code; and

"(2) the Deputy Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code.".

(b) Section 203(c)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(c)(1)) is amended by striking the second sentence and inserting the following: "The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.".

(c) The amendments made by this section shall apply with respect to the first pay period which begins on or after the date of the enactment of this Act and each subsequent pay period.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $17,782,000, of which $5,150,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,986,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1998 and 1999 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,313 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

SEC. 210. (a) Section 311 of title 44, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding any other provision of law, section 3709 of the Revised Statutes (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Government Printing Office as if the reference to '$25,000' in clause (1) of such section were a reference to '$100,000'.".

(b) The heading of section 311 of title 44, United States Code, is amended by striking "AUTHORITY" and inserting "AUTHORITY; SMALL PURCHASE THRESHOLD".

(c) The table of sections for chapter 3 of title 44, United States Code, is amended by striking the item relating to section 311 and inserting the following:

"311. Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority; small purchase threshold.".

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $372,681,000: *Provided*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $1,400,000 of such funds shall be available for use in fiscal year 2000: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2000 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. Section 308 of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2452) is amended—

(1) in subsection (b), by striking "(40 U.S.C. 174j–1(b)(1))" and inserting "(40 U.S.C. 174j–1 note)";

(2) in subsection (c), by striking "(40 U.S.C. 174j–1(c))" and inserting "(40 U.S.C. 174j–1 note)"; and

(3) in subsection (d), by striking "(40 U.S.C. 174j–1(e))" and inserting "(40 U.S.C. 174j–1 note)".

This Act may be cited as the "Legislative Branch Appropriations Act, 2000".

The CHAIRMAN. Are there any points of order against the bill?

POINT OF ORDER

Mr. NEY. Mr. Chairman, I raise a point of order against section 107 on page 18, line 19 through page 19, line 15 of H.R. 1905, on the ground that this provision changes existing law in violation of clause 2 of House rule XXI and therefore is legislation included in a general appropriations bill.

Mr. FARR of California. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California.

Mr. FARR of California. Mr. Chairman, I object to the high-handedness of my colleagues of the other party who have no qualms at all about including in this bill 30, 30 provisions that legislate on the appropriations bill. Thirty.

Were any of these 30 items subject to a point of order? My colleague just made only one of them, only one of them, a point of order. Just mine, just the recycling program.

Mr. Chairman, if this House truly believes that the rules ought to apply to everyone, then I want to know why the Committee on Rules singled this one out. This provision was adopted in a bipartisan fashion in the committee. My colleagues did not treat the other 30 provisions like they treated this.

The real reason that they are singling this out is they do not like it, they do not want to do recycling. They should tell the world they do not want it, that they do not want to bother with the program.

So they certainly kind of found a way to pervert the process so they did not have to get into the issue, by raising a point of order.

There are not only 30 provisions in this bill that they are about to vote on that legislate on appropriations, there are eight items that actually change existing law. None of these were subject to a point of order, just one.

I do not think this point of order has merit, and I would hope the chairman would see it as a sham and reject it.

The CHAIRMAN pro tempore. Are there other Members who want to be heard on the point of order?

If not, the Chair will rule.

The gentleman from Ohio (Mr. NEY) makes a point of order that the provision beginning on page 18, line 19 and ending on page 19, line 15 changes existing law in violation of clause 2(b) and rule XXI.

Among other legislative prescriptions, the provision mandates compliance by each Member and employing office of the House of Representatives with the Architect of the Capitol's Office Waste Recycling Program.

The provision changes existing law in violation of clause 2(b) of rule XXI. Accordingly, the point of order is sustained, and section 107 is stricken from the bill.

No amendment shall be in order except the amendment printed in House Report 106–165, the amendment printed in section 2 of House Resolution 190, and pro forma amendments offered by the chairman and ranking minority member of the Committee on Appropriations, or their designees, for the purpose of debate.

The amendment printed in the report may be offered only by a Member designated in the report and the amendment printed in section 2 of the resolution may be offered only by a Member designated in section 2. Each amendment shall be considered read, debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

After a motion that the committee rise has been rejected on a legislative day, the Chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the majority leader or their designee.

After a motion to strike out the enacting words of the bill has been rejected, the Chairman may not entertain another such motion during further consideration of the bill.

AMENDMENT OFFERED BY MR. CAMP

Mr. CAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMP:

Page 10, insert after line 9 the following (and redesignate the succeeding sections accordingly):

SEC. 104. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCE TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2000. Any amount remaining after all payments are made under such allowances for fiscal year 2000 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) PUBLICATION.—After each session of Congress or other period for which the amounts described in subsection (a) are made available, there shall be published in the Congressional Record a statement showing, with respect to such session or period, the amount deposited with respect to each Member under subsection (a) and the total deposited with respect to all Members.

(c) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(d) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

The CHAIRMAN pro tempore. Pursuant to House Resolution 190, the gentleman from Michigan (Mr. CAMP) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, I first want to thank my good friend from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, for understanding the importance of this amendment. I also want to thank the Committee on Rules and its chairman, the gentleman from California (Mr. DREIER), for allowing me to bring this important amendment before the House today.

The amendment simply requires that unspent office funds be used for deficit or debt reduction. I believe that many Members are now familiar with this commonsense amendment that former Congressman Dick Zimmer and I first proposed back in 1991. In 1995, a similar amendment was approved on the House floor by an overwhelming margin of 403 to 21. In 1996 and 1997, it was accepted on the floor by the committee chairman. Last year the committee brought the bill to the House floor with this provision already incorporated into the bill.

Mr. Chairman, I believe that this amendment will ensure Members of Congress can demonstrate their personal commitment to a balanced budget. This amendment requires any unspent office funds at the end of the year be used for debt, or if a deficit exists, for deficit reduction. It also requires that specific amounts returned by each office be printed annually in the CONGRESSIONAL RECORD. This has been an incentive for Members to do the best they can with taxpayers' dollars, to be innovative, just as the private sector continues to be.

I thank the gentleman from North Carolina (Mr. TAYLOR) again for considering the Camp-Roemer-Upton amendment, and I urge all Members to support the amendment and the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. PASTOR. Mr. Chairman, I claim the time in opposition, and I yield 5 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my good friend from Arizona (Mr. PASTOR), and obviously as a cosponsor of the amendment, I am not opposed to the amendment but wanted to get 5 minutes to speak in favor of it.

Mr. Chairman, I read a book in college a long time ago called the Dance of Legislation, and it was written by an intern that was up here getting experience on Capitol Hill as the pages that were just in the House well, and he tracked a bill through Congress, and it was a little bill that he thought made a big difference in the way that he could explain in this book the legislative process.

Similarly before us today, we have a big bill that spends a considerable amount of money to my taxpayers in Indiana, back home where I am born and raised, where we can make a big difference with individual decisions that we make in our offices with our Member representational allowances, or MRAs.

This bill that the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. UPTON) and I have worked on for 8 years now allows us in our offices to work as an American family does when they are trying to balance their budgets at the kitchen tables in LaPorte, Indiana; Wakarusa, Indiana; Goshen, Indiana; as a small business struggles to make its decisions meet at the year's end, so that they have a balanced budget. This bill allows us as Members of Congress to function as the American people do across this great country.

Before we got this bill passed several years ago, if a Member worked all year long not to do newsletters, not to subscribe to a certain number of magazines, not to initiate letters to their constituents, that money they saved would simply go back and be reprogrammed and re-spent in other ways by maybe other Members. This small bill makes a big difference in that it allows us, when we work hard all year long to save money on newsletters or not initiating hundreds of mass mailings to our constituents, and we save that money; this bill, this amendment, allows that money to go to the Treasury to be reprogrammed, not to be re-spent, but to be spent toward the national debt.

The National Taxpayers Union has said now this is not just a little difference. If each Member on average only spends about 89 percent of their allowance, we have tens of millions of dollars saved by this amendment. Tens of millions of dollars; that is a lot of money in Indiana, that is a lot of money to my constituents, and if a Member works hard all year long to save that money, they should be able to have that go to the national debt or deficit reduction rather than be re-spent on another Member's mail.

□ 2300

I am proud to have worked in a bipartisan way with my friend from the Midwest, the gentleman from Michigan (Mr. CAMP), and the gentleman from Michigan (Mr. UPTON), right next door to me, to show this good Midwestern common sense and a working relationship between Democrats and Republicans. This amendment is sponsored and supported by the National Taxpayers Union, Citizens Against Government Waste, Taxpayers for Common Sense, Citizens for a Sound Economy and the Concord Coalition. So I urge bipartisan support of this bipartisan amendment.

Mr. CAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Indiana for his comments and for his leadership over the years on this issue. He very eloquently stated how this gives each individual Member an incentive to do the right thing, to be innovative, to take responsibility. The old adage "you better spend all your budget or you won't get it next year" is proven untrue with this proposal.

Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I rise in support of this bipartisan, common sense amendment. I applaud the efforts of not only our cosponsors, but certainly the leadership shown by my good friend the gentleman from Michigan (Mr. CAMP) and the gentleman from Indiana (Mr. ROEMER) as well. This has been a good effort, where we have succeeded before.

There are 13 different spending bills. As we ask others to tighten their belts, they first look to the Congress too. We want to lead by example.

I know that there has not been a year that I have been here that I have spent all the money that has been allocated to my office. It would be a crime to know that that money was reprogrammed without my wishes or goes to some other member who might have overspent their budget. That is not right. When I do not spend money, I want it to go back to where it came from, the Treasury. I want it to benefit the taxpayers of this country, to reduce the debt. That is what this amendment does.

At one point in my life I had the chance to work for the Office of Management and Budget. I tell you, when I worked there under David Stockman, my predecessor in the Congress, we were able to see the Reagan Administration push through a law here in the Congress that really looked at what the agencies did with their own budgets, because as we looked at their spending, often in September, before the end of the fiscal year, all of a sudden they would have a gigantic leap in their funds. All of a sudden they would see they were not going to spend all of their money and there were just tremendous outlays and purchases that they made to spend all their money.

Guess what? We put a stop to that. We put an amendment forward that was adopted that slowed down the purchases at the end of the fiscal year so in fact if they did save money, that money was not reprogrammed, but it went to reduce at that point the debt and the deficit.

That is what this amendment accomplishes. What this amendment says is that we in the Congress, all of the Members here, through our accounts are going to spend more than $413 million.

The gentleman from Indiana (Mr. ROEMER) was right. The average Members only spend about 90 percent of their budget. Figure out the math. That is tens of millions, tens of millions of dollars each year that we can return to the Treasury. We can not only feel good about that, but it actually does make a dent in reducing the debt.

I would ask all of my colleagues to support this amendment. It makes sense to most of the Members here, certainly to the groups like the National Taxpayers Union and others. It is bipartisan. Clearly we can work together. It is a good idea.

Mr. CAMP. Mr. Chairman, I yield 15 seconds to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, this amendment or some variation has been included for the past several years in the bill. We accept the amendment and we commend the three gentleman for offering it tonight.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from Indiana (Mr. ROEMER). In the spirit of the subcommittee working in a bipartisan manner, you have another example of the gentleman from Indiana (Mr. ROEMER) working with the Republican side to get a bipartisan amendment that has been accepted by the chairman.

I also happen to have read the same book and I was inspired by the same book. My expectation, Mr. Chairman, was taking this simple bill, the simplest bill of 13 appropriation bills, and maybe writing about this legislation and developing a small booklet so that these pages could be taken home. But after the different dance steps I have learned in the last couple of days and most recently the last couple of hours, I am about to finish filing Number 1.

Mr. HILL of Indiana. Mr. Chairman, I rise to support this amendment because it allows Congress to lead by example.

Members who are frugal and able to return a portion of their office allowances should have the right to designate unspent office funds for deficit reduction or to pay down the national debt.

This amendment ensures that unspent Congressional office funds are returned directly to the U.S. Treasury rather than accumulating in a contingency fund for the leadership.

Mr. Chairman, our national debt now stands at more than 5.6 trillion dollars. The interest payments on this debt are the government's second highest budget expenditure.

One of the best things we can do for our country right now is pay off our debts. As our government stops borrowing so much money, there will be more money at lower interest rates for the American people.

I suggest we pass this amendment so that unspent office funds contribute to economically strengthening our nation.

Mr. PASTOR. Mr. Chairman, I yield back the balance of my time.

Mr. CAMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

On Page 38 before line 4 add the following new section:

SEC. . Notwithstanding any other provision of this Act, appropriations under this Act for the following agencies and activities are reduced by the following respective amounts: House of Representatives, Salaries and Expenses, $29,135,000, from which the following accounts are to be reduced by the following amounts:

House Leadership Offices, $142,000;

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail, $28,297,000;

Committee on Appropriations, $213,000;

Salaries, Officers and Employees, $483,000 to be derived from other authorized employees;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses, $1,465,000;

Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings, $3,400,000;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Power Plant, $4,400,000;

Library of Congress, Congressional Research Service, Salaries and Expenses, $315,000;

Government Printing Office, Congressional Printing and Binding, $4,147,000;

Library of Congress, Salaries and Expenses, $685,000;

Library of Congress, Furniture and Furnishings, $5,415,000;

Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, $3,372,000; and

General Accounting Office, Salaries and Expenses, $1,500,000:

Provided, That the amount reduced under House of Representatives, House Leadership Offices, shall be distributed among the various leadership offices as approved by the Committee on Appropriations:

Provided further, That the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Exchanges, is reduced by $1,465,000; the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, House Office Building, is reduced by $3,400,000; and the amount to remain available under the heading Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, is reduced by $4,000,000.

The CHAIRMAN. Pursuant to House Resolution 190, the gentleman from Florida (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I plan to not consume much time, because most of the debate today has been about this amendment as opposed to the bill itself, so I think everyone pretty much understands what the amendment does. I would be happy to respond to any questions if someone has specific questions.

Mr. Chairman, I wanted to say to the gentleman from North Carolina (Chairman TAYLOR) that he has done a really fine job on this bill. I was able to spend some time with the gentleman as he went through this process, and this is his first time as chairman of this subcommittee. He has done a really good job.

The gentleman from Arizona (Mr. PASTOR) has been an able partner all the way through the process. It was a real joy to watch them as they presented this bill to the Committee on Appropriations. In a very friendly and very nonpartisan-bipartisan way, the committee took their recommendations, and we have the bill before us.

This amendment does create a little difference of opinion on the bill because it makes reductions. It makes reduction of a total of $54 million out of this bill. Most of the cuts hit practically all of the accounts in the bill, and the one major reduction in this amendment has to do with Members' representational allowances, the funds that are made available to Members to conduct the affairs of their Congressional office.

I want to congratulate and compliment, and I hope people will listen to this, the Members of this House because, Mr. Chairman, here is a table that shows how much each Member used and actually spent of their representational allowance in the last year.

Mr. Chairman, I am proud to report that of our 435 Members, 420 of our colleagues in this House did not spend all of the money allocated to them by this legislative appropriations bill. So they practiced fiscal restraint. Some were more restrained than others, but they have different responsibilities in their districts and in their Congressional offices. But the House has done a good job in keeping these expenditures down.

Mr. Chairman, the reduction that this amendment makes, in my opinion, is not going to cause any great harm. As a matter of fact, it is very compatible with the amendment just adopted that says the surplus in these funds not spent would go to pay down the national debt. Well, the effect is basically the same here. The only thing is we take it up front rather than at the end of the process.

By taking it up front, let me report this good news to my colleagues, and I hope they will listen to this as well, after having spent about four days on two appropriations bills on the floor and having great debate over this amendment and one amendment on the agriculture bill, I am happy to report to all of my colleagues that after all of that straining and working, we will, upon adoption of this amendment, have saved $156 million to apply toward that $17 billion number we are trying to get to. So with the adoption of this amendment, we only have $16,850,000,000 to go in order to arrive where we have to arrive in order to stay within the budget cap that all of us have said is exactly what we are going to do.

□ 2310

So, Mr. Chairman, I hope we can expedite the consideration of this amendment and get on to passing this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member rise in opposition?

Mr. PASTOR. I rise in opposition, Mr. Speaker.

The CHAIRMAN. The gentleman from Arizona (Mr. PASTOR) is recognized for 5 minutes in opposition to the amendment.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, they tell me that reasonable men will differ, and being reasonable, I am sure that we will have some differences. I do, but first before I point out the differences, I would like to also commend the gentleman from Florida (Chairman YOUNG).

In the way he treats our membership in the two bills that have been reported out, agriculture and now the leg branch, he has done it in a very bipartisan manner, and I want to commend him for the fairness with which he has dealt with our side. He has been a very fair gentleman. I want to commend him on that.

I asked someone to look at the figure of the reduction, which is approximately about $28 million, and the reduction of the MRA account. It runs about $60,000 to $65,000 per Member. We believe that that cut, which will affect our staff, is too drastic.

When asked to cut this bill in a bipartisan manner, we offered $12 million, even though we knew it was going to be hard. We were told it was not enough, so we offered another amount of dollars that totalled $30 million. That was not enough.

We feel that the additional approximately $30 million is too much and will affect the effectiveness of our offices, especially in the ability to make sure that our employees, who work long hours, they work very hard, will be treated like other employees in the House and the Federal government and will be able to receive a fair cost of living adjustment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say that for the vast majority of us on this side of the aisle, our concern is not with the amount that is cut. Our concern is where those cuts fall.

I honestly believe, as the gentleman from Arizona (Mr. PASTOR) has said, the chairman of the Committee on Appropriations is a very fair-minded and balanced person. I think that if the committee had been allowed to work out on a bipartisan basis where these cuts were made, we could have come up with a far more equitable distribution than the one that is before us tonight.

I would also say that I think the leadership on both sides has an obligation to treat rank and file Members the way they would like to be treated themselves. That has not happened in the way these cuts have been laid out tonight.

I would make one other point. If we compare the salaries that are paid to staff persons for rank and file Members of the House versus salaries paid to persons with those same responsibilities in the Senate, Members will see that on average the Senate pays people for those same salaries about 20 percent more for a legislative director or a legislative assistant and for other positions of high responsibility.

I think there are severe implications to that differential that do not adequately represent the interests of this body, and I would urge that when these actions are taken, that we remember the context in which they are taken. Because if we do not do that, we are asking our staff members to make sacrifices that are not being asked of other staffers, and in many cases are not being asked of ourselves.

Mr. PASTOR. Mr. Chairman, I would ask that every Member of this House who knows his or her staff the best give some thought to see how this amendment would affect their personal staff, and realize that the impact and the hardship will be borne by the men and women that we bring up here. We ask them to work hard, and they deserve a better break.

Mr. Chairman, I would ask opposition to this amendment, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply ask the Members to support this amendment, and then to support the bill. Before I yield back, Mr. Chairman, I wonder if I could invite my friend, my colleague, and the ranking member, the gentleman from Wisconsin (Mr. OBEY), to meet me at the well halfway.

Mr. Chairman, we are very unhappy that we had to disappoint the gentleman from Wisconsin (Mr. OBEY) and Mrs. Obey on the planned celebration of their 37th wedding anniversary, so we on the majority side have provided this handmade card to my friend, the gentleman from Wisconsin (Mr. OBEY), to him and Joan in recognition of their 37th anniversary, signed by the gentleman's colleagues on the other side.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the chairman. Let me simply say that I am not the only Member of the House tonight trying to celebrate his anniversary. One other Member has come up to me with the same problem.

I would simply thank my colleagues on the other side, and say that I hope this is a demonstration of the fact that we can fight over substance but still get along as friends.

Mr. YOUNG of Florida. Mr. Chairman, I ask for a vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 190, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 1905 to the Committee on Appropriations with instructions that the bill not be reported back if it does not reduce the bill by an amount at least equal to the average reduction required pursuant to the budget 302(b) allocation process for all domestic discretionary programs, including veterans medical care, elementary and secondary education, student financial assistance, biomedical research, law enforcement, transportation safety, and environmental protection; and shall make equal reductions in accounts for members' offices, leadership offices, and committees.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I think the motion speaks for itself. I will simply again re-read the language so that the Members understand what the motion contains.

It simply recommits the bill back to the committee with instructions that the bill not be reported if it does not reduce the bill by an amount at least equal to the average reduction required pursuant to the budget 302(b) allocation process for all domestic discretionary programs, including veterans' medical care, elementary and secondary education, student financial assistance, biomedical research, law enforcement, transportation safety, and environmental protection, and it requires that when the bill does come back, it also makes equal reductions in accounts for Members' offices, leadership offices, and the committees, rather than having the full internal cost of these reductions fall only on the office of rank and file Members.

□ 2320

If this is adopted, it would make sure that this bill does not get out of the gate before we actually see the hole card and know how much people are going to be asking us to cut veterans, to cut education programs and other programs of serious concern to our constituents.

It would be eminently fair to both our constituents and to the rank and file Members of this House and most importantly fair to the people who work for those rank and file Members.

The SPEAKER pro tempore (Mr. UPTON). Does the gentleman from North Carolina (Mr. TAYLOR) rise in opposition to the motion to recommit?

Mr. TAYLOR of North Carolina. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Speaker, there is no dollar amount connected with this amendment. The amendment kills the bill. I am going to work with the gentleman from California (Mr. FARR) in certain areas that he brought up. We support the amendment of the gentleman from Florida (Mr. YOUNG) and the work that he has done.

So I would urge my colleagues to oppose and vote against the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 214, not voting 23, as follows:

[Roll No. 202]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello

Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Bentsen
Bono
Brown (CA)
Buyer
Clay
Conyers
Cooksey
Graham
Green (TX)
Hilleary
Kasich
Kennedy
Largent
Lofgren
Luther
Martinez
Millender-McDonald
Neal
Nethercutt
Oxley
Rangel
Roukema
Shuster

□ 2341

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. UPTON). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 197, not voting 24, as follows:

[Roll No. 203]

YEAS—214

Abercrombie
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—197

Ackerman
Aderholt
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman

Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—24

Bentsen
Bono
Brown (CA)
Buyer
Clay
Conyers
Cooksey
Dicks
Graham
Green (TX)
Hilleary
Kasich
Kennedy
Largent
Lofgren
Luther
Martinez
Neal
Nethercutt
Oxley
Rangel
Roukema
Shuster
Towns

☐ 2358

Mr. METCALF changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1905, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. (Mr. UPTON). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Without objection, and pursuant to 44 U.S.C. 2702, the Chair announces the Speaker's appointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Timothy J. Johnson, Minnetonka, Minnesota.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 10, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. 2702, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, IL.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

ADJOURNMENT TO MONDAY, JUNE 14, 1999

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. BONO (at the request of Mr. ARMEY) for today and the balance of the week on account of attending her son's graduation.

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

Mr. LUTHER (at the request of Mr. GEPHARDT) for today after 2 p.m. on account of attending daughter's graduation.

Mrs. CLAYTON (at the request of Mr. GEPHARDT) for today between 2 p.m. and 8 p.m. on account of personal reasons.

Mr. ENGEL (at the request of Mr. GEPHARDT) for after 1 p.m. today on account of attending daughter's graduation.

Mr. BENTSEN (at the request of Mr. GEPHARDT) for after 6:30 p.m. Thursday, June 10, on account of family business.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for after 6:30 p.m. today on account of personal reasons.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 435. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, June 14, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2571. A letter from the Administrator, Agricultural Marketing Services, Department of Agriculture, transmitting the Department's final rule—Peanut Promotion, Research, and Information Order; Procedures [Docket No. FV–98–703–FR] received April 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2572. A letter from the Secretary of Defense, transmitting the approval of the retirement of General Johnnie E. Wilson, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2573. A letter from the Secretary of Defense, transmitting the approval of the retirement of General Richard E. Hawley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2574. A letter from the Ambassador, Embajada De Bolivia, transmitting a report on counter-narcotics efforts; to the Committee on International Relations.

2575. A letter from the Comptroller General, transmitting a list of reports from the previous month; to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. 106–74 Pt. 2).

Mr. GEKAS: Committee on the Judiciary. H.R. 916. A bill to make technical amendments to section 10 of title 9, United States Code (Rept. 106–181). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. Campbell, Mr. Porter, Mr. Ackerman, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Bonior, Mr. Brady of Pennsylvania, Mr. Brown of California, Mr. Brown of Ohio, Mr. Davis of Illinois, Mr. Delahunt, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hinchey, Mr. Jackson of Illinois, Ms. Kaptur, Ms. Kilpatrick, Mr. Kucinich, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Ms. McKinney, Mrs. Maloney of New York, Mr. McGovern, Mr. Matsui, Mr. George Miller of California, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Owens, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Phelps, Mr. Rangel, Mr. Rush, Ms. Sanchez, Mr. Sanders, Ms. Schakowsky, Mr. Sherman, Mr. Stark, Mr. Strickland, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Underwood, Ms. Velázquez, Mr. Vento, Ms. Woolsey, and Mr. Wynn):

H.R. 2119. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mrs. Lowey, Mrs. Johnson of Connecticut, Mr. Waxman, Mrs. Kelly, Mr. Brown of Ohio, Mrs. Roukema, Mr. Boucher, Ms. Pryce of Ohio, Mr. Towns, Mrs. Morella, Mr. Pallone, Mr. Bilbray, Ms. Pelosi, Mr. Horn, Ms. DeLauro, Mr. Boehlert, Ms. DeGette, Mr. Leach, Ms. Woolsey, Mr. Shays, Mr. Markey, Mr. Cook, Mr. Clay, Mr. Ose, and Mr. George Miller of California):

H.R. 2120. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR (for himself, Mr. Campbell, Mr. Barr of Georgia, and Mr. Conyers):

H.R. 2121. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself and Mr. Hyde):

H.R. 2122. A bill to require background checks at gun shows, and for other purposes; to the Committee on the Judiciary.

By Mr. BALDACCI (for himself and Mr. Allen):

H.R. 2123. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mrs. Johnson of Connecticut, Mrs. Thurman, Mr. Ramstad, Mr. Rohrabacher, and Mr. Levin):

H.R. 2124. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Barcia, Mrs. Meek of Florida, Mr. Rodriguez, Mr. Ortiz, Mr. Rangel, Ms. Lee, Mr. Frank of Massachusetts, Ms. Berkley, Ms. Schakowsky, Mr. Gutierrez, Mr. Reyes, Mr. Menendez, Mr. Meeks of New York, Ms. Kilpatrick, Mr. Engel, Mr. Serrano, Mr. Jackson of Illinois, and Mrs. Napolitano):

H.R. 2125. A bill to repeal the limitation on judicial jurisdiction imposed by section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself and Mr. Udall of Colorado):

H.R. 2126. A bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH (for himself, Mr. Waxman, and Ms. Norton):

H.R. 2127. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. Kasich, Mr. Turner, Mr. Doggett, Ms. Dunn, Mr. Stenholm, Mr. Peterson of Minnesota, Mr. Sessions, Mr. Rodriguez, Ms. Granger, Mr. Pickering, Mr. Hill of Montana, Mr. Goode, Mr. Boehner, Mr. Smith of Texas, Mr. Salmon, Mr. Rogan, Mr. Scarborough, Mr. Schaffer, Mr. Pitts, Mr. Thornberry, Mr. Green of Texas, Mr. Doolittle, Mr. Pombo, Mr. Istook, Mr. Hall of Texas, Mrs. Myrick, Mr. Cook, Mr. Souder, Mr. Cooksey, Mr. Sam Johnson of Texas, Mr. Combest, Mr. Bonilla, Mr. Blunt, Mr. Herger, Mr. Hutchinson, Mr. Minge, Mr. Barton of Texas, Mrs. Chenoweth, Mr. Paul, Mr. English, Mr. Coburn, Mr. Tiahrt, Mr. Lucas of Oklahoma, Mr. Peterson of Pennsylvania, Mr. Weldon of Florida, Mr. Tauzin, Mr. Sununu, Mr. Romero-Barcelo, Mr. Royce, Mr. McIntyre, Mr. Campbell, Mr. Nethercutt, Mr. Oxley, Mr. Hilleary, Mr. Miller of Florida, Mr. Goodlatte, Mr. Graham, Mr. Bentsen, Ms. Danner, Mr. Norwood, Mr. Tancredo, Mr. Gary Miller of California, Mr. Green of Wisconsin, Mr. Hoeffel, Mr. Stearns, Mr. Hoekstra, Mr. Ewing, Mr. Sanford, Mr. Bachus, and Mr. Hobson):

H.R. 2128. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Government Reform.

By Mr. BURR of North Carolina (for himself, Mr. Greenwood, Mr. Hall of Texas, Mr. Upton, Mr. Strickland, Mr. Ehrlich, Mr. Towns, Mr. Shadegg, Mr. Boucher, Mr. Pickering, Mr. Ford, Mr. Shimkus, Mr. Wynn, and Mr. Blunt):

H.R. 2129. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Commerce.

By Mr. UPTON (for himself, Mr. Stupak, Ms. Jackson-Lee of Texas, and Mr. Bliley):

H.R. 2130. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H.R. 2131. A bill to amend the Endangered Species Act of 1973 to prohibit the imposition under that Act of any requirement to mitigate for the impacts of activities that occurred in the past; to the Committee on Resources.

By Mr. COBLE:

H.R. 2132. A bill to suspend temporarily the duty on Cibacron Red LS-B HC; to the Committee on Ways and Means.

H.R. 2133. A bill to suspend temporarily the duty on Cibacron Brilliant Blue FN-G; to the Committee on Ways and Means.

H.R. 2134. A bill to suspend temporarily the duty on Cibacron Scarlet LS-2G HC; to the Committee on Ways and Means.

H.R. 2135. A bill to suspend temporarily the duty on MUB 738 INT; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. Bachus):

H.R. 2136. A bill to amend the Internal Revenue Code of 1986 to provide that the capital gain treatment under section 631(b) of such Code shall apply to outright sales of timber held for more than 1 year; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Rangel, Mrs. Johnson of Connecticut, Mr. Romero-Barcelo, and Mr. Weller):

H.R. 2137. A bill to amend the Internal Revenue Code of 1986 to extend the research and development tax credit to research in the Commonwealth of Puerto Rico and the possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Rangel, Mr. Romero-Barcelo, and Mr. Weller):

H.R. 2138. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credits for businesses operating in Puerto Rico and other possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Rangel, Mr. Romero-Barcelo, Mrs. Christensen, Mr. Hayworth, Mr. English, Mr. Foley, and Mr. Weller):

H.R. 2139. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation of the cover over of tax on distilled spirits, and for other purposes; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself, Mr. Collins, and Mr. Lewis of Georgia):

H.R. 2140. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Resources.

By Mr. ENGLISH (for himself and Mr. Hulshof):

H.R. 2141. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on the deduction for interest on education loans, to increase the income threshold for the phase out of such deduction, and to repeal the 60-month limitation on the amount of such interest that is allowable as a deduction; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2142. A bill to suspend for 3 years the duty on fenbuconazole; to the Committee on Ways and Means.

H.R. 2143. A bill to suspend for 3 years the duty on 2,6-dichlorotoluene; to the Committee on Ways and Means.

H.R. 2144. A bill to suspend for 3 years the duty on 3–Amino-3-methyl-1-pentyne; to the Committee on Ways and Means.

H.R. 2145. A bill to suspend for 3 years the duty on triazamate; to the Committee on Ways and Means.

H.R. 2146. A bill to suspend for 3 years the duty on methoxyfenozide; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 2147. A bill to suspend until December 31, 2002, the duty on cyclic olefin copolymer resin; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. Bliley, Mr. Dingell, and Mr. Clay):

H.R. 2148. A bill to make technical corrections regarding the applicability of certain amendments made by Public Law 105–392 to the Health Education Assistance Program under the Public Health Service Act; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. Greenwood, Mrs. Tauscher, Mr. Boucher, Mr. Kind, Mrs. Morella, Mr. Vento, Mr. Baldacci, Mrs. Thurman, Mr. Hinchey, Mr. Wynn, Mr. Smith of Washington, Mr. Luther, Ms. Sanchez, Ms. McCarthy of Missouri, Mr. Maloney of Connecticut, Ms. Stabenow, Mr. Kolbe, Mr. Boehlert, Mrs. Johnson of Connecticut, Ms. Kilpatrick, Mr. Abercrombie, Mr. Bentsen, and Mr. Menendez):

H.R. 2149. A bill to prohibit certain abortions; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JENKINS:

H.R. 2150. A bill to suspend temporarily the duty on 1-fluoro-2-nitro benzene; to the Committee on Ways and Means.

H.R. 2151. A bill to suspend temporarily the duty on thionyl chloride; to the Committee on Ways and Means.

H.R. 2152. A bill to suspend temporarily the duty on TEOF (triethyl orthoformate); to the Committee on Ways and Means.

H.R. 2153. A bill to suspend temporarily the duty on PHBA (phydroxybenzoic acid); to the Committee on Ways and Means.

H.R. 2154. A bill to suspend temporarily the duty on myristic acid (tetrabecanoic acid); to the Committee on Ways and Means.

H.R. 2155. A bill to suspend temporarily the duty on THQ (Toluhydroquinone); to the Committee on Ways and Means.

By Mr. LaFALCE (for himself, Mr. Vento, Mr. Frank of Massachusetts, Mr. Kanjorski, Mr. Bentsen, and Mr. Inslee):

H.R. 2156. A bill to amend Title VI of the Consumer Credit Protection Act to permit consumers to restrict the sharing of confidential financial and personal information for purposes of telemarketing, by restricting sharing of credit card and deposit account numbers, by enhancing regulatory enforcement, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LUCAS of Kentucky:

H.R. 2157. A bill to commission a study by the Federal Trade Commission of the marketing practices of the motion picture, recording, and video/personal computer game industries; to the Committee on Commerce.

By Mr. McCRERY:

H.R. 2158. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Ways and Means.

By Mr. McCRERY (for himself, Mr. Herger, Mr. Jefferson, and Mr. Abercrombie):

H.R. 2159. A bill to amend the Merchant Marine Act, 1936 and the Internal Revenue Code of 1986 to revitalize the international competitiveness of the United States-flag merchant marine; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McNULTY:

H.R. 2160. A bill to suspend temporarily the duty on certain chemical compounds; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD (for herself, Mr. Ehrlich, Mr. Weiner, Mr. Ford, Ms. Berkley, Mr. Hastings of Florida, Mr. Owens, Ms. Danner, Mr. Smith of Washington, Ms. Kilpatrick, Ms. Brown of Florida, Mr. Thompson of Mississippi, Mr. Blagojevich, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Mrs. Christensen, Mr. McGovern, Mr. Rangel, Ms. DeLauro, Mr. Pallone, Mrs. Clayton, Ms. Carson, Mr. Lantos, Mr. Wynn, Mr. Barrett of Wisconsin, Mr. Martinez, Mr. Lewis of Georgia, Ms. Norton, Mr. Faleomavaega, Mr. Gutierrez, Ms. Rivers, and Mr. Luther):

H.R. 2161. A bill to amend title 18 of the United States Code to prohibit shipping alcohol to minors; to the Committee on the Judiciary.

By Mr. GARY MILLER of California (for himself, Mr. Holt, Mr. Metcalf, Mr. English, Mr. Underwood, Mr. Peterson of Minnesota, Mr. Calvert, Mrs. Morella, and Mr. Baker):

H.R. 2162. A bill to prohibit the use of the equipment of an electronic mail service provider to send unsolicited commercial electronic mail in contravention of the provider's posted policy and to prohibit unauthorized use of Internet domain names; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. Engel, Mr. Weiner, Mr. Boehlert, Mr. Serrano, Mrs. Lowey, Mr. Meeks of New York, Mrs. Maloney of New York, Mr. Towns, Mr. Forbes, Mr. Ackerman, Mr. Owens, Mr. Hinchey, Mr. Crowley, and Mr. McNulty):

H.R. 2163. A bill to designate the United States courthouse located at 500 Pearl Street, in New York City, New York, as the "Ted Weiss United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota:

H.R. 2164. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable and to provide for advance payments of such credit; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2165. A bill to suspend temporarily the duty on certain compound optical microscopes; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. Bilbray, Mr. Abercrombie, Mr. Boehlert, Mr. Moran of Virginia, Mr. Wynn, Mr. Matsui, Mr. Bonior, Mr. Capuano, Mr. Bereuter, Mr. Lewis of Georgia, Ms. Pelosi, Mr. Blagojevich, Mrs. Kelly, Mr. Gutierrez, Mrs. Lowey, Mr. Maloney of Connecticut, Mr. Bateman, Mr. Tierney, Mr. English, Mr. Lantos, Mr. Wexler, Mr. Stark, Mr. Lipinski, Mr. Isakson, Mr. Greenwood, Mr. Dicks, Mr. George Miller of California, Ms. Slaughter, Mr. Lampson, Mr. Whitfield, Mr. Gilman, Mr. Frank of Massachusetts, Mr. Bentsen, Mr. Leach, Mr. Shays, Mr. Smith of New Jersey, Mr. Hinchey, Mr. Franks of New Jersey, Ms. Eshoo, Mr. Pallone, Mrs. Morella, Mr. Sherman, Mr. Horn, Mr. Towns, Mr. Boucher, Mr. Andrews, Ms. DeLauro, Mr. Rothman, Mr. Brown of California, and Mrs. Johnson of Connecticut):

H.R. 2166. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Resources, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2167. A bill to suspend temporarily the duty on parts of certain magnetrons; to the Committee on Ways and Means.

H.R. 2168. A bill to temporarily reduce the duty on certain cathode-ray tubes; to the Committee on Ways and Means.

H.R. 2169. A bill to temporarily suspend the duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Foley, Mr. Cardin, Mr. Matsui, Mr. McDermott, Mr. Lewis of Georgia, Mr. Coyne, Mr. Jefferson, Mr. LoBiondo, Mr. Dicks, and Mrs. Meek of Florida):

H.R. 2170. A bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes; to the Committee on Ways and Means.

By Mr. ROEMER (for himself, Mr. Upton, Mr. Camp, Mr. Barrett of Wisconsin, Mr. Goss, Mr. Deal of Georgia, Ms. Kaptur, Ms. Rivers, Ms. Lofgren, Mr. Nethercutt, Mr. Goode, Mr. Kildee, Mr. Baldacci, Mr. Luther, Mr. Minge, Mr. McHugh, Mr. SHOWS, Mr. SMITH of Washington, Mr. STEARNS, Mr. SANFORD, Mr. FOLEY, Mr. LEACH, Ms. SLAUGHTER, Mr. BENTSEN, Mr. STRICKLAND, Mrs. THURMAN, Mr. COOK, Mr. BROWN of Ohio, Mr. HILL of Indiana, Mr. PORTER, Mr. CASTLE, Mr. TIAHRT, Mrs. MORELLA, Mr. GOODLING, Mr. GRAHAM, Mr. RAMSTAD, Mr. CALVERT, Mr. INSLEE, Mrs. FOWLER, Mr. PHELPS, Mr. CLEMENT, Mr. SOUDER, Mr. KUYKENDALL, Mr. GEKAS, Mr. KIND, Mr. QUINN, Mr. COBLE, Mrs. KELLY, Mr. ENGLISH, Mr. MCNULTY, Mr. POMEROY, Mr. CRAMER, and Ms. CARSON):

H.R. 2171. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a fiscal year that remain after all payments are made from such Allowances for the year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. SALMON (for himself, Mr. ANDREWS, Mr. SAXTON, Mr. FORBES, Mr. MCGOVERN, and Mr. GILMAN):

H.R. 2172. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on International Relations.

By Mr. SALMON (for himself, Mr. BAKER, Mr. GRAHAM, Mr. CUNNINGHAM, Mr. STUMP, Mr. PAUL, Mr. GOSS, Mr. CAMPBELL, Mr. ROYCE, Mr. HOEKSTRA, Mr. SOUDER, Mr. COOKSEY, Mr. COBURN, Mr. MCCRERY, Mrs. KELLY, Mr. FOLEY, Mr. HAYWORTH, Mr. BARTON of Texas, Mr. SESSIONS, Mr. SENSENBRENNER, and Mr. CALVERT):

H.R. 2173. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in Medicare+Choice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2174. A bill to amend title XVIII of the Social Security Act to require the governing boards and compensation committees of Medicare national accrediting entities have public representation and the governing boards have public meetings as a condition of recognizing their accreditation under the Medicare Program; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. NORTON, Mr. BISHOP, and Ms. DELAURO):

H.R. 2175. A bill to improve the quality of child care, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 2176. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariff treatment of certain categories of raw cotton; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2177. A bill to designate the James Peak Wilderness in the Arapaho National Forest in the State of Colorado, and for other purposes; to the Committee on Resources.

H.R. 2178. A bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

H.R. 2179. A bill to provide for the management as open space of certain lands at the Rocky Flats Environmental Technology Site, Colorado, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2180. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. SAXTON):

H.R. 2181. A bill to authorize the Secretary of Commerce to acquire and equip fishery survey vessels; to the Committee on Resources.

By Mr. HASTINGS of Florida:

H. Con. Res. 130. A concurrent resolution expressing congratulations and thanks to United States and NATO troops for successfully bringing peace to Kosovo and halting the brutal ethnic cleansing of Kosovar Albanians; to the Committee on International Relations.

By Mr. NADLER (for himself, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. GILMAN, Mr. MCNULTY, Mr. PALLONE, and Mr. WEINER):

H. Con. Res. 131. A concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. HOSTETTLER, and Mr. SCHAFFER):

H. Res. 205. A resolution expressing the sense of the House of Representatives with regard to Project Exile and the prosecution of Federal firearms offenses; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

100. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 118 HD1 memorializing the Congress of the United States to pass laws to prohibit American companies from manufacturing goods using child labor or from purchasing goods from foreign manufacturers that use child labor; to the Committee on Education and the Workforce.

101. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 53 memorializing the President of the United States and Congress and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a solid waste management strategy that is equitable among the states and environmentally sound; to the Committee on Commerce.

102. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 52 memorializing the United States Congress to enact legislation that amends the Social Security Act to prohibit the Federal Government from receiving any share of the funds awarded in the tobacco settlement that was reached in 1998 between the states and the tobacco industry; to the Committee on Commerce.

103. Also, a memorial of the Legislature of the State of Arizona, relative to House Memorial 2002 memorializing the Congress of the United States to enact H.R. 472 relating to the establishment of Post Census Local Review for the 2000 Census; to the Committee on Government Reform.

104. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the United States Bureau of the Census to conduct the 2000 census according to Constitutional and Legal Mandates; to the Committee on Government Reform.

105. Also, a memorial of the Legislature of the State of Arizona, relative to House Joint Resolution 2001 memorializing the Policy of the State of Arizona with Respect to the Effect and Application of the Endangered Species Act 1973; to the Committee on Resources.

106. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 33 memorializing the President of the United States and Congress make the $1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe our abandoned mine lands; to the Committee on Resources.

107. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 3 memorializing the President and Congress to enact laws that will expedite the exchange of intermingled state and federal lands located within the exterior boundaries of the Superior National Forest to consolidate land ownership for the purpose of enabling each government to properly discharge its respective management duties; to the Committee on Resources.

108. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Memorializing the Congress of the United States to Enact Legislation Establishing a National Criminal Offender Record Information System; to the Committee on the Judiciary.

109. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 4 memorializing Congress to oppose and defeat any legislation requiring Social Security coverage for Ohio public employees who are public employees who are members of one of the state's public employee retirement systems; to the Committee on Ways and Means.

110. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 38 memorializing the New Mexico Congressional Delegation to Introduce Legislation to Reinstate the Federal Income Tax Deduction for State Sales and Gross Receipts Taxes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. FOWLER introduced A bill (H.R. 2182) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Victory of Burnham*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. CHABOT.

H.R. 17: Mr. POMEROY.

H.R. 19: Mr. CRANE and Mr. OXLEY.

H.R. 72: Mr. SMITH of Washington, Mr. PICKERING, and Mr. ENGEL.

H.R. 82: Mr. WELDON of Florida, and Mr. GARY MILLER of California.

H.R. 113: Mr. FILNER and Mr. PICKERING.

H.R. 116: Mr. CLYBURN.

H.R. 175: Ms. SLAUGHTER, Mr. HOYER, Mr. RODRIGUEZ, Mr. REYNOLDS, and Ms. KAPTUR.

H.R. 234: Mr. GREEN of Texas and Mr. CRAMER.

H.R. 380: Mr. BORSKI, Mr. STRICKLAND, Mr. JONES of North Carolina, Mr. GOODLATTE, and Mr. GOODLING.

H.R. 393: Ms. ESHOO.

H.R. 468: Mr. EHLERS, Mr. DINGELL, Mr. BONIOR, and Ms. KILPATRICK.

H.R. 580: Mrs. THURMAN, Mr. BROWN of Ohio, Mr. NETHERCUTT, and Mr. GARY MILLER of California.

H.R. 601: Mr. STUMP, Mr. SPRATT, Mr. CANADY of Florida, and Mr. SMITH of Washington.

H.R. 607: Mr. NEAL of Massachusetts.

H.R. 664: Ms. PELOSI.

H.R. 671: Mr. PRICE of North Carolina and Mr. TIERNEY.

H.R. 675: Mrs. JONES of Ohio, Mr. HOLDEN, and Mr. GILCHREST.

H.R. 678: Mr. GONZALEZ.

H.R. 692: Mr. COMBEST.

H.R. 701: Mr. GUTKNECHT, Mr. TRAFICANT, Mr. HYDE, Mr. ORTIZ, and Ms. MCKINNEY.

H.R. 716: Mr. LUCAS of Kentucky.

H.R. 718: Mr. PETERSON of Pennsylvania.

H.R. 721: Mr. LEWIS of Kentucky.

H.R. 827: Ms. MILLENDER-MCDONALD, Mr. MEEHAN, Mr. MARTINEZ, and Mr. VENTO.

H.R. 835: Mr. REYNOLDS and Mr. GOODLATTE.

H.R. 842: Mr. NORWOOD.

H.R. 845: Ms. LOFGREN.

H.R. 853: Mr. CONDIT.

H.R. 854: Mr. LANTOS, Mr. LAFALCE, and Mr. EVANS.

H.R. 875: Mr. ENGEL and Mr. OLVER.

H.R. 890: Ms. WOOLSEY and Mr. DIXON.

H.R. 906: Mr. HINCHEY, Mr. CAPUANO, Ms. PELOSI, Mrs. MINK of Hawaii, and Mr. STARK.

H.R. 914: Ms. VELÁZQUEZ and Mr. BORSKI.

H.R. 919: Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. MENENDEZ, and Mr. EVANS.

H.R. 922: Mr. NORWOOD, Mr. PITTS, Mr. SALMON, and Mr. EHRLICH.

H.R. 937: Mr. ETHERIDGE.

H.R. 960: Mr. COYNE.

H.R. 1046: Mr. ROHRABACHER.

H.R. 1051: Mr. FATTAH.

H.R. 1071: Ms. KAPTUR.

H.R. 1083: Mr. ISAKSON, Mr. HILLEARY, and Mr. CHABOT.

H.R. 1084: Mr. JOHN.

H.R. 1095: Mr. BERMAN, Ms. PELOSI, Mr. ENGEL, Mr. CAPUANO, Ms. KAPTUR, Mr. DELAHUNT, and Mr. ROTHMAN.

H.R. 1102: Mr. OSE, Mrs. KELLY, Mr. BARRETT of Nebraska, Ms. KILPATRICK, and Mr. ROTHMAN.

H.R. 1111: Mr. SMITH of Washington, Mrs. JOHNSON of Connecticut, Mr. TOWNS, and Mr. GARY MILLER of California.

H.R. 1122: Mr. PORTER, Mr. MORAN of Virginia, Mr. HERGER, Mr. OXLEY, Mr. FRANK of Massachusetts, Ms. ESHOO, Mr. GARY MILLER of California, Mr. MALONEY of Connecticut, Ms. DUNN, Ms. RIVERS, Mr. HEFLEY, Mr. SUNUNU, and Mr. CRAMER.

H.R. 1130: Ms. VELÁZQUEZ.

H.R. 1138: Ms. BROWN of Florida and Mr. HASTINGS of Washington.

H.R. 1140: Ms. LEE.

H.R. 1175: Mr. GEPHARDT, Mr. REYES, and Mr. SISISKY.

H.R. 1177: Mr. PITTS.

H.R. 1187: Mrs. CAPPS, Mr. YOUNG of Alaska, Mr. ROTHMAN, Mr. SHADEGG, Mr. WELDON of Florida, and Ms. SANCHEZ.

H.R. 1188: Mr. DIAZ-BALART and Ms. VELÁZQUEZ.

H.R. 1193: Mr. THOMSPON of Mississippi, Mr. PICKERING, Mr. PRICE of North Carolina, and Ms. MILLENDER-MCDONALD.

H.R. 1202: Mr. DIAZ-BALART, Mr. EVANS, Mrs. TAUSCHER, Mr. DOYLE, Mr. CLAY, Mr. WEINER, Ms. ESHOO, Ms. PRYCE of Ohio, and Mr. KUCINICH.

H.R. 1214: Ms. VELÁZQUEZ.

H.R. 1219: Mrs. BIGGERT.

H.R. 1227: Mr. FRANK of Massachusetts.

H.R. 1233: Ms. JACKSON-LEE of Texas.

H.R. 1234: Mr. FROST, Mr. SNYDER, Mr. PACKARD, Mr. DIAZ-BALART, and Mr. HASTINGS of Washington.

H.R. 1237: Mr. METCALF and Ms. ESHOO.

H.R. 1248: Mr. PASTOR.

H.R. 1261: Mr. STEARNS.

H.R. 1273: Mr. BILIRAKIS.

H.R. 1303: Mr. BURR of North Carolina and Mr. ETHERIDGE.

H.R. 1310: Mr. PAUL, Ms. LOFGREN, Mr. WAXMAN, Mr. KILDEE, Mr. CANADY of Florida, Ms. WOOLSEY, Mr. REYES, Mr. WATTS of Oklahoma, Mr. DEUTSCH, Ms. PELOSI, and Mr. HINOJOSA.

H.R. 1311: Mr. GARY MILLER of California, Mr. SCHAFFER, Ms. HOOLEY of Oregon, Mr. SHIMKUS, Ms. KILPATRICK, Mr. KILDEE, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. ISTOOK.

H.R. 1322: Mr. GRAHAM.

H.R. 1325: Mr. RANGEL, Mr. SERRANO, Mr. NEAL of Massachusetts, and Mrs. JONES of Ohio.

H.R. 1333: Ms. KAPTUR, Mr. CUMMINGS, and Mr. HINOJOSA.

H.R. 1342: Mr. PASTOR.

H.R. 1358: Ms. KILPATRICK and Mr. BARCIA.

H.R. 1387: Mr. WEYGAND.

H.R. 1388: Mr. LARSON, Mr. WEYGAND, Mr. BONILLA, Mr. DIXON, Mr. BLAGOJEVICH, Mr. ALLEN, and Mr. BORSKI.

H.R. 1399: Mr. HINCHEY, Mr. KING, and Mr. BRADY of Pennsylvania.

H.R. 1432: Ms. WOOLSEY and Ms. MCKINNEY.

H.R. 1443: Mr. COYNE, Ms. KILPATRICK, Mr. ALLEN, Mr. FRANK of Massachusetts, and Mrs. MORELLA.

H.R. 1472: Mr. COOK, Mr. GILLMOR, Mr. CUNNINGHAM, Mr. MEEHAN, Mr. TOWNS, Mr. GILMAN, Mr. WELDON of Florida, Mr. DUNCAN, Mr. BENTSEN, Mr. WELLER, Mr. GOODLATTE, Ms. PELOSI, Mr. EHLERS, Mr. SCHAFFER, Mr. SCARBOROUGH, Mr. HOBSON, Mr. ENGLISH, Mr. BLUMENAUER, Mr. KUYKENDALL, Mr. BARRETT of Wisconsin, Mr. BURR of North Carolina, and Ms. KAPTUR.

H.R. 1482: Mr. BALDACCI.

H.R. 1494: Mr. GOODE.

H.R. 1495: Mr. CUMMINGS and Ms. VELÁZQUEZ.

H.R. 1524: Mr. THUNE.

H.R. 1525: Mr. DOYLE, Mr. DIAZ-BALART, Mr. LAFALCE, and Mr. SABO.

H.R. 1561: Mr. STUMP, Mr. HOSTETTLER, and Mr. TANCREDO.

H.R. 1572: Ms. KILPATRICK and Mr. GREEN of Texas.

H.R. 1579: Mr. BARRETT of Wisconsin, Mr. EVERETT, Ms. DANNER, Ms. ROYBAL-ALLARD, Mr. BERMAN, and Ms. SANCHEZ.

H.R. 1581: Mr. TOWNS, Mr. VENTO, Mr. DEFAZIO, Mr. NADLER, Mr. PRICE of North Carolina, Ms. NORTON, Mr. OLVER, Mr. LEWIS of California, Mr. ROTHMAN and Mr. WYNN.

H.R. 1590: Mr. BORSKI.

H.R. 1592: Ms. KILPATRICK, Mr. BARTLETT of Maryland, Mr. GOODLING, Mr. ROEMER, Mr. SMITH of Michigan, Mr. MCCRERY, Mr. BARCIA, Mr. HOEKSTRA, and Ms. PRYCE of Ohio.

H.R. 1627: Mr. BRADY of Pennsylvania.

H.R. 1629: Mr. DAVIS of Illinois, Mr. MCINTYRE, Mr. LEWIS of Georgia, and Ms. NORTON.

H.R. 1644: Mr. FRANK of Massachusetts, Mrs. CAPPS, Mr. HOYER, Mr. STENHOLM, and Mr. MEEHAN.

H.R. 1650: Mr. KING, Mr. INSLEE, Mr. PETERSON of Pennsylvania, Mr. LEWIS of Georgia, Mr. DINGELL, and Mr. DICKS.

H.R. 1660: Mr. PRICE of North Carolina, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. BAIRD, Mr. HOLT, Mr. KIND, Mr. NEY, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. CLEMENT, Mr. KLINK, Mr. COSTELLO, Mr. BISHOP, and Mr. GREEN of Texas.

H.R. 1677: Mr. BONIOR.

H.R. 1691: Mr. CAMP, Mr. WHITFIELD, and Mr. BARRETT of Nebraska.

H.R. 1702: Mr. PASTOR and Mr. STARK.

H.R. 1713: Ms. MCKINNEY.

H.R. 1747: Mr. METCALF.

H.R. 1750: Mr. SABO, Ms. SLAUGHTER, and Mrs. MCCARTHY of New York.

H.R. 1760: Mr. GREEN of Texas and Mr. CUMMINGS.

H.R. 1857: Mr. COYNE.

H.R. 1862: Mr. BENTSEN and Mr. BORSKI.

H.R. 1872: Mr. MCINNIS.

H.R. 1887: Mr. TRAFICANT.

H.R. 1896: Mr. DAVIS of Illinois and Mr. BLAGOJEVICH.

H.R. 1917: Mr. WATTS of Oklahoma, Mrs. MYRICK, Mr. THOMPSON of Mississippi, Mr. BALDACCI, Mr. MENENDEZ, Mr. ALLEN, Mr. CLYBURN, Mr. RODRIGUEZ, Mr. SANDERS, Mr. STEARNS, Mr. EVANS, Mr. BURTON of Indiana, Mr. NADLER, Mr. FORD, and Mr. NEAL of Massachusetts.

H.R. 1948: Mr. PAYNE.

H.R. 1958: Mr. SHERWOOD, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. GREENWOOD, Mr. PETERSON of Pennsylvania, Mr. MASCARA, Mr. GEKAS, and Mr. GOODLING.

H.R. 1969: Mr. HAYWORTH.

H.R. 1974: Mr. BROWN of California and Mr. EVANS.

H.R. 1975: Mr. SUNUNU and Mr. SENSENBRENNER.

H.R. 1977: Mrs. ROUKEMA.

H.R. 1984: Mr. WEINER, Ms. NORTON, and Mr. HINCHEY.

H.R. 1993: Mr. CROWLEY, Mr. DAVIS of Florida, Mr. DREIER, Ms. LOFGREN, and Mrs. LOWEY.

H.R. 1994: Mr. UDALL of Colorado.

H.R. 1998: Mr. FRANK of Massachusetts.

H.R. 1999: Mr. PASTOR.

H.R. 2033: Mr. ENGLISH and Mr. BLUMENAUER.

H.R. 2052: Ms. HOOLEY of Oregon, Mr. BLUMENAUER and Mr. WU.

H.R. 2102: Mr. TOWNS, Mr. WEYGAND, and Ms. SLAUGHTER.

H.J. Res. 14: Mr. KOLBE.

H.J. Res. 55: Mr. METCALF, Mr. YOUNG of Alaska, and Mr. INSLEE.

H.J. Res. 57: Mr. BROWN of Ohio, Mr. SMITH of New Jersey, Mr. WOLF, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Mr. BARTON of Texas, Mr. VISCLOSKY, and Mr. TANCREDO.

H. Con. Res. 30: Mr. GOODLATTE.

H. Con. Res. 67: Mr. TALENT and Mr. MENENDEZ.

H. Con. Res. 78: Mr. FARR of California.

H. Con. Res. 99: Ms. MCKINNEY.

H. Con. Res. 107: Mr. SOUDER.

H. Con. Res. 121: Mr. HEFLEY.

H. Con. Res. 128: Mr. ABERCROMBIE, Mr. SAXTON, Mr. FRANKS of New Jersey, Mr. DIXON, Mr. HOLDEN, Mr. CAPUANO, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. WYNN, Mr. BRADY of Pennsylvania, and Mr. LEVIN.

H. Res. 89: Mr. BORSKI.

H. Res. 146: Mr. LEACH and Mr. LAMPSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 850: Mr. HASTINGS of Florida.

H.R. 1732: Mr. HASTINGS of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

14. The SPEAKER presented a petition of the Lennox School District, Lennox, California, relative to Resolution No. 98-34 petitioning the California Legislature to Increase Funding for Special Education; to the Committee on Education and the Workforce.

15. Also, a petition of Scotts Valley Unified School District, Santa Cruz, California, relative to Resolution No. 99-025 petitioning the Congress to restore parity to these two classes of students by appropriating funds for IDEA to the full authorized level of funding for 40 percent excess costs of providing special education and related services; to the Committee on Education and the Workforce.

16. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 133 petitioning the United States Congress to Pass Legislation Prohibiting Federal Claims to Multistate Tobacco Settlement Funds; to the Committee on Commerce.

17. Also, a petition of the Diocese of Washington, DC, relative to Resolution No. 10 petitioning the Congress of the United States to pass the Hate Crimes Prevention Act; to the Committee on the Judiciary.

18. Also, a petition of the Legislature of Suffolk County, New York, relative to Sense Resolution No. 8 petitioning the United States Congress to repeal co-payment requirement for veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

THE CHILD CARE QUALITY IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce the Child Care Quality Improvement Act of 1999. As more and more families with infants and young children are forced to send both parents to work, the need for child care—especially infant care and care at non-traditional hours—continues to expand. As the need for care grows however, startling findings in a study on the cost and quality of child care by the University of Colorado at Denver's Department of Economics report that more than 80% of child care services in the U.S. is thought to be of poor or average quality.

I want to make sure we're not missing the mark. Although it is true that child care is in short supply and is too expensive for many families to afford, we must not allow the demand for child care services to override the need for quality. It is critical that children receive care that promotes their healthy growth and development. We cannot allow them to be placed in substandard conditions.

Today I am introducing the Child Care Quality Improvement Act of 1999, to help states increase and meet their child care quality goals. My bill would provide funding for Quality Improvement Grants to be transferred to local child care collaboratives.

Grants would be made by the Federal government to states which have established goals for child care quality improvements in six areas: increased training for staff, enhanced licensing standards, reduced numbers of unlicensed facilities, increased monitoring and enforcement, reduce caregiver turnover, and higher levels of accreditation. States would then make grants to local child care collaboratives to make quality improvements.

My bill take a benchmarking approach that helps states define quality targets and measures the states' progress toward meeting their long-term quality goals. State plans would be subject to the U.S. Department of Health and Human Services (HHS) for approval and monitoring. States would be required to report to the U.S. Department of Health and Human Services on their progress in meeting their quality goals in order to remain eligible for future funding.

I am introducing this legislation in response to a report by the General Accounting Office (GAO) which found that most states lack strong standards for quality child car, such as requiring a sufficient educational training level of child care workers, keeping child to staff ratios low,and requiring safety and health provision on hand washing and playground equipment safety. The report further concluded that child care center staff turnover—which hurts the quality of care children receive—is very high and is largely due to the extremely low level of pay teachers in child care centers receive.

I have sought the expertise of child care professional and early childhood development specialist across the country, including Dr. Edward Zigler, Sterling Professor of Psychology, former Director of which is now the Administration for Children, Youth and Families at the U.S. Department of Health and Human Service, and founder of the federal Head Start Program. Dr. Zigler tells us that a national policy to encourage an increase in state quality standards is of great value, and that the goal of this legislation—to improve child care services in the states—is both necessary and urgent.

Congress has wrongly refused to require significant quality standards for the child care dollars we allocate each year. The federal government should give states the resources to raise state quality standards and improve child care quality at the local level, but only through a system of measurable indicators of desired outcomes. We must allocate these funds with the guarantee that incentive grants will continue to raise standards and improve the quality of care.

As the father of a young son, I know the difficulty families face when choosing a caregiver for their children. My bill gives families peace of mind by encouraging the state and local facilities across the country to provide the high quality of care every child deserves.

HONORING THE VOLUNTEERS OF ST. MARY'S/GOOD SAMARITAN HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to recognize the volunteer corps who make up the "backbone" for St. Mary's/Good Samaritan Hospital's Centralia and Mt. Vernon campuses.

Volunteers such as founding member Pat Bunchman, Mercedes Campbell, Barbara Francois, and Pauline Raines, represent some of the longest-serving members of the volunteer group. These hospital auxiliary groups provide volunteer service and funding thus far of $1 million for patient and hospital equipment since they began their efforts.

Pauline Raines said the volunteering needs "patience," "commitment," and being a "people-person." The ability for these tasks to be put to use and the initiative to implement these programs are a tribute to what the United States stands for. It is a wonderful thing to see American values exhibited in such a benevolent and rewarding program such as the hospital auxiliary groups of St. Mary's/Good Samaritan Hospital.

I applaud their volunteer service, and site it as a testament of volunteerism aiding our communities and enriching our lives.

RECOGNIZING LAMBERTVILLE'S 150TH ANNIVERSARY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Lambertville, New Jersey's sesquicentennial. Lambertville is a historic town, which has been and continues to be a source of pride for the state of New Jersey. I am proud to represent it in Congress.

Lambertville first grew to prominence as a key stop along the Old York Road, the main route from Philadelphia to New York, in the early 1700's. At the beginning of the 19th century, the building of the Delaware and Raritan Canal helped the town become a leading industrial center for manufacturing. Railroads began to take on much of the canal traffic in the late 1800s, and Lambertville retained its importance as a trade center by serving as the headquarters of the Pennsylvania-Belvidere Railroad. By the turn of the century, more than 3000 factory workers produced such items as wooden wagon wheels, rubber boots, railway cars, bottled beer, and ceramic white ware within the town's borders.

Although Lambertville's factories and mills are closed today, the town continues to thrive. The historic downtown district offers art galleries, antique shops, and a variety of wonderful restaurants. Lambertville retains a colonial charm, with Victorian, Colonial, and Federal styled buildings housing its 4,000 residents. The annual Shad festival in April, a two-day event that marks the arrival of spring and the run of the shad fish upstream to the Delaware River, salutes ongoing efforts to revitalize and maintain the quality of our water.

Lambertville's celebrations of its anniversary will be taking place throughout the summer. In the spring, a documentary on the town will be released.

Lambertville, New Jersey represents the best of small town life. As we look for ways to control development and to create livable communities, Lambertville offers a vibrant, positive example. I urge all my colleagues to join me in recognizing the town of Lambertville on its sesquicentennial.

HONORING THE GRADUATES OF THE 90TH PRECINCT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has led and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives, I ask you to join me in congratulating the following Academic Achievement Award Recipients:

Christian Nitti and Joshua Romero—PS 16.
Massiel Santana and Josette Dueno—PS 18.
Pearl Ramos and Andrew Vasquez—PS 19.
David Rodriguez and Cindy Escoboza—PS 84.
Lasnette O'Garro and Jose Lozada—PS 147.
Steven Rodriguez and Jamyra Quinones—PS 196.
Giselle Burgos and Christina Santiago—PS 250.
Kimberly Gonzalez and David Quinga—PS 257.
Michelle Rivera and Ior Kretowicz—Most Holy Trinity R.C.
Jennifer Pascual and Nicole Medici—St. Nicholas R.C.
Marcus Copeland and Ann Liriano—PS 380.
Kaity Cheng and Yu Chen—I.S. 318.
Sabrina Ramphal and Yamil Tavarez—I.S. 49.
Fances Dover and Wendy Morel—J.H.S. 50.
Abner Rodriguez and Monica Aldana—I.S. 71.
Nella Bastien and Raquel Aponte—H.S. Enterprise Business & Tech.
Essanai Velasquez and Luis Ramos—El Puente Academy/Peace & Justice.
Keith Madden and Zorielle Rodriguez—Transfiguration R.C. School.
Desirae Nazario and Joann Danio—Saint Peter & Paul R.C.
Jennifer Chavez and Gabriella Padilla—All Saints R.C.

WAGING THE DRUG WAR

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. CUNNINGHAM. Mr. Speaker, last week a Narcotics Eradication Task Force from the Republic of Colombia visited Washington. The Task Force included three retired Colombian Generals, a former Minister of Defense, the ex-Chief of Staff of the Armed Forces, the Army's former Inspector General, journalists, academics and a Magistrate from the International War Crimes Tribunal in The Hague. They came to Washington at the request of the bipartisan National Security Caucus with an important and powerful message for all of us.

I hope all of my colleagues will pay careful attention to the alarming statistics they provided:

Eighty percent of the world supply of cocaine is produced or transits through Colombia, and over 75 percent of the heroin seized on the U.S. East Coast is from that nation.

Over 20,000 Americans die every year from abusing illegal narcotics. Drug abuse is also the main reason America's prison population has doubled between 1988 and 1998 and our nation has to spend over $35 billion on its correctional system.

There has been a 27 percent increase in drug use among 12–17 year olds, and 78 percent of American students report that drugs are bought, sold or used in their high schools.

According to the most recent reports issued by the Clinton Administration, there has been an incredible 378 percent annual increase in the use of pure Colombian heroin. Heroin use has become an epidemic in almost every town, big or small, in our country. It is cheaper, purer and easier to obtain than ever before.

A recent report released by the Colombian Army demonstrates that the FARC rebels have earned more than $5.3 billion over the last eight years through drug trafficking, kidnapping and extortion.

Colombia has one of the highest rates of murder and kidnapping in the world. Attacks by rebel forces displaced over 300,000 people last year and 95 percent of all crimes go unpunished. The number of outstanding arrest warrants is over 150,000 and the judiciary has a backlog of over 3.5 million cases.

Mr. Speaker, I believe we can win the war on drugs but it will take a real commitment. We cannot just wish it away, and education alone is not going to stop drugs. Furthermore, interdiction alone will not stop the drug lords.

Almost every American family has been affected negatively by drugs, including my own, not only from usage but from the sale of drugs. I want to tell you how disappointing, how hurtful it is and how damaging it is to a family. The Narcotics Eradication Task Force from Colombia expressed sincere gratitude for the economic assistance of the United States, but they also demonstrated that we need a real and comprehensive war on drugs.

The Task Force members reminded us that many brave Colombian soldiers, policemen, judges and statesmen have lost their lives in the War on Drugs. They reminded our colleagues of heroes such as Enrique Camerino, a Border Patrol agent from just east of my district. He was buried alive after being tortured by Mexican drug loads.

The Narcotics Eradication Task Force met with Senator Jeff Sessions (R–AL) and our colleagues Cass Ballenger (R–NC); Ciro Rodriguez (D–TX), Joe Crowley (D–NY), Kevin Brady (R–TX), Cliff Stearns (R–FL) and Mark Sanford (R–SC). According to the Task Force, the Colombian cartels processed coca paste flown from Peru and Bolivia for over a decade.

It was not until the 1990s that the cartels promoted the planting of coca in the remote and sparsely populated eastern plains and jungles of Colombia, where the guerrillas had strong influence. Initially the guerrillas were content to protect laboratories and "tax" the different phases of the production process. They have since moved into direct involvement in the whole production process. They provide a good share of the cocaine produced in Colombia and collect protection money for the rest. The same holds true for the more recent production of heroine.

However, as their income from drugs increased the guerrillas' kidnaping activity did not diminish. Around 1,600 people were reported kidnaped in 1997 and over 2000 were abducted in 1998. The true figure is unknown but probably much higher, since families are routinely ordered not to inform the authorities and many heed this warning. Guerrillas are believed to be responsible for 60% of the kidnapping in Colombia and collect more than 200 million dollars annually from these activities.

The Colombian guerrillas are thought to be the world's richest and most powerful criminal organization. But guerrillas combatants do not operate in a vacuum. Although the various legal Marxist parties have had little success at the polls, their unarmed supporters have infiltrated many government organizations. They also have permanent representatives abroad that run, with the collaboration of the extreme left in the United States and Europe, a powerful propaganda and disinformation operation.

The visit of the Narcotics Eradication Task Force was made possible by the Colombian non-profit organization, Forum Interamericano. The Task Force also expressed its concern over the excessive concessions made by President Pastrana to the FARC rebels in a well intentioned but badly planned peace initiative. As an inducement to the FARC to sit at a negotiating table Pastrana ordered the withdrawal of the Armed Forces from a coca producing region the size of Switzerland, 16,000 square miles. This has given the terrorist guerrillas a safe sanctuary where the rebel group is recruiting combatants, keeping kidnap victims and has continued to produce drugs.

HONORING MT. MORIAH CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to applaud the efforts of the Mt. Moriah Christian Church in Centralia, Illinois for their strength and dedication in rebuilding after vandals set a fire that destroyed the church in August of 1997.

Mount Moriah believed to be the first church in Marion County was built in 1829. The May

16 rededication ceremony with county historian George Ross as the guest speaker told of the great history behind this community asset.

Credit should go to the dedicated members, Dale Nollman, and Carpenter's for Christ for their assistance in the rebuilding process. They not only restored the church, but also brought the building up to standards including making it wheelchair accessible.

I am truly pleased to se that the Mt. Moriah Christian Church's efforts will keep this part of community history living with new chapters to come well in to the future.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. VISCLOSKY. Mr. Speaker, due to a commitment to my family on Wednesday, June 9, 1999, I was unable to cast my floor vote on rollcall Nos. 182–184.

COMMUNITY REINVESTMENT ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, I'd like to address an issue of great importance to me and to many members of the community I represent. Fair and equal access to capital and credit should be a fundamental right, yet for too long it has been a privilege based on race or economic class. The dream of owning your own home or business slips away when financial institutions discriminate against hardworking, creditworthy Americans.

Fortunately, blatant discrimination in the lending industry is in decline, home ownership and small business opportunities are on the rise and we can attribute much of this progress to the Community Reinvestment Act (CRA). CRA rates federal banking agencies on how they meet the credit and capital needs of all the communities in which they are chartered and from which they take deposits. Community organizations, elected and religious leaders, and ordinary citizens have a right to offer their opinions regarding the CRA performance of lenders during CRA exams or mergers of CRA. Additionally, CRA has leveraged a tremendous amount of reinvestment for our nation's inner cities and rural areas. For example, in 1997, low- and moderate-income borrowers received 28 percent of the nation's mortgage loans—up dramatically from 18 percent in 1990. According to the National Community Reinvestment Coalition, banks have made over $1 trillion in commitments to CRA-related loans and investments since the law was passed in 1977. In Rhode Island, CRA has revitalized cities throughout the state. From Constitution Hill in Woonsocket to the West End of Providence to Newport, community based housing and economic development activities are taking place because of CRA.

As we here in the Congress consider financial modernization and H.R. 10, I will strenuously oppose any effort to weaken CRA. In addition, we must strengthen our nation's reinvestment and fair lending laws through reopening requirements on policyholders. We should ensure that CRA will leverage new business opportunities by helping insurance companies, community organizations, and local public agencies identify missed market opportunities in traditionally underserved neighborhoods.

I urge my colleagues to stand firm in support of CRA during the debate on H.R. 10. Supporting the measurable progress we have made in expanding economic opportunities for all segments of our society is the right thing to do.

RHODE ISLAND COMMUNITY
REINVESTMENT ASSOCIATION,
Providence, RI, May 24, 1999.

Hon. ROBERT WEYGAND,
House of Representatives,
Washington, DC.

Hon. PATRICK KENNEDY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WEYGAND AND CONGRESSMAN KENNEDY: The RI Community Reinvestment Association (RICRA) is a thirteen-year-old organization working to encourage the public and private reinvestment in the housing and community economic development of low and moderate neighborhoods in the state. RICRA provides foreclosure prevention advocacy for individual homeowners.

The future of CRA is at risk. Given the importance of the Fleet proposed acquisition of BankBoston with 50 bank branches to be sold. One example, the City of Pawtucket has on the table all Fleet and BankBoston branches to be sold. CRA is revitalizing our cities in Rhode Island. From Constitution Hill in Woonsocket to the West End of Providence to Newport and South County, community-based housing and economic development activities are taking place because of CRA. CRA must be preserved. Financial Modernization should benefit all segments of our communities and individual households. Financial Modernization should not be just for depositors with daily balances in the six-figures income. Financial Modernization must include community reinvestment.

RICRA is requesting that as our Congressional Delegation in the House of Representatives that you join the procession for a one-minute statement on CRA. We've enclosed the text for your consideration. If you agree to do a one-minute speech, please work with Rep. LaFalce's staff (Tricia Haisten 202–225–4247).

Thanking you in advance for your consideration of working to save CRA.

Sincerely,

RAY NEIRINCKX,
Coordinator.

EXCHANGE PRIVILEGES FOR 30% DISABLED VETERANS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ANDREWS. Mr. Speaker, I rise today to support allowing veterans with a service-connected disability of 30% or more to use military exchanges. I am pleased that the House Armed Service Committee approved report language urging the Pentagon, in coordination with the Veterans Administration, to study the feasibility of providing exchange privileges to veterans with a disability of 30% or more. I want to reiterate my support for this policy, and I hope that the Pentagon will favorably report back the results of their study to the Armed Services Committees in both the House and Senate before the end of this year.

Today, as many as one million disabled and deserving veterans are unjustly denied the ability to patronize military exchanges. Exchange privileges are granted to veterans who incur a serious disability while in service that warrants medical retirement, but veterans whose disabilities increase after separation from military service are denied this privilege.

I support extending exchange privileges to disabled veterans whose service-related injuries exacerbate over time. Many veterans who incurred service-connected injuries that did not appear initially to be serious enough to warrant medical retirement, but these injuries often have a delayed effect and develop later in life into more severe disabilities that significantly impair their health.

The Department of Defense can afford to give exchange privileges to veterans with service-connected injuries which have led to a disability of 30% or more. I do not believe that allowing these deserving veterans exchange privileges will greatly burden exchange operations or the appropriated funds budget. Already, employees of the military exchange systems, who have never served a day in uniform, enjoy exchange shopping privileges. Disabled veterans deserve no less.

We should grant exchange privileges to this group of patriots because it is the right, fair and honorable thing to do. I am pleased that the bill we are considering today urges the Pentagon to correct this injustice.

RECOGNIZING WCXO IN CLINTON COUNTY, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate WCXO in Clinton County which will begin broadcasting in mid-June from a state-of-the-art FM facility.

This station will not only provide music entertainment: it will also give a valuable resource to local residents by its commitment to the community through its broadcasting of boys' and girls' high school sporting events, local and headline news reports, and farm reports.

Owned by Joy Publishing, the station will be headed by General Manager Annette Bevel. Under her guidance and their dedicated staff composed mostly of Clinton County's own, I am confident that the station will be a great asset to Clinton County.

I applaud these efforts to improve communication, entertainment, and information within Clinton County and wish them well.

IN HONOR OF MR. WHIT CLARK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Whit Clark the principal of Col. John Glenn School.

Whit Clark has been a very successful educator for 33 years and an effective principal at Col. John Glenn for the last 13 years. Whit Clark has done an outstanding job as an educator for the last 33 years. For his exceptional efforts, he received a commendation from Mayor Gerald Trafis.

He has been a wonderful example in his community for truly being a man for others. His dedication to his profession is something that sticks out and should be recognized. He has a love for his position unlike anyone I have ever seen. He will be greatly missed when he retires on June 6th of this year.

My fellow colleagues, please join me in honoring one of Cleveland's great educators Mr. Whit Clark.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1999. This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System.

The bill is essentially identical to one my predecessor, Representative David Skaggs, introduced in October of last year, which in turn was based on similar measures he had proposed in the 103rd and 104th Congresses. It also reflects previous proposals by former Senator Bill Armstrong and others. I am grateful to have the opportunity to press forward in the effort to complete the work they began.

Over the last several years my predecessor worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of his bill's provisions, particularly regarding the status of existing water facilities, and I have drawn on them in shaping the bill I am introducing today.

Covering 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in this wilderness designation.

The features of these lands and waters that make Rocky Mountain National park a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries are carefully located to assure continued access for use of existing roadways, buildings and developed areas; privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

This bill is based on National Park Service recommendations, prepared 25 years ago and presented to Congress by President Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass the most recent bill to designate additional wilderness in our state's national forests. We now must take up the urgent question of wilderness designations of lands managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park. In December, 1993, the court ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to claim. This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions.

As for the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there, although it has affirmed that the park does have such rights. With all other rights to water arising in the park and flowing west already claimed, as a practical matter under Colorado water law, this wilderness designation will not restrict any new water claims.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation.

Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park. Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. Thus, the bill deserves prompt enactment.

I am attaching a fact sheet giving more details about the bill:

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

1. ROCKY MOUNTAIN NATIONAL PARK

Rocky Mountain National Park, one of the nation's most visited parks, possesses some of the most pristine and striking alpine ecosystems and natural landscapes in the continental United States. This park straddles the Continental Divide along Colorado's northern Front Range. It contains high altitude lakes, herds of bighorn sheep and elk, glacial cirques and snow fields, broad expanses of alpine tundra, old-growth forests and thundering rivers. It also contains Longs Peak, one of Colorado's 54 fourteen thousand-foot peaks.

2. CONGRESSMAN UDALL'S ROCKY MOUNTAIN NATIONAL PARK WILDERNESS PROPOSAL

Former Congressman David Skaggs from the Second District had been working for years to designate certain areas within the Park as wilderness. Congressman Skaggs introduced a bill last year, and this proposal by Congressman Udall is essentially identical.

The Udall proposal would designate nearly 250,000 acres within Rocky Mountain National Park, or about 94 percent of the Park, as wilderness, including Longs Peak—the areas included are based on the recommendations prepared over 24 years ago by President Nixon with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted; designate about 1,000 acres as wilderness when non-conforming structures are removed; and add non-federal inholdings within the wilderness boundaries to the wilderness if they are acquired by the United States.

The Udall proposal would NOT create a new federal reserved water right; instead, it includes a finding that the Park's existing federal reserved water rights, as decided by the Colorado courts, are sufficient, nor include certain lands in the Park as wilderness, including Trail Ridge and other roads used for motorized travel, water storage and conveyance structures, buildings, developed areas of the Park, and private inholdings.

3. EXISTING WATER FACILITIES

Boundaries for the wilderness areas are drawn to exclude: existing storage and conveyance structures, thereby assuring continued use of the Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel and gauging stations of the Colorado-Big Thompson Project; Long Draw Reservoir; and lands owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated by the bill), or other Colorado-Big Thompson Project facilities. Additional activities for these purposes will be allowed, subject to reasonable restrictions, should they be necessary to respond to emergencies.

RETURN OF VETERANS MEMORIAL OBJECTS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to call your attention to an amendment to the Senate version of the FY2000 Defense Authorization Bill. Section 1066 of the Senate version prohibits the return of veterans memorial objects to foreign nations without specific authorization in law.

Although it might seem to be a well-intentioned attempt to protect veterans memorials, this amendment is, in fact, an underhanded attempt infringe upon the chief executive's authority to, in good, return questionably acquired items to their rightful owners.

We all agree that this nation had been involved in a number of unjust conflicts. Regrettably, our troops have been involved in dubious actions, both here and in foreign lands. Without, taking dignity away from those who have fallen and those who followed orders, we should strive towards preserving our ability to right certain historical wrongs.

Under the cloak of protecting veterans memorials, this amendment is actually an attempt to impede the facilitation of a compromise between the United States and the Republic of the Philippines. F.E. Warren Air Force Base plays host to a memorial comprised of two church bells seized from the Philippines. As the bells are equally important to Filipinos, they have requested the repatriation of one.

I have worked in the last Congress to bring this compromise. Veterans groups, church officials, and members of this body have expressed support. Section 1066 of the Senate version is designed to undermine the progress we have made on this issue.

I urge the members of the conference committee to be mindful of this. Let us be straightforward and put the real issue on the table. I urge the members of the conference committee to act accordingly on this matter.

HONORING WILLIAM H. WALKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to honor an individual who served our great Nation in war time, and served our children in peace. William H. Walker not only served our Nation as one of the famed Tuskegee Airmen, but also served as an educator at Lincoln Elementary School in Centralia, Illinois.

The Illinois native from Carbondale passed away at age 83. During his life, he was a patriot and an inspiration to the civil rights movement, City of Centralia, and children of Lincoln Elementary School. Mr. Walker is also an inductee in the Centralia Historical Hall of Fame.

Dan Griffin, Superintendent of the Centralia City School District in which William Walker served said of Mr. Walker, "He was well-respected by the black community and white community alike, and by all educators. . . . The best way I can sum up Bill Walker is that he was a gentleman's gentleman."

I commend him on his life-time service to the Nation. His life should be a reminder to us all about what service to the Nation means.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes:

Ms. WATERS. Mr. Chairman, I rise to speak in opposition to the Gilman-Goss amendment.

This foolish and dangerous amendment would prohibit the use of funds to maintain a U.S. military presence in Haiti after December 31 of this year. The effect of this amendment is to gut US Support Group Haiti, an important humanitarian, engineering and civic affairs operation, and deny our President the flexibility he needs to determine our nation's troop deployments.

Haiti is currently planning to hold elections later this year. This elections follow months of political instability. It is vital that the United States show our support for the democratic process in this country.

Unfortunately, this is not the first time that Members on the other side of the aisle have attempted to interfere in our nation's support for democracy in Haiti. Last month, Republicans led an effort to squash a human rights observation mission that represented the one credible human rights organization in Haiti during this difficult time.

Now, these same critics of our nation's policy toward Haiti are attempting to force our troops to leave at a time when their presence is especially important to support stability and aid in democratization efforts.

The people of Haiti are looking forward to having elections later this year. Requiring the courageous and dedicated men and women of our nation's armed forces to leave the country now would send a terrible message to the Haitian people about our willingness to support the democratic process in this country. Now is not the time to consider withdrawing these men and women at this critical point in Haiti's history.

I urge my colleagues to vote against the Gilman-Goss amendment.

IN HONOR OF CHARLES REYNOLDS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Mr. Charles Reynolds for his commitment to educating and shaping the lives of our youth. Mr. Reynolds is retiring from his position as principal at Benedictine High School in Cleveland, Ohio.

Mr. Reynolds' school spirit and enthusiasm for sports was demonstrated in the 1950s as a student at Benedictine where he was an All Scholastic basketball and football player for the Benedictine Bengals. After receiving a Bachelor's Degree from Purdue University, Mr. Reynolds returned to his alma mater as a teacher and football and basketball coach. From there he went to Warrensville High School as head football and assistant basketball coach.

Mr. Reynolds continued his career in education by serving as assistant principal at Monticello Junior High. He later became Unit Principal at Cleveland High School. Finally, he accepted the position of principal at Warren High School where he remained until he retired.

However, his retirement was short-lived. After Father Dominic Mondzelewski stepped down as principal at Benedictine, Mr. Reynolds was persuaded to come out of retirement to become Benedictine's first lay principal. During his tenure, he upgraded the school technology and implemented many new programs, including Project Real, the Renaissance Honors program. In addition, he has instilled a renewed pride and school spirit among the student body.

Mr. Reynolds took great pride in his leadership role at Benedictine, a school that excels in educating young men and sends 99 percent of its graduates to college. Benedictine is known not only for academics, but also athletics The high school currently holds the record in the lower 48 states of winning five state athletic championships over two academic years.

I ask my fellow colleagues to join me in congratulating Mr. Reynolds for his career as an outstanding educator. Benedictine will celebrate his retirement at a dinner on June 5, 1999. I wish Charles Reynolds and his family the very best.

TAIWAN EXTENDS A HELPING HAND TO THE KOSOVAR REFUGEES

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ENGLISH. Mr. Speaker, it is with great pride that I rise today to honor President Lee Teng-hui of the Republic of China on Taiwan.

President Lee has announced that he will sponsor an aid package amounting to US$300 million for the refugees in Kosovo. He should be highly commended for his leadership. President Lee's generosity should inspire other wealthy nations of the world to open their hearts and pockets to help the war-torn region.

Taiwan is a geographically small nation, yet its government and people have large, unselfish hearts. They recognize the need for generosity toward the Kosovars, and they are always more than willing to help the less fortunate throughout the world.

President Lee's offer of financial assistance to Kosovo is very generous, and Taiwan should be recognized by the United States and the entire world for this selfless, charitable action.

A FITTING HONOR FOR SHEILA DECTER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, on July 27 I will be here on the floor of the House. Ordinarily that would be a source of pride to me, because I very much enjoy serving in this institution and appreciate the privilege of doing so which I receive from my constituents. But on July 27, I will be here with some regret, because my presence in the House will mean that I will be absent from the event honoring Sheila Decter, Executive Director of the American Jewish Congress in Boston.

From my days in the Massachusetts Legislature in the 70s, through my current service in the House, I have relied on Sheila Decter's wisdom, knowledge, and commitment to fairness for all people in my effort to do my job. Sheila Decter is one of the great natural resources of Massachusetts, and no one better deserves the honor she will be receiving on July 27 than she.

In her work through the American Jewish Congress Sheila Decter exemplifies the notion set forward by the great Rabbi Hillel, because she shows that working to protect the rights of Jews in this country and elsewhere are not only compatible with a strong commitment to universal human rights, but in fact reinforces and strengthens that commitment. Sheila Decter exemplifies the point that fighting injustice against any one group is best done by putting that in the context of the fight against injustice everywhere. She has enriched the life of our community, and she has made my job a lot easier. And while I know that our rules require us to address all remarks to the Speaker, I hope I will be permitted an exception so I can say: Mazel Tov, Sheila.

CELEBRATING THE 40TH ANNIVERSARY OF LeCLAIRE CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to congratulate the LeClaire Christian Church of Edwardsville, Illinois which is celebrating its 40th anniversary.

Throughout the years, the church has seen great change as it has moved from Odd Fellows' Hall to Garfield Street to its present location on Esic. The church has also seen their membership grow by four times throughout the years. Through this growth the church has expanded construction in order to provide greater facilities for congregation and community use.

The Anniversary Committee, chaired by Twila Ellsworth said the celebration has brought back former members as well as ministers from the past.

I am happy to see the steps the anniversary committee has made to celebrate their past as well as continuing their steps to offer quality programs and services to the community.

YUMA AGRICULTURE FORUM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SCHAFFER. Mr. Speaker, this spring I held a widely-attended agriculture forum in Yuma, Colorado to hear from a panel of citizens representing Colorado's agriculture industry. Panelists shared their thoughts regarding the worsening agriculture economy in America and provided valuable suggestions for improving the industry's chances for success.

Record-low commodity prices, disease and weather-related problems, coupled with declining export opportunities and a weak demand, have taken a devastating toll on America's agriculture industry. Farm income has fallen dramatically over the past two years and it is difficult to predict how soon it might rebound. While Congress recently helped stave off disaster in rural America with an emergency assistance package, it is quite evident serious long-term policy decisions must be implemented to ensure the lasting future of rural agriculture.

Upon returning to Washington, D.C. from Yuma, I shared this report with House Agriculture Committee Chairman LARRY COMBEST, my colleagues on the House Agriculture Committee and other key Members of Congress in order to provide them with the valuable information and suggestions I received from my constituents. This information has already proven quite helpful in prioritizing the agricultural policy agenda for the 106th Congress and I have been asked to distribute it to all Members.

Therefore, Mr. Speaker, I hereby submit for the RECORD, the summarized comments and suggestions of Colorado's agriculture community.

DAVE FRANK, OWNER, MAINSTREET INSURANCE

When Mainstreet Insurance first began issuing multi-peril insurance policies to producers, the 1985 farm program was in effect which mandated participating farmers own crop insurance to cover potential nominal and catastrophic losses. This policy of mandatory coverage was reinforced under the Freedom to Farm Act of 1995, which imposed additional restrictions and sanctions upon uninsured producers. This is good for agriculture, because it encourages sound risk management practices among producers and can help prevent the need for frequent taxpayer-funded government bailouts.

However, following a year of historically low commodity prices, natural disasters, and lost export opportunities due to a worsening economic crisis in Asia and eroding markets in Europe and Latin America, Congress in late 1998 found it necessary to provide nearly $6 billion in farm disaster and market loss assistance for American producers. Rather than provide higher relief payments to those producers who purchased crop insurance than to those who did not, Secretary Glickman provided the same level of relief to all qualifying producers. There is little incentive for some to invest in crop insurance if it is determined the government will step in and provide the same level of "emergency" assistance to all producers, regardless of coverage.

There are a number of ways to improve our current federal crop insurance program. First of all, the federal government should refrain from providing emergency or disaster relief to producers who signed non-insured waivers giving up their rights to any disaster payments. Much as an uninsured store-owner would not expect the government to take responsibility for his or her losses in the event of a fire, an equally uninsured farmer should not expect the government to cover losses stemming from another unforeseen disaster.

Secondly, the government should encourage higher levels of crop insurance coverage among producers. Currently, the Risk Management Agency (RMA) subsidizes the 50%, 55%, and 65% coverage level premiums at 32% of cost, while only subsidizing the 70% and 75% levels at 18% of cost. It is difficult to encourage farmers to move from the 65% to 70% coverage level if their indemnity will only increase a few dollars while their premiums almost double. Instead, the RMA should invert the subsidy schedule to encourage higher level of coverage. Many U.S. counties are now testing coverage plans up to 80% and 85%. The RMA should consider testing plans up to 90%, 95%, or even 100% of farmers' Actual Production History (APH).

The RMA also must become more customer service-oriented and more attentive to the changing needs of producers operating under a new, market-drive agriculture program. Crop production and crop practices have changed rapidly and dramatically since the 1995 Farm Bill. Many farmers are changing their rotations and planting different crops, while others are planting continuous crops. There are a number of clients who live in one county, yet their land extends over into the next county. In many cases, the RMA allows a crop to be insured in one but not the other. The land is the same, the crop is the same, and the farmer is the same, yet only part of the crop is allowed to be covered by crop insurance. Discrepancies such as these discourage sound management practices at the very time the government should be encouraging them.

RANDY WENGER, INSURANCE AGENT, PRODUCER

One of the biggest problems clients encounter centers around the use of the Average Production History (APH). When farmers have three or four years of losses in a row, the APH suffers considerably. Furthermore, even though the APH is capped at 20 percent, producers are assessed a 5 percent surcharge in order to cap their policies, and therefore suffer twice.

The first way to improve the APH would be to eliminate the 5 percent surcharge. Secondly, the 20 percent cap on the APH should be removed. Thirdly, the APH should not be allowed to fall below the transitional year yields stated in the actuarials. Many companies are aggressively pursuing new and innovative policies for higher subsidies, but such policies are often quite costly to acquire.

It would also be very helpful to extend the insurance sales deadline past March 15th, possibly until April 15th or May 1st. Such an extension would allow uninsured producers, or those with policy caps, to sit down and discuss various policy options with insurance providers to determine the most appropriate and efficient plan.

ELENA METRO, EXECUTIVE DIRECTOR, COLORADO PORK PRODUCERS

Agriculture producers are suffering considerably from overly-burdensome federal environmental regulations often based upon emotion rather than upon sound science. Furthermore, environmental regulations, whether based upon science or emotion, significantly drive up the price of agricultural goods. Consumers increasingly want goods which are convenient, nutritious, environmentally sound, and inexpensive. While it is certainly the consumers right to want these things, it is becoming more and more difficult, even with new technology and increased efficiency, to provide such products at the low prices consumers prefer. Burdensome regulations needlessly drive up production costs and subsequently consumer prices.

America must work ever harder to open foreign export markets for our producers and ensure free and fair trading policies at home and abroad. Not only is it vital to secure expanding overseas market-share for domestic goods, but we must also guarantee fair competition at home. Statistics show Americans are eating over four pounds of additional protein per year. Such an increase suggests more of this protein will be purchased from foreign producers, which in turn means we must assure fair import policies and a fair competitive environment for Colorado and U.S. producers.

Urban encroachment is another issue of major concern to farmers and ranchers and the future of agriculture. We are losing more and more agricultural land to development each year and in the process sacrificing valuable farmland which can never be reclaimed for production agriculture. As an illustration, there is a man who farms two miles away who had just finished spraying his wheat field for pests. The next day, he was walking on his land when he spotted two women riding horses through his property. "Excuse me ma'am, but this is my land you are riding on," he said. "But it's just a field," one of the riders replied. "No," the farmer responded, "I just sprayed chemicals on my crops yesterday which could be hazardous to your horses." One of the women spun her horse around to face him and said, "Well, where do you expect us to ride then?" The farmer replied, "If you want to ride, then buy more land."

This story represents a common occurrence, where farmers and ranchers, having kept to themselves and worked their land in an often secluded, rural environment for generations, are now experiencing encroachment from an ever-increasing population. Old homesteads are being replaced and surrounded by homes, businesses, shopping centers and apartment complexes. If such growth is not somehow managed, planned, or organized, the repercussions on the farming industry could be great.

For one thing, unemployed farmers and ranchers cannot simply walk across the street to find a new job like people who live in Denver. The loss of the hog industry to Eastern Colorado would create mass unemployment and economic depression. It would be similar to the loss of US West to Denver. Secondly, the reduction in domestic agricultural production would naturally lead to more reliance upon imported food. There is the possibility such products would not have the same high level of food safety expected of domestic products.

LARRY PALSER, VICE PRESIDENT, COLORADO WHEAT ADMINISTRATION

There are many reasons for the widespread discouragement among wheat producers today. U.S. producers are experiencing the lowest wheat prices in eight years, coupled with the largest stock since 1988. While acknowledging low prices can be attributed to the cyclical nature of commodity markets, we should also be working to turn the corner toward price improvement by selling and exporting more wheat. There are many reasons why export sales are not at the levels we would prefer to see, but the two primary areas include overall trade policy and sanctions reform.

One of the primary aims of the Freedom to Farm bill was increased market access for production. Over the past four years, wheat imports by six countries (Cuba, Iran, Iraq, Libya, North Korea, and Sudan) have more than doubled. Unfortunately, however, the United States has imposed strict trade sanctions prohibiting the export of U.S. agriculture products to every one of these countries. This represents approximately 15 percent of global demand for U.S. wheat exports and amounts to the largest self-imposed market-loss since the 1980 U.S.S.R. embargo. American farmers in 1998 harvested the largest supply of wheat this decade and now face the lowest levels of serviceable imports to account for the demand of the decade. This greatly contributes to the price-depressing carryovers we are currently experiencing. Access to these and other restricted markets is essential to the long-term success of the wheat industry.

Even with record-low prices for American wheat, foreign competitors are capable of undercutting U.S. prices through export subsidies such as those employed by the European Union. In addition, the Canadian and Australian Wheat Boards have utilized trade agreements to garner better tariff rates and higher wheat prices. The U.S. government should be fighting harder than ever to improve the competitive ability of domestic producers by strengthening our negotiating authority and securing more advantageous trade agreements. We should also level the playing field somewhat by fully utilizing the export enhancement programs, market development programs, PL480 and others to regain our rightful percentage of the world market. Finally, there should be in place a permanent mechanism to reimburse producers for market losses caused by U.S.-imposed sanctions and restrictions.

In regards to crop insurance, the other panelists are correct in their assessment we must do everything possible to strengthen and enhance risk management programs for producers. The federal funding mechanism should be inverted so that higher costing coverage policies have their premiums subsidized at a better rate. This would encourage producers to purchase higher coverage policies. Furthermore, if the United States moves away from federal disaster assistance programs, the crop insurance program and other risk management tools must provide adequate coverage at an economical price for producers.

STEVE THORN, FORMER OFFICER, COLORADO CORN GROWERS ASSOCIATION

Trade sanctions and trade policy issues have already been mentioned by other panelists, but these are definitely very vital issues for producers today. With over 70 global economies off-limits to U.S. producers due to trade sanctions, farmers and ranchers are subsequently denied access to nearly 50% of the total world market. In the past it has been said that three out of every four bushels of corn will be used here in the United States, but that the price is tagged to the one bushel we sell overseas. Whatever the percentage is today going overseas, the prices we receive for our products are a whole lot less than they used to be. While U.S. producers are the most efficient coarse grain and feedstuff growers in the world, they are certainly not treated that way at home or abroad.

Part of the problem stems from the very nature of government-led farm programs. Once legislation is drafted, debated by committees, and voted on by the entire Congress, it ends up under the authority of unelected bureaucrats with little or no accountability to the producers they are charged with serving. The legislative proposal that once sounded so simple and helpful ends up as a convoluted mess by the time it works its way to the implementation stage. Most of the expenditures do not end up going where they were intended to go and policies rarely turn out right when implemented by the agencies. County Farm Service Agency (FSA) representatives, for instance, have had to postpone appointments for weeks sometimes because of delays in receiving proper information and support from the USDA.

It is very important to provide producers with a strong and viable safety net, but whatever policy is enacted must be clearly delineated for agency follow-through and must allow for significant Congressional oversight. Lawmakers are capable of crafting successful legislation, but if it gets passed off to bureaucrats with little care or understanding of the original intent of the bill then it simply turns into another worthless piece of paper.

In addition, while Congress by nature must establish rules, regulations, laws and initiatives which apply to the entire country, there needs to be an understanding that what is right for Iowa is not necessarily right for northeast Colorado. Planting and harvesting times are different as are decisions regarding financial planning and insurance coverage. Colorado producers must be taken into consideration along with the rest of the country when deadlines are determined.

Finally, it is important to enact Fast Track trade negotiating authority for the president in order to ensure clean, effective trade negotiations and to help secure fair trade agreements for American producers. The North American Free Trade Agreement (NAFTA) sounded good on the surface, but there are several aspects which have turned out to be different than anticipated. The Mexican government, for instance, has not been importing dry beans at the level they said they were going to import. Not only that, but they have set up a permit system to restrict the level of imports and have not even been taking delivery on the beans for which they purchased the permits. Dry beans may store for longer periods of time than some wheat and some corn, and certainly longer than pork and beef, but they will not store forever. Facing such restrictions and uncertainties is harmful to American producers.

ROGER HICKERT, PRESIDENT, COLORADO LIVESTOCK ASSOCIATION

Cattle prices historically run in ten-year cycles. The last ten years, however, between natural occurrences and various issues within the industry, have brought significant changes to those cycles. In the early 1990's, specifically the winter of 1992, the industry saw big losses in the feeding industry along the high plains of the Texas Panhandle, Oklahoma, and Southwest Kansas. This resulted in a gap in the market and extremely high prices in 1993. As soon as the inventory was there, however, the market immediately corrected itself and that created extreme lows and major losses for the industry. Those losses now have extended for approximately five years and have been stretched out somewhat by the concentration in the industry. This concentration appears to have extended to the feeding industry as well as the packing industry and has created a whole new business atmosphere with different players and different reporting practices.

The National Cattlemen's Beef Association (NCBA) in its last convention moved to support mandatory price reporting of all live sales. This issue is a two-edged sword because not only would the high prices being eliminated need to be reported, but so would the unreported low prices. Most producers probably would not come in and say "well, I sold cattle today for $0.58 even though the price is $0.62." Those are going to show up and probably change the average, so again, it is a two-edged sword. But it would help to determine what the good cattle are selling for.

Many of the problems faced by the industry, particularly the equity loss incurred over the past twelve months, have been some of the most tremendous ever faced by the feeding industry. Much of it can be attributed to indications the cattle industry was at a bullish point in the cycle and many in the industry moved away from risk management and dropped positions on the futures board. For many big companies, like Coke Industries, the loss was just too extreme to stay in the feeding business.

Another issue is the movement toward more alliances. Producer, feeder, and packer alliances are beginning to become the branded product, and as the industry moves toward branded products, producers and feeders will have to be very careful which brand or alliance they get into. Dr. Gary Smith of Colorado State University (CSU) suggests that in the next five years, those not involved in an alliance will probably not be here in the next five years, and that choosing an alliance will probably be the most important decision they make within that time period.

A significant concern for the industry right now is the European Union (EU) hormone ban on beef, particularly since exports account for 10 percent of the industry's business. This ban is nothing more than a trade barrier because there is no scientific evidence anything is wrong with the meat. It is simply a way to deny market-share to U.S. producers. The American beef producer can compete with anybody in the world on a level playing field, but they cannot compete against Canadian producers who benefit from heavy grain subsidies and can feed cattle for half the price. It is not fair that Canadian producers benefit from this subsidy and then haul their live cattle to local areas to be slaughtered and stamped by the USDA.

While the Colorado Livestock Association has officially taken a neutral stance on the country-of-origin labeling issue, it is certainly one with which the industry must contend. There are many in and out of the industry calling for such labeling, but such a policy, if enacted, could work both ways for the U.S. industry. The more informed consumer, it is believed, will prefer to purchase U.S. beef, which is widely considered to be the best and cheapest product available in the world. But there are some among the public who may decide for whatever reason to purchase Australian or Argentinean grass-fed beef instead.

Congress must also work to pressure federal agencies to cut down on unnecessary regulatory burdens. Environmental regulations from the Environmental Protection Agency, in particular, have grown ever more restrictive and significantly cut into agriculture profits. The industry is working hard to stay ahead of the regulations, but many smaller feed lots find it very difficult to afford the $15,000 to $20,000 just to keep up with the environmental regulations.

JERRY SONNENBERG, COLORADO FARM BUREAU

It is important any environmental regulations promulgated by the EPA be based upon sound science. These regulatory burdens do cost a lot of money and do cut down on profitability and productivity, but if they are deemed to be absolutely necessary, they must work for everybody and be backed by sound science.

Country-of-origin labeling is an important policy to implement. There are some who may prefer Australian or Argentinean beef, but the fact is most consumers believe American producers raise the best and safest commodities and food in the world and we should be confident and proud to put our name on it.

It is imperative the United States works to open foreign markets. As mentioned earlier, the more than 70 countries currently sanctioned by the U.S. government represents a significant market for the U.S. agriculture industry. Agriculture generally takes the brunt of most imposed sanctions, and when U.S. products are denied access to a market, another exporting country will supply the product in our place.

We must not eliminate and sanction foreign markets at a time when world population is forecast to increase, and possibly double, within the next 50 to 60 years. The United States has a surplus of agricultural products, yet 25 percent of the world is considered to be under-nourished. The U.S. must find ways to deliver its goods to that 25 percent, whether through the utilization of the Export Enhancement Program (EEP) or through other means.

The Endangered Species Act (ESA) has really tied the hands of American producers domestically through its use of ambiguous and disputable policies and restrictions. In particular, the designation and regulation of potential Preble's Meadow Jumping Mouse habitat land has not been based upon known facts or sound science. For example, at the same time the Fish and Wildlife Service documents the mouse never strays beyond 150 feet from waterways, the EPA is calling for a 300-foot buffer. The EPA's regulation simply does not correspond with the known facts and science as documented by the agency with jurisdiction over the issue. The burden of proof must lie with the federal government in proving beyond a doubt the presence of this species, in addition to documented proof it is in fact threatened, before imposing burdensome regulations on America's farmers and ranchers.

RON OHLSON, DIRECTOR, YUMA COUNTY FARM SERVICE AGENCY (FSA)

The role of the Farm Service Agency (FSA) is to work face to face with local producers and help them utilize available programs and tools. When assisting with programs such as the Crop Loss Disaster Assistance Program, the fewer levels of bureaucracy the program must pass through on the way to the producer, the better. This program, for instance, looks nothing like the plan originally passed by the Congress because of all the bureaucracy. There should be some way for local FSA representatives to make minor policy changes and avoid duplication with other agencies in order to better serve producers. Over the past seven or eight years there has also been a deterioration in the grass-roots nature of coordination and assistance. Now, local control is increasingly considered to be an area, state, or regional office. This assistance must continue to be administered by those who know the producers and their needs best.

While a number of farm programs are supposed to be phased out under the Farm Bill, agency staff is being reduced faster than the programs they are expected to administer. Ongoing programs are difficult to maintain, particularly when insufficient staff is available to administer and implement the large, ad-hoc programs that develop quickly and unexpectedly like this Crop Loss Disaster Assistance Program. County offices must be given the time and ability to implement the programs correctly and efficiently the first time. The implementation software for this particular program, for instance, did not arrive from Washington, D.C. in a timely manner and it made things very difficult.

It is getting to the point that many offices do not know how they are going to handle the high workload. The counties of Eastern Colorado have among the largest workload around. The seven counties in this district have a higher workload than Utah and Nevada. Large programs and tasks are delivered to the understaffed offices as priority items but none of their other projects can be set aside or delayed. The level of paperwork is immense too—it might be helpful to revisit the Paperwork Reduction Act to determine if it is being fully implemented.

Many producers in this area are also very concerned about the Kyoto treaty. This treaty, if approved and implemented, will have a severe impact on the agriculture industry, which is expected to shoulder a large share of the burden.

DEB NICHOLS, EXECUTIVE ADMINISTRATOR, IRRIGATION RESEARCH FOUNDATION

The Irrigation Research Foundation is a privately owned, non-profit, independent research and demonstration site. It is the only research station focusing on irrigation and is located over the Ogallala Aquifer. The primary purpose is to find ways to make production more economical and to demonstrate wise water use.

Earlier this decade, a group of local producers wanted to see studies useful to their own production and throughout the region. It was important to know what populations to plan, ways to work with soil compaction to produce better yields, different options for setting up variety trials, how to make more of a profit, and a way to see all of the different companies side-by-side to inspect their premier varieties. Ed and Jessie Troutman purchased a quarter of land north of Yuma in January 1994 from the Dekalb Seed Company and established the Irrigation Research Foundation. Today, the foundation has a board made up of diversified, farm-oriented individuals, both retired and working, who represent the banking industry, the insurance industry, dairy associations, cattle producers, commercial fertilizer sales people, and individuals from the University Cooperative Extension.

Some of the crops raised in 1998 were corn, wheat, sunflowers, soybeans, pinto beans, milo, sugar beets, millet, canola, field peas, and cotton. There is a silage plot, Iowa corn, transgenetic corn resistant to specific insects, a corn population study, herbicide-resistant corn, and the premier corn study is the water and nutrient management study.

The Irrigation Research Foundation works with Dr. Maudie L. Casey, a water specialist from Colorado State University (CSU), on a study which looks at variable fertilizer rates, population levels, and irrigation rates. This study is designed to determine the optimum which will produce the greatest profit, not necessarily the greatest yield.

In 1998, the foundation acquired a 5-year lease of dry land from the City of Yuma. While the primary focus of the Irrigation Research Foundation is on water, dry land research is also very important to many members. Evolving technology has presented new ways to manage dry land. The foundation is demonstrating ways to use continual cropping with various rotations to not only produce an annual yield, but also to at the same time preserve the soil, reduce wind erosion, and help wildlife.

The Irrigation Research Foundation also provides various forms of public service to the community. The foundation is currently arranging to hold several classes for the community through Morgan Community College, there are sugar beet planter test days where producers can have their equipment tested free of cost, training is available for commercial applicators and emergency personnel in the handling of hazardous products, such as fertilizers, chemicals, pesticides, and herbicides. The foundation also produces for the public an informative annual report and holds several field days throughout the year. Wheat field days are held in June, sugar beet days are held in September, and the premier show is the Farm Show held in August which allows affiliated companies to showcase their products, provides an opportunity for producers to learn about the foundation's studies, and presents an opportunity for many individuals in the industry to interact with one another.

ROSS TUELL, MEMBER, YUMA COUNTY ECONOMIC DEVELOPMENT COMMITTEE

The Yuma County Economic Development Committee is funded by the County of Yuma and the two cities of Yuma and Wray. The committee focuses primarily on retaining and expanding existing businesses by serving as an information service, helping write business plans, locate funding sources, and complete documents and forms. The committee also looks to add value to existing operations and add new businesses to the community. The most important effort is keeping producers on the farm, otherwise we lose them and the stores in town that serve them. One challenge is balancing the positives and negatives of expanding economic growth. The bigger the farms get, which they presently are, the larger the pieces of equipment they require, which means fewer implement dealers, fewer employees, and fewer businesses in town.

From a producer's standpoint, the policies that would help agriculture the most are those which would expand markets and reduce burdensome regulations and expenses. Specifically, the Congress and the president should work to enact Fast Track trade negotiating authority, eliminate the death tax, cut capital gains taxes, and lower the marginal income tax rate.

While some opposed to cutting capital gains taxes and the death tax claim it benefits only the extraordinarily rich in the country, it is simply not the case. The extremely wealthy do not worry much about these taxes. If they have something they want to sell or bequeath, they are going to do it anyway and the tax is not going to affect them much. But family farms are different. Families must sell the farm just to pay the taxes and then nothing is left.

Furthermore, as mentioned earlier in the forum, the U.S. must revise its policy regarding the sanctions currently imposed on over 70 countries. As Dr. Barry Flinsbaugh from Kansas State University (KSU) has stated, if the U.S. is going to continue using food as a weapon, we ought to change the way we do it. Instead of holding it back, we should simply give it to them. We are not fighting the people who are starving, we are fighting governments, and the governments do not care that the people are starving, which is why we have human rights concerns in the first place. It is much easier to throw forty metric tons of wheat at them than it is to throw a million-dollar piece of electronic hardware at them.

DAVE THOMAS, YUMA COUNTY COMMISSIONER

Commissioner Thomas addressed his comments to me. He said, "Congressman, I would like to thank you for coming to Yuma County and for being our voice in Washington because we have a lot of concerns here today. I know you will carry those forward. All of the concerns mentioned today affect Eastern Colorado and I know you will be our voice."

CINDY HICKERT, FORMER WASHINGTON COUNTY COMMISSIONER

While not a resident of Yuma County, Commissioner Hickert does conduct business here. For one reason or another, the Environmental Protection Agency (EPA) has been exerting more pressure on the Health Department to develop more of a paper trail. It should really be more important to get things done correctly than to concentrate more staff on creating a paper trail. As was mentioned earlier in the forum, any new regulations and restrictions must be based upon sound science.

Mr. Speaker, I would like to close by thanking all of the participants for their input. Mr. Tim Stulp moderated the forum and did an outstanding job of drawing many helpful thoughts and comments from our expert panel of speakers. I might also point out Mr. Speaker, that mid-way through the forum, Mr. Combest of Texas addressed the crowd, by telephone and loudspeaker, and assured Colorado producers of efforts in the House to strengthen America's agriculture economy.

INTRODUCTION OF ROCKY FLATS OPEN SPACE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Rocky Flats Open Space Act. This legislation will preserve important open space and wildlife resources of this former nuclear weapons production facility in the heart of a major metropolitan area.

The Rocky Flats facility sits on land purchased by the federal government in the early 1950s for the production of nuclear weapons components. Since 1992, Rocky Flats' mission has changed from production of nuclear weapons components to managing wastes and materials and, cleaning up and converting the site to beneficial uses in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

The land at Rocky Flats is generally divided into a buffer zone of about 6,000-acres and an industrial area of about 385-acres. The industrial area contains the building and facilities that were used to manufacture nuclear weapons components. The buffer zone has been generally used as an open space perimeter around the centrally located industrial area.

Since it was established in 1951, the Rocky Flats buffer zone has remained essentially undisturbed. This land possesses an impressive diversity of wildlife, including threatened and endangered species. It also represents one of the last sections of critical open space that makes up the striking Front Range mountain backdrop.

The concept of preserving this land as open space is not new. Recently, the city of Westminster, Colorado, just east of Rocky Flats, conducted a citywide poll asking residents how they thought the Rocky Flats site should be managed into the future. The results of that poll were released in February 1999 and they show that people overwhelmingly support the preservation of Rocky Flats as open space. In fact, 88 percent of the respondents picked open space as the preferred land use. Additionally, from 1993 to 1995, The Rocky Flats Future Site Use Working Group, composed of a broad range of local community representatives and the public, evaluated the potential future uses of the Rocky Flats site. In 1995, the Group issued a set of recommendations, which included keeping the buffer zone in open space. Furthermore, the 1996 Rocky Flats Cleanup Agreement and corresponding Rocky Flats Vision Statement, the documents which govern cleanup of the site, contemplate open space uses for the buffer zone. In short, my bill reflects the preferences of the citizens who live around the site by designating the buffer zone as open space.

Just last month, Secretary of Energy Bill Richardson designated about 800 acres of the northwest section of the buffer zone as the Rock Creek Reserve to preserve and protect the important wildlife, cultural and open space resources of this area. My bill complements the Secretary's action by acknowledging the important wildlife and open space opportunities of the entire buffer zone. Because a number of future management decisions still need to be made, my bill also creates a Rocky Flats Open Space Advisory Council, composed of representatives of the communities, citizens and state and federal agencies, to make recommendations as to how the buffer zone should be managed as open space.

It is important that there be a rational and more predictable process for addressing land use and the open space potential of Rocky Flats. My bill ensures that state and local government will have a seat at the table in determining the future of land use at Rocky Flats.

In addition, it is important to underscore that my bill will not affect the ongoing cleanup and closure activities at Rocky Flats. My bill encourages DOE to remain on track for the cleanup and closure of the site by the year 2006. It also directs that the bill's provisions for open space management cannot be used to establish cleanup levels for the site, and instead directs that the appropriate cleanup levels be based on public health and safety considerations.

Specifically, the Rocky Flats Open Space Act would declare that the lands owned by the federal government at Rocky Flats will remain in federal ownership, and that the lands comprising the buffer zone (about 6,000-acres) remain as open space. Additionally, the bill would create an Open Space Advisory Council, comprised of representatives of the local community and citizens, to make recommendations on the appropriate entity to manage the wildlife, wildlife habitat and open space resources of the buffer zone. The advisory council would also provide any other advice on how this open space resource should be managed. Furthermore, the bill would stipulate that the U.S. Department of Energy continues with all required cleanup and closure activities.

The bill would not establish the Rocky Flats industrial area as open space, but that would not be precluded by the bill if the communities find such use appropriate. Similarly, the bill won't affect the scope and schedule of cleanup and closure of Rocky Flats—it does not hamper achieving a cleanup and closure by the year 2006—or affect the historic former Lindsey Ranch Homestead facilities that presently exist in the buffer zone. It also won't affect the recently created Rock Creek Reserve established by the U.S. Department of Energy and the U.S. Fish and Wildlife Service for about 800-acres in the northwest area of the buffer zone.

CONGRATULATING CHIEF WARRANT OFFICER FIVE ANTONIO B. ECLAVEA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Chief Warrant Officer Five Antonio B. Eclavea, a native son of Guam, on his very distinguished career and well-earned retirement. CW5 Eclavea has made his contribution to the strength and security of our nation through his faithful and professional military service.

By having been one of the first soldiers ever to be promoted to the grade of Chief Warrant Officer Five (CW5), Antonio B. Eclavea has brought great recognition to himself, the island of Guam and her people. Although the first warrant officers promoted to the rank of CW5 were selected in 1992, it was not until 1993 that the United States Army first appointed active duty CW5's. CW5 Eclavea holds the distinction of being the first Army warrant officer promoted to CW5 in the Adjutant General Corps.

Born on September 9, 1934, in the city of Hågatña, CW5 Eclavea initially served in the military through the United States Air Force. Attaining the rank of Master Sergeant, he made a career move and joined the Army in 1969. After eleven years, he traded his Air Force stripes for warrant officer's bars.

For over four decades CW5 Eclavea served at various posts, including tours of duty in Vietnam, Taiwan, Germany, and the Republic of Korea. He was also stationed at a number of stateside locations, earning the respect and admiration of superiors and troops. In addition to completing the Army Adjutant General Course and the Master Warrant Officer Course, he also received a Bachelor of Science degree in Economics and Business Administration from Marymount College. Awards and decorations conferred to him include, among others, the Distinguished Service Medal, the Legion of Merit, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, and the Army Achievement Medal. Currently the most senior warrant officer in the United States Army, he is serving in his final assignment as the Assistant Executive Officer to the Army Chief of Staff.

CW5 Eclavea's distinguished military career is a source of pride for the people of Guam. I congratulate CW5 Eclavea on his outstanding achievements. Together with the people of Guam, I join his wife, Rose Marie, and his sons Johnny, Anthony, Michael, and Mark, in proudly celebrating his great accomplishments. I hope that he enjoys his well-earned retirement and wish him the best in his future endeavors.

IN HONOR OF NELSON CINTRON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the first Hispanic Councilman in the City of Cleveland, Nelson Cintron, Jr.

Mr. Cintron has had many extraordinary accomplishments as a city councilman. He expanded the Puerto Rican Parade from 1 day to 4 days thus creating the Puerto Rican Society of Cleveland. Fulfilling a promise he made to his father, he brought the first 24 hours a day Hispanic Radio Station to Cleveland through Cablevision in 1991. He was also the first to win local primaries for Cleveland City councilman 1989, 1993, and to win the election in 1997, thus fulfilling another one of his life long dreams.

Mr. Cintron has also been an outstanding leader in his community. He is currently a member of several clubs and community organizations including: Alma Yaucana Club, Azteca Club, San Lorenzo Club, the Puerto Rican Society of Cleveland, Spanish American Committee, the Ohio Latin Broadcasting Inc, St. Michael Church, Latinos Unidos and the Hispanic Club.

Through his hard work and dedication to helping the Puerto Ricans in Cleveland, Mr. Cintron has set an example of what can be accomplished and has been a positive role model for the Hispanic community in Cleveland. Mr. Cintron is a tremendous inspiration to all Americans. Through his strong devotion he has been an exceptional leader in the Puerto Rican Community and has helped them make a name for themselves.

My fellow colleagues, please join me in honoring Nelson Cintron, Jr., a dear friend and the first Hispanic Councilman for the City of Cleveland.

TAIWAN TO AID KOSOVAR REFUGEES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROHRABACHER. Mr. Speaker, I rise to commend President Lee Teng-hui of Taiwan, who has announced Taiwan's decision to provide $300 million in aid for Kosovar refugees and the reconstruction of war-torn areas of Kosovo. The aid includes emergency food and shelter for Kosovar evacuees in Macedonia, as well as short-term occupational training in Taiwan to help refugees speed the reconstruction of war-ravaged areas.

President Lee and the government and people of Taiwan are to be congratulated for voluntarily participating in the international relief effort for the people of Kosovo. Their actions are in stark contrast to People's Republic of China's hostile attitude toward the United States and NATO and their political obstruction to maintaining peace in the fragile democratic nation of Macedonia. This generous humanitarian action by Taiwan, a nation of 21 million freedom loving people, who live in the threatening shadow of tyranny imposed on mainland China, emphasizes the reason that the United States must remain a loyal friend and unwaveringly support the defense of freedom for the Taiwanese people.

I am enclosing for the record a copy of President Lee's June 7, 1999 presidential statement regarding assistance to Kosovar refugees.

PRESIDENTIAL STATEMENT REGARDING ASSISTANCE TO KOSOVAR REFUGEES

The huge numbers of Kosovar casualties and refugees from the Kosovo area resulting from the NATO-Yugoslavia conflict in the Balkans have captured close world-wide attention. From the very outset, the government of the ROC has been deeply concerned and we are carefully monitoring the situation's development.

We in the Republic of China were pleased to learn last week that Yugoslavia President Slobodan Milosevic has accepted the peace plan for the Kosovo crisis proposed by the Group of Eight countries, for which specific peace agreements are being worked out.

The Republic of China wholeheartedly looks forward to the dawning of peace on the Balkans. For more than two months, we have been concerned about the plight of the hundreds of thousands of Kosovar refugees who were forced to flee to other countries, particularly from the vantage point of our emphasis on protecting human rights. We thereby organized a Republic of China aid mission to Kosovo. Carrying essential relief items, the mission made a special trip to the refugee camps in Macedonia to lend a helping hand.

Today, as we anticipate a critical moment of forth-coming peace, I hereby make the following statement to the international community on behalf of all the nationals of the Republic of China:

As a member of the world community committee to protecting and promoting human rights, the Republic of China would like to develop further the spirit of humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction. We will provide a grant aid equivalent to about US $300 million. The aid will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc., for the Kosovar refugees, living in exile in neighboring countries.
2. Short-term accommodations for some of the refugees in Taiwan, with opportunities of job training in order for them to be better equipped for the restoration of their homeland upon their return.
3. Furthermore, support the rehabilitation of the Kosovo area in coordination with international long-term recovery programs when the peace plan is implemented.

We earnestly hope that the above-mentioned aid will contribute to the promotion of the peace plan for Kosovo. I wish all the refugees an early return to their safe and peaceful Kosovo homes.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes:

Ms. WATERS. Mr. Chairman, I rise to oppose this unjust and unfair rule. The Majority Leadership is still refusing to allow several Democratic amendments to be considered by this House. I am especially opposed to this rule because my amendments to extend Section 2323 of Title X of the U.S. Code were not ruled in order.

Section 2323 established a five percent contract goal for small disadvantaged businesses and certain institutions of higher education, including Historically Black Colleges and Universities and Hispanic-serving institutions. Achieving this modest goal is the objective of the Department of Defense, the Coast Guard and NASA. This important law is scheduled to expire in the year 2000.

I proposed two amendments to extend Section 2323 beyond the year 2000 and improve the implementation of this important provision of law. My colleague, Ms. VELÁZQUEZ, also proposed two amendments to extend and modify Section 2323. So there were four different proposals regarding contracting for small disadvantaged businesses and minority institutions and none of them were ruled in order by the Republican leadership.

Recent trends have provided compelling evidence for the continuing need for affirmative action goals in Federal contracting. Following the Adarand v. Pena decision by the Supreme Court, the Federal Government undertook a review of affirmative action programs, and subsequently, 17 of these programs were altered or eliminated.

These changes have led to a significant drop in the number of Federal contracts awarded to minorities and women. For example, in 1995, the Department of Energy, which contracts out 80 percent of its purchases of goods and services, awarded $215.8 million in contracts to women and minority-owned businesses. In 1997, the amount dropped to $66.1 million. It would be extremely unfortunate if a similar decrease in Federal contracting with minority-owned businesses were to occur at the Department of Defense, the Coast Guard and NASA.

Section 2323 is a modest goal to encourage contracts with minority-owned businesses and other small businesses. As a result of this provision, many businesses owned by socially and economically disadvantaged individuals have been able to compete for, have been awarded and have executed Defense, NASA and Coast Guard contracts. Section 2323 has allowed small disadvantaged businesses and minority institutions of higher education to make a positive contribution to the national security of the United States.

I urge my colleagues to oppose this unjust rule and support a fair rule that will allow the Members of this House to consider the extension of Section 2323.

A TRIBUTE TO THE LATE MICKEY MENDOZA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to the late Mickey Mendoza of Saddle Brook, New Jersey, a young man whose life was ended in a tragic incident in Ecuador on April 11, 1999. Regrettably, to this day, no full explanation has been offered by Ecuadorian officials to describe the circumstances surrounding Mickey's death. All that we know for sure is that a bullet from a gun belonging to a police officer in Guayquil, Ecuador senselessly ended the life of a promising fourteen-year-old American citizen.

I met with Mickey's parents, Galo and Doris and their three children shortly after this death and I know the pain they are enduring. Today I have come to the floor of the U.S. House of Representatives to say that I fully share the Mendoza family's desire to get to the bottom of how Mickey died. They are owed this answer and I intend to continue my work with U.S. officials in Ecuador to ensure that they get a full accounting of what led to Mickey's death.

Mickey Mendoza was, in almost all respects, living the American dream. He was a bright and energetic student at Saddle Brook Middle School. He was active in sports, taking part in his school's wrestling team and playing soccer in a recreational league. In addition, after school, Mickey was attending confirmation classes at Mount Virgin Roman Catholic Church in Garfield, New Jersey. His creativity, his energy, his thoughtfulness, and all this has been taken from us.

Father Paul Bochicchia, pastor of Mickey's church, after learning of his death, recounted that Mickey was especially protective of his little nine-year-old sister, Isabella. What better tribute than to remember Mickey as a fourteen-year-old boy who cared for his little sister. This tells us everything we need to know about who Mickey was and why his death has touched the lives of so many people.

Among the many messages of sympathy that the Mendoza family have received, I read one that I would like to share with my colleagues. This letter was written by Anthony Maneri, Mickey's classmate at Saddle Brook Middle School; "Mickey was a great pal. He always could make you laugh, even at sad times. He always knew the right things to say to make people laugh. He was a great friend and I am going to miss him. I will never forget him."

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS: A MODEL IN SCHOOL VIOLENCE PREVENTION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize and congratulate the Prince George's County School System as one of our Nation's most innovative and successful school violence prevention programs. In the wake of the tragedies at Columbine and Conyers High School, it is important to highlight those schools which serve as a model for other school districts to follow.

As the 18th largest school district in the nation, the faculty and staff of the Prince George's County Public School system educates one of the most diverse student populations of any district in the Nation. This week, as we continue our dialogue and focus on solutions to making our schools a safer place to learn, perhaps we can look to many of the programs already in place in Prince George's County and across the State of Maryland.

Under the direction of retiring Superintendent Dr. Jerome Clark and Dr. Patricia Green, Chief, Divisional Administrator for Pupil Services, Prince George's County has implemented a regimen of programs including peer mediation, early intervention, and placement of probation specialists within schools.

The Peer Mediation program has been one of the most successful. By placing a peer mediation teacher on staff at each of the 20 high schools and 26 middle schools, students are learning now to intervene and peacefully resolve conflicts. The program has recently been instituted on the elementary school level where teachers and guidance counselors at more than 100 of the district's elementary schools are trained on the importance of creating a healthy learning environment.

Another program, called the "Justice in Cluster Program" has been so successful that the State of Maryland used the program as the model to create the statewide "Spotlight on Schools." By teaming up with the Maryland Department of Juvenile Justice, each cluster of schools is able to provide two probation specialists who work with the local high school, middle school, and elementary schools to assist guidance counselors, peer mediation teachers, school psychologists, and administrators in working with troubled students and ensuring that they remain out of the juvenile justice system.

Early intervention programs are also proving to be successful. "Second Step," a program featured in a 1997 study by the University of Washington, teaches children to change attitudes which may lead to violent behavior. Through learning empathy, impulse control and anger management, students in kindergarten through grade six are learning how to react nonviolently to various situations. The program is currently in place in 67 elementary schools and the Prince George's County School System has been asked by the Maryland State Department of Education to become the regional training center so that other school districts can replicate this successful program.

These are just three of the many positive programs being implemented just beyond the borders of our Nation's Capitol. With a number of successful federal programs in place like D.A.R.E., G.R.E.A.T., and the COPS program, we are in a position to provide a comprehensive plan for reducing school violence. I salute the Prince George's County Public School System for its dedication to safety and encourage my colleagues to look to this school system as one which may have solutions to the many problems facing our education system.

IN HONOR OF SAINT ALOYSIUS PARISH ON ITS 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to the Saint Aloysius Parish of Cleveland, Ohio on its 100th anniversary.

The church serves its parishioners and the communities of Glenville and South Collinwood through education, social services and the preservation of faith values. Two schools, St. Aloysius and St. Joseph's, offer education to students in kindergarten through eighth grade. The schools are known for their excellence in academics and the strong sense of community between teachers, students and parents. St. Aloysius reaches out to community members of all faiths through its social services operations. The church runs a food distribution program that provides 700 to 800 bags of food to needy families in the area once a month. Working with nearby parishes and local food banks, the church also provides a hot meal program every Tuesday which serves up to 700 hot meals.

St. Aloysius was founded in 1898 by Rev. Msgr. Joseph Smith for the area's predominantly Irish-American population. As the population in the area changed, the pastors worked to improve racial relations in the area. Today, the parish serves the present African-American community.

In 1974, the parish merged with neighboring St. Agatha Church. The tight-knit parish community worships in the church known as "the Cathedral of Glenville" and prides itself on knowing all its members.

St. Aloysius has been celebrating its 100th anniversary since last summer. Parishioners have been commemorating their church's history by celebrating Mass, holding cultural events and creating a memories wall with photos of past and present members.

As a honorary committee member of the St. Aloysius parish I take great pride in commending the entire congregation on its century of serving the community through faith, education and outreach programs. I urge my colleagues to join me in wishing the St. Aloysius community many years of continued success.

INTRODUCTION OF THE JAMES PEAK WILDERNESS ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the James Peak Wilderness Act of 1999. This legislation will provide important protection and management for some striking mountain open space along Colorado's Continental Divide west of Denver. These lands, which include the 13,294-foot James Peak, are the heart of the largest unprotected roadless area on the northern Front Range.

The James Peak area that will be protected by my bill offers outstanding recreational opportunities for hiking, skiing, fishing, and backpacking, including the popular South Boulder Creek trail and along the Continental Divide National Scenic Trail. James Peak is one of the highest rated areas for biological diversity on the entire Arapaho National Forest, including unique habitat for wildlife, miles of riparian corridors, stands of old growth forests, and threatened and endangered species. The area includes a dozen spectacularly situated alpine lakes, including Forest Lakes, Arapaho Lakes, and Heart Lake. Many sensitive species such as wolverine, lynx, and pine marten only thrive in wilderness settings. Adding James Peak to the chain of protected lands (wilderness and National Park lands) from Berthoud Pass to the Wyoming State line will promote movement of these species and improve their chances for survival.

My bill will designate 22,000-acres of the James Peak roadless area as wilderness. This area will be added to the Colorado Wilderness Act of 1993—the last major wilderness legislation passed for federal public lands in Colorado. Last year, my predecessor, Congressman David Skaggs, introduced a similar bill that would have protected 15,850-acres of the James Peak roadless area as wilderness. The increase in my bill is due to the inclusion of lands with Grand County that were excluded from the Skaggs bill. These acres were included to preserve the integrity of the James Peak area and protect important lands within this roadless area in Grand County. My bill also does not include 7 small wilderness additions that were in Skaggs' bill. I am evaluating these lands for a possible future bill.

My bill also includes provisions encouraging the Forest Service to acquire two in holdings within the proposed wilderness in Grand County. These lands are a section of State Land Board Land and a private mining claim. My bill will also address the need to provide facilities at the Alice Township and St. Mary's Glacier. This area is experiencing increasing use as a forest access point, and there is a need to supply adequate services for visitors in this area. My bill will also direct the Forest Service to remove an abandoned radio tower facility on Mt. Eva near James Peak.

As my bill will be an addition to the Colorado Wilderness Act of 1993, the James Peak Wilderness will be subject to the water provisions of that Act thus avoiding potential conflicts related to water. In addition, James Peak is a headwaters area, so there will be no conflicts with existing water rights.

As wilderness, the James Peak area also will be subject to the Wilderness Act of 1964. Under this Act, activities such as hiking, horseback riding, hunting, fishing, rafting, canoeing, cross-country skiing and scientific research are allowed. In addition, use of wheelchairs, treatment of diseases and insects, fire suppression activities and research and rescue activities will be allowed. Activities that would be excluded include motorized vehicle use, mining, timber harvesting, oil and gas drilling, road building and the use of motorized and mechanized equipment. In addition, my bill has been drafted in such a way as to avoid conflicts and to address concerns that were expressed during the development of Representative Skaggs' bill. Specifically, my bill addresses the following issues:

Private Lands. My bill is drawn to avoid potential conflicts with private interests by excluding private lands and facilities.

Recreation: My bill does not include the Rollins Pass road between the James Peak roadless area and the existing Indian Peaks Wilderness Area to the north. This road is used for recreational access for mountain bikers and snowmobiles. In addition, areas along the proposed western boundary within Grand County have been excluded from my bill to address recreational access to area and trails used by mountain bikers and snowmobiles. These areas include the Jim Creek drainage and the area south of the Rollins Pass road on the Grand County side.

Search and Rescue. As already provided by the Wilderness Act, activities related to the health and safety of persons within the area will be allowed, including the need to use mechanized equipment to perform search and rescue activities.

Timer and minerals. About one-third of the area is timbered—or 8,300-acres—and one-third of this is old growth. Steep slopes and lack of road make the area's timber uneconomic to harvest. The area has low mineral potential.

Grazing. The area contains only one active grazing allotment with a yearly stocking level of 60 cows and calves. Under the Wilderness Act grazing can continue.

101ST ANNIVERSARY OF INDEPENDENCE OF THE PHILIPPINES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UNDERWOOD. Mr. Speaker, this Saturday, June 12, 1999, the Republic of the Philippines and Filipinos all over the world will commemorate the 101st anniversary of the proclamation of their independence from Spain.

Outside the group of ecstatic, enlightened and freedom-loving patriots from within the archipelago's more than 7,000 islands, very few people were even remotely aware of the implications of the summer day's events of June 12, 1898. A century later, we have come to recognize the significance of the proclamation read from a balcony in Kawit, Cavite, 101 years ago.

This manifesto, closely resembling the document our forefathers signed in 1776, has come to symbolize a people's aspiration, desire and capacity to stand their ground, take control and chart their own destiny. On June 12, 1898, the Filipino people boldly declared that the desire to be a free republic is not a uniquely Western concept. The day General Emilio Aguinaldo first unfurled the Filipino flag amidst the inspiring strains of the Philippine National Anthem signalled the birth of the first republic in Asia, an event witnessed by jubilant Filipinos and curious foreign observers alike. For the first time, a political system dedicated to the ideals of democracy and popular representative government was instituted in a part of the world that, until that day, had automatically been associated with tyranny and despotism.

Although short-lived, this declaration is testament to a freedom-loving nation's devotion to the ideals of liberty and democracy. The events of June 12, 1898, rejected oppression and foreign domination. It has served as an inspiration to other peoples suffering from colonialism.

The people of Guam share deep cultural and historical ties with the Philippines. The island's population includes a large number of Filipino immigrants. Over the years, as in numerous other locales, they have integrated themselves with the island community and made themselves a vital force in the development and growth of Guam.

I am honored to join the Filipino people in the commemoration and celebration of their history. I extend my congratulations to them on the 101st anniversary of the declaration of Philippine independence.

INTRODUCTION OF THE EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES ENHANCEMENT ACT OF 1999

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. RANGEL. Mr. Speaker, I rise today to introduce bipartisan legislation to revitalize low-income communities throughout our Nation. The bill would provide grant funding for the communities recently designated as Round II Empowerment Zones, Enterprise Communities and Strategic Planning Communities. In combination with various tax incentives, this direct funding will help stimulate job growth and economic revitalization in inner-city, rural, and Native American communities that have yet to benefit from our Nation's growing economy.

As the result of a bipartisan collaboration between myself and Jack Kemp in 1993, Congress created nine Empowerment Zones (6 urban/3 rural) and 94 Enterprise Communities (65 urban/29 rural), which provided several tax incentives for businesses to invest and locate in economically depressed inner-city and rural areas. OBRA 1993 also provided these same communities with approximately $1 billion in direct Social Services Block Grant funds, which are being used to address particular barriers to increased employment and economic development, such as shortages in job training, child care, housing, and transportation. By 1997, the Round I EZs and ECs used their grant funds and tax incentives to create nearly 20,000 new jobs for people who previously had little or no economic opportunity.

A second round of 20 Empowerment Zones (EZs) was authorized by the Taxpayer Relief Act of 1997 to build on the success of the original 9 EZs. However, unlike the original EZs, Round II Zones have not yet been provided with Social Services Block Grant funding.

To provide Round II designations with the same advantages as the original EZs, the Empowerment Zone Enhancement Act would provide $97 million over 9 years for each urban Empowerment Zone, and $38 million over 9 years for each rural Empowerment Zone. In addition, the bill would provide one-time allocations for other needy rural and urban areas: $3 million in FY 2000 for each of the 20 new Rural Enterprise Communities and $3 million in FY 2000 for each of the 15 urban Strategic Planning Communities. Along with the tax incentives and bonding authority already approved by the last Congress, this new grant funding is expected to help create and retain about 90,000 new jobs and stimulate $20.3 billion in private and public investment over the next ten years.

Mr. Speaker, the Empowerment Zone concept, which emphasizes business development and community renewal, is a clear success story. In my home town of Harlem, I have witnessed first hand the ability of Empowerment Zones to help renew investment and economic development. Other regions of the country are waiting for a similar economic revival. I therefore strongly urge my colleagues to join me in this effort to provide increased economic opportunity for more Americans.

EDITOR DAN WARNER RETIRES AFTER 44 YEARS IN THE NEWS BUSINESS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. MEEHAN. Mr. Speaker, I rise tonight to pay tribute to one of the nation's finest newspaper editors, Dan Warner, who is retiring after 44 years in the news business and 27 years as Editor of The Eagle-Tribune, in Lawrence, Massachusetts. Under the leadership of publishers Irving E. Rogers Jr., who passed away last year, and Irving E. "Chip" Rogers III, who is steering the business into the new millennium, Dan has guided one of the last independent, local, family-owned newspapers in America through a period of unprecedented growth, change and success.

As editor and in his Sunday columns, Dan was always a tireless advocate for Eagle-Tribune readers, the community and the people and institutions of the Merrimack Valley. He believed in the intrinsic value of factual reporting and its ability to provoke and inspire readers to get more involved in their community. He created an ethic among reporters that their solemn duty to both readers and subjects was to cover the news fairly and aggressively and always to present the human dimension of a story. Dan also was a pioneer in the use of bright colors, bold graphics and innovative design to deliver the news in a more attractive and reader-friendly package. He leaves his successor, Steve Lambert, a publication that has been recognized as one of the best regional newspapers in the United States.

Under Dan Warner's stewardship, The Eagle-Tribune received the highest honor in journalism, the 1998 Pulitzer Prize for general news reporting for its probe of the Massachusetts prison furlough program. He also led the newspaper to be honored twice as a Pulitzer Prize finalist for exposing corrupation in international hockey and telling the story of the tragic fire that nearly destroyed Malden Mills in the heart of Lawrence's poorest neighborhood, and the heroic effort to rebuild the business. Dan also guided The Eagle-Tribune to 11 awards as New England Newspaper of the Year and scores of prizes for exemplary reporting, photography, commentary, design and public service.

Born and raised in Ohio, Dan adopted the Merrimack Valley as his home 30 years ago and displays the love and caring for the region of a native born citizen. He is a devoted friend and dedicated family man. Even when he disagrees with you, as I have experienced more than once, Dan always gives you a fair hearing to present your point of view.

Mr. Speaker, Dan Warner is a man who prodded leaders of government, industry and community to do better, and always remembered that the people he spoke for did not always have a voice in the corridors of power. On behalf of the people of the Merrimack Valley, I wish him a happy retirement with his wife, Janet, his two children and his beloved little dog, Rewrite.

TRIBUTE TO PALISADES PARK, NEW JERSEY ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROTHMAN. Mr. Speaker, I am delighted to recognize the Borough of Palisades Park on the occasion of its centennial anniversary.

During the last decade of the last century, the New Jersey State Legislature passed legislation which made it possible for any community to organize itself into a Borough. The residents living in the area that would become Palisades Park took advantage of this opportunity and filed the requisite papers with the court in Hackensack. In 1899, the Borough of Palisades Park was created.

Over the past 100 years, Palisades Park has grown into a vital part of Bergen County and the State of New Jersey. While its tree-lined streets evoke memories of a simpler time in our nation's history, the hustle and bustle of its main thoroughfares make it clear that Palisades Park has grown into a modern and thriving community.

Over the course of the past one hundred years, Palisades Park has grown into one of New Jersey's most vibrant towns. It has developed into a vital economic force and can boast of being called home by a rich mosaic of cultures. The countless gifts and special talents of its residents have helped make it a terrific place to live and raise a family.

The many individuals whose tireless efforts and contributions have imbued Palisades Park with its unique spirit of community should be commended for giving her sons and daughters a rich legacy from which to learn. Palisades Park's future is bright and I anticipate hearing news of its newest successes and triumphs in the years to come.

Mr. Speaker, I encourage all of my colleagues in the U.S. House of Representatives to come and visit Palisades Park to experience the Borough's beauty firsthand.

HOYER-GREENWOOD BILL RESTRICTING LATE-TERM ABORTIONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOYER. Mr. Speaker, abortion is one of the most difficult and divisive issues facing the public today. Like most Americans, I would prefer that there were no abortions. Also, like most Americans, I believe the decision is one that is for the woman and family involved, not the Government.

However, I oppose late-term abortions, except for the most serious and compelling of reasons. I am specifically and adamantly opposed to what some refer to as "abortion-on-demand"—after the time of viability. For that reason, I and others have introduced the "Late Term Abortion Restriction Act of 1999."

The specific intent of this legislation is to adopt as Federal policy, a prohibition on post-viability, late-term abortions. Critics of this legislation point out that there are exceptions. They are correct. We believe that in the event that the mother's life is in danger or where the continuation of the pregnancy will pose a threat of serious, adverse health consequences to the woman, then and only then can this prohibition on late-term abortions be overcome.

I introduced this legislation in both the 104th and the 105th Congress. I did so then because I am opposed to abortions being performed after the viability of a fetus, except for the most serious of health risks if the pregnancy is continued.

This prohibition is similar to restrictions on late-term abortions in 41 of our States, including my own State of Maryland. Those States believed that it was appropriate policy to prohibit late-term abortions "on demand." We share that view.

Those who oppose abortion under almost all circumstances at any time during the course of pregnancy have criticized this legislation as meaningless. They do so because they believe that some doctors will contrive reasons to justify a late-term abortion. I do not doubt that may happen. But if it does, it will be illegal under this act and subject the doctor to the penalties set forth in the bill and to such professional sanctions as are imposed by the appropriate medical societies and regulatory bodies.

This legislation is much broader than the partial-birth abortion bills introduced by others in the 104th and 105th Congress. Those bills and the Partial Birth Abortion Act of 1999 recently introduced in the Senate had and continue to have at their purpose, the elimination of a particular procedure to effect an abortion at any time during the course of the pregnancy.

To that extent it is inaccurate and misleading to define it as many proponents and press reports have, as a prohibition on late-term abortions. It is both much narrower and, at the same time, broader than that. It is my belief that its terms would not prohibit the performance of a single abortion. They would simply be performed by a different procedure.

Congressman JIM GREENWOOD and I are introducing this legislation today with 14 other bipartisan original cosponsors. This bill, in contrast to the partial birth abortion bills, would prohibit all late-term post-viability abortions by whatever method or procedure that would be employed. While there are exceptions to this general prohibition, we believe that our bill will, in fact, prohibit all post-viability, late-term abortions that are not the result of a serious cause.

This legislation establishes a clear Federal policy against late-term abortions. We would hope that the Judiciary Committee would hold an early hearing on this legislation and bring it to the floor so that the Federal Government could adopt this sensible prohibition, which is similar to that adopted by over 80 percent of the States. They did so because their legislatures wanted to make it clear that late-term abortions were, in almost all circumstances, against public policy and against the law.

We should do the same.

IN HONOR OF FATHER McNULTY'S 25TH ANNIVERSARY OF ORDINATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father McNulty's 25th Anniversary of his Ordination as a Priest.

Father McNulty was born in October of 1948. He attended Borromeo High School, Borromeo College, Wickliffe and St. Mary's Seminary. Throughout the last 25 years Father McNulty has dedicated himself to helping others in his community. He has been involved in a number of different assignments in the greater Cleveland area. He is currently the pastor at SS. Philip and James in Cleveland as well as the Chaplain for the Ancient Order of Hibernians, the Ladies Ancient Order of Hibernians and is the Deputy National Chaplain for the Ladies Ancient Order of Hibernians.

His work has proven time and time again to be a tremendous help to the community and is a very well known and respected priest in the Cleveland area. Through his dedicated efforts the community has grown together. His work should be recognized as having a very influential and positive effect on the people in the greater Cleveland area.

My fellow colleagues, please join me in honoring Father McNulty's 25 years of service to the greater Cleveland community.

WHITE HOUSE FELLOWSHIP PROGRAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BASS. Mr. Speaker, I am pleased to pay tribute to a recipient of the distinguished 1998–1999 White House Fellowship Program—Lieutenant Commander Mark Montgomery of Sunapee, New Hampshire.

Established in 1965, the White House Fellowship program honors outstanding citizens across the United States who demonstrate excellence in academics, public service, and leadership. It is the nation's most prestigious fellowship for public service and leadership development. Each year, there are 500–800 applicants nationwide for 11 to 19 fellowships. Past distinguished U.S. Navy White House Fellow alumni have gone on to become exceptional military leaders and I have no doubt Commander Montgomery will be successful in his future endeavors.

This award is well-earned by an individual who carries himself with great professionalism and distinction in the finest traditions of our country's military history. Lieutenant Commander Montgomery was most recently Executive Officer of the destroyer U.S.S. *Elliot*. He was one of only a handful of liberal arts majors to complete the naval nuclear power program. Lieutenant Commander Montgomery has completed two overseas deployments on the nuclear powered cruiser U.S.S. *Bainbridge*. He also led a team of thirty *Bainbridge* sailors to provide disaster relief on the island of St. Croix after Hurricane Hugo. He later was assigned as Operations Officer of U.S.S. *Leftwich* and then to the reactor department of the U.S.S. *Theodore Roosevelt*, where he was deployed to Bosnia during air strikes. Commander Montgomery will be Commissioning Commanding Officer of U.S.S. *McCampbell*. In addition to his military service, Commander Montgomery is involved with the Big Brother organization.

Commander Montgomery's distinguished military career made him a perfect candidate for his current White House Fellowship assignment with the National Security Council. In this capacity, he manages the operation for the Critical Infrastructure Coordination Group, which is responsible for implementing presidential decision directives on critical national infrastructures. He also coordinates the interagency development of a National Infrastructure Assurance Plan, which formulates the Administration's efforts to protect our government and private sector infrastructures from terrorist attack. Commander Montgomery was a member of the U.S. delegation that traveled to the United Arab Emirates on a mission regarding security cooperation. Other responsibilities include working on the Counter-Terrorism Security Group and coordinating NSC policy on international Y2K issues.

The people of this nation can feel secure in the knowledge that individuals like Commander Montgomery are working for them. For his efforts, and in recognition of the well-deserved honor of serving as a White House Fellow, I am privileged to commend and pay tribute to Commander Montgomery.

HOSPITAL ACCREDITATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. STARK. Mr. Speaker, Healthcare facilities must comply with certain conditions in order to participate in the Medicare program. The Health Care Financing Administration relies on accrediting organizations to certify that healthcare facilities provide quality services to Medicare beneficiaries. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) is one such organization. A facility that receives JCAHO accreditation automatically meets the Medicare Conditions of Participation.

I believe that there is a serious conflict of interest between the mission of accrediting agencies and their internal governance. Currently, the majority of members of these governing boards are representatives of the very industries that the agency accredits. While the accrediting agencies are likely to object and claim that the members of their governing boards are beyond reproach, I remain skeptical and wish to establish several basic checks and balances.

Because accrediting agencies have a prominent role in certifying Medicare facilities, I believe that we have a vested interest to ensure that the accrediting process is as rigorous and quality-oriented as possible. Doing so will help ensure that all citizens may expect high-quality, safe, and effective medical treatment at any medical facility they use.

Others share my skepticism. A July 1996 report from the Public Citizen Health Research Group charged that the JCAHO is "a captive of the industry whose quality of service it purports to measure" and "fails to recognize the often conflicting interests of hospitals and the public".

In my home state of California, 29 JCAHO-approved hospitals had higher-than-expected death rates for heart attack patients. In some cases the rate was as high as 30–40% compared to a state-wide average of approximately 14%. What is particularly troubling is the fact that two of these hospitals received JCAHO's highest rating.

In an analysis of New York hospitals, the non-profit Public Advocate presents strong evidence that hospitals circumvent JCAHO's annual announced survey visits—simply by hiring extra staff to make operations look smoother than they really are. In too many cases, the report finds that JCAHO's accreditation scores mask the truth—some accredited hospitals do not meet basic standards of care. For example, 15 accredited hospitals showed problems ranging from substantial delays in treatment of emergency room patients to outdated and broken equipment to overcrowded, understaffed clinics and unsanitary conditions.

Given the critical role of health care facilities to our society, we must ensure that these facilities and the agencies that certify them are held publicly accountable. For this reason, I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that half of the governing board consists of members of the public.

The intent of the bill I am introducing today is to ensure the accountability of accrediting boards—to guarantee that the public voice is represented in the organizations responsible for the safety and quality in Medicare's healthcare facilities. With these checks and balances we can assure all patients that they will receive high quality treatment in all Medicare-approved facilities.

This bill has two simple provisions. First it requires that half of the members of an accrediting agency be members of the public who have been approved by the Secretary of Health and Human Services. These individuals are specifically prohibited from having a direct financial interest in the health care organizations that the agency certifies. Second, the legislation would require all meetings of the governing board be open to the public.

Medicare and health care organizations operate in the public trust. Our tax dollars fund all Medicare benefits delivered by health care organizations as well as countless other medical benefits and programs. Therefore, the accreditation and certification of hospitals and other health care organizations must represent the interests of the public.

HUGO AND LAMAR AGRICULTURE FORUMS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SCHAFFER. Mr. Speaker, last month during the April district work period, I had the opportunity to hear from many of my constituents regarding the economic challenge in agriculture. Specifically, on April 7, 1999, I held two agriculture forums, one in Hugo, Colorado, and one in Lamar, Colorado, to discuss some of the challenges facing agricultural producers. The purpose of these forums was to allow individuals and organizations to provide advice and suggestions about the problems currently facing today's farmers and ranchers. We heard from a number of experts who made presentations and fielded questions at the well-attended events.

For example, at the earlier meeting in Hugo, we heard from Mr. Freeman Lester, President of the Colorado Cattlemen's Association (CCA). He mentioned country-of-origin labeling, packer concentration, the European ban on hormone enhanced beef, estate taxes, wilderness legislation, and reform of the Endangered Species Act as his main areas of interest and concern. At this time, Mr. Speaker, I hereby include the "Colorado Cattlemen's Association Key Issues for the 106th Congress" in the record.

Taxes.—CCA supports the repeal of the death tax and reductions in capital gains taxes. Death taxes are extremely punitive with onerously high rates, and are the leading cause of the breakup of thousands of family-run ranches, farms and businesses. Congress' Joint Economic Committee has concluded that death taxes generate costs to taxpayers, the economy and the environment that far exceed any potential benefits arguably produced.

Country-of-Origin Labeling.—CCA supports efforts to let consumers know the origin of the beef they purchase. Consumer surveys have consistently shown that the majority of consumers support country-of-origin labeling for meat. Imported beef is labeled by country-of-origin, either on the product or on shipping containers, when it enters the U.S. to facilitate inspection. However, these labels are lost during further processing. Country-of-origin labeling will provide a "brand-like" mechanism for the beef industry. Currently most beef is marketed as unbranded generic "beef" regardless of where it is produced. Other countries require U.S. beef to be labeled by country-of-origin. Japan has required all meat imports be labeled by country-of-origin effective July 1, 1997 and Europe will likely require labeling comparable to that required for domestic product, once access to the European market is achieved.

Price Reporting.—CCA supports mandatory price reporting by any U.S. packer controlling more than 5 percent of the live cattle market. CCA also supports price reporting on boxed beef and imports. It is vital to keep the playing field level especially given that four major packers slaughter 80 percent of the fed cattle and market approximately 85 percent of the boxed beef. Openly assessable up-to-date information and market transparency are necessary to keep the highly concentrated processor sector from having insider or privileged information that could give packers a significant advantage over sellers or others in the beef trade. Secretary Glickman has publicly indicated that the U.S. Department of Agriculture (USDA) would welcome authorization to implement mandatory price reporting.

Water Quality.—CCA believes that water quality regulations address site-specific as well as species-specific needs and are based on sound science, taking into account current cattle industry environmental and economic practices that have been successful for generations.

Property Rights.—CCA supports passage of a law to require, at minimum, the federal government to prepare a takings implication assessment (TIA) prior to taking an agency action. Such TIA should: define the point at which a reduction in the value of the affected property, due to a regulation, constitutes a compensable taking; set clear takings guidelines, and provide a mechanism for landowners to avoid lengthy and costly litigation.

Also on hand was Mr. Brad Anderson, Executive Director of the Colorado Livestock Association (CLA). Mr. Anderson expressed his disappointment with the lack of fairness in implementation of the North American Free Trade Agreement (NAFTA). Specifically, he felt our government should do more to expose Canada's subsidies and that we needed to do a better job of opening more markets around the world for Americans agricultural products.

He also mentioned his concern with Amendment 14, a recently passed state ballot initiative, he said would "put hog producers out of business." Amendment 14 sets the air particle ratio, an odor measurement, for hog farms at 2–1, a standard which is virtually impossible to meet. The air particle ratio for industry is 7–1, leading him to believe that agriculture is being unfairly targeted.

Mr. Anderson also mentioned the shortage of workers and the need to eliminate the sales tax on agricultural products, which was recently accomplished at the state level at the end of this year's session of the General Assembly in Colorado.

The panel also included Mr. Greg King of the Lincoln County Farm Service Agency (FSA). Mr. King mentioned his frustration with the Freedom to Farm Act passed by Congress in 1996. He felt it would not work as originally designed, unless our government was willing to open more markets for trade. "We are currently shut out of 108 markets because of embargoes," he said.

In addition, Mr. King also spoke of the need to reform the Endangered Species Act. He specifically mentioned the possibility of devastating impacts to the agricultural industry should the proposed listing of the mountain plover and the black-tailed prairie dog move forward. The irony is that the Natural Resource Conservation Service under (USDA) has worked with farmers and ranchers for years to develop "environmentally friendly" ranching and farming practices. Now, however, the U.S. Fish and Wildlife Service (USFWS) has stepped in and said farmers and ranchers need to manage their land for these species, the mountain plover and the black-tailed prairie dog. if this were to occur, ranchers would be forced to manage at least a portion of their land in a way which could include overgrazing and other practices harmful to the environment.

Mr. Ron Clark, Secretary-Treasurer of the Colorado Association of Wheat Growers, was another member of the panel. Mr. Clark observed wheat prices are very low. Low wheat prices combined with two above average wheat crops in the last two years have caused an extreme hardship for wheat farmers. At this point, Mr. Speaker, I will include for the RECORD Mr. Clark's remarks:

Thank you Congressman Schaffer for the opportunity to provide comments at this Ag. Forum. My name is Ron Clark and I am a wheat producer from Matheson, Colorado, and Secretary-Treasurer of the Colorado Association of Wheat Growers.

Wheat prices are at their lowest level in eight years as a result of two above average U.S. wheat crops and ending stocks of wheat significantly above historic levels. Because of this difficult situation, the National Association of Wheat Growers has developed a 1999 Wheat Action Plan which I would like to highlight for you.

First, let me discuss the domestic part of the plan. We need a safety net. This can be accomplished by the following legislative action: lifting loan caps and reauthorizing '99 market loss payment; advancing year 2000 agricultural marketing transition act payments; and reforming crop insurance to develop affordable alternatives that will protect against crop and revenue losses.

Now, let me discuss the export part of the plan. We recommend the following legislative action to move more U.S. wheat into export markets.

Request that the administration immediately approve Niki Trading Company's request to buy $500 million of U.S. agricultural products for Iran, including two million metric tons (or 73.5 mil. bu.) of wheat.

Seek an end to trade sanctions that currently preclude U.S. wheat from 11 to 15 percent of the world wheat market.

Fund existing export programs to the full extent authorized in the 1996 Farm Bill.

Fund discretionary export programs like PL–480 Title I and the Foreign Market Development Cooperator Program at Fiscal Year 1999 program levels or greater.

Fund the Market Access Program at the Fiscal Year 1999 level.

Fund the Export Enhancement Program at the Farm Bill authorized level of $579 million and strongly urge the Secretary of Agriculture to use it.

Approve trade negotiating authority (or fast track) immediately.

Approve the United States Agricultural Trade Act of 1999 (S. 101), to promote trade in U.S. agricultural commodities, livestock, and value-added products and to prepare for future bilateral and multilateral trade negotiations.

Approve the Food and Medicine Sanctions Relief Act of 1999 (S. 327), to exempt agricultural products, medicines, and medical products from U.S. sanctions.

The Colorado wheat industry sincerely appreciates your leadership and support that you have shown as a member of the House Agriculture Committee. We look forward to hosting the annual wheat tour for you again this year on June 5. I would be happy to answer any questions that you might have. Thank you.

Another member of the panel was Mr. Carl Stogsdill of Lincoln County, representing the Farm Bureau. Mr. Stogsdill spoke of his concerns relating to the Endangered Species Act and its impacts on farmers and ranchers. Following are the Farm Bureau's "Priorities For the 106th Congress:"

Food Quality Protection Act.—Farm Bureau has declared the proper implementation of the Food Quality Protection Act as its top priority. Farm Bureau will work with the Environmental Protection Agency (EPA), land grant universities and local officials to get the act implemented as Congress originally intended.

Budget and Tax Reform.—Farm Bureau will continue to work for the elimination of the "Death Tax" and reduction of the capital gains tax. Other issues include: Farmer and Rancher Risk Management accounts, the balanced budget amendment, elimination of the Alternative Minimum Tax for agriculture, income averaging, unemployment tax exemption and Individual Retirement Accounts for farmers.

Environmental Issues.—Farm Bureau will continue to push for private property rights protection and elimination of disincentives in regard to endangered species, clean water, clean air and wetlands.

Trade.—Farm Bureau will be heavily involved in gaining "Fast Track" authority for the administration and eliminating existing trade barriers. Also, Farm Bureau hopes to be active in this year's round of the World Trade Organization's discussions.

Regulatory Reform.—Farm Bureau will attempt to pass legislation requiring standardized risk assessments and cost/benefit analysis on all proposed regulations. There will also be a push for a reform of the Department of Labor's H-2A program.

Mr. Mark James of the Lincoln County Stockmen also served on the panel and expressed his concern with aspects of the Endangered Species Act. Mr. James thought it was silly black-tailed prairie dogs would be added to the Endangered Species List. "Prairie dogs? Get reasonable," he said. Mr. James' comments were echoed by many of those in attendance.

Later that evening, at the forum held in Lamar, Mr. John Schweizer, District Representative for the Colorado Farm Bureau, spoke about issues facing farmers in the southeastern portion of the state. Mr. Schweizer cited his hope there would be continued tax relief for farmers such as complete elimination of the "death tax." He was quick to point out, however, that even though times are tough, "(farmers) are not looking for handouts." In fact, he expressed support for the 1996 Farm Bill which was supposed to remove government from the farm. Unfortunately, according to Mr. Schweizer, "rather than cut the cord, the government tightened the noose."

Mr. Schweizer also said the Administration and Congress needed to do more to open markets abroad. One way in which this could be accomplished, he felt, would be to fully fund and utilize the Export Enhancement Program. He also questioned the effectiveness of shutting American farmers out of world markets by using political sanctions against other countries.

Chad Hart of the Prowers County Farm Service Agency also offered his perspective. His main concern was the administration of the disaster assistance program which is running way behind. Cuts in funding have adversely impacted their ability to do their job in that the speed of response to emergencies has been greatly reduced. They are forced to do much more with far fewer employees.

Another member of the panel was Mr. Bob Arambel of the Northeast Prowers County Conservation District. He runs a farm northeast of Holly, Colorado, and has had concerns regarding water quality on the lower Arkansas River. Although they have received some money to increase their compliance with water quality statutes, he was concerned reauthorization of the Clean Water Act may have adverse impacts on farming and ranching in the region if standards cannot be met right away. Mr. Arambel also had concerns about the direction of the Endangered Species Act.

Mr. Vernon Sharp, President-elect of the Colorado Cattlemen's Association, mentioned taxes as his issue of greatest importance. He felt estate taxes and capital gains taxes were big problems, that they were punitive in nature and punished people for making good business decisions. He also felt the government should provide some sort of income tax relief in the near future. "This year I spent $900.00 to have someone do my taxes to find out I have no income," he said.

Mr. Sharp went on to say property rights were also a very important issue and the federal government should fully compensate landowners when impeding their ability to use their land as they see fit. He cited the Endangered Species Act as a major threat to farmers and ranchers and their ability to manage their land.

Also on the panel was Mr. Jim Geist, Executive Director of the Colorado Corn Growers Association. At this point, Mr. Speaker, I refer the House to the remarks of Mr. Geist.

On behalf of Colorado's corn farmers, I appreciate the opportunity to express corn's policies and positions on issues that will have direct and indirect effects on the state's corn industry.

Demand for corn grows when our customers are satisfied. To increase demand and customer satisfaction, the United States must become a dependable supplier of commodities. Some of the issues that can assure U.S. corn and its products full access to world trade markets include the following: sanction reform; Fast Track authority; support of IMF funding and trade negotiations, including the specific objective of mutual acceptance of genetically enhanced agricultural products; continued leadership in the World Trade Organization; and Free Trade Area of the Americas negotiations.

Corn producers continue to strive for a fair deal from the government. They are looking for market-driven farm programs, minimal consistent regulations, federal tax policy reform and sufficient financial and credit program so that this country can maintain its food security.

Improving our national transportation infrastructure in order to maintain a competitive advantage is becoming a high priority for grain producers nationwide. Upgrading rivers, locks and dam systems, improving the nation's railroad system and maintaining adequate highway funds for states will enable grain producers to move commodities to domestic and international customers when needed.

We support an active research and education commitment by all segments of the corn industry and government. Research and commercialization of corn products adds to the value of corn. Investing in technological advancements, working with the marketplace, and educating and communicating with consumers about the value of corn in their daily lives will enable our nation to have a stronger rural economy and greater national economic strength.

Leaving our world in better shape than when we found it has been a top priority in agriculture for generations. In using Best Management Practices (BMP), to build soil through conservation programs, BMP implementation to improve water quality, and utilizing the best crop protection practices available, corn producers are truly planting a crop that can help clean up the environment, from both a water and air quality standpoint. The growing concern within agriculture is the small, vocal, hard-line environmental groups trying to impose regulations on production agriculture that are uneconomical, unproven and that could have the effect of driving our nation's food production capabilities off our shores.

Agricultural producers in Colorado are struggling with poor economic conditions in the marketplace due to burdensome supplies—supplies that could be sold in international markets—and environmental regulations that will choke off sustainable food production capabilities. Much has to be done in short order to protect one of our nation's most valuable resources—America's farmers and ranchers.

Again, thank you for the opportunity to express to you just some of the issues and concerns that Colorado corn producers will be focusing on in the near future.

Our last panelist of the evening was Ms. Elena Metro, State Executive Director of the Colorado Pork Producers Council. Her thoughts focused on the state initiative, earlier alluded to, Amendment 14. Ms. Metro's presentation included this statement which I ask to be included in the RECORD:

The Colorado pork industry has been singled out by individuals and groups to be "controlled" by harsh rules and regulations. Amendment 14 here in Colorado is the result The Colorado Pork Producers Council on behalf of the pork industry in Colorado asks that if rules and regulations are written and become law, whether on a state or national level, that these rules be based on "sound science," be fair and equitable, and not "socially engineered."

Mr. Speaker, I would like to close by thanking all of the participants for their input. Former Speaker of the Colorado House of Representatives, Mr. Carl "Bev" Bledsoe moderated the forum in Hugo. Ms. Sparky Turner moderated the forum in Lamar. Both did an outstanding job and helped draw many helpful thoughts and comments from all speakers.

It's obvious after hearing from my constituents that more needs to be done to expand trade with foreign countries. We need to bring some sanity to the Endangered Species Act, and we need to use sound science when making decisions about regulations which will affect a very important segment of our population—the farmer.

REAFFIRM OUR COMMITMENT TO OUR VETERANS

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SWEENEY. Mr. Speaker, I rise today in strong support of H.R. 1401, the bill to authorize our all-important national defense programs and in support of the en bloc amendment which includes language that addresses a crisis in our veterans community.

Throughout their lives, the men and women of our armed services make great sacrifices in the service of our country. Yet, many families requesting honor guards at the burials of veterans are being told "NO"—that we do not have the resources to honor those who have served so nobly. As Americans, the very least we can do is make sure that our veterans are given a proper burial when they die.

My amendment strengthens the current language in the bill by requiring, not just permitting, the Secretary of Defense to provide necessary materials, equipment, and training to support non-governmental organizations—namely our VFW, Disabled American Veterans, American Legion, and other veterans groups—in providing honor guard services.

Mr. Speaker, the newest of our National Cemeteries, Saratoga National Cemetery, will be opening in the heart of my district this July and will conduct funerals every thirty minutes for the next several years. Our active duty and reserve servicemen and women cannot keep up. Mr. Speaker—this is unacceptable!

Everyone who served in the armed forces gave something. Some who served gave everything. And we have a responsibility to give back!

Our veterans are eager to fill this void on a volunteer basis, but they do not possess the resources to do so. The committee bill will give private individuals the tools necessary to provide honor guard services, thereby reducing the demand on active duty servicemen or reservists.

I urge my colleagues to support this bill, and reaffirm our commitment to our veterans.

IN HONOR OF DR. DAVID KIRCHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I am honored to rise today in tribute to Dr. David Kircher, Superintendent of Fairview Park Schools in Rocky River, Ohio. As he celebrates his retirement, I ask all of my colleagues to join with me in saluting his outstanding service and leadership in the Fairview Park Schools.

Dr. Kircher has dedicated a substantial portion of his life to the betterment of the Fairview Park Schools. For the past 30 years, Dr. Kircher has served as an important figure for the Fairview Park School district. He has held several positions throughout his tenure, but none as important as Superintendent of Fairview Park Schools, a position from which he will be retiring as of August 1, 1999.

As the fifth superintendent in the history of the Fairview Park Schools, Dr. Kircher worked his way up from an Earth Space Science teacher to Superintendent in 1996. Throughout his career he has been recognized for his hard work and dedication in the Fairview Park Schools. Many students and staff members are not only inspired by his motivation and hard work, but also appreciate the fact that he has helped create excellent schools. That is why in 1998 he was nominated for the National Superintendent of the year. The following year he received a resolution from the city of Fairview Park recognizing his 30 years of dedicated service to the Fairview Park Schools.

Education has always been Dr. Kircher first priority. He earned a Ph.D. in educational administration at Kent State University. His wisdom and educational background helped him become one of the most influential superintendents in Fairview Park Schools.

Although his work puts extraordinary demands on his time, Dr. David Kircher has never limited the time he gives to his most important interest, his family, especially his lovely wife, Maryann.

I ask that and my distinguished colleagues join me in commending Dr. David Kircher for his lifetime dedication, service, and leadership in Fairview Park Schools. His large circle of family and friends can be proud of the significant contribution he has made. Our community has certainly been rewarded by the true service and uncompromising dedication displayed by Dr. David Kircher.

INTRODUCTION OF LEGISLATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. CRANE. Mr. Speaker, today I am introducing three bills which reflect my long-time interest in helping the economy and the people of Puerto Rico. Rather than spending taxpayer money on government programs, these bills will provide tax incentives for the private sector to help the economy of Puerto Rico.

In 1996, Congress phased out Section 936 over my objections. As a result, the economic incentives for U.S. companies to do business in Puerto Rico have dwindled, negatively impacting the economy. In an effort to reverse that trend, the Government of Puerto Rico reduced their tax burden by 19 percent in recent years. However, they need more help. We in Congress can play an important role in that effort by putting in place long-term tax incentives to spur private sector growth on the Island.

The first bill, the Puerto Rico Economic Activity Credit Improvement Act of 1999, will modify and extend the existing economic credit, which is due to expire at the end of 2005. My bill will build upon the replacement for Section 936, Section 30A, by extending the wage tax credit until the economy in Puerto Rico meets certain economic objectives designed to bring the Island up to a level more on par with the mainland. The credit will also be available to new companies locating in Puerto Rico. Companies already in Puerto Rico and utilizing the existing income credit will be given a one-time option to switch over to the wage credit before the termination date of the income credit.

The second bill will make the research and development (R&D) tax credit available to companies operating in Puerto Rico. The R&D credit has never been accessible in Puerto Rico, but, until the demise of Section 936, the lack of an R&D credit was of little tax consequence to companies operating on the Island. My bill will provide this small, but important, tax credit for Puerto Rico and the other U.S. possessions as a matter of fairness.

The third bill will repeal the limitation of the rum tax cover over. Under current law, a tax is collected on rum entering the U.S. mainland from Puerto Rico and the U.S. Virgin Islands. A portion of this tax is returned (covered over) to the governments of Puerto Rico and the Virgin Islands. Because of a dispute in 1984, the cover over was limited to $10.50 of the total $13.50 per gallon tax. My bill will restore the cover over to the full amount. In particular, the government of the Virgin Islands desperately needs the revenue from the full cover over as they are currently in critical economic straits.

In addition to restoring the cover over, this bill will also provide funding for the Conservation Trust Fund of Puerto Rico. The Fund has been very successful in preserving the natural resources of the Island for the people of Puerto Rico. In conjunction with the Governor of Puerto Rico and the U.S. Department of the Interior, we developed a plan to direct 50 cents of the per gallon rum tax to the Trust Fund for 5 years. This funding would allow the Trust to finish building their endowment in order to fund their operations in perpetuity.

I want to thank my colleagues who have lent their support in different ways to these proposals: CHARLIE RANGEL, CARLOS ROMERO-BARCELÓ, JERRY WELLER, DONNA CHRISTENSEN, NANCY JOHNSON, PHIL ENGLISH, J.D. HAYWORTH and MARK FOLEY. I urge the rest of my colleagues to support us in these efforts.

HONORING TOLEDO METAL SPINNING COMPANY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to congratulate Toledo Metal Spinning Company (TMS), a business in my district recently honored as one of only six recipients of the Blue Chip Enterprise Initiative Award. This award, given to companies who have overcome both internal and external struggles throughout their organization, was extended to TMS in recognition of their exceptional ability to cope and rebuild virtually their entire business after a fire ravaged their operation.

TMS Vice Presidents Eric and Craig Frankhauser are to be commended for their efforts to restore their corporation. After a disastrous fire that destroyed much of the plant in February 1998, the two brothers worked tirelessly to fulfill customer orders and remain in production mode. Remarkably, five days after the fire, the company was back online and serving its customers with the same level of professionalism and courtesy as before the tragedy. Clients turn to TMS for a wide range of products including parts for missiles, passenger jets, and military aircraft, as well as stainless steel, cone-shaped hoppers used for countless purposes from releasing fruit into yogurt to processing pills.

As the Frankhausers rebuilt their facility their innovation and ingenuity led the way. Forced to rebuild not only their physical building but also their business structure, the

Frankhausers revamped their entire production operation. They redesigned the company's production system, stressing flexibility of machinery and workers. The two owners realized both the importance of giving their employees more responsibility and the success that results as workers interact with each other.

Despite the terrible fire, their improved operation successfully kept sales at 83 percent of 1997 levels. The Frankhausers and all of those employed at TMS have created a family business by which all companies should follow. TMS will be paid a tribute this week as it receives the Blue Chip Enterprise Initiative Award, which is co-sponsored in part by the U.S. Chamber of Commerce.

On behalf of the citizens of Ohio's Ninth Congressional District, I rise to congratulate TMS, the Frankhausers, and the many employees for their outstanding success and innovation as they stood in the face of disaster. The TMS example is certainly a business model to be followed as we enter the next millennium.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. McHUGH. Mr. Speaker, I respectfully request the RECORD reflect that an error occurred with regard to my vote on Mr. GOSS's amendment which prohibits DOD funding to maintain a permanent U.S. military presence in Haiti beyond December 31, 1999. On June 9, I was recorded as voting "nay" on rollcall No. 183 when in fact I voted "aye" on the amendment.

COMMEMORATING THE BICENTENNIAL OF CAYUGA COUNTY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in recognizing the 200th Anniversary of Cayuga County, located in my home district in upstate New York. It has a proud and distinguished history.

Cayuga County was established by the State Legislature as the 28th designated county in New York State. Many of the first settlers were veterans of the Revolutionary War, such as Colonel John Hardenbergh, whose settlement grew to become the City of Auburn. Auburn eventually became the largest community in the State west of Utica in the early years, as it served as a junction of the major turnpikes traveled by the westward settlers.

Many prominent political and historical figures who helped to shape our nation were citizens of Cayuga County, including Millard Fillmore, the 13th President of the United States; William H. Seward, the Governor of New York State from 1838–1842, a United States Senator from 1849–1861, and the Secretary of State for Presidents Lincoln and Johnson; Enos Throop, who served as a representative in Congress from 1814–1816, the Lieutenant Governor, and later as Governor of New York State; John Tabor, the last Republican full Appropriations Committee Chairman from New York State from 1952–54, and abolitionist Harriet Tubman. Additionally, inventions that have invaluably contributed to our way of life and which stem from Cayuga County include harvesters, carriage axles, threshing machines, adding machines, and motion picture sound.

Today, Auburn is the industrial center of Cayuga County with the production of shoes, carpets, rope, railroad locomotives, air conditioners, and electronic components. Cayuga County has three state parks, encourages higher education through Wells College and Cayuga County Community College, and is home to the Cayuga Museum of History and Art and the Schweinfurth Art Center.

The Cayuga County Legislature recently held its May monthly meeting at Wells College in Aurora, the city where the county's first government meeting took place on May 28, 1799. A Harriet Tubman pilgrimage and a Red Cross barbecue were held during the Memorial Day weekend to commemorate the bicentennial, and upcoming anniversary events this summer include the Southern Cayuga Garden Club Tour, The Wall that Heals Vietnam Memorial at Emerson Park, and a Civil War sampler at the Morgan Opera House.

In the words of the county legislature, Cayuga County's quiescent, yet noble history, its diversified resources and its scenic beauty reveal that the region remains as impressive and promising today as it undoubtedly appeared to the entrepreneurial settlers 200 years ago.

It is my distinct honor to represent the descendants and subsequent residents of this outstanding community.

IN HONOR OF THE NINTH ANNIVERSARY OF CROATIAN STATEHOOD DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, today I rise, as a Croatian-American, to join my fellow brothers and sisters in honor of the ninth anniversary of Croatian Statehood Day.

Nine years ago Croatia took a monumental step towards democracy and independence, fulfilling the life-long dream of many, by declaring statehood. With the fall of the Berlin Wall, Communism's grip over Eastern Europe began to crumble, and by the late 1980's democratic movements developed in many countries. In Croatia, a progressive movement was started with the goal to form an alternative to the Communist Party which had been in power since 1945.

In April of 1990 elections were held in which the Communist Party was defeated in a landslide, and representatives from many new political parties were elected to the Parliament. The first meeting of this new democratically elected Parliament was on May 30, 1990. This occasion is a reason for Croatians all over the world to celebrate their country's historic movement towards independence and democracy.

I ask my fellow colleagues to join me, and my Croatian brothers and sisters, in celebrating Croatia's Statehood and congratulating them on nine years of independence.

A TRIBUTE TO THE LATE DR. STANLEY WISSMAN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SOUDER. Mr. Speaker, many members of the community in my district were saddened at the recent untimely death of Dr. Stanley Wissman of Fort Wayne.

Dr. Wissman made many valuable contributions to the Northeast Indiana medical community and was particularly known for his kindness to his patients and their families. I would like to extend my condolences to his family and to include in the RECORD a recent editorial from the Fort Wayne Journal Gazette discussing his life and work.

[The Journal Gazette, Thursday, May 27, 1999]

WISSMAN SET EXAMPLES BOTH UNIQUE AND UNIVERSAL

Death—especially unexpected death—has a perverse ability to highlight a life, to bring its finest qualities to the surface and leave them shining in the memories of friends and loved ones.

In so doing, it honors those traits in us all.

Stanley Wissman's sudden death is having that affect at Parkview Hospital this week. The beloved neurologist and patient champion was only 52 when he died Monday, and the shock is still rippling across the hospital and the regional medical community.

In a time of national anguish about values and character, Wissman demonstrated why people still have hope for our cantankerous species.

The resume is only part of the story. Yes, Wissman was an avid medical researcher. Yes, he was a visionary administrator for the hospital's rehabilitation unit. And, yes, he was an enthusiastic educator; he and his wife, Mary Ann, worked together on a program called "Brain Attack" to teach medical workers and the public that damage from strokes can be reduced by quick response.

But it is Stanley Wissman's easy approachability—his warm humaneness—that his colleagues recall so sadly.

Rebutting all the stereotypes of aloof and busy physicians in the era of managed care, he is remembered as a gentleman who found time to really listen to patients—as well as to co-workers on any step of the hospital hierarchy.

Being brilliant and accomplished and acclaimed are all quite wonderful—and rare. In the end, however, anyone can be like Stanley Wissman. All it takes is a little kindness.

Stanley D. Wissman, M.D., 52, died Monday at Parkview Hospital. Born in Fort Wayne, he was a doctor with Fort Wayne Neurological Center since 1976. He was also a medical director of the rehabilitation unit and chairman of the neurology subcommittee at Parkview Hospital and associate clinical professor of Neurology at Indiana University

School of Medicine in Indianapolis. Surviving are his wife, Mary Ann; two daughters, Jennifer Rosenkranz of Reno, Nev., and Alicia Jordan of Nashville, Tenn.; a son, Stephen of Nashville; a stepdaughter, Andrea Tone of Fort Wayne; a stepson, Alex Tone of Fort Wayne; his mother, Ruth L. Wissman of Fort Wayne; two brothers, William W. of Indianapolis and Gary L. of Fort Wayne; a sister, Karen Lewis of Fort Wayne; and a grandchild. Services at 11:30 a.m. Thursday at St. Charles Borromeo Catholic Church, 4916 Trier Road, with calling an hour before services. Calling also from 2 to 8 p.m. Wednesday at D.O. McComb & sons Maplewood Park Funeral Home, 4017 Maplecrest Road. Burial in Catholic Cemetery. Memorials to Bishop Dwenger High School Tuition Assistance or Ryan Kanning Muscular Dystrophy Fund.

THE INTRODUCTION OF THE ESOP PROMOTION ACT OF 1999

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BALLENGER. Mr. Speaker, I come before the House today to introduce legislation to promote more employee ownership in America. I believe this is a modest proposal which can be deemed technical and clarifying in many respects. Entitled the "ESOP Promotion Act of 1999," this bill builds on legislation I introduced in the 102nd, 103rd, 104th and 105th Congresses with bipartisan support. Nearly 100 sitting members of this House have cosponsored this legislation over the years and, if former members are included, the number is over 200.

Mr. Speaker, let me point out that the last Congress aided the creation of employee ownership through Employee Stock Ownership Plans (or ESOPs) by enabling a Subchapter S corporation to sponsor an ESOP. This provision was added to the Balanced Budget Act of 1997 (Public Law 105–34) by Senator JOHN BREAUX in the Senate Finance Committee and has been part of my ESOP bills since 1990. The effort to have these small businesses offer employee ownership to their employees started in 1987. Many private sector groups, representing both professionals and businesses, have supported permitting Subchapter S corporations to sponsor ESOP's. I am grateful to my colleagues for their support of this important change in the code.

I encourage my colleagues in the 106th Congress to stand up for employee ownership and enhance the positive record for one of the most encouraging economic trends in America today—ownership by employees of stock in the companies where they work through an ESOP. As many of my colleagues know, I came to Congress first and foremost with a small business background, having created an ESOP plan for the company I founded over 40 years ago. The ESOP provides a method for current owners of stock to sell, at fair market value, their stock to a trust that holds the stock for eventual distribution to employees upon their death, disability or retirement. I believe the employee ownership which we promoted at my company will continue to be a valuable retirement asset for our employees and their families for years to come.

I believe that employee ownership, properly managed, creates a win-win situation for all involved. America and our economic system benefit as we increase competitiveness through employee ownership and provide more opportunity for ownership for those who, frankly, would not have much of a chance to acquire stock ownership otherwise. Since 1989, the House has shown strong support for ESOP's, and I think it is important to confirm this support in the 106th Congress.

Allow me to explain each section of my bill:

Section 1: Names the bill "The ESOP Promotion Act of 1999."

Section 2: Current law permits a corporate deduction for dividends paid on ESOP stock that are passed through to the employees in cash or used to pay the ESOP stock acquisition debt [Internal Revenue Code Section 404(k)]. Section 2 would amend Section 404(k) to permit the deduction if the employees participating in the ESOP are allowed, as their choice, to have the dividend reinvested in more employer stock. In fact, current ESOP and 401(k) sponsors can nearly accomplish the same result under current law with a convoluted system that requires an IRS letter ruling.

Why is this simplification? Because under very complex chain of events which the IRS has approved in a series of letter rulings, the employee can have "constructive receipt" of the cash dividend, and then "constructively" take the dividend money back to the payroll office and reinvest it. Since the employee has received the dividend in cash, the deduction is allowed, although in reality it was reinvested. This legislation says cut to the chase. Where the employee has made clear a desire for the dividends to be reinvested, why have an expensive, confusing system that the IRS has to review after the ESOP sponsor spends dollars on designing the new system? The ESOP sponsor can put these resources to more productive use, and the employees can put their dividends to use in further bolstering their retirement savings with this change.

Section 3: From 1984 until 1989, an estate with share of certain closely-held corporation could transfer stock in the corporation to the corporation's ESOP, and the ESOP would assume the estate tax liability on the value of the transferred stock [former Internal Revenue Code Section 2210]. Unfortunately, the Tax Act of 1989 repealed this law which was an effective way to create more employee ownership. The proposed legislation would restore this incentive for stock to be transferred to an ESOP. No estate tax is being avoided here, it is just shifted from the estate to an American, closely-held corporation that has employee ownership through an ESOP.

Section 4: This section would current what I believe is an anomaly in the current law. Internal Revenue Code Section 1042 provides that if a seller of closely-held stock reinvests his/her proceeds from the sale in the equities of a U.S. operating corporation, the gain on the sale to the ESOP is deferred until the replacement property is disposed of, if and only if the ESOP holds at least 30% of the outstanding shares of the corporation when the sale of stock to the ESOP is completed. This provision of current law plays a major role in the creation of over 50% of the ESOP companies in America. Current law benefits owner-founders, and outside investors of closely-held companies, but it does not permit holders of stock in a closely-held corporation who acquired the stock as a condition of employment, from a plan other than an ERISA plan, to sell that stock to an ESOP and receive a deferral of the tax on the gain. Section 4 would end the different treatment for shares acquired from a compensation arrangement as a condition of employment compared to stock acquired otherwise.

Section 4 would expand the list of permissible reinvestment to U.S. mutual funds that represent U.S. operating corporation securities. This change would apply to an owner-founder or outside investor, as well as an individual who acquired the stock as a condition of employment.

Section 4 also would correct another technical anomaly in current law. As presently written, Section 1042 provides that any holder of 25% or more of any class of stock in a company cannot participate in an ESOP established with stock acquired in a Section 1042 transaction. My bill would change the measure so that the 25% would be measured by the voting power of the stock, or the value of the stock in terms of total corporate value. This kind of measure is used in other sections of the code.

Section 5: Amends the Internal Revenue Code of 1986 to permit limited distributions from ESOPs, without incurring a 10-percent penalty on early withdrawals, for high education expenses and first-time home purchases. The limitations relate to how much can be distributed and a requirement that the person have at least five years of participation before making the request for the distribution. The early withdrawal provision would be discretionary with the plan sponsor.

I urge those of my colleagues who want to encourage employee ownership in America to join me by cosponsoring the "ESOP Promotion Act of 1999" and working hard to include these provisions in the tax bill that will soon be considered by the House Ways and Means Committee.

TRIBUTE TO JAMES HARRISON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a fine young man who resided in the 1st Congressional District of Arkansas and was taken from this world last week, James Harrison from Paragould. A bass-baritone, James was a singer at Ouachita Baptist University, and was returning on Flight 1420 from a choir tour in Germany and Austria.

Although James was only 21, he certainly lived a wonderful life. He was a responsible, trustworthy person. His love and concern for others very likely could have cost him his life.

Along with his contributions to the Ouachita Singers, James was the music minister at First Baptist Church of Royal. His friends say he could look at any piece music and sing it. He played the guitar and saxophone and was in charge of setting up before concerts at Ouachita. "Arv" as he was called, for his middle name Arvin, was a patient, level-headed young man who devoted his life to Christ.

I ask that all Americans join us as we pray for the families and friends of the passengers and crew members who perished in the crash, that they might gain some measure of solace and understanding about their profound and very public loss.

IN HONOR OF KEVIN SHANAHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Kevin Shanahan, one of the founders of Irish Dancing in the Cleveland area.

Kevin Shanahan came to the Cleveland area from his home in Dublin, Ireland in 1953. The thriving Irish community in Cleveland welcomed his expertise in Irish Dancing. And because of Shanahan's efforts, Irish Dancing has transformed over the years into a popular and creative expression of Irish culture.

Under the auspices of the West Side Irish America Club, Mr. Shanahan organized the first Cleveland Feis in 1957. Through his beginning efforts and the Club's hard work, the Cleveland Feis has become a premier Irish event. Even today, it is a festival to which everyone in the Irish community looks forward each year.

While Mr. Shanahan has returned to Dublin, to live in the house where he was born, his legacy lives on in the Cleveland area. The students he taught during his time in Cleveland continue to carry on the Irish Dance traditions they learned from the master.

My fellow colleagues, please join me in honoring a man who has kept traditional Irish Dancing alive in the Cleveland area, Mr. Kevin Shanahan.

THANKS AND CONGRATULATIONS TO THE 143RD INFANTRY REGIMENT

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. EDWARDS. Mr. Speaker, I rise today to congratulate the outstanding members of the 143rd Infantry Regiment and to recognize the proud tradition of that body upon their annual Regimental reunion. I would especially like to recognize the war veterans of the regiment, including one who has been with the group since World War I.

This unique regiment has a strong and deep connection with the Waco community, which is in my Texas Congressional District. Throughout its long history, it has been made up primarily of Central Texans. The Regiment began as a Militia Company in 1873 and has seen many different designations and missions throughout its history. These have included service in the Spanish American War, World War I, and World War II. In World War II the 143rd distinguished itself as a truly outstanding military unit by becoming one of the first American detachments to land in Europe and then later one of the first to enter Rome.

After World War II, the Regiment helped Waco recover from a devastating tornado, working around the clock in rescue and patrol operations. In the 1960's the Regiment was reorganized into an Airborne Unit and exists today as an active National Guard unit.

The superb all volunteer paratroopers of the unit are among America's best, and today they continue the proud tradition of the 143rd Infantry.

I ask Members to join me and offer our heartfelt thanks and congratulations to an outstanding American Regiment—the 143rd Infantry.

TRIBUTE TO PRESLEY SAM, KENNETH TAKEUCHI, BARBARA TANIGUCHI, IZUMI TANIGUCHI, CAMILLE WING, GERYOUNG YANG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Presley Sam, Kenneth Takeuchi, Barbara Taniguchi, Izumi Taniguchi, Camille Wing and Geryoung Yang, for being selected the 1999 Portraits of Success program Honorees by KSEE 24 and Companies that Care. In celebration of Asian-American Heritage Month for May, these six leaders were honored for their unique contributions to the betterment of their community.

Presley Sam, a refugee from Cambodia, came to Fresno knowing no one. Through the offices of the Lao Family of Fresno, he became a Community worker and was later hired by the Police Department in Elkhorn Juvenile Boot Camp Facility. Presley serves as an executive member of the Board of Directors for the Cambodian Buddhist Society of Fresno.

Kenneth Takeuchi worked for 32 years for the Fresno County Parks Department. He is a member of the San Joaquin River Parkway Trust, the Shinzen Garden Committee and the Fresno Buddist Church. Mr. Takeuchi is a marathon and ultra-marathon runner and race organizer. Over the past 16 years, he has directed runs for many fund raisers for organizations such as United Cerebral Palsy, the American Heart Association and Special Olympics.

Barbara Taniguchi has been a member of the Japanese American Citizens League since 1955. Very involved in her community, Barbara has served on the Fresno Unified School District Desegregation Task Force, the Central California Nikkei Foundation and on several library boards.

Izumi Taniguchi, Professor Emeritus of Economics at California State University Fresno since 1993, has been a board member of the Central California Nikkei Foundation since its inception. He has held many offices in the Japanese American Citizens League at the local, state and national levels and is active in numerous other community organizations.

Camille Wing has served on the Board of Hanford's Taoist Temple Preservation Society since 1979 and has become a valuable resource on the history of early Chinese immigrants in Hanford. She is also active in serving Kings County Library, the Hanford Visitors Agency and community recycling efforts.

Geryound Yang maintains a successful Fresno dental practice. He established a California State University, Fresno Hmong Student Association and has been active in the Sky Watch Project. Mr. Yang's goal is to be a mentor and role model for Hmong young people.

Mr. Speaker, it is with great honor that I pay tribute to the KSEE 24 Companies that Care 1999 Asian American Portraits of Success honorees. I ask my colleagues to join me in wishing these honorees many more years of success.

TRIBUTE TO GARY GLOVER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BERRY. Mr. Speaker, I rise today to honor a great Arkansan, a man who served his community as a minister of youth and music, and who was a devoted father and husband, Mr. Gary Glover.

Mr. Glover spent much of his life as a dedicated church member, sharing his faith and conviction in God with others. He received his ministry license in 1988 after attending Southwestern Baptist Theological Seminary in Fort Worth, Texas, and served Levy Baptist Church in North Little Rock at this time. Before settling in Arkansas, Mr. Glover served as director of housing and Christian training at Happy Hill Farm Academy and Home in Granbury, Texas. Here he supervised Southwestern Baptist Theological Seminary students. After Mr. Glover came to Arkansas he served as youth minister at Sylvan Hills First Baptist Church in North Little Rock.

Clearly, Mr. Glover was a caring and giving man. Even after his passing, Mr. Glover continues to give through the donation of his organs. His family, including his wife, Becky, and his three sons, Drew, Daniel, and D.J., decided Mr. Glover would have wanted to continue helping others and felt this donation is something he would have wanted.

Gary Glover was a man of great influence and inspiration for many. He was a strong voice for the Christian community in Arkansas and elsewhere. May we attempt to live our lives as generously as he.

HONORING TAIWAN'S ASSISTANCE TO KOSOVO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ACKERMAN. Mr. Speaker, I am happy to learn that NATO and Yugoslavia have reached an agreement and the Kosovars can finally return to their homeland. Yet there is more good news on the way. Dr. Lee Teng-hui, President of the Republic of China on Taiwan just announced that Taiwan will provide the Kosovar refugees with $300 million in aid. This aid includes food and medical care that are urgently required, as well as job training and rehabilitation programs to promote the reconstruction of Kosovo in the long run. we welcome such generosity from the Republic of china, and applaud its contribution to peace and stability in the international community.

Under the dynamic leadership of President Lee Teng-hui, the Republic of China has become a prosperous, full-fledged democracy, and it has demonstrated on numerous occasions its willingness to help the needy. Mr. Speaker, I would like to ask my colleagues to join me in expressing our appreciation to President Lee and the people of the Republic of China for their generosity to the Kosovar refugees and contributions to the international community.

HONORING JOSE ORLANDO MEJIA, MD

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Jose Orlando Mejia, the Chief of Pulmonary and Critical Care Medicine and the Director of the Medical Intensive Care Unit at Woodhull Medical and Mental Health Center, and Assistant Professor in the Department of Medicine at the State University of New York Health Science Center at Brooklyn.

Board certified in three specialities—Internal Medicine, Pulmonary Medicine, and Critical Care Medicine—Dr. Mejia is an expert in asthma, emphysema, smoking-related illness, and diseases of the lungs, respiratory system and heart.

Graduated from the Autonomous University of Santo Domingo School of Medicine in the Dominican Republic, he has received advanced training through a Pulmonary Medicine Fellowship at the Long Island College Hospital, and a Critical Care Medicine Fellowship at the Albert Einstein College of Medicine Montefiore Hospital.

For nearly twenty years, Dr. Mejia has dedicated his work to caring for the people of our communities. He has taken a holistic approach to care-giving—not only working to heal the patient, but care for the community as well. He is a keen diagnostician and excellent communicator—speaking to patients in both English and Spanish. As such, he can provide a unique type of care—providing a level of comfort and support emotionally while healing people physically.

Dr. Mejia's special interest in asthma is particularly important to the communities I represent in New York's 12th Congressional District, where air pollution is an enormous problem. Due to the traffic and waste-transfer sites that are located throughout Brooklyn, asthma and other respiratory problems are particularly high—especially among children. Dr. Mejia's work addresses these problems in a direct and critical way.

Many times people who make valuable contributions to our communities go unrecognized. I would like to urge my colleagues to join me in congratulating Dr. Mejia for the work he has done, the people he has helped, and the strength he has given to our communities. Because of his work the 12th Congressional District is a better place, and I thank him and wish him continued success.

TRIBUTE TO BEVERLY GARLAND

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Beverly Garland, who is being honored as 1999 NoHo Citizen of the Year at the 7th Annual NoHo Theatre & Arts Festival. Through the years Ms. Garland has played an invaluable role in helping NoHo emerge as a thriving center of music, dance and theater in what had been a declining section of North Hollywood. As a successful businesswoman and actress, Ms. Garland is the perfect representative for NoHo. The Festival could not have made a more appropriate choice for its citizen of the year.

Much of the world knows Beverly Garland for her role as Fred MacMurray's wife in the long-running television series "My Three Sons," and as Kate Jackson's mother in "The Scarecrow and Mrs. King." That was then. Today she continues to lead a very busy life as a television actress. Her recent movies for TV include "Finding the Way Home" with George C. Scott and "The World's Oldest Living Bridesmaid," with Donna Mills. She has also appeared as a guest star on "Friends," "Ellen" and "Diagnosis Murder," and recently became "engaged" to Grandpa Charles on the popular weekly series "7th Heaven.

With more than 200 television and film roles to her credit, it comes as no surprise that Ms. Garland has received a star in her name on the famous Hollywood Walk of Fame.

Those of us who live in the east San Fernando Valley also know Ms. Garland for her business skills and civic involvement. She and her family own and operate Beverly Garland's Holiday Inn on Vineland Avenue in North Hollywood, a 258-room hotel that recently teamed with Holiday Inn Worldwide. The hotel is not only popular with visitors to the area, but is a central location for community meetings, chamber of commerce events and other important local activities.

Ms. Garland has not at all been hesitant to use her skills as a public speaker to promote the area. She holds the position of Honorary Mayor of North Hollywood and lends her presence at many public functions. She has also served on the California Tourism Corporation Board of Directors and is a member of the Greater Los Angeles Visitors and Convention Bureau.

I ask my colleagues to join me in saluting Beverly Garland, whose devotion to her community, commitment to the arts and dedication to her craft are an inspiration to us all. She has contributed greatly to the rise of NoHo and its emergence as one of the "hot spots" of Los Angeles.

RECOGNIZING ROBERT TAYLOR AND THE FRESNO CHAPTER OF THE MONTEREY BAY JAGUARS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Robert Taylor, coach of the Fresno chapter of the Monterey Bay Jaguars, for his outstanding achievements and dedication to the youth of his community. The Monterey Bay Jaguars is a track and field club for children ages six and up.

Taylor, a Fresno parole officer, devotes his time twice a week, between February and July, to his "star athletes." He started with about 15 athletes from Bethune Elementary school in Fresno, where he was a tutor. The chapter now has more than 40 athletes from Fresno County. Taylor recruited co-workers and parents to help him run the growing program. Despite what some may think, this is not an "inner-city" group of kids. "We have a mixture," Taylor says. "Most of these kids are on the honor roll. Some of those kids down there have some money. But I don't want it to be like they're the rich kids. These kids are talented."

Indeed they are. Most of Taylor's kids had not participated until this year, but have won a combined 700 awards at the state and national levels since February. Taylor's secret to this success is a regimen of discipline and mental stability. Taylor designed a program that teaches the children the fundamental aspects of the sport and puts them through a college level workout twice per week. Taylor says he believes all of his athletes can compete in college and beyond and boasts about their speed. "I've got a gold mine here," Taylor says. "They're the all-star team."

Mr. Speaker, I rise, with great pleasure, to recognize Robert Taylor and his team of "all-stars." It is evident by the dedication of both coaches and athletes that there is a mutual respect, and genuine concern for the positive development of the community. I urge my colleagues to join me in recognizing the Fresno chapter of the Monterey Bay Jaguars for many more years of continued success.

INCREASING THE MINIMUM WAGE DECREASES OPPORTUNITIES FOR OUR NATION'S YOUTH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. PAUL. Mr. Speaker, I highly recommend Bruce Bartlett's "Minimum Wage Hikes Help Politicians, Not the Poor", which recently appeared in The Wall Street Journal, to all of my colleagues. Mr. Bartlett's article provides an excellent overview of the evidence that an increase in the federally-mandated minimum wage reduces teenage employment. Since those shut out of entry-level work are unlikely to obtain higher-paying jobs in the future, an increase in the minimum wage reduces employment opportunities for millions of Americans. This point was also highlighted by Federal Reserve Chairman Alan Greenspan in testimony before the Senate in January when he pointed out that "All the evidence that I've seen suggests that the people who are the most needy of getting on the lower rungs of the ladder of our income scales, develop skills, getting the training, are unable to earn the minimum wage. As a consequence, they cannot get started. And I think we have to be very careful about thinking that we can somehow raise standards of living by mandating an increase in the minimum wage rate." I hope all of my colleagues will carefully consider how increasing the minimum wage decreases opportunities for our nation's youth and refrain from reducing economic opportunity for those at the bottom of the economic ladder by raising the minimum wage.

Bruce Bartlett is senior fellow at the NCPA. He was Deputy Assistant Secretary for Economic Policy in the Treasury Department from 1988 to 1993, and Senior Policy Analyst at the White House from 1987 to 1988. He is an expert commentator on taxes and economic policy, the author of two books and, a syndicated columnist. His articles have appeared in many papers including The Wall Street Journal and The New York Times. He regularly appears on national television and radio programs.

MINIMUM WAGE HIKES HELP POLITICIANS, NOT THE POOR

(By Bruce Bartlett)

It now appears likely that the Republican Congress will soon raise the minimum wage for the second time in three years. In 1996 the minimum increased to the present $5.15 an hour from $4.25; the increase now being considered would bring the figure up to $6.15 by 2002. This is bad news, for as many as 436,000 jobs may disappear as a result of the increase.

During the last debate, two arguments were advanced in favor of raising the minimum wage. The first claimed that the minimum wage had fallen sharply in real (inflation-adjusted) terms since the previous increase in 1991. But with inflation having all but vanished in the 19 months since the last increase, this argument does not hold true today.

The second argument, based almost exclusively on a 1995 study by economists David Card and Alan Krueger, was that raising the minimum wage actually reduced unemployment. Since then, however, virtually every study done on the subject has confirmed longstanding research showing that raising the minimum wage invariably has a negative impact on employment, particularly among teenagers and minorities.

The federal minimum wage was first enacted in 1938, but applied only to the small minority of workers who were engaged in interstate commerce. The first data we have on teenage unemployment are from 1948. From then until a significant expansion of the minimum wage in 1956, teenage unemployment was quite low by today's standards and was actually lower for blacks than whites. Between 1948 and 1955 unemployment averaged 11.3% for black teenage males and 11.6% for whites.

Beginning in 1956, when the minimum wage rose from 75 cents to $1, unemployment rates between the two groups began to diverge. By 1960, the unemployment rate for black teenage males was up to 22.7%, while the white rate stood at 14.6%.

Despite such evidence, supporters continued to push for ever higher and more inclusive minimum-wage rates, which were raised almost yearly between 1961 and 1981. At each point the unemployment rate for black teenagers tended to ratchet higher. By 1981, the unemployment rate for black teenage males averaged 40.7%—four times its early 1950s level, when the minimum wage was much lower and its coverage less extensive. That year, the federally-mandated Minimum Wage Study Commission concluded that each 10% rise in the minimum wage reduces teenage employment by between 1% and 3%.

Subsequent research, based on the effects of the previous two minimum-wage increases, continues to confirm this estimate. A study of the 1990–91 increases, which raised the rate by 27%, found that it reduced overall teenage employment by 7.3% and black teenage employment by 10%. Similarly, a study of the 1996 increases found a decline in employment of between 2% and 6% for each 10% increase in the minimum wage.

In a study published by the Federal Reserve Bank of San Francisco, economist Kenneth Couch Translated these percentages into raw numbers. At the low end of the range, at least 90,000 teenage jobs were lost in 1996 and another 63,000 jobs lost in 1997. At the higher end, job losses may have equaled 268,000 in 1996 and 189,000 in 1997. He estimates that a $1 rise in the minimum wage will further reduce teenage employment by between 145,000 and 436,000 jobs.

The fact is that the vast bulk of economic research demonstrates that the minimum wage has extremely harmful effects on the very people it is designed to aid—the poor:

The minimum wage unambiguously reduces employment. The September 1998 issue of the Journal of Economic Literature, an official publication of the American Economic Association, contains a survey of labor economists on the employment effects of the minimum wage. When asked to estimate the impact of raising the minimum wage, the average effect was estimated at minus 0.21%, meaning that a 10% rise in the minimum wage will reduce overall youth employment by 2.1%. This puts to rest any notion that economists have changed their view that in general higher minimum wages reduce employment.

Increases in the minimum wage have a disproportionate impact on teenagers and the poor. The minus 2.1% figure cited above is an overall impact. For those currently earning less than the new minimum wage, the impact is much greater. For example, prior to the 1996 increase, 74.4% of workers between the ages of 16 and 24 already earned more than $5.15, and 4.3% were legally exempt from the minimum wage law. Thus the employment losses were concentrated among the 21.3% of workers making the minimum wage or slightly more. When one attributes total employment losses entirely to this group, it turns out that the employment loss figure is minus 1%, according to economists David Neumark, Mark Schweitzer and William Wascher. This means a 10% rise in the minimum wage reduces employment among this group by 10%.

Increases in the minimum wage add almost nothing to the incomes of poor families. There are two reasons for this. First, employment losses reduce the incomes of some workers more than the higher minimum wage increases the incomes of others. Second, the vast bulk of those affected by the minimum wage, especially teenagers, live in families that are not poor. Thus a study by economists Richard Burkhauser and Martha Harrison found that 80% of the net benefits of the last minimum-wage increase went to families well above the poverty level; almost half went to those with incomes more than three times the poverty level. (The poverty level is about $17,000 for a family of four.)

The minimum wage reduces education and training and increases long-term unemployment for low-skilled adults. Messrs. Neumark and Wascher found that higher minimum wages cause employers to reduce on-the-job training. They also found that higher minimum wages encourage more teenagers to drop out of school, lured into the labor force by wages that to them seem high. These teenagers often displace low-skilled adults, who frequently become semipermanently unemployed. Lacking skills and education, these teenagers pay a price for the minimum wage in the form of lower incomes over their entire lifetimes.

A raise in the minimum wage has always been an easy sell in Washington. But whatever the political realities may be, it's still a bad idea.

VALLEY HOSPITAL IN RIDGEWOOD, NEW JERSEY IS A LOCAL SPONSOR OF THE 12TH ANNUAL CANCER SURVIVORS DAY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to offer my thanks to Valley Hospital in Ridgewood, New Jersey, for being a local sponsor of the 12th annual National Cancer Survivors Day. This event helps those stricken with this tragic disease find hope, and emphasizes the progress medical science has made in fighting cancer. The organizers possess the understanding and sensitivity that help support the patients and families faced with this challenge.

This event, dedicated to curing and surviving cancer, has very poignant relevance to my own family. We lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. This is why a commemoration of National Cancer Survivors Day serves such a meaningful purpose for all who, like our family, have faced the trauma of this disease.

This year, National Cancer Survivors Day will be celebrated for the 10th time at Valley Hospital. About 200 people are expected to attend the ceremony, including leading oncologists and patients who have faced cancer and survived to tell their stories.

But Valley Hospital's involvement in fighting cancer goes far beyond speeches or ceremonies. Valley is a regional leader in the oncology field, treating more cancer patients than all other hospitals in Bergen and Passaic counties combined. A full range of oncology services are available, including a special program in pediatric oncology and endoscopic ultrasound technology. Valley's affiliation with Columbia-Presbyterian Medical Center and the

Southwest Oncology Group offer patients access to the newest treatment protocols. The radiation oncology service is the busiest in the state and the center offers free annual screenings for skin, prostate, breast and oral cancer. The oncology center goes beyond medical treatment, offering weekly support groups for patients, a comprehensive calendar of educational programs and extensive home care programs that aid not just cancer patients but their families as well.

A distinguishing characteristic of Valley's cancer programs is the availability and quality of radiation seed implant therapy for prostate cancer. Valley has attracted patients from around the world as the result of its unique prostate implant program, pioneered by urologist Howard Sandler, M.D., and radiation oncologist David Greenblatt, M.D. Physicians from across the country have come to Valley to learn brachytherapy from Drs. Sandler and Greenblatt and Dr. Michael Wesson, also a radiation oncologist.

During our lifetime, we have seen cancer go from a virtual death sentence to a disease that is often treatable, survivable and preventable. The overall survival rate for all forms of cancer—including the worst varieties—now stands at 60 percent. The survival rate for some of the better-understood cancers, such as breast cancer, is 81 percent. And if all Americans participated in screenings that could catch cancer at its early stages, experts estimate that 95 percent of cancer patients would survive. Since 1990, cancer death rates have been dropping an average 0.6 percent per year, according to the National Cancer Institute.

Despite these advances, more than 1.2 million new cancer cases are expected to be diagnosed this year and more than half a million people are expected to die—about 1,500 each day. Cancer is the second-leading cause of death in the United States, exceeded only by heart disease, and one of every four deaths is from cancer.

Sadly, many of these deaths occur even though they are preventable. Tobacco and alcohol related cancer account for nearly half of all cancer cases and are completely avoidable simply by not smoking and drinking only in moderation. Many skin cancers are caused by excessive exposure to sunlight and can be prevented by the simple use of suntan lotion and reduced exposure. Screening is available for many forms of cancer, including breast, colon, rectum, cervix, prostate, testis, oral and skin. I cannot emphasize enough the importance of detecting cancer as early as possible—early treatment can mean the difference between life and death.

Today, we are within grasp of a cure for many forms of cancer but much research remains to be done. I thank God for those who are willing to labor toward this goal and pray that with their help a cure can be found and that no one will ever again have to suffer from this terrible disease.

ROC TO DONATE $300 MILLION TO HELP KOSOVAR REFUGEES

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SWEENEY. Mr. Speaker, on June 7, 1999, after chairing a meeting concerning the Kosovo crisis, President Lee Teng-hui announced that the Republic of China will donate $300 million to help Kosovar refugees rebuild their homes. I would like to applaud the ROC for playing an active role in the "world arena" and working together to maintain world peace. Humanitarian aid to Kosovar refugees is a common goal for all countries. In recognition of their honorable deed I am submitting President Lee Tenug-hui's statement regarding assistance to Kosovar refugees.

PRESIDENTIAL STATEMENT REGARDING ASSISTANCE TO KOSOVAR REFUGEES

The huge numbers of Kosovar casualties and refugees from the Kosovo area resulting from the NATO-Yugoslavia conflict in the Balkans have captured close world-wide attention. From the very outset, the government of the ROC has been deeply concerned and we are carefully monitoring the situation's development.

We in the Republic of China were pleased to learn last week that Yugoslavia Slobodan Milosevic has accepted the peace plan for the Kosovo crisis proposed by the Group of Eight countries, for which specific peace agreements are being worked out.

The Republic of China wholeheartedly looks forward to the dawning of peace on the Balkans. For more than two months, we have been concerned about the plight of the hundreds of thousands of Kosovar refugees who were forced to flee to other countries, particularly from the vantage point of our emphasis on protecting human rights. We thereby organized a Republic of China aid mission to Kosovo. Carrying essential relief items, the mission made a special trip to the refugee camps in Macedonia to lend a helping hand.

Today, as we anticipate a critical moment of forth-coming peace, I hereby make the following statement to the international community on behalf of all the nationals of the Republic of China:

As a member of the world community committed to protecting and promoting human rights, the Republic of China would like to develop further the spirit of humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction. We will provide $300 million. The aid will consist of the following:

1. Emergency support for food shelters, medical care, and education, etc. for the Kosovar refugees, living in exile in neighboring countries.
2. Short-term accommodations for some of the refugees in Taiwan, with opportunities of job training in order for them to be better equipped for the restoration of their homeland upon their return.
3. Furthermore, support the rehabilitation of Kosovo area in coordination with international long-term recovery programs when the peace plan is implemented.

We earnestly hope that the above-mentioned aid will contribute to the promotion of the peace plan for Kosovo. I wish all the refugees an early return to their safe and peaceful Kosovo homes.

A TRIBUTE TO ODUNDE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Odunde, Philadelphia's oldest and largest community-based festival, on the occasion of its 24th anniversary. The word Odunde originates from the Yoruba people of Nigeria, West Africa, and means Happy New Year. The festival is a recreation of traditional West African cultural festivals that celebrate the coming of another year through music, dance and prayer. Held in one of South Philadelphia's historically significant African American neighborhoods, Odunde attracts over 300,000 people annually and it has gained the reputation of being one of the largest African American street festivals in the United States.

Known for its authentic African marketplace with vendors selling a variety of artifacts, African clothing, educational materials and African, Caribbean and African American food, Odunde represents a tremendous economic opportunity for entrepreneurs.

Odunde is a vital cultural and educational experience that has become an important part of the Philadelphia experience. Odunde celebrates the rich cultural legacy of Africans of the diaspora and the experience enriches us all.

PERSONAL EXPLANATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mrs. BONO. Mr. Speaker, in light of my absence on Thursday, June 10, 1999, I wish to announce my position on the following amendments for the record: the Buyer to H.R. 1401 (rollcall vote No. 185)—Yes; the Traficant to H.R. 1401 (rollcall vote No. 186)—Yes; the Souder to H.R. 1401 (rollcall vote No. 187)—No; the Skelton to H.R. 1401 (rollcall vote No. 188)—Yes; the Shays to H.R. 1401 (rollcall vote No. 189)—No; the Weldon to H.R. 1401 (rollcall vote No. 190)—Yes.

And last, I announce my strong support for final passage of H.R. 1401, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes.

VIRGINIA BEACH PROCLAMATION OF RABBI ISRAEL ZOBERMAN DAY

HON. OWEN B. PICKETT

OF VIRGNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. PICKETT. Mr. Speaker, the City of Virginia Beach recently issued the following proclamation honoring Rabbi Israel Zoberman, the founding Rabbi of Beth Chaverim, the Reform Jewish Congregation of Virginia Beach:

Whereas Rabbi Zoberman was honored at a special reception on April 23, 1999 at Beth Chaverim; and

Whereas Rabbi Zoberman is the founding Rabbi of Beth Chaverim, the Reform Jewish Congregation of Virginia Beach; and

Whereas Rabbi Zoberman has been in the ministry for twenty-five years and was awarded the honorary doctor of divinity degree from his alma mater, the Hebrew Union College—Jewish Institute of Religion, Cincinnati Campus; and

Whereas Rabbi Zoberman is the first rabbi to serve as chairman of the Community Relations Council of the United Jewish Federation of Tidewater. He is a contributing editor to the Jewish Spectator. He is also the past president of the Hampton Roads Board of Rabbis and Virginia Beach Clergy Association; and

Whereas Beth Chaverim was the only Jewish congregation in the world to meet regularly in a Catholic Church; the Church of the Ascension in Virginia Beach and a close bond was established between the two organizations; and

Whereas Rabbi Zoberman has been a force for good as his ministry has touched not only the citizens of Hampton Roads, but many others throughout the world;

Now, Therefore, I, Meyera E. Oberndorf, Mayor of the City of Virginia Beach, Virginia, do hereby proclaim April 23, 1999 Rabbi Israel Zoberman Day in Virginia Beach, and call upon all citizens to recognize his many contributions to the city.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Virginia Beach, Virginia, to be affixed this Twenty-third day of April, Nineteen Hundred and Ninety-Nine. Meyera E. Oberndorf

---

TRIBUTE TO JUDGE JOHN R. HARVEY UPON HIS RETIREMENT FROM HIS OFFICE AS CHIEF SUPERIOR COURT JUDGE, ATLANTIC JUDICIAL CIRCUIT ON MAY 31, 1999

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KINGSTON. Mr. Speaker, quite simply, what separates civilized countries from countries which know only official corruption, abuse of power, and economic misery is the rule of law.

Without respect for the rule of law, countries with stunning natural resource wealth, extraordinary human capital, and even formidable military might are nothing more than failed models.

The Soviet Union, and now Russia, possessed all of these attributes.

And yet the Soviet Union was never more than a declining power and a model from which its citizens tried to flee by the thousands.

It was never one to which millions yearned to come to, and realize new and exciting possibilities.

Although the Soviet Union is an extreme case, too little regard for the rule of law is the norm, and it characterizes regimes on every continent.

America however, has always been different.

Historians have spoken of American Exceptionalism since the days of Alexis de Tocqueville over 150 years ago, and one of the most important ingredients in this belief about our special, even God-given role in the world is our regard for the rule of law.

Judge John Harvey, who retired from the bench as Chief Superior Court Judge of the Atlantic Judicial Circuit on May 31st of this year, is a man whose entire professional life inspires faith in the rule of law.

A man of probity and regard for honor, Judge Harvey brought to his life's work a quiet determination and unceasing commitment to do right.

We Americans believe in the basic framework of our rule of law as embodied in the Constitution, a document which has stood the test of time.

Despite the steady erosion in the freedoms guaranteed in this document over the past several decades, we still revere the Constitution as a reflection of what we believe in as a people, what the relationship between the ruled and rulers should be, and what is right and good about the most successful experiment in democracy the world has ever seen.

But the Constitution is not enough.

A piece of paper can never alone ensure respect for the rule of law.

It cannot protect us from encroachments on our freedom.

And it can never forfend the inevitable tendency of rulers to abuse their power.

For the rule of law to triumph, honest men and a virtuous people must insist that it triumph, and they must step forward and demand that threats to our freedom be vanquished.

The Constitution provides us with the road map; but honest judges, dedicated police officers, lawyers with integrity, and ethical federal administrators, are the ones who must make the rule of law a reality, a system to which all citizens can appeal, and from which all citizens can receive justice.

If even the least among us is denied justice under our system of laws, faith in our rule of law is undermined, and our freedoms are no longer safe.

Absent people who are committed to the rule of law, citizens will not have faith that their grievances will be addressed, or that the law-abiding will be protected from those who wish to do us harm.

Judge Harvey possesses the kind of even temperament and fair-minded approach to every case that send a signal to plaintiffs and defendants alike that in this case, in this court, before this judge, the law will be upheld and every attempt will be made for the truth to triumph.

Judge Harvey was a popular judge who was respected for his sharp legal mind and judicious demeanor.

But he was esteemed and admired even more for his reverence for the law and for his integrity.

His early success in his life as a distinguished jurist—becoming superior court judge at the age of 38—did nothing to lessen his commitment to his youthful ideals of serving as an honest lawyer in a noble profession.

Indeed, his achievement merely spurred him to take his responsibilities even more seriously and with even greater care.

Judge Harvey always wanted to be a lawyer.

Some lawyers engender respect for the rule of law; others bring our system of laws into disrepute and cause people to lose faith in the very government we elect to serve us.

Judge Harvey always dreamed of becoming a lawyer in the first category, a lawyer who will make the system work the way it is supposed to.

America will cease to be a country where the rule of law is respected without people like Judge John Harvey.

Rising before the sun and leaving the office after colleagues decades his junior, Judge Harvey adhered to work habits and ethical that touched the lives of countless individuals who are responsible for making sure that our Constitution is more than a piece of paper of an inspired origin.

His profession, his task, is to make sure that the system works and to create in the citizenry a regard for the rule of law that is all too rare in most countries of the world.

In that task, his efforts were singularly successful, and his departure from the bench is a great loss to us all.

But the example he set for others remains, and his impact will long outlive his tenure as a sitting judge.

Judge Harvey makes me proud to be an American, and it is my great honor to pay tribute to him today.

Judge Harvey, thank you for your outstanding service to the United States of America; we will miss you.

CONFLICT IN KASHMIR

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. McCOLLUM. Mr. Speaker, I rise today because of concerns for the increased tensions in the Kashmir region of India. From the accounts that I've seen, it is my understanding that the current fighting near Kargil, Kashmir, is the most dangerous escalation since the Indo-Pak war of 1971. The current crisis apparently began when a heavily armed, and considerably large force comprised of Islamic terrorists and Pakistani regulars, including some of Osama bin Laden's followers, crossed the "Line of Control" into India, occupying Indian military positions that had been temporarily abandoned for the winter season. Indian security forces took prompt action to remove these infiltrators and defend Indian territory. Units of the Pakistani Army quickly joined the fighting, providing the infiltrators with heavy artillery fire as well as firing at Indian aircraft and helicopters striking the infiltrators' positions.

There should be no doubt that this operation could not have taken place without the direct support from, and authorization of, the highest levels of government in Islamabad. The Islamist terrorists involved, including supporters of bin Laden's, have received specialized training and equipment in camps in Pakistan since the Fall of 1998. The infiltrating force itself—a composite grouping of Pakistani regulars and Islamist terrorists (Kashmiris, Pakistanis, Afghans and Arabs) is reportedly operating in close cooperation with the local units of the Pakistani Armed Forces. There should be little doubt that these forces conduct a war-by-proxy on behalf of Pakistan.

No less troubling are the recent claims by Pakistani officials that the fighting in the Kargil area is actually taking place on Pakistani territory. The essence of this claim is challenging the validity of the Line of Control (LOC) as defined by the Simla Accords of 1972. One cannot hope to reduce tension and build mutual trust—commonly regulated in international treaties and agreements—when one of the protagonists unilaterally challenges the validity of well established bilateral and international agreements.

Thus, these recent developments are particularly troubling given the agreement between India and Pakistan earlier this year, the Lahore Declaration, that sought to promote regional stability and security, and most importantly peace, in South Asia. However, the actions of these terrorists are precisely what those concerned about India and the security of the region have raised as being a potential problem.

It is certainly in the United States' best interest to ensure stability in this region. India is important to our national security in an increasingly dangerous area. India and the United States share common bonds in fighting terrorism. We also share growing concerns with China, too. India is justified in taking action to remove these terrorists from within its borders. If these infiltrators are allowed in with no action to expel them, it will only embolden others to take their place.

I am hopeful that discussions scheduled for this weekend between India's Prime Minister Vajpayee and Pakistan's Prime Minister Sharif will resolve this issue. In any event, the U.S. should support the peaceful resolution to this conflict.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes:

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Sanchez-Morella-Lowey amendment. American women have a constitutionally protected right to choose. We must protect this right.

The Sanchez-Morella-Lowey amendment would reverse the ban on privately funded abortion services at U.S. military bases overseas. This amendment would provide servicewomen and military wives who live on American overseas military bases, the same access to health care as their United States based colleagues. The women we station overseas are already making great sacrifices for their country by leaving behind their family, friends, and community. We should not deny them their constitutional rights nor access to reproductive services.

This amendment would not expend Federal funds for abortion services. This amendment would not require health care professionals who oppose abortion to provide this medical service owing to their moral principle or as a matter of conscience. This amendment would return this policy to where it previously stood for many years under both Republican and Democratic administrations. The Department of Defense supports this amendment. Simply put, this amendment would allow women stationed overseas to use their own funds at overseas military hospitals to exercise their constitutional right to obtain abortion services. Current policy forces women who seek reproductive services to wait until they return to America or to seek out illegal and unsafe procedures near where they are stationed. Therefore current policy often jeopardizes their health and lives.

While I certainly respect my colleagues' views on the question of abortion, the fact is that women do have a right to choose that option, in consultation with their family, their doctors, and their God, and we should not make that decision more dangerous for them.

In the interest of making abortions safe when necessary, I urge my colleagues to vote to support the Sanchez-Morella-Lowey amendment. By allowing the Department of Defense to move ahead on this, we will ensure the safety of the American women we have stationed overseas. We have a responsibility to do this.

ANDREW TOWNE, LeGRAND SMITH SCHOLARSHIP WINNER OF PITTSFORD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Andrew Towne, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Andrew is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Andrew Towne is an exceptional student at Pittsford High School and possesses an impressive high school record. Andrew's involvement in football, basketball and track began his freshman year and continued through his freshman year and continued through his senior year. He excelled both academically and athletically as Captain of the Quiz Bowl and Basketball Team. Outside of school, Andrew participated in several volunteer activities to improve the community.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Andrew Towne for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

CONGRATULATING THE GLENWOOD SCHOOL FOR RECEIVING THE TITLE I DISTINGUISHED SCHOOL AWARD

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to congratulate the Glenwood School of Springfield, Massachusetts. The Glenwood School was recently included as one of 88 schools nationally awarded the Title I Distinguished School Award. This award recognizes schools operating in high-poverty attendance areas that have been successful in raising the level of achievement of their students. This award is a tribute to the collective efforts of the dedicated educators, parents, administrators, and most of all the students. The backbone of the operation is the principal of the school, Mr. Daniel J. Warwick. He worked in conjunction with United Cooperative Bank, the PTO, and volunteers to ensure that the students would be given the best opportunity to achieve such an academic turnaround.

All parties involved displayed mutual hard work to earn this recongintion as an exemplary school nationwide. The steps taken at Glenwood School will help to lessen the gap of achievement between advantaged and disadvantaged students. The hard work that all the members of the Glennwood School community portrayed will help to show that all children can learn to high standards.

This community has also shown a set of priorities that other schools with high concentrations of children in poverty can abide by.These priorities included an emphasis on challenging academic content and performance centers, a teaching/learning environment characterized by curricula aligned to standards and an assessment system, and a commitment to ongoing professional development, family, and community involvement.

The Glenwood School has successfully overcome socioeconomic problems (82% poverty level) to achieve academic excellence. It has shown all children that they have the opportunity to learn and realize their true potential. By incorporating the entire student body and community the Glenwood School has overcome the odds. Their recent success should be commended. Mr. Speaker, I am proud to have such a hard working school in my district. Glenwood School's inaugural success has sparked a desire to continue moving forward. This sole reason perhaps more so than any other, deserves our respect and congratulations.

HONORING TAIWAN FOR ITS COMMITMENT TO THE REFUGEES OF KOSOVO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KING. Mr. Speaker, I rise today to recognize Taiwan's continuing commitment to peace and stability in the Balkan region. Classified by China as a renegade province with no right to diplomatic recognition, Taiwan is excluded from the United Nations and deprived of relations with many nations. Despite this diplomatic embargo, Taiwan unveiled this past Monday, June 7, a $300 million aid package to assist the more than 782,000 ethnic Albanians who have been forced to leave as a result of Slobodan Milosevic's genocidal campaign.

This aid package will include emergency supplies for Kosovar refugees and contributions to long-term reconstruction efforts by the international community in Kosovo once a peace plan is accepted and implemented. In addition, it also offers to arrange for Kosovar refugees to receive short-term technical training in Taiwan.

I urge my colleagues to recognize Taiwan's sincerity and commitment to join the international drive to help the Kosovar refugees.

DR. HAROLD P. FURTH: A SCIENTIFIC LEADER AND A GREAT AMERICAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOLT. Mr. Speaker, I rise today to pay tribute to Harold P. Furth who has been appointed an Emeritus Professor of Princeton University, effective July 1st.

Dr. Furth, who served for 10 years as the director of the Princeton Plasma Physics Laboratory, has been a world leader in our nation's effort to recreate on earth the fusion process that powers the stars. As Dr. Furth has long understood, fusion can provide an abundant, safe, and environmentally attractive energy source to meet America's long term needs.

Dr. Furth conceived of the Tokamak Fusion Test Reactor (TFTR), the world's most successful fusion experiment, and oversaw its design and scientific program. TFTR achieved all of its research objectives, including the production of world-record amounts of fusion power in 1994. Discoveries made on TFTR increased substantially the basic understanding of fusion. These results are providing the insights necessary for the success of advanced fusion experiments now underway.

Beyond his renowned scientific prowess, I have for years admired his adept leadership in the science community. During the last year in which Dr. Furth was the Director of the Princeton Plasma Physics Laboratory, I was privileged to serve as the Assistant Director. As a scientific director, he established the right symbiotic relationship between theory and experiment. Dr. Furth's knowledge of all aspects of the field of fusion science and plasma physics and his erudite manner have made him a truly outstanding leader of the fusion community.

As a Congressman now, I deeply appreciate his ability to lead both in the details of a major scientific program and his ability to provide direction for the field as a whole. His shrewd judgment allows him to be an effective steward of our nation's resources. He continues to show extraordinary ability to gauge all aspects of the fusion program, scientific, political, and economic, and to see the proper direction of the program.

We will continue to rely on the outstanding contributions of Americans such as Harold Furth as the foundation for our national security and economic well-being in the 21st century.

INTRODUCTION OF LEGISLATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. McCRERY. Mr. Speaker, I rise today to announce the introduction of the United States-Flag Merchant Marine Revitalization Act of 1999. This bipartisan legislative initiative, which I am introducing along with Congressman Herger of California, Congressman Jefferson of Louisiana, and Congressman Abercrombie of Hawaii, is critically important to the modernization and growth of the United States maritime industry, our nation's fourth arm of defense.

History has repeatedly proven—and Congress has repeatedly affirmed—that the United States needs a strong, active, competitive and militarily-useful United States-flag commercial maritime industry to protect and strengthen our nation's economic and military security. In times of war or other emergency, as vividly demonstrated during the Persian Gulf War, United States-flag commercial vessels and their United States citizen crews respond quickly, effectively and efficiently to our nation's call, providing the sealift sustainment capability necessary to support America's armed forces overseas.

In 1992, General Colin Powell, then-Chairman of the Joint Chiefs of Staff, told the graduating class of the United States Merchant Marine Academy at Kings Point that:

> Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate firsthand why our merchant marine has long been called the nation's fourth arm of defense . . . The war in the Persian Gulf is over but the merchant marine's contribution to our nation continues. In war, merchant seamen have long served with valor and distinction by carrying critical supplies and equipment to our troops in far away lands. In peacetime, the merchant marine has another vital role-contributing to our economic security by linking us to our trading partners around the world and providing the foundation for our ocean commerce.

I am convinced that the best way to ensure that our nation continues to have the militarily-useful commercial vessels and trained and loyal United States citizen crews we need to support our interests around the world is to enact those programs and policies that will better enable our maritime industry to flourish in peacetime. I am equally convinced that one important way to do so is to provide a tax environment for our maritime industry which more closely reflects the favorable tax treatment other maritime nations provide to their own merchant fleets. The legislation my colleagues and I are introducing today will in fact strengthen the competitiveness of United States-flag vessel operations by providing a greeter opportunity for American vessel owners to accumulate the private capital necessary to build modern, efficient and economical commercial vessels in American shipyards.

This bill amends the existing merchant marine Capital Construction Fund (CCF) program contained in section 607 of the Merchant Marine Act, 1970 and section 7518 of the Internal Revenue Code of 1986. The existing program allows an American citizen to deposit the earnings from various United States built, United States-flag vessel operations into a tax-deferred Capital Construction Fund to be used exclusively in conjunction with an approved United States shipbuilding program. The deferred tax is recouped by the Treasury through reduced depreciation because the tax basis of vessels built with CCF monies is reduced on a dollar-for-dollar basis.

In order to better reflect the significant tax-related disadvantages American vessel owners face as compared to their foreign competition, and to continue to ensure our nation has the most militarily useful and economically viable domestic maritime industry, this legislation would amend the existing CCF program to expand the type of earnings eligible to be deposited into a CCF and the purposes for which a qualified withdrawal can be made. Significantly, these amendments do not in any fashion alter or weaken the existing requirement that vessels build with CCF monies must be built in the United States and operate under the laws of the United States with United States citizens crews.

Specially, this legislation amends the CCF program to:

Allow earnings from United States-flag foreign built vessels to be deposited into a CCF in order to increase the amount of capital available to build vessels in an American shipyard;

Allow CCF monies to be withdrawn to build, in an American shipyard, a vessel for operation under the United States-flag in the oceangoing domestic trades in order to further enhance the modernization and growth of this important segment of the maritime industry;

Allow CCF monies to be withdrawn to acquire United States-built containers or trailers for use on a United States-flag vessel in order to better ensure that cargo moves on American vessels in a safe and efficient fashion;

Allow CCF monies to be withdrawn in conjunction with the lease of a United States-built vessel, trailer or container in order to better reflect the realities of current ship financing arrangements;

Allow a vessel owner to deposit into a CCF the duty arising from foreign ship repairs to ensure that the duty is used to the benefit of United States shipyards; and

Remove the CCF as an alternative minimum tax adjustment item so that the full intended benefits of the program—the accumulation of private capital for the construction of commercial vessels in United States shipyards—are realized.

The United States-Flag Merchant Marine Revitalization Act of 1999 is critically important to the modernization and growth of the United States-flag merchant marine and should be supported and enacted. It will generate significant commercial vessel construction in United States shipyards and help American flag vessel operators compete more equally with their foreign flag vessel counterparts.

HONORING CHRISTINA WRIGHT, LEGRAND SMITH SCHOLARSHIP WINNER OF MARSHALL, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Christina Wright, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Christina is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Christina Wright is an exceptional student at Marshall High School and possesses an impressive high school record. Christina has received numerous awards for her involvement in Debate and the Performing Arts. Outside of school, she has served the community through many church activities and the United Way.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Christina Wright for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

CONSUMER TELEMARKETING FINANCIAL PRIVACY PROTECTION ACT OF 1999

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to restrict the sharing of credit card account numbers and other confidential information for purposes of telemarketing to consumers. My legislation responds to widespread negative-option telemarketing schemes that were brought dramatically to the public's attention this week in a speech by the Comptroller of the Currency and in a major lawsuit announced yesterday by the Minnesota Attorney General. I am pleased to join in sponsoring this legislation with my colleague from Minnesota, BRUCE VENTO, the Ranking Member of the Financial Services Subcommittee, and my Banking Committee colleagues BARNEY FRANK, PAUL KANJORSKI, KEN BENTSEN and JAY INSLEE.

While negative option telemarketing schemes appear to have been in operation for several years, their significance and breadth only recently came to light in news stories and state Attorneys General investigations. They remained hidden largely because most consumers don't realize they have been victimized and, for those who do, many assume the problem is a random mistake. Most consumers find it hard to believe that their bank or credit card company would systematically sell their private account numbers to questionable marketing operations. This is not the way banking has traditionally been conducted.

Consumers should have confidence that their credit card and bank account numbers will not be sold to the highest bidder. They should not feel they have to scrutinize their credit card statements for unauthorized charges. And they should not have to fear that every sign of interest or request for information in a telemarketing call will lead to automatic charges on their credit cards. This is unfair to consumers and potentially damaging to our banking system.

These telemarketing schemes operate in the following manner. A bank will enter into an agreement with an unaffiliated firm that provides telemarketing services to companies offering a variety of discount, subscription, service or product sampling memberships. The bank provides extensive confidential personal and financial information about its customers in return for a fee and commissions on sales made by the telemarketing firm. The information goes far beyond the names and addresses of customers, including specific account numbers, account balances, credit card purchases and credit scoring information. This information enables the marketer to profile the bank's customers and offer "trial memberships" that are targeted to each customer's interests, income and buying habits.

What makes the whole thing work is the fact that the telemarketer already has access to the consumer's credit card account. If the consumer indicates any interest in a "trial" membership, or even in receiving additional materials, their credit card account is automatically charged for the membership without the customer ever disclosing their account number or even knowing that they have authorized the charge. In many instances, the customer never notices the charge, or only sees it when it automatically converts into a continuing series of monthly membership or product charges. The consumer then has to take actions to stop the charges (hence the term "negative option") and attempts to have the charges refunded to their account.

According to state officials, consumers typically have considerable difficulty obtaining refunds for these charges, or even getting their bank to remove continuing charges from their account. Many have had to contact their State Attorney General before the bank or telemarketer would refund the charges.

While the Comptroller of the Currency this week identified this practice as an example of banking practices "that are seamy, if not downright unfair and deceptive", they do not appear to violate any federal law or regulation. The Fair Credit Reporting Act (FCRA) currently exempts from regulation any information that a bank derives from its routine transactions and experience with customers. This permits a bank to provide credit related information to credit bureaus without itself being regulated as a credit bureau. Until recently, banks did not routinely share confidential customers information out of concern for maintaining customer confidence. Clearly, this has changed. The other applicable federal statute, the federal Telemarketing Act and the FTC's Telemarketing Rule, also provide only limited protection since telemarketers are required only to show some taped expression of interest or consent before charging a consumer for a membership or service. However, few consumers understand that agreeing to a "trial" offer will lead to automatic and repeated charges to their credit card account.

Banking regulators also have been limited in their ability to respond to this problem as a result of amendments made to the Fair Credit Reporting Act in 1996 that restrict regulatory agencies from conducting bank examinations for FCRA compliance except in response to specific complaints. Even then, the statute limits the regulator's ability to monitor compliance only to regularly scheduled bank examinations. Authority to interpret FCRA to address such practices also is limited to the Federal Reserve Board, which often does not have direct regulatory contact with most of the institutions involved.

The absence of federal regulation has permitted bank involvement in negative option telemarketing to become far more widespread than first assumed. The action brought yesterday by the Minnesota Attorney General cited several bank subsidiaries of US Bancorp. Newspaper articles have described identical operations involving other national telemarketing firms and a number of major national banks and retailers. Documents filed with the SEC last year by the telemarketing company cited in the Minnesota action claimed that the company had "over 50 credit card issuers" as clients, "including 17 of the top 25 issuers of bank credit cards, three of the top five issuers of oil company credit cards and three of the top five issuers of retail company credit cards."

Comptroller Hawke was entirely correct in citing this as a widespread problem that raises potential safety and soundness concerns for the banking system and also as an example of "practices that cry out for government scrutiny."

The bill I am introducing today would address this problem from several perspectives. First, it amends the Fair Credit Reporting Act to limit the current exemption for sharing of confidential transaction and experience information about customers. Under the bill, information can be shared for purposes of telemarketing only if (1) the information to be shared does not include any account numbers for credit cards or other deposit or transaction accounts and (2) the bank provides clear and conspicuous disclosure to the consumer of the type of information it seeks to share with a telemarketer and provides the consumer with an opportunity to direct that the information not be shared.

Second, the bill addresses the limitations on current regulatory enforcement by removing the 1996 limitations on the ability of bank regulators to undertake examinations and enforcement actions to assure FCRA compliance. It broadens FCRA rulemaking authority to provide for joint rulemaking by the OCC, OTS and FDIC as well as the Federal Reserve. And it extends rulemaking authority for the National Credit Union Administration for purposes of compliance by federal credit unions.

Mr. Speaker, my bill does not attempt to take on the entire issue of financial privacy. It is narrowly targeted to address only the problem of sharing information for purposes of telemarketing. However, it offers meaningful privacy protections that are urgently needed by consumers and which Congress can, and should, enact into law at the earliest opportunity.

I urge the Congress to adopt this important and needed legislation.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

SHORT TITLE.—This Act may be cited as the "Consumer Telemarketing Financial Privacy Protection Act of 1999".

SEC. 2. LIMITATIONS ON THE SHARING OF CONFIDENTIAL INFORMATION FOR PURPOSES OF TELEMARKETING TO CONSUMERS.

Section 603(d)(2)(A)(i) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(i)) is amended by inserting before the semicolon at the end thereof the following:

", and any communication of that information by the person making the report to any other person for the purpose of telemarketing to the consumer, if—

"(aa) it is clearly and conspicuously disclosed to the consumer the information that may be communicated to such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons; and

"(bb) the information to be communicated does not include an account number or other form of access for a credit card, deposit or transaction account of the consumer for use in connection with any telemarketing to the consumer".

SEC. 3. ENHANCEMENT OF FEDERAL ENFORCEMENT AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (d), by striking everything following the end of the second sentence; and

(2) by striking subsection "(e)" and inserting in lieu thereof the following:

"(e) REGULATORY AUTHORITY.—

"(1) The Federal banking agencies referred to in paragraphs (1) and (2) of subsection (b) shall jointly prescribe such regulations as necessary to carry out the purposes of this Act with respect to any persons identified under paragraph (1) and (2) of subsection (b), or to the holding companies and affiliates of such persons.

"(2) The Administrator of the National Credit Union Administration shall prescribe such regulations as necessary to carry out the purposes of this Act with respect to any persons identified under paragraph (3) of subsection (b).".

SEC. 4. REGULATIONS.

The Federal banking agencies referred to in paragraphs (1) and (2) of subsection (b), not later than the end of the 6-month period beginning on the date of the enactment of this Act, shall issue joint regulations in final form to implement the amendments made by this Act. The Administrator of the National Credit Union Administration, not later than the end of the 6-month period beginning on the date of enactment of this Act, shall issue regulations in final form to implement the amendments made by this Act with respect to any Federal credit union.

INTRODUCTION OF H.R. 2119—"THE YOUNG AMERICAN WORKERS' BILL OF RIGHTS ACT"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. LANTOS. Mr. Speaker, today I introduced comprehensive domestic child labor reform legislation—H.R. 2119, "The Young American Workers' Bill of Rights Act." I am delighted to report that this legislation has been cosponsored by 57 other Members of the Congress, including my distinguished fellow Californian, Congressman TOM CAMPBELL of San Jose, and our distinguished colleague, Congressman JOHN PORTER of Illinois, who is Co-Chairman with me of the Congressional Human Rights Caucus.

It is a shocking fact, Mr. Speaker, that the occupational injury rate for children and teens in this country is more than twice as high as it is for adults. A young person is killed on the job in this country every five days. A young worker is injured on the job every 40 seconds. These deaths and these injuries to our nation's children are totally unacceptable.

Mr. Speaker, as America prepares to enter the 21st Century, we must ensure that our children work under safe conditions. We must ensure that the work available to them does not limit their educational opportunities, but helps them achieve healthy and productive lives. The Young American Workers' Bill of Rights will help to make certain that job opportunities available to our young people are safer and do not interfere with their education.

Unfortunately, the exploitation of child labor in our country is not a thing of the past. It is a national problem that continues to jeopardize the health, education, and lives of many of our nation's children and teenagers. In farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children. Many of these youth put in long, hard hours and often work under dangerous conditions. Our legislation seeks to eliminate the all-too-common exploitation of children—working long hours late into the night while school is in session, and working under hazardous conditions.

Mr. Speaker, H.R. 2119—The "Young American Workers' Bill of Rights Act"—addresses two major aspects of child labor: the deaths and serious injuries suffered by our young workers and the negative impact which working excessive hours during school can have on a child's education.

The legislation establishes new, tougher penalties for willful violations of child labor laws that result in the death or serious bodily injury to a child. Not only does the bill increase fines and prison sentences for such willful violation of our laws, but it will assure that the names of child labor law violators are publicized. Nothing will deter corporate giants more than negative publicity, and bad press is one of the few effective sanctions that are available to us.

Mr. Speaker, our legislation also increases protection for children under the age of 14 who are migrant or seasonal workers in agriculture. Current labor laws allow children—even those under 10 years of age—to be employed in agriculture. Farm worker children can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture can use knives and machetes, operate dangerous machinery, and be exposed to toxic pesticides. In no other industry are children so exploited as they are in agriculture.

H.R. 2119 also requires better record keeping and reporting of child labor violations, prohibits minors from operating or cleaning certain types of unsafe equipment, and prohibits children from working in certain particularly hazardous occupations.

Mr. Speaker, our legislation will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and after-school work would be limited to 15 or 20 hours per week, depending on the age of the child. This is important, Mr. Speaker, because the more hours children work during the school year, the more likely they are to take easier courses, and the more likely they are to do poorly in their studies. Studies have shown that children who work long hours also tend to use more alcohol and drugs.

Mr. Speaker, too many teenagers are working long hours at the very time that they should be focusing on their education. It is important for children to learn the value of work, but education, not minimum-wage jobs, are the key to these young people's future. Our legislation is an important step in focusing attention back upon education.

Mr. Speaker, I urge my colleagues to join as cosponsors of this legislation. The future of our nation depends upon the strength of our young people. It is important that we assure a safe place to work and that we be certain that work not interfere with education.

HONORING MEGAN ROONEY, LEGRAND SMITH SCHOLARSHIP WINNER OF CONCORD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Megan Rooney, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Megan is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Megan Rooney is an exceptional student at Concord High School and possesses an impressive high school record. Megan's involvement in student government and school activities began her freshman year and continued through her senior year. She served as President of the student body and Vice-President of S.A.D.D. Megan excelled athletically as well on the basketball and softball teams.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Megan Rooney for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

THE DEPARTMENT OF DEFENSE SHOULD PURCHASE FREE WEIGHT STRENGTH TRAINING EQUIPMENT MANUFACTURED IN THE UNITED STATES, NOT COMMUNIST CHINA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. GOODLING. Mr. Speaker, the United States has long been the leader in manufacturing. Our ingenuity and efficiency drove our economy from a largely agrarian society to the bustling industrial powerhouse that it is today. However, over the years, many foreign countries with government controlled economies have steadily cut into our markets because their subsidized products clearly have an economic advantage in our open markets.

While I applaud efforts of the United States government to level the playing field by controlling the flood of subsidized imports, I cannot condone the actions by our government that facilitate the continued import of these cheap products. I encountered these troubles during the 103rd Congress when I shepherded legislation through the Congress requiring the U.S. Coast Guard to purchase buoy chain manufactured in the United States because an overabundance of their purchases relied on foreign sources. Today, a similar problem is occurring when the Department of Defense purchases free weight strength training equipment.

Despite having quality, domestically manufactured products available to provide our troops, various installations of the United States Armed Services are purchasing free weight strength training equipment manufactured in foreign countries, predominantly in the Peoples Republic of China. As a result, many of our troops are training with equipment that not only is manufactured by a Communist government that has worked to undermine the national security of the United States, but also may be manufactured with slave labor.

These cheap, lower-grade Chinese products are imported by American fitness companies and sold to our government under domestic labels at the expense of our domestic manufacturers. Consequently, American producers have suffered.

Buy American legislation was enacted to protect our domestic labor market by providing a preference for American goods in government purchases. This Act is critical to protecting the market share of our domestic producers from foreign government-subsidized manufacturers. However, the Buy American Act is not always obeyed.

According to an audit conducted last year by the Inspector General of the Department of Defense, an astonishing 59 percent of the contracts procuring military clothing and related items did not include the appropriate clause to implement the Buy American Act. This troubles me because many of our domestic producers are the ones that suffer.

Despite this audit and the subsequent instruction by the Defense Department to its procurement officials that the Buy American Act must be adhered to, to date, at least five defense installations provide predominantly foreign made free weight products for their personnel to weight train. Unfortunately, I believe this may signify a trend in purchases of foreign manufactured free weights under the Department of Defense.

For this reason, I tried offering an amendment that would prohibit the Secretary of Defense from procuring free weight equipment used by our troops for strength training and conditioning if those weights were not domestically manufactured. Unfortunately, the Rules Committee did not rule this amendment in order.

As a result, I offered a second amendment that would require the Inspector General to further investigate the Defense Department's compliance with purchases of the Buy American Act for free weight strength training equipment. However, I think it is important to note that while this approach could successfully highlight the problem, it would only delay the process, thereby, further punishing our domestic producers..

No one can argue that the physical fitness of our troops is vital. It is well known in the Pentagon that when you're physically fit, you're also mentally prepared for any conflict. It is the cornerstone of readiness. In fact, a recent survey of nearly 1,000 Marine Corps Times, cited fitness as the number one program offered under the Morale, Welfare and Recreation program.

In addition, the importance of using free weights to train our military cannot be understated. The Marine Corps Times article further demonstrated the need for free weights by explaining that access to free weights was the number one requested activity by deployed units and the second most popular request by units about to be deployed; second only to E-mail access. Clearly, the demand for free weights is present.

However, the fact that some of our troops use Chinese manufactured weights when a higher quality domestic product is available, I find remarkable.

Although the Department of Defense may have taken steps to curb Buy American Act procurement abuses in the aftermath of the Inspector General's report on clothing procurement, I am concerned that widespread abuses of foreign free weight procurements may continue unless Congress acts to end this practice.

I believe Congress needs to protect our domestic interests by ensuring that U.S. manufacturers are insulated from cheap imports being sold to the United States government, and that our troops train with a high quality product manufactured in the United States, not Communist China. Accordingly, it is my intention to prohibit our military from spending U.S. tax dollars on free weight strength training products that are produced by a Communist government that has little respect for our national security and human rights.

RETURN UNSPENT CONGRESSIONAL OFFICE FUNDS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROEMER. Mr. Speaker, I rise today to introduce important, bipartisan legislation to require Congressional office funds be returned directly to the Department of the Treasury at the end of the year to help pay down the national debt. I offer this legislation with Representatives Fred Upton, Dave Camp and 52 original cosponsors.

At this time, Congress is making tough decisions about federal spending as we debate the appropriations legislation for Fiscal Year 2000. We are working hard to keep the overall spending levels within the caps implemented by the Balanced Budget Amendment, which I cosponsored and voted for in 1996. We are making difficult choices and sacrifices, and it is appropriate for Members of Congress to lead by example.

That is why I have introduced this legislation to show American taxpayers that Congress is tightening its own belt by returning money allocated to Members for official expenses, staff salaries and mail funds. I have introduced this bill in each of the past three Congresses and the language of my legislation has been attached to each Legislative Branch Appropriations bill dating back to fiscal year 1996.

This year, I have modified my legislation. Since both the Congressional Budget Office and the Office of Management and Budget have forecast budget surpluses for the current fiscal year, my bill no longer requires Congressional office savings to be redesignated for deficit reduction. Instead, the bill requires unexpended funds contained in the Members' Representational Allowance (MRA) account—formerly known as the official expenses, clerk hire and franking accounts—to be applied toward reducing the federal debt. In the event that the United States returns to a budget deficit, the legislation specifically requires the Treasury to apply any remaining Congressional office funds to deficit reduction.

Mr. Speaker, I know that many of my colleagues have shared my concerns and frustrations that money saved by Members of Congress was not applied to deficit reduction or reducing the federal debt before my legislation was enacted. Rather, funds were simply "reprogrammed" for other budget items, thereby defeating the frugal intentions of many Members. The unspent funds would remain available for reprogramming for the following three years, including the year for which those funds were appropriated. At the end of the three years, unspent money immediately reverted from the House account to the General Fund of the U.S. Treasury.

My legislation would ensure that taxpayers truly benefit from savings accrued by Members, who in turn would receive the credit they deserve for not spending their entire office allowance. Since I have served in Congress, I have saved more than one million dollars. There are many Members who have worked just as hard not to spend as much as they were entitled to spend based on their official allocation.

In fact, an analysis of Congressional spending conducted by the National Taxpayers Union indicated that Members have spent an average of 89.1 percent of their allowances since 1995. Since the Legislative Branch Appropriations bill for FY 2000 contains $413.5 million for the MRA account, the potential savings could amount to tens of millions of dollars. These are significant savings, and they should be used to help pay down the national debt. This debt currently exceeds $5.5 trillion, and interest of the debt remains the second largest expenditure in the entire federal budget. This amount is being paid in full by the American taxpayers every year.

Mr. Speaker, this bipartisan legislation clearly demonstrates that Congress is leading from the top down and is working hard to find ways to lower the national debt. I am pleased that this legislation was adopted as part of the FY 2000 Legislative Branch Appropriations bill. I am hopeful that the bill I introduce today will make this practice a permanent law. I strongly encourage my colleagues to support the bill, and I urge its approval by the House of Representatives.

TRIBUTE TO VALLEY VIEW HIGH SCHOOL STUDENT SPEAKERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BROWN of California. Mr. Speaker, I wish to recognize the achievements of two outstanding young students from my congressional district in Southern California. April Fields and Jamie Gordon from Valley View High School in the City of Ontario have been selected as student speakers for the last graduating class of this century and deserve to be recognized for this laudable achievement.

I am proud of all of my Inland Empire region's graduating students in the Class of 1999, as they represent some of the best and brightest of future generations. I am especially proud, however, of those students, such as April and Jamie, who have risen above adversity and overcome challenges and obstacles that may have threatened to hinder their path to success. I am very proud to represent such fine young students.

Education is the most important foundation we can have for life, and April and Jamie have realized that potential. They have already accomplished a great deal and stand to reap even more success as the years go by. My best wishes to them and hopes for a bright and prosperous future.

HONORING JOSHUA GILLETTE, LEGRAND SMITH SCHOLARSHIP WINNER OF MICHIGAN CENTER, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Joshua Gillette, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Joshua is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Joshua Gillette is an exceptional student at Michigan Center High School and possesses an impressive high school record. Joshua's involvement in football, basketball and track began his freshman year and continued through his senior year. He excelled both academically and athletically as President of the Student Council and Captain of the Football and Track Teams. Outside of school, Joshua participated in several volunteer activities to improve the community.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Joshua Gillette for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

TIMBER TAX SIMPLIFICATION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce legislation which corrects an inequity in the Internal Revenue Code which affects the sale of certain assets.

Under current law, landowners that are occasional sellers of timber are often classified by the Internal Revenue Service as "dealers." As a result, the seller is forced to choose between a "lump sum" payment method or a pay-as-cut contract which often results in an under-realization of the fair value of the contract. While electing the pay-as-cut contract option provides access to capital gains treatment, the seller must comply with special rules in Section 631(b) of the Internal Revenue code. The provisions of Sec. 631(b) require these sellers to "retain an economic interest" in their timber until it is harvested. Under the retained economic interest requirement, the seller bears all the risk and is only paid for timber that is harvested, regardless of whether the terms of the contract are violated. Additionally, since the buyer pays for only the timber that is removed or "scaled" there is an incentive to waste poor quality timber, to under scale the timber, or to remove the timber without scaling.

The legislation I have introduced will provide greater consistency by removing the exclusive "retained economic interest" requirement in IRC Section 631(b). This change has been supported or suggested by a number of groups for tax simplification purposes, including the Internal Revenue Service. I urge my colleagues to join in this tax simplification effort and strongly urge its passage.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. MANZULLO. Mr. Speaker, on rollcall No. 186, I was unavoidably detained. Had I been present, I would have voted "yes".

HONORING KRISTA CARPENTER, LEGRAND SMITH SCHOLARSHIP FINALIST OF HUDSON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, I call this resolution to your attention.

Whereas, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Krista Carpenter, a recipient of the 1999 LeGrand Smith Scholarship. This Scholarship is awarded to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

Whereas, in being named as a winner of a LeGrand Smith Scholarship, Krista Carpenter is being honored for demonstrating that same generosity of spirit, depth of intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Whereas, Krista Carpenter is an exceptional student at Hudson High School and possesses an impressive high school record. Krista has excelled both athletically and academically, being involved in three varsity sports teams, while being a member of the National Honor Society. Outside of school activities, she has been active in her church, as well as receiving special honors for her involvement in 4–H.

Be it resolved, That as a member of Congress of the United States of America, I am proud to join with your many admirers in extending our highest praise and congratulations as a winner of the LeGrand Smith Scholarship. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

SENATE—*Monday, June 14, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, help us to see the invisible movement of Your Spirit in people and in events. Beyond our everyday world of ongoing responsibilities and the march of secular history with its sinister and frightening possibilities, You call us to another world, a world of suprasensible reality which is the mainspring of the universe, the environment of everyday existence and our very life and strength at this moment. Help us to know that You are present, are working Your purposes out, and have plans for us. Give us eyes to see Your invisible presence working through people, arranging details, solving complexities, and bringing good out of whatever difficulties we commit to You.

We begin this week on Flag Day affirming our loyalty to You, dear God, and to our great Nation. Grant the Senators eyes to see You as the unseen but ever-present Sovereign. Then help them to claim Your promise: "Call to me, and I will answer you and show you great and mighty things which you do not know" (Jer. 33:3). Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

FLAG DAY

Mr. LOTT. Mr. President, I thank the Chaplain, as always, for his beautiful prayer and for recognizing this is Flag Day, June 14. It is a day in which we should all take a moment to be proud and thankful for the country that we live in because the flag is the symbol of our country, and it is appropriate that we honor it on this day, June 14.

(Mrs. HUTCHISON assumed the Chair.)

SCHEDULE

Mr. LOTT. Madam President, today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will begin consideration of the energy and water appropriations bill with amendments expected to be offered throughout the day. Votes were scheduled to occur at 5:30 p.m. However, we expect to reach an agreement, hopefully within the next few minutes, requiring Senators to file amendments to the energy and water appropriations bill by 5 o'clock today. Assuming that is agreed to, then there would be no votes today.

As a reminder, a series of votes will occur on Tuesday beginning at 2:15 p.m., and the first votes in the series will be on the completion of the Y2K legislation, to be followed by cloture votes on the Social Security lockbox issue and the oil, gas, and steel appropriations bill.

So we will have three votes at 2:15, and we may even have additional votes at that time because we could have amendments that will have to be voted on with regard to the energy and water appropriations bill and even, hopefully, final passage.

For the remainder of the week, we expect to complete the energy and water appropriations bill no later than the close of business Tuesday. Today, I will file cloture on the House-passed Social Security lockbox bill, with that cloture vote occurring on Wednesday. We also expect to continue with the appropriations bills process when they become available, hopefully disposing of all that would be available to us. That could include the military construction appropriations bill, legislative branch, transportation, and State-Justice-Commerce.

I realize we can't do all those this week, but we will work with the Democratic leadership to see if we can maybe do one or more of those bills in a short period of time. We also have entered into an agreement with regard to State Department authorization, with a limited amount of time and, I presume, a limited number of amendments. We will try to find an opportunity to do that this week. Perhaps Friday morning we could take up that bill and complete action on it by noon, and that would be the final vote of the week.

Therefore, I think Members should be aware now votes will occur on Friday. This will be a very busy week with votes occurring every day, and we probably will go into the evening at least on Thursday. But it will depend on how things proceed.

Let me take a moment now to express, frankly, my disappointment in the Senate at the number of Senators who have indicated they will not be here or would not be here for a vote late this afternoon. Senator DASCHLE and I have discussed the dates on Mondays or Fridays when we knew we would not have votes. We have advised Members of that. That was true last month, and we have indicated a couple dates here in the next month or so. But unless we say there will not be votes, Members should expect to have votes occur sometime after 5 o'clock on Mondays and up until 12 o'clock on Fridays.

Because of the large number of Senators who were not going to be able to be here this afternoon, we have decided to defer the votes until tomorrow. But that inconveniences other Senators, some of whom came all the way back across the country to be ready to vote at 5 o'clock, only to find that because of the number of Senators who say they are not coming back, we are not going to have a vote.

So I am very disappointed in that. I have to assume some of the responsibility because we could go ahead and say we are going to vote at 5:30. But I do have to take into consideration that we do have a large number of Senators who would not be present for a vote.

So I am taking this opportunity to publicly admonish the Senate as a whole. Last week, I had Senators who said, well, we shouldn't vote on Tuesday morning. I had some Senators say we can't be here at Thursday noon. If it continues at this pace, we will have votes stacked in sequence on Wednesday afternoon at 3 o'clock, which would suit me fine, but I don't think it is a very good way to do business. I do intend to have votes on Fridays so we can complete our work. It is not that I necessarily want them; it is because we have to have them in order to complete our work. So I hope Senators will plan on being here on Mondays and Fridays because we do assure them that there will be no votes before 5 and no votes after 12. But I was very disappointed in what the whip check looked like for today.

SENATE LEGAL COUNSEL

Mr. LOTT. Madam President, I do want to note that for the first time in history, within the last month, the Senate leadership has selected our first woman to be the Senate legal counsel, and she is Pat Bryan. She has served at the Justice Department and at the White House in the past. She is highly capable, and we are delighted to have her joining the Senate in this very important position. But my reason for wanting to comment this morning is to talk a moment about the position and to talk about her predecessor who served as legal counsel.

Among the officers of the Senate, one of the least known is the Senate Legal Counsel. There is a reason for that.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The Legal Counsel usually works out of the limelight, away from publicity, serving the Senate with a certain anonymity that is appropriate for the very important responsibilities of the office.

The Office of the Legal Counsel is, in effect, the Senate's own law firm. Its staff handles any litigation concerning the Senate or its Members acting in their official capacity.

The Senate Legal Counsel also advises the Senate, not about legislation, but about legal matters of all sorts. The most recent and most dramatic instance, of course, was the impeachment trial of President Clinton.

Throughout that extraordinary experience, our Legal Counsel, Thomas B. Griffith, played a crucial role in shaping our procedures.

He assured the legal propriety of everything we did, keeping us, along with the Parliamentarian, true to the Senate's rules and precedents.

The meticulousness he brought to our labors was characteristic of Tom's work, as was the unflappable demeanor and unwavering courtesy he showed throughout the impeachment ordeal.

With gratitude for Tom's service to the Senate for the last four years, and yet with deep regret at the prospect of losing him, I must report that he will be rejoining his former law firm of Wiley, Rein, and Fielding.

It is customary on occasions like this to say that we all wish him well. In this case, that is an understatement.

We wish Tom the best, as he deserves, for that is what he has given to the Senate.

One example of his dedication should suffice. Tom lives quite a distance away from Washington, considerably outside the Beltway even, in Lovettsville, Virginia.

During the weeks of the impeachment proceedings, Tom left his family there and moved closer to the Capitol, to be always available to us here, spending perhaps one day a week with Susan and the children.

I want all of them—Chelsea, Megan, Robbie, Erin, Torre, and Tanne—to know that, during those weeks when they must have sorely missed their dad, he was serving his country in a very important way.

That kind of selfless service has always been a part of Tom's life, from his days as a missionary in Zimbabwe with the Church of Jesus Christ of Latter-day Saints through his activities with the Federalist Society.

His example of integrity and commitment to the highest ideals of the law has brought honor to the Senate. He leaves us now with our affection and our enduring gratitude.

WELCOME TO THE NEW SENATE PAGES

Mr. LOTT. Madam President, I take note that we have a new group of pages that are joining us today. We look forward to having their presence and their assistance as we carry out our duties on behalf of the American people. They will be playing an important role in how the Senate conducts itself. We are delighted to have them here and we welcome them aboard.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

FLAG DAY

Mr. HATCH. Mr. President, today is Flag Day. Utahns, and indeed Americans all across our great country, revere the flag as the unique symbol of the United States and of the principles, ideals, and values for which our country stands. Who can forget the majestic image of the Marines raising Old Glory on the island of Iwo Jima during World War II or of school children pledging their allegiance to the American flag?

Over the years, the love and devotion our diverse people have for the American flag has been reflected in the actions of our legislatures. During the Civil War, for example, Congress awarded the Medal of Honor to Union soldiers who rescued the flag from falling into rebel hands.

During World War I, the National Conference of Commissioners on Uniform State Laws adopted the Uniform Flag Act that numerous state legislatures adopted to prohibit flag desecration.

Congress declared the "Star Spangled Banner" to be our national anthem.

In 1949, Congress expressed the love the American people for their flag by establishing June 14 as Flag Day. Congress also adopted "The Pledge of Allegiance to the Flag" and the manner of its recitation which millions of school children observe each school day.

In 1968, Congress adopted a federal statute to prohibit flag desecration. More recently, Congress designated John Philip Sousa's "The Stars and Stripes Forever" as the national march.

As with numerous societal interests that affect free speech, legislatures of 48 States and the federal government and the courts also have long respected society's interest in protecting the flag by balancing this interest against the individual's interest in conveying a message through the means of destruction of the flag instead of through the means of oral or written speech.

The Supreme Court continues to strike the balance in favor of society's interests in public safety, national security, protection from obscenity, libel, and the protection of children even though these interests can and do implicate the First Amendment.

In the 1989 case of Texas v. Johnson, however, the Supreme Court abandoned the traditional balance in favor of society's interest in protecting the flag and adopted an absolute protection for the individual's interest in communicating through the means of physically destroying the American flag.

Congress responded to the Johnson decision with a statutory attempt to restore balanced protection to the physical integrity of the American flag—the Flag Protection Act of 1989. However, in the 1990 case of United States v. Eichman, the Supreme Court relied on the new rule it created in Johnson to reject statutory protection of the flag.

The recent reintroduction of another flag protection statute, which has been introduced in prior Congresses, is also clearly unenforceable under the Johnson and Eichman precedents. Even Professor Lawrence Tribe, a defender of the statute struck down in Eichman, has stated that the reintroduced statute cannot be upheld under the new rule of Johnson and Eichman.

Moreover, in the 1992 case of R.A.V. v. City of St. Paul, the Supreme Court clearly stated that it will no longer uphold statutory protection of the flag from desecration. Accordingly, the only realistic way to restore traditional balanced protection for the flag is with a constitutional amendment.

In March of this year, Senator CLELAND and I introduced Senate Joint Resolution 14, a constitutional amendment to protect the American flag. This amendment restores balanced protection to the flag by allowing Congress to prohibit only the physical desecration of the flag, while retaining the full existing freedoms for oral and written speech.

Thus, a would-be flag burner would still be able to convey his particular message by speaking at a rally, writing to a newspaper, and voting at the ballot box. He would not, however, be able to burn a flag or to stuff a flag into a toilet, as has been done since the Johnson and Eichman decisions.

Nearly 80 percent of the American people and 49 state legislatures support the constitutional amendment to restore balanced protection to the American flag. By sending this amendment to the States for ratification, Congress would help restore traditional balanced protection for the flag while protecting the robust freedom of expression that Americans enjoyed when the Marines raised the flag over Iwo Jima and when Congress created Flag Day.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during consideration of S. 1186, the fiscal year 2000 energy and water development appropriations bill, Bob Perret, a fellow in my office, and Sue Fry, a detailee from the U.S. Army Corps of Engineers serving with the Energy and Water Development Subcommittee, be provided floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1186, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that all first-degree amendments in order to S. 1186 must be filed at the desk by 5 this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. DOMENICI. Mr. President, I have a parliamentary inquiry: What is the subject matter before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 1186.

Mr. DOMENICI. That is the energy and water appropriations bill.

Mr. President, I understand—is this correct—Senator REID has procured a unanimous consent agreement that all amendments will be filed to this bill by 5 this afternoon?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Let me thank Senator REID very much for doing that. We have all been working to try to make sure that as this week fills up with other kinds of votes, on everything from Y2K to the lockbox and other things, we be given ample opportunity to get this bill passed.

We worked very hard under the leadership and direction of our chairman, Senator TED STEVENS, chairman of the full committee, to get this bill ready and to get it out here as soon as possible. This will be the second full Appropriations Committee bill that will be before the Senate. If it passes in the next few days, we will be on some kind of a record in terms of our ability to get a large number of the appropriation bills done in a very timely manner.

For that, I am grateful to the chairman and ranking member of the full committee for the amount of resources that were given to this committee. I will begin with an explanation of how we tried to respond to the allocation of resources.

First of all, this is an interesting bill, interesting in the sense that it is not very rational in that you have two things mixed that are about as far apart in the spectrum of prioritizing and need as you could get. All of the nuclear weapons research and development for all of our bombs and all of our safeguards and all of our great research is in this bill. That has been and is still defense work. It is work for the defense of our country. We get money for this because it is a defense function. When we had the walls up wherein you could not spend defense money for anything else, the money that came into this bill for that purpose came right out of the defense total.

There is another piece of this bill that has to do with water and water resources, not as they relate to anything nuclear, just water and water resources, various inland waterways, various dams, various dikes, Corps of Engineers, Bureau of Reclamation, those kinds of activities, and a myriad of flood protection projects, because the Federal Government, over time, has been a major player with the States in a matching program with reference to flood protection.

Then sitting kind of in the middle but aligned with those water projects are things that the Department of Energy does that are not defense oriented. We call those the nondefense energy projects, research of various types that is not necessarily or even required to be related to the defense activities I have just described.

So in a very real sense, it is kind of comprehensive and a mix of various funding requirements of our country that do not mesh.

We started from the beginning saying there are certain resources that come to this committee from the full Appropriations Committee that are clearly for the purposes of the defense of our Nation. We have taken those resources and said that all of the resources we are getting from the Appropriations Committee which have historically been for defense will be used for defense only. To the best of our ability, we have not used any defense money; that is, defense nuclear money, and defense having safe weapons, the nuclear stockpile, the stewardship stockpile—we have used defense money for that—we have not in any case taken some of that money or any of that money and used it for water projects or used it for nondefense Department of Energy work.

I would like to keep it that way. I have no power of the Budget Committee or points of order to keep it that way, because we, in compromising, when we put the 5-year Balanced Budget Act together, bipartisan, and executive branch with the President, had walls between defense and nondefense for 3 years, and then it was discretionary for the last 2. We are in the last 2 now.

I have, nonetheless, with the assistance of my ranking member, kept defense money for defense programs and not put it into nondefense domestic energy programs or in water projects.

On nondefense energy projects—I will just mention one—there is an amendment pending to do more with solar and renewable energy. That is not a defense activity. We have done the best we could, but we have not used any defense money for that. I hope when we see the amendment, since one is going to be forthcoming, that they followed that pattern and have not taken it out of the defense activities, because with what we know about the world, with what we know about Russia and the hard feelings that exist, what we know about the Chinese and their moving as quickly as they can toward a nuclear empire of their own with reference to weapons—and we have agreed that we are not going to do any underground testing whether or not we pass the treaty on nuclear testing or not; we have agreed not to do any—it is absolutely important and imperative we prove we can maintain our nuclear stockpile with adequate safeguards and that it is standing the test of time.

What we need to do that with is the new program called science-based stockpile stewardship. The occupant of the Chair is an expert in some of these areas and has worked long and hard in the House. I thank him for a lot of the help he gave in trying to reorganize the Department of Energy, which will continue to come up even after the Rudman report today. I am sure it will be before us again. I believe the occupant of the Chair, the distinguished Senator from Arizona, has constantly raised the question, Will stockpile stewardship work? Will science-based stockpile stewardship work? Will substituting computers and new kinds of systems that can take x ray-type pictures of what is going on inside one of our nuclear weapons, even far more sophisticated than that, that knows what is going on—that is the substitute for testing in an underground mode that we have done for many decades in getting our weapons to be the best and most safe in the world—if that isn't working, then obviously everybody has to rethink where we are with reference to underground testing.

So I don't want to shortchange science-based stockpile stewardship. There are three or four aspects of it that are very expensive—the development of certain buildings and certain technology. We are not finished with them yet. We are maybe halfway finished. We have about half more to go, including the gigantic, new process we are building at Lawrence Livermore National Laboratory, which has the initials NIF, National Ignition Facility.

The Senate is now considering Calendar No. 128, the Energy and Water Act for Fiscal Year 2000. As we begin, there is a technical error in the bill as reported by the committee. I will send to the desk, with the full understanding of my ranking member, a correction to that error. It has been cleared by both sides. I ask unanimous consent that, after I send it to the desk for reading, it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 625

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 625.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 5, strike $39,549,000 and insert: "$28,000,000".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 625) was agreed to.

Mr. DOMENICI. Mr. President, on June 2 the Committee on Appropriations reported Senate bill 1186, the Energy and Water Development Act for the year 2000.

As reported by the Appropriations Committee, the recommendation would provide $21.2 billion in new budget authority, $12.6 billion within defense, and $8.6 billion within nondefense. In the defense accounts, that amounts to a $220 million increase over the request; in the nondefense accounts—that is including the water project—it amounts to a $608 million reduction from the request.

For the first time in memory, the recommendation before us provides less money for water projects than was requested. We have reduced some energy research, nondefense environment management, science, and the Department of Energy's administration accounts.

In fact, in order to accommodate some serious shortfalls in the President's request and some very legitimate requests from Members, we have cut a significant amount more than $608 million that we are short from that request. For example, the recommendation before us restores the $81 million for the Power Marketing Administration to provide power to their customers. That was left out of the President's request, and we had to cut other programs, above the $608 million, to provide these funds.

As we have made these reductions, we have tried to follow certain criteria. In the water accounts, for example:

Where the President fully funded or provided advance appropriations for special projects, such as the Everglades, Columbia River Fish Migration, and the CALFED project, we have brought those programs back down in line with other accounts, but we have funded them.

Second, projects included in the budget at the capability level, in this year when we will not be able to fund projects at their full capability, have been reduced to no more than 85 percent of capability.

Third, items where the budget request was significantly increased over the current year's level of funding have been reduced to bring them back in line with the fiscal year 1999 levels.

We have not included unauthorized projects or projects contained in the water resources development bill, called WRDA 99, which is still in conference.

Finally, a significant amount of previously appropriated and unused funding has been used to finance the fiscal year 2000 program or recommended for rescission in order to save outlays.

Having said that, the recommendation for the U.S. Army Corps of Engineers is still at $3.723 billion. That is $182.6 million below the budget request and $374.1 million below the fiscal year 1999 enacted level.

Moving on to the Bureau of Reclamation, the recommendation before the committee totals $756.2 million. This is $100 million below the budget request and $24 million below the current year level. Within this account, the largest single reduction is from the request for the bay delta restoration Program, and we can go into more details on other projects.

From the Department of Energy's nondefense accounts, we have proposed—because we don't have sufficient money—some substantial reductions from the President's request.

For example, the recommendation for solar and renewable energy is $348.9 million. That is $3.4 million over the level the committee recommended a year ago, but it is less than the President asked for.

We have also gone through all of the DOE accounts and found $41 million in unobligated balances from old projects and programs, and we have gone so far as to rescind $1,000 from an old program that hasn't been around in years, to make those funds available for this act.

Within the defense allocation, we have been able to add some funds, because we were given a slight increase by the Appropriations Committee from that account. To the extent possible, we have tried to recognize the needs of Members with environmental management sites. We have provided increases at Savannah River and the Hanford site as well as Rocky Flats where DOE is on track to complete this cleanup by 2006. Let's hope we can stay on track and celebrate that event soon. I am well aware that more funds could be justified to increase the pace of cleanup at those sites, but we simply don't have the necessary resources.

Within weapons activities, we have begun a major realignment among the defense laboratories. As we have taken some nuclear weapons designs out of the stockpile, an imbalance has been created between Livermore and Los Alamos in my State. To ensure that balance is retained between them, we have transferred responsibility for one warhead design from Los Alamos to Lawrence Livermore. We have also expanded certain operations at the Nevada Test Site and initiated a microelectronics capability, a new technology which will make our weapons safer in the future, and at the same time may make some breakthroughs for American industry and for future uses that may bring microengineering and microelectronics into our everyday lives in a very big way.

The Defense Authorization Act was recently passed by the Senate, and the Intelligence Authorization Act will come to the floor next week, perhaps. It is my hope that is where issues related to the Cox Commission report and allegations of espionage at our laboratories will be addressed. The recommendation before you does not include any broad effort in that regard. It is an appropriations bill, not an authorizing bill.

Now, obviously, I am hopeful that nobody will offer broad changes to the structure of DOE and moving toward better security within DOE. As I say, it is not an authorizing bill; it is an appropriations bill. The extent to which we can predict the action taken on the authorizing bill so far will necessitate funding in this regard. We have made some adjustments.

We have increased funding for security investigations from $30 million to $45 million. We have increased funding for counter-intelligence from the requested level of $31 million to $39 million—we are proposing to more than double the funding of $15.6 million the Committee provided last year. Finally, because some have raised concerns about materials security, the recommendation provides an increase of $10 million for physical security.

In summary, the recommendation before you is for $21.2 billion, a reduction of $380.8 million from the request.

It is our intention to work, if we have to, late tonight, but with the unanimous consent agreement that was entered into, obviously we will know by 5 o'clock the extent to which we will be working on the floor handling various amendments. We will be here all afternoon.

I personally urge colleagues on my side—I hope that Senator REID will urge his on his side—to bring any amendments they may have to the floor so we can consider them today.

It is my intention to shortly—after all amendments have been filed—act on a package of managers' amendments. We will not do that immediately. We will wait a while.

I yield the floor and turn the podium over to my distinguished ranking member, Senator REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the State of California has 35 million people. It is a State of great contrast. It is an agricultural producer, to say the least. It produces more agricultural products than any State in the Union. Yet it is also heavy into tourism. It is heavy into recreational endeavors, and also has these huge cities—Los Angeles, San Francisco, Sacramento, San Jose. It is very difficult to develop a balance between these various competing interests.

One of the things in this legislation that we have been asked to do is to step into this delicate balance. The California Bay Delta—or CALFED, as it is called—is a project that is going to have a tremendous impact on these competing interests in the State of California.

This program, as I have indicated, has environmental interests, urban interests, agricultural interests, and tourism interests. We have been asked as a subcommittee to provide hundreds of millions of dollars for the bay delta system, which provides potable water for two-thirds of this huge State.

I don't know the latest numbers, but California as a country would be the eighth largest country in the world. I think that is the number.

We have been asked in this subcommittee to step in and provide huge amounts of money for this bay delta project, which, as I have indicated, provides water for two-thirds of California's homes, businesses, and irrigation for more than 7 million acres of farmland.

Additionally, this system provides habitat for at least 120 different species of fish and wildlife. Some are already listed as threatened or endangered.

CALFED has been tasked with the development of long-term solutions for the complex system that we call bay delta, including certain water supplies, aging levies, and threatened water quality. Our bill has $50 million for this project. This isn't enough. It needs more.

Those are some of the responsibilities that we have.

I say to my friend, the chairman of the full Budget Committee, and chairman of this subcommittee, the senior Senator from New Mexico, that we have worked hard on this bill. I appreciate his consideration on the issues that have been developed.

The problem is that with all 13 appropriations bills we simply just do not have enough money. This has been a very tough year. But we have worked within the constraints of what we have been given to come up with the best possible bill that we could.

I mentioned the California Bay Delta project as an example of how important this subcommittee is.

There are 13 subcommittees. We have already passed the defense appropriations bill. This will be the second bill, leaving 11 bills. I don't know what is going to happen in the future with all of the bills. Some of them are extremely difficult, if not impossible, to get passed.

The HUD-independent agencies is really a difficult bill with the 302(b) allocations that they have. The bill dealing with Health and Human Services is a very difficult bill dealing with issues that affect the health and safety of this country.

We, the senior Senator from New Mexico and I, cannot be prospective in nature about other subcommittees. We can only do the best we can with our subcommittee. We have done the very best we could with our subcommittee.

I support this bill. I have already indicated that we don't have enough money. But I would like to see anyone do a better job than we have done. It has taken tremendous amounts of our time, and, of course, the staff has worked day and night for many weeks. If you look at the responsibilities that we have with this subcommittee, they are really significant.

The manager of the bill has talked about the Army Corps of Engineers. It is very important. It does things that only the Corps of Engineers can do.

Take the State of Nevada. The Corps of Engineers used to be very important for water projects. Now the Corps of Engineers, with the rapidly growing Las Vegas area, is extremely integral to developing a system so people do not drown, so they don't lose personal property when these floods hit this metropolitan area.

The Bureau of Reclamation in the early years in Nevada—it was the same all over the western part of the United States—was concerned about Boulder Dam and Hoover Dam. Now the Bureau of Reclamation has other responsibilities that are just as important.

The Department of Energy, the atomic energy defense activities, the Power Marketing Administration, the Federal Energy Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, the Tennessee Valley Authority—these are the responsibilities that the senior Senator from New Mexico and I have with this bill.

Every one of these issues for the States in which the facilities are found will be most important as we deal with this bill this year.

We recognize how important this legislation is. There is no secret that the budget caps have a devastating effect on the Army Corps of Engineers and the Bureau of Reclamation. But that is the way it is. Water projects have an impact on communities around the United States.

The point I want to make is that with this bill people start to talk about pork. Try to explain to the people of the State of California, with 35 million people, where pork is involved in this CALFED project. Remember, it deals with competing interests, all of which support our bill.

The question is, Can we provide them with enough money to make sure this project stays on line?

This bill affects individuals and projects—people and States. It is important for their lives and for the safety and health of communities. The decisions that we have made have been extremely difficult decisions, because we realize that the decisions we make put people out of work, put people to work, and change priorities in different communities.

I have mentioned briefly the CALFED project. The State of Nevada is not much into dredging ports and harbors. The fact of the matter is that the two managers from the State of New Mexico and the State of Nevada have responsibilities to make sure there is appropriate money for dredging ports and harbors along both the Atlantic and Pacific coastlines as well as the Gulf of Mexico. This is the project for the Corps of Engineers.

It is important on an annual basis for U.S. ports and harbors to handle hundreds of billions of dollars—approaching $1 trillion—in international cargo, generating to this country and local and State entities over $150 billion in tax revenues every year.

Even though the State of Nevada is basically a desert State, the State of New Mexico, while not as much desert as Nevada, is also a State that has its share of desert. This is important for us; it is important for the Senate; it is important for the country that we do what is right regarding dredging ports and harbors.

Navigational improvements in New York and New Jersey include things called the Arthur Kill Channel and the Howland Hook Marine Terminal project. This project includes deepening, widening, and selective realignments of the channel to allow deep draft container vessels access to this marine terminal.

This is an ongoing problem. Once you dredge a port, it doesn't mean you are not going to have to dredge it again. This is an ongoing problem, and this subcommittee is responsible for making sure that these ports can compete with the rest of the world.

The New Jersey and New York ports account for 34 percent of the Nation's trade in petroleum, automobiles, many food products, and import goods bound for all of the Northeast and upper Midwest, supporting nearly 170,000 jobs. When we cut back, when these ports are not dredged properly, when we do not do the things that need to be done to make sure these ports are capable of handling this cargo, people lose their jobs.

The ports of the Northeast are not alone. There are 25 ports around the coast of the United States that take in over 26 million tons of cargo annually. Fourteen of these ports have total trades of over $50 million in cargo. That says a lot.

Continuing to maintain the ports and harbors requires a long-term commitment in the budget process, as does shoreline protection on which so many communities around the country rely. In the city of Virginia Beach, VA—I have never been to Virginia Beach, VA—this year we are attempting to fund a program at $17 million because a hurricane hit Virginia Beach and almost destroyed the beach. The construction of Virginia Beach began 3 years ago. Benefits have already been realized because the damage from Hurricane Bonnie was minimal to the unfinished portions of the project. The project was not in the budget request sent to Congress, but a $247 million project needs to be completed in a city that has invested over $100 million in infrastructure over the last 5 years, and that has been matched by $100 million in private investment. The Federal Government doesn't do all this all alone, but it should do its share.

Additionally, the U.S. Navy megaport, Naval Air Station Oceana, directly benefits from the project at Virginia Beach with its personnel increased by as many as 6,000 sailors and family members recently being transferred to the base.

I personally recently voted for the base closure amendment before this body. I did it because I think if we are going to save money, we are going to have to do some of the things the military says need to be done. The military has stated a large amount of money can be saved by eliminating bases around the world and certainly in the United States. One way we can do this is to make sure we take care of those businesses that we know are lasting in nature. Naval Air Station Oceana is one of those. As a result of the additional work there, which we participated in, we have had 6,000 additional sailors and family members transferred to that base.

Who would think that the Corps of Engineers would be involved in anything in Nebraska? There are a number of important projects in Nebraska. I could point to every State in the Union, although I have been somewhat selective. The Corps of Engineers has been given the responsibility of environmental restoration in various parts of the country, not the least of which is Nebraska.

One of the projects I want to discuss today is the Ponca State Park in Nebraska. This park lies on a 59-mile stretch of the Missouri River. We are spending a relatively small amount on Ponca, $1 million, but it is very important. Education is a primary component of gaining support for additional environmental activities that people believe need to be done. Through efforts of Ponca State Park, the public will be able to understand the environmental and water management problems of the Missouri River basin and potential solutions to its problems.

The Corps is also playing an integral role in the multiagency effort to restore segments of the Missouri River to something resembling what Lewis and Clark saw as they searched for the Northwest River Passage, the Pacific Ocean.

Working with Senators, particularly BOB KERREY, the Corps expects to propose a plan this fall for managing the Missouri River with more emphasis in protecting native wildlife and their habitat and facilitating outdoor recreation, while not compromising traditional downstream uses of the river.

We need to also talk about Nevada. We have had Law Review articles written about this project in Nevada. There have been seminars held using the model we used in Nevada for how to solve water problems in the western part of the United States. President Bush signed a bill of his Presidency where we put to rest a 100-year water war between the States of California and Nevada in the Truckee and Carson Rivers. We settled problems that had been outstanding for many years, including problems between two Indian tribes, and there were two endangered species involved—a wetlands had gone from 100,000 very nice acres of marshlands with all kinds of birds, fish, and other animals to about 1,000 very toxic acres where fish were all but dead and birds could no longer nest there.

We solved problems in the agricultural area, also, in the cities of Reno and Sparks. The reason I mention this, money for solving this problem for so many years came from the Bureau of Reclamation, the Corps of Engineers. We have put money in this project over the years and have generally resolved these issues that have been so difficult.

Remember, the Federal Government is not the only one involved. The State legislature this year appropriated $4 million to help with some projects along the river; the private sector agreed to come up with $3 million.

As I have indicated with the situation in Nevada, Nebraska, California, the port areas in New Jersey, New York, and Virginia, they are essential to the well-being—commercial well-being, the financial well-being, and the economic well-being—of this country. These are not projects in the sense that somebody is getting something for nothing. These projects are vital to the interests of the communities they serve.

I am very gratified with the work we have been able to do in this bill with so little money. There is much more that needs to be done and should be done. We don't have the money. However, we are doing so much good for the country in this legislation that it is important Members of the Senate and the American public understand how important this relatively small subcommittee is.

As the manager of the bill indicated, we not only deal with these programs which I have talked about that are nondefense in nature, but there are other nondefense programs that deal with our energy supply. We have been cut here. We are not going to be able to supply these programs, these alternate energy programs that I am such a strong believer in, unless money comes from the defense programs, which it should not. I think that would not be the right thing to do.

We have to have priorities and make decisions. Energy supply programs are reduced by $12 million from the current year, and from within this program we fund science, such as fusion research which is conducted at universities and labs around the country. Also funded in energy supply are solar and renewable technologies, which I believe are a key to the future energy sources in our society.

For Members who say we should spend more on solar and renewable energies, what will we offset? It has to be offset. Finding an offset will be very difficult to do.

We all know how important it is to provide for a secure and cheap supply of acceptable energy. For continued economic growth, the maintenance of our current business climate and global environment depend on cheap energy. The research and development investments in this bill are certainly far more meager than they should be but still focus on providing affordable and enduring energy supply. This bill provides funds to maintain our known and existing energy resources while aggressively investing in new technology options for future resource development.

I repeat for at least the third time that we were unable to do as much as we would have liked to do. We did the best we could under the allocation we were given.

I counsel my colleagues that with the allocation mandated, the framework which we determined for these funding levels, any amendments need to be reasonable in their approach to emphasizing one program over another. It is very tough to choose.

As to atomic energy defense activities, my friend, the manager of this bill, I think, did a very good job in pointing out why these programs today are so important. We know what is going on in the world is so important. We have a very fractured situation in the land that separates India and Pakistan—Kashmir. Two nuclear powers are looking at each other, threatening each other with war.

We had the situation with the Soviet Union, which has disintegrated, but Russia still has huge numbers of nuclear devices. We have to make sure our nuclear weapons are safe and reliable and that we have the ability to help the rest of the world with its nuclear weapons.

The atomic energy defense activities include, among other things, a number of very important national security programs. Maintenance of a safe, secure, and reliable nuclear weapons stockpile; support for and verification of global nonproliferation of nuclear weapons; support for and verification of nuclear international arms control agreements and domestic and foreign nuclear safeguards and security; technical analysis of nuclear intelligence information; and domestic environmental restoration and defense of nuclear waste management are all activities that are necessary in our conduct of the cold war and for other reasons. These activities are important because they are essential elements of our comprehensive national security strategy whereby we will deter any actual or possible adversary from relying on nuclear threats to our security interests.

The key ingredient of our strategy is to ensure the safety and reliability of our nuclear stockpile. The so-called science-based stockpile stewardship program has been developed and is supposed to provide that assurance. It is important that this new program is active and is making progress. But the critically needed facilities and capabilities are still being developed. Some of them are still concepts. So it is critically important we stay the course and maintain the necessary funding to allow this program to succeed.

We have no choice, literally. To not allow this to happen would set us back significantly. Let's assume we found a problem with one of our nuclear warheads. How are we going to test this? What are we going to do? We can no longer take it to the underground caverns in Nevada, the underground tunnels or shafts in Nevada, and set it off. We need the greatest minds in the world to be able to tell us what we can do to make sure these weapons systems are safe and reliable. At the same time, we must continue making investments directed at containing and reducing the international threat of nuclear proliferation. Success here, also, is vital.

It is just as important to reduce the expense, the burden, and risk of maintaining a stockpile of weapons that is far larger than necessary. I am convinced all the elements of the Department of Energy's defense activities will provide for our security, now and in the future, more effectively and with less cost than will be the case if any one of these activities is reduced. By reducing moneys here, the costs in the outyears will increase tremendously. So I recommend this bill to my colleagues.

This bill provides for national needs and addresses regional, interstate, and local concerns as well, ranging from nondefense energy and water interests to the highest priority maintenance of international peace and security.

So I hope, as we proceed through this bill, we keep our eye on the prize, what this subcommittee is all about. It is about making sure the ports and harbors of this country are able to handle the goods and commerce that come here. It is making sure urban areas are now safe from flooding. It is making sure the Bureau of Reclamation is allowed to continue its projects so water supplies are good—good in the sense of being plentiful, and good in the sense of being pure.

I end this statement where I started. Using the State of California as an example, 35 million people are depending on this bill. They are depending on it because two-thirds of their water comes from a project we have in this bill. It meets the inconsistent but very vital demands of the agricultural interests, the recreational interests, environmental interests, and urban interests of this huge State.

I hope we can move through here without a lot of mischievous amendments, move to the merits of this legislation, and complete it as quickly as possible.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I commend Senator REID for his comprehensive statement. I tell him and the Senate how pleased I am that I have a ranking member who understands the importance of the work of the Department of Energy in our nuclear weapons development, maintenance, and safekeeping, because sometimes it is rather lonely.

Many people fail to understand the relationship between not having any more underground testing and the decision to have a new science-based stockpile stewardship of nuclear weapons. Without underground testing, with various scientific approaches and new kinds of scientific instrumentation, we are going to produce the atmosphere and environment surrounding what would have taken place in a real underground test, and we will be able to say what is happening to our nuclear weapons—their safety, well-being, maintenance, and reliability.

That is a big undertaking. For those who come to the floor regularly and eloquently urge we put plenty of money in our defenses, it is high time they understand we have to put plenty of money into this area because, although the regular military of our primary military adversary in the world is getting depleted and its strength is being greatly diminished, the country remains a huge owner and developer of nuclear weapons. They do not build their weapons as we build our weapons. They are far less sophisticated. That is their choice. We chose another approach. Our approach requires we regularly understand what is going on in the wear and tear and longevity of our nuclear weapons as they stand ready, continuing to be the great deterrent they are. That has a fancy name. My good friend from Nevada explained it very well. It is tied inextricably to our decision not to do any underground testing.

Frankly, there are some in this body, including the occupant of the Chair, who are not quite sure we should have abandoned underground testing, and there are some who maintain we ought to do science-based stockpile stewardship and nuclear testing. I heard Dr. Schlesinger testify about that at a committee hearing. Perhaps Senator KYL has heard them say that. The policy of our country is not to do that. It is to substitute for nuclear testing, scientific knowledge, and scientific technology, first simulating and then acquiring information regarding the reliability of nuclear weapons—a huge undertaking.

Our scientists approached it with great trepidation. There are still some great nuclear scientists who are not sure it is sufficient and who are not sure at some point we will not have to go back and think it all through again. But for now, three basic laboratories are doing this. One of the lead laboratories is Lawrence Livermore, with reference to a great big project called the National Ignition Facility. Los Alamos has a piece of it, both in computer technology and in a new building and new instrumentation called the DARP program. And Sandia, the engineering part of our laboratory structure, is heavily engaged in developing the kind of computer capacity to do the simulating and make sure we are getting the right answers in these new, sophisticated tests of the validity and consistence and well-being of nuclear weapons.

That is all in this bill. So Senators who are worried about defense should know a big portion of this bill is defense, unless they perceive we now live in a world when we can have defense all in the defense appropriation bill, all those subjects, and not have a nuclear deterrent and a nuclear maintenance function within our Nation's priorities.

If some feel that, then this is not defense. But who would dare say that to the American people? Who would even suggest we ought to be underfunding this kind of activity?

Frankly, the Senator from New Mexico was greatly concerned upon hearing, in the last 3, 4, 5 months, so much about the lack of security because clearly I do not want, nor should the Senate, that fear and that concern to have an impact on the maintenance of the scientific effort that we all know we have to do so long as we will not and do not intend to test any of our weapons, either old or new.

This is a good bipartisan bill. This is a bill that has had a lot of input from Senator HARRY REID. Of that I am proud. He has listened to our concerns; we have listened to his. There are many Senators' States that have projects in this bill that are very important to them on that side of the aisle and on this side of the aisle.

I believe we are going to have less money to spend, and I say this to all the Senators. We are going to have less money for this bill. Even if we wait around until the end of the year and think we can make some kind of deal with the President, we are going to have less money in this bill than we had last year. That is just the way it has to be under the Balanced Budget Act. I think we have done a good job in allocating that money, which is short, to the various functions of Government within this bill. We have not shortchanged our defense preparedness, as it pertains to nuclear weapons, in the process.

I understand that my friend, Senator REID, concurs with this unanimous consent request I will propound.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that when the Senate receives from the House the companion bill to S. 1186, the Senate immediately proceed to consideration thereof; that all after the enacting clause be stricken and the text of S. 1186, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that the bill, S. 1186, not be engrossed and it remain at the desk pending receipt of the House companion bill; and that upon passage of the House bill, as amended, the passage of S. 1186 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 628

Mr. DOMENICI. Mr. President, I send a technical amendment to the desk. It is clearly technical, and I ask it be adopted.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 628.

On page 12, line 24, insert the following after the figure "204":

"of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206"

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment be set aside, and that we move on to other business, leaving it pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to discuss with the managers of this bill a matter relating to the 1992 Water Resources Development Act which authorizes the construction of flood protection facilities along the Lackawanna River in Olyphant and Scranton.

I can personally attest to the serious situation, because when the flooding occurred, I went there one Saturday night late to see the ravage of that water problem and have been there on quite a number of occasions, to know firsthand the very severe problem which is involved there.

The appropriated account has $42 million, and this bill removes some $25 million from that account. I know that the $17 million remaining will be sufficient to take care of the expenditures for the next fiscal year which amount to some $6 million, leaving $11 million in the account.

I want to discuss with the distinguished chairman of the subcommittee a couple of factors.

One is if my representation is correct that the $17 million left in the account will be more than enough to take care of the expenditure line for the next fiscal year.

The second question I want to be sure about is that there will be adequate funding to complete this project so that when the schedule arises that we need all of the $42 million, or whatever the amount is, that we will have the cooperation of the Appropriations Subcommittee, the distinguished chairman, and the distinguished ranking member in providing that funding, up to $42 million, which it has now. I understand the plight the chairman is under because 302(b) allocations are not sufficient. I have seen that firsthand. I chair the Subcommittee on Labor, Health and Human Services and Education, and we are unable to go to a markup with the figure we have because of the very tight restrictions.

The second aspect is, I am looking for the assurance that the remainder of the $42 million will be appropriated when the need arises to meet the ensuing fiscal year requirements of the Army Corps of Engineers.

The third factor that I want to be sure about on the record is that there could be an analysis which will segregate this flood control into three projects.

There you start, again, to get into the complexities of the cost-benefit ratio. But as it has been structured very carefully, the arrangement, in its present form, as a unit, satisfies the cost-benefit relationship. There are a lot of concerns and a lot of battles about that. But we are, as a unit, covered under that cost-benefit ratio.

I want to be cooperative, obviously, with the chairman as he is moving through this bill. I understand, as I say, the need for taking some of these funds for other projects, but if the chairman would respond to those three inquiries to be sure my constituents will have the adequacy of the funding. I know Senator SANTORUM, who could not be here at the moment, has a similar concern. Congressman SHERWOOD has a similar concern. We have all been very close to this issue and the very important constituent interest involved here.

I direct those questions to my colleague from New Mexico.

Mr. DOMENICI. I say to the Senator, may I suggest the absence of a quorum for a moment and make an inquiry of my staff, and then I will return and answer all these questions.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in discussing the issue related to the 1992 Water Resources Development Act on the Lackawanna River in Olyphant and Scranton, it is obvious that my first preference, the delegation's first preference, is to have the $25 million restored.

We have a second program in south-central Pennsylvania, the Environmental Improvements Program, where $20 million has been rescinded. This is in line with a large sequence of rescissions which have been put into effect by the subcommittee under the same problem where there is simply insufficient money on 302(b) allocations. Again, I understand that, because I have the problem on the appropriations subcommittee which I chair.

I am advised that the $20 million rescission as to south-central Pennsylvania can be worked out in the House, and all of this is subject to compromise in the House, where we may have a larger figure for this subcommittee. So it is possible that the $25 million for the Scranton-Olyphant projects may be restored fully as well as the $20 million for south-central Pennsylvania.

Before this bill is closed out, I want to be absolutely sure that we are protecting these projects so that whatever funding they need for the next fiscal year will be provided. That is the context in which I have made the request to the distinguished manager.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I thank Senator SPECTER for raising this issue and suggest to him that the same issue has been raised by his distinguished colleague, the junior Senator from Pennsylvania, Mr. SANTORUM. Senator SPECTER and I have been speaking about that the last few minutes.

Let me say, in answer to the questions that the Senator asked with reference to the Lackawanna project, I will answer them as best I can, maybe not in the same order in which they were asked, but I believe I will answer all of them.

First, we have had to go through this bill and where we found unfunded obligations that were not going to be needed for a substantial period of time, in some instances well beyond a year, and that the project or projects would continue at full pace exactly as planned, we have decided, since we have some desperate projects that are not going to get any money, to move the money around, but that does not mean we do not intend to fully fund the project. If you will note in my remarks, I said we are not funding any unauthorized projects. The projects in Pennsylvania, including the one I just mentioned, are authorized and proceeding. They do not need any work by any other committee. They are ongoing.

All I can do is give you assurance that there is no intention to take these projects off of their natural course of completion. That is what the Corps says we need each year and can spend each year, and there will be $17 million left in this account, only $6 million of which is needed for the year 2000. Nobody should be concerned about that project not proceeding at full speed ahead.

I can assure you that is what I have been informed. I believe that is what you would have in a letter from the Corps, if you wanted it. I can further commit to you that we continue each year with these water projects, and clearly we always have substantial amounts of money.

Last year, the President very much underfunded projects. We had to find money to fund them. This year, because the nondefense portion of this bill is squeezed some and because the President cut some things we can't cut, we have had to squeeze some of these other accounts, some in the manner we are discussing. But there is no reason to be concerned about the projects getting funded. As a matter of fact, we may find ourselves in conference with the House, which would make available more money for the water projects because of the way they will fund things. It may very well be that they won't want to do it this way, that they want to save money some other way. We will work on that.

If, before we are finished here on the floor, this was unsatisfactory for any reason that you or Senator SANTORUM or you together find, I will be willing to discuss it again and see what we could do to assure you that these projects are going to be fully funded.

In reference to the fact that last year three projects were put together in a technical manner but in a manner that is acceptable in terms of analyzing the benefits versus the costs, sometimes called a cost-benefit ratio, that has been done. There is no change in this bill. They fit together, and they are evaluated together, and they meet the criteria. There is no effort on the part of the Appropriations Committee I chair that I am aware of that would want to change that so as to demean in priority and effectiveness one versus the other two or two versus one or the like.

I do not know if we can do anything more to be sure of that than what I am telling you now and what is in the law as it is now. Somebody would have to change it, not just come along and say we are not going to do it. They would have to change something. You would know; I would know. Everybody in Pennsylvania would know. It would not be easy to do.

Mr. SPECTER. I thank my distinguished colleague for those assurances. I am glad to hear, with respect to these three projects joined together, that they are being viewed as one integrated whole so that they do satisfy the requirements of the cost-benefit ratio, and further, that the rescissions on the two Pennsylvania projects, as to the Lackawanna River in Olyphant and Scranton and also the south-central Pennsylvania rescission, that those projects will move forward with sufficient funding, as Senator DOMENICI has pointed out, $17 million being left in the Lackawanna River project for Olyphant and Scranton and only $6 million needed in the next fiscal year. If it is possible, as Senator DOMENICI and Senator REID work through the bill, to increase the funding, to eliminate the rescissions, that certainly would be appreciated.

I think on this state of the record, these projects are protected. I will await further developments as we move through the bill to see if some of those funds might be restored and even the $25 million not rescinded.

I thank Senator DOMENICI and I thank the Chair. I thank my colleague from Massachusetts for waiting until we finish this item of business.

Mr. DOMENICI. I thank the Senator.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

WORK INCENTIVES IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, as all of us understand, we are considering a very important appropriations bill. The floor managers, Senator DOMENICI and Senator REID, have a responsibility to see that we meet the responsibilities of the Senate and the appropriations procedures by making sure this legislation is considered and that Members have an opportunity to address it and move towards conclusion. I respect that, and I have great respect and friendship for the two Members.

I rise today to raise an issue which is not related to the underlying measure but is related to a very significant issue that is affecting many individuals across this country, and that is the issue of whether we are going to free members of our community, referred to as the disability community, who are facing some physical or mental challenge, whether or not we are going to free them from the kinds of governmental policies that discourage them from employment but really, beyond employment, from living a full and constructive and positive and independent existence, which I think all of us want to be able to achieve.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. DOMENICI. Mr. President, I know the bill. I am a cosponsor. I hope it gets passed soon this year. I understand you are going to file a bill but not call it up because meetings are taking place and we will want to pursue those.

Mr. KENNEDY. The Senator is correct. I have talked to the majority leader today, as well as our own leaders, Senator DOMENICI and Senator REID, and Senator GRAMM of Texas, who had effectively put a hold on the legislation and had indicated that request, that we file the legislation so it would conform to the request of the floor managers. It would be at the desk.

It is at least my impression that, given the agenda that has been announced by the majority leader, we would not conclude this legislation today and we will be moving on to the Y2K, and what they call the Social Security lockbox, later in the week, and we would have an opportunity and a good-faith effort to see if there could be an agreement to consider this legislation independently—which, as the Senator from New Mexico understands, is desirable for a number of different reasons—but to do it with a precise time for the scheduling. That, I believe, is the preferable way to do it. But we didn't want to foreclose our opportunity, if we were unable to do so, to at least be able to exercise some judgment and move ahead with the legislation.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes, I am glad to yield to the Senator.

Mr. REID. The possibility is not remarkably good, but there is a possibility that we can finish this before the Y2K vote tomorrow morning, according to what happens with amendments coming in today.

Mr. KENNEDY. I would like to take this one step at a time, and I think there is very little reason, given the expressions of the majority leader and the Senator from Texas, why the Senate—not only the Senator from Massachusetts, but Senator ROTH, Senator JEFFORDS and Senator MOYNIHAN, and myself, who are the principal cosponsors, be given assurance that this would be ready. We are quite available through the afternoon to be able to take that. I want to say at this time that I would like to proceed in that way, without indicating exactly what our course of action would be.

There is no reason why we should be denied further opportunity to consider this legislation. I personally would be inclined to move ahead with a short timeframe for consideration of the amendment. But I am hopeful, as I said, that we may be able to work this out. So that is my intention. I am going to file this, if I may, at the desk and conform to the request of the floor managers.

Mr. President, I raise this issue, and it is a rather unusual process and procedure. I know the Senate has its responsibilities, but there is also a responsibility to the millions of Americans with disabilities. They have been waiting for some period of time as well. The fact is that this legislation has 78 cosponsors. I don't know of a piece of legislation that is before the Senate that has that degree of support from Republican and Democrat alike, and from over 300 organizations. We have a variety of different important pieces of legislation, but for my money, this legislation was more important to consider than Y2K or, with respect, the legislation that we have before us even at the present time, because it has such overwhelming support. There is no reason why we should not move ahead on this legislation. Millions of Americans are waiting for us to take action. The overwhelming majority of the Members of this body feels strong support for this, and that is a compelling reason to move forward with the legislation.

Mr. President, we have seen this legislation pass out of the Finance Committee 16–2, and one of the Members who had expressed opposition has since indicated that the changes that have been made in the legislation sent to the desk have effectively addressed those concerns. So here we have the overwhelming, overwhelming, overwhelming sentiment of those on the Finance Committee in favor of it. It is virtually unanimous in the House Commerce Committee. We don't have pieces of legislation like this. We have had differences on some pieces of legislation between Republicans and Democrats but not on this one, because the legislation is so compelling. We ought to be moving forward, and we ought to be moving forward now.

There are 175 cosponsors in the House of Representatives. The reason this legislation has such incredible support is because the legislation, perhaps more than any legislation I have seen in recent times, is really a reflection of the grassroots efforts to address this problem. The overwhelming majority of Americans who have some disability want to work and have the ability to work. But because of the way that the support systems are set up in terms of health insurance, they are prohibited from doing so because they will lose the health benefits they so desperately need. They are effectively disincentivized from going to work. This legislation understands that particular dilemma and addresses it. It is one of the most important pieces of legislation we are going to have in this Congress.

At the outset, I want to pay tribute to my friend and colleague, the Senator from Vermont, Senator JEFFORDS. He has been an enormously important leader in this body on issues involving the disabled. I welcome the opportunity to work with him on this and other legislation. We have a number of members on our committee who have taken special interest in the care of the needy and disabled; Senator HARKIN and Senator FRIST come to mind, as do others. We have had the overwhelming support of the members of our committee, most of whom were very much involved 9 years ago in the passage of the Americans with Disabilities Act to strike down the walls of discrimination which had existed and exist even today in our society against those who have some disability. We have made monumental progress in terms of knocking down the walls of discrimination.

As I will show in a few moments, even though we have had some success in knocking down the walls of discrimination, we still see that many of those who have disabilities are unable to go back to work because of the loss of any health insurance, and it has been because of that particular dilemma that this legislation was developed. We will get into the sound reasons for doing so, and the most compelling reason; and that is to let all Americans know that if someone has a disability it does not mean that they are not able to perform and live independently in so many instances, and be constructive, positive, and contributing members of our society. We will go through why and how this legislation does that.

I want to indicate at this time that the leadership of our colleagues—Senator ROTH on the Finance Committee and Senator MOYNIHAN on the Finance Committee—was essential in getting that legislation through. We worked very closely together. The legislation itself is really a reflection of their strong work and their strong commitment, as well as that of Senator JEFFORDS.

It seems to me this is the time to act. We will hopefully get some agreement by the leadership to call this legislation up. The appropriate way to have this legislation called up would be with our good colleagues and friends, Senator ROTH and Senator JEFFORDS, to offer this as independent legislation. We will move forward and pass it at that time. That is what I am hopeful we will be able to do. But quite frankly, we have been unable to get those kinds of assurances.

I think the delay in bringing this legislation to the floor has gone on long enough. We ought to be about the business of the substance of this legislation. We know there can be those who are opposed to it, or are concerned about it. But I believe we need a time for accounting. We need a time for yeas and nays. That is what this business is ultimately about. It is about choices.

It is about priorities. It is about whether we are going to take action.

We strongly believe we should take action, and we should take action now. We have waited now some 2½ weeks since we had the understanding that this was going to be called up. Then it was temporarily shelved and put aside.

We have waited and waited for those who have been concerned about it to express their concern. We have tried to work through some of their concern. One of their concerns is about the offsets. We tried to work through that, but it is time to take action. This is the vehicle by which we can at least get action by the Senate of the United States. I believe we should move ahead.

Former majority leader Bob Dole stated in eloquent testimony before the Finance Committee that this issue is about people going to work—"it is about dignity and opportunity and all of the things we talk about when we talk about being Americans." Senator Dole has been a strong supporter of this legislation, and we welcome his support for this program.

We know a large portion of the 54 million disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so. The Nation is denied their talents and their contributions to our community.

These are the results of a Lou Harris 1998 poll of the 54 million Americans with disabilities:

Seventy-two percent of working-age people with disabilities who are not working now say they want to work. There is a great desire for work by those individuals, but still they are effectively denied in a practical way the opportunity to do so.

Removing these barriers to work will help large numbers of disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the golden door of opportunity to all and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill can make the American dream come true. When we say "equal opportunity for all," it will be clear that we truly mean all.

How large are the gaps? This chart is the comparison between persons with and without disabilities on "indicator" measures in 1998.

Employment: Working either full time or part time, persons with disabilities, 29 percent. Persons with no disabilities, approximately 80 percent. The gap between those with disabilities and without disabilities who work is some 50 percent.

If we look at the income for households, you will see that of those persons with disabilities who are working, many of them are working in low-income jobs—34 percent have incomes of $15,000 or less compared to only 12 percent of those persons with no disabilities. Again we find the extraordinary disparity.

It is long past time to banish the mind-set that the disabled are unable. In fact, they have enormous talents and abilities, and America cannot afford to waste an ounce of it.

For too long, Americans with disabilities have faced a series of unbearable penalties if they take jobs or go to work. They are in danger of losing their medical coverage, which can mean the difference between life and death. They are in danger of losing their cash benefits, even if they earn only modest amounts from work. No disabled American should face the harsh choice between buying a decent meal and buying the medication they need.

The Work Incentives Improvement Act will begin to remove these unfair barriers facing people with disabilities who are able to work and who want to work.

It will continue to make health insurance available and affordable when a disabled person goes to work or develops a significant disability while working.

It will gradually phase out the loss of cash benefits as income rises—instead of the unfair sudden cut-off that so many workers with disabilities face today. We have the important demonstration program in here that will effectively see the phasing out of the kind of income these individuals are entitled to—the phasing out of 50 cents for every new dollar they make over a period of time. They would be able to increase their income, and we would see a diminution of the amounts actually being contributed by the States and Federal Government as they continue in the employment.

This would, obviously, be an incentive for them to move ahead on the economic ladder, rather than being the disincentive that it is now, which would have a termination of benefits which they receive once they move above $500, which effectively locks the disabled into part-time jobs and jobs that pay very little.

It makes a good deal of common sense. It places work incentive planners in communities rather than in bureaucracies, and helps workers with disabilities learn how to access employment services and support the services by help and assistance to the States and communities. The States and communities themselves would have some flexibility in being able to raise some fees in the administration of these programs. We provide a very modest amount for that.

Finally, all Americans get a fiscally responsible bill. This is based on the Joint Committee on Taxation estimates which incorporate CBO estimates that S. 331 would cost $838 million over 5 years, to be offset by the bill's revenue provisions totaling $906 million, for a net savings of $68 million over the 5 years. This does not even begin to take into consideration two very important factors; that is, what will actually be paid in, in terms of taxes to the Federal Treasury, in terms of revenues that the taxpayers will pay, and also the basic savings that will be there under the Social Security trust fund.

This chart shows where we are. We have 7.5 million individuals that qualify for Federal participation in some disability program—individuals who are eligible for some kind of payment. One-half of 1 percent now are. If, out of the 7.5 million, we are able to get 210,000 working, we would save the trust fund $1 billion a year. That does not come through CBO or OMB because of the way the Budget Act works. This is the extrapolation we have in terms of working with the Social Security agency. It represents $1 billion saved with 210,000 working instead of the 70,000 that are working a year. Ours is $800 million over 5 years.

This makes a good deal of sense. We believe it is economically sound. These are savings we will have. When we hear about costs of the bill, these are the savings we will have. As I mentioned, it does not even take into consideration what will actually be paid in, in terms of taxes for those individuals, which will be certainly more than those figures.

We worked very assiduously with a lot of the different groups on this program. When we think of citizens with disabilities, we tend to think of men, women and children who are disabled from birth. However, fewer than 15 percent of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can suddenly disable the healthiest and most physically capable person. This is enormously important. This legislation is not just for our fellow Americans that may be born with some disability, but for all Americans.

In the long run, this legislation may be more important than any other action we will take in this Congress. It offers a new and better life to large numbers of our fellow citizens. Disability need no longer end the American dream. That was the promise of the Americans with Disabilities Act a decade ago, and this legislation dramatically strengthens our fulfillment of that promise.

I will not take the time this afternoon to go through a diary I have, "A Day in the Life of People Who Want To Work." We have broken down by States and included letters from individuals who have written about what this particular legislation means in terms of their lives today, how their lives would be changed, how their lives would be altered with this particular legislation. It is enormously powerful and moving.

If necessary, if we have to convince our colleagues about this legislation, I will take some time and go through some of the letters.

I will mention very briefly the human aspect of this legislation. This legislation is for Alice in Oklahoma who is disabled because of multiple sclerosis and receives SSDI benefits. She needs personal assistance to live and work in her community. But to do so, she must use all of her savings and half or all of her wages to pay for personal assistance and prescription drugs. As a result, she is left in poverty.

This bill is for Tammy in Indiana who has cerebral palsy and uses a wheelchair. She works part-time at Wal-Mart, but her hours are restricted because if she works too much she will lose her health benefits. Her goal of becoming a productive citizen is denied by the unfair danger of losing the health care she needs.

This is for Jay in Minnesota on SSDI who wants to work. However, the job he is qualified for offers no health care. If he accepts the job, he will join the ranks of the uninsured.

This bill is for Abby in Massachusetts who is only 6 years old and has mental retardation. Her parents are very concerned about her future and her ability to work and still have health insurance. Already she has been denied coverage by two insurance firms because of the diagnosis of mental retardation. Without Medicaid, her parents would be bankrupted by her medical bills today. If Abby eventually enters the workforce, she will have to live in poverty or lose Medicaid coverage under current law. Under this bill, all that would change. She and her parents will have a chance to dream of a future that includes work and prosperity, rather than a future of government handouts.

This bill is for many other citizens whose stories are told in this diary. This diary alone should be enough to shock and shame the Senate into action.

Our goal in this legislation is to banish the stereotypes, to reform and improve the existing disability programs so that they genuinely encourage and support every disabled person's dream to work and live independently and be a productive and contributing member of the community. That goal should be the birthright of all Americans. With this legislation, we are taking a giant step toward that goal.

A story from the debate on the Americans With Disabilities Act illustrates the point. A postmaster in a town was told he must make his post office accessible. The building had 20 steps leading to a revolving door at the entrance. The postmaster questioned the need to make such costly changes. He said, "I've been here for 35 years and in all that time I have yet to see a single customer come in here in a wheelchair." As the Americans With Disabilities Act shows, if you build the ramp, people will come and they will find their field of dreams. This bill expands the field.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans, no matter how many steps stand in the way. That is our goal in this legislation. It is the right thing to do. It is the cost-effective thing to do, and now is the time to do it. For too long, our fellow disability citizens have felt left out and left behind. A new and brighter day is on the horizon for them and today we finally will make it a reality.

I will describe a few other reasons for the importance of this legislation, including the cost of this legislation and what is happening currently. I will refer to the work in the Work Incentive Improvement Act and a report.

7.5 million disabled receive cash payments from SSI and SSDI. Disability benefit spending totals $73 billion a year. That is what we are spending at the present time under this program—$73 billion a year, making disability programs the fourth largest entitlement expenditure in the Federal Government. If only 1 percent, or 75,000, of the 7.5 million were to become employed, Federal savings in disability programs would total $3.5 billion over the worklife of the beneficiaries.

Do we hear that? If we get to 1 percent, we will be effectively saving $3.5 billion over the life of those beneficiaries. That is if we just get to 1 percent, let alone the goal of those of us who believe in independent living.

I will quote from the General Accounting Office:

> The two largest Federal programs providing cash and medical assistance for people with disabilities grew rapidly between 1985 and 1994, with the enrollment of working age people increasing 59 percent from 4 million to 6.3 million.

The figures I just read are the most current figures—7.5.

> . . . the inflation-adjusted cost of cash benefits growing by 66 percent. Administered by SSA, DI and SSI paid over $50 billion in cash benefits to people with disabilities in 1994.

So we are up now to $77 billion. In 1994 it was $50 billion. Now, this last year, in a period of 4 years it is up to $77 billion. That is a $27 billion increase. The flow line of these expenditures is going right up through the roof without any further indication of effectively reducing their unemployment, improving the ability of these individuals—who want to work and who have the ability to work if they are able to continue with their health insurance—to be contributing members of the community. It can have a dramatic, significant impact in lowering the continued escalation in expenditures under this fund.

For those individuals here who fail to understand what we are doing, what is happening, I hope they will refer to an excellent GAO report.

I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY: DISABILITY PROGRAMS LAG IN PROMOTING RETURN TO WORK

Mr. Chairman and Members of the Committee: You asked us to discuss today ways to improve the Disability Insurance (DI) and Supplemental Security Income (SSI) programs by helping people with disabilities return to work. Each week the Social Security Administration (SSA) pays over $1 billion in cash payments to people with disabilities on DI and SSI. While providing a measure of income security, these payments for the most part do little to enhance the work capacities and promote the economic independence of these DI and SSI recipients. Yet societal attitudes have shifted toward goals, as embodied in the Americans With Disabilities Act (ADA), of economic self-sufficiency and the right of people with disabilities to full participation in society.

At one time, the common business people was to encourage someone with a disability to leave the workforce. Today, however, a growing number of private companies have been focusing on enabling people with disabilities to return to work. Moreover, medical advances and new technologies provide more opportunities than ever for people with disabilities to work.

We found that the DI and SSI programs are out of sync with these trends. The application process places a heavy emphasis on work incapacity, and it presumes that medical impairments preclude employment. And SSA does little to provide the support and assistance that many people with disabilities need to work. Our April 1996 report shows, in fact, that program design and implementation weaknesses hinder maximizing beneficiary work potential.[1] Not surprisingly, these weaknesses also yield poor return-to-work outcomes. Other work we are doing for you highlights strategies from the private sector and other countries that SSA could use to develop administrative and legislative solutions to improve return-to-work outcomes. Indeed, if an additional 1 percent of the 6.3 million working-age SSI and DI beneficiaries were to leave SSA's disability rolls by returning to work, lifetime cash benefits would be reduced by an estimated $2.9 billion.[2]

With this in mind, today I would like to focus on how the current program structure impedes return to work and how strategies from other disability systems could help restructure DI and SSI to improve return-to-work outcomes. To develop this information, we surveyed people in the private sector generally recognized as leaders in developing disability management programs that focus on return-to-work efforts. We also interviewed officials in Germany and Sweden because the experiences of their social insurance programs show that return-to-work strategies are applicable to a broad and diverse population with a wide range of work histories, job skills, and disabilities. We also conducted focus groups with people receiving disability benefits and convened a panel of disability experts.

BACKGROUND

DI and SSI the two largest federal programs providing cash and medical assistance to people with disabilities—grew rapidly between 1985 and 1994, with the enrollment of

---

See footnotes at end of article.

working-age people increasing 59 percent, from 4 million to 6.3 million, and the inflation-adjusted cost of cash benefits growing by 66 percent. Administered by SSA, DI and SSI paid over $50 billion in cash benefits to people with disabilities in 1994. To be considered disabled by either program, an adult must be unable to engage in any substantial gainful activity because of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last at least 1 year. Moreover, the impairment must be of such severity that a person not only is unable to do his or her previous work, but, considering his or her age, education, and work experience, is unable to do any other kind of substantial work that exists in the national economy.

Both programs use the same definition of disability but differ in important ways. DI, established in 1956, is an insurance program funded by payroll taxes paid by workers and their employers into a Social Security trust fund. The program is for workers who, having worked long enough and recently enough to become insured under DI, have lost their source of income because of disability. Medicare coverage is provided to DI beneficiaries after they have received cash benefits for 24 months. Almost 4 million working-age people (aged 18 to 64) received about $34 billion in DI cash benefits in 1994.[3]

In contrast, SSI is a means-tested income assistance program for disabled, blind, or aged individuals regardless of their participation in the labor force. Established in 1972 for individuals with low income and limited resources, SSI is financed from general revenues.[4] In most states, SSI entitlement ensures an individual's eligibility for Medicaid benefits. In 1994, about 2.36 million working-age people with disabilities received SSI benefits. Federal SSI benefits paid to SSI beneficiaries with disabilities in 1994 equaled $18.9 billion.[5]

CASELOADS HAVE CHANGED SINCE THE MID-1980'S

The composition of the DI and SSI caseloads has undergone many changes during the last decade. Between 1985 and 1994, DI and SSI experienced an increase in the proportion of beneficiaries with impairments—especially mental impairments—that keep them on the rolls longer than in the past. By 1994, 31 percent of DI beneficiaries and 57 percent of SSI working-age beneficiaries had mental impairments—conditions that have one of the longest anticipated entitlement periods (about 16 years for DI). In addition, the beneficiary population has become, on average, modestly but steadily younger since the mid-1980s. The proportion of working-age beneficiaries who are middle aged (aged 30 to 49) has steadily increased—from 30 to 40 percent for DI, and from 36 to 46 percent for SSI—as the proportion who are older has declined.

STATUTE PROVIDES FOR RETURNING BENEFICIARIES TO WORK

The Social Security Act states that as many individuals applying for disability benefits as possible should be rehabilitated into productive activity. To this end, people applying for disability benefits are to be promptly referred to state vocational rehabilitation (VR) agencies for services intended to prepare them for work opportunities. To reduce the risk a beneficiary faces in trading guaranteed monthly income and premium-free medical coverage for the uncertainties of competitive employment, the Congress also established various work incentives to safeguard cash and medical benefits while a beneficiary tries to return to work.

Dispite congressional attention to employment as a way to reduce dependence, few beneficiaries leave the rolls to return to work. During each of the past several years, not more than 1 of every 500 DI beneficiaries has been terminated from the rolls because they returned to work.

TECHNOLOGICAL ADVANCES AND SOCIAL CHANGE FOSTER RETURN TO WORK

While DI and SSI return-to-work outcomes have been poor, many technological and medical advances have created more opportunities for some individuals with disabilities to engage in work. Electronic communications and assistive technologies—such as scanners, synthetic voice systems, standing wheelchairs, and modified automobiles and vans—have given greater independence to some people with disabilities, allowing them to tap their work potential. Advances in the management of disability—like medication to control mental illness or computer-aided prosthetic devices—have helped reduce the functional limitations associated with some disabilities. These advances may have opened new opportunities, particularly for some people with physical impairments, in the growing service sector of the economy.

Social change has promoted greater inclusion of and participation by some people with disabilities in the mainstream of society, including children in school and adults at work. For instance, over the past 2 years, people with disabilities have sought to remove environmental barriers that impede them from fully participating in their communities. Moreover, ADA supports the full participation of people with disabilities in society and fosters the expectation that people with disabilities can and have the right to work. ADA prohibits employers from discriminating against qualified individuals with disabilities and requires employers to make reasonable workplace accommodations, unless it would impose an undue hardship on the business.

CURRENT PROGRAM STRUCTURE IMPEDES RETURN TO WORK

The cumulative impact of weaknesses in the design and implementation of the disability programs is to understate beneficiaries' work capacity and impede efforts to improve return-to-work outcomes. Despite a changing beneficiary population and advances in technology and medicine that have increased the potential for some beneficiaries to work, the disability programs have remained essentially frozen in time. Weaknesses in the design and implementation of the DI and SSI programs, summarized in table 1, have impeded identifying and encouraging the productive capacities of those who might benefit from rehabilitation and employment assistance.

TABLE 1.—SUMMARY OF PROGRAM DESIGN AND IMPLEMENTATION WEAKNESSES

Program area	Weakness
Disability determination	"Either/or" decision gives incentive to promote inabilities and minimize abilities.
	Lengthy application process to prove one's disability can erode motivation and ability to return to work.
Benefit structure	Cash and medical benefits themselves can reduce motivation to work and receptivity to VR and work incentives, especially when low-wage jobs are the likely outcome.
	People with disabilities may be more likely to have less time available to work, further influencing a decision to opt for benefits over work.
Work incentives	"All-or-nothing" nature of DI cash benefits can make work at low wages financially unattractive.
	Risk of losing medical coverage when returning to work is high for many beneficiaries.
	Loss of other federal and state assistance is a risk for some beneficiaries who return to work.
	Few beneficiaries are aware that work incentives exist.
	Work incentives are not well understood by beneficiaries and program staff alike.
VR	Access to VR services through Disability Determination Service (DDS) referrals is limited: restrictive state policies severely limit categories of people referred by DDSs; the referral process is not monitored, reflecting its low priority and removing incentive to spend time on referrals; VER counselors perceive beneficiaries as less attractive VR candidates than other people with disabilities, making them less willing to accept beneficiaries as clients; and the success-based reimbursement system is ineffective in motivating VR agencies to accept beneficiaries as clients.
	Applicants are generally uninformed about VR and beneficiaries are not encouraged to seek VR, affording little opportunity to opt for rehabilitation and employment.
	Studies have questioned the effectiveness of state VR agency services since long-term, gainful work is not necessarily the focus of VR agency services.
	Delayed VR intervention can cause a decline in receptiveness to participate in rehabilitation and job placement activities, as well as a decline in skills and abilities.
	The monopolistic state VR structure can contribute to lower quality service at higher prices, and recent regulations allowing alternative VR providers may not be effective in expanding private sector VR participation.

WORK CAPACITY OF DI AND SSI BENEFICIARIES MAY BE UNDERSTATED

The Social Security Act requires that the assessment of an applicant's work incapacity be based on the presence of medically determinable physical and mental impairments. SSA maintains a Listing of Impairments for medical conditions that are, according to SSA, ordinarily severe enough in themselves to prevent an individual from engaging in any gainful activity. About 70 percent of new awardees are eligible for disability because their impairments meet or equal the listings. But findings of studies we reviewed generally agree that medical conditions are a poor predictor of work incapacity.[6] As a result, the work capacity of DI and SSI beneficiaries may be understated.

While disability decisions may be more clear-cut in the case of people whose impairments inherently and permanently prevent them from working, disability determinations may be much more difficult for those who may have a reasonable chance of work if they receive appropriate assistance and support. Nonmedical factors may play a crucial role in determining the extent to which people in this latter group can work.

PROGRAM WEAKNESSES IMPEDE EFFORTS TO IMPROVE RETURN-TO-WORK OUTCOMES

The "either/or" nature of the disability determination process creates an incentive for applicants to overstate their disabilities and understate their work capacities. Because the result of the decision is either full award of benefits or denial of benefits, applicants have a strong incentive to promote their limitations to establish their inability to work and thus qualify for benefits. Conversely, applicants have a disincentive to demonstrate any capacity to work because doing so may disqualify them for benefits.

Furthermore, the documentation involved in establishing one's disability can, many believe, create a "disability mind-set," which weakens motivation to work. Compounding this negative process, the length of time required to determine eligibility can erode skills, abilities, and habits necessary to work.

* * * * *

Intervene as soon as possible after a disabling event;

Identify and provide necessary return-to-work services and manage cases; and

Structure cash and medical benefits to encourage return to work.

The practices underlying these strategies are summarized in table 2.

Disability managers we interviewed emphasized that these return-to-work strategies are not independent of each other and work most effectively when integrated into a comprehensive return-to-work program. Return-to-work strategies and practices may hold potential both for improving federal disability programs by helping people with disabilities return to productive activity in the workplace and, at the same time, for reducing program costs.

TABLE 2: STRATEGIES AND PRACTICES IN THE DESIGN OF RETURN-TO-WORK PROGRAMS OF THE U.S. PRIVATE SECTOR AND OTHER COUNTRIES

Strategies	Practices
Intervene as early as possible after an actual or potentially disabling event.	Address return-to-work goals from the beginning of an emerging disability. Provide return-to-work services at the earliest appropriate time. Maintain communication with workers who are hospitalized or recovering at home.
Identify and provide necessary return-to-work assistance effectively	Assess each individual's return-to-work potential and needs. Use case management techniques when appropriate to help workers with disabilities return to work Offer transitional work opportunities that enable workers with disabilities to ease back into the workplace. Ensure that medical service providers understand the essential job functions of workers with disabilities.
Structure cash and medical benefits to encourage return to work	Structure cash benefits to encourage workers with disabilities to rejoin the workforce. Maintain medical benefits for workers with disabilities who return to work. Include a contractual provision that can require the worker with disabilities to cooperate with return-to-work efforts.

EARLY INTERVENTION CRITICAL TO RETURN TO WORK

Disability managers we surveyed stressed the importance of early intervention in returning workers with disabilities to the workplace. Advocates of early intervention believe that the longer an individual stays away from work, the less likely return to work will be. Studies show that only one in two workers with recently acquired disabilities who are out of work 5 months or more will ever return to work. Disability managers believe that long absences from the workplace can reduce motivation to attempt work.

Setting return-to-work goals soon after the onset of disability and providing timely rehabilitation services are believed to be critical in encouraging workers with disabilities to return to the workplace as soon as possible. Contacting a hospitalized worker soon after an injury or illness and then continuing to communicate with the worker recovering at home, for instance, helps reassure the worker that there is a job to return to and that the employer is concerned about his or her recovery.

IDENTIFYING AND PROVIDING RETURN-TO-WORK SERVICES EFFECTIVELY

Another common strategy is to effectively identify and provide return-to-work services. This approach involves investing in services tailored to individual circumstances that help achieve return-to-work goals for workers with disabilities while avoiding unnecessary expenditures.

In an effort to provide appropriate services, many in the private sector strive to identify the individuals who are likely to be able to return to work and then identify the specific services they need. In doing so, each individual should be functionally evaluated after his or her medical condition has stabilized to assess potential for returning to work. When appropriate, the private sector uses case management techniques to coordinate the identification, evaluation, and delivery of disability-related services to individuals deemed to need such services to return to work. Transitional work allows workers with disabilities to ease back into the workplace in jobs that are less physically or mentally demanding than their regular jobs.

The private sector also stresses the need to ensure that physicians and other medical service providers understand the essential job functions of workers with disabilities. Without this understanding, the worker's return to work could be delayed unnecessarily. Also, if an employer is willing to provide transitional work opportunities or other job accommodations, the treating physician must be aware of and understand these accommodations.

WORK INCENTIVES FACILITATE RETURN TO WORK

Finally, disability managers responding to our survey generally offered incentives through their programs' cash and medical benefit structure to encourage workers with disabilities to return to work. Disability managers believe that a program's incentive structure can affect return-to-work decisions. The level of cash benefits paid to workers with disabilities can affect their attitudes toward returning to work because, if disability benefits are too generous, the benefits can create a disincentive for participating in return-to-work efforts. Disability managers also believe employer-sponsored medical benefits can provide an incentive to return to work if returning is the way that workers with disabilities in the private sector can best ensure that they retain medical benefits.

Although the structure of benefits plays a role in return-to-work decisions, disability managers emphasized that well-structured incentives are not sufficient in themselves for a successful return-to-work program. Incentives must be integrated with other return-to-work practices. Disability managers also generally advocated including a contractual requirement for cooperation with a return-to-work plan as a condition of eligibility for benefits. They believed such a requirement helps motivate individuals with disabilities to try to return to work.

RETURN-TO-WORK OUTCOMES COULD BE IMPROVED THROUGH RESTRUCTURING

Return-to-work strategies used in the U.S. private sector and other countries reflect expectations that people with disabilities can and do return to work. The DI and SSI programs, however, are out of sync with this return-to-work focus. Improving the DI and SSI return-to-work outcomes requires restructuring these programs to better identify and enhance beneficiary return-to-work capacities. While there is opportunity for improvement, it should be acknowledged that many beneficiaries will be unable to return to work. In fact, almost half of the people receiving benefits are not likely to become employed because of their age or because they are expected to die within several years. For others, work potential is unknown; but research suggests that successful transitions to work may be more likely for younger people with disabilities and for those who have greater motivation and more education.[7]

Studies have shown that a meaningful portion of DI and SSI beneficiaries possess such characteristics. The DI and SSI disability rolls have been increasingly composed of a significant number of younger individuals. Among working-age SSI and DI beneficiaries, one out of three is under the age of 40[8] In addition, in 1993, 35 percent of 84,000 DI beneficiaries expressed an interest in receiving rehabilitation or other services that could help them return to work, an indication of motivation. Moreover, a substantial portion—almost one in two—of a cohort of DI beneficiaries had a high school degree or some years of education beyond high school.[9] The literature also suggests that lack of work experience is a significant barrier to employability.[10] A promising sign is that about one-half of DI and one-third of SSI working-age beneficiaries had some attachment to the labor force during the 5 years immediately preceding the year of benefit award.[11]

Even those who may be able to return to work will face challenges. For example, some may need to learn basic skills and work habits and build self-esteem to function in the workplace. Moreover, the nature of some disabilities may limit full-time work, while others may cause logistical obstacles, such as transportation difficulties. Finally, employer resistance to hiring people with disabilities and tight labor market conditions, particularly for low-wage positions, could constrain employment opportunities.

Nevertheless, there are compelling reasons to try new approaches. As mentioned, our review of the disability determination process shows that the work capacity of an individual found eligible for DI and SSI benefits may be understated. And this country has experienced medical, technological, and societal advances over the past several years that foster return to work. But weaknesses in the design and implementation of the DI and SSI programs mean that little has been done to identify and encourage the productive capacities of beneficiaries who might be able to benefit from these advances.

Restructuring of the DI and SSI programs should consider the return-to-work strategies employed by the U.S. private sector and social insurance programs in Germany and Sweden. Lessons from these other disability programs argue for placing greater priority on assessing return-to-work potential soon after individuals apply for disability benefits. The priority in the DI and SSI programs, however, is to determine the eligibility of applicants to receive cash benefits.

not to assess their return-to-work potential. In conjunction with making an early assessment of return-to-work potential, the programs should place greater priority on identifying and providing, at the earliest appropriate time, the medical and vocational rehabilitation services needed to return to work. But under the current program design, medical and vocational rehabilitation services are provided too late in the process. Finally, the programs should be designed to ensure that cash and medical benefits encourage beneficiaries to return to work. Presently, however, cash and medical benefits can make it financially advantageous to remain on the disability rolls, and many beneficiaries fear losing their premium-free Medicare or Medicaid benefits if they return to work.

Although SSA faces constraints in applying the return-to-work strategies of other disability programs, opportunities exist for better identifying and providing the return-to-work assistance that could enable more of SSA's beneficiaries to return to work. Even relatively small gains in return-to-work successes offer the potential for significant savings in program outlays.

CONCLUSIONS

In our April 1996 report, we recommended that the Commissioner take immediate action to place greater priority on return to work, including designing a more effective means to identify and expand beneficiaries' work capacities and better implementing existing return-to-work mechanisms. In line with placing greater emphasis on return to work, we believe that the Commissioner needs to develop a comprehensive return-to-work strategy that integrates, as appropriate, earlier intervention, earlier identification and provision of necessary return-to-work assistance for applicants and beneficiaries, and changes in the structure of cash and medical benefits. As part of that strategy, the Commissioner needs to identify legislative changes that would be required to implement such a program.

[1] This testimony is based on *SSA Disability: Program Redesign Necessary to Encourage Return to Work*(GAO/HEHS-96-62, Apr. 24, 1996) and a forthcoming GAO report on return-to-work strategies in the U.S. private sector, Germany, and Sweden.

[2] The estimated reductions are based on fiscal year 1994 data provided by SSA's actuarial staff and represent the discounted present value of the cash benefits that would have been paid over a lifetime if the individual had not left the disability rolls by returning to work.

[3] Included among the 3.96 million DI beneficiaries are 671,000 who were dually eligible for SSI disability benefits because of the low level of their income and resources.

[4] Reference to the SSI program throughout this testimony addresses blind or disabled, not aged recipients. General revenues include taxes, customs duties, and miscellaneous receipts collected by the federal government but not earmarked by law for a specific purpose.

[5] The 2.36 million SSI beneficiaries do not include individuals who were dually eligible for SSI and DI benefits. The $18.9 billion consists of payments to all SSI blind and disabled beneficiaries regardless of age.

[6] For example, S.O. Okpaku and others, "Disability Determinations for Adults With Mental Disorders: Social Security Administration vs. Independent Judgments." *American Journal of Public Health*, Vol. 84, No. 11 (Nov. 1994), pp. 1791–95; and H.P. Brehm and T.V. Rush, "Disability Analysis of Longitudinal Health Data: Policy Implications for Social Security Disability Insurance," *Journal of Aging Studies*, Vol. 2, No. 4 (1988), pp. 379–99.

[7] For example, J.C. Hennessey and L.S. Muller, "The effect of Vocational Rehabilitation and Work Incentives on Helping the Disabled Worker Beneficiary Back to Work," *Social Security Bulletin*, Vol. 58, No. 1 (spring 1995), pp. 15–28; R.J. Butler, W.G. Johnson, and M.L. Baldwin, "Managing Work Disability: Why First Return to Work Is Not a Measure of Success," *Industrial and Labor Relations Review*, Vol. 48, No. 3 (Apr. 1995), pp. 452–67; and R.V. Burkhauser and M.C. Daly, "Employment and Economic Well-Being Following the Onset of a Disability: The Role for Public Policy," paper presented at the National Academy of Social Insurance and the National Institute for Disability and Rehabilitation Research Workshop on Disability, Work, and Cash Benefits (Santa Monica, Calif.: Dec. 1994).

[8] *Annual Statistical Supplement, 1995 to the Social Security Bulletin* (Aug. 1995).

[9] J.C. Hennessey and L.S. Muller, "Work Efforts of Disabled Worker Beneficiaries: Preliminary Findings From the New Beneficiary Followup Survey," *Social Security Bulletin*, Vol. 57, No. 3 (fall 1994), pp. 42–51.

[10] Berkeley Planning Associates and Harold Russell Associates, "Private Sector Rehabilitation: Lessons and Options for Public Policy," prepared for the U.S. Department of Education. Office of Planning, Budget, and Evaluation (Dec. 31, 1987).

[11] M.C. Daly, "Characteristics of SSI and SSDI Recipients in the Years Prior to Receiving Benefits: Evidence From the PSID," presented at SSA's conference on Disability Programs: Explanations of Recent Growth and Implications for Disability Policy (Sept. 1995).

Mr. KENNEDY. In the GAO report is an analysis of this program. But they also looked at U.S. private and social insurance programs to find out, are there American companies that are trying to deal with this with employees, and are there other States trying to do it?

Look at this. We can look at the percentages of working-age persons with disabilities. We will see West Virginia is 12.6; then 11, in Louisiana; 10 in Maine; Oklahoma, 10.2; Oregon, 10.

Now, take the percent working and the percent not working. The percent working is 20 percent—24, 28, 23, 23. Maine has 37 percent working; Oklahoma, 34; and Oregon has 42 percent working—42 percent working.

Then we look at the percent not working—57 percent. Some other States are almost 80 percent.

Don't you think we ought to look at the States that have large numbers of people with disabilities who are working and find out how they are getting people to work? And find out what is not happening in States where they are not getting them to work? That is what we did in this legislation. What we are finding out is, in those States, in the private sector, they are maintaining the insurance aspects of the health care and also providing the financial incentives to be able to go to work. That is just in some of our States.

We are hopeful we can move with these incentives to get to every State. Some States are making dramatic improvements, and others are not. The lessons are very clear, and we have included that in the legislation. If we look at what is happening in other countries, in two countries we find the absolutely extraordinary results they have from having similar incentives and disincentives that we have tried to incorporate in this legislation and that are referred to by the GAO as being very successful.

I would like to believe the importance of this is to make sure those Americans with some disability are going to be included in the great American dream, that we decided as a nation we not only are not going to discriminate but we are going to encourage policies that will make it possible for those with disabilities to be part of the American dream. What we are attempting is to do it in ways that have demonstrated effectiveness.

The principal reasons they have been effective are along these lines. They have been happening because we have seen new medical technology which has been very helpful when carefully and effectively pursued. I think we all understand the costs of medical technology. In this particular area, there are some great opportunities for people, by the use of medical technology, to get back to work. It is working, and it is effective; it is cost effective.

We are also finding, for one reason or another—I will not take the time now—a number of those going on the disability rolls have been younger individuals than we were considering probably 20 years ago.

Another interesting corollary is, most of those individuals have a higher achievement in completion of high school and college, for reasons I will not bother taking up the time of the Senate with at this time. We are talking about younger individuals who are more adaptable for these training programs, newer kinds of technology out there, and where that is accessible, more effective training programs such as we passed last year with our one-stop shopping and incentive programs, with financial incentives in the private sector that are going to be effective programs getting people working. We have brought all of these elements together. We followed the examples that have been pointed out to us as effective and incorporated those in this legislation.

We believe this will have a dramatic and positive impact, most importantly on the ability of individuals to go to work and be useful and productive, constructive members of our society and live happier lives in their own personal situations and the members of their family, be more productive in the general economy, in what they are able to add to the economy, without these false disincentives out there, reducing the financial burden on the trust funds which are paying out to the community, and ultimately seeing a dramatic reduction in burden to the States' financial situation for funding as well as to the Federal Government. This, we believe, is a win-win-win situation all the way along the line.

I could take further time. I know there are others who want to speak to the underlying measure. But we believe very deeply in this legislation, which has been carefully thought through by individuals who will be most affected by it. That has been enormously important. Very often we draft and shape legislation in a way we think is best, but this is legislation that has emerged from the grassroots level. We understand the difficulty of getting everyone to agree to different proposals.

We have harmony among the community that represents 300 different organizations. It is an extraordinary initiative, an extraordinary result that is so powerful in terms of what we hope to achieve.

This is really a service to the country. We want the kind of America that is going to say to those individuals who are faced with some physical or mental challenges that we will make sure they will be able to participate to the extent their abilities, their interest, their courage, and their determination permit them. We want to eliminate or knock down those barriers which one way or the other inhibit their ability to move forward.

We have been attempting to do that in a number of ways, but there is nothing that is going to do more in opening up the dreams and the hopes of these individuals and their families than this piece of legislation.

The Americans With Disabilities Act is important in trying to eliminate discrimination against the disabled. The Work Incentives Improvement Act will do the job in terms of eliminating the significant financial disincentives out there that basically inhibit so many of our fellow citizens, who have the ability and dedication and commitment and desire, from moving forward. That is why this legislation is so important.

At another time, I will go through some of the other provisions of the legislation.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. I ask unanimous consent that Connie Garner be given the privilege of the floor during the consideration of the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mr. REID. In listening to the remarks of the Senator from Massachusetts, I am struck by the fact that the people this legislation is attempting to help are people who do not have voices here to represent their interests; is that not generally the case?

Mr. KENNEDY. The Senator is correct. I like to believe there is a greater understanding and awareness of the challenges that disabled Americans have faced in more recent years than there had been for the first 200 years of our country. Over the last 8 or 10 years, we have had some important changes in attitude on these issues.

By and large, the Senator is correct that this has not been an issue that has been in the forefront of legislative or executive action.

Mr. REID. I also say there have been some people of good will joining together around the country attempting to advocate for the disabled, but the people we deal with on a daily basis are usually people who come representing institutions or entities and who are, in effect, well paid. They are people who have vast amounts of money tied up in Federal programs.

The disabled people the Senator is attempting to help with this legislation are people who have—the Senator is absolutely right—joined together in the last decade recognizing the disabled need help. But these are volunteer groups and people, as I said, of good will around the country trying to help people who have no representation; is that basically true?

Mr. KENNEDY. The Senator is correct. It was not that long ago when we had 5.5 million children who were disabled who never went to schools in our country. We have made some progress in opening up the schools of our country. We debated the issue of trying to give help and assistance to local communities. I am a strong supporter of it. I know the Senator from Nevada is. I know there are others on both sides of the aisle who feel that way as well.

We have made some progress on other issues. I cannot speak further without recognizing the good work of the Senator from New Mexico in regard to mental illness. For many years, those afflicted by the challenges of mental illness were kept aside in our own communities, and in terms of debate and discussion, there has been a general reluctance to talk about some of their special needs.

The Senator is quite correct. The willingness to talk about these issues has been in a more recent time. I can even speak of that with regard to my own family with a sister who is mentally retarded and having seen the evolution and the changes which have taken place in how people react and respond to those who are mentally retarded.

We have come a long way, but the Senator is quite correct, by and large, these individuals and the communities are hard pressed with the day-to-day activities and do not have a great deal of time to come here, although I note both Senator REID and Senator DOMENICI would say that when they do come here and when they do speak, there are a few more eloquent voices and compelling voices for the cause of social justice.

Mr. REID. I want to say one additional thing while the Senator is on the floor, and that is, the community of disabled persons around the country have been very fortunate to have Senator KENNEDY as a spokesperson on their behalf. But I also want to mention something in which your family has been involved. It certainly has shown to me, having been involved in a number of Special Olympic programs in my own State, how the disabled enjoy life just as much as anyone else. There is no example better than athletics. I commend and applaud the Senator and his family for the great work they have done with the Special Olympics program, which is now a worldwide program.

Mr. KENNEDY. I thank the Senator. I appreciate that. As a matter of fact, they are having the International Special Olympics on June 27 and 28 in North Carolina this year. There will be more than 130 countries participating in those games. That cause still goes on.

It is a great tribute not only to the athletes but to the parents, the teachers, to the volunteers, and States all over the country that have been supportive of that program. I know the Senator has been a supporter of the program, and I think any of those individuals who watch those programs cannot leave the field without feeling an extraordinary sense of inspiration. That is, I believe, enormously moving.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is the Senator from Massachusetts finished?

Mr. KENNEDY. I am finished. I thank the Senator.

Mr. DOMENICI. I say to Senator KENNEDY, I commend him for what he is doing. I remind the Senate that the last time I looked, this bill had 33 Republicans on it and was led on the Senate side by the chairman of the Finance Committee. He is one of the leaders, not just Senator JEFFORDS from the Health, Education, Labor, and Pensions Committee.

Frankly, what has happened is, though we pass laws with reference to helping people who are disabled, either because of physical disabilities or mental disabilities, a lot of our terribly mentally handicapped do participate in disability programs. What they do not participate in very well is the training programs for them. We are just getting that started.

But essentially we pass laws saying let's help them. Then we forget about them for about 15 or 20 years, which is what happened here. We find that in many respects the law has arbitrary finalization of benefit dates that hurt instead of help. Instead of encouraging that a person who is disabled go to work, if anybody is experienced with the old law, before we change it, what the people will be telling them is: Be careful, because if you try to go to work and get off, they take you off so quick and for such a tiny amount of earnings that sometimes that job finishes because the disabled do not have the propensity to have 6-year-long jobs; sometimes it is 6 months, 5 months.

In the case of the mentally ill, sometimes a schizophrenic works 1 month. This program, unless we change it, does not work for them, because they get taken off the benefit list too quickly. Then it is hard to get back on. So a parent may say: Let's just not ask Jimmy to go to the Green Door and get trained over here to get a job. They say: Let's just leave that alone and talk to him about volunteering, not earning money. But I tell you, to the extent we are encouraging that, we are doing a very bad thing for disabled people.

You will find across the board, for the disabled people, young or old, the most important thing going is for them to get a job. You cannot imagine how important it is for them to get a paycheck. It is among the most intriguing psychological things that happens to a disabled person—when they earn their own money—that you have ever seen.

Why should we have laws that help them but at the same time discourage them from getting a job because they may get kicked off the rolls too quickly, or they cannot get on quickly enough after they get unemployed? Let's change that and make it common sense.

I understand these laws are good laws, the ones we are changing. They put America in the vanguard when we passed them. They are good. But in the meantime, we are finding that nothing is as good as a job. These jobs do not pay a lot but pay just enough to qualify people under the old law to get off the rolls. So it is not as if it is rich people who are getting on and off the rolls, people earning $100,000; it is people earning minimum wage. In some instances, they even have youth jobs that are at less than minimum wage, and all of a sudden they qualify—no more aid—and they are worse off than they were before. That is what this is; the essence of it is to try to fix those things. We ought to fix them.

It does not belong on this bill that Senator REID and I are managing. Senator KENNEDY has not said it does. But, look, if you cannot resolve it, we are going to do what has to happen here. I hope the Republican leadership would get together—actually, they are in the forefront. I am assuming that the chairman of the Finance Committee is not here today. He would probably be here. He wants to make sure it is done right. He has to find offsets, does he not? There are offsets.

This bill is going to be neutral budgetwise. We are going to pay for it. It is not that we are going to add to the debt, or use up the surplus or use the Social Security trust fund—none of those.

Frankly, I am very hopeful that our bill has served a purpose. There has been a nice debate. There is nobody here who needs the Senate any more than we do right now. Nobody is offering amendments. We are waiting. It is all right with me if they do not. It is a fine discussion.

I thank the Senator. It is good to get an opportunity to comment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will not take much time.

The Senator has it absolutely right. We built in the program the ability to provide the medical and some income for people who have the disabilities and said that if they make over $500, they lose the insurance and they lose the additional kind of insurance, that they would be able to receive income, and they are just dropped out.

Very few of the families can be assured they can get a job after a training program where they would be able to offset their total medical expenses if they are able to get health insurance. They probably are not able to get it because they have a disability. The fact of the matter is, the insurance companies, by and large, do not include them.

I have a son who lost his leg to cancer and is a very healthy young person, but there is not a chance in the world he can get insurance. He has insurance only as a part of a much larger group. That happens to individuals who have any kind of disability. So they are out behind the 8-ball.

What we are saying is, continue their health care. OK, we can phase out or eliminate their income. They would be willing to take a chance on that. They will go out and try to pull their own weight. They are glad to do it. They will do it, and they will do it very well.

They have a desire to do it and the ability to do it. We have provided these incentives and training programs to enable them to be more creative to do it. There are more examples in a number of the States about how to do it. There are a number of examples in different countries on how to do it. We are going to do it in ways that are financially responsible.

The Senator made an excellent statement. I thank him for his sponsorship, as well as the Senator from Nevada.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, before Senator KENNEDY leaves the floor, I will just make a comment. He mentioned those disabled because of severe mental illnesses: manic depression, schizophrenia, severe chronic depression.

I say to the Senator, I introduced the parity bill with Senator WELLSTONE to try to get more insurance coverage resources applied to these serious illnesses. I want to share with the Senator, since we are talking about disabilities, a notion that came to me with reference to severely mentally ill people.

I said, what would happen if the United States, by definition, had decided we would not cover, under health insurance, illnesses of the heart because we did not want to cover illnesses of the brain? The complicated vessels are the heart and the brain. What if 30 years ago, as we produced the list of coverable illnesses, we said no coverage for heart conditions. Guess what would have happened. None of the breakthroughs in treating the heart would have ever occurred because there would not have been enough resources going into it for the researchers and the doctors to make the breakthroughs.

As a matter of fact, we would not have invented angioplasty and all those other significant techniques. What would have happened in the meantime is that hundreds of thousands of Americans would be dying earlier than they should. That would be along with what I just said.

When we say insurance companies should not cover schizophrenics, who have a brain disease, diagnosable and treatable, that we should not cover them, then are we not saying the same thing about a very serious physical frailty that hits between 5 and 15 million Americans during any given year, from the very young to the very old, with the highest propensity between 17 and 25 years of age for schizophrenia, manic depression, and the like?

It seems to me that sooner or later, if we are going to call something "health insurance," it ought to cover those who are sick, wouldn't you think?

Mr. KENNEDY. Absolutely.

Mr. DOMENICI. Why do we call health insurance "health insurance" and leave out a big chunk of the American population? Because the definition chooses to will away an illness. You define it so it does not exist, right? No. It exists. Families go broke. Their kids are in jails instead of hospitals. Because once they get one of these diseases, there is no way to help them, because there are no systems, because there are not enough resources. The resources come from the mass coverage by insurance. That is what puts resources into illnesses and cures.

So I just want to assure you, we are going to proceed this year. We are going to proceed with this parity bill. We are going to have a vote here. I do not know which bill yet, but we are going to have a good debate. We are asking the business community to get the price tag. We do not want to hear any of this business that it is going to break us.

We want to know, based on history, what is it going to cost? Then we are going to let the Senators and the public decide: Is that too much? What if it isn't too much in the minds of most Americans and Senators? Then it seems to me the marketplace will have to adjust to it.

Obviously, if I have a chance, I would like to talk about this. I would like to do it on the floor of the Senate so a lot of other Americans hear about it. I would like to do it when somebody is here to talk about the significance of this.

This is important business, the disabled in this country, whether they are disabled physically or disabled mentally. If we are going to have a real society that is proud of being free—and we have put so much emphasis on that—then we cannot leave out big chunks of the public with arbitrary laws or a failure to have insurance companies take care of the responsibilities of health coverage for disabled Americans.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As the good Senator knows, we have such coverage for all Members of the Senate. Federal employees have it, over 11 million have it, and other groups have that as well. We find that it is suitable for Members of Congress and for the administration, other Federal employees.

I underline that I do not think we have health insurance worth its name if it doesn't meet the standard that the Senator from New Mexico has outlined here. I think it is basic and fundamental. There may have been troubles with the Clinton health insurance program, but the President has recently announced that he will issue an executive order to provide mental health parity.

I say to the good Senator, my friend—I have heard him speak eloquently, as well as our friend Senator WELLSTONE, and others speak on this issue—I pledge to him that I look forward to working with him. I think it is enormously important. I commend the Senator for what was initiated previously when we were dealing with this issue in related form on the Kassebaum-Kennedy legislation a few years ago. We want to see that and other legislation actually implemented. I commend him and look forward to working with him.

Finally, I would like to state my support for the efforts of my good friend and colleague from Nevada, Senator REID, who has long been a champion of the need for better and more comprehensive approaches to suicide prevention. Suicide claims over 30,000 lives each year in this country; it is the eighth leading cause of death overall and the third major cause of death amongst teenagers from 15–19. It is an issue clearly associated with mental health parity. If better access to mental health services were available for all persons who have psychiatric conditions, the suicide rate would be dramatically reduced. It is time to provide mental health parity and to prevent these unnecessary family tragedies.

I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, even though this is the energy and water bill, I am glad we are going to have this conversation this afternoon about mental health.

An area I have worked on that is now receiving more attention is suicide. Thirty-one thousand people each year in the United States kill themselves. What if 31,000 people were killed in some other manner? We would focus a lot of attention on it.

There are almost as many people killed in car wrecks every year. We have airbags and we have speed limits. We do all kinds of things to prevent people from being killed in automobile accidents. We have even done a much better job in recent years trying to stop people from driving under the influence of alcohol.

Suicide is a very difficult problem in America today. During the time we have been on this bill—it is now 3:30 eastern time; we started at 1—about 12 people in the United States have killed themselves. So it is an issue I hope we will spend more time on.

For the first time in the history of the country we are spending money to find out why people commit suicide. We don't know why. An interesting fact is that the 10 leading States in the United States for suicide are western United States, States west of the Mississippi. We don't know why this is, but it is now being studied by the Centers for Disease Control. We appropriated money last year to try to focus on this.

Not only is this, of course, terrible for the person who dies, but what it does to the victims, the people who are the survivors.

I am happy to hear the discussion this afternoon about mental health generally. I want to talk about suicide specifically. It is an area that we really have to focus some attention on and get Members of the Congress to agree that we have to do something about this. It is an issue that is crying for an answer. I hope that in the years to come we can do much more than we have done in the past, which wouldn't take very much, but it is an area in which we need to do much more. I hope we can do that.

Madam President, I suggest the absence of a quorum.

Mr. DOMENICI. Will the Senator withhold?

Mr. REID. I will withhold.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to my good friend, the ranking member on this subcommittee, we have a good, bipartisan bill. I hope we can make the point that we worked together to make it bipartisan, because I think that is the way we get a bill that we can get through here and can sustain.

Commenting on your last statement and your efforts with reference to suicide, that is not unrelated to what I was discussing at all.

Mr. REID. That is right.

Mr. DOMENICI. I don't know the numbers, but I am going to guess that 60 to 70 percent of the suicides are probably found to be caused by a mental illness, most of them by severe depression. Frankly, one of the reasons we have so many suicides is because we have not created a culture among our medical people and among those who help our medical people of properly diagnosing such things as depression.

One of the reasons we don't have a culture that does the diagnosis right is because it is not covered by insurance. As a consequence, there are not enough resources put in at the grassroots where doctors are getting paid for this and universities can do research on it, because it is worthwhile to the doctors to become experts in this. We are doing a little more than we did in the past but not enough from the standpoint of real mass involvement.

Young people in particular are the majority victims of the suicide numbers, which is such a shame. Many of those 21,000 are kids; right?

Mr. REID. Thirty-one thousand.

Mr. DOMENICI. Teenagers, 31,000; they are not in the senior citizen numbers. There is a small percentage, but the big percentage are in the absolute throes of starting a great life. If we could do a better job with diagnosing depression, we would have medication and therapy preventing many of those 31,000.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Yes, indeed.

Mr. REID. I think one of the reasons we have made more progress on suicide and other mental health problems in recent years is because people who have problems with depression, people who are survivors of suicides are willing to talk about it. It wasn't many years ago——

Mr. DOMENICI. That is true.

Mr. REID.—For example, my father, who committed suicide, wouldn't have been able to be buried in the cemetery. My father would have to have been buried someplace else because suicide was considered sinful, wrong.

Mr. DOMENICI. Right.

Mr. REID. So I believe clearly that the Senator is absolutely right. The Senator and I, as an example, are willing to talk about some of our experiences with mental health problems. As a result of that, it is not something people tend to hide as much as they used to. We recognize that depression is a medical condition.

Mr. DOMENICI. You have it.

Mr. REID. It is no different than if you have pneumonia. Depression is like pneumonia. We are learning how to cure depression. We learned some time ago how to cure pneumonia. So the more that we talk about this, the more people are willing to say: I think I am just depressed. I need some help. Is there somebody who can help me.

The fact of the matter is, as the Senator said, we did some hearings on depression and suicide. With suicide, they had really an interesting program in the State of Washington where one city developed an outreach program with mail carriers. When someone would go to deliver mail, especially in areas where there were senior citizens—sometimes the only contact a senior would have was with the mail carrier—the mail carrier was trained to recognize symptoms of depression and, consequently, suicide and saved a lot of people.

I remember a hearing we had in the Aging Committee; a woman who wrote poems came in. She showed us a poem she wrote when she was depressed and when she wanted to kill herself and a poem she wrote afterwards. I can't remember the poem—I am not like Senator BYRD—but I can remember parts of it where she talked about the snow was like diamonds in her hair.

If we could do a better job of recognizing depression, talk about that one, mental illness, depression, think of the money we would save. We would have a much more productive society. The workforce would be more productive. The gross national product would go up as a result of that.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. Madam President, having just returned from Minnesota, I want to speak on the floor for a few short minutes, first of all, in support of the amendment that my colleague, Senator KENNEDY, introduced, which is really the Work Incentives Improvement Act, S.331, which he has done so much work on, along with Senator JEFFORDS.

My understanding is—it could be that my colleague, Senator REID of Nevada, spoke about this—Senator KENNEDY came to the floor and said: "Listen, we want some action on this bill." We do want action on this. We have 78 Senators who are cosponsors of the Work Incentives Improvement

Seventy-eight consponsors means, by definition, that this is a strong bipartisan effort.

The reason for this bill, with all of its support, is really all about dignity. For Senators who talk about self-sufficiency and self-reliance and people being able to live lives with dignity, that is what this is about.

I am sure the Chair has experienced this, when you are back home and you talk to people in the disabilities community over and over again, you hear people telling you that they are ready to go to work if only they could be sure they wouldn't lose their health insurance—insurance they literally need to live. I don't know, but I think the unemployment rate among people with disabilities is well above 50 percent; the poverty rate is also above 50 percent. The problem is, when people in the disabilities community work, they lose the medical assistance they have now.

What this piece of legislation says is that we want people to be able to live at home in as near a normal circumstance as possible, with dignity. That is what the Work Incentives Improvement Act is all about.

I come to the floor to say to my colleague, Senator KENNEDY, that if he wants to force the issue on this bill that we have before us, the Energy and Water Appropriations bill, I am all for that. If we can get some kind of a commitment from Senators as to whether we can bring this piece of legislation up freestanding, have an up-or-down vote—78 Senators are cosponsors—then I am for that.

Those of us who feel strongly about this issue and have met with people back home and heard their pleas really want to respond to the concerns and circumstances of their lives. It is very moving to meet with people in the disabilities community, to have people say to you: If you could do this, it would help us so much.

We are running out of patience; we really are. For colleagues who are blocking this and getting in the way of our being able to bring this to the floor and having a vote on this, be it unanimous consent, or be it 78 to 22, or 99 to 1 or whatever the case might be, so be it. I do not mind the 1; I have been on the losing end of a couple 99 to 1 votes in the last two months. If a Senator feels strongly about that, and it is his or her honest opinion that this legislation shouldn't pass, fine. He or she has the right to speak out, to try to persuade others and to vote his or her conscience. What I don't like is the way in which this piece of legislation has been held up so that it is not possible to debate it and vote on it at all. That, I think, is unconscionable.

Mr. REID. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield.

Mr. REID. As the Senator was traveling here from Minnesota by air, Senator KENNEDY gave a very moving presentation about the necessity for this legislation, which, when he finished, caused the two managers of this legislation to talk about some of the work you and Senator KENNEDY and Senator DOMENICI and this Senator joined in, dealing with mental health parity. It was a very good discussion, stimulated by Senator KENNEDY's presentation on this legislation, which is so badly needed.

Senator KENNEDY has indicated that he filed this amendment on this legislation in the hope of focusing attention on this issue. If we have so much support—we have almost 80 Senators supporting this legislation—it would seem that we should figure out a way to pay for it. That is the problem. I think that will come to be, as Senator KENNEDY has talked to the majority leader and other people who recognize that they control the ebb and flow of legislation on this floor. In short, I say to the Senator, I think Senator KENNEDY did the right thing in filing this amendment on this legislation, or any other legislation. If it doesn't work out on this bill, he might have to do it on the next bill, but I support the efforts of the Senator from Minnesota.

Mr. WELLSTONE. Madam President, again, I appreciate the comments of Senator REID of Nevada. I think all of us feel strongly about this and are prepared to fight it out. We have waited long enough for the men and women, the young people and the elderly people with disabilities who want to work and who will lose health care coverage. We ought to pass this legislation, and the sooner the better.

I will yield the floor in a moment. I wasn't here for the colloquy or the suggestion about our mental health parity legislation. I am looking forward to this journey with Senators DOMENICI, REID, and KENNEDY—and maybe I am really being presumptuous, but I hope Senator COLLINS and others as well, because I think the time has come for this idea. I think you can make a pretty strong case there that there is entirely too much discrimination when it comes to coverage for those struggling with mental illness. This cuts across a broad section of the population.

I am extremely hopeful that we will be able to pass this legislation, which would make a huge positive difference in the lives of so many people. I want to say on the floor that I am also committed to trying to do more when it comes to substance abuse treatment. We have the same problem there, where people have pretty good coverage for physical illnesses, but for somebody struggling with alcoholism, it is a detox center 2 or 3 days each time a year, and that is it. You know, a lot of these diseases are brain diseases with biochemical connections and neurological connections and people's health insurance should cover the disease of addiction just like it covers heart disease or diabetes.

Our policy is way behind; it is outdated and discriminatory. The tragedy of it is that so many people in the recovery community can talk about the ways in which, when they received treatment, they have been able to rebuild their lives and contribute at their place of work, to their families, and to their communities. This is nonsensical. So these will be separate pieces of legislation on the Senate side. But I am very excited about this effort with Senator DOMENICI, Senator REID, Senator KENNEDY, and others as well. I believe we can pass this mental health parity legislation. I think what we did in 1996 was a small step forward. Now I think we have to do something that will really provide people with much more coverage.

Having said that, let me just make one other point. When we talk about this whole issue of parity and trying to end discrimination in health insurance coverage, one issue we still don't deal with is what happens if people have no coverage at all. When we are saying you ought to treat these illnesses the same way we treat physical illnesses, what we are not doing is dealing with those that have no coverage whatsoever. I still think that a front-burner issue in American politics is universal health care coverage and comprehensive health care reform.

I have introduced legislation called the Healthy Americans Act. Sometime I would like to bring it out on the floor and have an up-or-down vote on it. I think we ought to be talking about universal coverage. The insurance industry took it off the table a few years ago; I think we should put it back on the table and I am going to work as hard as I can to do that.

But right now, I wanted to come to the floor and support Senator KENNEDY's effort. Hopefully, we will soon have an up-or-down vote on the Work Incentives Improvement Act. I hope we don't have to keep bringing it out as an amendment on other bills so it gets the attention it needs. This is a piece of legislation that deserves an up-or-down vote now.

Finally, also in the spirit of amendments, I will keep bringing back the welfare tracking amendment, because the more I look at the studies that are coming out and the more I talk to people in the field, the more strongly I feel that as policymakers we ought to at least have some evaluation of what we have done. I think it is a terrible mistake not to do so. My amendment lost by one vote last time. I will bring it back, and I hope to get a couple more votes. It does nothing more than just say to Health and Human Services let's get from the States data every year so we know what is happening to the women and children, so we can have a sense of what kind of jobs they have, at what wages, and whether there is child care for children. We need to do that. It is a terrible mistake not to have that knowledge.

I want to mention to colleagues that I will be bringing this amendment out within the next week—if not this week, next week—and I am hoping this time to somehow get a majority vote for it. I think it is reasonable and we should do it. I don't think we should turn away from this. It is important to know, especially because in the next couple of years, by 2002, in every State in the country, benefit reductions will have been fully felt. I think we ought to know how we are doing before that happens.

I yield the floor.

Mr. DOMENICI. I thank the Senator.

Mr. WELLSTONE. I say to Senator DOMENICI, I look forward to this work on the Mental Health Equitable Treatment Act.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, I need to get amendments filed.

Madam President, we have a series of amendments in a managers' package. They have been cleared on both sides. When I send them to the desk to be considered en bloc, it is for adoption, not just for sending to the desk.

AMENDMENTS NOS. 651 THROUGH 660, EN BLOC

Mr. DOMENICI. Madam President, I send a managers' package of amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 651 through 660, en bloc.

The amendments are as follows:

AMENDMENT NO. 651

On page 5, line 18, insert the following before the colon:

": *Provided further*, That $100,000 of the funding appropriated herein for section 107 navigation projects may be used by the Corps of Engineers to produce a decision document, and, if favorable, signing a project cost sharing agreement with a non-Federal project sponsor for the Rochester Harbor, New York (CSX Swing Bridge), project".

AMENDMENT NO. 652

On page 16, line 7, insert the following before the period.

": *Provided further*, That $500,000 of the funding appropriated herein is provided for the Walker River Basin, Nevada project, including not to exceed $200,000 for the Federal assessment team for the purpose of conduction a comprehensive study of Walker River Basin issues."

AMENDMENT NO. 653

On page 5, line 18, insert the following before the colon:

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland".

AMENDMENT NO. 654

Insert at page 22, line 7, following "expended":

": *Provided further*, That of the amount provided, $2,000,000 may be available to the Natural Energy Laboratory of Hawaii, for the purpose of monitoring ocean climate change indicators".

AMENDMENT NO. 655

On page 20, line 24, following "Fund", insert the following:

": *Provided*, That $15,000,000, of which $10,000,000 shall be derived from reductions in contractor travel balances, shall be available for civilian research and development".

AMENDMENT NO. 656

On page 25, line 14, following "Energy", insert the following:

"*Provided further*, That, $10,000,000 of the amount provided for stockpile stewardship shall be available to provide laboratory and facility capabilities in partnership with small businesses for either direct benefit to Weapons Activities or regional economic development".

AMENDMENT NO. 657

On page 8, line 12, insert the following before the period.

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $100,000 of available funds to study the economic justification and environmental acceptability, in accordance with section 509(a) of Public Law 104–303, of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, and to use available funds to perform any required maintenance in fiscal year 2000 once the Secretary determines such maintenance is justified and acceptable as required by Public Law 104–303".

AMENDMENT NO. 658

(Purpose: To reallocate funding of certain water resource projects in the state of Florida)

On page 4, between lines 7 and 8, insert the following:

Brevard County, Florida, Shore Protection, $1,000,000;

Everglades and South Florida Ecosystem Restoration, Florida, $14,100,000;

St. John's County, Florida, Shore Protection, $1,000,000.

AMENDMENT NO. 659

(Purpose: To modify provisions relating to funds of the United States Enrichment Corporation)

Beginning on page 41, strike line 6 and all that follows through page 42, line 14, and insert the following:

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations maybe acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the Fund.

AMENDMENT NO. 660

(Purpose: To require the Corps of Engineers to conduct a general reevaluation report on the project for flood control, Park River, Grafton, North Dakota)

On page 2, strike line 22 and insert the following: New Jersey, $226,000;

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, $50,000:

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 651 through 660) were agreed to.

Mr. DOMENICI. Madam President, I thank the ranking minority member for his cooperation. This package includes some amendments that are from his side of the aisle and some from our side, which continues to make this a very bipartisan bill.

I yield the floor.

Mr. REID. Madam President, it is my understanding that the unanimous consent request of my friend has been agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I ask unanimous consent to proceed as in morning business for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. BENNETT. Madam President, as one who voted against the air war and called for the suspension of bombing on the grounds that it was not working, I rise to acknowledge clearly, and indeed even joyfully, that we have reached a significant milestone and have turned a significant and most welcome corner in our humanitarian effort to stop the butchery in the Balkans. I congratulate President Clinton, Secretary Cohen and, of course, the men and women of all ranks in the U.S. military for their ability to project American military power for good in a distant land.

I also congratulate Secretary Albright for her ability to hold together an occasionally fractious coalition. With the bombing stopped and NATO troops moving unopposed into Kosovo, it is certainly a time for celebration. It is not, however, a time to suggest that the problems of the Balkans are at an end, or even that the end is in sight. There have been many mentions of Winston Churchill in the last few months. I am reminded of one of Churchill's comments from World War II, made as he celebrated America's entry into that war:

> It is not the end of the war. It is not even the beginning of the end. But it is the end of the beginning.

Let us review where we have been, where we are, and what we still have to do before there is peace in the Balkans.

First, where we have been. As happy as we are with today's headlines, let us remember that we failed to meet our initial objectives. Secretary Albright told us that we had to bomb to prevent widespread atrocities in Kosovo and a flood of refugees over its borders into neighboring countries. The bombing failed to do that, and the resultant human suffering has been immense and is continuing.

Even at this point, let us not deceive ourselves about the effectiveness of the bombing. One of the reasons I was wrong in suggesting that the bombing would not work was that I did not know that the Kosovar Liberation Army would mount a serious offensive on the ground. It failed. But it caused the Serbian military to leave its hidden sanctuaries in order to repulse the Kosovars. Only then, while the Serbian military was engaged in ground action, was the force of NATO air power able to inflict heavy damage in the field. Prior to that, the results of our bombing on Serb military capacity were frustratingly meager. I find it interesting that the KLA offensive was neither foreseen in advance, nor now, in our jubilant mood, widely reported after the fact. Those who claim that the bombing worked all by itself need to take a second look at what really happened.

Next, where are we now? The refugees are still not back in their homes, in their villages. Their homes are still not rebuilt. Their economy, which will permit them to feed themselves, is still in shambles. Further, the Kosovar Serbs, as opposed to the Kosovar Albanians, are now in fear of their lives, and a new flood of refugees is flowing north. Their numbers are far fewer than those of the returnees, but the Serbian refugees entering that part of Yugoslavia will swell the ranks of the still-unsettled refugees that came there from Bosnia, where any form of long-term peace is still elusive. The Yugoslav economy—indeed, the regional economy—including neighboring countries such as Romania, is in shambles in no small part because of our attacks on the infrastructure in and around Belgrade.

Winter comes early in the Balkans and the prospects of widespread suffering remains high. So what do we still have to do? Our first priority should be the humanitarian relief required to alleviate the suffering in both parts of Yugoslavia, Serbia as well as Kosovo. Hand in hand should be efforts to repair the damage the bombing has done so that the economic activity that is the only hope for self-sufficiency can begin. But our hardest challenge is to keep the killing from breaking out again on both sides. It may be easy for some to say that the Serbs deserve whatever revenge the Kosovar Albanians will mete out, and that they only get what they asked for simply by being Serbs.

That is the attitude held by most ethnic groups in the region that got us into this mess in the first place. It should be repugnant to all Americans. All of them should celebrate the ethnic diversity from which each one of us comes.

The biggest long-term burden NATO's occupying force bears is the responsibility to see that no new round of ethnic hatred and retaliation takes place, whoever initiates it and whatever its supposed justification.

In sum, this is the time to be glad, because, with an unexpected and strong assist from the Kosovar Liberation Army, we made a deal whereby the bombing has been stopped and the rebuilding can start. It is not a time to cry, "Hurrah, we won," and then walk away from the immense humanitarian tragedy we were unable to prevent and to which in some degree our bombing contributed.

Above all, it is not a time for us to think there are any easy answers or short-term solutions or that the antagonisms of the region are easily divided into good guys and bad guys. Americans must recognize that we are in Kosovo for a very long haul now and working against very long odds if we are ever going to help the various factions achieve any hope of living peacefully side by side. In our time of congratulations, let us recognize that we are only "at the end of the beginning."

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORK INCENTIVES IMPROVEMENT ACT

Mr. REED. Mr. President, I rise today to join a bipartisan chorus of Senators who have requested we take up action on Senate bill S. 331, the Work Incentives Improvement Act.

As my colleagues know, this legislation would remove a significant barrier that individuals with disabilities face when they are trying to return to the workforce. The significant barrier is continued access to health care if they leave SSDI or SSI programs. Currently, individuals with disabilities who are eligible for Social Security disability insurance, SSDI, or supplemental security income, SSI, face the dilemma of losing their Medicare and Medicaid health benefits simply because they return to work.

This is regrettable. According to surveys, about three-quarters of individuals with disabilities in the United States who enroll in SSI or SSDI want to work. Sadly, less than one-half of 1 percent are actually able to make the transition because—this is a major reason—they are afraid once they lose their health care they will be unable to support themselves. Whatever they earn by working they lose by forfeiting their health care.

We can correct this situation by simply extending eligibility to Medicare and Medicaid for these individuals. We can provide them a helping hand to move from unemployment to contributing to our economy and to our society.

With the Americans With Disabilities Act, we passed legislation to combat discrimination and remove physical barriers from the workplace. Now we have a chance to lift a health care roadblock which is stopping many people from moving from a place of unemployment to one in which they are fully participating in our economy.

In my home State of Rhode Island, there are more than 40,000 individuals with disabilities who are eligible for SSI or SSDI. These individuals could benefit immediately from this work incentives bill. Across the country, there are about 9.5 million people who are similarly situated who could benefit from this legislation.

In addition to the simple argument about fairness and giving everyone the chance to fully use their talents to benefit not only themselves but their community, there is another compelling reason. We are all familiar with the solvency crisis with respect to Social Security but what is less familiar is that with respect to our disability insurance fund—which is part of Social Security—there is also a crisis. Indeed, while the old age and survivors portion of Social Security will be able to pay full benefits until the year 2036, the disability insurance portion becomes insolvent 16 years earlier, in 2020.

If we help disabled workers return to the workforce, we will, in effect, also be reducing the cash payments out of this disability insurance fund which will give it longer solvency, which will be a way to address a problem that is lurking just over the horizon in the year 2020.

For economic reasons, as well as our commitment to the basic ideal of allowing Americans to use all of their talents, this legislation makes a great deal of sense.

Now, we have seen this legislation proposed under the able leadership of Senator JEFFORDS and Senator KENNEDY. This Work Incentives Improvement Act was nearly adopted at the end of last Congress because of their effort. I was a very proud cosponsor of that version. This year, Senators ROTH and MOYNIHAN have also stepped up to take major leadership roles. Indeed, we have more than 70 cosponsors. This is a piece of legislation that is bipartisan, with strong support in both caucuses. Because of this support, because of the efforts of the leadership of Senator ROTH and Senator MOYNIHAN, this bill passed the Finance Committee on March 4, 1999, but we have been waiting for several months to bring it to the floor, to get it passed, and to give disabled Americans a chance at better employment.

In March, we were able to take another bill with bipartisan support, the Ed-Flex bill, and work through the problems. The reason we were able to do that was we decided to act, we decided not to let legislation be bottled up, but to move it to this floor, and from this floor to the President for his signature.

We have today with respect to this disability legislation twice the inherent support in terms of numbers of Senators, and it also has grassroots support with more than 100 groups endorsing this bill. This support runs the gamut from advocacy groups for disabled Americans all the way to the insurance industry. With this type of support, both within this Chamber and across the country, we should be able to move this just as we moved the Ed-Flex legislation a few months ago.

Also, I was pleased to note that in a May 28 edition of the Washington Post, the majority leader indicated he was satisfied with the status of this bill and ready to move to the floor. It is my hope we can adopt this legislation, that we can bring it here, that we can debate it, and we can move it forward. If we do so, we will be providing an opportunity for disabled Americans all across this country to use their talents for their own benefit and to contribute to the communities and to this Nation. That, I think, is the essence of why we are here—for wise legislative policies that allow Americans to use their talents to benefit themselves and this country.

I hope we adopt this very quickly. That means, of course, we schedule this legislation; that we will, in fact, bring to the floor the Work Incentives Improvement Act for a vote. If we do so, we will be doing the work we were sent here to do by our constituents.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Senator REID is on his way.

Mr. President and fellow Senators, the ranking member and I have decided that it won't do us any good to remain any longer on the energy and water appropriations bill, because we are now in the process of working out a number of amendments and apparently there is one that may have to be voted on; we just got it, and participants would not be ready this evening in any event. Everyone understood that they needed some time at the earliest convenience tomorrow, or when we can get back on the bill.

Let me say to the Senator from Nevada, the ranking member, we are ready to get off the bill tonight and wait our turn as early as possible in the process tomorrow. We are working on a number of amendments. There is probably one that is going to require a vote tomorrow. But they won't be ready this evening in any event. We knew that.

Mr. REID. Mr. President, I only say to my friend, the manager of this bill, that the amendments are now in. We, together with our staff, have worked very hard to see what we can do to accept amendments. Some of them are just not acceptable. We have tried every way possible. But some of them are not authorized, and there are various other reasons we can't accept a number of the amendments. I hope people will understand that some of these we can't accept. There may be votes required on them.

Frankly, with all the work we have done on the bill, I suggest it would be very hard to get some of these amendments agreed to that we haven't been able to work out with their staff, our staff, and the two managers of the bill.

We have worked very hard on this for the last couple of weeks. I hope that, with the two leaders, we can find some time so we can wrap this up. I think we can do it in a couple of hours at the most.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that we now proceed to morning business with statements allowed by each Senator for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF GENERAL DENNIS J. REIMER

Mr. THURMOND. Mr. President, I rise today to recognize the service, sacrifices, and numerous contributions to the security of our nation that United States Army Chief of Staff, General Dennis J. Reimer has made throughout his career as a soldier and a leader.

As have many of our nation's greatest warriors, General Reimer began his Army career as a Cadet at the United States Military Academy. Leaving his hometown of Medford, Oklahoma and arriving on the banks of the Hudson River on what must certainly have been a hot day in July of 1958, I suspect that the last thought that crossed the mind of a young Dennis Reimer was that he would one day hold the highest job a soldier in the United States Army can hold. Yet that is just what destiny had in store for this tall, unassuming, and plain speaking westerner.

In 1962, when Dennis Reimer graduated from West Point and was commissioned a Second Lieutenant in the Field Artillery, we were well into the "Cold War", the French had lost their war in Indochina, and the United States had not yet established a large military presence in South Vietnam. As events unfolded and a policy to contain communism was established, it was not long before we did begin to commit troops to Southeast Asia. Among the hundreds of thousands of soldiers to eventually serve in Vietnam was Dennis Reimer, who spent two combat tours in Vietnam, one as an advisor to the Army of the Republic of Vietnam and the second as an executive officer for an artillery battalion in the 9th Infantry Division. The American military experience in Vietnam unquestionably influenced the professional and personal outlooks of anyone who served in that theater, and the lessons learned in Vietnam would serve Dennis Reimer, the Army, and that nation well in the following years.

One can assess the career of a soldier very quickly by looking at his or her uniform, and General Reimer's "Class A's" reveal that he is a soldier's soldier, someone who never shied away from a challenge, and an officer who believed in leading by example. He wears the coveted "Ranger" tab on his left shoulder, a mark of a man who has proven himself to be a tough, resourceful, and diligent soldier. The 9th Infantry Division patch on his right shoulder tells people he went to war with this unit. The Combat Infantryman's Badge he wears on his left chest indicates that he participated in combat operations; the Purple Heart that he was wounded in action; and, the Bronze Star with "V" for Valor Device and the Distinguished Flying Cross both stand as testament to the fact that he is a hero. He has also earned some of the nation's most respected decorations including the Defense Distinguished Service Medal, the Distinguished Service Medal, two Legions of Merit, and five additional Bronze Stars.

It has been a long road that Dennis Reimer has traveled from West Point's Trophy Point where he entered the Corps of Cadets, to the "E" Ring of the Pentagon where he now commands every single soldier in the United States Army. His journey has taken him to many different assignments in many different places, all of which helped to prepare him for his job as Chief of Staff of the Army. In the field, he served as a commander at the company, battalion, and division levels; and, he was the Chief of Staff, Combined Field Army and Assistant Chief of Staff for Operations and Training, Republic of Korea/United States Combined Forces Command. His assignments to the Pentagon were also invaluable as he benefitted from firsthand exposure to how the Department of the Army works as an institution. Clearly he has drawn on his experiences as the aide-de-camp to Chief of Staff of the Army General Creighton Abrams, and he no doubt learned many lessons at the side of this impressive soldier and mentor. In short, General Dennis Reimer was probably one of the best prepared individuals to have served as Chief of Staff of the Army and the legacy he leaves is one that is impressive and noteworthy.

The past four-years have been busy ones for General Reimer as he discharged his duties as the Army's head soldier and worked to represent the interests of his people and service in the halls of Congress. During his watch, he has helped to define just what the post-Cold War Army will look like, what its missions will be, and how it will fight and win on the battlefields of the future. General Reimer has been a tireless advocate for the modernization of the Army by championing new weapons systems that will continue to give our troops the tactical and technological advantage they require to overwhelm any and all potential enemies. An expert in efficiencies, he has dedicated himself to finding ways to doing more with less, an important objective in an era when sadly there are fewer and fewer dollars for defense. He committed himself to effectively integrating Reserve and National Guard elements into the total force, and General Reamer's efforts have gone a long way toward creating what is truly a "Total Army". Finally, when his former superior, General Abrams said that "The Army is not made up of people, the Army is people," General Reimer was listening. As Chief of Staff, he was always watching out for his soldiers, never forgetting that "Soldiers are our credentials," and our nation's greatest asset. Without well trained, motivated, and intelligent soldiers, our tanks, guns, weapons, and aircraft are all worthless.

On June 21, 1999, General Dennis J. Reimer will retire from the United States Army, having fulfilled the prediction of an anonymous editor of the Howitzer who said in 1962 that ". . . we're sure Denny will make it to the top." He has certainly done that and more, proving beyond a doubt that he is truly a "Can Do" soldier, leader, and American. I have no doubt that General Reimer is far from finished in finding ways to serve and make a difference, and I am confident that his future will be as bright and successful as his past has been. General Reimer, I salute you for your service, your sacrifices, and your patriotism and I wish you and your wife health and happiness in the years to come.

SESQUICENTENNIAL CELEBRATION OF THE MACON BEACON

Mr. LOTT. Mr. President, today, I want to pay tribute to The Macon Beacon, a newspaper in Macon, MS, on the occasion of its sesquicentennial celebration.

This is a special event for Mississippi and for the city of Macon. Media exists to report what actually happens locally, nationally and globally. For 150 years, the Beacon has been reporting facts relevant to the lives of Noxubee County residents. The Beacon reached the Sesquicentennial milestone because it is a reliable source of information for its community.

I want to tell my colleagues a brief history of this historic yet vibrant newspaper. The Macon Beacon paper was founded in July 1849, for the people of Noxubee County, Mississippi. The county was established only 16 years before in 1833. The Beacon is the third oldest newspaper in Mississippi. It even has the distinction of being Noxubee County's oldest continuous business. This demonstrates the Macon Beacon's continued importance to the people of Noxubee County.

E.W. and Henry C. Ferris founded The Macon Beacon in 1849 and it remained in the Ferris family for the next 123 years. Its editorship passed down through the Ferris family from Henry to his son, Phillip, and then to his son Douglas. Douglas recruited a cousin, Brooke Ferris, to continue the family's leadership in the business. This is an amazing and honorable family legacy.

In 1972, upon Mr. Brooke Ferris's retirement, Mr. Jim Robbins purchased The Macon Beacon. The Robbins family of Macon, Mississippi, continued to publish the newspaper until 1993. Then Mr. Scott Boyd bought it and he continues to publish The Macon Beacon today.

The First Amendment to the Constitution indicates the importance of a free and vigilant press to our democratic republic. The Macon Beacon has lived up to these expectations by faithfully reporting community events for 150 years. The Macon Beacon has survived and flourished through three major wars, including the War Between the States, and the Great Depression. Each edition of The Beacon is eagerly awaited by the newspaper's 3,100 subscribers, more than a fourth of the county's population.

In the words of its founding editor, Mr. Henry C. Ferris, The Macon Beacon is "a semi-public institution dedicated to the service of the people." I want to congratulate The Macon Beacon on the celebration of 150 years of dedicated service to Noxubee County.

THANKS TO SENATE PAGES

Mr. DASCHLE. Mr. President, I would like to say farewell to a wonderful group of young men and women who have served as Senate pages over the last five months, and thank them for the contributions they make to the day-to-day operations of the Senate.

This particular group of pages has served with distinction and has done a marvelous job of balancing their responsibilities to their studies and to this body.

Page life is not easy. I suspect few people understand the rigorous nature of the page's work. On a typical day, pages rise early and are in school by 6:15 a.m. After several hours in school each morning, pages then report to the Capitol to prepare the Senate Chamber for the day's session. Throughout the day, pages are called upon to perform a wide array of tasks—from obtaining copies of documents and reports for Senators to use during debate, to running errands between the Capitol and the Senate office buildings, to lending a hand at our weekly conference luncheons.

Once we finish our business here for the day—no matter what time—the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep. Even with all of this, they continually discharge their tasks efficiently and cheerfully.

Aside from their normal day-to-day duties, this class in particular has had some extraordinary experiences as they witnessed firsthand the democratic process with all of its strengths and its imperfections. On their first day as Senate pages, they were thrown into the middle of the impeachment debate. As their semester here progressed, they witnessed several historic debates such as whether to send our country's armed forces into an international conflict far from home. And they watched our country struggle through the aftermath of tragedies such as Littleton, Colorado and the Senate's efforts to pass meaningful gun control legislation.

I hope every person in this page class gained some insight into the need for individuals to become involved in community and civic activities. By living and working together, they have gained knowledge about the political process that they could not obtain from a textbook alone. The future of our nation strongly depends on the generations who will follow us in this august body. I look forward to the possibility that one or more of this fine group of young people will return as a member of the U.S. Senate.

Mr. President, with your permission, I would like to insert in the RECORD the names and states of each of the Senate pages to whom we are saying goodbye. They are: Derek Alsup, New Hampshire; Devin Barta, Wisconsin; Halicia Burns, Michigan; Richard Carroll, Delaware; Micah Cermele, Alabama; Cathryn Cone, Missouri; Clay Crockett, Michigan; Danielle Driscoll, California; Mark Hadley, Virginia; Patrick Hallahan, New Jersey; Jessica Lipschultz, Idaho; Jennifer Machacek, Iowa; Brendan McCann, Virginia; Mark Nexon, Vermont; Chandra Obie, Montana; Stephanie Stahl, South Dakota; Marian Thorpe, West Virginia; Stephanie Valencia, New Mexico; and George Vana IV, Vermont.

I'm sure all my colleagues join me in thanking these fine young men and women, and wishing them well in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it doesn't take a rocket scientist to realize that 30 years of federal deficits have taken their toll on the federal budget.

Likewise, two budget "surpluses," although a step in the right direction, will scarcely make a dent on the actual federal debt oppressing both the government and the people. In fact, it does very little, but constrict the actual increase of the federal debt.

Even if the projected estimates from the Office of Management and Budget are correct, a surplus for 11 consecutive years will go hand-in-hand with a "gross federal debt" that will inch closer and closer to a 6 trillion dollar figure!—Now that, Mr. President, is a couple I do not particularly like to envision. But that is where we are. We are in a quagmire of debts.

I have heard comments that we—the Congress and this Administration—have taken steps to cut the federal deficit, but what is not being said is that the budget "surplus" has little effect on the federal debt. We have indeed managed to cut the deficit out of the equation, but the answer to the relevant question—are we reducing the total federal debt at the same time—is NO. The surplus only cuts the debt's rate of growth.

With these thoughts in mind, Mr. President, I begin where I left off on Thursday:

At the close of business, Friday, June 11, 1999, the federal debt stood at $5,606,704,532,050.51 (Five trillion, six hundred six billion, seven hundred four million, five hundred thirty-two thousand, fifty dollars and fifty-one cents).

One year ago, June 11, 1998, the federal debt stood at $5,496,698,000,000 (Five trillion, four hundred ninety-six billion, six hundred ninety-eight million).

Fifteen years ago, June 11, 1984, the federal debt stood at $1,519,173,000,000 (One trillion, five hundred nineteen billion, one hundred seventy-three million).

Twenty-five years ago, June 11, 1974, the federal debt stood at $472,107,000,000 (Four hundred seventy-two billion, one hundred seven million) which reflects a debt increase of more than $5 trillion—$5,134,597,532,050.51 (Five trillion, one hundred thirty-four billion, five hundred ninety-seven million, five hundred thirty-two thousand, fifty dollars and fifty-one cents) during the past 25 years.

WELCOME TO THE BOY SCOUTS FROM MINNESOTA

Mr. WELLSTONE. Madam President, we have Boy Scouts from the Minnesota troops here, and I would like to welcome them. They are up in the gallery. I mention that because the Scouts represent a real tradition of public service. Maybe I should not have done that. If not, I stand corrected. Let me just say the Scouts represent a real tradition of public service, and if Scouts should come here and visit and be in the gallery, then I would be very proud.

For the Scouts' information, there are certain rules of the Senate that govern what we say and don't say.

RICHARD ALLEN'S TRIBUTE TO ADMIRAL BUD NANCE

Mr. HELMS. Mr. President, the late Admiral James W. (Bud) Nance was eulogized in late May by an eloquent friend who knew Bud well, a friend who had worked with Bud on many occasions beginning with their respective responsibilities with President Reagan during the eight years of the Reagan presidency.

That eloquent friend is a friend of many of us, a remarkable American who understands the miracle of this great country, Richard V. Allen, Chairman, The Richard V. Allen Company.

Mr. President, Dick Allen was speaking at a dinner on behalf of a non-profit foundation at Wingate University. He began by paying his respects to "fifteen distinguished directors" of the foundation, among them the Honorable Roger Milliken identified by Mr. Allen as "the champion of good causes".

At this point, Mr. President, I shall pick up, verbatim, Mr. Allen's remarks, and I ask that the remainder of those remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

But another of these distinguished persons is not with us this evening, and it is about him—a very special person—that I am honored to speak some heartfelt words.

I refer of course, to Admiral James W. Nance, an extraordinary patriot who was laid to rest yesterday morning at Arlington National Cemetery, perhaps the Senator's closest confidant after Mrs. Helms, and with whom I was privileged to have a close relationship for nearly two decades.

It is not possible to convey either the depth of sorrow reigning over Washington in the week since Bud Nance departed this earth, nor is it possible to capture in words the grandeur of the successive honors and tributes so justly showered upon him in recent days as we celebrated his extraordinary career, his lifetime with his loving family and with us.

Bud Nance and Jesse Helms are two distinct persons, friends since they were little boys and friends for life, men who knew and understood each other as stalwart loyalists to God, Family and Country, and who fought side by side for freedom, democracy and just causes. But to evoke the name of one is to remind us of the other, and this had a special meaning for me.

In 1980, following the Reagan landslide and during the transition, the Chairman-designate of the Senate Agriculture Committee called to ask if I would meet with a recently retired Admiral. As the Chairman put it, "this is a good ole boy I've known for a long time, he's worked in the Pentagon and he knows how to fly planes on and off aircraft carriers." The Senator told me he might be interested in "some kind of junior staff job at the NSC," and would I just talk with him.

Bud Nance came aboard the Transition Team steaming at thirty knots, said he liked tough assignments and could execute them well. For starters, I asked him to work with my own long-time friend, Gene Kopp, in "revamping the Carter National Security Council staff." Bud said: "Oh, I get it, I'm supposed to be just like a vacuum cleaner, just blow 'em all out of there?" And he did just that!

Yesterday, Secretary of State Madeleine Albright, who graciously attended the services for Bud and was here tonight, reminded me that Bud had invited her—she was then an assistant to Zbigniew Brzezinski, my predecessor—in for an interview, since he was meeting with all departing staff members, some of whom, incredibly, thought they should be kept on. She recalls saying to him, "Why are you interviewing me? I don't want to work with you people anyway!!" As it turned out, she was right!

Bud Nance was just the best associate and the hardest working man a fellow could ever have. He insisted on doing heavy lifting, and served his President faithfully and well. On one occasion, in the summer of 1981, the Navy was running an operation into the Gulf of Sidra, near Libyan waters, to establish freedom of navigation there. I was in California with President Reagan. Bud insisted on sleeping the night in the Situation Room, in order to supervise the operation. At about midnight on the West Coast, I got the call from Bud, who in a matter of fact tone said, "Dick, we sent our carrier in there, and two Libyan fellas came flyin' out at us in Russian Migs. We put up our planes, and now the Libyans ain't flying any more because they locked their radars onto our boys, and their planes got all tore up by our missiles, and those Libyan boys are definitely down in the drink. Now, if I was you, I'd be callin' the President, and I'm goin' home to get some sleep."

If I were to recite the extraordinary career and accomplishments of this very special man, I'd merely repeat what more than twenty Senators of both parties related so eloquently in their speeches under a Special Order on Tuesday—filling fifteen solid pages of the Congressional Record, and what was said so movingly by his granddaughter Catherine and son Andrew at yesterday's services.

Leaving the White House in 1982, Bud went to work for Boeing until Senator Helms asked him to come up to the Hill and take charge of the Foreign Relations Committee in 1991. After the Navy, after The White House, after Boeing, he again accepted the call of duty. Everyone knows the basis on which he agreed to go to work again—he declared that he would work for free year, saying that his pension and social security were quite enough, thank you, and "America has been good to me." He was not permitted to do that, and had to accept minimum wage of $2.96 a week, later raised by cost of living increases, he was forced to accept the munificent sum of $4.53 a week.

Each of us who knew, respected and loved him will miss him very much.

Yesterday, the motorcade that left the Lewinsville Presbyterian Church in McLean enroute to Arlington Cemetery stretched for nearly two miles. The cannon fired their salute, the rifles cracked, the bugler played Taps, the Honor Guard stood by, and Bud's pastor asked us to stand for the flyover.

North across the Potomac they came, four magnificent F-18 jets, flying in precise formation; as they roared directly over the assembled mourners, three proceeded straight ahead while one ignited his afterburner, peeled off in a long and beautiful arc, flying straight up into the heavens, symbolizing Bud's career and the passage to his Maker. It was a profound moment, reminiscent of how much Bud liked that little placard that used to rest on President Reagan's desk with the inscription,

"There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

Bud never minded at all.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 435. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

The message also announced that the House has passed the following bill, in which it request the concurrence of the Senate.

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

At 2:29 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that, pursuant to the provisions of 44 U.S.C. 2702, the Speaker appoints the following members on the part of the House to the Advisory Committee on the Records of Congress: Mr. Timothy J. Johnson of Minnetonka, Minnesota, and Ms. Susan Palmer of Aurora, Illinois.

MESAURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 1217. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BURNS:

S. 1218. A bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED:

S. 1219. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1220. A bill to provide additional funding to combat methamphetamine production and abuse, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. DORGAN, Mr. BYRD, Mrs. BOXER, Mr. DODD, Mr. INOUYE, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. AKAKA, Mr. NICKLES, Mr. CRAIG, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. ABRAHAM):

S. Res. 118. A resolution designating December 12, 1999, as "National Children's Memorial Day"; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself, Mr. SCHUMER, and Mr. BROWNBACK):

S. Res. 119. A resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution ES–10/6; to the Committee on Foreign Relations.

By Mr. ASHCROFT (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. HELMS, Mr. BINGAMAN, Mr. BOND, and Mr. FITZGERALD):

S. Res. 120. A resolution requesting that the President raise the issue of agricultural biotechnology at the June G–8 Summit meeting; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 121. A resolution to authorize testimony and legal representation in C. William Kaiser v. Department of Veterans Affairs; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Res. 122. A resolution authorizing the reporting of committee funding resolutions for the period October 1, 1999, through February 28, 2001.

By Mr. SCHUMER:

S. Con. Res. 39. A concurrent resolution expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1218. A bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; to the Committee on Energy and Natural Resources.

THE LANDUSKY SCHOOL LOTS TRANSFERS

• Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that is extremely important to a small town in north central Montana. Landusky is a small agriculture community just south of the Fort Belknap Reservation and just north of the Charles M. Russell National Wildlife Refuge. Unfortunately, an oversight which may seem small in the eyes of those used to the hustle and bustle of Washington D.C. places the Landusky school district in a difficult position.

The legislation I am introducing today corrects this oversight by conveying the surface and mineral estates of two lots the school has occupied for a number of decades. The legislation is strongly supported by the town of Landusky and the Bureau of Land Management. It is imperative that we move quickly on this legislation. I would like nothing more than to have the students of Landusky return to school this fall with the knowledge that the problems facing a small town in Montana are worthy of our attention and we were willing to move forward and ensure that their school's future is as bright as their own.•

ADDITIONAL COSPONSORS

S. 115

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 429

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 429, a bill to designate the legal public holiday of "Washington's Birthday " as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 459

At the request of Mr. BREAUX, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. SMITH), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 622

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 666

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 670

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 680

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 681

At the request of Mr. DASCHLE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 749

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Mr. MURKOWSKI) was withdrawn as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 820

At the request of Mr. CHAFEE, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 926

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 951

At the request of Mr. DOMENICI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 951, a bill to amend the Internal Revenue Code OF 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 952

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 952, a bill to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities, and for other purposes.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1017

At the request of Mr. MACK, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Virginia (Mr. WARNER), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1070

At the request of Mr. BOND, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1079

At the request of Mr. MACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1079, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1165

At the request of Mr. MACK, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. COVERDELL), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1165, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 1200

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. GRAMS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Oregon (Mr.

SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL), and the Senator from Arizona (Mr. KYL) were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day".

SENATE RESOLUTION 96

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

SENATE RESOLUTION 98

At the request of Mr. DOMENICI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Resolution 98, a resolution designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week".

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day".

SENATE RESOLUTION 113

At the request of Mr. ROBB, his name was added as a cosponsor of Senate Resolution 113, a resolution to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate.

At the request of Mr. DORGAN, his name was added as a cosponsor of Senate Resolution 113, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of Senate Resolution 113, supra.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of Senate Resolution 113, supra.

SENATE CONCURRENT RESOLUTION—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN, AND PARTICULARLY THE RECENT ARRESTS OF MEMBERS OF THAT COUNTRY'S JEWISH COMMUNITY

Mr. SCHUMER submitted a concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 39

Whereas 10 percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

Whereas, according to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

Whereas the 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over "continued discrimination against religious minorities" in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are "completely emancipated";

Whereas more than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of religious persecution, and many of them now reside in the United States;

Whereas the Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

Whereas five Jews have been executed by the Iranian government in the past five years without having been tried;

Whereas there has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

Whereas, on the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

Whereas, in keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific crime or allow visitation by relatives of the detained for more than two months: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Clinton administration should—

(1) be commended for supporting Resolution 1999/13, and should continue to work through the United Nations to assure that the Islamic Republic of Iran implements that resolution's recommendations;

(2) condemn, in the strongest possible terms, the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

SENATE RESOLUTION—DESIGNATING DECEMBER 12, 1999, AS "NATIONAL CHILDREN'S MEMORIAL DAY"

Mr. REID (for himself, Mr. DORGAN, Mr. BYRD, Mrs. BOXER, Mr. DODD, Mr. INOUYE, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. AKAKA, Mr. NICKLES, Mr. CRAIG, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. ABRAHAM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 118

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 12, 1999, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, today I am submitting a resolution that would set aside December 12, 1999, as the National Children's Memorial Day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

This will be the second year we will have designated the second Sunday in December as National Children's Memorial Day. As I stated last year, I have had many constituents share their heart wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child.

The death of a child at any age is a shattering experience for a family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor and would help to bring comfort to the hearts of their bereaved families.

SENATE RESOLUTION—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

Mr. SMITH of Oregon (for himself, Mr. SCHUMER, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 119

Whereas in an Emergency Special Session, the United Nations General Assembly voted on February 9, 1999, to pass Resolution ES–10/6, "Illegal Israeli Actions In Occupied East Jerusalem And The Rest Of The Occupied Palestinian Territory," to convene for the first time in 50 years the parties of the Fourth Geneva Convention for the Protection of Civilians in Time of War;

Whereas such resolution unfairly places full blame for the deterioration of the Middle East Peace Process on Israel and dangerously politicizes the Geneva Convention, which was established to deal with critical humanitarian crises; and

Whereas such vote is intended to prejudge direct negotiations, put additional and undue pressure on Israel to influence the results of those negotiations, and single out Israel for unprecedented enforcement proceedings which have never been invoked against governments with records of massive violations of the Geneva Convention; Now therefore be it

Resolved by the Senate, that the Senate—

(1) commends the Department of State for the vote of the United States against United Nations General Assembly Resolution ES–10/6 affirming that the text of such resolution politicizes the Fourth Geneva Convention which was primarily humanitarian in nature;

(2) urges the Department of State to continue its efforts against convening the conference; and

(3) urges the Swiss government, as the depositary of the Geneva Convention, not to convene a meeting of the Fourth Geneva Convention.

● Mr. SMITH of Oregon. Mr. President, I rise today to submit a resolution regarding a deplorable vote by the General Assembly of the United Nations in February 1999. At that time a resolution was passed recommending a convening of the Fourth Geneva Convention. This Convention protects civilians living in territory occupied by a hostile force.

In February, the Palestine Liberation Organization supported by the Arab Group and the nonaligned Movement successfully and wrongly argued that the Convention should meet to adopt measures that would stop Israel from building in what they termed the "Occupied Palestinian Territory including Jerusalem."

Only Israel and, I am proud to say, the United States voted against this United Nations Resolution, which carried by a vote of 115 to 2 with five abstentions. Unfortunately, with such a lopsided vote, we now face a situation in which the Swiss Government, as depositary of the Geneva Convention, has been asked to convene this conference on July 15, 1999.

This resolution, sponsored by Senators SCHUMER, BROWNBACK and I, commends our Department of State for its strong opposition to the United Nations action and, in addition, asks the Swiss Government to refrain from holding this politicized convention. We intend to send a clear signal to the United Nations General Assembly about the inappropriateness of this resolution and urge our government to continue to work for the cancellation of the scheduled conference.●

SENATE RESOLUTION—REQUESTING THAT THE PRESIDENT RAISE THE ISSUE OF AGRICULTURAL BIOTECHNOLOGY AT THE JUNE G–8 SUMMIT MEETING

Mr. ASHCROFT (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. HELMS, Mr. BINGAMAN, Mr. BOND, and Mr. FITZGERALD) submitted the following; which was considered and agreed to.

S. RES. 120

Whereas biotechnology is an increasingly important tool in helping to meet multiple agricultural challenges of the 21st century;

Whereas genetically modified crops are helping to control weeds, insects, and plant diseases to increase crop yields and farm productivity, and to enhance the quality, value, and suitability of crops for food, fiber, and other uses;

Whereas agricultural biotechnology promises environmental benefits by reducing, or perhaps eliminating, the need for chemical pesticides, by improving the efficient utilization of fertilizer, thereby protecting water quality, and by conserving topsoil by reducing the need for tillage;

Whereas in recent years farmers have rapidly adopted agricultural biotechnology, with worldwide acreage of genetically modified crops growing from 4,300,000 acres in 1996, to 69,500,000 acres in 1998, which is more than a 16-fold increase;

Whereas American farmers planted biotech crops on about 38 percent of the soybean acreage, 25 percent of the corn acreage, and 45 percent of the cotton acreage, and within a few years over half of the agricultural crops grown in this country may be genetically modified;

Whereas increased agricultural productivity attained through greater use of biotechnology, in both developed and developing countries, holds a great deal of potential for meeting the nutritional needs of the world's population, of which at least 800,000,000 currently suffer from hunger or malnutrition;

Whereas despite the widespread adoption and extensive global benefits of biotechnology, marked differences among countries in their regulatory approaches are limiting substantially the use of, and trade in, agricultural biotechnology products;

Whereas an open international trading system for products derived from plant and animal agricultural biotechnology would make a broad array of improved products more affordable, including agricultural and food products, pharmaceuticals, and consumer products such as apparel, paper, cosmetics, soaps, and detergents;

Whereas because of the importance of international trade to the strength of the farm economy and the entire food and agriculture sector, any unwarranted restrictions on trade in biotechnology products could seriously disrupt the farm economy and unjustifiably force farmers to choose between using agricultural biotechnology and exporting their production; and

Whereas the threat to agricultural production and trade from restrictions on products derived from modern biotechnology has become serious enough to warrant the attention of world leaders: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) as the world trading system moves toward a reduction of tariff and nontariff barriers, all countries should work to ensure that scientifically unfounded new barriers are not erected;

(2) the President should raise at the June 1999, G–8 Summit the important issues surrounding the use of, and trade in, agricultural biotechnology ; and

(3) as world leaders prepare for a new round of negotiations on agriculture in the World Trade Organization, the G–8 Summit is an appropriate forum to seek a consensus with the major trading partners of the United States regarding—

(A) recognition of the global benefits of agricultural biotechnology, especially in meeting the nutritional needs of millions of people in developing countries;

(B) increasing consumer knowledge and understanding of agricultural biotechnology and its benefits; and

(C) the adoption of rational, scientifically-based systems for the regulation of biotechnology products and for eliminating unjustified barriers to the use of biotechnology products in international trade.

SENATE RESOLUTION—AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas, in the case of *C. William Kaiser* v. *Department of Veterans Affairs*, Docket No. BN–0351–99–0110–I–1, pending before the Merit Systems Protection Board, testimony has been requested from Richard Lougee, and employee of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Richard Lougee is authorized to testify in the case of *C. William Kaiser* v. *Department of Veterans Affairs*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Richard Lougee in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION—AUTHORIZING THE REPORTING OF COMMITTEE FUNDING RESOLUTIONS FOR THE PERIOD OCTOBER 1, 1999, THROUGH FEBRUARY 28, 2001

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following resolutions; which was considered and agreed to:

S. RES. 122

Resolved, That notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate—

(1) not later than July 15, 1999, each committee shall report 1 resolution authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff, for the period October 1, 1999 through February 28, 2001; and

(2) the Committee on Rules and Administration may report 1 authorization resolution containing more than 1 committee authorization resolution for the period October 1, 1999 through February 28, 2001.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

DOMENICI AMENDMENT NO. 625

Mr. DOMENICI proposed an amendment to the bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000; as follows:

On page 28, line 5, strike $23,549,000 and insert: "$28,000,000".

MACK (AND GRAHAM) AMENDMENT NO. 626

(Ordered to lie on the table)

Mr. MACK (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 4, between lines 7 and 8, insert the following:

Brevard County, Florida, Shore Protection, $1,000,000;

Everglades and South Florida Ecosystem Restoration, Florida, $14,100,000;

St. John's County, Florida, Shore Protection, $1,000,000.

KENNEDY AMENDMENT NO. 627

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Work Incentives Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 101. Expanding State options under the medicaid program for workers with disabilities.
Sec. 102. Continuation of medicare coverage for working individuals with disabilities.
Sec. 103. Grants to develop and establish State infrastructures to support working individuals with disabilities.
Sec. 104. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.
Sec. 105. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 201. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 211. Work activity standard as a basis for review of an individual's disabled status.
Sec. 212. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 221. Work incentives outreach program.
Sec. 222. State grants for work incentives assistance to disabled beneficiaries.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Permanent extension of disability insurance program demonstration project authority.
Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.
Sec. 402. Treatment of prisoners.
Sec. 403. Revocation by members of the clergy of exemption from Social Security coverage.
Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
Sec. 405. Authorization for State to permit annual wage reports.

TITLE V—REVENUE

Sec. 501. Modification to foreign tax credit carryback and carryover periods.
Sec. 502. Limitation on use of non-accrual experience method of accounting.
Sec. 503. Extension of Internal Revenue Service user fees.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking "or" at the end;

(B) in subclause (XIV), by adding "or" at the end; and

(C) by adding at the end the following:

"(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;".

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking "or" at the end;

(ii) in subclause (XV), by adding "or" at the end; and

(iii) by adding at the end the following:

"(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);".

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

"(A) is at least 16, but less than 65, years of age;

"(B) is employed (as defined in paragraph (2));

"(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

"(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

"(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

"(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

"(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.".

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking "or" at the end;

(ii) in clause (xi), by adding "or" at the end; and

(iii) by inserting after clause (xi), the following:

"(xii) employed individuals with a medically improved disability (as defined in subsection (v)),".

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking "The State plan" and inserting "Subject to subsection (g), the State plan"; and

(B) by adding at the end the following:

"(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

"(1) a State may (in a uniform manner for individuals described in either such subclause)—

"(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

"(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

"(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds $75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).".

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting "; or"; and

(B) by inserting after such paragraph the following:

"(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)" after "1902(a)(10)(A)(ii)(X),".

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting "1902(a)(10)(A)(ii)(XIII)," before "1902(a)(10)(A)(ii)(XV)".

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting ", except as provided in subsection (j)" after "but not in excess of 24 such months"; and

(B) by adding at the end the following:

"(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

"(1) for months occurring during the 6-year period beginning with the first month that begins after the date of enactment of this subsection; and

"(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 6-year period and would continue (but for such 24-month limitation) to be so entitled.".

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i–2a(a)(2)(C)) is amended—

(A) by striking "solely"; and

(B) by inserting "or the expiration of the last month of the 6-year period described in section 226(j)" before the semicolon.

(b) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426);

(2) examines the necessity and effectiveness of providing the continuation of medicare coverage under that subsection to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act);

(3) examines the viability of providing the continuation of medicare coverage under

that subsection based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the interrelation between the use of the continuation of medicare coverage under that subsection and the use of private health insurance coverage by individuals during the 6-year period; and

(5) recommends whether that subsection should continue to be applied beyond the 6-year period described in the subsection.

(c) Effective Date.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) Treatment of Certain Individuals.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) Establishment.—

(1) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) Application.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) Definition of state.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) Grants for Infrastructure and Outreach.—

(1) In general.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) Eligibility for grants.—

(A) In general.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) Definition of personal assistance services.—In this paragraph, the term "personal assistance services" means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) Determination of awards.—

(A) In general.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) Award limits.—

(i) Minimum awards.—

(I) In general.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) Pro rata reductions.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) Maximum awards.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) Availability of Funds.—

(1) Funds awarded to states.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) Funds not awarded to states.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) Annual Report.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) Appropriation.—

(1) In general.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) Budget authority.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) Recommendation.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) State Application.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) Worker With a Potentially Severe Disability Defined.—For purposes of this section—

(1) In general.—The term "worker with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) Definition of employed.—An individual is considered to be "employed" if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) Approval of Demonstration Projects.—

(1) In general.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) Terms and conditions of demonstration projects.—The Secretary may not approve a demonstration project under this section unless the State provides assurances

satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $72,000,000;

(II) for fiscal year 2001, $74,000,000;

(III) for fiscal year 2002, $78,000,000; and

(IV) for fiscal year 2003, $81,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) except as provided in clause (ii), the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed $5,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(f) STATE DEFINED.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 105. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting "or paragraph (6)" after "this paragraph"; and

(2) by adding at the end the following new paragraph:

"(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105-306; 112 Stat. 2928)) the following:

"TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

"SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to the beneficiary.

"(b) TICKET SYSTEM.—

"(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

"(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

"(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

"(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

"(c) STATE PARTICIPATION.—

"(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

"(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

"(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

"(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

"(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

"(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

“(B) Terms of agreement.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

“(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

“(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

“(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

“(ii) any other conditions that may be required by such regulations.

“(C) Regulations.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

“(D) Penalty.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

“(d) Responsibilities of the Commissioner.—

“(1) Selection and qualifications of program managers.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

“(2) Tenure, renewal, and early termination.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

“(A) measures for ease of access by beneficiaries to services; and

“(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

“(3) Preclusion from direct participation in delivery of services in own service area.—Agreements under paragraph (1) shall preclude—

“(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

“(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

“(4) Selection of employment networks.—

“(A) In general.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

“(B) Alternate participants.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

“(5) Termination of agreements with employment networks.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

“(6) Quality assurance.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

“(7) Dispute resolution.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

“(e) Program Managers.—

“(1) In general.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

“(2) Recruitment of employment networks.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

“(3) Facilitation of access by beneficiaries to employment networks.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

“(4) Ensuring availability of adequate services.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

“(5) Reasonable access to services.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

“(f) Employment Networks.—

“(1) Qualifications for employment networks.—

“(A) In general.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

“(B) One-stop delivery systems.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

“(C) Compliance with selection criteria.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

“(D) Single or associated providers allowed.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

“(2) Requirements relating to provision of services.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

“(A) serve prescribed service areas; and

“(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

“(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

“(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

“(g) INDIVIDUAL WORK PLANS.—

“(1) REQUIREMENTS.—Each employment network shall—

“(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

“(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

“(C) ensure that each individual work plan includes at least—

“(i) a statement of the vocational goal developed with the beneficiary;

“(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

“(iii) a statement of any terms and conditions related to the provision of such services and supports; and

“(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

“(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

“(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

“(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

“(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

“(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

“(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

“(2) OUTCOME PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

“(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

“(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

“(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

“(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

“(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

“(4) DEFINITIONS.—In this subsection:

“(A) PAYMENT CALCULATION BASE.—The term ‘payment calculation base’ means, for any calendar year—

“(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

“(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

“(B) OUTCOME PAYMENT PERIOD.—The term ‘outcome payment period’ means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

“(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

“(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

“(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

“(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

“(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

"(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

"(j) ALLOCATION OF COSTS.—

"(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

"(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(k) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

"(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

"(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

"(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

"(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

"(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 16, and

"(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.".

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the "Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members appointed as follows:

(i) 4 members appointed by the President.

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Ways and Means of the House of Representatives.

(iii) 2 members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives.

(iv) 2 members appointed by the Majority Leader of the Senate, in consultation with the chairman of the Committee on Finance of the Senate.

(v) 2 members appointed by the Minority Leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least one-half of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) one-half of the members appointed under each clause of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under each such clause shall be appointed for a term of 4 years.

(iii) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) Basic pay.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) Travel expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) Quorum.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) Chairperson.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) Meetings.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) Director and staff of panel; experts and consultants.—

(A) Director.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) Staff.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) Experts and consultants.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) Staff of federal agencies.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) Powers of panel.—

(A) Hearings and sessions.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) Powers of members and agents.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) Mails.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) Reports.—

(A) Interim reports.—The Panel shall submit directly to the President and Congress interim reports at least annually.

(B) Final report.—The Panel shall transmit a final report directly to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) Termination.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) Allocation of costs.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

"(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

"(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

"(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

"(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

"(2) An individual to which paragraph (1) applies shall continue to be subject to—

"(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

"(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.".

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI Benefits.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"Reinstatement of Entitlement

"(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

"(II) such entitlement terminated due to the performance of substantial gainful activity;

"(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

"(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

"(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

"(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

"(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

"(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

"(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

"(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

"(i) The month in which the individual dies.

"(ii) The month in which the individual attains retirement age.

"(iii) The third month following the month in which the individual's disability ceases.

"(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

"(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

"(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

"(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

"(II) the fifth month following the month described in clause (i);

"(III) the month in which the individual performs substantial gainful activity; or

"(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).".

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

"Reinstatement of Eligibility on the Basis of Blindness or Disability

"(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

"(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

"(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

"(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

"(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

"(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

"(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

"(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

"(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

"(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

"(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

"(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

"(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

"(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

"(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

"(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93-66.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting ", or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.".

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting "(other than pursuant to a request for reinstatement under subsection (p))" after "eligible".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

"WORK INCENTIVES OUTREACH PROGRAM

"SEC. 1149. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

"(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

"(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

"(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

"(i) preparing and disseminating information explaining such programs; and

"(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

"(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

"(i) disabled beneficiaries;

"(ii) benefit applicants under titles II and XVI; and

"(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

"(D) provide—

"(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

"(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

"(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

"(b) CONDITIONS.—

"(1) SELECTION OF ENTITIES.—

"(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

"(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

"(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

"(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

"(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

"(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973,and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

"(II) The State agency administering the State program funded under part A of title IV.

"(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

"(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

"(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

"(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

"(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

"(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

"(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

"(B) LIMITATION PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

"(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

"(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(c) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of fiscal years 2000 through 2004.".

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

"STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

"SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

"(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

"(1) information and advice about obtaining vocational rehabilitation and employment services; and

"(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

"(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(d) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

"(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

"(i) $100,000; or

"(ii) ⅓ of 1 percent of the amount available for payments under this section; and

"(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

"(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

"(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

"(f) FUNDING.—

"(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

"(g) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2000 through 2004.".

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

"DEMONSTRATION PROJECT AUTHORITY

"SEC. 234. (a) AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

"(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

"(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

"(C) implementing sliding scale benefit offsets using variations in—

"(i) the amount of the offset as a proportion of earned income;

"(ii) the duration of the offset period; and

"(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

"(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

"(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

"(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

"(d) REPORTS.—

"(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

"(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.".

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking "section 505(a) of the Social Security Disability Amendments of 1980" and inserting "section 234".

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration

project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) Clarification Relating to the Effective Date of the Denial of Social Security Disability Benefits to Drug Addicts and Alcoholics.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(2) by adding at the end the following:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.".

(b) Correction to Effective Date of Provisions Concerning Representative Payees and Treatment Referrals of Social Security Beneficiaries Who Are Drug Addicts and Alcoholics.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

"(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).".

(c) Effective Dates.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) Implementation of Prohibition Against Payment of Title II Benefits to Prisoners.—

(1) In general.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.".

(2) Conforming amendment to the Privacy Act.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by adding "or" at the end; and

(C) by adding at the end the following:

"(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));".

(3) Effective date.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) Elimination of Title II Requirement That Confinement Stem From Crime Punishable by Imprisonment for More Than 1 Year.—

(1) In general.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) Effective date.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) Conforming Title XVI Amendments.—

(1) Fifty percent reduction in title XVI payment in case involving comparable title II payment.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) Expansion of categories of institutions eligible to enter into agreements with the Commissioner.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) Elimination of overly broad exemption.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B), is amended by striking "(I) The provisions" and all that follows through "(II)".

(4) Effective date.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) Continued Denial of Benefits to Sex Offenders Remaining Confined to Public Institutions Upon Completion of Prison Term.—

(1) In general.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) Conforming amendment.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking "clause (ii)" and inserting "clauses (ii) and (iii)".

(3) Effective date.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) In General.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) Effective Date.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) In General.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking "title XVI" and inserting "title II or XVI".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) In General.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) Technical Amendments.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers" .

(c) Effective Date.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

TITLE V—REVENUE

SEC. 501. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) In General.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) Effective Date.—The amendments made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 502. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) In General.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 503. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) In General.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) General Rule.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) Program Criteria.—

"(1) In general.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) Exemptions, etc.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(3) Average fee requirement.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) Termination.—No fee shall be imposed under this section with respect to requests made after September 30, 2006."

(b) Conforming Amendments.—

(1) The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) Effective Date.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

DOMENICI AMENDMENT NO. 628

Mr. DOMENICI proposed an amendment to the bill, S. 1186, supra; as follows:

On page 12, line 24, insert the following after the figure "204": "of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206".

BOND (AND ASHCROFT) AMENDMENT NO. 629

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. Ashcroft) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 22, line 7, before the period at the end insert ", of which $8,100,000 shall be used for the University of Missouri research reactor project".

TORRICELLI AMENDMENTS NOS. 630–631

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

Amendment No. 630

On page 37, strike lines 20 and 21.

Amendment No. 631

On page 4, between lines 12 and 13, insert the following: "Minnish Waterfront Park project, Passaic River, New Jersey, $4,000,000;".

COCHRAN (AND LOTT) AMENDMENT NO. 632

(Ordered to lie on the table.)

Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 25, line 14, insert before the period: : *Provided further*, That from within the funds provided for fissile materials control and disposition under Other Defense Activities, up to $5,000,000 shall be made available to the Department of Energy's Diagnostics Instrumentation and Analysis Laboratory to explore potential applications of cold crucible melter technology demonstrated by the Office of Environmental Management to support fissile materials immobilization activities in the Office of Fissile Materials Control and Disposition.

SANTORUM AMENDMENT NO. 633

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 37, strike lines 25 and 26.

ABRAHAM AMENDMENT NO. 634

(Ordered to lie in the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 4, line 20, strike "$4,400,000:" and insert "$4,400,000; and Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration."

ROBERTS AMENDMENT NO. 635

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 27, line 1, strike "$1,872,000,000" and insert "$1,852,000,000".

BREAUX AMENDMENT NO. 636

(Ordered to lie on the Table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 20, line 23, after "Fund,", insert the following: "such sums as are necessary to guarantee a $25,000,000 loan for construction and completion of the Jennings, Louisiana, biomass ethanol plant under terms and conditions established by the Secretary of Energy, to remain available until expended,".

LEVIN (AND OTHERS) AMENDMENT NO. 637

Ordered to lie on the Table.)

Mr. LEVIN (for himself, Mr. AKAKA, Mr. MOYNIHAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 8, lines 7 and 8, strike "facilities:" and insert "facilities, and of which $1,500,000 shall be available for development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities:".

CRAIG AMENDMENT NOS. 638–640

Ordered to lie on the Table.)

Mr. GRAIG submitted three amendments intended to be proposed by him to the bill, S. 1186, supra; as follows:

Amendment No. 638

On page 8, line 12, insert the following before the period:

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial".

Amendment No. 639

Title III, Department of Energy, Defense Environmental Restoration and Waste Management, on page 26, line 2 insert the following before the period: "*Provided*, That of the amount provided for site completion, $1,306,000 shall be for project 00–D–400, CFA Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho".

Amendment No. 640

Title III, Department of Energy, Nuclear Waste Disposal, add the following: "*Provided further*, That no funds appropriated from the Nuclear Waste Fund may be used for the purposes of settling lawsuits or paying judgements arising out of the failure of the federal government to accept spent nuclear fuel from commercial utilities."

LEVIN AMENDMENT NO. 641

Ordered to lie on the Table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 2, line 18, after "expended," insert "of which $500,000 shall be available to maintain level funding for technical assistance to remedial action plan committees, as authorized under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101–640), and of which $1,000,000 shall be available for sediment remediation technology demonstrations in the Maumee and Grand Calumet River areas of concern under that section, and".

On page 8, lines 7 and 8, strike "facilities:" and insert ", of which $250,000 shall be available to convene the interagency National Contaminated Sediment Task Force established under section 502 of the Water Resources Development Act of 1992 (33 U.S.C. 1271 note; Public Law 102–580) and $500,000 shall be available to support the continued development of sediment transport models under section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b):"

BOXER AMENDMENT NO. 642

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1186, supra; as follows:

On page 8, line 16, strike all that follows "expended:" to the end of line 24.

KERREY AMENDMENT NO. 643

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the appropriate place add the following: Provided further, That the Secretary of the Interior may provide $2,865,000 from funds appropriated herein for environmental restoration at Fort Kearny, Nebraska.

CONRAD (AND DORGAN) AMENDMENT NO. 644

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 2, strike line 22 and insert the following:

New Jersey, $226,000;

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, $50,000:

DORGAN (AND CONRAD) AMENDMENT NO. 645

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 5, lines 19 through 21, strike "shall not provide funding for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, unless" and insert "may use funding previously appropriated to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless".

GORTON AMENDMENT NO. 646

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 33, between lines 2 and 3, insert the following:

SEC. 3 . PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16

U.S.C. 839e) is amended by adding at the end the following:

"(n) PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.—Notwithstanding any other provision of this section, rates established under this section shall not include any costs to undertake the removal or breaching of any dam that is part of the Federal Columbia River Power System.".

SCHUMER AMENDMENT NO. 647

(Ordered to lie on the table.)

Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 33, between lines 2 and 3, insert the following:

SEC. 308. Any funds available under this Act, or any other Act, for the Worker and Community Transition Program of the Department of Energy shall be available for activities relating to Brookhaven National Laboratory and Argonne National Laboratory-West.

JEFFORDS (AND OTHERS) AMENDMENT NO. 648

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. ROTH, Mr. WYDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KERRY, Mr. SCHUMER, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 20, strike lines 21 through 24 and insert "$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $70,000,000 shall be derived from accounts for which this Act makes funds available for unnecessary Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomass/biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).".

DOMENICI AMENDMENT NO. 649

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the end of Title II, insert the following new section:

SEC. . Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in full compliance with existing state laws and administered under state water priority allocation. Leases shall terminate at such time as drought emergency assistance is no longer needed.

KERREY AMENDMENT NO. 650

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the appropriate place insert: "of the grants available to the Bureau of Reclamation $300,000 may be provided to cover the cost of the water feasibility study necessary to ensure a safe water supply for Nebraskans living on the Ianke Reservation and in surrounding communities".

SCHUMER AMENDMENT NO. 651

Mr. DOMENICI (for Mr. SCHUMER) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 5, line 18, insert the following before the colon:

": *Provided further*, That $100,000 of the funding appropriated herein for section 107 navigation projects may be used by the Corps of Engineers to produce a decision document, and, if favorable, signing a project cost sharing agreement with a non-Federal project sponsor for the Rochester Harbor, New York (CSX Swing Bridge), project

REID AMENDMENT NO. 652

Mr. DOMENICI (for Mr. REID) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 16, line 7, insert the following before the period:

": *Provided further*, That $500,000 of the funding appropriated herein is provided for the Walker River Basin, Nevada project, including not to exceed $200,000 for the Federal assessment team for the purpose of conducting a comprehensive study of Walker River Basin issues"

SARBANES (AND MIKULSKI) AMENDMENT NO. 653

Mr. DOMENICI (for Mr. SARBANES (for himself and Ms. MIKULSKI)) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 5, line 18, insert the following before the colon:

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland"

INOUYE AMENDMENT NO. 654

Mr. DOMENICI (for Mr. INOUYE) proposed an amendment to the bill, S. 1186, supra; as follows:

Insert at page 22, line 7, following "expended":

": *Provided further*, That of the amount provided, $2,000,000 may be available to the Natural Energy Laboratory of Hawaii, for the purpose of monitoring ocean climate change indicators."

DOMENICI AMENDMENTS NOS. 655-656

Mr. DOMENICI proposed two amendments to the bill, S. 1186, supra; as follows:

AMENDMENT NO. 655

On page 20, line 24, following "Fund", insert the following:

": *Provided*, That, $15,000,000, of which $10,000,000 shall be derived from reductions in contractor travel balances, shall be available for civilian research and development".

AMENDMENT NO. 656

On page 25, line 14, following "Energy", insert the following:

"*Provided further*, That, $10,000,000 of the amount provided for stockpile stewardship shall be available to provide laboratory and facility capabilities in partnership with small businesses for either direct benefit to Weapons Activities or regional economic development"

HUTCHISON AMENDMENT NO. 657

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 8, line 12, insert the following before the period.

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $100,000 of available funds to study the economic justification and environmental acceptability, in accordance with section 509(a) of Public Law 104-303, of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, and to use available funds to perform any required maintenance in fiscal year 2000 once the Secretary determines such maintenance is justified and acceptable as required by Public Law 104-303".

MACK (AND GRAHAM) AMENDMENT NO. 658

Mr. DOMENICI (for Mr. MACK (for himself and Mr. GRAHAM)) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 4, between lines 7 and 8, insert the following:

Brevard County, Florida, Shore Protection, $1,000,000;

Everglades and South Florida Ecosystem Restoration, Florida, $14,100,000;

St. John's County, Florida, Shore Protection, $1,000,000

MCCONNELL AMENDMENT NO. 659

Mr. DOMENICI (for Mr. MCCONNELL) proposed an amendment to the bill, S. 1186, supra; as follows:

Beginning on page 41, strike line 6 and all that follows through page 42, line 14, and insert the following:

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

CONRAD (AND DORGAN) AMENDMENT NO. 660

Mr. DOMENICI (for Mr. CONRAD (for himself and Mr. DORGAN)) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 2, strike line 22 and insert the following:

New Jersey, $226,000;

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, $50,000:

DOMENICI AMENDMENT NO. 661

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the end of Title II, insert the following new section:

SECTION . Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in compliance with existing state laws and administered under state water priority allocation. Such leases may be entered into with an option to purchase, provided that such purchase is approved by the state in which the purchase takes place and the purchase does not cause economic harm within the state in which the purchase is made.

DURBIN (AND OTHERS) AMENDMENT NO. 662

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. HARKIN, Mr. GRASSLEY, and Mr. FITZGERALD) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that the U.S. Army's Rock Island Arsenal, Illinois has provided support for the U.S. Army Corps of Engineers efforts to maintain and repair vital national civil works infrastructure including the Rock Island government bridge, the Chicago/Lake Michigan locks and dams, and gates along the Illinois River. The Arsenal has performed in an extremely timely and cost effective manner, providing both engineering and manufacturing support. The Rock Island Arsenal's ability to provide assistance to the Corps while maintaining engineering and manufacturing skills necessary for national defense purposes qualify it as an irreplaceable facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Assistant Secretary of the Army (Civil Works) and the U.S. Army Corps of Engineers should continue its partnership with the Rock Island Arsenal in order to maintain and repair the country's aging civil works infrastructure. The Assistant Secretary of the Army (Civil Works) should work with the Corps to prepare a report to Congress on future plans to further utilize the Rock Island Arsenal for civil works purposes.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, June 15, 1999, 9:30 a.m., in SD–628 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. , The Health Information Confidentiality Act.

2. S. Con. Res. 28, Urging the Congress and the President to Increase funding for the Pell Grant Program and existing Campus-Based Aid Programs.

3. Presidential Nominations: Zalmay Khalilzad, of Maryland, to be an Member of the Board of Directors of the United States Institute of Peace; and

James Roger Angel, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, June 17, 1999, 10:00 a.m., in SD–106 of the Senate Dirksen Buildings. The subject of the hearing is "ESEA: Research and Evaluation". For further information, please call the committee, 202/224–5375.

ADDITIONAL STATEMENTS

MEDICAL RESEARCH

• Mrs. FEINSTEIN. Mr. President, I rise today to call attention to the fact that last week the Senate voted to provide an additional $300 million for medical research in the Fiscal Year 2000 Department of Defense Appropriations bill. I joined with several of my colleagues in urging that critical funding for cancer research be included in the bill.

Included in this account are $175 million for breast cancer research, $75 million for prostate cancer research, and $50 million for other medical research including ovarian cancer, osteoporosis, diabetes and childhood asthma.

In recent years, the DOD's Department for Health Affairs has made great strides in innovative medical research. The DOD Breast Cancer Research Program is an excellent example of these advancements. During its six years in existence, the program has grown from a small isolated project to a well-funded, efficient, and effective part of the cancer research community.

As was recommended by the Institute of Medicine, the program is overseen by a group of scientists and patient activists, which helps the program keep up with advancements of the scientific community. This structure has fostered a program praised for its innovation, flexibility, and efficiency.

Approximately 90 percent of the program's funds are devoted to research grants. The DOD Breast Cancer Research Program grants have encouraged scientific research to extend beyond traditional research. Specifically, Innovative Developmental and Exploratory Awards (IDEA) grants are targeted for innovative research efforts that explore new approaches in areas that offer the greatest potential.

The program also incorporates consumer and community needs in its research priorities. By including consumer advocates in decision-making and by bringing clinical trials into the community, the program has integrated the goals of advocates, scientists, and patients. This unique approach has proven successful both in the research the Program has produced and the future research it has inspired.

Similar to the Breast Cancer Research Program, the DOD Prostate Cancer Research Program is conducted according to the model established by the Breast Cancer Program. According to the American Cancer Society, approximately 179,300 American men will develop prostate cancer this year, and about 37,000 will die of this disease. Though I am encouraged by the news that the survival rate for this type of cancer has increased from 50% to 85%, we clearly can and must do more.

Replicating the much-praised Breast Cancer Program mission and structure, prostate research encourages innovation while creating a partnership between advocates and scientists. Research grants are designed to stimulate innovative research and to bolster the national effort against prostate cancer.

As co-chair of the Senate Cancer Coalition, I am very familiar with current cancer research efforts. The DOD cancer research programs are some of the most innovative and effective public-private partnerships that our country has in the battle against cancer. I am confident that commitment to this program will strengthen our nation's cancer research program and help to stop the spread of this dread disease.

The additional funding in the DOD appropriation bill is compatible with other progressive funding sources that have been explored in recent years. The Breast Cancer Research Stamp, which I sponsored in the Senate, has raised $6.6 million for breast cancer research. Thirty percent of these funds go to the DOD program.

With the work of research programs across the country, we have made some progress in the war on cancer: new cancer cases and deaths in the United States fell between 1990 and 1996; survival time has been extended dramatically for some cancers; we have improved therapies with fewer adverse side effects; and there is increased cancer screening and detection.

And yet, sadly, we have a long way to go. Cancer is the second leading cause of death in the US, exceeded only by heart disease. The American Cancer Society estimates that over 1.2 million new cancer cases are expected to be diagnosed in 1999 and about one half million Americans are expected to die of cancer this year alone.

But we must look at these disturbing statistics as an opportunity. What these statistics tell us is that we need to multiply, accelerate, and intensify our war on cancer. The additional $300 million for medical research in the Department of Defense Appropriations bill sends a strong signal that we are committed to combating this destructive disease. The Senate should be proud of sending this powerful message.•

RETIREMENT OF JOHN JERMAIN SLOCUM, JR.

• Mr. CHAFEE. Mr. President, today, I wish to pay tribute to Mr. John Jermain Slocum, Jr., who has served at the Preservation Society of Newport County in Newport, Rhode Island, and is retiring as President and Chairman of the Board.

Jerry Slocum's work is well known to me. I have had the pleasure of knowing the Slocum family for many years. Rhode Island has benefited greatly from their involvement in the community. In fact, during my years as Governor, Jerry assisted me in a variety of functions. Among his duties in my office, Jerry worked as a drafter of proclamations and handled constituent services. In this capacity, Jerry displayed the qualities of a problem solver and a facilitator, which are very important in the workplace.

When Jerry joined the Preservation Society of Newport County in 1990, he brought with him the support and appreciation of historic houses instilled in him by his parents. Since becoming President, the Society has expanded its number of historic structures from 18 to 23—not an easy feat! The Society now hosts structures ranging from the Hunter House, built in 1748, to the Vanderbilt family's Newport summer house, the Breakers, to its newest acquisition, the Isaac Bell House.

However, Jerry did not stop there. During his tenure, the educational programs offered by the Society have expanded to include: its annual International Symposium, the John Winslow Lectures, the Noreen Stonor Drexel Lecture Series and the Newport Flower Show. Jerry Slocum certainly is a believer in community involvement. He has worked tirelessly to extend the outreach of the Society and its facilities to the community, and in doing so, he has drawn people to Newport from across the country.

This hard work and dedication has brought the Society national recognition. In 1998, the National Trust for Historic Preservation awarded the Preservation Society with a stewardship award for its exceptional contribution to preserving the historic and architectural heritage of Newport. Also, various properties of the Preservation Society have been recognized and used in films such as "The Buccaneers," "Mr. North," and the Arnold Schwarzenegger action film, "True Lies."

As Jerry prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to the Society and the community.•

TRIBUTE TO THE PROVIDENCE BRUINS

• Mr. REED. Mr. President, for the first time since the America's Cup left Newport for Fremantle in 1983, Rhode Island is home to a championship trophy. With a 5–1 victory over the Rochester Americans last night, the Providence Bruins won the esteemed Calder Cup as the 1999 Champions of the American Hockey League. The P–Bruins have won the hearts of sports fans in Rhode Island since professional hockey returned to the state in 1992 after a 16-year hiatus.

But this victory was much deserved for a team that truly turned itself around. In winning the Calder Cup, the 1999 Providence Bruins became one of only four teams in AHL history to have gone from last place to first in one season. Under the able leadership of Coach Peter Laviolette and assistant Bill Armstrong, the Providence Bruins amassed a 56–20–4 record—tops during the regular season—then ran off a perfect 10–0 record at home in the playoffs. In winning the Calder Cup, this Bruins team can rightly boast that they are among the best in the history of the league.

While this championship was very much the team's victory, a special acknowledgment belongs to Peter Ferraro, who, as the Providence Bruins' leading scorer in the playoffs with nine goals, won the Most Valuable Player honor for the 1999 series. The Providence Bruins' determination and great Championship victory exemplify the dedication of the entire team, and their efforts have been appreciated by the people of Rhode Island, who have flocked to their games throughout the season. All of Rhode Island takes justifiable pride in the Providence Bruins' victory, and we wish them continued success as they strive to repeat as winners of the Calder Cup next year.•

TRIBUTE TO KATE M. RIGGS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Kate M. Riggs, of Hooksett, New Hampshire, for being selected as a 1999 Presidential Scholar by U.S. Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Kate is one of only 141 seniors to receive this distinction for academics. This impressive young woman is well-deserving of the title of Presidential Scholar. I wish to commend Kate for her outstanding achievement.

As a student at Manchester High School West in New Hampshire, Kate has served as a role model for her peers through her commitment to excellence. She will graduate as a co-valedictorian with a 3.9 grade point average. Kate's positive attitude has endeared her to both teachers and students.

Kate's determination promises to guide her in the future. She will attend Harvard University in the fall and will be faced with many new challenges. Kate is sure to tackle them with the vigor that has brought her success in the past.

It is certain that Kate will continue to excel in her future endeavors. I wish to offer my most sincere congratulations and best wishes to Kate. Her achievements are truly remarkable. It is an honor to represent her in the United States Senate.•

HAPPY 90TH BIRTHDAY TO KATHERINE DUNHAM

• Mr. BOND. Mr. President, I rise today to recognize the 90th birthday of Ms. Katherine Dunham. Ms. Dunham has made major contributions in the areas of Dance, Choreography, Musical Composition, Poetry, Anthropology, and has been a champion for the causes of Human Rights and World Peace. Over the course of her career, she has won more than 70 international awards including being selected as a Kennedy Center Honoree. For the past 31 years, Ms. Dunham has lived in East St. Louis, where she has used her talents to enrich the lives of the regions' youth. Mr. President, I ask my colleagues to join with me in wishing Ms. Katherine Dunham a very special 90th birthday.●

CAMPBELL UNIVERSITY GRADS HEAR DR. DENTON LOTZ

● Mr. HELMS. Mr. President, the commencement speaker at a leading university in my state, Campbell University at Buies Creek, N.C., was one of the most impressive and meaningful addresses that I have ever heard or read.

It was delivered by Dr. Denton Lotz, General Secretary to the Baptist World Alliance. Dr. Lotz's subject was "New Hope for Destroyed Foundations".

Campbell University is a truly remarkable institution whose president, Dr. Norman Adrian Wiggins, is one of the Nation's most respected educators.

Incidentally, in addition to his responsibilities as president, Dr. Wiggins serves as Professor of Law. I am obliged to add a personal note here: Campbell University's law school is the only law school in North Carolina not one of whose graduates has flunked the State Bar Exam for the past several years.

But I digress. My purpose today is to ask that the text of Dr. Denton's commencement address at Campbell University be printed in the RECORD.

The material follows:

NEW HOPE FOR DESTROYED FOUNDATIONS—CAMPBELL UNIVERSITY COMMENCEMENT SERMON DELIVERED BY DR. DENTON LOTZ

"If the foundations are destroyed, what can the righteous do?" Psalm 11:3

Bob Dylan reminded his generation and ours that "the answer is blowing in the wind." But is it? Is it not rather like the prophet Hosea of old said that we have sown the wind and reaped the whirlwind? (Hosea 8:7) How many litanies this spring shall we hear of Littleton, Colorado and why and how children could lose all sense of values and go on a killing spree? How many times have we read of parental irresponsibility, the school's fault, youth are not listening, and the litany goes on?

What happened in Littleton, Colorado is symbolic of a generation whose foundations have been destroyed. But, this is not only the problem of this generation. It is the history of the 20th century, with the gas warfare of World War I and the gas chambers of World War II. As we enter the 21st century, the President's dream of a new world order has faded and bombs are falling on the Serbian dictator Milosvic, ethnic cleansing continues, children and women suffer. Man experiences the cruelest of deaths. We seem to be able to solve the Y2K computer problem, but deep within humanity there is something that is wrong. The Psalmist spoke of this something as "destroyed foundations".

Indeed when one considers our society we see a number of destroyed foundations: in the family, in the world, and in the church.

(1). The family was long considered the pillar of a just and moral society. Home was the one place you could always go. But, today 60% of new marriages will end in divorce. The result has been a generation of you people without foundations. It is said that 3 in 4 teen suicides are the result of divorce, and 4 in 5 psychiatric admissions. But not only divorce has broken up the family; the community is broken apart. All the blessings of modern society have not brought us together but have divided us. On a warm summer day in Havana, Cuba I saw this. There was no air conditioning, as a result people sat on their porches, children played together in the streets, people talked to one another. Our modern blessings have caused us to close our doors, turn on the air and sit in front of the TV . . . cut off from community, alone and isolated.

(2). The same is true for the church. Modern media has made religion an entertainment business. Like Kirkegaard's famous geese, we come to Church on Sunday morning and waddle home and that's the end of it. Theological controversy within and hypocrisy without have diminished the role of the Church. When great tragedies strike, no longer is the pastor the counselor, but immediately TV goes to Hollywood and our favorite guru TV actor tries to console society which, without God and without hope, has pretty much made a mess of things!

(3). And the government suffers the same fate. Government in Washington is not trusted. Righteous laws proposed by unrighteous legislators confuse the population. Indeed the strong foundations of the capitol building are now guarded by armed policemen, guard dogs, and metal detecting devices. Everything seems to be falling apart. This spring even the Washington cherry trees were not immune. Unknown and uncaught beavers were chopping down cherry trees every night, until they were finally caught. It is a symbol of our day. The strong trees of justice, of equality, of morality seem to being chopped down. Is there any hope?

Well, if it is any comfort, we are not the first generation to experience destroyed foundations. It seems to be the plight of humanity. Indeed it is the human story. It is what history is all about. Destroyed foundations, and rebuilding new foundations that will withstand the next assault. This seems to be the fate of modern man. Rousseau expressed it well in explaining the agitated street life of Paris. He called it the social whirlwind. One of his heroes says:

"I'm beginning to feel the drunkenness that this agitated, tumultuous life plunges you into. With such a multitude of objects passing before my eyes. I'm getting dizzy. Of all the things that strike me, there is none that holds my heart, yet all of them together disturb my feelings, so that I forget what I am and who I belong to." (Cox, Religion in the Secular City, p. 182)

Does that sound familiar? Isn't that our plight today? The dizziness of it all. The Psalmist knew the problem, as did men and women of old and thus the question, "If the foundations are destroyed, what can the righteous do?"

I. False answers: The first advice the Psalmist gets is simply to run away: "Flee like a bird to the mountains; for lo, the wicked bend the bow, they have fitted their arrow to the string, to shoot in the dark at the upright in heart." A modern interpretation may sound like this: "Let's escape from it all and have a great weekend and forget all our problems. The trenchcoat mafia may abound and have its sight on us, but we are going to drink and be merry and have a ball."

As you now enter the work force there are going to be many temptations put upon you. You also will be confronted with destroyed foundations and there will be many who give the advice, "Flee like a bird to the mountains." The temptations to flee today are many, but three stand out:

1. Materialism: The foundation may be destroyed but I am going to make my mark in life by getting rich. This philosophy escapes the problems of society by fleeing to materialism. It accepts the creed of Milliken and his lot, "He who has the most toys in the end wins." What a folly! What a poor foundation upon which to build one's life. Materialism in the end becomes greedy and consumes the possessors so that all values are lost except one's own big ego. Materialism will not bring back lost love. Materialism will not warm the stomach of a hungry child. Materialism will not bring peace to our troubled cities. Materialism will not bring racial justice. Indeed when the foundations are destroyed the rush towards materialism is only a sign of the foundation that has destroyed us.

2. Pleasure and sports: When the foundations are destroyed there is the temptation to run to pleasure and sports to halt the further decay of crumbling foundations. Indeed, Edward Gibbons in his "Decline and Fall of the Roman Empire" lists this as one of the five basic reasons why great civilizations die: "The mad craze for pleasure; sports becoming every year more exciting, more brutal and more immoral." This indeed is a social commentary on our present situation. Wrestling and boxing without rules is the new big sport. Two combatants actually try to kill one another. We have become mad when our athletes are paid exorbitant salaries and our teachers, police, and servants of society become paupers. What kind of a value is that . . . and so the Psalmist warns of those who say flee like a bird to the pleasure mountain of sports . . . for in the end it means destruction!

3. Ghettoism and Quietism: This is the last resort of the religious. We will flee to the mountain and make ourselves a little retreat center to escape from the evils of the world. When religion becomes quietist it truly becomes sectarian and useless to a needy world! Indeed we too have heard the cynics ask what can one do when the foundations are destroyed and we have been tempted to fleet like a bird to the mountain! The tragedy of this type of ghetto religion is that it is so heavenly mined that it is no earthly good. It was the temptations of Jesus' disciples to flee to the mountain and build a retreat center and have warm fuzzy feelings. But, Jesus said, No! Go back down into the valley and where you see my people who are hungry feed them!, where they are naked, clothe them!, where they are thirsty, give them to drink!, where they are sick, visit them! where they are in prison go to them!" And then you will "inherit the kingdom prepared for you from the foundation of the world!" (Matt25ff.)

II. What can the righteous do? And so the Psalmist disregards the advice of his friends to flee like a bird to the mountains. And our advice to you is also to beware of those who tell you to flee like a bird. What shall we do then? Not that we are the righteous ones? But, we who would follow a righteous God, what shall we do? How do we answer the question, "If the foundations are destroyed, what can the righteous do?"

1. Take refuge in God? "The Lord is in his holy temple. . . his eyes behold the children of men . . . " From days of old until today, men and women of faith have not fled to the mountains, but they have fled to God. The Psalmist knew that: "God is our refuge and strength, a very present help in time of trouble. Therefore we will not fear though the

earth should change, through the mountains shake in the heart of the sea . . . Why? There is a river whose streams make glad the city of God." (Psalm 46f)

What do you do when the foundations are destroyed! You go the temple! You take refuge in God! God is not dead. He lives and because He lives you can indeed face destroyed foundations but not only that, you can regain strength to rebuild the fallen foundations of your life! And thus the Psalmist very simply advises us, "Take refuge in God! Go to the temple and pray!"

Every student generation seeks a new experience of God. Every student generation feels alienated from their roots and their spiritual heritage and thus is seeking new ways. No wonder there are so many sectarian movements out there . . . all vying for the new age market. But in the end, they are not historical faith, but faith built upon an illusion. Therefore, go to the temple, go to church and pray! I remember students at Harvard were concerned about spirituality in my student days. And so every Thursday noon we gathered in the cafeteria to hear professors witness to their pilgrimage of faith. I particularly remember one professor who had just lost his little girl who accidentally hung herself. The professor warned the students: "If you do not pray daily, one day you will have to learn how to pray!"

Korean Christians pray every morning at 4:30. Their churches are full because during their suffering they experienced the power of prayer! When the foundations are destroyed the first thing one does is go to the temple to pray and there one finds that God is our refuge and strength!

2. Cease to do violence! The Psalmist teaches us that God is a judge. His burning love is shown in his fiery justice! God is a God of justice and righteousness who demands the same from his people. He will judge the earth with equity and demands justice. And therefore the Psalmist warns us, "his soul hates him that loves violence . . . " (Ps.11:5) The USA has become a very violent society. And the media thinks it has nothing to do with it. Our children, before they are 18, will have seen on television 18,000 acts of violence. Like a drip of water on a stone, drip, drip, drip, it continually wears at the fabric of our society until we are worn down and violence becomes a way of life!

The corollary to God hating violence is his demand for justice. No theologian of the 19th century captured this understanding of God as a God of justice more than President Abraham Lincoln. In his Second Inaugural address he painfully warned a country engaged in civil war: "The Almighty has His own purposes: 'Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh!' . . . Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled upon the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord, are true and righteous altogether.' "

What do you do when the foundations are destroyed! Cease to do violence! Remember that God demands justice!

3. Do righteous deeds! Finally, the Psalmist considering the alternatives before him is confronted with the final challenge. He cannot flee to the mountains, that is the easy way out. Rather he will go to the temple and take refuge in God, he will cease to do violence . . . and now finally, we hear the final command, "Do righteous deeds!" If indeed we have prayed and sought God's counsel and refuge. If indeed we have ceased to do violence, then our lives must show it! This is the command of which the prophet Amos reminded his generation, "What does the Lord require of thee, but to do justly, to love mercy, and to walk humbly with thy God." (Mich. 6:8) Religion that does not issue in a changed behavior, changed heart, and changed action is not worth its salt. Religion which contemplates its own navel and is concerned about its own ego, is not a faith worth living, it is not biblical faith, but a neurotic form of ego-tripism. Biblical faith calls for action, not escapism.

This is what we do when the foundations around us are crumbling and destroyed. We do righteous deeds! In a little village in Kenya I remember after one Sunday morning service, the poor old women in a corner collecting what coins they had to help feed a refugee from Somalia. In Bangladesh, some struggling to make it from day to day, the women collect the least coin to help others. In India, every day Baptist women save a little of their monthly allotment of rice to help those in need. Indeed these random acts of kindness are fulfilling the Biblical command to be holy as god is holy.

III. What do the righteous do when the foundations are destroyed? Isn't there a missing link? Indeed we understand that we must go to the temple, that God is our refuge, that we must cease to do violence and beware of God's justice, but how can we do righteous deeds? How can we flee to God? What is missing? The foundation upon which all of these actions are executed! The Apostle Paul stated very clearly that there needs to be a foundation for our action and therefore he boldly announces: "For no other foundation can any one lay than that which is laid which is Jesus Christ." (ICor.3:11) Paul knows the temptation to flee like a bird to the mountain. He knows the temptations of materialism, pleasure and escapism. He knew this as a Pharisee until one day all of his foundations were destroyed, existentially, spiritually and physically. When he met Christ on the Damascus road his whole life was turned around. He was a changed person with a new foundation. He knew now that the city he was looking for was not the secular city with all its dizzy attractions but without foundations. He was now looking for that city which has foundations whose builder and maker is God (Heb.11:10)

As a soon to be graduate you will have learned many facts. You will know many things. But, this does not make you wise! Wisdom is knowing the foundation which undergirds all of knowledge! Western civilization was built upon faith: faith in the incarnation of God in His Son Jesus Christ. All of the great achievements of the human spirit came from the freedom of the Spirit through Christian intellect. The idea of the university was that all knowledge was of God and therefore the Universe should be studied because it was the handiwork of God. All of Western civilization, great concern for the arts, for freedom, for justice, for feeding the poor and hungry, from where did these freedoms come? Are they not rooted in the Bible? Is Christ not the source of freedom and justice? Modernism since the Enlightenment thinks that it can understand humankind without God, And precisely because it has attempted to explain the world without God, it has become a godless world with no hope and no future. H. Richard Niebuhr commented upon this when he said that such faith was weak because "It preached that a God without wrath brought men without sin, into a kingdom with judgment through the ministrations of a Christ without a Cross." And so it is today. Western civilization wants all the blessings of Christianity without Christ. And like fruit cut from the stem it will rot.

What do you do when the foundations are destroyed? You build upon the foundation which will endure. And that is why for two thousand years the Church has pointed not to itself but to Jesus Christ!

And thus we close with the Psalmist question, "If the foundations are destroyed, what can the righteous do?" Go to the temple and pray to God as your refuge! Cease to do violence! Do righteous deeds! Put your faith in the only foundation for life, even Jesus Christ our Lord! Amen.•

BUSINESS COMMUNITY ASSISTANCE TO KOSOVAR REFUGEES

• Mr. McCONNELL. Mr. President, I rise today to commend members of the American and international business communities who are providing resources and technical expertise to help the United Nations and other international relief organizations alleviate the suffering of hundreds of thousands of Kosovar refugees.

Today, as we embark on the initial stages of a peace agreement, hundreds of thousands of Kosovar refugees remain scattered across the globe. Slobodan Milosevic and his troops have driven these victims out of their country, separated families, destroyed homes, and stripped the refugees of their personal identification papers. The United Nations High Commissioner for Refugees (UNHCR) reports that over 800,000 people have been forced to flee Kosovo since the Serb Army intensified ethnic purges two and a half months ago.

Refugee situations are always difficult. The Kosovar situation, however, has been exacerbated and complicated greatly by Milosevic's attempts at "identity erasure." Servian soldiers have stripped the Kosovars of all identification documents and systematically destroyed civil records. Adding to the complexity of the situation, the refugees are spread over 30 different countries.

Companies such as Hewlett-Packard, Compaq, Microsoft, Securit World, Ericsson, and ScreenCheck are partnering with the Red Cross, UNHCR, the International Organisation for Migration and other international organizations on projects that will register the refugees, provide them with identification documents, and reunite them with their families. These companies are providing technical expertise, equipment, personnel and other resources that are allowing the refugees to be registered and located much more efficiently and effectively than ever before.

We are certainly witnessing a situation where the Internet and other recent technological innovations are providing solutions for real life problems. For example, Microsoft, Hewlett-Packard, Compaq and Securit have developed and provided systems that allow refugees to be registered, added to an international database, and to obtain identification cards—all within minutes. Further, the Red Cross is working with Compaq and Ericsson to launch the Family News Network, which is the first Internet-based refugee tracing system.

These companies are to be commended for their contributions to help restore the Kosovar community. It is my hope that in the future more members of the business community will enter into such beneficial partnerships to help address problems facing our country and our world.●

TRIBUTE TO BEDFORD MEMORIAL SCHOOL

● Mr. SMITH of New Hampshire. Mr. President I rise today to honor the Bedford Memorial School for being selected as the 1999 Top Elementary School of the Year by the Excellence in Education Committee. The "Excellence in Education" award is an annual program designed to identify one elementary, middle, and secondary school that is representative of the many outstanding schools in New Hampshire.

The Bedford Memorial School was chosen for this honor because of the dedication and commitment to education by its teachers, parents, and students. Its exemplary partnership with home and community and outstanding mentoring program for all staff has created an environment conductive to the development of young minds.

I admire this school's commitment to excellence. Over the last five years they have taken on challenging initiatives, participated in goals setting, created a community school council, and forged school-business partnerships. Student focus is also one of Bedford Memorial's strengths. The many cocurricular programs, an excellent special education department, and a gifted program are able to serve the students' individual needs. The school's success is epitomized in the school's motto "The partnership of home, school, and community is essential to achieve our goal of academic excellence."

The teahers, parents, and students of this school hold a special place in my heart. Over the years, Mary Jo and I have visited the Bedford Memorial School many times, had the chance to meet both students and faculty, and have had the honor of teaching several classes there. This close involvement with the school has allowed me to witness, first-hand, the quality of education that is provided at this school.

The honor of being named Top Elementary School of the Year is a fitting end to an era for Bedford Memorial School. I am confident that as they take on additional grades and students, their school spirit will only continue to grow.

As a former teacher and school board member, I understand the tremendous impact teachers have on a child's life. The Bedford Memorial School is a testament to the tradition of molding students into successful adults. I wish to offer my most sincere congratulations and best wishes to the Bedford Memorial School. The school's achievements are truly remarkable. I feel honored to have had such a close relationship with the Bedford Memorial School and represent them in the United States Senate.●

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. Morning business is in order.

Mr. GRASSLEY. If there is a time limit, I would like to speak for about 12 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RURAL METHAMPHETAMINE USE RESPONSE ACT OF 1999

Mr. GRASSLEY. Mr. President, I am introducing legislation on behalf of myself, Senators KYL, DEWINE, HAGEL, and KOHL, a bill referred to as the Rural Methamphetamine Use Response Act of 1999.

I do this in my capacity not only as a Senator from Iowa but as chairman of the International Narcotics Control Caucus of the Senate—a caucus that has had a tradition of working in a very bipartisan way on legislation and oversight hearings.

Methamphetamine is emerging as a new major drug problem across the entire country. It is one of the most dangerous drugs currently available. Its use destroys individuals and its production harms the environment. It is a problem that disproportionately affects rural America, even in our most urban States.

Methamphetamine is not a new drug in this country, but its growing use is very much a new problem. As the chart shows, meth has been around our country since the early 1980s, but its use then was largely confined to biker gangs and with a very limited market. Even then, much of the meth was produced in homemade labs in this country. Very little of it came out of Mexico and not so much in rural America.

The chart shows the city of Philadelphia with lots of examples of use of meth and meth laboratories. The numbers were few then and medical cases of meth-related problems were limited.

In San Francisco, for example, there were only 65 medical cases of meth-related problems, even in the year 1984. Let me assure Members that very low level activity situation for methamphetamine was not going to last very long because it began to change in the late 1980s and early 1990s.

During that period of time, Mexican criminal gangs began to become more involved, taking over production and marketing from the biker gangs in America. In doing so, they began to rapidly expand the availability of drugs and at the same time lowering the costs. Use began to grow, as it will, when drugs became widely available at affordable prices. It will also grow if there is a perception of low risk with that drug.

Somehow—and wrongly so—meth got a reputation for being harmless. It is simple. Most new drugs start that way. They are pushed on particularly young people as safe and OK. Of course, it is a lie. But it is common enough. Thus, it should come as no surprise that as meth use increased and spread beyond the Western States, along with this, so did reports of meth-related medical problems.

In 1989, medical cases in San Francisco reached 1,125, or 17 times the 1984 level of 65 which I already mentioned. The number of lab seizures increased, as well.

Remember, on this chart, the previous chart, and the next chart I will show, the red lines show an expanding importation of methamphetamine into our country with some from outside of Mexico, but most of the lines coming from Mexico and spreading all across our country—it is now beginning to reach the West and the Midwest—not so much in the East where it was when it started with biker gangs, but all over the United States.

While most of the drug is produced in Mexico by Mexican criminal gangs, there is a growing domestic production, much of this in rural areas. It is devastating.

Looking again at the chart previously shown, from 1982 to 1985, we had very little meth coming from Mexico into the United States. Most of what we had was domestic production. The numbers here in green illustrate the dimension of medical-related meth problems that are reported in the media. It also relates, to some extent, to the lab busts in that particular case. But from 1982 to 1985, it was very much limited to biker gangs being involved in that, very little out of Mexico.

Then you go to the period of the late 1980s, early 1990s. You see more red lines, meaning quantity and diverse distribution coming out of Mexico.

some from Korea, probably some from other countries we will not show on this particular map but still, relatively little. Then after 1994, you see a very dramatic acceptance of meth use, but also most of it coming from Mexico and most of it from that source just finding itself spread all across the United States, so very much a growing problem, very much a problem of Mexican sources and cartels being the source of our problem in this country.

In 1998 we had 321 methamphetamine labs found in my State of Iowa. This was more than double the year before. As of the first quarter this year, over 170 labs have been found in my State. If you multiply that by 4, you are going to see Iowa doubling the trouble of meth again in local production. That is what we know about. It does not account for the flow of meth from Mexico.

I know many other States in the West and the Midwest can tell a very similar story. We know this is a problem that is moving eastward. We are becoming a producing country for this dangerous drug. You can get the formula for producing meth off the Internet, and many of the chemicals to produce it can be found in local hardware stores and pharmacies. One of the common chemicals used in production is increasingly being stolen from farms.

The problem of production and use is growing worse. As it does so, it leaves in its wake broken homes and ruined lives. It is known on the street as crank, ice, speed, or meth. However it is named, the drug hooks users from all socioeconomic backgrounds. What is worse, medical experts and law enforcement officials point to younger and younger users. This is one of the most dangerous drugs we have ever seen. It is highly addictive, and it is a brain toxin. It attacks important functions of the brain, and, over time, prolonged use poisons these functions, in some cases permanently. The word on the street is that meth is a safe drug, but in fact it is a very vicious drug.

The physiological side effects of meth include brain damage, heart attacks, and seizures. It can cause insomnia and lead to paranoia as well as violent, erratic behavior. It has made routine police encounters with motorists more dangerous, and it has made investigating lab sites a risky undertaking. This highly dangerous, addictive stimulant disrupts homes, schools, workplaces, hospital emergency rooms, and even our courts. Worse yet, the production creates toxic waste dumps that endanger the environment and public safety.

Much of this problem disproportionately affects rural communities. Even in our most urban States, the threat is just overwhelming to local resources that have to bear the brunt of fighting the methamphetamine problem, because few small communities such as we have in rural America can cope with the explosion of users, pushers, and labs.

So those of us introducing this legislation—as I said, Senators KYL, DEWINE, HAGEL, and KOHL, and I—are then introducing this Rural Methamphetamine Use Response Act of 1999 today because we cannot turn a blind eye to this threat anymore. Passage of this legislation will move us forward in our efforts to protect our children and our future from the ravages of meth.

There are several key areas where this legislation will improve our ability to respond to the threat.

First, we need to get a handle on what the problem is. This legislation requires that the Secretary of Health and Human Services report to Congress on how drug use, and particularly methamphetamine use, is different in rural versus urban settings. Today we can break drug use down into patterns by sex, by age, region of the country, education, and the type of drug use. We have some idea when kids—and they are kids—first try drugs. I believe there is a more serious problem in rural America today than there has ever been. Meth production and use disproportionately affect rural areas, even in large urban States such as California.

Meth is often called the poor man's cocaine, because it is most widely used in blue-collar communities, rural areas, and small to mid-sized cities. Yet our resources and focus tend to go to large urban areas, because that is where we can more easily document the problem.

After getting a better handle on the problem with better statistics on a national basis from our Secretary of HHS, we, second, suggest the Attorney General, through this legislation, provide the Congress with an annual strategy on how to deal with the problem systematically and coherently. This will establish a benchmark to guide future research and action. As part of this problem, this strategy is meant as a mechanism for tracking both use and the proliferation of meth labs. We do establish, then, this mechanism to do it. This will require the administration to relate resources to action. We do not see that connection today in a coherent way.

In addition, the legislation will support the creation of rapid response teams at the Federal level to provide language and intelligence-collection expertise to communities that must deal with foreign-based meth gangs.

Next, the legislation will increase resources to provide training in meth lab cleanup as well as increased funding to the Drug Enforcement Agency so it can improve assistance for lab cleanup and disposal. That is not something a lot of States are waiting for the Federal Government to do, but it is being done on an ad hoc basis, State by State. In my particular case, the State of Iowa has set up two teams with the resources to help in this cleanup, because it is such a dangerous environment.

One of the problems with meth is we have this proliferation of home meth labs, large and small. They are toxic waste dumps filled with dangerous chemicals. Handling these labs requires special training and equipment. My legislation will create a number of regional training centers to help struggling communities deal with the explosion in meth production.

The legislation would enhance the ability to provide training to local police and sheriffs to meet this challenge.

Finally, this legislation will increase penalties for trafficking anhydrous ammonia, one of the major components in one method of producing meth, across State lines and would provide assistance for research methods for making anhydrous ammonia useless in meth production.

The intent of this legislation is to address a problem that is growing and spreading across the country, one that disproportionately affects small and mid-sized cities and rural areas.

I urge my colleagues in this body to join in supporting the Methamphetamine Use Response Act of 1999 and respond now to this challenge before it grows worse and before it spreads any further if, in fact, it can spread much further.

I yield the floor.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 152, H.R. 1259, regarding the Social Security lockbox issue.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

There being no objection, the Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

Trent Lott, Spencer Abraham, Rick Santorum, Gordon Smith of Oregon, Mike Crapo, John H. Chafee, Judd Gregg, Larry E. Craig, Rod Grams, Connie Mack, Frank Murkowski, John Warner, Slade Gorton, Fred Thompson, Michael B. Enzi, and Paul Coverdell.

Mr. LOTT. Mr. President, for the information of all Senators, if no previous cloture motions are invoked, this cloture vote will occur on Wednesday of this week, 1 hour after the Senate convenes, unless changed by consent.

All Senators will be notified as to the exact time of the cloture vote.

CALL OF THE ROLL

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, did the Senator have a reservation or a comment?

Mr. DASCHLE. Before we moved off this legislation, it was my intention to lay down an amendment. I don't need any time to talk about the amendment tonight but certainly prior to the time we have the cloture vote. Obviously, our desire is to offer some amendments to the bill. Because the bill is now the subject of the consideration of the Senate, it would be my desire at this point to lay down an amendment.

Mr. LOTT. Mr. President, I understand the Senator's desire, and I want to talk with the Senator about how he wished to proceed on this issue this week. However, I do not yield for the purpose of laying down an amendment at this time.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask consent there be a period for the transition of routine morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. DASCHLE. Reserving the right to object, let me say the whole idea, obviously, behind this amendment or any other amendments would be simply to address what I think we all recognize is an important issue—the Social Security lockbox. The only reason Democrats have been voting against cloture is simply because we have been "locked out" of our opportunity to offer amendments, such as an amendment which would provide for the Medicare lockbox as well as Social Security.

I am disappointed in our inability to lay an amendment down tonight. I think we can accommodate our colleagues on both sides of the aisle. We would agree to a limited number of amendments. I think we could dispose of this legislation with that kind of an agreement. I hope to talk with the majority leader at some point before the cloture vote to see if we can't find a way to have an agreement procedurally that would preclude the need for a cloture vote.

I will not object to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE for his explanation and I appreciate his courtesy. I am very much committed to the concept of making it difficult for Social Security funds to be used for any purpose other than Social Security.

I want to get to a direct vote. I know there are other amendments Senator DASCHLE or others would like to offer, and I will discuss it with him and see if we can't find a way to do that before this week is out.

With that, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—S. 331

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent that on Tuesday, June 15, the Senate proceed to the consideration of Calendar No. 80, S. 331, at a time to be determined by the majority leader, after consultation with the Democratic leader. I further ask unanimous consent that immediately upon reporting of the bill, a substitute amendment offered by Senator ROTH, which will be at the desk, be agreed to; that the bill then be read a third time, with no intervening action or debate; and that the Senate proceed to a vote on passage at a time to be determined by the majority leader and the Democratic leader. I finally ask unanimous consent that it not be in order for the Senate to consider any conference report or House amendments to S. 331, or its House companion, if it contains a net increase in direct spending in fiscal year 2000, the period fiscal year 2000 through 2004, or the period fiscal year 2005 through 2009, as estimated by the Congressional Budget Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARTIN LUTHER KING, JR. HOLIDAY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 96, S. 322.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 322) to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed.

There being no objection, the Senate proceeded to consider the bill.

Mr. CAMPBELL. Mr. President, I take this opportunity to urge my colleagues to support passage of S. 322, the Dr. Martin Luther King, Jr. Day Recognition Act of 1999. It is a fitting and appropriate tribute to have this legislation honoring Dr. King pass the full Senate on Flag Day which is being commemorated today.

This legislation will amend the Flag Code to add the Martin Luther King, Jr. holiday to the list of days on which the American flag should be displayed nationwide.

It is a testament to the greatness of Martin Luther King, Jr., that nearly every major city in the U.S. has a street or school named after him. Dr. King, a minister, prolific writer and Nobel Prize winner originated the nonviolence strategy within the activist civil rights movement. He was one of the most important black leaders of his era and in American history.

When Dr. King was tragically assassinated on April 4, 1968, he had already transformed himself as a national hero and a pioneer in trying to unite a divided nation. He strove to build communities of hope and opportunity for all and recognized that all Americans must be free to truly have a great country.

Dr. King was a person who wanted all people to get along regardless of their race, color or creed. His holiday came about due to the work of many determined people who wanted all of us to pause to remember his legacy. Senate passage of S. 322 will further recognize his legacy.

I thank the Chair and yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 322) was considered read the third time and passed, as follows:

S. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF MARTIN LUTHER KING JR. HOLIDAY TO LIST OF DAYS.

Section 6(d) of title 4, United States Code, is amended by inserting "Martin Luther King Jr.'s birthday, third Monday in January;" after "January 20;".

REQUESTING THE PRESIDENT TO RAISE A CERTAIN ISSUE AT THE G–8 SUMMIT MEETING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 120, submitted by Senator ASHCROFT.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 120) requesting that the President raise the issue of agricultural biotechnology at the June G–8 Summit meeting.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas biotechnology is an increasingly important tool in helping to meet multiple agricultural challenges of the 21st century;

Whereas genetically modified crops are helping to control weeds, insects, and plant diseases to increase crop yields and farm productivity, and to enhance the quality, value, and suitability of crops for food, fiber, and other uses;

Whereas agricultural biotechnology promises environmental benefits by reducing, or perhaps eliminating, the need for chemical pesticides, by improving the efficient utilization of fertilizer, thereby protecting water quality, and by conserving topsoil by reducing the need for tillage;

Whereas in recent years farmers have rapidly adopted agricultural biotechnology, with worldwide acreage of genetically modified crops growing from 4,300,000 acres in 1996, to 69,500,000 acres in 1998, which is more than a 16-fold increase;

Whereas American farmers planted biotech crops on about 38 percent of the soybean acreage, 25 percent of the corn acreage, and 45 percent of the cotton acreage, and within a few years over half of the agricultural crops grown in this country may be genetically modified;

Whereas increased agricultural productivity attained through greater use of biotechnology, in both developed and developing countries, holds a great deal of potential for meeting the nutritional needs of the world's population, of which at least 800,000,000 currently suffer from hunger or malnutrition;

Whereas despite the widespread adoption and extensive global benefits of biotechnology, marked differences among countries in their regulatory approaches are limiting substantially the use of, and trade in, agricultural biotechnology products;

Whereas an open international trading system for products derived from plant and animal agricultural biotechnology would make a broad array of improved products more affordable, including agricultural and food products, pharmaceuticals, and consumer products such as apparel, paper, cosmetics, soaps, and detergents;

Whereas because of the importance of international trade to the strength of the farm economy and the entire food and agriculture sector, any unwarranted restrictions on trade in biotechnology products could seriously disrupt the farm economy and unjustifiably force farmers to choose between using agricultural biotechnology and exporting their production; and

Whereas the threat to agricultural production and trade from restrictions on products derived from modern biotechnology has become serious enough to warrant the attention of world leaders: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) as the world trading system moves toward a reduction of tariff and nontariff barriers, all countries should work to ensure that scientifically unfounded new barriers are not erected;

(2) the President should raise at the June 1999, G–8 Summit the important issues surrounding the use of, and trade in, agricultural biotechnology ; and

(3) as world leaders prepare for a new round of negotiations on agriculture in the World Trade Organization, the G–8 Summit is an appropriate forum to seek a consensus with the major trading partners of the United States regarding—

(A) recognition of the global benefits of agricultural biotechnology, especially in meeting the nutritional needs of millions of people in developing countries;

(B) increasing consumer knowledge and understanding of agricultural biotechnology and its benefits; and

(C) the adoption of rational, scientifically-based systems for the regulation of biotechnology products and for eliminating unjustified barriers to the use of biotechnology products in international trade.

AUTHORIZATION OF TESTIMONY AND LEGAL REPRESENTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 121, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 121) to authorize testimony and legal representation in C. William Kaiser v. Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in an administrative proceeding before the Merit Systems Protection Board. The appellant alleges that he was terminated from his employment with the Department of Veterans Affairs unlawfully in retaliation for communications that entitle him to protected status as a whistle blower.

This resolution would permit Richard Lougee, a caseworker on Senator JUDD GREGG's staff, to testify, with representation by the Senate Legal Counsel, by providing an affidavit, and if necessary appearing at a deposition, about his communications with the parties to this matter.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas, in the case of C. William Kaiser v. Department of Veterans Affairs, Docket No. BN–0351–99–0110–I–1, pending before the Merit Systems Protection Board, testimony has been requested from Richard Lougee, an employee of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Richard Lougee is authorized to testify in the case of C. William Kaiser v. Department of Veterans Affairs, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Richard Lougee in connection with the testimony authorized in second one of this resolution.

REPORTING OF COMMITTEE FUNDING RESOLUTIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 122, submitted earlier today by Senators MCCONNELL and DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 122) authorizing reporting of committee funding resolutions for the period October 1, 1999 through February 28, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 122) was agreed to, as follows:

Resolved, That notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate—

(1) not later than July 15, 1999, each committee shall report 1 resolution authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff, for the period October 1, 1999 through February 28, 2001; and

(2) the Committee on Rules and Administration may report 1 authorization resolution containing more than 1 committee authorization resolution for the period October 1, 1999 through February 28, 2001.

ORDERS FOR TUESDAY, JUNE 15, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Tuesday, June 15. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess, immediately following the 2 hours of debate on S. 96, until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, for the information of all Senators, on Tuesday, the Senate will convene at 11 a.m., and by previous consent immediately begin 2 hours of debate on S. 96, the Y2K legislation. Following that debate, the Senate will stand in recess for the weekly party conferences to meet. At 2:15 p.m., when the Senate reconvenes, a series of stacked votes will occur. The first votes in order will be to complete the Y2K legislation. Following disposition of that bill, a cloture vote on the Social Security lockbox issue will occur. If cloture is not invoked on the lockbox legislation, a cloture vote on H.R. 1664, regarding steel, oil, and gas appropriations, will be in order; further, if cloture is not invoked on H.R. 1664, it is the intention of the leader to resume debate on the energy and water appropriations bill. It is hoped that this appropriations bill can be completed by tomorrow evening.

As a reminder, a cloture motion to the House-passed Social Security lockbox legislation was filed today. Therefore, that cloture vote will take place on Wednesday, 1 hour after the Senate convenes, unless there is a unanimous consent agreement to change that time.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, June 15, 1999, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 14, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

QUALITY OF LIFE IN PORTLAND, OREGON, IS KEY TO GOOD JOBS THAT STAY

Mr. BLUMENAUER. Mr. Speaker, I came to Congress with a goal to help the Federal Government be a better partner working with State and local governments, the private sector and individual citizens to promote livable communities. In that capacity I am used to people who are confused or are perhaps even hostile to looking at doing things differently. Change is not easy. Some have difficulty imagining different patterns of development in our community.

The latest example of either confusion or hostility was an article that appeared in the New York Times this weekend entitled The Scourge of New Jobs. It was taking my community, Portland, Oregon, to task for supposedly discouraging new jobs by having a modest surcharge on potential increase in jobs as a result of an agreement with the high tech company Intel. The article was replete with errors.

First and foremost, Portland does not limit building permits, although it does, I think very logically, focus on where building and development should take place. In fact, we have seen over the better part of this decade dramatic increase in building and development in our community. Our area does not limit jobs; in fact, to the contrary. We have had rapid growth in employment in the Portland metropolitan area; over 180,000 jobs since 1990. But what we have found is that the quality of life is the key to attracting good jobs and keeping them in our community.

Mr. Speaker, the sad fact is that development seldom entirely pays for itself through increased sales or property taxes. Indeed, in our community, as in many, when you have industrial expansion like Intel, the strains potentially on schools, public safety, roads and the environment far exceed a modest increase in the property tax. In this case, the local government had agreed to place a limit on the amount of property that could be collected for the new development. In exchange for this limitation there was a thousand-dollar surcharge that was going to be assessed against Intel if it exceeded an additional thousand jobs.

But put that in perspective. We are talking about $12.5 billion of new investment. We are talking about a $200 million tax break. If somehow the company increased employment by more than a thousand, that would only be a million dollars to help the local community defer the increased costs. It was clearly a good deal for the company, which is why they jumped at it, and it reflects the fact that we want to have balanced growth, not deteriorate the quality of life for the businesses and the individuals who already live there.

At a time when suburban dwellers are increasingly concerned about the erosion of their quality of life, at a time when small towns across America are struggling to be economically viable and retain their unique identities, when central cities are struggling to come back from years of economic decline and decay, when a town like Atlanta wakes up one day and looks at the price of its unplanned growth, losing job opportunities, for example, in high tech, it makes what we are doing in the Portland metropolitan area worthwhile not just to look at, but to carefully examine.

Mr. Speaker, I would be the last to suggest that this ought to be a cookie-cutter approach that everybody ought to apply, but at a time when the American people demand and deserve more livable communities, we ought not to ignore any good examples.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REGULA) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 65.

O God, it is right for us to praise you in Zion and keep our promise to you because you answer prayers. People everywhere will come to you on account of their sins. Our faults defeat us, but you forgive them. Happy are those whom you choose, whom you bring to live in your sanctuary. We shall be satisfied with the good thing of your house, the blessings of your sacred temple. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1999.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 11, 1999 at 12:40 p.m.: That the Senate Passed without amendment H. Con. Res. 127.

Appointment: Congressional Award Board.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

TRIBUTE TO "OLD GLORY"

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today, along with my constituents of the Second Congressional District of Nevada, I want to pay tribute to our Nation's great flag.

Since the day Betsy Ross became the most famous seamstress in American history, "Old Glory" has changed about 27 different times, but changing only in its glorious appearance.

While our Nation has progressed and even grown over the past 2½ centuries, our flag continues to represent the same ideals, freedoms, and liberties we all cherish. But even further, the American flag represents the hopes and dreams of millions of people around the world.

Our flag greets us when we arrive at our place of business. It greets our children when they arrive at school. Even out in the ballpark on a warm summer afternoon, "Old Glory" waives gallantly before us.

Today, like any other day in Congress, we pledge our allegiance to the flag before addressing the issues that affect the very freedoms and liberty for which our flag stands.

So as we settle in on this week of work, let us each take an extra moment today to recognize "Old Glory," for we are all blessed to live under the freedoms and liberties for which the stars and stripes stands.

NO FIVE-DAY WAITING PERIOD ON CHINESE NUKES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China spies and buys our secrets. Then China points their missiles at American cities. Now if that is not enough to put trigger locks on Chinese missiles, a White House spokesman said, and I quote, "We will grant China swift admission to the World Trade Organization." Swift admission no less. Beam me up here. I am firmly convinced those experts at the White House are smoking dope.

I yield back the fact that there is no 5-day waiting period on Chinese nukes. Think about that.

SUPPORT DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it has been called the Mozart effect, the scientific study showing that early music training shapes children's growing brains and boosts their learning power.

Not only does early music training and exposure aid in development of logic and abstract thinking, it also helps children with memory retention and creativity. That is why, Mr. Speaker, although local educators have recognized this fact for years, they often find their local budget so burdened with strings and regulations, that music and art education loses out.

This is unfortunate and shortsighted. It is why more local control is necessary so that parents, teachers, and local schools have the freedom to invest their elementary dollars into the classes that teach students tiny bits of music theory and expose them to the basics of music and art education.

With the Dollars to the Classroom Act, local educators would have the freedom to make decisions for their school if they identified such a need. More flexibility, more local control, more dollars to the classroom.

I urge my colleague to cosponsor and support the Dollars to the Classroom Act.

TAXES KEEP GETTING RAISED AND BURDEN ON TAXPAYERS IS GREATER AND GREATER

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, in the last 40 years we have almost never heard a politician run on a pledge to raise taxes. Yet, somehow taxes keep getting raised, and the tax burden on the middle income just gets greater and greater.

Middle income families send between one-fourth and one-third of everything they earn to the government, and the government in turn is not very careful with what it takes.

Even worse, the arrogance of government and of the tax-and-spenders who keep on expanding government is such that the liberal Democrats routinely imply that they are doing people a favor by letting them keep more of what already belongs to them.

They talk about giving people tax breaks as if the government is giving them something. How truly revealing. A government that cuts taxes is not giving anybody anything. It is merely not taking as much from what already belongs to the taxpayer.

Liberals hate tax cuts. The New York Times and the Washington Post constantly editorialize against them. Why is it so terrible to give Americans more freedom and government less?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1400) to amend the Securities Exchange Act of 1934 to improve collection and dissemination of information concerning bond prices and to improve price competition in bond markets, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bond Price Competition Improvement Act of 1999".

SEC. 2. EXTENSION OF TRANSACTION REPORTING TO DEBT SECURITIES.

(a) AMENDMENT.—Subsection (d) of section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1(d)) is amended to read as follows:

"(d) MINIMUM REQUIREMENTS FOR TRANSACTION INFORMATION ON DEBT SECURITIES.—

"(1) ACTION REQUIRED.—The Commission shall adopt such rules and take such other actions under this section as may be necessary or appropriate, having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets to assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of transaction information, including last sale data, with respect to covered debt securities so that such information is available to all exchange members, brokers, dealers, securities information processors, and all other persons. In determining the rules or other actions to take under this subsection, the Commission shall take into consideration, among other factors, private sector systems for the collection and distribution of transaction information on corporate debt securities.

"(2) EFFECT ON OTHER AUTHORITY.—Nothing in this subsection limits or otherwise alters the Commission's authority under the other provisions of this section or any other provision of this title.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) COVERED DEBT SECURITIES.—The term 'covered debt securities' means bonds, debentures, or other debt instruments of an issuer, other than—

"(i) exempted securities; and

"(ii) securities that the Commission determines by rule to except from the requirements of this subsection.

"(B) TRANSACTION INFORMATION.—The term 'transaction information' means information concerning such price, volume, and yield information associated with a transaction involving the purchase or sale of a covered debt security as may be prescribed by the Commission by rule for purposes of this subsection.

"(C) FACTORS IN DEFINITIONAL RULES.—In prescribing rules pursuant to this paragraph, the Commission shall take into consideration the extent to which a security is actively traded, market liquidity, competition, the protection of investors and the public interest, and other relevant factors.".

(b) CONFORMING AMENDMENT.—Section 11A(a)(3)(A) of such Act is amended by striking "(which shall be in addition to the National Market Advisory Board established pursuant to subsection (d) of this section)".

(c) DEADLINE FOR ACTION.—The Securities and Exchange Commission shall take action to implement the requirements of section 11A(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(d)), as amended by subsection (a) of this section, within 12 months after the date of enactment of this Act.

SEC. 3. EXCHANGE LISTING OF DEBT SECURITIES.

Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(a)) is amended by striking the period at the end thereof and inserting the following: ", except that a registration is not required to be effective for trading on an exchange of a class of debt securities of an issuer that has another class of securities for which a registration is effective for such exchange. Such a class of debt securities shall, for purposes of any provision of this title or the rules or regulations thereunder, be treated as a class of securities registered under this section upon approval of the listing of such class of debt securities by the exchange.".

SEC. 4. TECHNICAL AMENDMENT.

Section 3(a)(12)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(B)) is amended by adding at the end the following new clause:

"(iii) Notwithstanding subparagraph (A)(i) of this paragraph, securities, other than equity securities, that are described in subparagraphs (B) and (C) of paragraph (42) of this subsection shall not be deemed to be exempted securities for purposes of section 11A of this title.".

SEC. 5. STUDIES.

(a) STUDIES REQUIRED.—The Comptroller General shall conduct a study of measures needed in the public interest and for the protection of investors to improve the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information concerning transactions—

(1) in debt securities as to which transaction information is collected but not disseminated pursuant to section 11A(d) of the Securities Exchange Act of 1934, as amended by this Act (15 U.S.C. 78k-1(d)); and

(2) in municipal securities (as such term is defined in section 3(a)(29) of such Act (15 U.S.C. 78c(a)(29)).

(b) COMMISSION AND MSRB PARTICIPATION.—The Comptroller General shall conduct the study required by subsection (a)(1) in consultation with the Securities and Exchange Commission, and the study required by subsection (a)(2) in consultation with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

(c) SUBMISSION OF REPORTS.—The Comptroller General shall submit to the Congress a report on the studies required by subsection (a) within one year after the date of enactment of this Act. Such reports shall include an identification of the measures needed to improve the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information concerning transactions in the debt securities and municipal securities described in such subsection, including measures requiring legislative or regulatory action.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 1400, the Bond Price Competition Improvement Act of 1999. This is a bill designed to accomplish a simple but very important goal, to make investors' dollars go farther in the bond markets.

How will this legislation accomplish that goal? By improving the way our country's bond markets work. Today, investors simply do not have the same access to bond price information that they do to price information about stocks or, for that matter, cars or bananas or plane tickets. In fact, investors have practically no information about the prevailing market prices of bonds when they seek to invest in the bond market.

As we learned in our hearings before the Subcommittee on Finance and Hazardous Materials, two investors buying the same bond at the same time from the same dealer can be given very different prices, prices differing by as much as 6 percent. That can amount to a full year's worth of interest.

The reason for this is that there exists no mechanism to provide investors with bond prices, like the ticker that investors see every day for stock prices. Without price information, investors do not have the tools they need to comparison shop. So competition cannot influence the market to bring investors the best prices.

This legislation will fix this deficiency in our securities markets. I believe that the forces of competition should bring investors the best prices, not only in the stock market, but also in the bond market. H.R. 1400 ensures that the Securities and Exchange Commission will adopt rules to unleash those competitive forces.

Although the Commission has had authority to adopt transparency rules for the bond market since 1975, this legislation is necessary to guarantee that those rules will be adopted. The legislation also ensures that bond price information will be provided to the public on their trades.

I am pleased that H.R. 1400 enjoys the support of the Bond Market Association, the National Association of Securities Dealers, and the Securities and Exchange Commission, each of whom worked closely with the committee throughout the development of this legislation.

In particular, I commend the Bond Market Association for taking steps to develop a system that will improve competition in the bond market for investors. I note that H.R. 1400 contemplates the development of such a private sector initiative in achieving its goal, and it is my hope that the marketplace will embrace that goal and develop a system that precludes the need for any additional transparency requirements. The legislation also ensures that the SEC will take such private sector initiatives into consideration in promulgating rules under the bill.

In addition, the legislation includes a technical provision dealing with the treatment of exchange-listed debt securities. This provision eliminates needless regulatory requirements relating to these instruments, to reduce costs and streamline the provision of information to the marketplace.

I commend the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Material, for his leadership on this issue, from his initial hearings in the 105th Congress to today's vote. I also commend the gentleman from Michigan (Mr. DINGELL), the ranking member of the committee on Commerce, who has worked hard to ensure our markets are the fairest and most transparent possible for investors.

I thank and commend the gentleman from New York (Mr. TOWNS), ranking member of the Subcommittee on Finance and Hazardous Material, as well as the gentleman from Massachussetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade, and Consumer Protection for their leadership and constructive input at every stage of this legislation's develop.

This legislation continues the tradition we have had in the committee during my chairmanship of quietly modernizing the laws governing financial markets. We enacted litigation reform to diminish securities strike suits brought against public companies.

In the National Securities Markets Improvement Act, we eliminated State regulation of securities offerings. We provided for cost-benefit analysis of SEC rules. We reduced the fees assessed by the SEC on securities offerings. We extended the protections of litigation reform to the States and the Uniform Standards legislation.

□ 1415

And we worked to bring decimal pricing to the exchanges.

The corporate bond market covered by this legislation is significant. Every day investors trade over $15 billion worth of corporate bonds. Every Member of this body has constituents who are relying on that market for their retirement, their children's education, and their financial future. It is our obligation to make that market the fairest, most competitive and most efficient it can be. H.R. 1400 will help us fulfill that obligation.

The purpose of H.R. 1400, the Bond Price Competition Improvement Act of 1999, is to improve the collection and dissemination of information concerning prices for debt securities to enable all investors to make more informed investment choices by providing a means by which they can more readily compare prices of debt securities. Recognizing the important role the nation's debt markets play in capital formation, consideration of the effects transparency may have on market liquidity is also included under the scope of this bill. Improved transparency will likely lead to increased competition among dealers, and will also serve to foster investor confidence in the bond markets. Regulators will also benefit by gaining access to an increased amount of transactions data for use in market surveillance.

On September 29, 1998, the Subcommittee on Finance and Hazardous Materials held a hearing, "Improving Price Competition for Mutual Funds and Bonds." At that hearing, the Subcommittee heard testimony regarding bond market transparency from the SEC, The Bond Market Association, The Vanguard Group, and Clover Capital Management, among others. In their testimony, the SEC described the results of a recently completed review of the U.S. debt markets. Overall, the report found that "the debt markets are functioning well." The U.S. Treasury market was found to be "highly transparent," and the federal agency securities market was characterized as having "a very good level of pricing information." The SEC found that for mortgage- and asset-backed securities, including collateralized mortgage obligations, the "quality of pricing information and interpretive tools available to the market is good." The quality of pricing information for high-yield corporate bonds was found to be "relatively poor," yet the SEC found that dealers "do not appear to enjoy a great advantage over their institutional clients." For investment grade bonds, the SEC reported that the quality of pricing information available ranges from "fairly good to fair." Witnesses from The Vanguard Group and Clover Capital Management echoed the SEC's comments about price transparency in the high yield and investment grade corporate bond markets. The Bond Market Association testified in support of the goal of providing investors with more meaningful price information, and reaffirmed their commitment to improving price transparency in the corporate bond market. Testimony indicated that improvements in corporate bond price transparency were needed.

Price transparency in the Treasury, municipal, and high yield bond market has received much attention from regulators and Congress in recent years. For each of these markets, a different, market-specific approach to price transparency was developed in coordination with regulators, legislators, and industry participants. The Committee heard testimony that detailed the existing price transparency systems in these markets, and was told that experience gained in developing these systems will assist in the development of relevant systems for the corporate bond market. According to a joint report by the SEC, the Treasury Department, and the Federal Reserve Board, private sector systems in the Treasury market have been credited with contributing to "significant advances in price transparency for government securities." Recognizing the importance of private sector initiatives, H.R. 1400 contains a provision requiring the SEC to consider "private sector systems for the collection and distribution of transaction information on corporate debt securities."

In the municipal and high yield bond markets, dealers are already required to report their transactions in these securities. All transactions in municipal bonds are reported to the Municipal Securities Rulemaking Board, and have been reported to the MSRB for several years. Since 1995, dealer market transactions have been reported, and since 1998, dealer to customer transactions have also been reported. Regulators have access to this data, and The Bond Market Association provides the MSRB's data on its investor web site—www.investinginbonds.com—to the public free of charge. For high yield corporate bonds, the Nasdaq's Fixed Income Pricing System (FIPS) collects data for regulatory purposes, provides it to participants, and to vendors who then transmit it to their subscribers. There are NASD rules that require the reporting of all high yield transactions in FIPS. For exchange-listed bonds, prices are reported in many newspapers each day, and NYSE bond trades are available throughout the day on the high speed bond quote line and also on the Internet.

The Subcommittee heard testimony on March 18, 1999 that highlighted the fact that regulators have recognized the difference between liquid and illiquid securities when developing regulations for equities and also for high yield bonds. While the equities market is considered by many to represent an exemplary approach to price transparency, it was noted that vast differences in the level of price transparency between liquid and illiquid equities exist. Real-time reporting and immediate dissemination of price and quantity characterize the level of transparency for listed equities—which are for the most part, liquid securities. However, in the market for unlisted "pink sheet" or "bulletin board" equities—which are not very liquid securities—prices are not reported in real-time nor are prices publicly disseminated. In fact, there are no real-time transaction reporting systems that require or provide immediate public dissemination of every trade in a given class of illiquid securities. In testimony from The Bond Market Association, the Subcommittee heard that the industry has undertaken a private sector initiative that is designed to cover inter-dealer broker trades in investment grade corporate bonds, and that the data will be made available to regulators. The NASD also testified that they are currently developing a comprehensive system that will include an historical database that can be used for market surveillance.

The nature of the bond markets raises some difficult challenges in crafting price transparency solutions. There are numerous corporate bond issues outstanding at any given time—estimates range from 300,000 to 400,000 for corporate bonds—in contrast to only approximately 11,000 listed equities. Testimony indicated that only 4 percent of corporate bonds trade at least once in any given year. Bond markets are not continuous trading markets—i.e., most bonds do not trade every day—and as such, the market structure of the bond market is necessarily different from the structure of the equities market. Corporate bond trades occur as a result of negotiations between trading parties, and most trades are conducted over-the-counter, as opposed to on the New York Stock Exchange or American Stock Exchange. Corporate bonds trade in relation not only to one another, but more importantly in relation to a benchmark Treasury security (spread to Treasury). The Committee recognizes that the high level of transparency in the government securities markets therefore provides a critically important relative evaluation benchmark for corporate bonds. The market is largely institutional, with retail investors holding less than five percent of corporate bonds outstanding. Additionally, most institutional investors have access to numerous sources of benchmark securities prices and other related price information from commercial vendors. These sources enable investors to make price comparisons between similar corporate bonds—even if a particular bond did not trade—which is a very likely scenario. Since corporate bonds trade in relation to one another, specific bonds of like credit quality and maturity may be fungible with one another, which facilitates the ability of investors to comparison shop among dealers.

Currently, the bond markets provide a vital source of capital for the U.S. Government, federal agencies, states and localities, and America's corporations. In 1998 alone, over $10 trillion of new debt was issued in the United States debt markets. The Subcommittee heard testimony that advised regulatory authorities to proceed carefully when developing systems to improve price transparency so that market liquidity will not be harmed. Testimony highlighted the concerns of large institutional investors and market participants who hold large blocks of bonds. Testimony suggested that these investors and participants are concerned that the immediate dissemination of price and trading volume could make it harder for them to unwind positions, and subsequently, the amount of capital supplied to the market may be reduced. Although the Committee made no determination as to whether or not liquidity would be affected by increased price transparency, the Committee recognizes the importance of these concerns, and a provision in H.R. 1400 requires the SEC to take market liquidity, as well as other factors, into account before prescribing rules.

The CBO Cost Estimate included in the Committee Report identifies the NASD as the statutorily mandated private sector collector and disseminator of bond price information and ignores all costs to other market participants—including dealers and investors. However, H.R. 1400 specifically and purposefully omits the identity and character of the entity responsible for the collection and dissemination of prices for "covered debt securities." Although only the SEC, or a self-regulatory organization like the NYSE or NASD, can impose rules and conduct market surveillance, the exact method of collecting pricing data and disseminating pricing data is left to the discretion of the SEC subject to the guiding factors identified in the bill. One important factor, that "the Commission shall take into consideration . . . private sector systems for the collection and distribution of transaction information on corporate debt securities," was in fact specifically added to H.R. 1400 to ensure maximum competition in the marketplace for those functions not required to be undertaken by regulators or self-regulatory organizations. The CBO cost estimate misstates the statutory language of H.R. 1400 in identifying the NASD as the sole entity required to "collect, process, distribute and publish" pricing information. Moreover, the CBO estimate ignores true private sector costs—i.e., the cost (both hard and soft) to the dealer community associated with H.R. 1400.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. DINGELL. Mr. Speaker, I rise in support of the bill H.R. 1400, the Bond Price Competition Improvement Act of 1999, and urge its adoption by the House.

I filed a comprehensive additional set of views which appear at page 11 through 13 of the Committee Report.

Mr. Speaker, I would like to first commend my good friend, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, and the gentleman from Ohio (Mr. OXLEY) chairman of the Subcommittee on Finance and Hazardous Materials, for their strong leadership in this legislation. This is an issue that has been boiling around for a long time and the committee has been telling the industry that this is a matter which has to be corrected.

In 1993 in the fall, Mr. MARKEY, then chairman of the Subcommittee on Finance and Hazardous Materials, warned, "I have little sympathy for those who keep information about quotes, trades, prices, and markups in the dark away from investors. Markets are more efficient, more fair, and more liquid when investors can readily determine how much a security costs."

At the September 29, 1999, hearing on price competition for bonds, my good friend, the gentleman from Virginia (Chairman BLILEY) issued a challenge to the SEC and the bond market to get going and clean this market up and promised to introduce legislation in the next Congress. The gentleman from Virginia was true to his word and I commend him for working with those of us on this side of the aisle, the Federal regulators, and the bond industry to fashion this targeted and bipartisan bill that is cosponsored by a large numbers of Members on the Subcommittee on Finance and Hazardous Materials, including myself.

Mr. Speaker, in this bill we tell the markets to stop treating investors like mushrooms. We require that the investing public no longer be kept in the dark, away from the world of prompt, accurate, and reliable transaction information; in other words, keeping them away from the sunlight. And we require them to include the last sale reported.

Bond markets are an important function in the U.S. economy. Their complexity will raise more difficult challenges to crafting transparent solutions. This is why we have charged the SEC, the Federal securities regulator, with the responsibility for overseeing this initiative.

The private market has raised concerns that this effort will hurt market liquidity. We are aware of those concerns, but I must confess that personally I have small regard for the concerns and some doubts about those who have raised them. They also were raised in conjunction with earlier initiatives to facilitate transparency in the market for government securities. These markets were totally unharmed, and investors were significantly benefited. They remain the most liquid and efficient in the world.

Mr. Speaker, in closing, I commend the ongoing private sector and NASD responses to the challenge. I believe that the bond markets and the investors both will reap significant benefits from the actions we take today. I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials, who so ably steered this legislation through.

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 1400, the Bond Price Competition Improvement Act. Although bond trading may not be the most exciting topic in the world, there are $15 billion of corporate bonds traded each day in the United States. It is our obligation to see that those who are relying on bonds for their retirement and their children's education can buy bonds in a fair and open market.

The Subcommittee on Finance and Hazardous Materials began examining the bond market in the 105th Congress. In September, we heard testimony that two investors buying the same bond at the same time from the same dealer can be given very different prices, prices differing as much as 6 percent, amounting to a full year's worth of interest.

In the equity markets there is a mechanism for distributing price information to the public. All one has to do is turn on CNBC and see the ticker at the bottom of the screen which lists the price of stocks traded during the day. No such system currently exists in the bond markets, and that needs to be corrected.

H.R. 1400 was reported unanimously by the Committee on Commerce. This bipartisan bill was originally cosponsored by 27 of the 28 members of the subcommittee and enjoys the support of the Securities and Exchange Commission and the National Association of Securities Dealers.

H.R. 1400 directs the Securities and Exchange Commission to use authority it has had since 1975 to adopt rules facilitating transparency in the bond market with certain minimum standards. By enacting this legislation we will guarantee that these important changes take place. We also make clear that information should be provided to the public for their trades.

Additionally, the legislation provides some regulatory relief to exchange listed bonds. It also includes a provision indicating that the legislation does not affect the exemption from registration requirements for securities of government-sponsored enterprises.

When the committee first raised concerns regarding transparency in the corporate bond markets, market participants responded quickly by developing and implementing a voluntary trade reporting system. The industry has responded positively to transparency challenge in other markets as well. These actions demonstrate a genuine commitment to improving bond market transparency. This commitment should form the basis of a productive partnership between industry and the SEC to improve price transparency. The SEC should consider this progress as it moves forward under this legislation.

Mr. Speaker, I understand that the gentleman from Virginia (Chairman BLILEY) has included in the RECORD some additional legislative history of H.R. 1400. I understand this legislative history will amplify the record on private sector initiatives in the bond market. I would like to ask the distinguished gentleman if that is correct.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, the gentleman is absolutely correct.

Mr. OXLEY. Mr. Speaker, reclaiming my time, and I would like to indicate that I join the gentleman in that additional legislative history, and I would like to commend the Bond Market Association for their very constructive participation during the consideration of this legislation. The Bond Market Association is developing a voluntary system to display bond prices publicly. This system will improve the availability of bond prices to investors, and, Mr. Speaker, that just began last week, and we expect a great amount of progress in bringing that price information to the public.

Mr. Speaker, I would like to commend the gentleman from Virginia (Mr. BLILEY) for his leadership on this issue. This is his legislation that he introduced. And I thank him for helping to bring meaningful legislation to the floor for the benefit of all Americans. I also commend our good friend the gentleman from Michigan (Mr. DINGELL); the gentleman from New York (Mr. TOWNS), the ranking member of our subcommittee; and the gentleman from Massachusetts (Mr. MARKEY) for their assistance on this project. Without their help, we would not be here today.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a couple of brief comments that I think will be helpful to the RECORD. The first is to again express my great affection and respect for the gentleman from Virginia (Mr. BLILEY), distinguished chairman of the Committee on Commerce, and for the distinguished gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials.

Mr. Speaker, I have not seen these "additional remarks" which are being used to constitute legislative history. Could my two good friends enlighten me as to what they are, where they come from, and what they say?

Mr. BLILEY. Mr. Speaker, if the gentleman would yield, he will have a chance to peruse them before they become a part of the RECORD.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I am comforted to hear that. Am I to assume that they are not part of the legislative history or they are a part of the legislative history?

Mr. BLILEY. Mr. Speaker, if the gentleman would continue to yield, they are not part of the legislative history at the moment.

Mr. DINGELL. Mr. Speaker, again reclaiming my time, I am much comforted to know that. I am comforted because I have always been told in this place that the legislative history is a history of the legislation, and it involves discussion amongst all the people who are handling the legislation so that they all know what it is. I assume that I will have a chance to look at these and perhaps approve them before they become legislative history.

Mr. BLILEY. The gentleman is absolutely correct.

Mr. DINGELL. Very good. Then I thank my good friend.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 1400, the Bond Price Competition Improvement Act of 1999.

I would like to begin by commending Chairman BLILEY, Subcommittee Chairman OXLEY, the Ranking Democratic Member of the Committee, the gentleman from Michigan (Mr. DINGELL), and the Ranking Democrat on the Subcommittee, the gentleman from New York (Mr. TOWNS) for their leadership in bringing this bill forward for today's Subcommittee markup. I am pleased to be an original cosponsor of this legislation, which is aimed at improving price competition in the nation's bond markets.

On Wall Street, the term "Price Transparency" refers to the dissemination of market quotation and transaction information. Such transparency is of critical importance to all participants in our nation's securities markets. Experience has shown that price transparency produces several important benefits. It can help improve the liquidity and efficiency of a market by assuring that comprehensive price and trading information is disseminated to as many market participants as possible, so that the market price of securities will move more quickly to reflect the underlying economic value of the security. In addition, price transparency provides investors with greater protection from abuses by reducing the disparity of information that may exist between market "insides" and "outsiders" and providing public investors with more equal access to information that is available to primary and other dealers.

With equal access to pricing information, investors in stocks or bonds can better evaluate the quality of execution and the value of their securities. This information is particularly useful for investors evaluating prices for less actively traded securities, where bid-asked spreads may be wider. Such data also can encourage competition among dealers and assist regulators in discovering possible manipulation, fraudulent mark-ups, or other wrongful conduct, or in determining the state of the market at any point in time.

In 1975, the Congress directed the SEC to facilitate the creation of a National Market System for qualified securities. When the Congress enacted that legislation, it did not limit its application merely to stocks, but also included corporate debt securities. At the time, there were many in the broker-dealer community who vigorously opposed it. But some 24 years later the Dow Jones Industrial Average has been routinely topping the 10,000 mark, and all observers agree that the stock markets is much more efficient and more liquid in large part due to their increased transparency.

In the 1980s, under the Subcommittee on Telecommunications and Finance, which I then chaired, Congress passed landmark government securities legislation that, in part, addressed the lack of transparency in that segment of the bond market. In 1991, the industry responded with GovPX, a 24-hour, global electronic reporting system for U.S. Treasury and other government securities.

In the fall of 1993, the Subcommittee held comprehensive hearings on the municipal securities market. I observed at the close of those hearings that I have little sympathy for those who would keep information about quotes, trades, prices, and markups in the dark, away from investors, and that markets are more efficient, more fair and more liquid when investors can readily determined how much a security costs. The Subcommittee challenged the SEC and the market to respond to this need, and promised carefully targeted and bipartisan legislative reforms if they failed to do so.

In response the industry in 1995, the Municipal Securities Rulemaking Board (MSRB) started collecting data on dealer-to-dealer transactions in the municipal bond market as well as disseminating daily summary reports. In 1998, the MSRB added coverage of customer trades to this system.

I should note that in 1994 the National Association of Securities Dealers (NASD) established the Fixed Income Pricing System which covers some but not all high-yield corporate bonds. Aside from this action, over the years the SEC has not made much use of the powers Congress granted it in this area to bring transparency to the corporate bond market. The legislation we are taking up today would help change that. H.R. 1400 would direct the SEC, within the next 12 months, to use the authorities Congress granted it back in 1975 to issue rules or take other actions to improve price transparency in the corporate bond market. Specifically, the bill would mandate that the SEC assure the prompt collection, processing, distribution, and publication of transaction information in the corporate debt market. This would specifically include, but not be limited to, last sale information. Under the bill, the SEC would be directed to assure that such information is made available to all exchange members, broker-dealers, securities information processors, and all other person. In determining the rules or other actions to take under the subsection, the SEC is also directed to take into consideration, among other factors, private sector systems for the collection and distribution of transaction information on corporate debt securities. Finally, the bill provides for a study by the General Accounting Office of measures needed to further improve price transparency.

I support this initiative because I believe that bond investors deserve to get full access to the type of market information that will better enable them to determine whether they are getting the best price for their buy and sell orders. We recognize that Chairman Levitt has already taken some preliminary steps to move the industry forward in this area, and that as a result of his leadership, the NASD is currently considering rule changes which would create transparency and audit trail systems for the corporate bond market. In addition, we also understand that the bond dealers have also stepped in with a plan to make certain market information available, and we welcome that action.

I would like to focus on the relationship on that initiative and this legislation, to ensure that the legislative history of this bill properly reflects the factors that went into consideration of its provisions. During the Subcommittee of Finance and Hazardous Materials hearing on H.R. 1400, I had an opportunity to ask SEC Chairman Levitt about several aspects of the bond dealers' initiative. His responses indicated that while the private sector initiative might be useful to investors, it also had some very significant limitations. For example, Chairman Levitt indicated that the scope of the private sector initiative was limited to investment grade debt, so that all the non-investment grade wouldn't even be covered. Chairman Levitt further indicated that the industry initiative relies entirely on voluntary participation. As a result, he indicated, if an interdealer broker doesn't volunteer to join the system, its trades wouldn't be displayed. In addition, Chairman Levitt testified that direct dealer-to-dealer or dealer-to-customer trades that don't use an interdealer broker wouldn't be recorded through the voluntary initiative. Moreover, the initiative would provide only for hourly dissemination of data, which Chairman Levitt agreed could prove pretty stale in today's fast moving markets. Finally, Chairman Levitt indicated that the SEC and the NASD need additional information about what is going on in the corporate bond market to perform their surveillance missions "comprehensively and accurately."

I mention this testimony because I believe that it is essential that the SEC and the NASD, as they consider how to implement the Congressional direction contained in H.R. 1400, must never lose sight of the fact that the current voluntary industry initiatives, while useful and welcome, have their limitations. That is precisely why we gave the SEC the authority to act in a comprehensive fashion, consistent with the public interest and the protection of investors. And while we in Congress recognize these private sector initiatives and welcome them, we nonetheless are passing this legislation today because we are also aware of the gaps in those initiatives and the need to assure that appropriate action is taken by the SEC and to NASD to assure that any transparency system established for the corporate bond market is comprehensive in scope, is not riddled with loopholes, appropriately serves the needs of investors, and allows the SEC and the NASD to carry out their important market surveillance and enforcement missions.

I believe the legislation we are considering today does this. It will underscore the determination of the Congress that effective and comprehensive action will be taken in this area. I urge passage of the legislation.

I urge my colleagues to support this bill as it moves through the legislative process.

Mr. DINGELL. Mr. Speaker, earlier today during floor debate on H.R. 1400, the Bond Price Competition Improvement Act of 1999, I became aware of the intention of the Majority to insert in the RECORD as an extension of remarks "legislative history" that the Minority had not been afforded an opportunity to review. We were subsequently informed by Majority staff off the Floor that they had agreed to insert in the RECORD verbatim language that had been submitted by representatives of the Bond Market Association (BMA). I have serious problems with this sneaky attempt to affect the carefully-crafted bipartisan agreement on this bill. I have been supplied a copy of the BMA language and will review it carefully. After an initial reading, I have concluded that parts of it contain factual errors and I will be putting a statement in the RECORD over the next day or so to point out and correct these problems. In the meantime, I wish to express the well-established legal norm that the Courts, in interpreting this statute, should be governed by the plain meaning of the legislative language and the intent expressed in the Committee's report and not on late-crafted statements presented by lobby groups to only the majority and not cleared by the minority or discussed with the minority in proper fashion.

Legislative history is the work of the Congress, in its official pronouncements or sometimes the remarks of its Members in debate. It is not the unscreened remarks of lobbyists submitted in self-serving and irregular fashion.

Mr. TOWNS. Mr. Speaker, I rise in support of the bill, HR 1400, the Bond Price Competition Improvement Act of 1999, and I urge its adoption by the members of the whole House.

I would like to thank Chairman BLILEY of the full Committee on Commerce and Ranking member of the full Committee, Congressman JOHN DINGELL of Michigan, Subcommittee on Finance and Hazardous Materials Chairman OXLEY for their work and leadership on this legislation.

Chairman BLILEY issued a "challenge to the bond industry to clean up their act on the importance of the right to know", or expect the Congress to introduce legislation in the 106th Congress as he promised. I want to point out that Chairman BLILEY was true to his word. I want to commend the Committee leadership for all of the effort and work done with the Democrats of the committee to make this bill a bipartisan success.

The H.R. 1400, requires the industry to inform the investing public of the needed information to make sound judgement, while investing in the Bond Market with reliable, accurate transaction information and sale reporting.

The bond markets plays an important role in my home state of New York and the entire U.S. economy. I am aware of the concerns of the industry with regards to the issue of transparency. However, the SEC will do a great job for the industry and U.S. economy.

In closing, I wish to thank Chairman BLILEY and the Ranking Member of the full Committee on Commerce Mr. DINGELL and Chairman OXLEY and the members of the subcommittee for their support.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1400, as amended.

The question was taken.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR CLINIC CONDUCTED BY UNITED STATES LUGE ASSOCIATION

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 91) authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association, as amended.

The Clerk read as follows:

H. CON. RES. 91

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF UNITED STATES LUGE ASSOCIATION CLINIC ON CAPITOL GROUNDS.

The United States Luge Association (in this resolution referred to as the "sponsor") shall be permitted to sponsor a clinic (in this resolution referred to as the "event") on the Capitol Grounds on August 14, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, including arrangements to limit access to a portion of Constitution Avenue as required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board consider appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 91 as amended, will authorize the use of the Capitol grounds for the United States Luge Association's Junior Luge Series clinic scheduled for August 14, 1999.

The United States Luge Association conducts clinics throughout the United States during the summer months to introduce the sport of luge to youngsters who otherwise would not have the opportunity to learn the fundamentals of riding a luge sled. This is the first time Washington, D.C., will be a host city. Participants of the event will ride a luge sled equipped with wheels down Constitution Avenue between Delaware and Louisiana Avenues Northwest.

The event will be carried out in complete compliance with the rules and regulations governing the use of the Capitol grounds and is open to the public and free of admission charge.

Mr. Speaker, the amended text is noncontroversial. It simply enhances the prohibitions with regard to sales, displays, advertisements and solicitations.

Mr. Speaker, I support the resolution, and I urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 91, as amended, authorizes use of the Capitol grounds for a sporting recruitment event to be held in August, sponsored by the U.S. Luge Association. The association, based in Lake Placid, New York, is the national governing body of the Olympic sledding event. The association conducts a summer recruiting program to introduce the sport to youngsters. The most promising athletes receive a further invitation to attend a 1-week training session.

This year's recruiting program involves visiting 10 cities, including Washington, DC. The program is over 10 years old has been highly successful, with several athletes being selected for the U.S. Olympic team. This event will provide a new and different use of the Capitol grounds here in the Nation's Capital. I join the gentleman from Louisiana (Mr. COOKSEY), my colleague, in supporting this resolution.

Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, House Concurrent Resolution 91 authorizes the use of the Capitol grounds for a summer recruitment clinic to be conducted by the United States Luge Association on August 14 of this year. The clinic, to be held in the north side of the Capitol, will allow youngsters from Washington, D.C., ages 10 to 14, to ride an actual luge sled equipped with wheels down Constitution Avenue.

The United States Luge Association, proudly based at the winter Olympic training facilities in my district in Lake Placid, New York, has been conducting clinics throughout the country for the last 12 years. Last year, the Bell Atlantic Junior Luge Series brought the luge experience to 618 youngsters during the summer and fall covering both sides of the country with clinics in eight cities.

Mr. Speaker, I am proud to be offering this resolution today so that the winter Olympic sport of luge may be brought out to our Nation's Capitol.

□ 1430

Mr. Speaker, one of the most treasured memories I hold of Lake Placid was the 1980 Winter Olympics when the Nation celebrated the U.S. Hockey Team's famous "Miracle on Ice" gold medal victory. That was a defining moment for our Nation, a time that made Americans proud.

U.S. luge is carrying on that Olympic tradition and is spreading that spirit around the country through this innovative recruitment program.

Mr. Speaker, we also should remember that 1998 marked the breakout year from U.S. luge from a 34-year absence at the Olympic medal stand when two American duos captured the silver and bronze medals at the Winter Olympics in Nagano, Japan.

Cris Thorpe of Marquette, Michigan; Gordy Sheer of Croton, New York; Mark Grimmette of Muskegon, Michigan; and Brian Martin of Palo Alto, California, propelled the United States into the limelight as a leader in the international sport of luge with their medal victories.

Lake Placid, New York, nestled in the heartland of the Adirondack Mountains has been chosen to host this year's 2000 Goodwill Games. Mr. Speaker. The Goodwill Games will unveil a new state-of-the-art luge run now under construction and, in doing so, will further establish the United States as the international leader in the sport of luge.

The games will also bring renewed attention to New York's dramatic comeback, particularly the State's economic turnaround in Upstate. Working with the Olympic Regional Development Authority in Lake Placid to make the new bobsled and luge runs a reality, those agendas and those organizations have made that a top priority, as have I.

International sporting events provide a tremendous boost to the local economy and to New York's North Country, attracting hundreds of thousands of visitors, tourists, and athletes.

The summer luge program, Mr. Speaker, incorporating sleds on wheels, is the U.S. National Luge Team's primary recruitment tool. Currently, 90 percent of the USA Luge Junior National Team has been identified via this off-season tour and three have competed in the Winter Olympics.

In fact, Nagano bronze medalist Brian Martin was discovered at a 1988 clinic in Palo Alto, California. Who knows, this very clinic could yield a future Olympian right here from Washington.

Mr. Speaker, the Olympic movement is entirely dependent on successful grassroots programs like the Junior Luge series.

I urge my colleagues to support H. Con. Res. 91 so that the Olympic spirit of the U.S. luge movement may be brought to our Nation's Capitol this summer.

Mr. COOKSEY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REGULA). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 91, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS FOR 1999 SPECIAL OLYMPICS WORLD GAMES

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 105) authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds, as amended.

The Clerk read as follows:

H. CON. RES. 105

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF TORCH RUN THROUGH CAPITOL GROUNDS.

Special Olympics (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the Law

Enforcement Torch Run for the 1999 Special Olympics World Games (in this resolution referred to as the "event"), on the Capitol Grounds on June 18, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board consider appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 105, as amended, will authorize the use of the Capitol Grounds for the Law Enforcement Torch Run for the the 1999 Special Olympics World Games.

The torch run through the Capitol Grounds, scheduled for June 18, is part of the journey of the Special Olympics World Games torch, which was originally lighted in Greece. The torch will travel through the District of Columbia on its way down to the Special Olympics World Games in Raleigh, North Carolina. More than 80 law enforcement officers and Special Olympians will carry the torch.

The World Games is an event that showcases the abilities and courage of over 7,000 special athletes with mental disabilities from 150 nations. The event will be carried out in complete compliance with the rules and regulations governing the use of the Capitol grounds and is open to the public and free of admission charge.

The amended text is noncontroversial. It simply enhances the problems with regard to sales, displays, advertisements, and solicitations.

I support the resolution and I urge my colleagues to support it, as well.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 105, as amended, authorizes use of the Capitol grounds for the Law Enforcement Torch Run in support of the Special Olympics World Games. In 1999, the World Games will be held in Raleigh-Durham, North Carolina, from June 26 through July 4.

Mr. Speaker, law enforcement departments have adopted the Special Olympics as the event of choice for their nationwide support, and all law enforcement officers support the games. For this event, one law enforcement officer from each State will carry the torch from Washington, D.C., to Raleigh-Durham, North Carolina.

The World Games are held every 4 years. The flame of this year's games was lit on Mt. Olympus and will arrive on June 18 at the District of Columbia police dock and will be carried through the District to Capitol Hill for a ceremony.

This Special Olympic Games are a worthy endeavor, and I join in supporting this resolution. We are very happy to welcome these Games in the District of Columbia.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. COOKSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 105, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 91, as amended, and H. Con. Res. 105, as amended, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 37 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 o'clock and 2 minutes p.m.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1400, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1400, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 332, nays 1, not voting 101, as follows:

[Roll No. 204]

YEAS—332

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Borski
Boyd
Brady (PA)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English

Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—101

Baker
Barrett (WI)
Bass
Blagojevich
Boehner
Bonior
Bono
Boswell
Boucher
Brady (TX)
Brown (CA)
Brown (FL)
Buyer
Calvert
Capuano
Chenoweth
Clay
Clayton
Coburn
Condit
Costello
Coyne
Danner
Davis (IL)
Deal
DeLay
Emerson
Engel
Foley
Forbes
Fossella
Gallegly
Gillmor
Gilman
Goode
Granger
Green (TX)
Green (WI)
Gutierrez
Hansen
Hayworth
Hilleary
Hobson
Houghton
Hulshof
Jefferson
Kaptur
Kasich
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kuykendall
Lantos
Lee
Lewis (CA)
Lipinski
Maloney (CT)
Matsui
McCarthy (MO)
McIntosh
McKinney
Metcalf
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal
Oberstar
Packard
Pelosi
Phelps
Pryce (OH)
Rahall
Ramstad
Rangel
Rogers
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Schakowsky
Shimkus
Shows
Smith (MI)
Souder
Stenholm
Stupak
Taylor (NC)
Thompson (MS)
Tiahrt
Toomey
Visclosky
Walden
Weldon (PA)
Woolsey
Young (FL)

□ 1831

Mrs. CUBIN changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 204.

Had I been present I would have voted "yes."

Mr. KUYKENDALL. Mr. Speaker, I was detained at the airport due to the storm and missed the rollcall vote on H.R. 1400, the Bond Price Competition Improvement Act of 1999. Had I been present, I would have voted "yes" on the measure.

Mr. PACKARD. Mr. Speaker, I was unavoidably detained for rollcall 204. Had I been present, I would have voted "yea."

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 204, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. RAMSTAD. Mr. Speaker, due to inclement weather, which caused the diversion of my flight, I was not present for rollcall vote No. 204. If I had been present, I would have voted "aye."

Mr. RYAN of Wisconsin. Mr. Speaker, I was unavoidably detained and, as a result, missed roll No. 204. Had I been present, I would have voted in favor of H.R. 1400.

Mr. CALVERT. Mr. Speaker, due to a scheduling conflict of official congressional business, I was unable to register my vote on H.R. 1400, the Bond Price Competition Improvement Act of 1999. Had I been present, I would have voted "yea" on the bill.

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 204, H.R. 1400—Bond Price Competition Improvement Act of 1999, I was unavoidably detained. Had I been present, I would have voted "yes."

Ms. LEE. Mr. Speaker, on rollcall, No. 204, H.R. 1400, the Bond Price Competition Improvement Act of 1999, I was unavoidably detained due to a late flight and poor weather conditions. Had I been present, I would have voted "yes."

Mr. KIND. Mr. Speaker, on rollcall No. 204, unfortunately, due to an unavoidable weather travel delay. I missed today's rollcall votes. Had I been present, I would have voted "yea".

Mr. GILMAN. Mr. Speaker, I was unavoidably detained on rollcall 204. Had I been present, I would have voted "yes."

□ 1830

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1604

Mr. OWENS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1604.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. SPENCE. Mr. Speaker, pursuant to the provisions of section 7 of House Resolution 200, I call up the Senate bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SPENCE moves to strike all after the enacting clause of the bill S. 1059 and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2000".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.

Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army programs.
Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 113. Revision to conditions for award of a second-source procurement contract for the Family of Medium Tactical Vehicles.

Subtitle C—Navy Programs

Sec. 121. F/A–18E/F Super Hornet aircraft program.

Subtitle D—Chemical Stockpile Destruction Program

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 142. Alternative technologies for destruction of assembled chemical weapons.

Subtitle E—Other Matters

Sec. 151. Limitation on expenditures for satellite communications.
Sec. 152. Procurement of firefighting equipment for the Air National Guard and the Air Force Reserve.
Sec. 153. Cooperative engagement capability program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.
Sec. 212. Revisions in manufacturing technology program.
Sec. 213. Sense of Congress regarding defense science and technology program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Additional program elements for ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 241. Designation of Secretary of the Army as executive agent for high energy laser technologies.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Transfer to Defense Working Capital Funds to support Defense Commissary Agency.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Reimbursement of Navy Exchange Service Command for relocation expenses.
Sec. 312. Replacement of nonsecure tactical radios of the 82nd Airborne Division.
Sec. 313. Operation and maintenance of Air Force space launch facilities.

Subtitle C—Environmental Provisions

Sec. 321. Remediation of asbestos and lead-based paint.

Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Expansion of annual report on contracting for commercial and industrial type functions.
Sec. 332. Congressional notification of A–76 cost comparison waivers.
Sec. 333. Improved evaluation of local economic effect of changing defense functions to private sector performance.
Sec. 334. Annual reports on expenditures for performance of depot-level maintenance and repair workloads by public and private sectors.
Sec. 335. Applicability of competition requirement in contracting out workloads performed by depot-level activities of Department of Defense.
Sec. 336. Treatment of public sector winning bidders for contracts for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.
Sec. 337. Process for modernization of computer systems at Army computer centers.
Sec. 338. Evaluation of total system performance responsibility program.
Sec. 339. Identification of core logistics capability requirements for maintenance and repair of C–17 aircraft.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Continuation of enrollment at Department of Defense domestic dependent elementary and secondary schools.
Sec. 343. Technical amendments to Defense Dependents' Education Act of 1978.

Subtitle F—Military Readiness Issues

Sec. 351. Independent study of Department of Defense secondary inventory and parts shortages.
Sec. 352. Independent study of adequacy of department restructured sustainment and reengineered logistics product support practices.
Sec. 353. Independent study of military readiness reporting system.
Sec. 354. Review of real property maintenance and its effect on readiness.
Sec. 355. Establishment of logistics standards for sustained military operations.

Subtitle G—Other Matters

Sec. 361. Discretionary authority to install telecommunication equipment for persons performing voluntary services.
Sec. 362. Contracting authority for defense working capital funded industrial facilities.
Sec. 363. Clarification of condition on sale of articles and services of industrial facilities to persons outside Department of Defense.
Sec. 364. Special authority of disbursing officials regarding automated teller machines on naval vessels.
Sec. 365. Preservation of historic buildings and grounds at United States Soldiers' and Airmen's Home, District of Columbia.
Sec. 366. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.
Sec. 367. Treatment of Alaska, Hawaii, and Guam in defense household goods moving programs.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Appointments to certain senior joint officer positions.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in number of Army and Air Force members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Selected Reserve end strength flexibility.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Recommendations for promotion by selection boards.
Sec. 502. Technical amendments relating to joint duty assignments.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Continuation on Reserve active status list to complete disciplinary action.
Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.
Sec. 513. Eligibility for consideration for promotion.
Sec. 514. Retention until completion of 20 years of service for reserve component majors and lieutenant commanders who twice fail of selection for promotion.
Sec. 515. Computation of years of service exclusion.
Sec. 516. Authority to retain reserve component chaplains until age 67.
Sec. 517. Expansion and codification of authority for space-required travel for Reserves.
Sec. 518. Financial assistance program for specially selected members of the Marine Corps Reserve.

Sec. 519. Options to improve recruiting for the Army Reserve.

Subtitle C—Military Technicians

Sec. 521. Revision to military technician (dual status) law.
Sec. 522. Civil service retirement of technicians.
Sec. 523. Revision to non-dual status technicians statute.
Sec. 524. Revision to authorities relating to National Guard technicians.
Sec. 525. Effective date.
Sec. 526. Secretary of Defense review of Army technician costing process.
Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

Subtitle D—Service Academies

Sec. 531. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
Sec. 532. Compliance by United States Military Academy with statutory limit on size of Corps of Cadets.
Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
Sec. 534. Exclusion from certain general and flag officer grade strength limitations for the superintendents of the service academies.

Subtitle E—Education and Training

Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
Sec. 542. Authority for Army War College to award degree of master of strategic studies.
Sec. 543. Authority for air university to award graduate-level degrees.
Sec. 544. Correction of Reserve credit for participation in health professional scholarship and financial assistance program.
Sec. 545. Permanent expansion of ROTC program to include graduate students.
Sec. 546. Increase in monthly subsistence allowance for senior ROTC cadets selected for advanced training.
Sec. 547. Contingent funding increase for Junior ROTC program.
Sec. 548. Change from annual to biennial reporting under the Reserve component Montgomery GI Bill.
Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.

Subtitle F—Decorations and Awards

Sec. 551. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 552 Sense of Congress concerning Presidential Unit Citation for crew of the U.S.S. INDIANAPOLIS.
Sec. 553. Authority for award of Medal of Honor to Alfred Rascon for valor during the Vietnam conflict.

Subtitle G—Other Matters

Sec. 561. Revision in authority to order retired members to active duty.
Sec. 562. Temporary authority for recall of retired aviators.
Sec. 563. Service review agencies covered by professional staffing requirement.
Sec. 564. Conforming amendment to authorize Reserve officers and retired regular officers to hold a civil office while serving on active duty for not more than 270 days.
Sec. 565. Revision to requirement for honor guard details at funerals of veterans.
Sec. 566. Purpose and funding limitations for National Guard Challenge Program.
Sec. 567. Access to secondary school students for military recruiting purposes.
Sec. 568. Survey of members leaving military service on attitudes toward military service.
Sec. 569. Improvement in system for assigning personnel to warfighting units.
Sec. 570. Requirement for Department of Defense regulations to protect the confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2000 increase in military basic pay and reform of basic pay rates.
Sec. 602. Pay increases for fiscal years after fiscal year 2000.
Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Aviation career incentive pay for air battle managers.
Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.
Sec. 616. Diving duty special pay.
Sec. 617. Reenlistment bonus.
Sec. 618. Enlistment bonus.
Sec. 619. Revised eligibility requirements for reserve component prior service enlistment bonus.
Sec. 620. Increase in special pay and bonuses for nuclear-qualified officers.
Sec. 621. Increase in authorized monthly rate of foreign language proficiency pay.
Sec. 622. Authorization of retention bonus for special warfare officers extending period of active duty.
Sec. 623. Authorization of surface warfare officer continuation pay.
Sec. 624. Authorization of career enlisted flyer incentive pay.
Sec. 625. Authorization of judge advocate continuation pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.
Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.
Sec. 633. Emergency leave travel cost limitations.

Subtitle D—Retired Pay Reform

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.
Sec. 642. Authorization of 15-year career status bonus.
Sec. 643. Conforming amendments.
Sec. 644. Effective date.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

Sec. 651. Effective date of disability retirement for members dying in civilian medical facilities.
Sec. 652. Extension of annuity eligibility for surviving spouses of certain retirement eligible reserve members.
Sec. 653. Presentation of United States flag to retiring members of the uniformed services not previously covered.
Sec. 654. Accrual funding for retirement system for commissioned corps of National Oceanic and Atmospheric Administration.
Sec. 655. Disability retirement or separation for certain members with preexisting conditions.

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

Sec. 661. Authority for members of the uniformed services to contribute to the thrift savings fund.
Sec. 662. Contributions to thrift savings fund.
Sec. 663. Regulations.
Sec. 664. Effective date.

Subtitle G—Other Matters

Sec. 671. Payments for unused accrued leave as part of reenlistment.
Sec. 672. Clarification of per diem eligibility for military technicians serving on active duty without pay outside the United States.
Sec. 673. Overseas special supplemental food program.
Sec. 674. Special compensation for severely disabled uniformed services retirees.
Sec. 675. Tuition assistance for members deployed in a contingency operation.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

Sec. 701. Provision of health care to members on active duty at certain remote locations.
Sec. 702. Provision of chiropractic health care.
Sec. 703. Continuation of provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.
Sec. 704. Removal of restrictions on use of funds for abortions in certain cases of rape or incest.

Subtitle B—TRICARE Program

Sec. 711. Improvements to claims processing under the TRICARE program.

Sec. 712. Authority to waive certain TRICARE deductibles.
Sec. 713. Electronic processing of claims under the TRICARE program.
Sec. 714. Study of rates for provision of medical services; proposal for certain rate increases.
Sec. 715. Requirements for provision of care in geographically separated units.
Sec. 716. Improvement of access to health care under the TRICARE program.
Sec. 717. Reimbursement of certain costs incurred by covered beneficiaries when referred for care outside local catchment area.
Sec. 718. Improvement of referral process under TRICARE.

Subtitle C—Other Matters

Sec. 721. Pharmacy benefits program.
Sec. 722. Improvements to third-party payer collection program.
Sec. 723. Authority of Armed Forces medical examiner to conduct forensic pathology investigations.
Sec. 724. Trauma training center.
Sec. 725. Study on joint operations for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Sale, exchange, and waiver authority for coal and coke.
Sec. 802. Extension of authority to issue solicitations for purchases of commercial items in excess of simplified acquisition threshold.
Sec. 803. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
Sec. 804. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.
Sec. 805. Extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 806. Facilitation of national missile defense system.
Sec. 807. Options for accelerated acquisition of precision munitions.
Sec. 808. Program to increase opportunity for small business innovation in defense acquisition programs.
Sec. 809. Compliance with Buy American Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Limitation on amount available for contracted advisory and assistance services.
Sec. 902. Responsibility for logistics and sustainment functions of the Department of Defense.
Sec. 903. Management headquarters and headquarters support activities.
Sec. 904. Further reductions in defense acquisition and support workforce.
Sec. 905. Center for the Study of Chinese Military Affairs.
Sec. 906. Responsibility within Office of the Secretary of Defense for monitoring OPTEMPO and PERSTEMPO.
Sec. 907. Report on military space issues.
Sec. 908. Employment and compensation of civilian faculty members of Department of Defense African Center for Strategic Studies.
Sec. 909. Additional matters for annual report on joint warfighting experimentation.
Sec. 910. Defense technology security enhancement.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of prior emergency military personnel appropriations.
Sec. 1004. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1005. Consolidation of various Department of the Navy trust and gift funds.
Sec. 1006. Supplemental appropriations request for operations in Yugoslavia.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.
Sec. 1012. Authority to consent to retransfer of former naval vessel.
Sec. 1013. Report on naval vessel force structure requirements.
Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
Sec. 1015. Authority to provide advance payments for the National Defense Features program.

Subtitle C—Matters Relating to Counter Drug Activities

Sec. 1021. Support for detection and monitoring activities in the eastern Pacific Ocean.
Sec. 1022. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
Sec. 1023. United States military activities in Colombia.
Sec. 1024. Assignment of members to assist Immigration and Naturalization Service and Customs Service.

Subtitle D—Other Matters

Sec. 1031. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
Sec. 1032. Notice to congressional committees of compromise of classified information within defense programs of the United States.
Sec. 1033. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1034. Annual report by Chairman of Joint Chiefs of Staff on the risks in executing the missions called for under the National Military Strategy.
Sec. 1035. Requirement to address unit operations tempo and personnel tempo in Department of Defense annual report.
Sec. 1036. Preservation of certain defense reporting requirements.
Sec. 1037. Technical and clerical amendments.
Sec. 1038. Contributions for Spirit of Hope endowment fund of United Service Organizations, Incorporated.
Sec. 1039. Chemical defense training facility.
Sec. 1040. Asia-Pacific Center for security studies.
Sec. 1041. Report on effect of continued Balkan operations on ability of United States to successfully meet other regional contingencies.
Sec. 1042. Report on space launch failures.
Sec. 1043. Report on airlift requirements to support national military strategy.
Sec. 1044. Operations of Naval Academy dairy farm.
Sec. 1045. Inspector General investigation of compliance with Buy American Act in purchases of free weight strength training equipment.
Sec. 1046. Performance of threat and risk assessments.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Increase of pay cap for nonappropriated fund senior executive employees.
Sec. 1102. Restoration of leave for certain Department of Defense employees who deploy to a combat zone outside the United States.
Sec. 1103. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.
Sec. 1104. Temporary authority to provide early retirement and separation incentives for certain civilian employees.
Sec. 1105. Extension of authority to continue health insurance coverage for certain Department of Defense employees.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Report on strategic stability under START III.
Sec. 1202. One-year extension of counterproliferation authorities for support of United Nations weapons inspection regime in Iraq.
Sec. 1203. Limitation on military-to-military exchanges with China's People's Liberation Army.
Sec. 1204. Report on allied capabilities to contribute to major theater wars.
Sec. 1205. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.
Sec. 1206. Limitation on deployment of United States Armed Forces in Haiti.
Sec. 1207. Goals for the conflict with the Federal Republic of Yugoslavia.
Sec. 1208. Report on the security situation on the Korean Peninsula.
Sec. 1209. Annual report on military power of the People's Republic of China.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for specified purposes.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds for chemical weapons destruction.
Sec. 1306. Limitation on use of funds for biological weapons proliferation prevention activities.

Sec. 1307. Limitation on use of funds until submission of report and multiyear plan.
Sec. 1308. Requirement to submit report.
Sec. 1309. Report on Expanded Threat Reduction Initiative.

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

Sec. 1401. Report on compliance by the People's Republic of China and other countries with the missile technology control regime.
Sec. 1402. Annual report on technology transfers to the People's Republic of China.
Sec. 1403. Report on implementation of transfer of satellite export control authority.
Sec. 1404. Security in connection with satellite export licensing.
Sec. 1405. Reporting of technology passed to People's Republic of China and of foreign launch security violations.
Sec. 1406. Report on national security implications of exporting high-performance computers to the People's Republic of China.
Sec. 1407. End-use verification for use by People's Republic of China of high-performance computers.
Sec. 1408. Procedures for review of export of controlled technologies and items.
Sec. 1409. Notice of foreign acquisition of United States firms in national security industries.
Sec. 1410. Five-agency inspectors general examination of countermeasures against acquisition by the People's Republic of China of militarily sensitive technology.
Sec. 1411. Office of technology security in Department of Defense.
Sec. 1412. Annual audit of Department of Defense and Department of Energy policies with respect to technology transfers to the People's Republic of China.
Sec. 1413. Resources for export license functions.
Sec. 1414. National security assessment of export licenses.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization to accept electrical substation improvements, Guam.
Sec. 2206. Correction in authorized use of funds, Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Plan for completion of project to consolidate Air Force research laboratory, Rome Research Site, New York.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Military housing improvement program.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.
Sec. 2407. Condition on obligation of military construction funds for drug interdiction and counter-drug activities.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1996 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Contributions for North Atlantic Treaty Organizations Security Investment.
Sec. 2802. Development of Ford Island, Hawaii.
Sec. 2803. Restriction on authority to acquire or construct ancillary supporting facilities for housing units.
Sec. 2804. Planning and design for military construction projects for reserve components.
Sec. 2805. Limitations on authority to carry out small projects for acquisition of facilities for reserve components.
Sec. 2806. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Extension of authority for lease of land for special operations activities.
Sec. 2812. Utility privatization authority.
Sec. 2813. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
Sec. 2814. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2832. Land conveyance, Army Reserve Center, Kankakee, Illinois.
Sec. 2833. Land conveyance, Fort Des Moines, Iowa.
Sec. 2834. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
Sec. 2835. Land conveyances, Army docks and related property, Alaska.
Sec. 2836. Land conveyance, Fort Huachuca, Arizona.
Sec. 2837. Land conveyance, Army Reserve Center, Cannon Falls, Minnesota.
Sec. 2838. Land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.
Sec. 2839. Land exchange, Rock Island Arsenal, Illinois.
Sec. 2840. Modification of land conveyance, Joliet Army Ammunition Plant, Illinois.
Sec. 2841. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.

PART II—NAVY CONVEYANCES

Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
Sec. 2852. Land conveyance, Naval and Marine Corps Reserve Center, Orange, Texas.
Sec. 2853. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Conveyance of fuel supply line, Pease Air Force Base, New Hampshire.
Sec. 2862. Land conveyance, Tyndall Air Force Base, Florida.
Sec. 2863. Land conveyance, Port of Anchorage, Alaska.
Sec. 2864. Land conveyance, Forestport Test Annex, New York.
Sec. 2865. Land conveyance, Mcclellan Nuclear Radiation Center, California.

Subtitle E—Other Matters

Sec. 2871. Expansion of Arlington National Cemetery.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense environmental management privatization.

Sec. 3106. Department of Energy counterintelligence cyber security program.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Limitation on use at Department of Energy laboratories of funds appropriated for the initiatives for proliferation prevention program.
Sec. 3132. Prohibition on use for payment of Russian Government taxes and customs duties of funds appropriated for the initiatives for proliferation prevention program.
Sec. 3133. Modification of laboratory-directed research and development to provide funds for theater ballistic missile defense.
Sec. 3134. Support of theater ballistic missile defense activities of the Department of Defense.

Subtitle D—Commission on Nuclear Weapons Management

Sec. 3151. Establishment of commission.
Sec. 3152. Duties of commission.
Sec. 3153. Reports.
Sec. 3154. Powers.
Sec. 3155. Commission procedures.
Sec. 3156. Personnel matters.
Sec. 3157. Miscellaneous administrative provisions.
Sec. 3158. Funding.
Sec. 3159. Termination of the commission.

Subtitle E—Other Matters

Sec. 3161. Procedures for meeting tritium production requirements.
Sec. 3162. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3163. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
Sec. 3164. Department of Energy records declassification.
Sec. 3165. Management of nuclear weapons production facilities and national laboratories.
Sec. 3166. Notice to congressional committees of compromise of classified information within nuclear energy defense programs.
Sec. 3167. Department of Energy regulations relating to the safeguarding and security of restricted data.
Sec. 3168. Department of Energy counterintelligence polygraph program.
Sec. 3169. Report on counterintelligence and security practices at national laboratories.
Sec. 3170. Technology transfer coordination for Department of Energy national laboratories.

Subtitle F—Protection of National Security Information

Sec. 3181. short title.
Sec. 3182. Semi-annual report by the president on espionage by the People's Republic of China.
Sec. 3183. Report on whether department of energy should continue to maintain nuclear weapons responsibility.
Sec. 3184. Department of Energy office of foreign intelligence and Office of Counterintelligence.
Sec. 3185. Counterintelligence program at Department of Energy national laboratories.
Sec. 3186. Counterintelligence activities at other Department of Energy facilities.
Sec. 3187. Department of Energy polygraph examinations.
Sec. 3188. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of restricted data.
Sec. 3189. Increased penalties for misuse of restricted data.
Sec. 3190. restrictions on access to national laboratories by foreign visitors from sensitive countries.
Sec. 3191. Requirements relating to access by foreign visitors and employees to Department of Energy facilities engaged in defense activities.
Sec. 3192. Annual report on security and counterintelligence standards at national laboratories and other defense facilities of the Department of Energy.
Sec. 3193. Report on security vulnerabilities of national laboratory computers.
Sec. 3194. Government access to classified information on Department of Energy defense-related computers.
Sec. 3195. Definition of national laboratory.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Elimination of congressionally imposed disposal restrictions on specific stockpile materials.

TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Short title.
Sec. 3402. Authorization of appropriations for fiscal year 2000.
Sec. 3403. Amendments to title XI of the Merchant Marine Act, 1936.
Sec. 3404. Extension of war risk insurance authority.
Sec. 3405. Ownership of the JEREMIAH O'BRIEN.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Office of Transition Administration.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,415,211,000.

(2) For missiles, $1,415,959,000.

(3) For weapons and tracked combat vehicles, $1,575,096,000.

(4) For ammunition, $1,196,216,000.

(5) For other procurement, $3,799,895,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,804,051,000.

(2) For weapons, including missiles and torpedoes, $1,764,655,000.

(3) For shipbuilding and conversion, $6,687,172,000.

(4) For other procurement, $4,260,444,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of 1,297,463,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $612,900,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,647,651,000.

(2) For missiles, $2,303,661,000.

(3) For ammunition, $560,537,000.

(4) For other procurement, $7,077,762,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,107,839,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $10,000,000.

(2) For the Air National Guard, $10,000,000.

(3) For the Army Reserve, $10,000,000.

(4) For the Naval Reserve, $10,000,000.

(5) For the Air Force Reserve, $10,000,00.

(6) For the Marine Corps Reserve, $10,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,012,000,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b), the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for each of the following programs.

(1) The Javelin missile system.

(2) M2A3 Bradley fighting vehicles.

(3) AH-64D Longbow Apache attack helicopters.

(4) The M1A2 Abrams main battle tank upgrade program combined with the Heavy Assault Bridge program.

(b) REQUIRED REPORT.—The Secretary of the Army may not enter into a multiyear contract under subsection (a) for a program named in one of the paragraphs of that subsection until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Army multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term "applicable procurement account" means, with respect to the multiyear contract under subsection (a), the Department of the Army procurement account from which funds to discharge obligations under the contract will be provided.

(B) The term "service procurement total" means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Army treated in the aggregate.

SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking "fiscal years 1998 and 1999" and inserting "fiscal years 1998 through 2001";

(2) in subsection (b), by striking "fiscal year 1998 or 1999" and inserting "the period during which the pilot program is being conducted"; and

(3) by adding at the end the following new subsection:

"(d) UPDATE OF REPORT.—Not later March 1, 2001, the Inspector General of the Department of Defense shall submit to Congress an update of the report required to be submitted under subsection (c) and an assessment of the success of the pilot program.".

SEC. 113. REVISION TO CONDITIONS FOR AWARD OF A SECOND-SOURCE PROCUREMENT CONTRACT FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

The text of section 112 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1973) is amended to read as follows:

"(a) LIMITATION ON SECOND-SOURCE AWARD.—The Secretary of the Army may award a full-rate production contract (known as a Phase III contract) for production of the Family of Medium Tactical Vehicles to a second source only after the Secretary submits to the congressional defense committees a certification in writing of the following:

"(1) That the total quantity of trucks within the Family of Medium Tactical Vehicles program that the Secretary will require to be delivered (under all contracts) in any 12-month period will be sufficient to enable the prime contractor to maintain a minimum production level of 150 trucks per month.

"(2) That the total cost to the Army of the procurements under the prime and second-source contracts over the period of those contracts will be the same as or lower than the amount that would be the total cost of the procurements if such a second-source contract were not awarded.

"(3) That the trucks to be produced under those contracts will be produced with common components that will be interchangeable among similarly configured models.

"(b) DEFINITIONS.—In this section:

"(1) The term 'prime contractor' means the contractor under the production contract for the Family of Medium Tactical Vehicles program as of the date of the enactment of this Act.

"(2) The term 'second source' means a firm other than the prime contractor.".

Subtitle C—Navy Programs

SEC. 121. F/A-18E/F SUPER HORNET AIRCRAFT PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b) and (c), the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for the F/A-18E/F aircraft program.

(b) REQUIRED REPORT.—The Secretary of the Navy may not enter into a multiyear contract under subsection (a) until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Navy multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term "applicable procurement account" means, with respect to the multiyear contract under subsection (a), the Aircraft Procurement, Navy account.

(B) The term "service procurement total" means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Navy treated in the aggregate.

(c) LIMITATION WITH RESPECT TO OPERATIONAL TEST AND EVALUATION.—The Secretary of the Navy may not enter into a multiyear procurement contract authorized by subsection (a) until—

(1) the Secretary of Defense submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 continuous days of a Congress (as determined under subsection (d)) elapses after the submission of that certification.

(d) REQUIRED CERTIFICATION.—A certification referred to in subsection (c)(1) is a certification by the Secretary of Defense of each of the following:

(1) That the results of the Operational Test and Evaluation program for the F/A-18E/F aircraft indicate—

(A) that the aircraft meets the requirements for operational effectiveness and suitability established by the Secretary of the Navy; and

(B) that the aircraft meets key performance specifications established by the Secretary of the Navy.

(2) That the cost of procurement of that aircraft using a multiyear procurement contract as authorized by subsection (a), assuming procurement of 222 aircraft, is at least 7.4 percent less than the cost of procurement of the same number of aircraft through annual contracts.

(e) CONTINUITY OF CONGRESS.—For purposes of subsection (c)(2)—

(1) the continuity of a Congress is broken only by an adjournment of the Congress sine die at the end of the final session of the Congress; and

(2) any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.

Subtitle D—Chemical Stockpile Destruction Program

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) PROGRAM ASSESSMENT.—(1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) CHANGES AND CLARIFICATIONS REGARDING PROGRAM.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

"(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

"(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

"(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.";

(2) in subsection (f)(2), by striking "(c)(4)" and inserting "(c)(5)"; and

(3) in subsection (g)(2)(B), by striking "(c)(3)" and inserting "(c)(4)".

(c) DEFINITIONS.—As used in this section:

(1) The term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

Section 142(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1521 note) is amended to read as follows:

"(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Assessment program shall manage the development and testing of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program.

"(2) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1999, a plan for the transfer of oversight of the Assembled Chemical Weapons Assessment program from the Under Secretary to the Secretary.

"(3) Oversight of the Assembled Chemical Weapons Assessment program shall be transferred from the Under Secretary of Defense for Acquisition and Technology to the Secretary of the Army pursuant to the plan submitted under paragraph (2) not later than 90 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 50 U.S.C. 1521).

"(4) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall ensure coordination of the activities and plans of the program manager for the Assembled Chemical Weapons Assessment program and the program manager for Chemical Demilitarization during the demonstration and pilot plant facility phase for an alternative technology.

"(5) For those baseline demilitarization facilities for which the Secretary decides that implementation of an alternative technology may be recommended, the Secretary may take those measures necessary to facilitate the integration of the alternative technology.".

Subtitle E—Other Matters

SEC. 151. LIMITATION ON EXPENDITURES FOR SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2282. Purchase or lease of communications services: limitation

"The Secretary of Defense may not obligate any funds after September 30, 2000, to buy a commercial satellite communications system or to lease a communications service, including mobile satellite communications, unless the Secretary determines that the system or service to be purchased or leased has been proven through independent testing—

"(1) not to cause harmful interference to, or to disrupt the use of, colocated commercial or military Global Positioning System receivers used by the Department of Defense; and

"(2) to be safe for use with such receivers in all other respects.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2282. Purchase or lease of communications services: limitation.".

SEC. 152. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed $16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

SEC. 153. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) AUTHORITY TO PROCEED.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy shall be procured and installed into commissioned vessels, shore facilities, and aircraft of the Navy before completion of the operational test and evaluation of shipboard cooperative engagement capability in order to ensure fielding of a battle group with fully functional cooperative engagement capability by fiscal year 2003.

(b) FUNDING.—The amount authorized to be appropriated in section 102(a)(1) for E-2C aircraft modification is hereby increased by $22,000,000 to provide for the acquisition of additional cooperative engagement capability equipment. The amount authorized to be appropriated in section 102(a)(4) for Shipboard Information Warfare Exploit Systems is hereby reduced by $22,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,708,194,000.

(2) For the Navy, $8,358,529,000.

(3) For the Air Force, $13,212,671,000.

(4) For Defense-wide activities, $9,556,285,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,248,465,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND DEMONSTRATE ADVANCED TECHNOLOGIES FOR ADVANCED CAPABILITY COMBAT VEHICLES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish and carry out a program to provide for the evaluation and competitive demonstration of concepts for advanced capability combat vehicles for the Army.

(b) Covered Program.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into between the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Consideration and evaluation of technologies having the potential to enable the development of advanced capability combat vehicles that are significantly superior to the existing M1 series of tanks in terms of capability for combat, survival, support, and deployment, including but not limited to the following technologies:

(A) Weapon systems using electromagnetic power, directed energy, and kinetic energy.

(B) Propulsion systems using hybrid electric drive.

(C) Mobility systems using active and semi-active suspension and wheeled vehicle suspension.

(D) Protection systems using signature management, lightweight materials, and full-spectrum active protection.

(E) Advanced robotics, displays, man-machine interfaces, and embedded training.

(F) Advanced sensory systems and advanced systems for combat identification, tactical navigation, communication, systems status monitoring, and reconnaissance.

(G) Revolutionary methods of manufacturing combat vehicles.

(2) Incorporation of the most promising such technologies into demonstration models.

(3) Competitive testing and evaluation of such demonstration models.

(4) Identification of the most promising such demonstration models within a period of time to enable preparation of a full development program capable of beginning by fiscal year 2007.

(c) Report.—Not later than January 31, 2000, the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) An identification of the funding required for fiscal year 2001 and for the future-years defense program to carry out the program.

(4) A description and assessment of the acquisition strategy for combat vehicles planned by the Secretary of the Army that would sustain the existing force of M1-series tanks, together with a complete identification of all operation, support, ownership, and other costs required to carry out such strategy through the year 2030.

(5) A description and assessment of one or more acquisition strategies for combat vehicles, alternative to the strategy referred to in paragraph (4), that would develop a force of advanced capability combat vehicles significantly superior to the existing force of M1-series tanks and, for each such alternative acquisition strategy, an estimate of the funding required to carry out such strategy.

(d) Funds.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $56,200,000 shall be available only to carry out the program under subsection (a).

SEC. 212. REVISIONS IN MANUFACTURING TECHNOLOGY PROGRAM.

(a) Additional Purpose of Program.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) to address broad defense-related manufacturing inefficiencies and requirements;".

(b) Repeal of Cost-Share Goal.—Subsection (d) of such section is amended by striking paragraph (3).

SEC. 213. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) Failure To Comply With Funding Requirements.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as required by section 214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapons systems.

(b) Funding Requirements.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) Certification.—If a proposed budget fails to comply with the objective set forth in subsection (b), the President shall certify to Congress that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapons systems.

Subtitle C—Ballistic Missile Defense

SEC. 231. ADDITIONAL PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 223(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Upper Tier."; and

(3) by adding at the end the following new paragraphs:

"(14) Space Based Infrared System Low.

"(15) Space Based Infrared System High.".

Subtitle D—Other Matters

SEC. 241. DESIGNATION OF SECRETARY OF THE ARMY AS EXECUTIVE AGENT FOR HIGH ENERGY LASER TECHNOLOGIES.

(a) Designation.—The Secretary of Defense shall designate the Secretary of the Army as the Department of Defense executive agent for oversight of research, development, test, and evaluation of specified high energy laser technologies.

(b) Location for Carrying Out Oversight Functions.—The functions of the Secretary of the Army as such executive agent shall be carried out through the Army Space and Missile Defense Command at the High Energy Laser Systems Test Facility at White Sands Missile Range, New Mexico.

(c) Functions.—The responsibilities of the Secretary of the Army as such executive agent shall include the following:

(1) Developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that projects of the Department of Defense involving specified high energy laser technologies are initiated and administered effectively.

(2) Assessing and making recommendations to the Secretary of Defense regarding the capabilities demonstrated by specified high energy laser technologies and the potential of such technologies to meet operational military requirements.

(d) Specified High Energy Laser Technologies.—For purposes of this section, the term "specified high energy laser technologies" means technologies that—

(1) use lasers of one or more kilowatts; and

(2) have potential weapons applications.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,476,694,000.

(2) For the Navy, $22,785,215,000.

(3) For the Marine Corps, $2,777,429,000.

(4) For the Air Force, $21,514,958,000.

(5) For Defense-wide activities, $10,968,614,000.

(6) For the Army Reserve, $1,512,513,000.

(7) For the Naval Reserve, $965,847,000.

(8) For the Marine Corps Reserve, $137,266,000.

(9) For the Air Force Reserve, $1,730,937,000.

(10) For the Army National Guard, $3,141,049,000.

(11) For the Air National Guard, $3,185,918,000.

(12) For the Defense Inspector General, $130,744,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $199,214,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $811,700,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Defense Health Program, $10,496,687,000.

(23) For Cooperative Threat Reduction programs, $444,100,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Quality of Life Enhancements, $1,845,370,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $90,344,000.

(2) For the National Defense Sealift Fund, $434,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL FUNDS TO SUPPORT DEFENSE COMMISSARY AGENCY.

(a) ARMY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Army shall transfer $346,154,000 of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(b) NAVY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $263,070,000 of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(c) MARINE CORPS OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $90,834,000 of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(d) AIR FORCE OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Air Force shall transfer $309,061,000 of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(e) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, other amounts in the Defense Working Capital Funds available for the purpose of funding operations of the Defense Commissary Agency; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfers required by this section are in addition to the transfer authority provided in section 1001.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. REIMBURSEMENT OF NAVY EXCHANGE SERVICE COMMAND FOR RELOCATION EXPENSES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $8,700,000 shall be available to the Secretary of Defense for the purpose of reimbursing the Navy Exchange Service Command for costs incurred by the Navy Exchange Service Command, and ultimately paid by the Navy Exchange Service Command using nonappropriated funds, to relocate to Virginia Beach, Virginia, and to lease headquarters space in Virginia Beach.

SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $5,500,000 shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC–138 and AN/PRC–148, identified as being capable of fulfilling mission requirements.

SEC. 313. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds otherwise authorized in this Act for the operation and maintenance of the space launch facilities of the Department of the Air Force, there is hereby authorized to be appropriated $7,300,000 for space launch operations at such launch facilities.

(b) CORRESPONDING REDUCTION.—The amount authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,300,000, to be derived from other service-wide activities.

(c) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—(1) The Secretary of Defense shall conduct a study—

(A) to access anticipated military, civil, and commercial space launch requirements;

(B) to examine the technical shortcomings at the space launch ranges;

(C) to evaluate oversight arrangements at the space launch ranges; and

(D) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

(2) The Secretary shall conduct the study using the Defense Science Board of the Department of Defense.

(3) Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Environmental Provisions

SEC. 321. REMEDIATION OF ASBESTOS AND LEAD-BASED PAINT.

(a) USE OF CERTAIN CONTRACTS.—The Secretary of Defense shall use Army Corps of Engineers indefinite delivery, indefinite quantity contracts for the remediation of asbestos and lead-based paint at military installations within the United States in accordance with all applicable Federal and State laws and Department of Defense regulations.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) with regard to a military installation that requires asbestos or lead-based paint remediation if the military installation is not included in an Army Corps of Engineers indefinite delivery, indefinite quantity contract. The Secretary shall grant any such waiver on a case-by-case basis.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. EXPANSION OF ANNUAL REPORT ON CONTRACTING FOR COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS.

Section 2461(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" before the first sentence;

(2) in the second sentence, by striking "The Secretary shall" and inserting the following:

"(3) The Secretary shall also"; and

(3) by inserting after the first sentence the following new paragraph:

"(2) The Secretary shall include in each such report a summary of the number of work year equivalents performed by employees of private contractors in providing services to the Department (including both direct and indirect labor attributable to the provision of the services) and the total value of the contracted services. The work year equivalents and total value of the services shall be categorized by Federal supply class or service code (using the first character of the code), the appropriation from which the services were funded, and the major organizational element of the Department procuring the services.".

SEC. 332. CONGRESSIONAL NOTIFICATION OF A-76 COST COMPARISON WAIVERS.

(a) NOTIFICATION REQUIRED.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) CONGRESSIONAL NOTIFICATION OF COST COMPARISON WAIVER.—(1) Not later than 10 days after a decision is made to waive the cost comparison study otherwise required under Office of Management and Budget Circular A–76 as part of the process to convert to contractor performance any commercial activity of the Department of Defense, the Secretary of Defense shall submit to Congress a report describing the commercial activity subject to the waiver and the rationale for the waiver.

"(2) The report shall also include the following:

"(A) The total number of civilian employees or military personnel adversely affected by the decision to waive the cost comparison study and convert the commercial activity to contractor performance.

"(B) An explanation of whether the contractor was selected, or will be selected, on a competitive basis or sole source basis.

"(C) The anticipated savings to result from the waiver and resulting conversion to contractor performance.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison".

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

“2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison.”.

SEC. 333. IMPROVED EVALUATION OF LOCAL ECONOMIC EFFECT OF CHANGING DEFENSE FUNCTIONS TO PRIVATE SECTOR PERFORMANCE.

Section 2461(b)(3)(B) of title 10, United States Code, is amended by striking clause (ii) and inserting the following new clause (ii):

“(ii) The local community and the local economy, identifying and taking into consideration any unique circumstances affecting the local community or the local economy, if more than 50 employees of the Department of Defense perform the function.”.

SEC. 334. ANNUAL REPORTS ON EXPENDITURES FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS BY PUBLIC AND PRIVATE SECTORS.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

“(e) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

“(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

“(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General's views on whether—

“(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

“(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.”.

SEC. 335. APPLICABILITY OF COMPETITION REQUIREMENT IN CONTRACTING OUT WORKLOADS PERFORMED BY DEPOT-LEVEL ACTIVITIES OF DEPARTMENT OF DEFENSE.

Section 2469(b) of title 10, United States Code, is amended by inserting “(including the cost of labor and materials)” after “$3,000,000”.

SEC. 336. TREATMENT OF PUBLIC SECTOR WINNING BIDDERS FOR CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CERTAIN MILITARY INSTALLATIONS.

Section 2469a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC ENTITIES.—The Secretary of Defense or the Secretary concerned may not impose on a public sector entity awarded a contract for the performance of any depot-level maintenance and repair workload described in subsection (b) any requirements regarding management systems, reviews, oversight, or reporting different from the requirements used in the performance and management of other depot-level maintenance and repair workloads by the entity, unless specifically provided in the solicitation for the contract.”.

SEC. 337. PROCESS FOR MODERNIZATION OF COMPUTER SYSTEMS AT ARMY COMPUTER CENTERS.

(a) COVERED ARMY COMPUTER CENTERS.—This section applies with respect to the following computer centers of the of the Army Communications Electronics Command of the Army Material Command:

(1) Logistics Systems Support Center in St. Louis, Missouri.

(2) Industrial Logistics System Center in Chambersburg, Pennsylvania.

(b) DEVELOPMENT OF MOST EFFICIENT ORGANIZATION.—Before selecting any entity to develop and implement a new computer system for the Army Material Command to perform the functions currently performed by the Army computer centers specified in subsection (a), the Secretary of the Army shall provide the computer centers with an opportunity to establish their most efficient organization. The most efficient organization shall be in place not later than May 31, 2001.

(c) MODERNIZATION PROCESS.—After the most efficient organization is in place at the Army computer centers specified in subsection (a), civilian employees of the Department of Defense at these centers shall work in partnership with the entity selected to develop and implement a new computer system to perform the functions currently performed by these centers to—

(1) ensure that the current computer system remains operational to meet the needs of the Army Material Command until the replacement computer system is fully operational and successfully evaluated; and

(2) to provide transition assistance to the entity for the duration of the transition from the current computer system to the replacement computer system.

SEC. 338. EVALUATION OF TOTAL SYSTEM PERFORMANCE RESPONSIBILITY PROGRAM.

(a) REPORT REQUIRED.—Not later than February 1, 2000, the Secretary of the Air Force shall submit to Congress a report identifying all Air Force programs that—

(1) are currently managed under the Total System Performance Responsibility Program or similar programs; or

(2) are presently planned to be managed using the Total System Performance Responsibility Program or a similar program.

(b) EVALUATION.—As part of the report required by subsection (a), the Secretary of the Air Force shall include an evaluation of the following:

(1) The manner in which the Total System Performance Responsibility Program and similar programs support the readiness and warfighting capability of the Armed Forces and complement the support of the logistics depots.

(2) The effect of the Total System Performance Responsibility Program and similar programs on the long-term viability of core Government logistics management skills.

(3) The process and criteria used by the Air Force to determine whether or not Government employees can perform sustainment management functions more cost effectively than the private sector.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the date on which the report required by subsection (a) is submitted to Congress, the Comptroller General shall review the report and submit to Congress a briefing evaluating the report.

SEC. 339. IDENTIFICATION OF CORE LOGISTICS CAPABILITY REQUIREMENTS FOR MAINTENANCE AND REPAIR OF C-17 AIRCRAFT.

(a) IDENTIFICATION REPORT REQUIRED.—Building upon the plan required by section 351 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), the Secretary of the Air Force shall submit to Congress a report identifying the core logistics capability requirements for depot-level maintenance and repair for the C–17 aircraft. To identify such requirements, the Secretary shall comply with section 2464 of title 10, United States Code. The Secretary shall submit the report to Congress not later than February 1, 2000.

(b) EFFECT ON EXISTING CONTRACT.—After February 1, 2000, the Secretary of the Air Force may not extend the Interim Contract for the C–17 Flexible Sustainment Program before the end of the 60-day period beginning on the date on which the report required by subsection (a) is received by Congress.

(c) COMPTROLLER GENERAL REVIEW.—During the period specified in subsection (b), the Comptroller General shall review the report submitted under subsection (a) and submit to Congress a report evaluating the following:

(1) The merits of the report submitted under subsection (a).

(2) The extent to which the Air Force is relying on systems for core logistics capability where the workload of Government-owned and Government-operated depots is phasing down because the systems are phasing out of the inventory.

(3) The cost effectiveness of the C-17 Flexible Sustainment Program—

(A) by identifying depot maintenance and materiel costs for contractor support; and

(B) by comparing those costs to the costs originally estimated by the Air Force and to the cost of similar work in an Air Force Logistics Center.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) MODIFIED DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2000.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2000, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2000 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term “educational agencies assistance” means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended by striking "in that fiscal year are" and inserting "during the preceding school year were".

SEC. 342. CONTINUATION OF ENROLLMENT AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164 of title 10, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) by adding at the end the following new subsection:

"(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) A dependent of a member of the armed forces or a dependent of a Federal employee may continue enrollment in an educational program provided by the Secretary of Defense pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

"(2) A dependent of a member of the armed forces, or a dependent of a Federal employee, who was enrolled in an educational program provided by the Secretary pursuant to subsection (a) while a junior in that program may be enrolled as a senior in that program in the next school year, notwithstanding a change in the enrollment eligibility status of the dependent that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

"(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program provided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.".

SEC. 343. TECHNICAL AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.

The Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561) is amended as follows:

(1) Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is amended by striking "recieve" and inserting "receive".

(2) Section 1403 (20 U.S.C. 922) is amended—

(A) by striking the matter in that section preceding subsection (b) and inserting the following:

"ADMINISTRATION OF DEFENSE DEPENDENTS' EDUCATION SYSTEM

"SEC. 1403. (a) The defense dependents' education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this title.";

(B) in subsection (b), by striking "this Act" and inserting "this title";

(C) in subsection (c)(1), by inserting "(20 U.S.C. 901 et seq.)" after "Personnel Practices Act";

(D) in subsection (c)(2), by striking the period at the end and inserting a comma;

(E) in subsection (c)(6), by striking "Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics" and inserting "the Assistant Secretary of Defense designated under subsection (a)";

(F) in subsection (d)(1), by striking "for the Office of Dependents' Education";

(G) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by striking "Whenever the Office of Dependents' Education" and inserting "Whenever the Department of Defense Education Activity";

(iii) by striking "after the submission of the report required under the preceding sentence" and inserting "in a manner that affects the defense dependents' education system"; and

(iv) by striking "an additional report" and inserting "a report"; and

(H) in subsection (d)(3), by striking "the Office of Dependents' Education" and inserting "the Department of Defense Education Activity".

(3) Section 1409 (20 U.S.C. 927) is amended—

(A) in subsection (b), by striking "Department of Health, Education, and Welfare in accordance with section 431 of the General Education Provisions Act" and inserting "Secretary of Education in accordance with section 437 of the General Education Provisions Act (20 U.S.C. 1232)";

(B) in subsection (c)(1), by striking "by academic year 1993–1994"; and

(C) in subsection (c)(3)—

(i) by striking "IMPLEMENTATION TIMELINES.—In carrying out" and all that follows through "a comprehensive" and inserting "IMPLEMENTATION.—In carrying out paragraph (2), the Secretary shall have in effect a comprehensive";

(ii) by striking the semicolon after "such individuals" and inserting a period; and

(iii) by striking subparagraphs (B) and (C).

(4) Section 1411(d) (20 U.S.C. 929(d)) is amended by striking "grade GS–18 in section 5332 of title 5, United States Code" and inserting "level IV of the Executive Schedule under section 5315 of title 5, United States Code".

(5) Section 1412 (20 U.S.C. 930) is amended—

(A) in subsection (a)(1)—

(i) by striking "As soon as" and all that follows through "shall provide for" and inserting "The Director may from time to time, but not more frequently than once a year, provide for"; and

(ii) by striking "system, which" and inserting "system. Any such study";

(B) in subsection (a)(2)—

(i) by striking "The study required by this subsection" and inserting "Any study under paragraph (1)"; and

(ii) by striking "not later than two years after the effective date of this title";

(C) in subsection (b), by striking "the study" and inserting "any study";

(D) in subsection (c)—

(i) by striking "not later than one year after the effective date of this title the report" and inserting "any report"; and

(ii) by striking "the study" and inserting "a study"; and

(E) by striking subsection (d).

(6) Section 1413 (20 U.S.C. 931) is amended by striking "Not later than 180 days after the effective date of this title, the" and inserting "The".

(7) Section 1414 (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

"(6) The term 'Director' means the Director of the Department of Defense Education Activity.".

Subtitle F—Military Readiness Issues

SEC. 351. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE SECONDARY INVENTORY AND PARTS SHORTAGES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of—

(1) current levels of Department of Defense inventories of spare parts and other supplies, known as secondary inventory items, including wholesale and retail inventories; and

(2) reports and evidence of Department of Defense inventory shortages adversely affecting readiness.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretary of Defense shall select a private sector entity or other entity outside the Department of Defense that has experience in parts and secondary inventory management.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate the following:

(1) How much of the secondary inventory retained by the Department of Defense for economic, contingency, and potential reutilization during the five-year period ending December 31, 1998, was actually used during each year of the period.

(2) How much of the retained secondary inventory currently held by the Department could be declared to be excess.

(3) Alternative methods for the disposal or other disposition of excess inventory and the cost to the Department to dispose of excess inventory under each alternative.

(4) The total cost per year of storing secondary inventory, to be determined using traditional private sector cost calculation models.

(d) TIMETABLE FOR ELIMINATION OF EXCESS INVENTORY.—As part of the consideration of alternative methods to dispose of excess secondary inventory, as required by subsection (c)(3), the entity conducting the study under this section shall prepare a timetable for disposal of the excess inventory over a period of time not to exceed three years.

(e) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings and conclusions concerning each of the matters specified in subsection (c), and the disposal timetable required by subsection (d). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (f).

(f) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than September 1, 2000, the Secretary of Defense shall submit to Congress a report containing the following:

(1) The report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(2) A plan to address the issues of excess and excessive inactive inventory and part shortages and a timetable to implement the plan throughout the Department.

(g) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (f), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (e) and the report submitted by the Secretary under subsection (f).

SEC. 352. INDEPENDENT STUDY OF ADEQUACY OF DEPARTMENT RESTRUCTURED SUSTAINMENT AND REENGINEERED LOGISTICS PRODUCT SUPPORT PRACTICES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of restructured sustainment and reengineered logistics product support practices within the Department of Defense, which are designed to provide spare parts and other supplies to military units and installations as needed during a transition to war fighting rather than relying on large stockpiles of such spare parts and supplies. The purpose of the study is to determine whether restructured sustainment and reengineered logistics product support practices would be able to provide adequate sustainment supplies to military units and installations should it ever be necessary to execute the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to conduct the study under this section.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate (and recommend improvements in) the following:

(1) The assumptions that are used to determine required levels of war reserve and prepositioned stocks.

(2) The adequacy of supplies projected to be available to support the fighting of two, nearly simultaneous, major theater wars, as required by the National Military Strategy.

(3) The expected availability through the national technology and industrial base of spare parts and supplies not readily available in the Department inventories, such as parts for aging equipment that no longer have active vendor support.

(d) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings, conclusions, and recommendations concerning each of the matters specified in subsection (c). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (e).

(e) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(f) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (e), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (d) and the report submitted by the Secretary under subsection (e).

SEC. 353. INDEPENDENT STUDY OF MILITARY READINESS REPORTING SYSTEM.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of requirements for a comprehensive readiness reporting system for the Department of Defense as provided in section 117 of title 10, United States Code (as added by section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1990).

(2) The Secretary shall provide for the study to be conducted by the Rand Corporation. The amount of a contract for the study may not exceed $1,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider the requirements for providing an objective, accurate, and timely readiness reporting system for the Department of Defense meeting the characteristics and having the capabilities established in section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than March 1, 2000. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than April 1, 2000.

SEC. 354. REVIEW OF REAL PROPERTY MAINTENANCE AND ITS EFFECT ON READINESS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the impact that the consistent lack of adequate funding for real property maintenance of military installations during the five-year period ending December 31, 1998, has had on readiness, the quality of life of members of the Armed Forces and their dependents, and the infrastructure on military installations.

(b) MATTERS TO BE INCLUDED IN REVIEW.—In conducting the review under this section, the Secretary of Defense shall specifically consider the following for the Army, Navy, Marine Corps, and Air Force:

(1) For each year of the covered five-year period, the extent to which unit training and operating funds were diverted to meet basic base operations and real property maintenance needs.

(2) The types of training delayed, canceled, or curtailed as a result of the diversion of such funds.

(3) The level of funding required to eliminate the real property maintenance backlog at military installations so that facilities meet the standards necessary for optimum utilization during times of mobilization.

(c) PARTICIPATION OF INDEPENDENT ENTITY.—(1) As part of the review conducted under this section, Secretary of Defense shall select an independent entity—

(A) to review the method of command and management of military installations for the Army, Navy, Marine Corps, and Air Force;

(B) to develop, based on such review, a service-specific plan for the optimum command structure for military installations, to have major command status, which is designed to enhance the development of installations doctrine, privatization and outsourcing, commercial activities, environmental compliance programs, installation restoration, and military construction; and

(C) to recommend a timetable for the implementation of the plan for each service.

(2) The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to carry out this subsection.

(d) REPORT REQUIRED.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the results of the review required under this section and the plan for an optimum command structure required by subsection (c), together with the Secretary's comments and recommendations regarding the plan.

SEC. 355. ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense, in consultation with senior military commanders and the Secretaries of the military departments, shall establish standards for deployable units of the Armed Forces regarding—

(1) the level of spare parts that the units must have on hand; and

(2) similar logistics and sustainment needs of the units.

(b) BASIS FOR STANDARDS.—The standards to be established under subsection (a) shall be based upon the following:

(1) The unit's wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

(c) SUFFICIENCY CAPABILITIES.—The standards to be established under subsection (a) shall reflect those spare parts and similar logistics capabilities that the Secretary of Defense considers sufficient for units of the Armed Forces to successfully execute their missions under the conditions described in subsection (b).

(d) RELATION TO READINESS REPORTING SYSTEM.—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

(e) RELATION TO ANNUAL FUNDING NEEDS.—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

(f) REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.

Subtitle G—Other Matters

SEC. 361. DISCRETIONARY AUTHORITY TO INSTALL TELECOMMUNICATION EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of designated persons providing voluntary services accepted under subsection (a)(3) and pay the charges incurred for the use of the equipment for authorized purposes.

"(2) Notwithstanding section 1348 of title 31, the Secretary concerned may use appropriated or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast

Guard, the department in which the Coast Guard is operating, to carry out this subsection.

"(3) The Secretary of Defense and, with respect to the Coast Guard, the Secretary of the department in which the Coast Guard is operating, shall prescribe regulations to carry out this subsection.".

SEC. 362. CONTRACTING AUTHORITY FOR DEFENSE WORKING CAPITAL FUNDED INDUSTRIAL FACILITIES.

Section 2208(j) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "or remanufacturing" and inserting ", remanufacturing, and engineering";

(2) in paragraph (1), by inserting "or a subcontract under a Department of Defense contract" before the semicolon; and

(3) in paragraph (2), by striking "Department of Defense solicitation for such contract" and inserting "solicitation for the contract or subcontract".

SEC. 363. CLARIFICATION OF CONDITION ON SALE OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

Section 2553(g) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'not available', with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality, within the time required, or at prices less than the price available through an industrial facility of the armed forces.".

SEC. 364. SPECIAL AUTHORITY OF DISBURSING OFFICIALS REGARDING AUTOMATED TELLER MACHINES ON NAVAL VESSELS.

Section 3342 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) With respect to automated teller machines on naval vessels of the Navy, the authority of a disbursing official of the United States Government under subsection (a) also includes the following:

"(1) The authority to provide operating funds to the automated teller machines.

"(2) The authority to accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.".

SEC. 365. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME, DISTRICT OF COLUMBIA.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is amended by adding at the end of subtitle A the following new section:

"SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

"(a) HISTORIC NATURE OF FACILITY.—Congress finds the following:

"(1) Four buildings located on six acres of the establishment of the Retirement Home known as the United States Soldiers' and Airmen's Home are included on the National Register of Historic Places maintained by the Secretary of the Interior.

"(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members of the Armed Forces, are insufficient to both maintain and operate the Retirement Home for the benefit of the residents of the Retirement Home and adequately maintain, repair, and preserve these historic buildings and grounds.

"(3) Other sources of funding are available to contribute to the maintenance, repair, and preservation of these historic buildings and grounds.

"(b) AUTHORITY TO ACCEPT ASSISTANCE.—The Chairman of the Retirement Home Board and the Director of the United States Soldiers' and Airmen's Home may apply for and accept a direct grant from the Secretary of the Interior under section 101(e)(3) of the National Historic Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of maintaining, repairing, and preserving the historic buildings and grounds of the United States Soldiers' and Airmen's Home included on the National Register of Historic Places.

"(c) REQUIREMENTS AND LIMITATIONS.—Amounts received as a grant under subsection (b) shall be deposited in the Fund, but shall be kept separate from other amounts in the Fund. The amounts received may only be used for the purpose specified in subsection (b).".

SEC. 366. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

(a) MANNER OF CONVEYANCE.—Subsection (a)(1) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650) is amended by striking "convey by sale" and inserting "convey, by sale or lease,".

(b) TIME FOR CONVEYANCE.—Subsection (a)(2) of such section is amended to read as follows:

"(2) The Armed Forces Retirement Home Board shall sell or lease the property described in subsection (a) within 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.".

(c) MANNER, TERMS, AND CONDITIONS OF CONVEYANCE.—Subsection (b) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph: "(1) The Armed Forces Retirement Home Board shall determine the manner, terms, and conditions for the sale or lease of the real property under subsection (a), except as follows:

"(A) Any lease of the real property under subsection (a) shall include an option to purchase.

"(B) The conveyance may not involve any form of public/private partnership, but shall be limited to fee-simple sale or long-term lease.

"(C) Before conveying the property by sale or lease to any other person or entity, the Board shall provide the Catholic University of America with the opportunity to match or exceed the highest bona fide offer otherwise received for the purchase or lease of the property, as the case may be, and to acquire the property."; and

(2) in paragraph (2), by adding at the end the following new sentence: "In no event shall the sale or lease of the property be for less than the appraised value of the property in its existing condition and on the basis of its highest and best use.".

SEC. 367. TREATMENT OF ALASKA, HAWAII, AND GUAM IN DEFENSE HOUSEHOLD GOODS MOVING PROGRAMS.

(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—Alaska, Hawaii, and Guam shall not be included as a point of origin in any test or demonstration program of the Department of Defense regarding the moving of household goods of members of the Armed Forces.

(b) SEPARATE REGIONS; DESTINATIONS.—In any Department of Defense household goods moving program that is not subject to the prohibition in subsection (a)—

(1) Alaska, Hawaii, and Guam shall each constitute a separate region; and

(2) Hawaii and Guam shall be considered international destinations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personel as of September 30, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,037.

(3) The Marine Corps, 172,518.

(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "372,696" and inserting "371,781";

(2) in paragraph (3), by striking "172,200" and inserting "172,148"; and

(3) in paragraph (4), by striking "370,802" and inserting "360,877".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 403. APPOINTMENTS TO CERTAIN SENIOR JOINT OFFICER POSITIONS.

(a) PERMANENT EXEMPTION AUTHORITY.—Paragraph (5) of section 525(b) of title 10, United States Code, is amended by striking subparagraph (C).

(b) PERMANENT REQUIREMENT FOR MILITARY DEPARTMENT SUBMISSIONS FOR CERTAIN JOINT 4-STAR DUTY ASSIGNMENTS.—Section 604 of such title is amended by striking subsection (c).

(c) CLARIFICATION OF CERTAIN LIMITATIONS ON NUMBER OF ACTIVE-DUTY GENERALS AND ADMIRALS.—Paragraph (5) of section 525(b) of such title is further amended by adding at the end of subparagraph (A) the following new sentence: "Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the number of general and flag officers that may be designated under section 526(b) of this title.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,678.

(6) The Air Force Reserve, 73,708.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,563.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,025.

(6) The Air Force Reserve, 1,078.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2000 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,474.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

SEC. 414. INCREASE IN NUMBER OF ARMY AND AIR FORCE MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	843	140
Lieutenant Colonel or Commander	1,595	520	746	90
Colonel or Navy Captain	471	188	297	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	403	20
E–8	2,585	429	1,029	94".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 415. SELECTED RESERVE END STRENGTH FLEXIBILITY.

Section 115(c) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $72,115,367,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RECOMMENDATIONS FOR PROMOTION BY SELECTION BOARDS.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the number determined under this subsection within a grade (or grade and competitive category) is less than one, the board may recommend one such officer from within that grade (or grade and competitive category).".

SEC. 502. TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.

(a) JOINT DUTY ASSIGNMENTS FOR GENERAL AND FLAG OFFICERS.—Subsection (g) of section 619a of title 10, United States Code, is amended to read as follows:

"(g) LIMITATION FOR GENERAL AND FLAG OFFICERS PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIVER.—A general officer or flag officer who before January 1, 1999, received a waiver of subsection (a) under the authority of this subsection (as in effect before that date) may not be appointed to the grade of lieutenant general of vice admiral until the officer completes a full tour of duty in a joint duty assignment.".

(b) NUCLEAR PROPULSION OFFICERS.—Subsection (h) of that section is amended—

(1) by striking "(1) Until January 1, 1997, an" inserting "An";

(2) by striking "may be" and inserting "who before January 1, 1997, is";

(3) by striking ". An officer so appointed"; and

(4) by striking paragraph (2).

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CONTINUATION ON RESERVE ACTIVE STATUS LIST TO COMPLETE DISCIPLINARY ACTION.

(a) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14518. Continuation on reserve active status list to complete disciplinary action

"When an action is commenced against a Reserve officer with a view to trying the officer by court-martial, as authorized by section 802(d) of this title, the Secretary concerned may delay the separation or retirement of the officer under this chapter until the completion of the disciplinary action under chapter 47 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 1407 is amended by adding at the end the following new item:

"14518. Continuation on reserve active status list to complete disciplinary action.".

SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY TO COMPLETE A MEDICAL EVALUATION.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) When authorized by the Secretary of Defense, the Secretary of the military department concerned may order a member of a reserve component to active duty, with the consent of that member, to receive authorized medical care, to be medically evaluated for disability or other purposes, or to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

"(2) A member ordered to active duty under this subsection may be retained with the member's consent, when the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member otherwise is authorized by law.

"(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the Governor or other appropriate authority of the State concerned.".

SEC. 513. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) AMENDMENT.—Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) OFFICERS ON EDUCATIONAL DELAY.—A Reserve officer who is in an educational delay status for the purpose of attending an approved institution of higher education for advanced training, subsidized by the military department concerned in the form of a scholarship or stipend, is ineligible for consideration for promotion while in that status. The officer shall remain on the Reserve active status list while in such an educational delay status.".

(b) RETROACTIVE EFFECT.—The Secretary concerned, upon application, shall expunge from the record of any officer a nonselection for promotion if the nonselection occurred during a period the officer was serving in an educational delay status that occurred during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act.

SEC. 514. RETENTION UNTIL COMPLETION OF 20 YEARS OF SERVICE FOR RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

Section 14506 of title 10, United States Code, is amended by striking "section 14513" and all that follows and inserting "section 14513 of this title on the later of—

"(1) the first day of the month after the month in which the officer completes 20 years of commissioned service; or

"(2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.".

SEC. 515. COMPUTATION OF YEARS OF SERVICE EXCLUSION.

The text of section 14706 of title 10, United States Code, is amended to read as follows:

"(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer's years of service include all service of the officer as a commissioned officer of a uniformed service other than—

"(1) service as a warrant officer;

"(2) constructive service; and

"(3) service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as an officer designated as a chaplain or judge advocate, provided such service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

"(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of service preceding the member's service in a student status.".

SEC. 516. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

Section 14703(b) of title 10, United States Code, is amended by striking "(or, in the case of a Reserve officer of the Army in the Chaplains or a Reserve officer of the Air Force designated as a chaplain, 60 years of age)".

SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE-REQUIRED TRAVEL FOR RESERVES.

(a) CODIFICATION.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12323. Space-required travel for Reserves

"A member of a reserve component is authorized to travel in a space-required status on aircraft of the armed forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation) between those locations. A member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12323. Space-required travel for Reserves.".

(b) EFFECTIVE DATE.—Section 12323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 518. FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS OF THE MARINE CORPS RESERVE.

(a) IN GENERAL.—Chapter 1205 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12216. Financial assistance for members of the Marine Corps platoon leader's class program

"(a) PROGRAM AUTHORITY.—The Secretary of the Navy may provide payment of not more than $5,200 per year for a period not to exceed three consecutive years of educational expenses (including tuition, fees, books, and laboratory expenses) to an eligible enlisted member of the Marine Corps Reserve for completion of—

"(1) baccalaureate degree requirements in an approved academic program that requires less than five academic years to complete; or

"(2) doctor of jurisprudence or bachelor of laws degree requirements in an approved academic program which requires not more than three years to complete.

"(b) ELIGIBLE RESERVISTS.—To be eligible for receipt of educational expenses as authorized by subsection (a), an enlisted member of the Marine Corps Reserve must—

"(1) either—

"(A) be under 27 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a baccalaureate degree program described in subsection (a)(1), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 30 years of age on such date; or

"(B) be under 31 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a doctor of jurisprudence or bachelor of laws degree program described in subsection (a)(2), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 35 years of age on such date;

"(2) be satisfactorily enrolled at any accredited civilian educational institution authorized to grant baccalaureate, doctor of jurisprudence or bachelor of law degrees;

"(3) be selected as an officer candidate in the Marine Corps Platoon Leader's Class Program and successfully complete one increment of military training of not less than six weeks' duration; and

"(4) agree in writing—

"(A) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

"(B) to serve on active duty for a minimum of five years; and

"(C) under such terms and conditions as shall be prescribed by the Secretary of the Navy, to serve in the Marine Corps Reserve until the eighth anniversary of the receipt of such appointment.

"(c) APPOINTMENT.—Upon satisfactorily completing the academic and military requirements of the Marine Corps Platoon Leaders Class Program, an officer candidate may be appointed by the President as a Reserve officer in the Marine Corps in the grade of second lieutenant.

"(d) LIMITATION ON NUMBER.—Not more than 1,200 officer candidates may participate in the financial assistance program authorized by this section at any one time.

"(e) REMEDIAL AUTHORITY OF SECRETARY.—An officer candidate may be ordered to active duty in the Marine Corps by the Secretary of the Navy to serve in an appropriate enlisted grade for such period of time as the Secretary prescribes, but not for more than four years, when such person—

"(1) accepted financial assistance under this section; and

"(2) either—

"(A) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

"(B) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

"(C) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

"(d) PERSONS NOT QUALIFIED FOR APPOINTMENT.—Except under regulations prescribed by the Secretary of the Navy, a person who is not physically qualified for appointment under section 532 of this title and subsequently is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct may request a waiver of obligated service of such financial assistance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12216. Financial assistance for members of the Marine Corps platoon leader's class program.".

(c) COMPUTATION OF SERVICE CREDITABLE.—Section 205 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(f) Notwithstanding subsection (a), a commissioned officer appointed under sections 12209 and 12216 of title 10 may not count in computing basic pay a period of service after January 1, 2000, that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning while serving as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.".

(d) TRANSITION PROVISION.—An enlisted member of the Marine Corps Reserve selected for training as officer candidates under section 12209 of title 10, United States Code, before October 1, 2000 may, upon submitting an appropriate application, participate in the financial assistance program established in subsection (a) if—

(1) the member is eligible for financial assistance under the qualification requirements of subsection (a);

(2) the member submits to the Secretary of the Navy a request for such financial assistance not later than 180 days after the date of the enactment of this Act; and

(3) the member agrees in writing to accept an appointment, if offered in the Marine Corps Reserve, and to comply with the length of obligated service provisions in subsection (a)(2)(D) of section 12216 of title 10, United States Code, as added by subsection (a).

(e) LIMITATION ON CREDITING OF PRIOR SERVICE.—In computing length of service for any purpose, a person who requests financial assistance under subsection (d) may not be credited with service either as an officer candidate or concurrent enlisted service, other than concurrent enlisted service while serving on active duty other than for training while a member of the Marine Corps Reserve.

SEC. 519. OPTIONS TO IMPROVE RECRUITING FOR THE ARMY RESERVE.

(a) REVIEW.—The Secretary of the Army shall conduct a review of the manner, process, and organization used by the Army to recruit new members for the Army Reserve. The review shall seek to determine the reasons for the continuing inability of the Army to meet recruiting objectives for the Army Reserve and to identify measures the Secretary could take to correct that inability.

(b) REORGANIZATION TO BE CONSIDERED.—Among the possible corrective measures to be examined by the Secretary of the Army as part of the review shall be a transfer of the recruiting function for the Army Reserve from the Army Recruiting Command to a new, fully resourced recruiting organization under the command and control of the Chief, Army Reserve.

(c) REPORT.—Not later than July 1, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report setting forth the results of the review under this section. The report shall include a description of any corrective measures the Secretary intends to implement.

Subtitle C—Military Technicians

SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STATUS) LAW.

(a) DEFINITION.—Subsection (a)(1) of section 10216 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "section 709" and inserting "section 709(b)"; and

(2) in subparagraph (C), by inserting "civilian" after "is assigned to a".

(b) DUAL STATUS REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting "(dual status)" after "military technician" the second place it appears; and

(2) in paragraph (2)—

(A) by striking "The Secretary" and inserting "Except as otherwise provided by law, the Secretary"; and

(B) by striking "six months" and inserting "up to 12 months".

SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§10218. Army and Air Force Reserve Technicians: conditions for retention; mandatory retirement under civil service laws

"(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Army Reserve or the Air Force Reserve as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

"(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated, subject to subsection (e), not later than 30 days after the date on which dual status is lost.

"(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

"(ii) shall, subject to subsection (e), be separated or retired—

"(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

"(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

"(A) being separated from the Selected Reserve; or

"(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

"(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity shall, subject to subsection (e), be separated not later than six months after the date of the enactment of this section.

"(2)(A) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

"(ii) shall, subject to subsection (e), be separated or retired—

"(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

"(3) An individual employed by the Army Reserve or the Air Force Reserve as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

"(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

"(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

"(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

"(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

"(e) ANNUAL LIMITATION ON MANDATORY RETIREMENTS.—Until October 1, 2004, the Secretary of the Army and the Secretary of the Air Force may not during any fiscal year approve a total of more than 25 mandatory retirements under this section. A technician who is subject to mandatory separation under this section in any fiscal year and who, but for this subsection, would be eligible to be retired with an unreduced annuity shall, if not sooner separated under some other provision of law, be eligible to be retained in service until mandatorily retired consistent with the limitation in this subsection.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10218. Army and Air Force Reserve Technicians: conditions for retention; mandatory retirement under civil service laws.".

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting "six months" for "30 days".

(b) EARLY RETIREMENT.—Section 8414(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) An employee who was hired as a military reserve technician on or before February 10, 1996 (under the provisions of this title in effect before that date), and who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of being separated from the Selected Reserve of the employee's reserve component or ceasing to hold the military grade specified by the Secretary concerned for the position held by the employee is entitled to an annuity.

"(2) An employee who is initially hired as a military technician (dual status) after February 10, 1996, and who is separated from the Selected Reserve or ceases to hold the military grade specified by the Secretary concerned for the position held by the technician—

"(A) after completing 25 years of service as a military technician (dual status), or

"(B) after becoming 50 years of age and completing 20 years of service as a military technician (dual status),

is entitled to an annuity.".

(c) CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended as follows:

(1) Section 8415(g)(2) is amended by striking "military reserve technician" and inserting "military technician (dual status)".

(2) Section 8401(30) is amended to read as follows:

"(30) the term 'military technician (dual status)' means an employee described in section 10216 of title 10;".

(d) DISABILITY RETIREMENT.—Section 8337(h) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "or section 10216 of title 10" after "title 32";

(B) by striking "such title" and all that follows through the period and inserting "title 32 or section 10216 of title 10, respectively, to be a member of the Selected Reserve.";

(2) in paragraph (2)(A)(i)—

(A) by inserting "or section 10216 of title 10" after "title 32"; and

(B) by striking "National Guard or from holding the military grade required for such employment" and inserting "Selected Reserve"; and

(3) in paragraph (3)(C), by inserting "or section 10216 of title 10" after "title 32".

SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS STATUTE.

(a) REVISION.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "military" after "non-dual status" in the matter preceding paragraph (1); and

(B) by striking paragraphs (1) and (2) and inserting the following:

"(1) was hired as a technician before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve; or

"(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve."; and

(2) by adding at the end the following new subsection:

"(c) PERMANENT LIMITATIONS ON NUMBER.—(1) Effective October 1, 2007, the total number of non-dual status technicians employed by the Army Reserve and Air Force Reserve may not exceed 175. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

"(2) Effective October 1, 2001, the total number of non-dual status technicians employed by the National Guard may not exceed 1,950. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.".

(c) CONFORMING AMENDMENTS.—The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 1007 of such title are each amended by striking the penultimate word.

SEC. 524. REVISION TO AUTHORITIES RELATING TO NATIONAL GUARD TECHNICIANS.

Section 709 of title 32, United States Code, is amended to read as follows:

"§ 709. Technicians: employment, use, status

"(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in—

"(1) the administration and training of the National Guard; and

"(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

"(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

"(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

"(2) Be a member of the National Guard.

"(3) Hold the military grade specified by the Secretary concerned for that position.

"(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member's grade and component of the armed forces .

"(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

"(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

"(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

"(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

"(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

"(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

"(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

"(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

"(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

"(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

"(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned; and

"(5) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

"(g) Sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

"(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

SEC. 525. EFFECTIVE DATE.

The amendments made by sections 523 and 524 shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1737) or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.

SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS.

(a) REVIEW.—The Secretary of Defense shall review the process used by the Army, including use of the Civilian Manpower Obligation Resources (CMOR) model, to develop estimates of the annual authorizations and appropriations required for civilian personnel of the Department of the Army generally and for National Guard and Army Reserve technicians in particular. Based upon the review, the Secretary shall direct that any appropriate revisions to that process be implemented.

(b) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the process referred to in subsection (a) does the following:

(1) Accurately and fully incorporates all the actual cost factors for such personnel, including particularly those factors necessary to recruit, train, and sustain a qualified technician workforce.

(2) Provides estimates of required annual appropriations required to fully fund all the technicians (both dual status and non-dual status) requested in the President's budget.

(3) Eliminates inaccuracies in the process that compel both the Army Reserve and the Army National Guard either (A) to reduce the number of military technicians (dual status) below the statutory floors without corresponding force structure reductions, or (B) to transfer funds from other appropriations simply to provide the required funding for military technicians (dual status).

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review undertaken under this section, together with a description of corrective actions taken and proposed, not later than March 31, 2000.

SEC. 527. FISCAL YEAR 2000 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

The number of civilian employees who are non-dual status technicians of a reserve component of the Army or Air Force as of September 30, 2000, may not exceed the following:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 342.

Subtitle D—Service Academies

SEC. 531. WAIVER OF REIMBURSEMENT OF EXPENSES FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) United States Military Academy.—Section 4344(b)(3) of title 10, United States Code, is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(b) Naval Academy.—Section 6957(b)(3) of such title is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(c) Air Force Academy.—Section 9344(b)(3) of such title is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(d) Effective Date.—The amendments made by this section apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

SEC. 532. COMPLIANCE BY UNITED STATES MILITARY ACADEMY WITH STATUTORY LIMIT ON SIZE OF CORPS OF CADETS.

(a) Compliance Required.—(1) The Secretary of the Army shall take such action as necessary to ensure that the United States Military Academy is in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001–2002 academic year.

(2) The Secretary of the Army may provide for a variance to the USMA cadet strength limit—

(A) as of the day before the last day of the 1999-2000 academic year of not more than 5 percent; and

(B) as of the day before the last day of the 2000-2001 academic year of not more than 2½ percent.

(3) For purposes of this subsection—

(A) the USMA cadet strength limit is the maximum of 4,000 cadets established for the Corps of Cadets at the United States Military Academy by section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note), reenacted in section 4342(a) of title 10, United States Code, by the amendment made by subsection (b)(1); and

(B) the last day of the 2001–2002 academic year is the day on which the class of 2002 graduates.

(b) Reenactment of Limitation.—

(1) Army.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "is as follows:" in the matter preceding paragraph (1) and inserting "(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.".

(2) Navy.—Section 6954 of such title is amended—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, midshipmen are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(g) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.".

(3) Air force.—Section 9342 of such title is amended—

(A) in subsection (a), by striking "is as follows:" in the matter preceding paragraph (1) and inserting "(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.".

(4) Conforming repeal.—Section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 4342 note) is repealed.

SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND DEAN OF THE FACULTY, UNITED STATES AIR FORCE ACADEMY.

(a) Dean of the Academic Board, USMA.—Section 4335 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.".

(b) Dean of the Faculty, USAFA.—Section 9335 of title 10, United States Code, is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

"(b) While serving as Dean of the Faculty, an officer of the Air Force who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty.".

SEC. 534. EXCLUSION FROM CERTAIN GENERAL AND FLAG OFFICER GRADE STRENGTH LIMITATIONS FOR THE SUPERINTENDENTS OF THE SERVICE ACADEMIES.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under paragraph (1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2). An officer while serving as Superintendent of the United Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).".

Subtitle E—Education and Training

SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE INTERNATIONAL STUDENT PROGRAM AT THE SENIOR MILITARY COLLEGES.

(a) In General.—(1) Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2111b. Senior military colleges: Department of Defense international student program

"(a) Program Requirement.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.

"(b) Purposes.—The purposes of the program shall be—

"(1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and

"(2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.

"(c) Coordination with the Senior Military Colleges.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

"(d) Recommendations for Admission of Students Under the Program.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

"(e) DOD Financial Support.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2111b. Senior military colleges: Department of Defense international student program.".

(b) Effective Date.—The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000.

(c) Repeal of Obsolete Provision.—Section 2111a(e)(1) of title 10, United States Code, is amended by striking the second sentence.

(d) Fiscal Year 2000 Funding.—Of the amounts made available to the Department of Defense for fiscal year 2000 pursuant to section 301, $2,000,000 shall be available for financial support for international students under section 2111b of title 10, United States Code, as added by subsection (a).

SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) Authority.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4321. United States Army War College: master of strategic studies degree

"Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4321. United States Army War College: master of strategic studies degree.".

SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO AWARD GRADUATE-LEVEL DEGREES.

(a) In General.—Subsection (a) of section 9317 of title 10, United States Code, is amended to read as follows:

"(a) Authority.—Upon recommendation of the faculty of the appropriate school, the commander of the Air University may confer—

"(1) the degree of master of strategic studies upon graduates of the Air War College who fulfill the requirements for that degree;

"(2) the degree of master of military operational art and science upon graduates of the Air Command and Staff College who fulfill the requirements for that degree; and

"(3) the degree of master of airpower art and science upon graduates of the School of Advanced Air power Studies who fulfill the requirements for that degree.".

(b) Clerical Amendments.—(1) The heading for that section is amended to read:

"§ 9317. Air University: graduate-level degrees".

(2) The item relating to that section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

"9317. Air University: graduate-level degrees.".

SEC. 544. CORRECTION OF RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONAL SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Section 2126(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "only for" and all that follows through "Award of" and inserting "only for the award of"; and

(B) by striking subparagraph (B);

(2) in paragraph (3) by striking "paragraph (2)(A), a member" and inserting "paragraph (2), a member who completes a satisfactory year of service in the Selected Reserve";

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following new paragraph (5):

"(5) A member of the Selected Reserve who is awarded points or service credit under this subsection shall not be considered to have been in an active status, by reason of the award of the points or credit, while pursuing a course of study under this subchapter for purposes of any provision of law other than sections 12732(a) and 12733(3) of this title.".

SEC. 545. PERMANENT EXPANSION OF ROTC PROGRAM TO INCLUDE GRADUATE STUDENTS.

(a) Permanent Authority for the ROTC Graduate Program.—Paragraph (2) of section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under the program.".

(b) Authority To Enroll in Advanced Training Program.—Section 2101(3) of title 10, United States Code, is amended by inserting "students enrolled in an advanced education program beyond the baccalaureate degree level or to" after "instruction offered in the Senior Reserve Officers' Training Corps to".

SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS SELECTED FOR ADVANCED TRAINING.

(a) Increase.—Section 209(a) of title 37, United States Code, is amended by striking "$150 a month" and inserting "$200 a month".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR ROTC PROGRAM.

(a) In General.—(1) Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Contingent funding increase

"If for any fiscal year the amount appropriated for the National Guard Challenge Program under section 509 of title 32 is in excess of $62,500,000, the Secretary of Defense shall (notwithstanding any other provision of law) make the amount in excess of $62,500,000 available for the Junior Reserve Officers' Training Corps program under section 2031 of this title, and such excess amount may not be used for any other purpose.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Contingent funding increase.".

(b) Effective Date.—Section 2033 of title 10, United States Code, as added by subsection (a), shall apply only with respect to funds appropriated for fiscal years after fiscal year 1999.

SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING UNDER THE RESERVE COMPONENT MONTGOMERY GI BILL.

(a) In General.—Section 16137 of title 10, United States Code, is amended to read as follows:

"§ 16137. Biennial report to Congress

"The Secretary of Defense shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this chapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during those fiscal years.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 1606 of such title is amended to read as follows:

"16137. Biennial report to Congress.".

SEC. 549. RECODIFICATION AND CONSOLIDATION OF STATUTES DENYING FEDERAL GRANTS AND CONTRACTS BY CERTAIN DEPARTMENTS AND AGENCIES TO INSTITUTIONS OF HIGHER EDUCATION THAT PROHIBIT SENIOR ROTC UNITS OR MILITARY RECRUITING ON CAMPUS.

(a) Recodification and Consolidation for Limitations on Federal Grants and Contracts.—(1) Section 983 of title 10, United States Code, is amended to read as follows:

"§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

"(a) Denial of Funds for Preventing ROTC Access to Campus.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at the covered educational entity; or

"(2) a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

"(b) Denial of Funds for Preventing Military Recruiting on Campus.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department from gaining entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

"(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at the covered educational entity:

"(A) Names, addresses, and telephone listings.

"(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

"(c) Exceptions.—The limitation established in subsection (a) or (b) shall not apply to a covered educational entity if the Secretary of Defense determines that—

"(1) the covered educational entity has ceased the policy or practice described in that subsection; or

"(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

"(d) COVERED FUNDS.—The limitations established in subsections (a) and (b) apply to the following:

"(1) Any funds made available for the Department of Defense.

"(2) Any funds made available in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

"(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

"(1) shall transmit a notice of the determination to the Secretary of Education and to Congress; and

"(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the covered educational entity for contracts and grants.

"(f) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each covered educational entity that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).

"(g) COVERED EDUCATIONAL ENTITY.—In this section, the term 'covered educational entity' means an institution of higher education, or a subelement of an institution of higher education.".

(2) The item relating to section 983 in the table of sections at the beginning of such chapter is amended to read as follows:

"983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.".

(b) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 503 note).

(2) Section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104-208; 110 Stat. 3009-270; 10 U.S.C. 503 note).

Subtitle F—Decorations and Awards

SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 17, 1998, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 552. SENSE OF CONGRESS CONCERNING PRESIDENTIAL UNIT CITATION FOR CREW OF THE U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress reaffirms the findings made in section 1052(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA-35)—

(1) served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from December 7, 1941 to July 29, 1945;

(2) with her courageous and capable crew, compiled an impressive combat record during the war in the Pacific, receiving in the process 10 battle stars in actions from the Aleutians to Okinawa;

(3) rendered invaluable service in anti-shipping, shore bombardment, anti-air, and invasion support roles and serving as flagship for the Fifth Fleet under Admiral Raymond Spruance and flagship for the Third Fleet under Admiral William F. Halsey; and

(4) transported the world's first operational atomic bomb from the United States to the Island of Tinian, accomplishing that mission at a record average speed of 29 knots.

(b) FURTHER FINDINGS.—Congress further finds that—

(1) from participation in the earliest offensive actions in the Pacific during World War II to her pivotal role in delivering the weapon that brought the war to an end, the U.S.S. INDIANAPOLIS and her crew left an indelible imprint on the Nation's struggle to eventual victory in the war in the Pacific; and

(2) the selfless, courageous, and outstanding performance of duty by that ship and her crew throughout the war in the Pacific reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should award a Presidential Unit Citation to the crew of the U.S.S. INDIANAPOLIS (CA-35) in recognition of the courage and skill displayed by the members of the crew of that vessel throughout World War II.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SEC. 553. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

Subtitle G—Other Matters

SEC. 561. REVISION IN AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY.

(a) PERIOD OF RECALL SERVICE FOR RETIRED MEMBERS ORDERED TO ACTIVE DUTY.—Section 688(e) of title 10, United States Code, is amended by striking "for more than 12 months within 24 months" and inserting "for more than 36 months within 48 months".

(b) LIMITATION ON NUMBER.—Section 690(b)(1) of such title is amended by striking "Not more than 25 officers" and inserting "In addition to the officers subject to subsection (a), not more than 150 officers".

(c) EXCLUSION FROM LIMITATION OF MEMBERS OF RETIREE COUNCILS.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph:

"(D) Any officer assigned to duty as a member of the Army, Navy, or Air Force Retiree Council for the period of active duty to which ordered.".

(d) EXCLUSION FROM LIMITATION OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—Section 690 of such title is further amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) EXCLUSION FROM LIMITATIONS OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—A retired officer ordered to active duty for a period of 60 days or less shall not be counted for the purposes of subsection (a) or (b).".

SEC. 562. TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

(a) AUTHORITY.—During the retired aviator recall period, the Secretary of a military department may recall to active duty any retired officer having expertise as an aviator to fill staff positions normally filled by active duty aviators. Any such recall may only be with the consent of the officer recalled.

(b) LIMITATION.—No more than a total of 500 officers may be on active duty at any time under subsection (a).

(c) TERMINATION.—Each officer recalled to active duty under subsection (a) during the retired aviator recall period shall be released from active duty not later than one year after the end of such period.

(d) WAIVERS.—Officers recalled to active duty under subsection (a) shall not be counted for purposes of section 668 or 690 of title 10, United States Code.

(e) RETIRED AVIATOR RECALL PERIOD.—For purposes of this section, the term "retired aviator recall period" means the period beginning on October 1, 1999, and ending on September 30, 2002.

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the use of the authority under this section, together with the Secretary's recommendation for extension of that authority.

SEC. 563. SERVICE REVIEW AGENCIES COVERED BY PROFESSIONAL STAFFING REQUIREMENT.

Section 1555(c)(2) of title 10, United States Code, is amended by inserting "the Navy Council of Personnel Boards and" after "Department of the Navy,".

SEC. 564. CONFORMING AMENDMENT TO AUTHORIZE RESERVE OFFICERS AND RETIRED REGULAR OFFICERS TO HOLD A CIVIL OFFICE WHILE SERVING ON ACTIVE DUTY FOR NOT MORE THAN 270 DAYS.

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "180 days" and inserting "270 days"; and

(2) in subparagraph (C), by striking "180 days" and inserting "270 days".

SEC. 565. REVISION TO REQUIREMENT FOR HONOR GUARD DETAILS AT FUNERALS OF VETERANS.

(a) COMPOSITION OF HONOR GUARD DETAILS.—Subsection (b) of section 1491 of title 10, United States Code, is amended by striking "consists of", and all that follows through the period and inserting "consists of not less than two persons, who shall, at a minimum, perform a ceremony to fold and present a United States flag to the deceased veteran's family and who shall (unless a bugler is part of the detail) have the capability to play a recorded version of Taps. At least one member of an honor guard detail provided in response to a request to the Department of Defense shall be a member of the same armed force as the deceased veteran.".

(b) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of a military department shall provide material, equipment, and training to support qualified nongovernmental organizations, as necessary for the support of honor guard activities. The Secretary shall prescribe by regulation standards for determining what nongovernmental organizations are qualified for purposes of this subsection, the type of support that may be provided under this subsection, and the manner in which such support is provided.".

(c) IMPLEMENTING OSD REGULATIONS.—Subsection (e) of such section, as redesignated by subsection (b)(1), is amended by striking the last two sentences and inserting the following: "The Secretary shall require that procedures be established by the Secretaries of the military departments for coordinating and responding to requests for honor guard details, for establishing standards and protocols for, responding to requests for and conducting military funeral honors, and for providing training and quality control.".

(d) WAIVER AUTHORITY.—Such section is further amended by inserting after subsection (f), as redesignated by subsection (b)(1), the following new subsection:

"(g) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any of the provisions of this section when the Secretary determines that such a waiver is necessary because of a contingency operation or when the Secretary otherwise considers such a waiver to be necessary to meet military requirements. The authority to make such a waiver may not be delegated to any official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.".

"(2) Whenever a waiver is granted under paragraph (1), the Secretary of Defense shall promptly submit notice of the waiver to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(e) COVERAGE OF CERTAIN RESERVISTS.—Such section is further amended by striking the period at the end of subsection (h), as redesignated by subsection (b)(1), and inserting "and includes a deceased member or former member of the Selected Reserve described in section 2301(f) of title 38.".

(f) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

"(4) Voluntary services as a member of an honor guard detail under section 1491 of this title.".

(g) EFFECTIVE DATE.—(1) Section 1491 of title 10, United States Code, as amended by this section, shall apply with respect to funerals of veterans that occur after December 31, 1999.

(2) Subsection (a) of such section is amended by striking "that occurs after December 31, 1999".

(h) NATIONAL GUARD FUNERAL HONORS DUTY.—(1) Section 114 of title 32, United States Code, is amended—

(A) by striking "honor guard" both places it appears and inserting "funeral honors"; and

(B) by striking "otherwise required" and inserting ", but may be performed as funeral honors duty as prescribed in section 115 of this title".

(2) Chapter 1 of such title is amended by adding at the end the following new section:

"§ 115. Funeral honors duty performed as a Federal function

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of title 10).

"(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 1273(a)(2)(E) of title 10 and compensation under section 435 of title 37 if authorized by the Secretary concerned.

"(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this section and the provisions of title 10, title 37, and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

"(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.".

(3)(A) The heading of section 114 of such title is amended to read as follows:

"§ 114. Funeral honors functions at funerals for veterans".

(B) The table of sections at the beginning of chapter 1 of such title is amended by striking the item relating to section 114 and inserting the following:

"114. Funeral honors functions at funerals for veterans.

"115. Funeral honors duty performed as a Federal function.".

(i) READY RESERVE FUNERAL HONORS DUTY.—(1)(A) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12503. Ready Reserve: funeral honors duty

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title). However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

"(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 12732(a)(2)(E) of this title and compensation under section 435 of title 37 if authorized by the Secretary concerned.

"(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title, title 37, and title 38, including provisions relating to the determination of eligibility for and receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

"(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12503. Ready Reserve: funeral honors duty.".

(2)(A) Section 12552 of such title is amended to read as follows:

"§ 12552. Funeral honors functions at funerals for veterans

"Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title.".

(B) The item relating to such section in the table of sections at the beginning of chapter 1215 of such title is amended to read as follows:

"12552. Funeral honors functions at funerals for veterans.".

(j) CREDITING FOR RETIREMENT PURPOSES.—Paragraph (2) of section 12732(a) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (D) the following new subparagraph:

"(E) One point for each day in which funeral honors functions were performed under section 12503 of this title or section 115 of title 32."; and

(2) by striking "and (D)" in the last sentence of such paragraph and inserting "(D), and (E)".

(k) ALLOWANCE FOR FUNERAL HONORS DUTY.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§435. Funeral honors duty: flat rate allowance

"(a) ALLOWANCE AUTHORIZED.—Under uniform regulations prescribed by the Secretary of Defense, a member of the Ready Reserve of an armed force may be paid an allowance of $50, at the discretion of the Secretary concerned, for funeral honors duty performed pursuant to section 12305 of title 10 or section 115 of title 32, if the member is engaged in the performance of that duty for at least two hours.

"(b) RELATION TO PERFORMANCE OF FUNERAL HONORS DUTY.—The allowance under this section shall constitute the single, flat-rate monetary allowance authorized for the performance of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32 and shall constitute payment in full to the member, regardless of grade in which serving.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"435. Funeral honors duty: flat rate allowance.".

SEC. 566. PURPOSE AND FUNDING LIMITATIONS FOR NATIONAL GUARD CHALLENGE PROGRAM.

(a) PROGRAM AUTHORITY AND PURPOSE.—Subsection (a) of section 509 of title 32, United States Code, is amended to read as follows:

"(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may use the National Guard to conduct a civilian youth opportunities program, to be known as the 'National Guard Challenge Program', which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.".

(b) ANNUAL FUNDING LIMITATION.—Subsection (b) of such section is amended by striking "$50,000,000" and inserting "$62,500,000".

SEC. 567. ACCESS TO SECONDARY SCHOOL STUDENTS FOR MILITARY RECRUITING PURPOSES.

Section 503 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.".

SEC. 568. SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE.

(a) EXIT SURVEY.—The Secretary of Defense shall develop and implement a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

(b) MATTERS TO BE COVERED.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Command climate.

(3) Attitude toward civilian and military leadership.

(4) Attitude toward pay and benefits.

(5) Job satisfaction.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

(c) REPORT TO CONGRESS.—Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service.

SEC. 569. IMPROVEMENT IN SYSTEM FOR ASSIGNING PERSONNEL TO WARFIGHTING UNITS.

(a) REVIEW OF PERSONNEL ASSIGNMENT SYSTEMS.—The Secretary of each military department shall review the military personnel system under that Secretary's jurisdiction in order to identify those policies that prevent warfighting units from being fully manned.

(b) REVISION TO POLICIES.—Following the review under subsection (a), the Secretary shall alter the policies identified in the review with the goal of raising the priority in the personnel system for the assignment of personnel to warfighting units.

(c) REPORT.—Not later than December 31, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the changes to the military personnel system under that Secretary's jurisdiction that have been, or will be, adopted under subsection (b).

(d) DEFINITION.—For the purposes of this section, the term "warfighting unit" means a battalion, squadron, or vessel that (1) has a combat, combat support, or combat service support mission, and (2) is not considered to be in the supporting establishment for its service.

SEC. 570. REQUIREMENT FOR DEPARTMENT OF DEFENSE REGULATIONS TO PROTECT THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN DEPENDENTS AND PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse

"(a) REGULATIONS.—The Secretary of Defense shall prescribe in regulations such policies and procedures as the Secretary considers necessary to provide the maximum possible protection for the confidentiality of communications described in subsection (b) relating to misconduct described in that subsection. Those regulations shall be consistent with—

"(1) the standards of confidentiality and ethical standards issued by relevant professional organizations;

"(2) applicable requirements of Federal and State law;

"(3) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

"(4) such other factors as the Secretary, in consultation with the Attorney General, considers appropriate.

"(b) COVERED COMMUNICATIONS.—Subsection (a) applies to communications between—

"(1) a dependent of a member of the armed forces who—

"(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

"(B) has engaged in such misconduct; and

"(2) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.".

(b) GAO STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense and Congress a report on the results of the study. The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(c) INITIAL REGULATIONS.—The initial regulations under section 1562 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 90 days after the date on which the Secretary of Defense receives the report of the Comptroller General under subsection (b). In prescribing those regulations, the Secretary shall ensure that those regulations are consistent with the findings of the Comptroller General in that report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2000 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services are increased by 4.8 percent.

(c) REFORM OF BASIC PAY RATES.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
0–7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
0–6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
0–5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
0–4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
0–3[3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
0–2[3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
0–1[3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
0–7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
0–6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
0–5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
0–4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
0–3[3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
0–2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0–1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
0–10[2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
0–9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
0–8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
0–7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
0–6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
0–5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
0–4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
0–3[3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
0–2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0–1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades 0–7 through 0–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade 0–1, 0–2, or 0–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90
0–2E	0.00	0.00	0.00	3,009.00	3,071.10
0–1E	0.00	0.00	0.00	2,423.10	2,588.40

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
0–3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
0–2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
0–1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
0–3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
0–2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
0–1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W–3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W–2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W–1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W–3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W–2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W–1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W–4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W–3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W–2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W–1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	[3] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E-8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[2]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E-8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

(d) LIMITATION ON PAY ADJUSTMENTS.—Section 1009(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" before "Whenever"; and

(2) by adding at the end the following new paragraph:

"(2) On and after April 30, 1999, the actual basic pay for commissioned officers in grades 0-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule, and the actual basic pay for all other officers and enlisted members may not exceed the rate of pay for level V of the Executive Schedule.".

SEC. 602. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL YEAR 2000.

Effective on October 1, 2000, subsection (c) of section 1009 of title 37, United States Code, is amended to read as follows:

"(c) PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) Subject to subsection (d), an adjustment taking effect under this section during a fiscal year shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of—

"(A) 0.5 percent; plus

"(B) the percentage calculated as provided under section 5303(a) of title 5.

"(2) The calculation required by paragraph (1)(B) shall be made without regard to whether rates of pay under the statutory pay systems (as defined in section 5302 of title 5) are actually increased during that fiscal year under section 5303 of such title by the percentage so calculated.".

SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2000 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount that may be paid during fiscal year 2000 for the basic allowance for housing for military housing areas inside the United States, $442,500,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting "January 1, 2001".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2000,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title, as redesignated by section 618(b), is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "October 1, 1998," and all that follows through the period at the end and inserting "December 31, 2000.".

SEC. 614. AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS.

(a) AVAILABILITY OF INCENTIVE PAY.—Section 301a(b) of title 37, United States Code is amended by adding at the end the following new paragraph:

"(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, is entitled to monthly incentive pay at a rate equal to the greater of the following:

"(A) The rate applicable under this subsection.

"(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member's entitlement to aviation career incentive pay under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL PAY TO AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) ELIGIBILITY CRITERIA.—Subsection (b) of section 301b of title 37, United States Code, is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking "grade O-6" and inserting "grade O-7";

(3) by inserting "and" at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(b) AMOUNT OF BONUS.—Subsection (c) of such section is amended by striking "than—" and all that follows through the period at the end and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(c) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(d) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is amended by striking the second sentence.

(e) DEFINITIONS REGARDING AVIATION SPECIALTY.—Subsection (j) of such section is amended—

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraph (4) as paragraph (2).

(f) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 616. DIVING DUTY SPECIAL PAY.

(a) INCREASE IN PAYMENT AMOUNT.—Subsection (b) of section 304 of title 37, United States Code, is amended—

(1) by striking "$200" and inserting "$240"; and

(2) by striking "$300" and inserting "$340".

(b) RELATION TO HAZARDOUS DUTY INCENTIVE PAY.—Subsection (c) of such section 304 is amended to read as follows:

"(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous duties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 617. REENLISTMENT BONUS.

(a) MINIMUM MONTHS OF ACTIVE DUTY.—Subsection (a)(1)(A) of section 308 of title 37, United States Code, is amended by striking "twenty-one months" and inserting "17 months".

(b) AMOUNT OF BONUS.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A)(i), by striking "ten" and inserting "15"; and

(2) in subparagraph (B), by striking "$45,000" and inserting "$60,000".

SEC. 618. ENLISTMENT BONUS.

(a) INCREASE IN BONUS AMOUNT.—Subsection (a) of section 308a of title 37, United States Code, is amended by striking "$12,000" and inserting "$20,000".

(b) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

"(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "BONUS AUTHORIZED; BONUS AMOUNT.—" after "(a)";

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by inserting "REPAYMENT OF BONUS.—" after "(c)"; and

(3) in subsection (d), as redesignated by subsection (b)(2) of this section, by inserting "TERMINATION OF AUTHORITY.—" after "(d)".

SEC. 619. REVISED ELIGIBILITY REQUIREMENTS FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS.

Paragraph (2) of section 308i(a) of title 37, United States Code, is amended to read as follows:

"(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

"(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

"(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

"(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

"(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

"(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

"(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.".

SEC. 620. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking "$15,000" and inserting "$25,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of such title is amended by striking "$10,000" and inserting "$20,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of such title is amended—

(1) in subsection (a)(1), by striking "$12,000" and inserting "$22,000"; and

(2) in subsection (b)(1), by striking "$5,500" and inserting "$10,000".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 621. INCREASE IN AUTHORIZED MONTHLY RATE OF FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE.—Section 316(b) of title 37, United States Code, is amended by striking "$100" and inserting "$300".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 622. AUTHORIZATION OF RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 318. Special pay: special warfare officers extending period of active duty

"(a) SPECIAL WARFARE OFFICER DEFINED.—In this section, the term 'special warfare officer' means an officer of a uniformed service who—

"(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

"(2) is serving in a position for which that specialty or designator is authorized.

"(b) RETENTION BONUS AUTHORIZED.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement, on or after October 1, 1999, to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(c) Eligible Officers.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

"(1) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

"(2) has completed at least 6, but not more than 14, years of active commissioned service; and

"(3) has completed any service commitment incurred to be commissioned as an officer.

"(d) Amount of Bonus.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the agreement.

"(e) Proration.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

"(f) Payment Methods.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

"(2) The amount of the retention bonus may be paid as follows:

"(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

"(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

"(g) Additional Pay.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(h) Repayment.—(1) If an officer who has entered into an agreement under subsection (b) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(i) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 37, United States Code is amended by adding at the end the following new item:

"318. Special pay: special warfare officers extending period of active duty.".

SEC. 623. AUTHORIZATION OF SURFACE WARFARE OFFICER CONTINUATION PAY.

(a) Incentive Pay Authorized.—Chapter 5 of title 37, United States Code, is amended by inserting after section 318, as added by section 622, the following new section:

"§ 319. Special pay: surface warfare officer continuation pay

"(a) Eligible Surface Warfare Officer Defined.—In this section, the term 'eligible surface warfare officer' means an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is qualified and serving as a surface warfare officer;

"(2) has been selected for assignment as a department head on a surface vessel; and

"(3) has completed any service commitment incurred through the officer's original commissioning program.

"(b) Special Pay Authorized.—An eligible surface warfare officer who executes a written agreement, on or after October 1, 1999, to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface ship may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed $50,000.

"(c) Proration.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

"(d) Payment Methods.—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

"(e) Additional Pay.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(f) Repayment.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty as a department head on a surface ship specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, to the extent that the Secretary of the Navy determines conditions and circumstances warrant, any or all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) Regulations.—The Secretary of the Navy shall prescribe regulations to carry out this section.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 318 the following new item:

"319. Special pay: surface warfare officer continuation pay.".

SEC. 624. AUTHORIZATION OF CAREER ENLISTED FLYER INCENTIVE PAY.

(a) Incentive Pay Authorized.—Chapter 5 of title 37, United States Code, is amended by inserting after section 319, as added by section 623, the following new section:

"§ 320. Incentive pay: career enlisted flyers

"(a) Eligible Career Enlisted Flyer Defined.—In this section, the term 'eligible career enlisted flyer' means an enlisted member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

"(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

"(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

"(4) satisfies the operational flying duty requirements applicable under subsection (c).

"(b) Incentive Pay Authorized.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

"(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

"(c) Operational Flying Duty Requirements.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

"(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

"(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member's failure to perform the operational flying duty required during the first 10, 15, or 20 years of aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or 12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

"(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

"(d) MONTHLY MAXIMUM INCENTIVE PAY.—The monthly rate for incentive pay under this section may not exceed the amounts specified in the following table for the applicable years of aviation service:

"Years of aviation service:	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400

"(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard, who is entitled to compensation under section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to 1/30 of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

"(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving special pay under section 301(a) or 304 of this title may not be paid incentive pay under this section for the same period of service.

"(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

"(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

"(i) DEFINITIONS.—In this section:

"(1) The term 'aviation service' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

"(2) The term 'operational flying duty' means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 319 the following new item:

"320. Incentive pay: career enlisted flyers.".

SEC. 625. AUTHORIZATION OF JUDGE ADVOCATE CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 320, as added by section 624, the following new section:

"§ 321. Special pay: judge advocate continuation pay

"(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term 'eligible judge advocate' means an officer of the armed forces on full-time active duty who—

"(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

"(2) has completed any service commitment incurred through the officer's original commissioning program.

"(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement, on or after October 1, 1999, to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid an amount not to exceed $60,000.

"(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

"(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

"(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, to the extent that the Secretary determines conditions and circumstances warrant, any or all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 320 the following new item:

"321. Special pay: judge advocate continuation pay.".

(b) STUDY AND REPORT ON ADDITIONAL RECRUITMENT AND RETENTION INITIATIVES.—(1) The Secretary of Defense shall conduct a study regarding the need for additional incentives to improve the recruitment and retention of judge advocates for the Armed Forces. At a minimum, the Secretary shall consider as possible incentives constructive service credit for basic pay, educational loan repayment, and Federal student loan relief.

(2) Not later than March 31, 2000, the Secretary shall submit to Congress a report containing the findings and recommendations resulting from the study.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PROVISION OF LODGING IN KIND FOR RESERVISTS PERFORMING TRAINING DUTY AND NOT OTHERWISE ENTITLED TO TRAVEL AND TRANSPORTATION ALLOWANCES.

Section 404(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "If transient government housing is unavailable, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a)."; and

(2) in paragraph (3)—

(A) by inserting after "paragraph (1)" the following: "and expenses of providing lodging in kind under such paragraph"; and

(B) by adding at the end the following new sentence: "Use of Government charge cards is authorized for payment of these expenses.".

SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES FOR MEMBERS MAKING THEIR FIRST PERMANENT CHANGE OF STATION.

(a) AUTHORITY TO PAY OR REIMBURSE.—Section 404a(a) of title 37, United States Code, is amended

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by inserting "or" after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) in the case of an enlisted member who is reporting to the member's first permanent duty station, from the member's home of record or initial technical school to that first permanent duty station;".

(b) DURATION.—Such section is further amended—

(1) in the second sentence, by striking "clause (1)" and inserting "paragraph (1) or (3)"; and

(2) in the third sentence, by striking "clause (2)" and inserting "paragraph (2)".

SEC. 633. EMERGENCY LEAVE TRAVEL COST LIMITATIONS.

Section 411d(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or".

Subtitle D—Retired Pay Reform

SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY TO MEMBERS ELECTING NEW 15-YEAR CAREER STATUS BONUS.

(a) RETIRED PAY MULTIPLIER.—Paragraph (2) of section 1409(b) of title 10, United States

Code, is amended by inserting "has elected to receive a bonus under section 321 of title 37," after "July 31, 1986,".

(b) COST-OF-LIVING ADJUSTMENTS.—Paragraph (3) of section 1401a(b) of such title is amended to read as follows:

"(3) POST-AUGUST 1, 1986 MEMBERS.—

"(A) MEMBERS ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who elected to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member (unless the percent determined under paragraph (2) is less than 1 percent) by the difference between—

"(i) the percent determined under paragraph (2); and

"(ii) 1 percent.

"(B) MEMBERS NOT ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who did not elect to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member—

"(i) if the percent determined under paragraph (2) is equal to or greater than 3 percent, by the difference between—

"(I) the percent determined under paragraph (2); and

"(II) 1 percent; and

"(ii) if the percent determined under paragraph (2) is less than 3 percent, by the lesser of—

"(I) the percent determined under paragraph (2); or

"(II) 2 percent.".

(c) RECOMPUTATION OF RETIRED PAY AT AGE 62.—Section 1410 of such title is amended—

(1) by inserting "(a) IN GENERAL.—" before "In the case of";

(2) by inserting after "62 years of age," the following: "in accordance with subsection (b) or (c), as applicable.

"(b) MEMBERS RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who received a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a)";

(3) by striking "that date" and inserting "the effective date of the recomputation"; and

(4) by adding at the end the following:

"(c) MEMBERS NOT RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who did not receive a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a) so as to be the amount equal to the amount of retired pay to which the member or former member would be entitled on the effective date of the recomputation if increases in the retired pay of the member or former member under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3)(B) of that section).".

SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS BONUS.

(a) CAREER SERVICE BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 321, as added by section 625, the following new section:

"§322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

"(a) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term 'eligible career bonus member' means a member of a uniformed service serving on active duty who—

"(1) first became a member on or after August 1, 1986; and

"(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

"(b) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

"(1) elects to receive the bonus under this section; and

"(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10, if the member is not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service.

"(c) ELECTION METHOD.—The election under subsection (b)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under such subsection is irrevocable.

"(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be paid in one lump sum of $30,000.

"(2) The bonus shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (b)(1) and the written agreement required under subsection (b)(2), if applicable.

"(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who satisfies the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty.

"(2) The notification shall include the following:

"(A) The procedures for electing to receive the bonus.

"(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

"(f) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in subsection (b)(2), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 321 the following new item:

"322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.".

SEC. 643. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO SURVIVOR BENEFIT PLAN PROVISION.—Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(b) RELATED TECHNICAL AMENDMENTS.—Chapter 71 of such title is amended as follows:

(1) Section 1401a(b) is amended by striking the heading for paragraph (1) and inserting "INCREASE REQUIRED.—".

(2) Section 1409(b)(2) is amended by inserting "CERTAIN" in the paragraph heading after "REDUCTION APPLICABLE TO".

SEC. 644. EFFECTIVE DATE.

The amendments made by sections 641, 642, and 643 shall take effect on October 1, 1999.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

SEC. 651. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

"§1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

"(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

"(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

"(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

"(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

"1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.".

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of

the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

SEC. 652. EXTENSION OF ANNUITY ELIGIBILITY FOR SURVIVING SPOUSES OF CERTAIN RETIREMENT ELIGIBLE RESERVE MEMBERS.

(a) COVERAGE OF SURVIVING SPOUSES OF ALL GRAY AREA RETIREES.—Section 644(a)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1800) is amended by striking "during the period beginning on September 21, 1972, and ending on" and inserting "before".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to annuities payable for months beginning after September 30, 1999.

SEC. 653. PRESENTATION OF UNITED STATES FLAG TO RETIRING MEMBERS OF THE UNIFORMED SERVICES NOT PREVIOUSLY COVERED.

(a) NONREGULAR SERVICE MILITARY RETIREES.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay

"(a) PRESENTATION OF FLAG.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.".

(b) PUBLIC HEALTH SERVICE.—Title II of the Public Health Service Act is amended by inserting after section 212 (42 U.S.C. 213) the following new section:

"PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT

"SEC. 213. (a) Upon the release of an officer of the commissioned corps of the Service from active commissioned service for retirement, the Secretary of Health and Human Services shall present a United States flag to the officer.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.".

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Coast and Geodetic Survey Commissioned Officers' Act of 1948 is amended by inserting after section 24 (33 U.S.C. 853u) the following new section:

"SEC. 25. (a) Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary of Commerce shall present a United States flag to the officer.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.".

(d) EFFECTIVE DATE.—Section 12605 of title 10, United States Code (as added by subsection (a)), section 413 of the Public Health Service Act (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.

(e) CONFORMING AMENDMENTS TO PRIOR LAW.—Sections 3681(b), 6141(b), and 8681(b) of title 10, United States Code, and section 516(b) of title 14, United States Code, are each amended by striking "under this section" and all that follows through the period and inserting "under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.".

SEC. 654. ACCRUAL FUNDING FOR RETIREMENT SYSTEM FOR COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) INCLUSION OF NOAA OFFICERS IN DOD MILITARY RETIREMENT FUND.—Section 1461 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "and the Department of Commerce" after "Department of Defense";

(2) in subsection (b)—

(A) by inserting "and the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a et seq.)" in paragraph (1) after "this title";

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) the programs under the jurisdiction of the Department of Commerce providing annuities for survivors of members and former members of the NOAA Corps."; and

(3) by adding at the end the following new subsection:

"(c) In this chapter, the term 'NOAA Corps' means the National Oceanic and Atmospheric Administration Commissioned Corps and its predecessors.".

(b) PAYMENTS FROM THE FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking "and Marine Corps" and inserting "Marine Corps, and the NOAA Corps"; and

(2) in paragraph (4)—

(A) by inserting "and the Department of Commerce" after "Department of Defense"; and

(B) by striking "armed forces" and inserting "uniformed services".

(c) REPORTS BY BOARD OF ACTUARIES.—Section 1464(b) of such title is amended by inserting "and the Secretary of Commerce with respect to the NOAA Corps" after "Secretary of Defense".

(d) DEPARTMENT OF COMMERCE CONTRIBUTIONS TO THE FUND.—Section 1465 of such title is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) Not later than January 1, 2000, the Secretary of Commerce shall provide to the Board the amount that is the present value (as of October 1, 1999) of future benefits payable from the Fund that are attributable to service in the NOAA Corps performed before October 1, 1999. That amount is the NOAA Corps original unfunded liability of the Fund. The Board shall determine the period of time over which that unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with that schedule shall be made as provided in section 1466(b) of this title.".

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by inserting "and the Secretary of Commerce" after "Secretary of Defense" in the matter preceding subparagraph (A);

(ii) by inserting "and the Department of Commerce contributions with respect to the NOAA Corps" after "Department of Defense contributions" in the matter preceding subparagraph (A); and

(iii) by adding at the end the following new subparagraph:

"(C) The product of—

"(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(C) at the time of the next actuarial valuation under subsection (c); and

"(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the NOAA Corps."; and

(B) in paragraph (2)—

(i) by inserting "and the Department of Commerce" after "Department of Defense"; and

(ii) by inserting "and shall include separate amounts for the Department of Defense and the Department of Commerce" after "section 1105 of title 31".

(3) Subsection (c)(1) is amended—

(A) by inserting "and the Secretary of Commerce with respect to the NOAA Corps" in the first sentence after "Secretary of Defense";

(B) by striking "and" at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the NOAA Corps.".

(e) PAYMENTS INTO THE FUND.—Section 1466 of such title is amended—

(1) in subsection (a)—

(A) by inserting "and the Secretary of Commerce with respect to the NOAA Corps" after "Secretary of Defense";

(B) by striking "Department of Defense" after "each month as the";

(C) by inserting "and 1465(c)(1)(C)" in paragraph (1)(A) after "section 1465(c)(1)(A)";

(D) by inserting "and by members of the NOAA Corps" in paragraph (1)(B) before the period; and

(E) by inserting "or members of the NOAA Corps" before the period at the end of the last sentence of that subsection;

(2) in subsection (b)(2), by inserting "and the NOAA original unfunded liability" after "original unfunded liability"; and

(3) by adding at the end the following new subsection:

"(c)(1) The Secretary of Transportation shall process, on behalf of the Fund, payments under section 1463 of this title to members on the retired list of the NOAA Corps and to survivors of members and former members of the NOAA Corps.

"(2) Payments made by the Secretary of Transportation under paragraph (1) shall be charged against the Fund.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

"§1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

"(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member's disability is determined to have been incurred before the member becoming entitled to basic pay in the member's current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether it was incurred in the line of duty.

"(b) A member described in subsection (a) is a member with at least eight years of active service.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

"1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.".

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

"§12731b. Special rule for members with physical disabilities not incurred in line of duty

"In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

"(b) Notification under subsection (a) may not be made if—

"(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

"(2) the disability was incurred during a period of unauthorized absence."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

"12731b. Special rule for members with physical disabilities not incurred in line of duty.".

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting ", in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000," after "determination, and".

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.

(a) AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"§8440e. Members of the uniformed services

"(a)(1) A member of the uniformed services performing active service may elect to contribute to the Thrift Savings Fund—

"(A) a portion of such individual's basic pay; or

"(B) a portion of any special or incentive pay payable to such individual under chapter 5 of title 37.

Any contribution under subparagraph (B) shall be made by direct transfer to the Thrift Savings Fund by the Secretary concerned.

"(2)(A) Except as provided in subparagraph (B), an election under paragraph (1) may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2)(A)–(D) thereof.

"(B)(i) Notwithstanding subparagraph (A), a member of the uniformed services performing active service on the effective date of this section may make the first such election during the 60–day period beginning on such effective date.

"(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60–day period referred to in clause (i).

"(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund.

"(2)(A) The amount contributed by a member of the uniformed services under subsection (a)(1)(A) for any pay period shall not exceed 5 percent of such member's basic pay for such pay period.

"(B) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

"(3) No contributions under section 8432(c) shall be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

"(4) In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund, the reference in subsection (g)(1) or (h)(3) of section 8433 to contributions made under section 8432(a) shall be considered a reference to contributions made under any of sections 8351, 8432(a), 8432b(b), or 8440a–8440e.

"(c) For purposes of this section—

"(1) the term 'basic pay' has the meaning given such term by section 204 of title 37;

"(2) the term 'active service' means—

"(A) active duty for a period of more than 30 days, as defined by section 101(d)(2) of title 10; and

"(B) full-time National Guard duty, as defined by section 101(d)(5) of title 10;

"(3) the term 'Secretary concerned' has the meaning given such term by section 101 of title 37; and

"(4) any reference to 'separation from Government employment' shall be considered a reference to a release from active duty (not followed by a resumption of active duty, or an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director in regulations) before the end of the 31-day period beginning on the day following the date of separation), a transfer to inactive status, or a transfer to a retired list pursuant to any provision of title 10.".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

"8440e. Members of the uniformed services.".

(b) AMENDMENTS RELATING TO THE EMPLOYEE THRIFT ADVISORY COUNCIL.—Section 8473 of title 5, United States Code, is amended—

(1) in subsections (a) and (b) by striking "14 members" and inserting "15 members"; and

(2) in subsection (b) by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) 1 shall be appointed to represent participants who are members of the uniformed services (within the meaning of section 8440e).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (11) of section 8351(b) of title 5, United States Code, is amended by redesignating such paragraph as paragraph (8).

(2) Subparagraph (B) of section 8432b(b)(2) of title 5, United States Code, is amended by striking "section 8432(a)" and inserting "sections 8432(a) and 8440e, respectively,".

(3)(A) Section 8439(a)(1) of title 5, United States Code, is amended—

(i) by inserting "or 8432b(d)" after "8432(c)(1)"; and

(ii) by striking "8351" and inserting "8351, 8432b(b), or 8440a–8440e".

(B) Section 8439(a)(2)(A)(i) of title 5, United States Code, is amended by striking "8432(a) or 8351" and inserting "8351, 8432(a), 8432b(b), or 8440a–8440e".

(C) Section 8439(a)(2)(A)(ii) of title 5, United States Code, is amended by striking "title;" and inserting "title (including subsection (c) or (d) of section 8432b);".

(D) Section 8439(a)(2)(A) of title 5, United States Code, is amended by striking "and" at the end of clause (ii), by striking ", over" at the end of clause (iii) and inserting "; and", and by adding after clause (iii) the following:

"(iv) any other amounts paid, allocated, or otherwise credited to such individual's account, over".

SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

"§211. Contributions to Thrift Savings Fund

"A member of the uniformed services who is performing active service may elect to contribute, in accordance with section 8440e of title 5, a portion of the basic pay of the member for that service (or of any special or incentive pay under chapter 5 of this title which relates to that service) to the Thrift Savings Fund established by section 8437 of title 5.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"211. Contributions to Thrift Savings Fund.".

SEC. 663. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement sections 8351 and 8440e of title 5, United States Code (as amended by section 661) and section 211 of title 37, United States Code (as amended by section 662).

SEC. 664. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect one year after the date of the enactment of this Act, or on July 1, 2000, whichever is later.

(b) EXCEPTION.—Nothing in this subtitle (or any amendment made by this subtitle) shall be considered to permit the making of any contributions under section 8440e(a)(1)(B) of title 5, United States Code (as amended by section 661), before December 1, 2000.

(c) EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.—(1) This subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the 106th Congress qualifying offsetting legislation.

(2) If the conditions in paragraph (1) are met, then, this section shall take effect on the date on which qualifying offsetting legislation is enacted or, if later, the effective date determined under subsection (a).

(3) For purposes of this subsection:

(A) The term "qualifying offsetting legislation" means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term "PayGo scorecard" means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle G—Other Matters

SEC. 671. PAYMENTS FOR UNUSED ACCRUED LEAVE AS PART OF REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "conditions or" and inserting "conditions,"; and

(B) by adding before the semicolon the following: ", or a reenlistment of the member (regardless of when the reenlistment occurs)"; and

(2) in subsection (b)(2), by striking ", or entering into an enlistment,".

SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR MILITARY TECHNICIANS SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) AUTHORITY TO PROVIDE PER DIEM ALLOWANCE.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).".

(b) TYPES OF OVERSEAS OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 432).

SEC. 673. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) PROGRAM REQUIRED.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "AUTHORITY.—The Secretary of Defense may" and inserting "PROGRAM REQUIRED.—The Secretary of Defense shall".

(b) FUNDING SOURCE.—Subsection (b) of such section is amended to read as follows:

"(b) FUNDING MECHANISM.—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c) of such section is amended—

(1) by striking paragraph (1)(B) and inserting the following:

"(B) In determining income eligibility standards for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A). The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.";

(2) in paragraph (2), by adding before the period at the end the following: ", particularly with respect to nutrition education and counseling"; and

(3) by adding at the end the following new paragraph:

"(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).".

(d) CONFORMING AMENDMENT.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the overseas special supplemental food program established under section 1060a(a) of title 10, United States Code.".

SEC. 674. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid (subject to the availability of appropriations) to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE DISABLED UNIFORMED SERVICES RETIREE DEFINED.—In this section, the term 'eligible disabled military retiree' means a member of the uniformed services in a retired status (who is retired under a provision of law other than chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—(1) Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(2) If the amount of funds available to the Secretary concerned for any fiscal year for payments under this section is less than the amount required to make such payments to all eligible disabled uniformed services retirees for that year, the Secretary shall make such payments first to retirees described in paragraph (1) of subsection (b), then (to the extent funds are available) to retirees described in paragraph (2) of that subsection, and then (to the extent funds are available) to retirees described in paragraph (3) of that subsection.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The terms 'compensation' and 'service-connected' have the meanings given those terms in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED IN A CONTINGENCY OPERATION.

Section 2007(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "and";

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.".

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

SEC. 701. PROVISION OF HEALTH CARE TO MEMBERS ON ACTIVE DUTY AT CERTAIN REMOTE LOCATIONS.

(a) IN GENERAL.—The Secretary of Defense shall enter into agreements with designated providers under which such providers will provide health care services in or through managed care plans to an eligible member of the Armed Forces who resides within the service area of the designated provider. The provisions in section 722(b)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) shall apply with respect to such agreements.

(b) ADHERENCE TO TRICARE PRIME REMOTE PROGRAM POLICIES.—A designated provider who provides health care to an eligible member described in subsection (a) shall, in providing such care, adhere to policies of the Department of Defense with respect to the TRICARE Prime Remote program, including policies regarding coordination with appropriate military medical authorities for specialty referrals and hospitalization.

(c) REIMBURSEMENT RATES.—The Secretary shall negotiate with each designated provider reimbursement rates that do not exceed reimbursement rates allowable under TRICARE Standard.

(d) DEFINITIONS.—In this section:

(1) The term "eligible member" has the meaning given that term in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1074 note).

(2) The term "designated provider" has the meaning given that term in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note).

SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.

(a) IN GENERAL.—Section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended—

(1) in the heading, by striking "**DEMONSTRATION PROGRAM**";

(2) in subsection (a), by adding at the end the following new paragraph:

"(4) During fiscal year 2000, the Secretary shall continue to furnish the same chiropractic care in the military medical treatment facilities designated pursuant to paragraph (2)(A) as the chiropractic care furnished during the demonstration program.";

(3) in subsection (c)—

(A) in paragraph (3), by striking "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives" and inserting "Committees on Armed Services of the Senate and the House of Representatives"; and

(B) in paragraph (5), by striking "May 1, 2000" and inserting "January 31, 2000";

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by striking "; and" at the end of subparagraph (C) and inserting a semicolon;

(ii) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) if the Secretary submits an implementation plan pursuant to subsection (e), the preparation of such plan."; and

(B) by adding at the end the following new paragraph:

"(5) The Secretary shall—

"(A) make full use of the oversight advisory committee in preparing—

"(i) the final report on the demonstration program conducted under this section; and

"(ii) the implementation plan described in subsection (e); and

"(B) provide opportunities for members of the committee to provide views as part of such final report and plan.";

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection:

"(e) IMPLEMENTATION PLAN.—If the Secretary of Defense recommends in the final report submitted under subsection (c) that chiropractic health care services should be offered in medical care facilities of the Armed Forces or as a health care service covered under the TRICARE program, the Secretary shall, not later than March 31, 2000, submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for the full integration of chiropractic health care services into the military health care system of the Department of Defense, including the TRICARE program. Such implementation plan shall include—

"(1) a detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system;

"(2) the proposed scope of practice for chiropractors who would provide services to covered beneficiaries under chapter 55 of title 10, United States Code;

"(3) the proposed military medical treatment facilities at which such services would be provided;

"(4) the military readiness requirements for chiropractors who would provide services to such covered beneficiaries; and

"(5) any other relevant factors that the Secretary considers appropriate.".

(b) CONFORMING AMENDMENT.—The item relating to section 731 in the table of contents at the beginning of such Act is amended to read as follows:

"731. Chiropractic health care.".

SEC. 703. CONTINUATION OF PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE.—(1) The Secretary of Defense may, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code), for domiciliary or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing section 1077(b)(1) of such title.

(2) A determination under this paragraph is a determination that discontinuation of payment for domiciliary or custodial care services or transition to provision of care under the individual case management program authorized by section 1079(a)(17) of such title would be—

(A) inadequate to meet the needs of the eligible beneficiary; and

(B) unjust to such beneficiary.

(b) ELIGIBLE BENEFICIARY DEFINED.—As used in this section, the term "eligible beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

SEC. 704. REMOVAL OF RESTRICTION ON USE OF FUNDS FOR ABORTIONS IN CERTAIN CASES OF RAPE OR INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting "or in a case in which the pregnancy is the result of an act of forcible rape or incest which has been reported to a law enforcement agency" before the period.

Subtitle B—TRICARE Program

SEC. 711. IMPROVEMENTS TO CLAIMS PROCESSING UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095b the following new section:

"§ 1095c. TRICARE program: facilitation of processing of claims

"(a) REDUCTION OF PROCESSING TIME.—(1) With respect to claims for payment for medical care provided under the TRICARE program, the Secretary of Defense shall implement a system for processing of claims under which—

"(A) 95 percent of all mistake-free claims must be processed not later than 30 days after the date that such claims are submitted to the claims processor; and

"(B) 100 percent of all mistake-free claims must be processed not later than 100 days after the date that such claims are submitted to the claims processor.

"(2) The Secretary may, under the system required by paragraph (1) and consistent with the provisions in chapter 39 of title 31, United States Code (commonly referred to as the 'Prompt Payment Act'), require that interest be paid on claims that are not processed within 30 days.

"(b) REQUIREMENT TO PROVIDE START-UP TIME FOR CERTAIN CONTRACTORS.—(1) The Secretary of Defense shall not require that a contractor described in paragraph (2) begin to provide managed care support pursuant to a contract to provide such support under the TRICARE program until at least nine months after the date of the award of the contract. In such case the contractor may begin to provide managed care support pursuant to the contract as soon as practicable after the award of the contract, but in no case later than one year after the date of such award.

"(2) A contractor under this paragraph is a contractor who is awarded a contract to provide managed care support under the TRICARE program—

"(A) who has not previously been awarded such a contract by the Department of Defense; or

"(B) who has previously been awarded such a contract by the Department of Defense but for whom the subcontractors have not previously been awarded the subcontracts for such a contract.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095b the following new item:

"1095c. TRICARE program: facilitation of processing of claims.".

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the status of claims processing backlogs in each TRICARE region;

(2) the estimated time frame for resolution of such backlogs;

(3) efforts to reduce the number of change orders with respect to contracts to provide managed care support under the TRICARE program and to make such change orders in groups on a quarterly basis rather than one at a time;

(4) the extent of success in simplifying claims processing procedures through reduction of reliance of the Department of Defense on, and the complexity of, the health care service record;

(5) application of best industry practices with respect to claims processing, including electronic claims processing; and

(6) any other initiatives of the Department of Defense to improve claims processing procedures.

(c) Deadline For Implementation.—The system for processing claims required under section 1095c(a) of title 10, United States Code (as added by subsection (a)), shall be implemented not later than 6 months after the date of the enactment of this Act.

(d) Applicability.—Section 1095c(b) of title 10, United States Code (as added by subsection (a)), shall apply with respect to any contract to provide managed care support under the TRICARE program negotiated after the date of the enactment of this Act.

SEC. 712. AUTHORITY TO WAIVE CERTAIN TRICARE DEDUCTIBLES.

(a) In General.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095c (as added by section 711) the following new section:

"§ 1095d. TRICARE program: waiver of certain deductibles

"(a) Waiver Authorized.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

"(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of less than one year; or

"(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of less than one year.

"(b) Eligible Dependent.—As used in this section, the term 'eligible dependent' means a dependent described subparagraphs (A), (D), or (I) of section 1072(2) of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095c the following new item:

"1095d. TRICARE: program waiver of certain deductibles.".

SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER THE TRICARE PROGRAM.

Section 1095c of title 10, United States Code, as added by section 711, is amended by adding at the end the following new subsection:

"(c) Incentives for Electronic Processing.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be permitted to provide financial incentives to health care providers who file claims for payment electronically.".

SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL SERVICES; PROPOSAL FOR CERTAIN RATE INCREASES.

Not later than February 1, 2000, the Secretary of Defense shall submit to Congress—

(1) a study on how the maximum allowable rates charged for the 100 most commonly performed medical procedures under the Civilian Health and Medical Program of the Uniformed Services and Medicare compare with usual and customary commercial insurance rates for such procedures in each TRICARE Prime catchment area; and

(2) a proposal for increases of maximum allowable rates charged for medical procedures under the Civilian Health and Medical Program of the Uniformed Services should the study conducted under paragraph (1) find 20 or more rates which are less than or equal to the 50th percentile of the usual and customary commercial insurance rates charged for such procedures.

SEC. 715. REQUIREMENTS FOR PROVISION OF CARE IN GEOGRAPHICALLY SEPARATED UNITS.

(a) Contractual Requirement.—The Secretary of Defense shall require that all new contracts for the provision of health care under TRICARE Prime include a requirement that the TRICARE Prime Remote network, to the maximum extent possible, provide health care concurrently to members of the Armed Forces in geographically separated units and their dependents in areas outside the catchment area of a military medical treatment facility.

(b) Report on Implementation.—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the extent and success of implementation of the requirement under subsection (a), and where concurrent implementation has not been achieved, the reasons and circumstances that prohibited implementation and a plan to provide TRICARE Prime benefits to those otherwise eligible covered beneficiaries for whom enrollment in a TRICARE Prime network is not feasible.

SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) Waiver of Nonavailability Statement or Preauthorization.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is a TRICARE eligible beneficiary not enrolled in TRICARE Prime, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) Notice.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(c) Exceptions.—Subsection (a) shall not apply if—

(1) the Secretary can demonstrate significant cost avoidance for specific procedures at the affected military treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED BY COVERED BENEFICIARIES WHEN REFERRED FOR CARE OUTSIDE LOCAL CATCHMENT AREA.

The Secretary of Defense shall require that any new contract for the provision of health care services under chapter 55 of title 10, United States Code, shall require that in any case in which a covered beneficiary under such chapter who is enrolled in TRICARE Prime is referred by a network provider or military treatment facility to a provider or military treatment facility more than 100 miles outside the catchment area of a military treatment facility because a local provider is not available, or in any other respect not within the terms of a new managed care support contract, the beneficiary shall be reimbursed by the network provider or military treatment facility making the referral for the cost of personal automobile mileage, to be paid under standard reimbursement rates for Federal employees, or for the cost of air travel in amounts not to exceed standard contract fares for Federal employees.

SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER TRICARE.

(a) Elimination of Preauthorization Requirements for Certain Care.—Under regulations prescribed by the Secretary of Defense, and in all new managed care support contracts the Secretary shall eliminate requirements in certain cases under TRICARE Prime that network primary care managers preauthorize covered beneficiaries under chapter 55 of title 10, United States Code, to receive preventative health care services within the managed care support contract network without preauthorization from a primary care manager.

(b) Covered Services.—Should such a covered beneficiary choose to receive care from a provider in the network, the covered beneficiary shall not be required to have a referral from a primary care manager—

(1) for receipt of preventative obstetric or gynecological services by a network obstetrician or gynecologist;

(2) for mammograms performed by a network provider if the beneficiary is a female over the age of 35; or

(3) for provision of preventative specialty urology care from a network urologist if the beneficiary is a male over the age of 60.

(c) Notice.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(d) Regulations.—The Secretary shall prescribe the regulations required by subsection

(a) not later than May 1, 2000 and implement the regulations not later than October 1, 2000.

Subtitle C—Other Matters

SEC. 721. PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074f the following new section:

"§1074g. Pharmacy benefits program

"(a) PHARMACY BENEFITS.—(1) The Secretary of Defense, after consultation with the other administering Secretaries, shall establish an effective, efficient, integrated pharmacy benefits program under this chapter (hereinafter in this section referred to as the 'pharmacy benefits program').

"(2)(A) The pharmacy benefits program shall include a uniform formulary of pharmaceutical agents, which shall assure the availability of pharmaceutical agents in a complete range of therapeutic classes. The selection for inclusion on the uniform formulary of particular pharmaceutical agents in each therapeutic class shall be based on the relative clinical and cost effectiveness of the agents in such class.

"(B) The Secretary shall establish procedures for the selection of particular pharmaceutical agents for the uniform formulary, and shall begin to implement the uniform formulary not later than October 1, 2000.

"(C) Pharmaceutical agents included on the uniform formulary shall be available to eligible covered beneficiaries through—

"(i) facilities of the uniformed services, consistent with the scope of health care services offered in such facilities;

"(ii) retail pharmacies designated or eligible under the TRICARE program or the Civilian Health and Medical Program of the Uniformed Services to provide pharmaceutical agents to eligible covered beneficiaries; or

"(iii) the national mail order pharmacy program.

"(3) The pharmacy benefits program shall assure the availability of clinically appropriate pharmaceutical agents to members of the armed forces, including, if appropriate, agents not included on the uniform formulary described in paragraph (2).

"(4) The pharmacy benefits program may provide that prior authorization be required for certain categories of pharmaceutical agents to assure that the use of such agents is clinically appropriate. Such categories shall be the following:

"(A) High-cost injectable agents.

"(B) High-cost biotechnology agents.

"(C) Pharmaceutical agents with high potential for inappropriate use.

"(D) Pharmaceutical agents otherwise determined by the Secretary to require prior authorization.

"(5)(A) The pharmacy benefits program shall include procedures for eligible covered beneficiaries to receive pharmaceutical agents not included on the uniform formulary. Such procedures shall include peer review procedures under which the Secretary may determine that there is a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary, in which case the pharmaceutical agent shall be provided under the same terms and conditions as an agent on the uniform formulary.

"(B) If the Secretary determines that there is not a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary under the procedures established pursuant to subparagraph (A), such pharmaceutical agent shall be available through at least one of the means described in paragraph (2)(C) under terms and conditions that may include cost sharing by the eligible covered beneficiary in addition to any such cost sharing applicable to agents on the uniform formulary.

"(6) The Secretary of Defense shall, after consultation with the other administering Secretaries, promulgate regulations to carry out this subsection.

"(7) Nothing in this subsection shall be construed as authorizing a contractor to penalize an eligible covered beneficiary with respect to, or decline coverage for, a maintenance pharmaceutical that is not on the list of preferred pharmaceuticals of the contractor and that was prescribed for the beneficiary before the date of the enactment of this section and stabilized the medical condition of the beneficiary.

"(b) ESTABLISHMENT OF COMMITTEE.—(1) The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish a pharmaceutical and therapeutics committee for the purpose of developing the uniform formulary of pharmaceutical agents required by subsection (a), reviewing such formulary on a periodic basis, and making additional recommendations regarding the formulary as the committee determines necessary and appropriate. The committee shall include representatives of pharmacies of the uniformed services facilities, contractors responsible for the TRICARE retail pharmacy program, contractors responsible for the national mail order pharmacy program, providers in facilities of the uniformed services, and TRICARE network providers. Committee members shall have expertise in treating the medical needs of the populations served through such entities and in the range of pharmaceutical and biological medicines available for treating such populations.

"(2) Not later than 90 days after the establishment of the pharmaceutical and therapeutics committee by the Secretary, the committee shall submit a proposed uniform formulary to the Secretary .

"(c) ADVISORY PANEL.—(1) Concurrent with the establishment of the pharmaceutical and therapeutics committee under subsection (b), the Secretary shall establish a Uniform Formulary Beneficiary Advisory Panel to review and comment on the development of the uniform formulary. The Secretary shall consider the comments of the panel before implementing the uniform formulary or implementing changes to the uniform formulary.

"(2) The Secretary shall determine the size and membership of the panel established under paragraph (1), which shall include members that represent nongovernmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries.

"(d) PROCEDURES.—In the operation of the pharmacy benefits program under subsection (a), the Secretary of Defense shall assure through management and new contractual arrangements that financial resources are aligned such that the cost of prescriptions is borne by the organization that is financially responsible for the health care of the eligible covered beneficiary.

"(e) PHARMACY DATA TRANSACTION SERVICE.—Not later than April 1, 2000, the Secretary of Defense shall implement the use of the Pharmacy Data Transaction Service in all fixed facilities of the uniformed services under the jurisdiction of the Secretary, the TRICARE network retail pharmacy program, and the national mail order pharmacy program.

"(f) DEFINITION OF ELIGIBLE COVERED BENEFICIARY.—As used in this section, the term 'eligible covered beneficiary' means a covered beneficiary for whom eligibility to receive pharmacy benefits through the means described in subsection (a)(2)(C) is established under this chapter or another provision of law.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074f the following new item:

"1074g. Pharmacy benefits program.".

(b) DEADLINE FOR ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish the pharmaceutical and therapeutics committee required under section 1074g(b) of title 10, United States Code, not later than 30 days after the date of the enactment of this Act.

(c) REPORTS REQUIRED.—Not later than April 1 and October 1 of fiscal years 2000 and 2001, the Secretary of Defense shall submit to Congress a report on—

(1) implementation of the uniform formulary required under subsection (a) of section 1074g of title 10, United States Code (as added by subsection (a));

(2) the results of a confidential survey conducted by the Secretary of prescribers for military medical treatment facilities and TRICARE contractors to determine—

(A) during the most recent fiscal year, how often prescribers attempted to prescribe non-formulary or non-preferred prescription drugs, how often such prescribers were able to do so, and whether covered beneficiaries were able to fill such prescriptions without undue delay;

(B) the understanding by prescribers of the reasons that military medical treatment facilities or civilian contractors preferred certain pharmaceuticals to others; and

(C) the impact of any restrictions on access to non-formulary prescriptions on the clinical decisions of the prescribers and the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries;

(3) the operation of the Pharmacy Data Transaction Service required by subsection (e) of such section 1074g; and

(4) any other actions taken by the Secretary to improve management of the pharmacy benefits program under such section.

(d) STUDY FOR DESIGN OF PHARMACY BENEFIT FOR CERTAIN COVERED BENEFICIARIES.—(1) Not later than April 15, 2001, the Secretary of Defense shall prepare and submit to Congress—

(A) a study on a design for a comprehensive pharmacy benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act; and

(B) an estimate of the costs of implementing and operating such design.

(2) The design described in paragraph (1)(A) shall incorporate the elements of the pharmacy benefits program required to be established under section 1074g of title 10, United States Code (as added by subsection (a)).

SEC. 722. IMPROVEMENTS TO THIRD-PARTY PAYER COLLECTION PROGRAM.

Section 1095 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "the reasonable costs of" and inserting "reasonable charges for";

(B) by striking "such costs" and inserting "such charges"; and

(C) by striking "the reasonable cost of" and inserting "a reasonable charge for";

(2) by amending subsection (f) to read as follows:

"(f) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section. Such regulations shall provide for the computation of reasonable charges for inpatient services, outpatient services, and other health care services. Computation of such reasonable charges may be based on—

"(1) per diem rates;

"(2) all-inclusive per visit rates;

"(3) diagnosis-related groups;

"(4) rates prescribed under the regulations prescribed to implement sections 1079 and 1086 of this title; or

"(5) such other method as may be appropriate.";

(3) in subsection (g), by striking "the costs of"; and

(4) in subsection (h)(1), by striking the first sentence and inserting "The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier, and any other plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for health care services or products.".

SEC. 723. AUTHORITY OF ARMED FORCES MEDICAL EXAMINER TO CONDUCT FORENSIC PATHOLOGY INVESTIGATIONS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130b. Authority of armed forces medical examiner to conduct forensic pathology investigations

"(a) IN GENERAL.—The Armed Forces Medical Examiner may conduct a forensic pathology investigation, including an autopsy, to determine the cause or manner of death of an individual in any case in which—

"(1) the individual was killed, or from any cause died an unnatural death;

"(2) the cause or manner of death is unknown;

"(3) there is reasonable suspicion that the death was by unlawful means;

"(4) the death appears to be from an infectious disease or the result of the effects of a hazardous material that may have an adverse effect on the installation or community in which the individual died or was found dead; or

"(5) the identity of the deceased individual is unknown.

"(b) LIMITATIONS ON AUTHORITY.—(1) The authority provided under subsection (a) may only be exercised with respect to an individual in a case in which—

"(A) the individual died or is found dead at an installation garrisoned by units of the armed forces and under the exclusive jurisdiction of the United States;

"(B) the individual was, at the time of death, a member of the armed forces on active duty or inactive duty for training or a member of the armed forces who recently retired under chapter 61 of this title and died as a result of an injury or illness incurred while on active duty;

"(C) the individual was a civilian dependent of a member of the armed forces and died or was found dead at a location outside the United States;

"(D) the Armed Forces Medical Examiner determines, pursuant to an authorized investigation by the Department of Defense of matters involving the death of an individual or individuals, that a factual determination of the cause or manner of the death of the individual is necessary; or

"(E) pursuant to an authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or other Federal agency, an official of such agency with authority to direct a forensic pathology investigation requests that an investigation be conducted by the Armed Forces Medical Examiner.

"(2) The authority provided in subsection (a) shall be subject to the primary jurisdiction, to the extent exercised, of a State or local government with respect to the conduct of an investigation or, if outside the United States, of authority exercised under any applicable Status-of-Forces or other international agreement between the United States and the country in which the individual died or was found dead.

"(c) DESIGNATION OF PATHOLOGIST.—The Armed Forces Medical Examiner may designate any qualified pathologist to carry out the authority provided in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"130b. Authority of armed forces medical examiner to conduct forensic pathology investigations.".

SEC. 724. TRAUMA TRAINING CENTER.

(a) START-UP COSTS.—Of the funds authorized to be appropriated in section 301(22) for the Defense Health Program, $4,000,000, shall be used for startup costs for a Trauma Training Center to enhance the capability of the Army to train forward surgical teams.

(b) AMENDMENT TO EXISTING AUTHORITY.—Section 742 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2074) is amended to read as follows:

"SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA TRAINING CENTER.

"The Secretary of the Army is hereby authorized to establish a Trauma Training Center in order to provide the Army with a trauma center capable of training forward surgical teams.".

SEC. 725. STUDY ON JOINT OPERATIONS FOR THE DEFENSE HEALTH PROGRAM.

Not later than October 1, 2000, the Secretary of Defense shall prepare and submit to Congress a study identifying areas with respect to the Defense Health Program for which joint operations might be increased, including organization, training, patient care, hospital management, and budgeting. The study shall include a discussion of the merits and feasibility of—

(1) establishing a joint command for the Defense Health Program as a military counterpart to the Assistant Secretary of Defense for Health Affairs;

(2) establishing a joint training curriculum for the Defense Health Program; and

(3) creating a unified chain of command and budgeting authority for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR COAL AND COKE.

(a) IN GENERAL.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "petroleum or natural gas" and inserting "a defined fuel source";

(B) in paragraph (1)—

(i) by striking "petroleum market conditions or natural gas market conditions, as the case may be," and inserting "market conditions for the defined fuel source"; and

(ii) by striking "acquisition of petroleum or acquisition of natural gas, respectively," and inserting "acquisition of that defined fuel source"; and

(C) in paragraph (2), by striking "petroleum or natural gas, as the case may be," and inserting "that defined fuel source";

(3) in subsection (b), by striking "petroleum or natural gas" in the second sentence and inserting "a defined fuel source";

(4) in subsection (c), by striking "petroleum" and all that follows through the period and inserting "a defined fuel source or services related to a defined fuel source by exchange of a defined fuel source or services related to a defined fuel source.";

(5) in subsection (d)—

(A) by striking "petroleum or natural gas" in the first sentence and inserting "a defined fuel source"; and

(B) by striking "petroleum" in the second sentence and all that follows through the period and inserting "a defined fuel source or services related to a defined fuel source."; and

(6) by adding at the end the following new subsection:

"(f) DEFINED FUEL SOURCES.—In this section, the term 'defined fuel source' means any of the following:

"(1) Petroleum.

"(2) Natural gas.

"(3) Coal.

"(4) Coke.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.".

SEC. 802. EXTENSION OF AUTHORITY TO ISSUE SOLICITATIONS FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD.

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

SEC. 803. EXPANSION OF APPLICABILITY OF REQUIREMENT TO MAKE CERTAIN PROCUREMENTS FROM SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(6) M2 machine gun.

"(7) M60 machine gun.".

SEC. 804. REPEAL OF TERMINATION OF PROVISION OF CREDIT TOWARDS SUBCONTRACTING GOALS FOR PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.

Section 2410d(c) of title 10, United States Code, is repealed.

SEC. 805. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking "2000." and inserting "2003".

SEC. 806. FACILITATION OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) AUTHORIZATION OF WAIVER OF REQUIREMENT FOR COMPLETION OF INITIAL OT&E BEFORE PRODUCTION BEGINS.—Notwithstanding section 2399(a) of title 10, United States Code, the Secretary of Defense may make a determination to proceed with production of a national missile defense system without regard to whether initial operational testing and evaluation of the system has been completed.

(b) REQUIREMENT FOR COMPLETION OF INITIAL OT&E.—If the Secretary makes such a determination as provided by subsection (a), the Secretary shall ensure that such a national missile defense system successfully completes an adequate operational test and evaluation as soon as practicable following that determination and before the operational deployment of such system.

(c) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, in writing, upon making a determination that production of a national missile defense system may be carried out before initial operational testing and evaluation of that system has been completed, as authorized by subsection (a).

SEC. 807. OPTIONS FOR ACCELERATED ACQUISITION OF PRECISION MUNITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Current inventories of many precision munitions of the United States do not meet the requirements of the Department of Defense for two Major Theater Wars, and with respect to some precision munitions, such requirements will not be met even after planned acquisitions are made.

(2) Production lines for certain critical precision munitions have been shut down, and the start-up production of replacement precision munitions leaves a critical gap in acquisition of follow-on precision munitions.

(3) Shortages of conventional air-launched cruise missiles and Tomahawk missiles during Operation Allied Force indicate the critical need to maintain robust inventories of precision munitions.

(b) REPORTS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements of the Department of Defense for quantities of precision munitions for two Major Theater Wars, and when such requirements will be met for each precision munition.

(2) Not later than March 15, 2000, the Secretary shall submit to the congressional defense committees a report on—

(A) the options recommended by the teams formed under subsection (c) for acceleration of acquisition of precision munitions; and

(B) a plan for implementing such options.

(c) RECOMMENDATIONS FOR OPTIONS.—The Secretary of Defense shall form teams of experts from industry and the military departments to recommend to the Secretary options for accelerating the acquisition of precision munitions in order that, with respect to any such munition for which the requirements of the Department of Defense for two Major Theater Wars are not expected to be met by October 1, 2002, such requirements may be met for such munitions by such date.

SEC. 808. PROGRAM TO INCREASE OPPORTUNITY FOR SMALL BUSINESS INNOVATION IN DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT TO IMPLEMENT PROGRAM.—The Secretary of Defense shall implement a program to provide for increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(b) ELEMENTS OF PROGRAM.—The program required by subsection (a) shall consist of the following elements:

(1) The Secretary shall establish procedures through which small-business concerns may submit challenge proposals to existing components of acquisition programs of the Department of Defense which shall be designed to encourage small-business concerns to recommend cost-saving and innovative ideas to acquisition program managers.

(2) The Secretary shall establish a challenge proposal review board, the purpose of which shall be to review and make recommendations on the merit and viability of the challenge proposals submitted under paragraph (1). The Secretary shall ensure that such recommendations receive active consideration for incorporation into applicable acquisition programs of the Department of Defense at the appropriate point in the acquisition cycle.

(c) REPORT.—The Secretary of Defense shall report to Congress annually on the implementation of this section and the progress of providing increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(d) SMALL-BUSINESS CONCERN DEFINED.—In this section, the term "small-business concern" has the same meaning as the meaning of such term as used in the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. LIMITATION ON AMOUNT AVAILABLE FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) REDUCTION.—From amounts appropriated for the Department of Defense for fiscal year 2000, the total amount obligated for contracted advisory and assistance services may not exceed the amount equal to the sum of the amounts specified in the President's budget for fiscal year 2000 for those services for components of the Department of Defense reduced by $100,000,000.

(b) LIMITATION PENDING RECEIPT OF REQUIRED REPORT.—Not more than 90 percent of the amount available to the Department of Defense for fiscal year 2000 for contracted advisory and assistance services (taking into account the limitation under subsection (a)) may be obligated until the Secretary of Defense submits to Congress the first annual report under section 2212(c) of title 10 United States Code.

SEC. 902. RESPONSIBILITY FOR LOGISTICS AND SUSTAINMENT FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—(1) The position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense is hereby redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics. Any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology shall be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Section 133 of title 10, United States Code, is amended—

(A) in subsections (a), (b), and (e)(1), by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) in subsection (b)—

(i) by striking "logistics," in paragraph (2);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iii) by inserting after paragraph (2) the following new paragraph (3):

"(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;".

(b) NEW DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133a the following new section:

"§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness

"(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

"(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

"(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology and Logistics may assign, including—

"(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

"(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition and Technology, and providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

"(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.".

(2) Section 5314 of title 5, United States Code, is amended by inserting after the paragraph relating to the Deputy Under Secretary of Defense for Acquisition and Technology the following new paragraph:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(c) Revisions to Law Providing for Deputy Under Secretary for Acquisition and Technology.—Section 133a(b) of title 10, United States Code, is amended—

(1) by striking "his duties" in the first sentence and inserting "the Under Secretary's duties relating to acquisition and technology"; and

(2) by striking the second sentence.

(d) Conforming Amendments to Chapter 4.—Chapter 4 of such title is further amended as follows:

(1) Sections 131(b)(2), 134(c), 137(b), and 139(b) are amended by striking "Under Secretary of Defense for Acquisition and Technology" each place it appears and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

(2) The heading of section 133 is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to section 133 and inserting the following:

"133. Under Secretary of Defense for Acquisition, Technology, and Logistics.";

and

(B) by inserting after the item relating to section 133a the following new item:

"133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(e) Additional Conforming Amendments.—Section 5313 of title 5, United States Code, is amended by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

SEC. 903. MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) Revision to Defense Directive Relating to Management Headquarters and Headquarters Support Activities.—Not later than October 1, 2000, the Secretary of Defense shall issue a revision to Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities", so as to incorporate in that directive the following:

(1) A threshold specified by command (or other organizational element) such that any headquarters activity below the threshold is not considered for the purpose of the directive to be a management headquarters or headquarters support activity.

(2) A definition of the term "management headquarters and headquarters support activities" that (A) is based upon function (rather than organization), and (B) includes any activity (other than an operational activity) that reports directly to such an activity.

(3) Uniform application of those definitions throughout the Department of Defense.

(b) Technical Amendments to Update Limitation on OSD Personnel.—Effective October 1, 1999, section 143 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Effective October 1, 1999, the" and inserting "The"; and

(B) by striking "75 percent of the baseline number" and inserting "3,767".

(2) by striking subsections (b), (c), and (f); and

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

SEC. 904. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) Reduction of Defense Acquisition and Support Workforce.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2000 so that the total number of such personnel as of October 1, 2000, is less than the total number of such personnel as of October 1, 1999, by at least 25,000.

(b) Defense Acquisition and Support Personnel Defined.—For purposes of this section, the term "defense acquisition and support personnel" means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992), and any other organizations which the Secretary may determine to have a predominantly acquisition mission.

SEC. 905. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.

(a) Findings.—The Congress finds the following:

(1) The strategic relationship between the United States and the People's Republic of China will be very important for future peace and security, not only in the Asia-Pacific region but around the world.

(2) The United States does not view China as an enemy, nor consider that the coming century necessarily will see a new great power competition between the two nations.

(3) The end of the cold war has eliminated what had been the one fundamental common strategic interest of the United States and China, that of containing the Soviet Union.

(4) The sustained economic rise, stated geopolitical ambitions, and increasingly confrontational actions of China cast doubt on whether the United States will be able to form a satisfactory strategic partnership with the People's Republic of China and will pose challenges that will require careful management in order to preserve peace and protect the national security interests of the United States.

(5) The ability of the Department of Defense, and the United States Government more generally, to develop sound security and military strategies is hampered by a limited understanding of Chinese strategic goals and military capabilities. The low priority accorded the study of Chinese strategic and military affairs within the Government and within the academic community has contributed to this limited understanding.

(6) There is a need for a United States national institute for research and assessment of political, strategic, and military affairs in the People's Republic of China. Such an institute should be capable of providing analysis for the purpose of shaping United States military strategy and policy with regard to China and should be readily accessible to senior leaders within the Department of Defense, but should maintain academic and intellectual independence so that that analysis is not first shaped by policy.

(b) Establishment of Center for the Study of Chinese Military Affairs.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2166. National Defense University: Center for the Study of Chinese Military Affairs

"(a) Establishment.—(1) The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs (hereinafter in this section referred to as the 'Center') as part of the National Defense University. The Center shall be organized as an independent institute under the University.

"(2) The Director of the Center shall be appointed by the Secretary of Defense. The Secretary shall appoint as the Director an individual who is a distinguished scholar of proven academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs.

"(b) Mission.—The mission of the Center is to study the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives.

"(c) Areas of Study.—The Center shall conduct research relating to the People's Republic of China as follows:

"(1) To assess the potential of that nation to act as a global great power, the Center shall conduct research that considers the policies and capabilities of that nation in a regional and world-wide context, including Central Asia, Southwest Asia, Europe, and Latin America, as well as the Asia-Pacific region.

"(2) To provide a fuller assessment of the areas of study referred to in paragraph (1), the Center shall conduct research on—

"(A) economic trends relative to strategic goals and military capabilities;

"(B) strengths and weaknesses in the scientific and technological sector; and

"(C) relevant demographic and human resource factors on progress in the military sphere.

"(3) The Center shall conduct research on the armed forces of the People's Republic of China, taking into account the character of those armed forces and their role in Chinese society and economy, the degree of their technological sophistication, and their organizational and doctrinal concepts. That research shall include inquiry into the following matters:

"(A) Concepts concerning national interests, objectives, and strategic culture.

"(B) Grand strategy, military strategy, military operations, and tactics.

"(C) Doctrinal concepts at each of the four levels specified in subparagraph (B).

"(D) The impact of doctrine on China's force structure choices.

"(E) The interaction of doctrine and force structure at each level to create an integrated system of military capabilities through procurement, officer education, training, and practice and other similar factors.

"(d) Faculty of the Center.—(1) The core faculty of the Center should comprise scholars capable of providing diverse perspectives on Chinese political, strategic, and military thought. Center scholars shall demonstrate the following competencies and capabilities:

"(A) Analysis of national strategy, military strategy, and doctrine.

"(B) Analysis of force structure and military capabilities.

"(C) Analysis of—

"(i) issues relating to weapons of mass destruction, military intelligence, defense economics, trade, and international economics; and

"(ii) the relationship between those issues and grand strategy, science and technology, the sociology of human resources and demography, and political science.

"(2) A substantial number of Center scholars shall be competent in the Chinese language. The Center shall include a core of junior scholars capable of providing linguistics and translation support to the Center.

"(e) Activities of the Center.—The activities of the Center shall include other elements appropriate to its mission, including the following:

"(1) The Center should include an active conference program with an international reach.

"(2) The Center should conduct an international competition for a Visiting Fellowship in Chinese Military Affairs and Chinese Security Issues. The term of the fellowship should be for one year, renewable for a second.

"(3) The Center shall provide funds to support at least one trip per analyst per year to China and the region and to support visits of Chinese military leaders to the Center.

"(4) The Center shall support well defined, distinguished, signature publications.

"(5) Center scholars shall have appropriate access to intelligence community assessments of Chinese military affairs.

"(f) Studies and Reports.—The Director may contract for studies and reports from the private sector to supplement the work of the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2166. National Defense University: Center for the Study of Chinese Military Affairs.".

(c) Implementation Report.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report stating the timetable and organizational plan for establishing the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b).

(d) Startup of Center.—The Secretary shall establish the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b), not later than March 1, 2000, and shall appoint the first Director of the Center not later than June 1, 2000.

SEC. 906. RESPONSIBILITY WITHIN OFFICE OF THE SECRETARY OF DEFENSE FOR MONITORING OPTEMPO AND PERSTEMPO.

Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.".

SEC. 907. REPORT ON MILITARY SPACE ISSUES.

(a) Report.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on United States military space policy. The report shall address current and projected United States efforts to fully exploit space in preparation for possible conflicts in 2010 and beyond. The report shall specifically address the following:

(1) The general organization of the Department of Defense for addressing space issues, the functions of the various Department of Defense and military agencies, components, and elements with responsibility for military space issues, the practical effect of creating a new military service with responsibility for military operations in space, and the advisability of establishing an Assistant Secretary of Defense for Space.

(2) The manner in which current national military space policy is incorporated into overall United States national space policy.

(3) The manner in which the Department of Defense is organized to develop doctrine for the military use of space.

(4) The manner in which military space issues are addressed by professional military education institutions, to include a listing of specific courses offered at those institutions that focuses on military space policy.

(5) The manner in which space control issues are incorporated into current and planned experiments and exercises.

(6) The manner in which military space assets are being fully exploited to provide support for United States contingency operations.

(7) United States policy toward the use of commercial launch vehicles and facilities for the launch of military assets.

(8) The current interagency coordination process regarding the operation of military space assets, including identification of interoperability and communications issues.

(9) Policies and procedures for sharing missile launch early warning data with United States allies and friendly countries.

(10) Issues regarding the capability to detect threats to United States space assets.

(11) The manner in which the presence of space debris is expected to affect United States military space launch policy and the future design of military spacecraft.

(12) Whether military space programs should be funded separately from other service programs and whether the Global Positioning System should be funded through a Defense-wide appropriation account.

(b) Classification and Deadline for Report.—The report required by subsection (a) shall be prepared in both classified and unclassified form and shall be submitted not later than March 1, 2000.

SEC. 908. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS OF DEPARTMENT OF DEFENSE AFRICAN CENTER FOR STRATEGIC STUDIES.

(a) Faculty.—Subsection (c) of section 1595 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The African Center for Strategic Studies.".

(b) Director and Deputy Director.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(4) The African Center for Strategic Studies.".

SEC. 909. ADDITIONAL MATTERS FOR ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) With respect to interoperability of equipment and forces, any recommendations that the commander considers appropriate, developed on the basis of joint warfighting experimentation, for reducing unnecessary redundancy of equipment and forces, including guidance regarding the synchronization of the fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts.

"(6) Recommendations for mission needs statements and operational requirements related to the joint experimentation and evaluation process.

"(7) Recommendations based on the results of joint experimentation for the relative priorities for acquisition programs to meet joint requirements.".

SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCEMENT.

(a) Reorganization of Technology Security Functions of Department of Defense.—The Secretary of Defense shall establish the Technology Security Directorate of the Defense Threat Reduction Agency as a separate Defense Agency named the Defense Technology Security Agency. The Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Policy.

(b) Director.—The Director of the Defense Technology Security Agency shall also serve as Deputy Under Secretary of Defense for Technology Security Policy.

(c) Functions.—The Director shall advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including the following:

(1) Strategic trade.

(2) Defense cooperative programs.

(3) Science and technology agreements and exchanges.

(4) Export of munitions items.

(5) International Memorandums of Understanding.

(6) Industrial base and competitiveness concerns.

(7) Foreign acquisitions.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 1401 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY MILITARY PERSONNEL APPROPRIATIONS.

There is authorized to be appropriated the amount of $1,838,426,000 appropriated to the Department of Defense for military personnel accounts in section 2012 of the 1999 Emergency Supplemental Appropriations Act.

SEC. 1004. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105 note), is repealed.

SEC. 1005. CONSOLIDATION OF VARIOUS DEPARTMENT OF THE NAVY TRUST AND GIFT FUNDS.

(a) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND MUSEUM FUND.—(1) Subsection (a) of section 6973 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of the Navy may accept, hold, administer, and spend gifts and bequests of personal property, and loans of personal property other than money, made on the condition that the personal property be used for the benefit of, or in connection with, the Naval Academy or the Naval Academy Museum, its collection, or its services.

"(2) Gifts or bequests of money, and the proceeds from the sales of property received as a gift or bequest, shall be deposited in the Treasury in the fund called 'United States Naval Academy Gift and Museum Fund'. The Secretary may disburse funds deposited under this paragraph for the benefit or use of the Naval Academy or the Naval Academy Museum subject to the terms of the gift or bequest.".

(2) Subsection (c) of such section is amended by striking "United States Naval Academy general gift fund" both places it appears and inserting "United States Naval Academy Gift and Museum Fund".

(3) Such section is further amended by adding at the end the following new subsection:

"(d) The Secretary shall develop written guidelines to be used in determining whether the acceptance of money, personal property, or loans of personal property under subsection (a) would—

"(1) reflect unfavorably upon the ability of the Department of the Navy to carry out its responsibilities in a fair and objective manner;

"(2) reflect unfavorably upon the ability of any employee of the Department of the Navy to carry out the employee's official duties in a fair and objective manner; or

"(3) compromise the integrity, or the appearance of the integrity, of Navy programs or any employee involved in such programs.".

(b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—Section 6974 of title 10, United States Code, is repealed.

(c) REPEAL OF NAVAL HISTORICAL CENTER FUND.—Section 7222 of such title is repealed.

(d) TRANSFER OF FUNDS.—The Secretary of the Navy shall transfer—

(1) all funds in the United States Naval Academy Museum Fund as of the date of the enactment of this Act to the United States Naval Academy Gift and Museum Fund established by section 6973(a) of title 10, United States Code, as amended by subsection (a); and

(2) all funds in the Naval Historical Center Fund as of the date of the enactment of this Act to the Department of the Navy General Gift Fund established by section 2601(b)(2) of such title.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 603 of title 10, United States Code, is amended by striking the item relating to section 6974.

(2) The table of sections at the beginning of chapter 631 of such title is amended by striking the item relating to section 7222.

SEC. 1006. SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.

If the President determines that it is in the national security interest of the United States to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia during fiscal year 2000, the President shall transmit to the Congress a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any such operation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-WAIT PERIOD REQUIRED BEFORE TRANSFER OF A VESSEL STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended to read as follows:

"(d) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—(1) A transfer under this section may not take effect until—

"(A) the Secretary submits to Congress notice of the proposed transfer; and

"(B) 30 days of session of Congress have expired following the date on which the notice is sent to Congress.

"(2) For purposes of paragraph (1)(B)—

"(A) the period of a session of Congress is broken only by an adjournment of Congress sine die at the end of the final session of a Congress; and

"(B) any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.".

SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF FORMER NAVAL VESSEL.

(a) IN GENERAL.—Subject to subsection (b), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST 391)) to the USS LST Ship Memorial, Inc., a not-for-profit organization operating under the laws of the State of Pennsylvania.

(b) CONDITIONS FOR CONSENT.—The President should not exercise the authority under subsection (a) unless the USS LST Memorial, Inc. agrees—

(1) to use the vessel for public, nonprofit, museum-related purposes; and

(2) to comply with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the United States of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE REQUIREMENTS.

(a) REQUIREMENT.—Not later than February, 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Service of the Senate and the Committee on Armed Services of the House of Representatives a report on naval vessel force structure requirements.

(b) MATTERS TO BE INCLUDED.— The report shall provide—

(1) a statement of the naval vessel force structure required to carry out the National Military Strategy, including that structure required to meet joint and combined warfighting requirements and missions relating to crisis response, overseas presence, and support to contingency operations; and

(2) a statement of the naval vessel force structure that is supported and funded in the President's budget for fiscal year 2001 and in the current future-years defense program.

SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7233. Auxiliary vessels: extended lease authority

"(a) AUTHORIZED CONTRACTS.—After September 30, 1999, the Secretary of the Navy, subject to subsection (b), may enter into contracts with private United States shipyards for the construction of new surface vessels to be long-term leased by the United States from the shipyard or other private person for any of the following:

"(1) The combat logistics force of the Navy.

"(2) The strategic sealift force of the Navy.

"(3) Other auxiliary support vessels for the Department of Defense.

"(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under subsection (a) with respect to a specific vessel only if the Secretary is specifically authorized by law to enter into such a contract with respect to that vessel.

"(c) FUNDS FOR CONTRACT PAYMENTS.—The Secretary may make payments for contracts entered into under subsection (a) and under subsection (g) using funds available for obligation from operation and maintenance accounts during the fiscal year for which the payments are required to be made. Any such contract shall provide that the United States is not required to make a payment under the contract (other than a termination payment, if required) before October 1, 2001.

"(d) Term of Contract.—In this section, the term 'long-term lease' means a lease, bareboat charter, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

"(e) Option To Buy.—A contract entered into under subsection (a) may include options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount equal to the lesser of (1) the unamortized portion of the cost of the vessel plus amounts incurred in connection with the termination of the financing arrangements associated with the vessel, or (2) the fair market value of the vessel.

"(f) Domestic Construction.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

"(1) shall have been constructed in a shipyard within the United States; and

"(2) upon delivery, shall be documented under the laws of the United States.

"(g) Vessel Operation.—(1) The Secretary shall operate a vessel held by the Secretary under a long-term lease under this section through a contract with a United States domiciled corporation with experience in the operation of vessels for the United States. Any such contract shall be for a term as determined by the Secretary.

"(2) The Secretary may provide a crew for any such vessel using civil service mariners only after an evaluation and competition taking into account—

"(A) the fully burdened cost of a civil service crew over the expected useful life of the vessel;

"(B) the effect on the private sector manpower pool; and

"(C) the operational requirements of the Department of the Navy.

"(h) Contingent Waiver of Other Provisions of Law.—A contract authorized by this section may be entered into without regard to section 2401 or 2401a of this title if the Secretary of Defense makes the following findings with respect to that contract:

"(1) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

"(2) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

"(3) The use of such contract or the exercise of such option is in the interest of the national defense.

"(i) Source of Funds for Termination Liability.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

"(1) amounts originally made available for performance of the contract;

"(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

"(3) funds appropriated for those costs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7233. Auxiliary vessels: extended lease authority.".

(b) Definition of Department of Defense Sealift Vessel.—Section 2218(k)(2) of title 10, United States Code, is amended—

(1) by striking "that is—" in the matter preceding subparagraph (A) and inserting "that is any of the following:";

(2) by striking "a" at the beginning of subparagraphs (A), (B), and (E) and inserting "A";

(3) by striking "an" at the beginning of subparagraphs (C) and (D) and inserting "An";

(4) by striking the semicolon at the end of subparagraphs (A), (B), and (C) and inserting a period;

(5) by striking "; or" at the end of subparagraph (D) and inserting a period; and

(6) by adding at the end the following new subparagraphs:

"(F) A large medium-speed roll-on/roll-off ship.

"(G) A combat logistics force ship.

"(H) Any other auxiliary support vessel.".

SEC. 1015. AUTHORITY TO PROVIDE ADVANCE PAYMENTS FOR THE NATIONAL DEFENSE FEATURES PROGRAM.

(a) In General.—Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k)(1) The Secretary of Defense, after making a determination of economic soundness for any proposed offer, may provide advance payments to a contractor by lump sum or annual payments (or a combination thereof) for the following costs associated with inclusion or incorporation of defense features in a commercial vessel:

"(A) Costs to build, procure, and install the defense features in the vessel.

"(B) Costs to periodically maintain and test the defense features on the vessel.

"(C) Any increased costs of operation or any loss of revenue attributable to the inclusion or incorporation of the defense feature on the vessel.

"(D) Any additional costs associated with the terms and conditions of the contract to install and incorporate defense features.

"(2) For any contract under which the United States provides advance payments under paragraph (1) for the costs associated with incorporation or inclusion of defense features in a commercial vessel, the contractor shall provide to the United States such security interests, which may include a preferred mortgage under section 31322 of title 46, on the vessel as the Secretary may prescribe to project the interests of the United States relating to all costs associated with incorporation or inclusion of defense features in such vessel or vessels.

"(3) The functions of the Secretary under this subsection may not be delegated to an officer or employee in a position below the head of the procuring activity, as defined in section 2304(f)(6)(A) of this title.".

(b) Effective Date.—Subsection (j) of section 2218 of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 1999.

Subtitle C—Matters Relating to Counter Drug Activities

SEC. 1021. SUPPORT FOR DETECTION AND MONITORING ACTIVITIES IN THE EASTERN PACIFIC OCEAN.

(a) Operation Caper Focus.—Of the amount authorized to be appropriated by section 301(20) for drug interdiction and counter-drug activities, $6,000,000 shall be available for the purpose of conducting the counter-drug operation known as Caper Focus, which targets the maritime movement of cocaine on vessels in the eastern Pacific Ocean.

(b) Funds for Conversion of Wide Aperture Radar Facility to Operational Status.—Of the amount authorized to be appropriated by such section, $17,500,000 shall be available for the purpose of—

(1) converting the Over-The-Horizon Radar facility known as the Wide Aperture Radar Facility in southern California from a research to operational status; and

(2) using the facility on a full-time basis to detect and track both air and maritime drug traffic in the eastern Pacific Ocean and to monitor the international border in the southwestern United States.

(c) Contribution of Assets.—The Secretary of the Air Force shall make available for use at the Wide Aperture Radar Facility described in subsection (b) two OTH-B Continental 100 KW transmitters and necessary spare parts to ensure the conversion of the facility to operational status.

(d) Test Against Go-Fast Boats.—As part of the conversion of the Wide Aperture Radar Facility described in subsection (b) to operational status, the Secretary of Defense shall evaluate the ability of the facility to detect and track the high-speed maritime vessels typically used in the transportation of illegal drugs by water.

(e) Progress Report.—Not later than April 15, 2000, the Secretary of Defense shall submit a report to Congress evaluating the effectiveness of the Wide Aperture Radar Facility described in subsection (b) in counter-drug detection monitoring and border surveillance.

SEC. 1022. CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

SEC. 1023. UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.

Section 1033(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 U.S.C. 1881) is amended—

(1) by redesignating paragraph (4) as paragraph (5) and, in such paragraph, by striking "National Security" and inserting "Armed Services"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) Not later than January 1 of each year, the Secretary shall submit to the congressional committees a report detailing the number of United States military personnel deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.".

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) Assignment Authority of Secretary of Defense.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM.—If the assignment of members is requested under subsection (b), the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

Subtitle D—Other Matters

SEC. 1031. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 229. Amounts for declassification of records

"(a) SPECIFIC IDENTIFICATION IN BUDGET.—The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"229. Amounts for declassification of records.".

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $20,000,000.

SEC. 1032. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN DEFENSE PROGRAMS OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall notify the committees specified in subsection (c) of any information, regardless of its origin, that the Secretary receives that indicates that classified information relating to any defense operation, system, or technology of the United States is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Defense.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives.

(d) FOREIGN POWER.—For purposes of this section, the terms "foreign power" and "agent of a foreign power" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1033. REVISION TO LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) REVISED LIMITATION.—Subsections (a) and (b) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) are amended to read as follows:

"(a) FUNDING LIMITATION.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be obligated or expended for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

"(A) 76 B–52H bomber aircraft.

"(B) 18 Trident ballistic missile submarines.

"(C) 500 Minuteman III intercontinental ballistic missiles.

"(D) 50 Peacekeeper intercontinental ballistic missiles.

"(2) The limitation in paragraph (1) shall cease to apply upon a certification by the President to Congress of the following:

"(A) That the effectiveness of the United States strategic deterrent will not be decreased by reductions in strategic nuclear delivery systems.

"(B) That the requirements of the Single Integrated Operational Plan can be met with a reduced number of strategic nuclear delivery systems.

"(C) That reducing the number of strategic nuclear delivery systems will not, in the judgment of the President, provide a disincentive for Russia to ratify the START II treaty or serve to undermine future arms control negotiations.

"(3) If the Presidents submits the certification described in paragraph (2), then effective upon the submission of that certification, funds available to the Department of Defense may not be obligated or expended to maintain a United States force structure of strategic nuclear delivery systems with a total capacity in warheads that is less than 98 percent of the 6,000 warhead limitation applicable to the United States and in effect under the Strategic Arms Reduction Treaty.

"(b) WAIVER AUTHORITY.—If the START II treaty enters into force, the President may waive the application of the limitation in effect under paragraph (1) or (3) of subsection (a), as the case may be, to the extent that the President determines such a waiver to be necessary in order to implement the treaty.".

(b) COVERED SYSTEMS.—(1) Subsection (e) of such section is amended to read as follows:

"(e) STRATEGIC NUCLEAR DELIVERY SYSTEMS DEFINED.—For purposes of this section, the term 'strategic nuclear delivery systems' means the following:

"(1) B–52H bomber aircraft.

"(2) Trident ballistic missile submarines.

"(3) Minuteman III intercontinental ballistic missiles.

"(4) Peacekeeper intercontinental ballistic missiles.".

(2) Subsection (c)(2) of such section is amended by striking "specified in subsection (a)".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2), by striking "during the strategic delivery systems retirement limitation period" and inserting "during the fiscal year during which the START II Treaty enters into force"; and

(2) by striking subsection (g).

SEC. 1034. ANNUAL REPORT BY CHAIRMAN OF JOINT CHIEFS OF STAFF ON THE RISKS IN EXECUTING THE MISSIONS CALLED FOR UNDER THE NATIONAL MILITARY STRATEGY.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) RISKS UNDER NATIONAL MILITARY STRATEGY.—(1) Not later than January 1 each year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman's assessment of the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy.

"(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman's assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary's plan for mitigating that risk.".

SEC. 1035. REQUIREMENT TO ADDRESS UNIT OPERATIONS TEMPO AND PERSONNEL TEMPO IN DEPARTMENT OF DEFENSE ANNUAL REPORT.

(a) Reporting Requirements.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§486. Unit operations tempo and personnel tempo: annual report

"(a) Inclusion in Annual Report.—The Secretary of Defense shall include in the annual report required by section 113(c) of this title a description of the operations tempo and personnel tempo of the armed forces.

"(b) Specific Reporting Requirements.—To satisfy subsection (a), the report shall include the following:

"(1) A description of the methods by which each of the armed forces measures operations tempo and personnel tempo.

"(2) A description of the personnel tempo policies of each of the armed forces and any changes to these policies since the preceding report.

"(3) A table depicting the active duty end strength for each of the armed forces for each of the preceding five years and also depicting the number of members of each of the armed forces deployed over the same period, as determined by the Secretary concerned.

"(4) An identification of the active and reserve component units of the armed forces participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation, that were conducted during the period covered by the report and the duration of their participation.

"(5) For each of the armed forces, the average number of days a member of that armed force was deployed away from the member's home station during the period covered by the report as compared to recent previous years for which such information is available.

"(6) For each of the armed forces, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed during the period covered by the report, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

"(c) Definitions.—In this section:

"(1) The term 'operations tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

"(2) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties, including the rate at which members are required, as a result of these duties, to spend nights away from home.

"(3) The term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Department of the Navy.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"486. Unit operations tempo and personnel tempo: annual report.".

SEC. 1036. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f), 221, 226, 401(d), 667, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2537, 2662(b), 2706(b), 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 10541, 10542, and 12302(d).

(2) Sections 301a(f) and 1008 of title 37, United States Code.

(3) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2, 98h–5).

(4) Section 4(a) of Public Law 85–804 (50 U.S.C. 1434(a)).

(5) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

(6) Section 3134 of the National Defense Authorization Act, Fiscal Year 1991 (42 U.S.C. 7274c).

(7) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

(8) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(9) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291).

(10) Section 12 of the Act of March 9, 1920 (popularly known as the "Suits in Admiralty Act") (46 App. U.S.C. 752).

SEC. 1037. TECHNICAL AND CLERICAL AMENDMENTS.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Section 136(a) is amended by inserting "advice and" after "by and with the".

(2) Section 180(d) is amended by striking "grade GS–18 of the General Schedule under section 5332 of title 5" and inserting "Executive Schedule Level IV under section 5376 of title 5".

(3) Section 192(d) is amended by striking "the date of the enactment of this subsection" and inserting "October 17, 1998".

(4) Section 374(b) is amended—

(A) in paragraph (1), by aligning subparagraphs (C) and (D) with subparagraphs (A) and (B); and

(B) in paragraph (2)(F), by striking the second semicolon at the end of clause (i).

(5) Section 664(i)(2)(A) is amended by striking "the date of the enactment of this subsection" and inserting "February 10, 1996".

(6) Section 777(d)(1) is amended by striking "may not exceed" and all that follows and inserting "may not exceed 35.".

(7) Section 977(d)(2) is amended by striking "the lesser of" and all that follows through "(B)".

(8) Section 1073 is amended by inserting "(42 U.S.C. 14401 et seq.)" before the period at the end of the second sentence.

(9) Section 1076a(j)(2) is amended by striking "1 year" and inserting "one year".

(10) Section 1370(d) is amended—

(A) in paragraph (1), by striking "chapter 1225" and inserting "chapter 1223"; and

(B) in paragraph (5), by striking "the date of the enactment of this paragraph" and inserting "October 17, 1998,".

(11) Section 1401a(b)(2) is amended—

(A) by striking "MEMBERS" and all that follows through "The Secretary shall" and inserting "MEMBERS.—The Secretary shall";

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and realigning those subparagraphs, as so redesignated, so as to be indented four ems from the left margin.

(12) Section 1406(i)(2) is amended by striking "on or after the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "after October 16, 1998".

(13) Section 1448(b)(3)(E)(ii) is amended by striking "on or after the date of the enactment of the subparagraph" and inserting "after October 16, 1998,".

(14) Section 1501(d) is amended by striking "prescribed" in the first sentence and inserting "described".

(15) Section 1509(a)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" in subparagraphs (A) and (B) and inserting "November 18, 1997,".

(16) Section 1513(1) is amended by striking ", under the circumstances specified in the last sentence of section 1509(a) of this title" and inserting "who is required by section 1509(a)(1) of this title to be considered a missing person".

(17) Section 2208(l)(2)(A) is amended by inserting "of" after "during a period".

(18) Section 2212(f) is amended—

(A) in paragraphs (2) and (3), by striking "after the date of the enactment of this section" and inserting "after October 17, 1998,"; and

(B) in paragraphs (2), (3) and (4), by striking "as of the date of the enactment of this section" and inserting "as of October 17, 1998".

(19) Section 2302c(b) is amended by striking "section 2303" and inserting "section 2303(a)".

(20) Section 2325(a)(1) is amended by inserting "that occurs after November 18, 1997," after "of the contractor" in the matter that precedes subparagraph (A).

(21) Section 2469a(c)(3) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997".

(22) Section 2486(c) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998," in the second sentence and inserting "November 18, 1997,".

(23) Section 2492(b) is amended by striking "the date of the enactment of this section" and inserting "October 17, 1998".

(24) Section 2539b(a) is amended by striking "secretaries of the military departments" and inserting "Secretaries of the military departments".

(25) Section 2641a is amended—

(A) by striking ", United States Code," in subsection (b)(2); and

(B) by striking subsection (d).

(26) Section 2692(b) is amended—

(A) by striking "apply to—" in the matter preceding paragraph (1) and inserting "apply to the following:";

(B) by striking "the" at the beginning of each of paragraphs (1) through (11) and inserting "The";

(C) by striking the semicolon at the end of each of paragraphs (1) through (9) and inserting a period; and

(D) by striking "; and" at the end of paragraph (10) and inserting a period.

(27) Section 2696 is amended—

(A) in subsection (a), by inserting "enacted after December 31, 1997," after "any provision of law";

(B) in subsection (b)(1), by striking "required by paragraph (1)" and inserting "referred to in subsection (a)"; and

(C) in subsection (e)(4), by striking "the date of enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997".

(28) Section 2703(c) is amended by striking "United States Code,".

(29) Section 2837(d)(2)(C) is amended by striking "the National Defense Authorization Act for Fiscal Year 1996" and inserting "this section".

(30) Section 7315(d)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997,".

(31) Section 7902(e)(5) is amended by striking ", United States Code,".

(32) The item relating to section 12003 in the table of sections at the beginning of chapter 1201 is amended by inserting "in an" after "officers".

(33) Section 14301(g) is amended by striking "1 year" both places it appears and inserting "one year".

(34) Section 16131(b)(1) is amended by inserting "in" after "Except as provided"

(b) PUBLIC LAW 105-261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 402(b) (112 Stat. 1996) is amended by striking the third comma in the first quoted matter and inserting a period.

(2) Section 511(b)(2) (112 Stat. 2007) is amended by striking "section 1411" and inserting "section 1402".

(3) Section 513(a) (112 Stat. 2007) is amended by striking "section 511" and inserting "section 512(a)".

(4) Section 525(b) (112 Stat. 2014) is amended by striking "subsection (i)" and inserting "subsection (j)".

(5) Section 568 (112 Stat. 2031) is amended by striking "1295(c)" in the matter preceding paragraph (1) and inserting "1295b(c)".

(6) Section 722(c)(1)(D) (112 Stat. 2067) is amended by striking "subsection (c)" and inserting "subsection (d)".

(c) PUBLIC LAW 105-85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended as follows:

(1) Section 557(b) (111 Stat. 1750) is amended by inserting "to" after "with respect".

(2) Section 563(b) (111 Stat. 1754) is amended by striking "title" and inserting "subtitle".

(3) Section 644(d)(2) (111 Stat. 1801) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (7) and (8)".

(4) Section 934(b) (111 Stat. 1866) is amended by striking "of" after "matters concerning".

(d) OTHER LAWS.—

(1) Effective as of April 1, 1996, section 647(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 370) is amended by inserting "of such title" after "Section 1968(a)".

(2) Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 12001 note) is amended—

(A) by striking "pilot" in subsection (a), "PILOT" in the heading of subsection (a), and "**pilot**" in the section heading; and

(B) in subsection (c)(1)—

(i) by striking "2,000" in the first sentence and inserting "5,000"; and

(ii) by striking the second sentence.

(3) Sections 8334(c) and 8422(a)(3) of title 5, United States Code, are each amended in the item for nuclear materials couriers—

(A) by striking "to the day before the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "to October 16, 1998"; and

(B) by striking "The date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "October 17, 1998".

(4) Section 113(b)(2) of title 32, United States Code, is amended by striking "the date of the enactment of this subsection" and inserting "October 17, 1998".

(5) Section 1007(b) of title 37, United States Code, is amended by striking the second sentence.

(6) Section 845(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note) is amended by striking "(e)(2) and (e)(3) of such section 2371" and inserting "(e)(1)(B) and (e)(2) of such section 2371".

SEC. 1038. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOWMENT FUND OF UNITED SERVICE ORGANIZATIONS, INCORPORATED.

(a) GRANTS AUTHORIZED.—Subject to subsection (c), the Secretary of Defense may make grants to the United Service Organizations, Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code, to contribute funds for the USO's Spirit of Hope Endowment Fund.

(b) GRANT INCREMENTS.—The amount of the first grant under subsection (a) may not exceed $2,000,000. The amount of the second grant under such subsection may not exceed $3,000,000, and subsequent grants may not exceed $5,000,000.

(c) MATCHING REQUIREMENT.—Each grant under subsection (a) may not be made until after the United Service Organizations, Incorporated, certifies to the Secretary of Defense that sufficient funds have been raised from non-Federal sources for deposit in the Spirit of Hope Endowment Fund to match, on a dollar-for-dollar basis, the amount of that grant.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $25,000,000 shall be available to the Secretary of Defense for the purpose of making grants under subsection (a).

SEC. 1039. CHEMICAL DEFENSE TRAINING FACILITY.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General quantities of non-stockpile lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of non-stockpile lethal chemical agents that may be transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of non-stockpile lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of non-stockpile lethal chemical agents that are maintained by the Department of Defense for research, development, test, and evaluation of chemical defense material and for live-agent training of chemical defense personnel and other individuals by the Department of Defense.

(3) The Secretary of Defense may not transfer non-stockpile lethal chemical agents under this section until—

(A) the Chemical Defense Training Facility referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary certifies that the Attorney General is prepared to receive such agents.

(4) Quantities of non-stockpile lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General and the Administrator of the Environmental Protection Agency, shall report annually to Congress regarding the disposition of non-stockpile lethal chemical agents transferred under this section.

(c) NON-STOCKPILE LETHAL CHEMICAL AGENTS.—In this section, the term "non-stockpile lethal chemical agents" includes those chemicals in the possession of the Department of Defense that are not part of the chemical weapons stockpile and that are applied to research, medical, pharmaceutical, or protective purposes in accordance with Article VI of the Conventional Weapons Convention Treaty.

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term "Asia-Pacific Center" means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

SEC. 1041. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) Matters To Be Included.—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the "operations tempo", and on the "personnel tempo", of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) Consultation.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

SEC. 1042. REPORT ON SPACE LAUNCH FAILURES.

(a) Report Required.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) Matters To Be Included.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) Interim Report.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) Specified Congressional Committees.—For purposes of this section, the term "specified congressional committees" means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1043. REPORT ON AIRLIFT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

(a) Report Required.—Not later than June 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2015.

(b) Content of Report.—The report shall address the following:

(1) The identity, size, structure, and capabilities of the airlift requirements necessary for the full range of shaping, preparing, and responding missions demanded under the National Military Strategy.

(2) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy, on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(3) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping and other contingency missions, and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(4) The effect on mobility requirements of new service force structures, such as the Air Force's Air Expeditionary Force and the Army's Strike Force, and any foreseeable force structure modifications through 2015.

(5) The need to deploy forces strategically and employ them tactically using the same airlift platform.

(6) The need for an increased airlift platform capable of deploying outsize equipment or large volumes of supplies and equipment.

(7) The anticipated role of host nation, foreign, and coalition airlift support and requirements through 2015.

(8) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

SEC. 1044. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after paragraph (b) the following new subsection:

"(c) Lease Proceeds.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.".

SEC. 1045. INSPECTOR GENERAL INVESTIGATION OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF FREE WEIGHT STRENGTH TRAINING EQUIPMENT.

(a) Investigation Required.—The Inspector General of the Department of Defense shall conduct an investigation to determine whether the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) Purchases Covered.—The investigation shall cover purchases made during the three-year period ending on the date of the enactment of this Act of free weights for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions).

(c) Report.—The Inspector General shall prepare a report for the Secretary of Defense on the investigation. Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress such report, together with such additional comments and recommendations as the Secretary considers appropriate.

(d) Definition.—For purposes of this section, the term "free weights" means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

SEC. 1046. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

"SEC. 1404. THREAT AND RISK ASSESSMENTS.

"(a) Threat and Risk Assessments.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

"(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

"(b) Pilot Test.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General shall conduct a pilot test of any proposed method or model by which such assessments are to be performed. The Attorney General shall conduct the pilot test in coordination with appropriate Federal, State, and local agencies.

"(2) The pilot test shall be performed in cities or local areas selected by the Attorney General in consultation with appropriate Federal, State, and local agencies.

"(3) The pilot test shall be completed not later than one month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.".

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. INCREASE OF PAY CAP FOR NONAPPROPRIATED FUND SENIOR EXECUTIVE EMPLOYEES.

Section 5373 of title 5, United States Code, is amended—

(1) in the first sentence, by striking "Except as provided" and inserting "(a) Except as provided in subsection (b) and"; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.".

SEC. 1102. RESTORATION OF LEAVE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES WHO DEPLOY TO A COMBAT ZONE OUTSIDE THE UNITED STATES.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) For purposes of this subsection, the deployment of an emergency essential employee of the Department of Defense to a combat zone outside the United States shall be deemed an exigency of the public business, and any leave that is lost by an employee as a result of such deployment (regardless of whether such leave was scheduled) shall be—

"(i) restored to the employee; and

"(ii) credited and available in accordance with paragraph (2).

"(B) For purposes of this paragraph, the term 'Department of Defense emergency essential employee'—

"(i) means a civilian employee of the Department of Defense, including a nonappropriated fund instrumentality employee (as defined by section 1587(a)(1) of title 10) whose assigned duties and responsibilities would be necessary during a period that follows the evacuation of nonessential personnel during a declared emergency or the outbreak of combat operations or war; and

"(ii) includes an employee who is hired on a temporary or permanent basis.".

SEC. 1103. EXPANSION OF GUARD-AND-RESERVE PURPOSES FOR WHICH LEAVE UNDER SECTION 6323 OF TITLE 5, UNITED STATES CODE, MAY BE USED.

(a) In General.—Section 6323 of title 5, United States Code, is amended in the first sentence by inserting ", inactive-duty training (as defined in section 101 of title 37)," after "active duty".

(b) Applicability.—The amendment made by subsection (a) shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act.

SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RETIREMENT AND SEPARATION INCENTIVES FOR CERTAIN CIVILIAN EMPLOYEES.

(a) Early Retirement Incentive.—(1) An employee of the Department of Defense is entitled to an annuity under chapter 83 or 84 of title 5, United States Code, as applicable, if the employee—

(A) has been employed continuously by the Department of Defense for more than 30 days before the date that the Secretary of Defense made the determination under subparagraph (D);

(B) is serving under an appointment that is not time-limited;

(C) is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(D) is separated voluntarily;

(E) has completed 25 years of service or is at least 50 years of age and has completed 20 years of service; and

(F) retires under this subsection before October 1, 2000.

(2) As used in this subsection, the terms "employee" and "annuity" shall have the same meaning as the meaning of those terms as used in chapters 83 and 84 of title 5, United States Code, as applicable.

(b) Voluntary Separation Incentive.—(1) The Secretary of Defense may, to restructure the workforce to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions, offer separation pay to an employee under this subsection subject to such limitations or conditions as the Secretary may require. Such separation pay—

(A) shall be paid, at the option of the employee, in a lump sum or equal installment payments;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) $25,000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments.

(2) For purposes of this subsection, the term "employee" means an employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) ADDITIONAL CONTRIBUTIONS TO RETIREMENT FUND.—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department of Defense who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For purposes of this subsection, the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, with appropriate adjustments if the employee last served on other than a full-time basis.

(d) APPLICABILITY.—The provisions in this section shall only apply with respect to a civilian employee of the Department of Defense who—

(1) is employed at the military base designated by the Secretary of Defense under subsection (e), or who is identified by the Secretary as part of a competitive area of the civilian personnel service population of such military base, during the period beginning on October 1, 1999, and ending on October 1, 2000;

(2) is one of 300 employees designated by the Secretary of the military department with jurisdiction over the designated base; and

(3) elects to receive an annuity or separation incentive pursuant to such provisions during such period.

(e) DESIGNATION OF MILITARY BASE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a military base to which the provisions of this section shall apply. The base designated by the Secretary shall—

(1) be a base that is undergoing a major workforce restructuring to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, supervisory, or similar positions; and

(2) employ the largest number of scientists and engineers of any other base of the military department that has jurisdiction over the base.

SEC. 1105. EXTENSION OF AUTHORITY TO CONTINUE HEALTH INSURANCE COVERAGE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXTENSION OF AUTHORITY.—Clauses (i) and (ii) of section 8905a(d)(4)(B) of title 5, United States Code, are amended to read as follows:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

(b) OFFSET.—Of the amount authorized to be appropriated in section 301(5) for Defense-wide activities—

(1) $9,100,000 shall be available to continue health insurance coverage pursuant to the authority provided in section 8905a(d)(4)(B) of title 5, United States Code (as amended by subsection (a)); and

(2) the amount available for the Defense Contract Audit Agency shall be reduced by $9,100,000.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. REPORT ON STRATEGIC STABILITY UNDER START III.

(a) REPORT.—Not later than September 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report, to be prepared by the Defense Science Board in consultation with the Director of Central Intelligence, on the strategic stability of the future nuclear balance between (1) the United States, and (2) Russia and other potential nuclear adversaries.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report the following:

(1) The policy guidance defining the military-political objectives of the United States against potential nuclear adversaries under various nuclear conflict scenarios.

(2) The target sets and damage goals of the United States against potential nuclear adversaries under various nuclear conflict scenarios and how those target sets and damage goals relate to the achievement of the military-political objectives identified under paragraph (1).

(3) The strategic nuclear force posture of the United States and of Russia that may emerge under a further Strategic Arms Reduction Treaty (referred to as "START III") and how capable the United States forces envisioned under that posture would be for the achievement of the damage goals and the military objectives against potential nuclear adversaries referred to in paragraphs (1) and (2).

(4) The Secretary's assessment of (A) whether Russian strategic forces under a START III treaty would, or would not, likely be smaller, more vulnerable, and less capable of launch-on-tactical-warning than at present, and (B) in light of such assessment, whether incentives for Russia to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present under a START III treaty.

(5) The Secretary's assessment of (A) whether China and so-called nuclear rogue states probably will, or will not, remain incapable in the foreseeable future of carrying out a launch-on-tactical-warning and be more vulnerable to United States conventional or nuclear attack than at present, and (B) in light of such assessment, whether incentives for China and nuclear rogue states to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present.

(6) The Secretary's assessment of whether asymmetries between the United States and Russia that are favorable to Russia in active and passive defenses may be a significant strategic advantage to Russia under a START III treaty.

(7) The Secretary's assessment of whether asymmetries between the United States and Russia that are highly favorable to Russia in tactical nuclear weapons might erode strategic stability.

(8) The Secretary's assessment of whether a combination of Russia and China against the United States in a nuclear conflict could erode strategic stability under a START III treaty.

(9) The Secretary's assessment of whether doctrinal asymmetries between the United States and Russia, such as the expansion by Russia of the warfighting role of nuclear weapons while the United States is de-emphasizing the utility and purpose of nuclear weapons, could erode strategic stability.

(c) CLASSIFICATION.—The report shall be submitted in classified form and, to the extent possible, in unclassified form.

SEC. 1202. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS WEAPONS INSPECTION REGIME IN IRAQ.

Effective October 1, 1999, section 1505(f) of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a(f)) is amended by striking "1999" and inserting "2000".

SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA'S PEOPLE'S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People's Liberation Army of the People's Republic of China.

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes any of the following:

(1) Force projection operations.

(2) Nuclear operations.

(3) Field operations.

(4) Logistics.

(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(6) Surveillance, and reconnaissance operations.

(7) Joint warfighting experiments and other activities related to warfare.

(8) Military space operations.

(9) Other warfighting capabilities of the Armed Forces.

(10) Arms sales or military-related technology transfers.

(11) Release of classified or restricted information.

(12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calandar year was conducted in violation of subsection (a).

(e) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

SEC. 1204. REPORT ON ALLIED CAPABILITIES TO CONTRIBUTE TO MAJOR THEATER WARS.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the current military capabilities of allied nations to contribute to the successful conduct of the major theater wars as anticipated in the Quadrennial Defense Review of 1997.

(b) MATTERS TO BE INCLUDED.—The report shall set forth the following:

(1) The identity, size, structure, and capabilities of the armed forces of the allies expected to participate in the major theater wars anticipated in the Quadrennial Defense Review.

(2) The priority accorded in the national military strategies and defense programs of the anticipated allies to contributing forces to United States-led coalitions in such major theater wars.

(3) The missions currently being conducted by the armed forces of the anticipated allies and the ability of the allied armed forces to conduct simultaneously their current missions and those anticipated in the event of major theater war.

(4) Any Department of Defense assumptions about the ability of allied armed forces to deploy or redeploy from their current missions in the event of a major theater war, including any role United States Armed Forces would play in assisting and sustaining such a deployment or redeployment.

(5) Any Department of Defense assumptions about the combat missions to be executed by such allied forces in the event of major theater war.

(6) The readiness of allied armed forces to execute any such missions.

(7) Any risks to the successful execution of the military missions called for under the National Military Strategy of the United States related to the capabilities of allied armed forces.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than June 1, 2000.

SEC. 1205. LIMITATION ON FUNDS FOR BOSNIA PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2000.

(a) LIMITATION.—(1) Of the amounts authorized to be appropriated by section 301(24) of this Act for the Overseas Contingency Operations Transfer Fund, no more than $1,824,400,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations.

(2) The President may waive the limitation in paragraph (1) after submitting to Congress the following:

(A) The President's written certification that the waiver is necessary in the national security interests of the United States.

(B) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(C) A report setting forth the following:

(i) The reasons that the waiver is necessary in the national security interests of the United States.

(ii) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations for fiscal year 2000.

(iii) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(D) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2000 costs associated with United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(b) BOSNIA PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section, the term "Bosnia peacekeeping operations" has the meaning given such term in section 1204(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN HAITI.

(a) LIMITATION ON DEPLOYMENT.—Except as provided in subsection (b), no funds available to the Department of Defense may be expended for the deployment of United States Armed Forces in Haiti.

(b) EXCEPTIONS.—Subsection (a) does not apply to the deployment of United States Armed Forces in Haiti for any of the following purposes:

(1) Deployment pursuant to Operation Uphold Democracy until December 31, 1999.

(2) Deployment for periodic, noncontinuous theater engagement activities on or after January 1, 2000.

(3) Deployment for a limited, customary presence necessary to ensure the security of United States diplomatic facilities in Haiti and to carry out defense liaison activities under the auspices of the United States embassy.

(c) REPORT REQUIREMENT.—Whenever there is a deployment of United States Armed Forces described in subsection (b)(2), the President shall, not later than 48 hours after the deployment, transmit a written report regarding the deployment to the Committee on Armed Services and the Committee on International Relations of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict in any way the authority of the President in emergency circumstances to protect the lives of United States citizens or to protect United States facilities or property in Haiti.

SEC. 1207. GOALS FOR THE CONFLICT WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDING.—Article I, section 8 of the United States Constitution provides that: "The Congress shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .".

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

SEC. 1208. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) REPORT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1209. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The Secretary of Defense shall prepare an annual report, in both classified and unclassified form, on the current and future military strategy and capabilities of the People's Republic of China. The report shall address the current and probable future course of military-technological development in the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through 2020.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The size, location, and capabilities of Chinese strategic, land, sea, and air forces.

(4) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(5) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance military capabilities.

(c) SUBMISSION OF REPORT.—The report under this section shall be submitted to Congress not later than March 15 each year.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2000 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301, and any other funds appropriated after the date of the enactment of this Act, for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $444,100,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $177,300,000.

(2) For strategic nuclear arms elimination in Ukraine, $43,000,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For security enhancements at chemical weapons storage sites in Russia, $24,600,000.

(5) For weapons transportation security in Russia, $15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $60,900,000.

(7) For weapons storage security in Russia, $90,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $20,000,000.

(9) For biological weapons proliferation prevention activities in Russia, $2,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $1,800,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 or any subsequent fiscal year for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose. However, the total amount obligated for Cooperative Threat Reduction programs for such fiscal year may not, by reason of the use of the authority provided in the preceding sentence, exceed the total amount authorized for such programs for such fiscal year.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (3) through (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act, and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act, may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for elimination of conventional weapons or the delivery vehicles of such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides that the United States may verify that material stored at the facility is of weapons origin.

(b) LIMITATION ON CONSTRUCTION.—No funds appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.

SEC. 1306. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL WEAPONS PROLIFERATION PREVENTION ACTIVITIES.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for biological weapons proliferation prevention activities in Russia until the Secretary of Defense submits to the congressional defense committees the reports described in sections 1305 and 1308 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2164, 2166).

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT AND MULTIYEAR PLAN.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress—

(1) a report describing—

(A) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(B) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency; and

(2) an updated version of the multiyear plan for fiscal year 2000 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2883).

SEC. 1308. REQUIREMENT TO SUBMIT REPORT.

Not later than December 31, 1999, the Secretary of Defense shall submit to Congress a report including—

(1) an explanation of the strategy of the Department of Defense for encouraging states of the former Soviet Union that receive funds through Cooperative Threat Reduction programs to contribute financially to the threat reduction effort;

(2) a prioritization of the projects carried out by the Department of Defense under Cooperative Threat Reduction programs; and

(3) an identification of any limitations that the United States has imposed or will seek to impose, either unilaterally or through negotiations with recipient states, on the level of assistance provided by the United States for each of such projects.

SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INITIATIVE.

Not later than December 31, 1999, the President shall submit to Congress a report on the Expanded Threat Reduction Initiative. Such report shall include a description of the plans for ensuring effective coordination between executive agencies in carrying out the Expanded Threat Reduction Initiative to minimize duplication of efforts.

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

SEC. 1401. REPORT ON COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA AND OTHER COUNTRIES WITH THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) Report Required.—Not later than October 31, 1999, the President shall transmit to Congress a report on the compliance, or lack of compliance (both as to acquiring and transferring missile technology), by the People's Republic of China, with the Missile Technology Control Regime, and on any actual or suspected transfer by Russia or any other country of missile technology to the People's Republic of China in violation of the Missile Technology Control Regime. The report shall include a list specifying each actual or suspected violation of the Missile Technology Control Regime by the People's Republic of China, Russia, or other country and, for each such violation, a description of the remedial action (if any) taken by the United States or any other country.

(b) Matters To Be Included.—The report under subsection (a) shall also include information concerning—

(1) actual or suspected use by the People's Republic of China of United States missile technology;

(2) actual or suspected missile proliferation activities by the People's Republic of China;

(3) actual or suspected transfer of missile technology by Russia or other countries to the People's Republic of China: and

(4) United States actions to enforce the Missile Technology Control Regime with respect to the People's Republic of China, including actions to prevent the transfer of missile technology from Russia and other countries to the People's Republic of China.

SEC. 1402. ANNUAL REPORT ON TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Annual Report.—The President shall transmit to Congress an annual report on transfers to the People's Republic of China by the United States and other countries of technology with potential military applications, during the 1-year period preceding the transmittal of the report.

(b) Initial Report.—The initial report under this section shall be transmitted not later than October 31, 1999.

SEC. 1403. REPORT ON IMPLEMENTATION OF TRANSFER OF SATELLITE EXPORT CONTROL AUTHORITY.

Not later than August 31, 1999, the President shall transmit to Congress a report on the implementation of subsection (a) of section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note), transferring satellites and related items from the Commerce Control List of dual-use items to the United States Munitions List. The report shall update the information provided in the report under subsection (d) of that section.

SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

(a) Security at Foreign Launches.—As a condition of the export license for any satellite to be launched outside the jurisdiction of the United States, the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) be prepared by the Department of Defense, and agreed to by the licensee, and that the plan set forth the security arrangements for the launch of the satellite, both before and during launch operations, and include enhanced security measures if the launch site is within the jurisdiction of the People's Republic of China or any other country that is subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(2) That each person providing security for the launch of that satellite—

(A) be employed by, or under a contract with, the Department of Defense;

(B) have received appropriate training in the regulations prescribed by the Secretary of State known as the International Trafficking in Arms Regulations (hereafter in this section referred to as "ITAR");

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as "Secret".

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

(b) Defense Department Monitors.—The Secretary of Defense shall—

(1) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(2) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(3) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis); and

(4) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity.

SEC. 1405. REPORTING OF TECHNOLOGY PASSED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) Monitoring of Information.—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) Transmission to Other Agencies.—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) Retention of Records.—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) Guidelines.—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Review.—The Secretary of Energy, the Secretary of Defense, and the Secretary of State, in consultation with other appropriate departments and agencies, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. As part of the review, the Secretary shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers.

(b) Report.—The Secretary of Energy shall submit to Congress a report on the results of the review under subsection (a). The report shall be submitted not later than six months after the date of the enactment of this Act and shall be updated not later than the end of each subsequent 1-year period.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) Revised HPC Verification System.—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) Definition.—As used in this section and section 1406, the term "high performance computer" means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) Adjustment of Composite Theoretical Performance Levels for Post-shipment Verification.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 is amended by adding at the end the following:

"(e) Adjustment of Performance Levels.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in that subsection.".

SEC. 1408. PROCEDURES FOR REVIEW OF EXPORT OF CONTROLLED TECHNOLOGIES AND ITEMS.

(a) Recommendations for Prioritization of National Security Concerns.—The President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify, on a continuing basis, those controlled technologies and items the export of which is of greatest national security concern relative to other controlled technologies and items.

(b) Recommendations for Executive Department Approvals for Exports of Greatest National Security Concern.—With respect to controlled technologies and items identified under subsection (a), the President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify procedures for export of such technologies and items so as to provide—

(1) that the period for review by an executive department or agency of a license application for any such export shall be extended to a period longer than that otherwise required when such longer period is considered necessary by the head of that department or agency for national security purposes; and

(2) that a license for such an export may be approved only with the agreement of each executive department or agency that reviewed the application for the license, subject to appeal procedures to be established by the President.

(c) Recommendations for Streamlined Licensing Procedures for Other Exports.—With respect to controlled technologies and items other than those identified under subsection (a), the President shall submit to Congress the President's recommendations for modifications to licensing procedures for export of such technologies and items so as to streamline the licensing process and provide greater transparency, predictability, and certainty.

SEC. 1409. NOTICE OF FOREIGN ACQUISITION OF UNITED STATES FIRMS IN NATIONAL SECURITY INDUSTRIES.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 2170(b)) is amended—

(1) by inserting "(1)" before "The President";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) Whenever a person engaged in interstate commerce in the United States is the subject of a merger, acquisition, or takeover described in paragraph (1), that person shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover. Whenever any executive department or agency becomes aware of any such planned merger, acquisition, or takeover, the head of that department or agency shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover.".

SEC. 1410. FIVE-AGENCY INSPECTORS GENERAL EXAMINATION OF COUNTER-MEASURES AGAINST ACQUISITION BY THE PEOPLE'S REPUBLIC OF CHINA OF MILITARILY SENSITIVE TECHNOLOGY.

Not later than January 1, 2000, the Inspectors General of the Departments of State, Defense, the Treasury, and Commerce and the Inspector General of the Central Intelligence Agency shall submit to Congress a report on the adequacy of current export controls and counterintelligence measures to protect against the acquisition by the People's Republic of China of militarily sensitive United States technology. Such report shall include a description of measures taken to address any deficiencies found in such export controls and counterintelligence measures.

SEC. 1411. OFFICE OF TECHNOLOGY SECURITY IN DEPARTMENT OF DEFENSE.

(a) Enhanced Multilateral Export Controls.—

(1) New international controls.—The President shall work (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to establish new binding international controls on technology transfers that threaten international peace and United States national security.

(2) Improved sharing of information.—The President shall take appropriate actions (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

(b) Office of Technology Security.—(1) There is hereby established in the Department of Defense an Office of Technology Security. The Office shall support United States Government efforts to—

(1) establish new binding international controls on technology transfers that threaten international peace and United States national security; and

(2) improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

SEC. 1412. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY POLICIES WITH RESPECT TO TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Annual Audit.—The Inspectors General of the Department of Defense and the Department of Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall each conduct an annual audit of the policies and procedures of the Department of Defense and the Department of Energy, respectively, with respect to the export of technologies and the transfer of scientific and technical information, to the People's Republic of China in order to assess the extent to which the Department of Defense or the Department of Energy, as the case may be, is carrying out its activities to ensure that any technology transfer, including a transfer of scientific or technical information, will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China.

(b) Report to Congress.—The Inspectors General of the Department of Defense and the Department of Energy shall each submit to Congress a report each year describing the results of the annual audit under subsection (a).

SEC. 1413. RESOURCES FOR EXPORT LICENSE FUNCTIONS.

(a) Office of Defense Trade Controls.—

(1) In general.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) Availability of existing appropriations.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading "Administration of Foreign Affairs, Diplomatic and Consular Programs" in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) Defense Threat Reduction Agency.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

SEC. 1414. NATIONAL SECURITY ASSESSMENT OF EXPORT LICENSES.

(a) Report to Congress.—The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall provide to Congress a report assessing the cumulative impact of individual licenses granted by the United States for exports, goods, or technology to countries of concern.

(b) Contents of Report.—Each report under subsection (a) shall include an assessment of—

(1) the cumulative impact of exports of technology on improving the military capabilities of countries of concern;

(2) the impact of exports of technology which would be harmful to United States

military capabilities, as well as countermeasures necessary to overcome the use of such technology; and

(3) those technologies, systems, and components which have applications to conventional military and strategic capabilities.

(c) TIMING OF REPORTS.—The first report under subsection (a) shall be submitted to Congress not later than 1 year after the date of the enactment of this Act, and shall assess the cumulative impact of exports to countries of concern in the previous 5-year period. Subsequent reports under subsection (a) shall be submitted to Congress at the end of each 1-year period after the submission of the first report. Each such subsequent report shall include an assessment of the cumulative impact of technology exports based on analyses contained in previous reports under this section.

(d) SUPPORT OF OTHER FEDERAL AGENCIES.—The Secretary of Commerce, the Secretary of State, and the heads of other departments and agencies shall make available to the Secretary of Defense information necessary to carry out this section, including information on export licensing.

(e) DEFINITION.—As used in this section, the term "country of concern" means—

(1) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism; and

(2) a country on the list of covered countries under section 1211(b) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2000".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$9,800,000
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$32,500,000
California	Fort Irwin	$32,400,000
	Presidio of Monterey	$7,100,000
Colorado	Fort Carson	$4,400,000
	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$71,700,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$3,900,000
Kentucky	Blue Grass Army Depot	$6,000,000
	Fort Campbell	$39,900,000
	Fort Knox	$1,300,000
Louisiana	Fort Polk	$6,700,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$27,100,000
New York	Fort Drum	$23,000,000
North Carolina	Fort Bragg	$125,400,000
	Sunny Point Military Ocean Terminal	$3,800,000
Oklahoma	Fort Sill	$33,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$52,350,000
	Fort Hood	$84,500,000
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$43,800,000
	Fort Myer	$2,900,000
	Fort Story	$8,000,000
Washington	Fort Lewis	$23,400,000
CONUS Various	CONUS Various	$36,400,000
	Total	$967,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	$21,000,000
	Bamberg	$23,200,000
	Mannheim	$4,500,000
Korea	Camp Casey	$31,000,000
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total	$86,400,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
Virginia	Fort Lee	97 Units	$16,500,000
		Total	$40,500,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carryout architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,384,417,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $879,550,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,205,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $80,200,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967), $18,800,000.

(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2183), $35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) $22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) $10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington); and

(5) $10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $7,750,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$24,220,000
	Navy Detachment, Camp Navajo	$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$34,760,000
	Marine Corps Base, Camp Pendleton	$38,460,000
	Marine Corps Logistics Base, Barstow	$4,670,000
	Marine Corps Recruit Depot, San Diego	$3,200,000
	Naval Air Station, Lemoore	$24,020,000
	Naval Air Station, North Island	$54,420,000
	Naval Air Warfare Center, China Lake	$4,000,000
	Naval Air Warfare Center, Corona	$7,070,000
	Naval Air Warfare Center, Point Magu	$6,190,000
	Naval Hospital, San Diego	$21,590,000
	Naval Hospital, Twentynine Palms	$7,640,000
	Naval Postgraduate School	$5,100,000
Florida	Naval Air Station, Whiting Field, Milton	$5,350,000
	Naval Station, Mayport	$9,560,000
Georgia	Marine Corps Logistics Base, Albany	$6,260,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$5,790,000
	Naval Shipyard, Pearl Harbor	$10,610,000
	Naval Station, Pearl Harbor	$18,600,000
	Naval Submarine Base, Pearl Harbor	$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	$10,040,000
Illinois	Naval Training Center, Great Lakes	$57,290,000
Indiana	Naval Surface Warfare Center, Crone	$7,270,000
Maine	Naval Air Station, Brunswick	$16,890,000
Maryland	Naval Air Warfare Center, Patuxent River	$4,560,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Surface Warfare Center, Indian Head	$10,070,000
Mississippi	Naval Air Station, Meridian	$7,280,000
	Naval Construction Battalion Center Gulfport	$19,170,000
Nevada	Naval Air Station, Fallon	$7,000,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$15,710,000
North Carolina	Marine Corps Air Station, New River	$5,470,000
	Marine Corps Base, Camp Lejeune	$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	$2,990,000
	Norfolk Naval Shipyard Detachment, Philadelphia	$13,320,000
South Carolina	Naval Weapons Station, Charleston	$7,640,000
	Marine Corps Air Station, Beaufort	$18,290,000
Texas	Naval Station, Ingleside	$11,780,000
Virginia	Marine Corps Combat Development Command, Quantico	$20,820,000
	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck	$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port Hadlock	$3,440,000
	Naval Undersea Warfare Center, Keyport	$6,700,000
	Puget Sound Naval Shipyard, Bremerton	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	$6,300,000
	Total	$751,570,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit,	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	$8,150,000
Greece	Naval Support Activity, Souda Bay	$6,380,000
Italy	Naval Support Activity, Naples	$26,750,000
	Total	$124,370,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Naval Base Pearl Harbor	133 Units	$30,168,000
	Naval Base Pearl Harbor	96 Units	$19,167,000
		Total	$75,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $162,350,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,084,107,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $737,910,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,370,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,010,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $256,015,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For the construction of berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2189), $12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $19,300,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately $610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

SEC. 2206. CORRECTION IN AUTHORIZED USE OF FUNDS, MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$32,800,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
Arkansas	Little Rock Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Edwards Air Force Base	$5,500,000
	Travis Air Force Base	$11,200,000
Colorado	Peterson Air Force Base	$40,000,000
	Schriever Air Force Base	$16,100,000
	U.S. Air Force Academy	$17,500,000
CONUS Classified	Classified Location	$16,870,000
Florida	Eglin Air Force Base	$18,300,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
	Tyndall Air Force Base	$10,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$5,950,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$9,600,000
Kentucky	Fort Campbell	$6,300,000
Mississippi	Columbus Air Force Base	$5,100,000
	Keesler Air Force Base	$27,000,000
Missouri	Whiteman Air Force Base	$24,900,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$18,600,000
New Jersey	McGuire Air Force Base	$11,800,000
New York	Rome Research Site	$3,002,000
New Mexico	Kirtland Air Force Base	$14,000,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Minot Air Force Base	$3,000,000
Ohio	Wright-Patterson Air Force Base	$35,100,000
Oklahoma	Tinker Air Force Base	$23,800,000
	Vance Air Force Base	$12,600,000
South Carolina	Charleston Air Force Base	$18,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
	Randolph Air Force Base	$3,600,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$15,550,000
	McChord Air Force Base	$7,900,000
	Total	$635,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Italy	Aviano Air Base	$3,700,000
Korea	Osan Air Base	$19,600,000
Portugal	Lajes Field, Azores	$1,800,000
United Kingdom	Ascension Island	$2,150,000
	Royal Air Force Feltwell	$3,000,000
	Royal Air Force Lakenheath	$18,200,000
	Royal Air Force Mildenhall	$17,600,000
	Royal Air Force Molesworth	$1,700,000
	Total	$76,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000
Kansas	McConnell Air Force Base	Safety Improvements.	$1,363,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000
Nebraska	Offutt Air Force Base	72 Units	$12,352,000
New Mexico	Hollomon Air Force Base	76 Units	$9,800,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total	$197,411,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,093,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $124,492,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,874,053,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $605,272,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $32,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $338,996,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $9,602,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.

(a) PLAN REQUIRED.—Not later than January 1, 2000, the Secretary of the Air Force shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) RELATION TO STATE CONTRIBUTIONS.—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$206,800,000
Defense Education Activity	Laurel Bay, South Carolina	$2,874,000
	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
Defense Logistics Agency	Defense Distribution New Cumberland,Pennsylvania	$5,000,000
	Elmendorf Air Force Base, Alaska	$23,500,000
	Eielson Air Force Base, Alaska	$26,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$1,300,000
Defense Manpower Data Center	Presidio, Monterey, California	$28,000,000
National Security Agency	Fort Meade, Maryland	$2,946,000
Special Operations Command	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
	Fort Benning, Georgia	$10,200,000
	Fort Bragg, North Carolina	$20,100,000
	Mississippi Army Ammunition Plant, Mississippi	$9,600,000
	Naval Amphibious Base, Coronado, California	$6,000,000
TRICARE Management Agency	Andrews Air Force Base, Maryland	$3,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Cheatham Annex, Virginia	$1,650,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Fort Lewis, Washington	$5,500,000
	Fort Riley, Kansas	$6,000,000
	Fort Sam Houston, Texas	$5,800,000
	Fort Wainwright, Alaska	$133,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Moody Air Force Base, Georgia	$1,250,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Naval Air Station, Patuxent River, Maryland	$4,150,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Patrick Air Force Base, Florida	$1,750,000
	Travis Air Force Base, California	$7,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Total	$587,420,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Drug Interdiction and Counter-Drug Activities	Manta, Ecuador	$25,000,000
	Curacao, Netherlands Antilles	$11,100,000
Defense Education Activity	Andersen Air Force Base, Guam	$44,170,000
	Naval Station Rota, Spain	$17,020,000
	Royal Air Force, Feltwell, United Kingdom	$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$24,300,000
	Moron Air Base, Spain	$15,200,000
National Security Agency	Royal Air Force, Menwith Hill Station, United Kingdom	$500,000
Tri-Care Management Agency	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Ramstein Air Force Base, Germany	$7,100,000
	Royal Air Force, Lakenheath, United Kingdom	$7,100,000
	Yongsan, Korea	$41,120,000
	Total	$204,950,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated by section 2405(a)(8)(C), $78,756,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $6,558,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,618,965,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $204,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,024,000.

(6) For Energy Conservation projects authorized by section 2404 of this Act, $6,558,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $705,911,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, $78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102–190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586); and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3040), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982); and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen

Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program by striking "$179,000,000" in the amount column and inserting "$203,500,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$549,954,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking "$179,000,000" and inserting "$203,500,000".

SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

In addition to the conditions specified in section 1022 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table in section 2401(b) under the heading "Drug Interdiction and Counter-Drug Activities" may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $191,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $123,878,000; and

(B) for the Army Reserve, $92,515,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $151,170,000; and

(B) for the Air Force Reserve, $48,564,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Army Depot	Ammunition Demilitarization Facility	$203,500,000

Navy: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Virginia	Marine Corps Combat Development Command	Infrastructure Development	$8,900,000

Navy: Extension of 1997 Family Housing Authorizations

State	Installation or location	Family Housing	Amount
Florida	Mayport Naval Station	100 units	$10,000,000
Maine	Brunswick Naval Air Station	92 units	$10,925,000
North Carolina	Camp Lejuene	94 units	$10,110,000
South Carolina	Beaufort Marine Corps Air Station	140 units	$14,000,000

Navy: Extension of 1997 Family Housing Authorizations—Continued

State	Installation or location	Family Housing	Amount
Texas	Corpus Christi Naval Complex	104 units	$11,675,000
	Kingsville Naval Air Station	48 units	$7,550,000
Washington	Everett Naval Station	100 units	$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multi-Purpose Range (Phase II)	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2202 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Family Housing Authorization

State	Installation or location	Family Housing	Amount
California	Camp Pendleton	138 units	$20,000,000

Army National Guard: Extension of 1996 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I)	$5,000,000
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range	$2,236,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

Section 2806(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including support for the actual implementation of a military operations plan approved by the North Atlantic Council".

SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2814. Special authority for development of Ford Island, Hawaii

"(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

"(2) The Secretary of the Navy may not exercise any authority under this section until—

"(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

"(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

"(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

"(A) is excess to the needs of the Navy and all of the other armed forces; and

"(B) will promote the purpose of this section.

"(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

"(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

"(A) is excess to the needs of the Navy and all of the other armed forces; and

"(B) will promote the purpose of this section.

"(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

"(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

"(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

"(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

"(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

"(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

"(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

"(4) The Secretary of the Navy may enter into a lease under this subsection only if the lease is specifically authorized by a law enacted after the date of the enactment of this section.

"(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

"(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

"(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

"(A) The construction or improvement of facilities at Ford Island.

"(B) The restoration or rehabilitation of real property at Ford Island.

"(C) The provision of property support services for property or facilities at Ford Island.

"(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

"(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

"(A) a detailed description of the transaction; and

"(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

"(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

"(h) Ford Island Improvement Account.—(1) There is established on the books of the Treasury an account to be known as the 'Ford Island Improvement Account'.

"(2) There shall be deposited into the account the following amounts:

"(A) Amounts authorized and appropriated to the account.

"(2) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

"(i) Use of Account.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

"(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

"(B) To carry out improvements of property or facilities at Ford Island.

"(C) To obtain property support services for property or facilities at Ford Island.

"(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

"(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

"(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

"(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

"(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

"(j) Inapplicability of Certain Property Management Laws.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

"(1) Sections 2667 and 2696 of this title.

"(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

"(k) Scoring.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

"(l) Property Support Service Defined.—In this section, the term 'property support service' means the following:

"(1) Any utility service or other service listed in section 2686(a) of this title.

"(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2814. Special authority for development of Ford Island, Hawaii.".

(b) Conforming Amendments.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.".

SEC. 2803. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting "(a) Authority To Acquire or Construct.—" before "Any project"; and

(2) by adding at the end the following new subsection:

"(b) Restriction.—The ancillary supporting facilities authorized by subsection (a) may not be in direct competition with any resale activities provided by the Defense Commissary Agency or the Army and Air Force Exchange Service, the Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the morale, welfare and recreation of members of the armed forces.".

SEC. 2804. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting "design," after "planning,".

SEC. 2805. LIMITATIONS ON AUTHORITY TO CARRY OUT SMALL PROJECTS FOR ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS.

(a) Unspecified Minor Construction Projects to Correct Life, Health, or Safety Threats.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) An unspecified minor construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, except that the expenditure or contribution for the project may not exceed $3,000,000.".

(b) Use of Operation and Maintenance Funds To Correct Life, Health, or Safety Threats.—Subsection (b) of such section is amended by inserting after "or less" the following: "(or $1,000,000 or less if the project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening).".

SEC. 2806. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) Definition of Eligible Entity.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.".

(b) General Authority.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) Direct Loans and Loan Guarantees.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "persons in the private sector" and inserting "an eligible entity"; and

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

(d) Investments.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "nongovernmental entities" and inserting "an eligible entity";

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) Rental Guarantees.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) Differential Lease Payments.—Section 2877 of such title is amended by striking "private".

(g) Conveyance or Lease of Existing Property and Facilities.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) Clerical Amendments.—(1) The heading of section 2875 of such title is amended to read as follows:

"§ 2875. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

"2875. Investments.".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 2812. UTILITY PRIVATIZATION AUTHORITY.

(a) Extended Contracts for Utility Services.—Subsection (c) of section 2688 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.".

(b) Definition of Utility System.—Subsection (g)(2)(B) of such section is amended by striking "Easements" and inserting "Real property, easements,".

(c) Funds To Facilitate Privatization.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j); and

(2) by inserting after subsection (f) the following new subsection:

"(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).".

SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting "involving real property under the control of the Secretary of a military department" after "transactions"; and

(2) by adding at the end the following new paragraph:

"(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.".

SEC. 2814. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term "Utah national defense lands" means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study in cooperation with the Secretary of the Air Force and the Secretary of the Army and coordinate the study with the Secretary of the Interior.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).".

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: "After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after "this part" the following: "and no later than 60 days after the closure of the Account under subsection (a)(3)"; and

(2) in subsection (e), by striking "the termination of the authority of the Secretary to carry out a closure or realignment under this part" and inserting "the closure of the Account under subsection (a)(3)".

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Fort Des Moines Black Officers Memorial, Inc., a nonprofit corporation organized in the State of Iowa (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at Fort Des Moines, Iowa, and containing the post chapel (building #49) and Clayton Hall (building #46) for the purpose of permitting the Corporation to develop and use the parcel as a memorial and for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the "Borough"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.

(a) JUNEAU NATIONAL GUARD DOCK.—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Services Commission of the State of Arizona (in this section referred to as the "Commission"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Commission to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commission.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605) is amended—

(1) by inserting "(1)" before "The conveyance"; and

(2) by adding at the end the following new paragraph:

"(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation.".

SEC. 2841. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE CENTER, ORANGE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Orange County Navigation and Port District of Orange County, Texas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the Naval and Marine Corps Reserve Center in Orange, Texas, which consists of approximately 2.4 acres and contains the facilities designated as Buildings 135 and 163, for the purpose of permitting the District to develop the parcel for economic development, educational purposes, and the furtherance of navigation-related commerce.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. CONVEYANCE OF FUEL SUPPLY LINE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—In conjunction with the disposal of property at former Pease Air Force Base, New Hampshire, under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of the Air Force may convey to the redevelopment authority for Pease Air Force Base all right, title, and interest of the United States in and to the deactivated fuel supply line at Pease Air Force Base, including the approximately 14.87 acres of real property associated with such supply line.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) may only be made if the redevelopment authority agrees to make the fuel supply line available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the redevelopment authority.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the "City"), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the "Port"), all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the "Town"), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the "Regents"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not exceed $17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. EXPANSION OF ARLINGTON NATIONAL CEMETERY.

(a) LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIRGINIA.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over the following parcels of land situated in Arlington, Virginia:

(A) Certain lands which comprise approximately 26 acres bounded by Columbia Pike to the south and east, Oak Street to the west, and the boundary wall of Arlington National Cemetery to the north including Southgate Road.

(B) Certain lands which comprise approximately 8 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, property of the Virginia Department of Transportation to the west, Columbia Pike to the north, and Joyce Street to the east.

(C) Certain lands which comprise approximately 2.5 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, Joyce Street to the west, Columbia Pike to the north, and the cloverleaf interchange of Route 100 and Columbia Pike to the east.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the parcels of land transferred under paragraph (1) into Arlington National Cemetery.

(3) REMEDIATION OF LAND FOR CEMETERY USE.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall provide for the removal of any improvements on the parcels of land and, in consultation with the Superintendent of Arlington National Cemetery, the preparation of the land for use for interment of remains of individuals in Arlington National Cemetery.

(4) NEGOTIATION WITH LOCAL OFFICIALS.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall enter into negotiations with appropriate State and local officials to acquire any real property, under the jurisdiction of such officials, that separates such parcels of land from each other.

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report explaining in detail the measures required to prepare the land for use as a part of Arlington National Cemetery.

(6) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction over the parcels of land under this subsection not later than the earlier of—

(A) January 1, 2010; or

(B) the date when those parcels are no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

(b) MODIFICATION OF BOUNDARY OF ARLINGTON NATIONAL CEMETERY.—

(1) IN GENERAL.—The Secretary of the Army shall modify the boundary of Arlington National Cemetery to include the following parcels of land situated in Fort Myer, Arlington, Virginia:

(A) Certain lands which comprise approximately 5 acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(B) Certain lands which comprise approximately 3 acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson

Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report describing additional parcels of land located in Fort Myer, Arlington, Virginia, that may be suitable for use to expand Arlington National Cemetery.

(3) SURVEY.—The Secretary of the Army may determine the exact acreage and legal description of the parcels of land described in paragraph (1) by a survey.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,541,500,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,258,700,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,763,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,640,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $123,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, 2,640,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(iii) The total amount authorized to be appropriated pursuant to clause (ii) is the sum of the amounts authorized to be appropriated in that clause, reduced by $10,000,000.

(B) For inertial fusion, $475,700,000, to be allocated as follows:

(i) For operation and maintenance, $227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $19,500,000, to be allocated for technology partnership only.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,046,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,897,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $148,679,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,700,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $21,800,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $33,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $31,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95–D–102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(C) The total amount authorized to be appropriated pursuant to subparagraph (B) is the sum of the amounts authorized to be appropriated in that subparagraph, reduced by $10,000,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $236,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,652,368,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,092,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,006,419,000, to be allocated as follows:

(A) For operation and maintenance, $918,129,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,290,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,005,848,000, to be allocated as follows:

(A) For operation and maintenance, $2,951,297,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $54,551,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, Title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $240,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $327,109,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by $20,000,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,772,459,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $658,200,000, to be allocated as follows:

(A) For verification and control technology, $454,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $221,000,000, to be allocated as follows:

(I) For operation and maintenance, $215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(ii) For arms control, $233,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For international nuclear safety, $15,300,000.

(D) For security investigations, $10,000,000.

(E) For emergency management, $21,000,000.

(F) For highly enriched uranium transparency implementation, $15,750,000.

(G) For program direction, $83,050,000.

(2) INTELLIGENCE.—For intelligence, $36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, $31,200,000.

(4) WORKER AND COMMUNITY TRANSITION.—For worker and community transition, $20,000,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $239,000,000, to be allocated as follows:

(A) For operation and maintenance, $168,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $104,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $79,231,000.

(B) For program direction, $24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(8) NAVAL REACTORS.—For naval reactors, $681,000,000, to be allocated as follows:

(A) For naval reactors development, $660,400,000, to be allocated as follows:

(i) For operation and maintenance, $636,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101 general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $73,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $228,000,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98–PVT–5, environmental management and waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) INCREASED FUNDS FOR COUNTERINTELLIGENCE CYBER SECURITY.—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by $8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by $4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by $1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by $2,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 60 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 60-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) Limitation.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement for Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) In General.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) Exception for Program Direction Funds.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) Notification.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) Definitions.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) Duration of Authority.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. LIMITATION ON USE AT DEPARTMENT OF ENERGY LABORATORIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) Limitation.—Not more than 25 percent of the funds appropriated for any fiscal year for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may be spent at the Department of Energy laboratories.

(b) Effective Date.—The limitation in subsection (a) applies with respect to funds appropriated for any fiscal year after fiscal year 1999. •

SEC. 3132. PROHIBITION ON USE FOR PAYMENT OF RUSSIAN GOVERNMENT TAXES AND CUSTOMS DUTIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

Funds appropriated for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may not be used to pay any tax or customs duty levied by the government of the Russian Federation.

SEC. 3133. MODIFICATION OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT TO PROVIDE FUNDS FOR THEATER BALLISTIC MISSILE DEFENSE.

(a) CONDUCT OF PROGRAMS.—The Secretary of Energy shall ensure that the national laboratories carry out theater ballistic missile defense development programs in accordance with—

(1) the memorandum of understanding between the Secretary of Energy and the Secretary of Defense required by section 3131(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note); and

(2) such regulations as the Secretary of Energy may prescribe.

(b) FUNDING.—Of the funds provided by the Department of Energy to the national laboratories for national security activities, the Secretary of Energy shall provide a specific amount, equal to 3 percent of such funds, to be used by such laboratories for theater ballistic missile defense development programs.

(c) NATIONAL LABORATORIES.—For purposes of this section, the term "national laboratories" has the meaning given such term in section 3131(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note).

(d) KINETIC ENERGY WARHEAD PROGRAMS.—(1) Notwithstanding subsection (a), during fiscal year 2000 the Secretary of Energy shall use the funds required to be made available pursuant to subsection (b) for theater ballistic missile defense development programs for the purpose of the development and test of advanced kinetic energy ballistic missile defense warheads based on advanced explosive technology, the designs of which—

(A) are compatible with the Army Theater High-Altitude Area-Wide Defense (THAAD) system, the Navy Theater Wide system, the Navy Area Defense system, and the Patriot Advanced Capability-3 (PAC–3) system; and

(B) will be available for ground lethality testing not later than one year after the date of the enactment of this Act.

(2) Of the funds made available for purposes of paragraph (1), one-half shall be made available for work at Los Alamos National Laboratory and one-half shall be made available for work at Lawrence Livermore National Laboratory.

(3) If the Secretary does not use the full amount referred to in paragraph (1) for the purposes stated in that paragraph, the remainder of such amount shall be used in accordance with subsection (a).

(e) REDUCTION IN LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.—Subsection (c) of section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a) is amended by striking "6 percent" and inserting "3 percent".

SEC. 3134. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available only for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034).

(c) METHOD OF FUNDING.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

Subtitle D—Commission on Nuclear Weapons Management

SEC. 3151. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Nuclear Weapons Management" (hereinafter in this subtitle referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members, appointed as follows:

(1) Two members shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the House of Representatives.

(3) Two members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(4) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the Senate.

(5) One member, who shall serve as chairman of the Commission, shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate, acting jointly, in consultation with the ranking minority party member of the Committee on Armed Services of the House of Representatives and the ranking minority party member of the Committee on Armed Services of the Senate.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in nuclear weapons policy, organization, and management matters.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(f) SECURITY CLEARANCES.—The Secretary of Defense shall expedite the processing of appropriate security clearances for members of the Commission.

SEC. 3152. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall examine the organizational and management structures within the Department of Energy and the Department of Defense that are responsible for the following, as they pertain to nuclear weapons:

(1) Development of nuclear weapons policy and standards.

(2) Generation of requirements.

(3) Inspection and certification of the nuclear stockpile.

(4) Research, development, and design.

(5) Manufacture, assembly, disassembly, refurbishment, surveillance, and storage.

(6) Operation and maintenance.

(7) Construction.

(8) Sustainment and development of high-quality personnel.

(b) STRUCTURES.—The organizational and management structures to be examined under subsection (a) shall include the following:

(1) The management headquarters of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(2) Headquarters support activities of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(3) The acquisition organizations in the Department of Energy and the Department of Defense.

(4) The nuclear weapons complex, including the nuclear weapons laboratories, the nuclear weapons production facilities, and defense environmental remediation sites.

(5) The Nuclear Weapons Council and its standing committee.

(6) The United States Strategic Command.

(7) The Defense Threat Reduction Agency.

(8) Policy-oriented elements of the Government that affect the management of nuclear weapons, including the following:

(A) The National Security Council.

(B) The Arms Control and Disarmament Agency.

(C) The Office of the Under Secretary of Defense for Policy.

(D) The office of the Deputy Chief of Staff of the Air Force for Air and Space Operations.

(E) The office of the Deputy Chief of Naval Operations for Plans, Policy, and Operations.

(F) The headquarters of each combatant command (in addition to the United States Strategic Command) that has nuclear weapons responsibilities.

(G) Such other organizations as the Commission determines appropriate to include.

(c) EVALUATIONS.—In carrying out its duties, the Commission shall—

(1) evaluate the rationale for current management and organization structures, and the relationship among the entities within those structures;

(2) evaluate the efficiency and effectiveness of those structures; and

(3) propose and evaluate alternative organizational and management structures, including alternatives that would transfer authorities of the Department of Energy for the defense program and defense environmental management to the Department of Defense.

(d) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 3153. REPORTS.

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than October 15, 2000, and a final report containing its findings and conclusions not later than January 1, 2001.

SEC. 3154. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Department of Energy, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 3155. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 3156. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 3157. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense and the Secretary of Energy shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 3158. FUNDING.

(a) SOURCE OF FUNDS.—Funds for activities of the Commission shall be provided from—

(1) amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000; and

(2) amounts appropriated for the Department of Energy for program direction for weapons activities and for defense environmental restoration and waste management for fiscal year 2000.

(b) DISBURSEMENT.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense and the Secretary of Energy shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 3159. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its final report under section 3153.

Subtitle E—Other Matters

SEC. 3161. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.

(a) ACCELERATOR PRODUCTION PLAN.—Not later than January 15, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan (in this section referred to as an "accelerator production plan") to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production by expediting the completion of the design and the initiation of the construction of a particle accelerator for the production of tritium.

(b) TECHNOLOGY FOR TRITIUM PRODUCTION.—If the Nuclear Regulatory Commission does not grant to the Tennessee Valley Authority the amended licenses described in subsection (c) by December 31, 2002, the Secretary of Energy shall on January 1, 2003—

(1) designate particle accelerator technology as the primary technology for the production of tritium;

(2) designate commercial light water reactor technology as the backup technology for the production of tritium; and

(3) implement the accelerator production plan.

(c) AMENDED LICENSES.—The amended licenses referred to in subsection (b) are the amended licenses for the operation of each of the following commercial light water reactors:

(1) Watts Bar reactor, Spring City, Tennessee.

(2) Sequoya reactor, Daisy, Tennessee.

SEC. 3162. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2002.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

(c) REPORT.—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the recipients specified in paragraph (3) a report describing how the Department has used the authority to pay voluntary separation incentive payments under subsection (a).

(2) The report under paragraph (1) shall include the occupations and grade levels of each employee paid a voluntary separation incentive payment under subsection (a) and shall describe how the use of the authority to pay voluntary separation incentive payments under such subsection relates to the restructuring plans of the Department.

(3) The recipients specified in this paragraph are the following:

(A) The Office of Personnel Management.

(B) The Committee on Armed Services of the House of Representatives.

(C) The Committee on Armed Services of the Senate.

(D) The Committee on Government Reform of the House of Representatives.

(E) The Committee on Governmental Affairs of the Senate.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

SEC. 3163. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Subsection (a) of section 3140 of the National Defense Authorization

Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking "the Secretary" in the second sentence and all that follows through "provide educational assistance" and inserting "the Secretary shall provide educational assistance";

(2) by striking the semicolon after "complex" in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) Eligible Individuals.—Subsection (b) of such section is amended by inserting "are United States citizens who" in the matter preceding paragraph (1) after "program".

(c) Covered Facilities.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

"(5) The Lawrence Livermore National Laboratory, Livermore, California.

"(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

"(7) The Sandia National Laboratory, Albuquerque, New Mexico.".

(d) Agreement Required.—Subsection (f) of such section is amended to read as follows:

"(f) Agreement.—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

"(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.".

(e) Plan.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) Funding.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

SEC. 3164. DEPARTMENT OF ENERGY RECORDS DECLASSIFICATION.

(a) Identification in Budget.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for national security programs for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts necessary for programmed activities during that fiscal year to declassify records to carry out Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) Limitation.—The total amount expended by the Department of Energy during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $8,500,000.

SEC. 3165. MANAGEMENT OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.

(a) Authority and Responsibility of Assistant Secretary for Defense Programs.—The Secretary of Energy, in assigning functions under section 203 of the Department of Energy Organization Act (42 U.S.C. 7133), shall assign direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories in all matters relating to national security to the Assistant Secretary assigned the functions under section 203(a)(5) of that Act.

(b) Covered Functions.—The functions assigned to the Assistant Secretary under subsection (a) shall include, but not be limited to, authority over, and responsibility for, the national security functions of those facilities and laboratories with respect to the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation and guidance.

(4) Resource requirements determination and allocation.

(5) Program direction.

(6) Administration of contracts to manage and operate nuclear weapons production facilities and national laboratories.

(7) Environment, safety, and health operations.

(8) Integrated safety management.

(9) Safeguard and security operations.

(10) Oversight.

(11) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

(c) Reporting of Nuclear Weapons Production Facilities and National Laboratories.—In all matters relating to national security, the nuclear weapons production facilities and the national laboratories shall report to, and be accountable to, the Assistant Secretary.

(d) Delegation by Assistant Secretary.—The Assistant Secretary may delegate functions assigned under subsection (a) only within the headquarters office of the Assistant Secretary, except that the Assistant Secretary may delegate to a head of a specified operations office functions including, but not limited to, supporting the following activities at a nuclear weapons production facility or a national laboratory:

(1) Operational activities.

(2) Program execution.

(3) Personnel.

(4) Contracting and procurement.

(5) Facility operations oversight.

(6) Integration of production and research and development activities.

(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

(e) Reporting of Operations Offices.—For each delegation made under subsection (d) to a head of a specified operations office, that head of that specified operations office shall shall directly report to, and be accountable to, the Assistant Secretary.

(f) Definitions.—As used in this section:

(1) The term "nuclear weapons production facility" means any of the following facilities:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(2) The term "national laboratory" means any of the following laboratories:

(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) The Lawrence Livermore National Laboratory, Livermore, California.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) The term "specified operations office" means any of the following operations offices of the Department of Energy:

(A) Albuquerque Operations Office, Albuquerque, New Mexico.

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

(C) Oakland Operations Office, Oakland, California.

(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

SEC. 3166. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.

(a) In General.—The Secretary of Energy shall notify the committees specified in subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating that classified information relating to military applications of nuclear energy is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) Manner of Notification.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Energy.

(c) Specified Committees.—The committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(d) Foreign Power.—For purposes of this section, the terms "foreign power" and "agent of a foreign power" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) In General.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.—

"a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

"b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.".

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

"Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

"Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

SEC. 3168. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

(A) Special Access Programs;

(B) Personnel Security And Assurance Programs; and

(C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term "counterintelligence polygraph examination" means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

SEC. 3169. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and seurity practices.

SEC. 3170. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and nonbinding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That the expedited procedure used for a particular dispute shall be chosen—

(A) collaboratively by the Secretary and by appropriate representatives of the contractor operating the national laboratory and of the private sector entity; and

(B) if an expedited procedure cannot be chosen collaboratively under subparagraph (A), by the Secretary.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term "national laboratory" means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

Subtitle F—Protection of National Security Information

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the "National Security Information Protection Improvement Act".

SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS REQUIRED.—The President shall transmit to Congress a report, not less often than every six months, on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to the theft of sophisticated United States nuclear weapons design information and the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than January 1, 2000.

SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY SHOULD CONTINUE TO MAINTAIN NUCLEAR WEAPONS RESPONSIBILITY.

Not later than January 1, 2000, the President shall transmit to Congress a report regarding the feasibility of alternatives to the current arrangements for controlling United States nuclear weapons development, testing, and maintenance within the Department of Energy, including the reestablishment of the Atomic Energy Commission as an independent nuclear agency. The report shall describe the benefits and shortcomings of each such alternative, as well as the current system, from the standpoint of protecting such weapons and related research and technology from theft and exploitation. The President shall include with such report the President's recommendation for the appropriate arrangements for controlling United States nuclear weapons development, testing, and maintenance outside the Department of Energy if it should be determined that the Department of Energy should no longer have that responsibility.

SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN INTELLIGENCE AND OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—The Department of Energy Organization Act is amended by inserting after section 212 (42 U.S.C. 7143) the following new sections:

"OFFICE OF FOREIGN INTELLIGENCE

"SEC. 213. (a) There shall be within the Department an Office of Foreign Intelligence, to be headed by a Director, who shall report directly to the Secretary.

"(b) The Director shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

"(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 214. (a) There shall be within the Department an Office of Counterintelligence, to be headed by a Director, who shall report directly to the Secretary.

"(b) The Director shall carry out all counterintelligence activities in the Department relating to the defense activities of the Department.

"(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

"(d)(1) The Director shall keep the intelligence committees fully and currently informed of all significant security breaches at any of the national laboratories.

"(2) For purposes of this subsection, the term 'intelligence committees' means the Permanent Select Committee of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 212 the following new items:

"Sec. 213. Office of Foreign Intelligence.
"Sec. 214. Office of Counterintelligence.".

SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall establish and maintain at each national laboratory a counterintelligence program for the defense-related activities of the Department of Energy at such laboratory.

(b) HEAD OF PROGRAM.—The Secretary shall ensure that, for each national laboratory, the head of the counterintelligence program of that laboratory—

(1) has extensive experience in counterintelligence activities within the Federal Government; and

(2) with respect to the counterintelligence program, is responsible directly to, and is hired with the concurrence of, the Director of Counterintelligence of the Department of Energy and the director of the national laboratory.

SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility, other than a national laboratory, at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINATIONS.

(a) COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense activities of the Department of Energy. The program shall consist of the administration on a regular basis of a polygraph examination to each covered person who has access to a program that the Director of Counterintelligence and the Assistant Secretary assigned the functions under section 203(a)(5) of the Department of Energy Organization Act determine requires special access restrictions.

(b) COVERED PERSONS.—For purposes of subsection (a), a covered person is any of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) ADDITIONAL POLYGRAPH EXAMINATIONS.—In addition to the polygraph examinations administered under subsection (a), the Secretary, in carrying out the defense activities of the Department—

(1) may administer a polygraph examination to any employee of the Department or of any contractor of the Department, for counterintelligence purposes; and

(2) shall administer a polygraph examination to any such employee in connection with an investigation of such employee, if such employee requests the administration of a polygraph examination for exculpatory purposes.

(d) REGULATIONS.—(1) The Secretary shall prescribe any regulations necessary to carry out this section. Such regulations shall include procedures, to be developed in consultation with the Director of the Federal Bureau of Investigation, for identifying and addressing "false positive" results of polygraph examinations.

(2) Notwithstanding section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) or any other provision of law, the Secretary may, in prescribing regulations under paragraph (1), waive any requirement for notice or comment if the Secretary determines that it is in the national security interest to expedite the implementation of such regulations.

(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—This section shall not be construed to affect the authority under any other provision of law of the Secretary to administer a polygraph examination.

SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

"a. Any individual or entity that has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and that commits a gross violation or a pattern of gross violations of any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this subtitle relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $500,000 for each such violation.

"b. The Secretary shall include, in each contract entered into after the date of the enactment of this section with a contractor of the Department, provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.".

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections in the first section of that Act is amended by inserting after the item relating to section 234 the following new items:

"234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.
"234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "$20,000" and inserting "$400,000"; and

(2) in clause b., by striking "$10,000" and inserting "$200,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking "$20,000" and inserting "$400,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking "$2,500" and inserting "$50,000".

SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress a certification described in paragraph (3).

(3) A certification referred to in paragraph (2) is a certification by the Director of Counterintelligence of the Department of Energy, with the concurrence of the Director of the Federal Bureau of Investigation, that all security measures are in place that are necessary and appropriate to prevent espionage

or intelligence gathering by or for a sensitive country, including access by individuals referred to in paragraph (1) to classified information of the national laboratory.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—In the case of a program undertaken pursuant to an international agreement between the United States and a foreign nation, the moratorium under subsection (b) shall not apply to the admittance to a facility that is important to that program of a citizen of that foreign nation whose admittance is important to that program.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "background review", commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOREIGN VISITORS AND EMPLOYEES TO DEPARTMENT OF ENERGY FACILITIES ENGAGED IN DEFENSE ACTIVITIES.

(a) SECURITY CLEARANCE REVIEW REQUIRED.—The Secretary of Energy may not allow unescorted access to any classified area, or access to classified information, of any facility of the Department of Energy engaged in the defense activities of the Department to any individual who is a citizen of a foreign nation unless—

(1) the Secretary, acting through the Director of Counterintelligence, first completes a security clearance investigation with respect to that individual in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department; or

(2) a foreign government first completes a security clearance investigation with respect to that individual in a manner that the Secretary of State, pursuant to an international agreement between the United States and that foreign government, determines is equivalent to the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department.

(b) EFFECT ON CURRENT EMPLOYEES.—The Secretary shall ensure that any individual who, on the date of the enactment of this Act, is a citizen of a foreign nation and an employee of the Department or of a contractor of the Department is not discharged from such employment as a result of this section before the completion of the security clearance investigation of such individual under subsection (a) unless the Director of Counterintelligence determines that such discharge is necessary for the national security of the United States.

SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background review required by that section determined that information relevant to security exists with respect to that individual.

SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called "red team" of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related computer used in the performance of the defense-related duties of such employee during the period of that employee's access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITIONS.—For purposes of this section:

(1) The term 'DOE defense-related computer" means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term "computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term "authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term "employee" includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

SEC. 3195. DEFINITION OF NATIONAL LABORATORY.

For purposes of this subtitle, the term "national laboratory" means any of the following:

(1) The Lawrence Livermore National Laboratory, Livermore, California.

(2) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. ELIMINATION OF CONGRESSIONALLY IMPOSED DISPOSAL RESTRICTIONS ON SPECIFIC STOCKPILE MATERIALS.

Sections 3303 and 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) are repealed.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. SHORT TITLE.

This title may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2000".

SEC. 3402. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $34,893,000 for fiscal year 2000, of which—

(A) $31,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3403. AMENDMENTS TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—Section 1108(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279a(a)) is amended by striking so much as precedes "guarantee of an obligation" and inserting the following:

"(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—(1) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel that will serve as security for the guarantee, the Secretary may accept and hold, in escrow under an escrow agreement with the obligor—

"(A) the proceeds of that obligation, including such interest as may be earned thereon; and

"(B) if required by the Secretary, an amount equal to 6 month's interest on the obligation.

"(2) The Secretary may release funds held in escrow under paragraph (1) only if the Secretary determines that—

"(A) the obligor has paid its portion of the actual cost of construction, reconstruction, or reconditioning; and

"(B) the funds released are needed—

"(i) to pay, or make reimbursements in connection with payments previously made for work performed in that construction, reconstruction, or reconditioning; or

"(ii) to pay for other costs approved by the Secretary, with respect to the vessel or vessels.

"(3) If the security for the".

(b) AUTHORITY TO HOLD OBLIGOR'S CASH AS COLLATERAL.—Title XI of the Merchant Marine Act, 1936 is amended by inserting after section 1108 the following:

"SEC. 1109. DEPOSIT FUND.

"(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

"(b) AGREEMENT.—

"(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

"(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

"(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

"(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

"(d) WITHDRAWALS.—

"(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

"(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

"(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.".

SEC. 3404. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "June 30, 2000" and inserting "June 30, 2005".

SEC. 3405. OWNERSHIP OF THE JEREMIAH O'BRIEN.

Section 3302(l)(1)(C) of title 46, United States Code, is amended by striking "owned by the United States Maritime Administration" and inserting "owned by the National Liberty Ship Memorial, Inc.".

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 2000 until the termination of the Panama Canal Treaty of 1977.

(b) LIMITATIONS.—Until noon on December 31, 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $100,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $58,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting "(A)" after "(5)" and by adding at the end the following:

"(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.".

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.—

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of such office shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this section the term "Office of Transition Administration" means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

A similar House bill (H.R. 1401) was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, last Thursday, June 10, I was unavoidably detained. I missed rollcall numbers 202 and 203. Had I been present, I would have voted "yes" on rollcall 202 and "no" on rollcall 203.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WELCOME ACTION ON REMOVING SANCTIONS AGAINST INDIA, BUT BAN ON MILITARY TRANSFERS TO PAKISTAN SHOULD BE MAINTAINED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week in the other body, the Senate, an amendment to the fiscal year 2000 defense appropriations bill was approved that would suspend for 5 years certain sanctions against India and Pakistan. The sanctions were imposed pursuant to the Glenn amendment to the Arms Export Control Act, more than a year ago, after the two south Asian nations conducted nuclear tests.

I want to express my support for the approval of this amendment which was offered by Senator BROWNBACK of Kansas. I have introduced similar legislation to lift the sanctions, although my proposals would permanently repeal the sanctions as opposed to the 5-year suspension provided for by Senator BROWNBACK's amendment.

There is one other critical difference between the legislation I have introduced and the provision approved in the Senate last week, and that is the Senate bill includes language to repeal the Pressler amendment which bans U.S. military assistance to Pakistan. I support retaining the Pressler amendment which was adopted in the 1980s and was invoked by President Bush in response to Pakistan's nuclear proliferation activities. Nothing has changed to justify repeal of the Pressler amendment. Thus, I will work for the Pressler amendment to be retained and will urge my House colleagues to maintain this vital provision of law.

Mr. Speaker, in the past few weeks, we were again reminded of why the Pressler amendment should remain in effect, as we have seen Pakistani support for the militants who have infiltrated territory on India's side of the line of control in Kashmir. It is clear that Pakistan is the country that is promoting instability in this current conflict as they have often done so in the past.

Pakistan's involvement in supporting the militants who continually infiltrate India's territory is an example of how Pakistan promotes regional instability and commits or supports aggression against its neighbors. India is not involved in these kinds of hostile destabilizing activities.

This is no time to be renewing military cooperation with Pakistan. Indeed, the Cox report, whose recommendations were implemented last week in this House as an amendment to the defense authorization bill, contain several references to transfers of nuclear technology and missile technology between China and Pakistan. India's nuclear program, on the other hand, is an indigenous program, and India has not been involved in sharing this technology with unstable regimes. This is an extremely, an extremely important distinction.

But, Mr. Speaker, I want to stress that our priorities should be to do what we can to promote stability and economic opportunities in south Asia. The best way we can do that is to lift the sanctions imposed under the Glenn amendment as the Senate has done.

Mr. Speaker, I would also like to mention that the Senate amendment has an important sense of the Congress provision stating that the export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only those items that can contribute to such programs. I have long been critical of the so-called "entities list" which has targeted a wide range of private and government entities in India that have no bearing on nuclear proliferation concerns, but which have been prohibited from contacts with U.S. entities. As the Senate language states, and I quote, "The broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with specific national security interests of the United States, and that this entities list requires refinement."

I hope we can enact a similar provision here on this side of the Capitol and that the administration will respond in a meaningful way by removing entities from this list that really do not belong there; thereby reopening important bilateral contacts that benefit both sides. To that end, I am drafting a sense of the Congress resolution which I hope to introduce this week.

Mr. Speaker, repealing the sanctions would have a positive impact on the people of India. But I also want to stress that the remaining sanctions are causing American companies to lose opportunities to do business in India, while our economic competitors in Europe and Japan gain a major foothold in this great emerging market.

Finally, Mr. Speaker, we must get beyond the unproductive approach of confrontation and work towards policies that will promote improved opportunities for cooperation between the world's two largest democracies. Last week's action in the Senate, in the other body, certainly will contribute to that process.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

Mr. FLETCHER. Mr. Speaker, I rise this evening to speak on a very important issue: health care. It is an issue that we will be discussing as we begin to look at the markup of some bills this week and I think it is very important as we address these bills that we do so and try to get the politics as much out of it as we possibly can.

Mr. Speaker, when we talk to people across the United States, the number one problem that we have now is the number of uninsured: 43.4 million people are uninsured at this time. That number will rise to about 60 million over the next 10 or 15 years. So I think it is imperative, Mr. Speaker, that as we pass legislation, as we look at health care legislation, that we realize that the number one problem we have is the number of uninsured. That number of uninsured is driven by costs. That is a direct correlation as increasing costs of health insurance drives up the number of uninsured.

Mr. Speaker, we could make sure that we pass some patient protection that does a whole lot of things, but if it raises the cost substantially we are going to have some of our people and some of our patients that are going to see the physician too late after the cancer has already spread. They are going to see the physician too late or go to the emergency room too late after the heart attack has already occurred when it could have been prevented. They are also going to go too late when the stroke has occurred when they could have had treatment for blood pressure. This is what is going to happen if we drive up the cost of insurance and we continue to drive up the cost of the number of the uninsured.

Not only is cost a factor, but it is morally the right thing to do. We need to make sure that we try to cover more individuals in this country, that we provide more provisions to make sure that there is more health coverage and not less.

A number two concern I hear from people and patients is the fact that they are concerned about making sure that they get the kind of treatment that they need, that they and their physician make that decision, and it is not insurance companies or lawyers or judges that are making the decisions, and to make sure that those decisions are made by providers.

Another major concern is that they want to make sure that they can choose a physician that they trust, one that they have established a relationship with, that they have the kind of choice of choosing those physicians, and that is very important to them.

This next week, Mr. Speaker, or this week, actually, we will begin to hear the debate on this bill that talks about external review, ensuring that there is a grievance process if care is denied, that they can go to objective, independent authorities in the area that they are concerned about to make sure that physicians make those decisions; that if they need emergency room care, they can be assured that if it is a layperson's definition of emergency, they can get that care paid for when they get there; making sure that there are no gag rules to prevent physicians from talking about all of the treatment options that are necessary; making sure that they have the kind of information so that they can have the benefit of informed choice so that they can compare one insurance plan with the next, making sure that they know exactly what the grievance processes are, all of the things that the insurance company covers.

Another thing we are going to be looking at is associated health plans. The gentleman from New York (Mr. TOWNS) has introduced this, and this will allow for small companies, which about 60 percent of the small companies now are not able to afford, or very small companies are not able to provide insurance because of cost, the number one factor. Yet, this bill should hopefully reduce the cost to those companies by about 10 to 12 percent. For each 1 percent that we increase health care, we lose about 300,000 to 400,000 people off of health insurance, strictly because of the cost.

Lastly, we are going to be looking at a commission that will establish some guidelines to help again to take the politics out of health care reform. We say when we get to do things, I get disappointed in many folks that try to come and demagogue on this issue and are not truly concerned about the patients that we are talking about.

One of the things I would like to introduce and will introduce, and I hope that we are able to pass, is what is called a point of service. This is a provision where one can choose the physician that one has established a relationship with, and that trust, and I think it is very important that we do that.

Mr. Speaker, I appreciate the opportunity to speak tonight, as we begin to debate this issue which is very important to the American people. I hope we can take the politics out and the demagoguery, making sure that we do not raise the cost of insurance, that we can have patients get the access to the care that they need, and not only that, but we allow them to choose the physician that they have trust in.

STOPPING SCHOOL VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to address an issue that concerns every parent in America and every child: school violence. The tragedy in Littleton, Colorado was a national wakeup call to all of us. Whether it is a form of rebellion, a means of revenge, intentional brutality and viciousness, or simply a way to make their voices heard, more and more students are resorting to acts of astounding violence and brutality, taking the lives of their fellow students and teachers.

Fortunately, some students are trying to do something about this. Last week, I had the pleasure of visiting the Clara T. O'Connell School in Bristol, Connecticut. What I found there gave me a sense of hope that our children do not want to live in a world of guns and violence.

☐ 1845

Students at the O'Connell school recently completed a 10-week program entitled "Bullyproofing," the purpose of which was to teach them ways of combatting bullying and avoiding violence.

As part of this program, students conducted a survey of their classmates in grades 1 through 5, asking two important questions: First, do you watch scary or violent movies; and second, do your parents know you watch scary and violent movies? The results of this survey are unsettling. What the students did with them with you truly encouraging.

Those kids wrote an open letter to their parents asking them for help: "Dear parents and guardians: Do you know what your children are going through? We would like to talk about being afraid. Do you know what your children are watching? Do you want your children to watch scary movies? Do you know how late they are staying up? Do you think your children will get ideas from scary movies? Why do you let them watch scary movies? Do you make sure they are doing the right things?"

These are the questions we and our children might want to answer.

One student says, "Don't let your children watch scary movies. Please help us guard what we watch on TV, movies and videos. Our O'Connell survey shows 89 percent of CTO kids watch scary movies and 75 percent of O'Connell parents know they watch scary movies. We think these results are scary! Yours Truly, Mrs. Brooks' 4th Grade Class. P.S. Could you please guide us and pay attention to what we are watching?"

These children and so many more throughout America are crying out for help. They want guidance. They want to be told what is right and what is wrong. We parents have an obligation to give our children this guidance. We need to do a better job of watching what our children watch, talking to them about what they are seeing, and providing them with positive alternatives to watching scary shows.

We need to follow the Ten Commandments as laid down by one of the grade schools in my district. These are their Ten Commandments: "Read, read, read, read, read, read, read, read, read, read." They have those Ten Commandments posted throughout that school.

I will tell the Members, instead of fear, instead of the stuff of nightmares, those kids are going to sleep thinking about the story they have read with their parents, the conversations that it has spawned, the adventures life offers to us all, the world and the exploration of that world through which they gain so much in knowledge and spirit.

Yes, it is through reading together that we and our children can talk about bullying, about violence, about love, about opportunity, about freedom, and responsibility. Listen to these fourth grade kids of Mrs. Brooks' class. They are talking to all of us today.

TO BE A FEMINIST MEANS TO BE PRO-LIFE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, at one time or another we have all seen the bumper sticker which reads: "Pro-Women = Pro-Choice," and it is presumed that feminists and defenders of equity and rights for women are defenders of abortion.

But in fact, what most feminists do not wish to acknowledge is that the early suffragists who are responsible for today's women's movement actually were staunchly pro-life.

Over a century ago, Susan B. Anthony tirelessly campaigned for suffrage for women's employment rights and for the abolition of slavery. She voted illegally, took part in the underground railroad, and yes, Susan B. Anthony, a mother of the feminist movement, opposed abortion.

In The Revolution, the radical women's paper which she published, along with Elizabeth Cady Stanton, Anthony strongly editorialized against abortion. She referred to the bloody act as child murder and infanticide, and addressed its root causes in women's oppression and in the abdication of family planning. She argued that laws pertaining to abortion victimized women while absolving men of all responsibility.

Susan B. Anthony was not alone in her thinking. Other early feminists also opposed abortion. For example, Elizabeth Cady Stanton proclaimed that "If it is degrading to treat a woman as property, it is no better for a woman to treat her own child as property." Suffragist Margaret Sanger stated that abortion was a disowning of feminine values.

The first female presidential candidate, Victoria Woodhull, was likewise strongly against abortion. She stated that every woman knows that if she were free, she would never bear an unwished-for child nor think of murdering one before its birth.

Astonishingly enough, most feminists prefer to ignore that Alice Paul, the original author of the Equal Rights Amendment, the ERA, of 1923, said: "Abortion is the ultimate exploitation of women." Naturally, Paul opposed the later trend of linking abortion with the ERA movement.

Like the early suffragists who fought to give women's rights, a feminist should believe in the right to protect her own body, and in the likeness of Susan B. Anthony, the feminist, should stand up to defend the poor, oppressed, and rejected. She should fight for all human beings, whether they are black or white, born or unborn.

The phrase, "It's a man's world" is often used to describe today's society, a society which tends to view unplanned pregnancy and motherhood as an inconvenience. But many of today's feminists, rather than focusing on a woman's financial distress, the problems she may be facing at school, work, or at home, choose to give in to the pressures of a man's world.

Rather than fight for acceptance and protection for women facing unexpected pregnancies, many feminists suggest a dangerous, potentially fatal abortion as the remedy to all conditions. What would the suffragists have to say about giving in to this cruel society? Early feminist Susan Norton said, "Perhaps there will come a time when an unmarried mother will not be despised because of her motherhood, when the right of the unborn to be born will not be denied or interfered with."

As one of six pro-life women in Congress and a mother of two daughters, I believe that abortion is not a sign that women are free to choose. On the contrary, it is a sign that women incorrectly feel desperate and feel that they have no choice. Susan B. Anthony and the early defenders of the women's rights would agree that the slogan "pro-choice" is by no means to be equated with being pro-women. Perhaps if the early feminists were alive today, they would be fighting to amend those bumper stickers to instead read, "Pro-Women = Pro-Life."

I would like to thank the tireless pro-life advocate, Jane Abraham, president of the Susan B. Anthony List, for her inspiration. Jane has dedicated her time to enlighten persons on the feminist movement in America and to educate and train pro-life women for successful political careers.

Tonight I congratulate Jane and the many pro-life organizations and the countless volunteers who persevere in their hopes for finding a cure to our Nation's abortion rates.

INAUGURATION OF NEW SLOVAK PRESIDENT, THE HONORABLE RUDOLF SCHUSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, on behalf of Members of Congress, I wish to extend sincere congratulations to the Honorable Rudy Schuster, who will be inaugurated as Slovakia's first popularly-elected president.

In just a few short hours, on June 15 in Bratislava, the capital of Slovakia, a dynamic new leader will assume the presidency of one of Eastern Europe's most promising democracies. This is a significant step for the Slovak Republic, a country that only gained its independence in January of 1993.

For nearly 1,000 years the Slovak people have been dominated by others, so the popular election of Rudy Schuster and his inauguration is a special milestone in the history of this newly-emerging independent Nation.

It has been my great pleasure to personally know this man, who will assume the Slovak presidency. Rudy Schuster has been an outstanding mayor of Slovakia's second largest city, Kosice. In that city, Rudy Schuster has worked to spur economic and community development. He championed historic preservation and restoration. He provided minority housing and promoted privatization.

I have had the opportunity to see firsthand both the achievements of this dynamic leader and observe his ability to effectively govern. How fortunate the people of Slovakia and the West are to have such a capable and visionary individual helping to lead this new Nation at this time.

The people of Slovakia are to be commended for looking to the future with Rudy Schuster's election. Working with the new progressive parliamentary coalition, the potential for solving some of Slovakia's difficult challenges holds great promise.

As Mr. Schuster assumes the office of president, it is critical that he and his country's other leaders work together to address the problems of unemployment, privatization, and alignment with Western and European economic and security organizations.

It is essential that Slovakia, which borders five European nations, now take its rightful place as a full participant in the European and Western marketplace. It is critical that in the future, Slovakia be admitted to NATO, as it now shares 87 percent of its borders with this Western security alliance. It is vital to American interests that this new democracy of 5 million people strategically located in the very heart of Europe succeeds as it makes the difficult transition from socialism to free enterprise.

With the popular election of Rudy Schuster as president, Slovakia has a golden opportunity to prosper and set an example for other former Soviet bloc countries. The Slovaks have survived domination by other people, monarchies, other countries, communism, and Hitler. These resilient people have waited a long time to elect their own president.

How pleased I am, as the grandson of a Slovak immigrant, to congratulate my friend and a great leader on the occasion of his inauguration, the Honorable Rudy Schuster, the first popularly elected president of the Slovak Republic. June 15 will be a great day for those who respect and promote democracy, for without intervention, without the pain and the agony that we have seen in other parts of the world recently, the people of Slovakia have demonstrated that even those who have been the most oppressed can never have the spirit of freedom and self-determination permanently separated from their souls.

PAUL HARVEY'S LETTER TO THE EDITOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, later this week this House will take up the explosive issue of youth violence and guns.

I would like to read from a column by Paul Harvey. I quote:

For the life of me, I cannot understand what could have gone wrong in Littleton, Colorado. If only the parents had kept their children away from guns, we wouldn't have had such a tragedy.

Yeah, it must have been the guns. It couldn't have been because half of our children are being raised in broken homes. It couldn't have been because our children get to spend an average of 30 seconds in meaningful conversation with their parents each day. After all, we give our children quality time.

It couldn't have been because we treat our children as pets and our pets as children. It couldn't have been because we place our children in day care centers where they learn their socialization skills from their peers under the law of the jungle while employees who have no vested interest in the children look on and make certain that no blood is spilled.

It couldn't have been because we allow our children to watch, on average, 7 hours of television every day, filled with the glorification of sex and violence that is not fit for adult consumption. It couldn't have been because we allow our children to enter into virtual worlds in which, to win the game, one must kill as many opponents as possible in the most sadistic way possible.

It couldn't have been because we sterilized and contracepted our families down to sizes so small that the children that we do have are so spoiled with material things that they come to equate the receiving of material with love. It couldn't have been because our children, who historically have been seen as a blessing from God, are now being viewed as either a mistake created when contraception fails or inconveniences that parents try to raise in their spare time.

□ 1900

It could not have been because our Nation has become the world leader in developing a culture of death in which 20 to 30 million babies have been killed by abortion. It could not have been because we give 2-year prison sentences to children who kill their newborns. It could not have been because our school systems teach children that they are nothing but glorified apes who have evolutionized out of some primordial soup of mud by teaching them that evolution is a fact and by handing out condoms as if they were candy.

It could not have been because we teach our children that there are no laws of morality that transcend us; that everything is relative and that actions do not have consequences. What the heck. The President gets away with it. Nah, it must have been the guns, closed quote.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. REYNOLDS). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, campaign finance reform is once again being painted as the solution to political corruption in Washington. Indeed, that is a problem, but today's reformers hardly offer a solution. The real problem is that government has too much influence over our economy and lives, creating tremendous incentive to protect one's own interest by investing in politicians.

The problem is not a lack of Federal laws or rules regulating campaign spending. Therefore, more laws will not help. We hardly suffer from too much freedom. Any effort to solve the campaign finance problem with more laws will only make things worse by further undermining the principles of liberty and private property ownership.

There is tremendous incentive for every special interest group to influence government. Every individual, bank or corporation that does business with government invests plenty in influencing government. Lobbyists spend over $100 million per month trying to influence Congress. Taxpayers' dollars are endlessly spent by bureaucrats in their effort to convince Congress to protect their own empires. Government has tremendous influence over the economy and financial markets through interest rate controls, contracts, regulations, loans and grants. Corporations and others are forced to participate in the process out of greed, as well as self defense, since that is the way the system works.

Equalizing competition and balancing powers such as between labor and business is a common practice. As long as this system remains in place, the incentive to buy influence will continue.

The reformers argue only that the fault is those who are trying to influence government and not the fault of the members who yield to the pressure of the system that generates the abuse. This allows Members of Congress to avoid assuming responsibility for their own acts and instead places the blame on those who exert pressure on Congress through the political process, which is a basic right bestowed on all Americans.

The reformers' argument is to stop us before we capitulate and before we capitulate to the special interest groups. Politicians unable to accept this responsibility clamor for a system that diminishes the need for politicians to persuade individuals and groups to donate money to their campaigns. Instead of persuasion, they endorse coercing taxpayers to finance campaigns. This only changes the special interest groups that control government policy. Instead of voluntary groups making their own decisions with their own money, politicians and bureaucrats dictate how political campaigns will be financed and run.

Not only will politicians and bureaucrats gain influence over elections, other nondeservers will benefit. Clearly incumbents will greatly benefit by more controls over campaign spending, a benefit to which the reformers will never admit.

The quasi two-party system will become more entrenched by limiting the huge expenditures required to oust an incumbent. Alternative choices and third party candidates will be further handicapped if all the reforms proposed are passed. The media become a big winner. Their influence grows as the private money is regulated. It becomes more difficult to refute media propaganda, both print and electronic, when directed against a candidate if funds are limited. The wealthy gain a significant edge since it is clear candidates can spend unlimited personal funds in elections. This is a big boost for the independently wealthy candidates over the average challenger who needs to raise and spend large funds to compete.

Celebrities will gain an even greater benefit than they already enjoy. Celebrity status is money in the bank, and by limiting the resources to counterbalance this advantage works against the noncelebrity who might be an issue-oriented challenger. The current reform effort ignores the legitimate and moral Political Action Committees that exist only for good reasons and do not ask for any special benefit from government.

More regulation of political speech through control of private money without addressing the subject of influential government only drives the money underground, further giving a select group an advantage over the honest candidate who only wants smaller government.

True, reform probably is not possible without changing the role of government, which now exists to regulate, tax, subsidize and show preferential treatment.

Only changing the nature of government will eliminate the motive for so many to invest so much in the political process, but we should not make a bad situation worse by passing more laws. We should demand disclosure so voters can decide if their representatives in Congress are duly influenced or unduly influenced, but the best thing we could do is to encourage competition, which will be made worse if the reformers have their way.

The majority of Americans are turned off with the system and do not vote because they do not believe they have a real choice. Signature requirements, filing fees and rules written by the two major parties make it virtually impossible for alternative parties to compete if not independently rich or a celebrity. We should change these obstructive rules to encourage the majority of Americans who now sit out the elections to participate in the electoral process.

Campaign finance reform is once again being painted as the solution to political corruption in Washington. Indeed, that is a problem, but today's reformers hardly offer a solution. The real problem is that government has too much influence over our economy and lives, creating a tremendous incentive to protect one's own interests by "investing" in politicians. The problem is not a lack of federal laws, or rules regulating campaign spending, therefore more laws won't help. We hardly suffer from too much freedom. Any effort to solve the campaign finance problem with more laws will only make things worse by further undermining the principles of liberty and private property ownership.

The reformers are sincere in their effort to curtail special interest influence on government, but his cannot be done while ignoring the control government has assumed over our lives and economy. Current reforms address only the symptoms while the root cause of the problem is ignored. Since reform efforts involve regulating political speech through control of political money, personal liberty is compromised. Tough enforcement of spending rules will merely drive the influence underground since the stakes are too high and much is to be gained by exerting influence over government—legal or not. The more open and legal campaign expenditures are, with disclosure, the easier it is for voters to know who's buying influence from whom.

There's tremendous incentive for every special interest group to influence government. Every individual, bank or corporation that does business with government invests plenty in influencing government. Lobbyists spend over a hundred million dollars per month trying to influence Congress. Taxpayers dollars are endlessly spent by bureaucrats in their effort to convince Congress to protect their own empires. Government has tremendous influence over the economy, and financial markets through interest rate controls, contracts, regulations, loans, and grants. Corporations and others are "forced" to participate in the process out of greed as well as self defense—since that's the way the system works. Equalizing competition and balancing power such as between labor and business is a common practice. As long as this system remains in place, the incentive to buy influence will continue.

Many reformers recognize this and either like the system or believe that it's futile to bring about changes and argue that curtailing influence is the only option left even if it involves compromising political speech through regulating political money.

It's naive to believe stricter rules will make a difference. If enough honorable men and women served in Congress and resisted the temptation to be influenced by any special interest group, of course this whole discussion would be unnecessary. Because Members do yield to the pressure, the reformers believe that more rules regulating political speech will solve the problem.

The reformers argue that it's only the fault of those trying to influence government and not the fault of the Members who yield to the pressure or the system that generates the abuse. This allows Members of Congress to avoid assuming responsibility for their own acts and instead places the blame on those who exert pressure on Congress through the political process which is a basic right bestowed on all Americans. The reformer's argument is "stop us before we capitulate to the special interest groups."

Politicians unable to accept this responsibility clamor for a system that diminishes the need for politicians to *persuade* individuals and groups to donate money to their campaign. Instead of persuasion they endorse coercing taxpayers to finance campaigns. This only changes the special interest groups that control government policy. Instead of voluntary groups making their own decisions with their own money, politicians and bureaucrats dictate how political campaigns will be financed.

Not only will politicians and bureaucrats gain influence over elections, other nondeservers will benefit. Clearly, incumbents will greatly benefit by more controls over campaign spending—a benefit to which the reformers will never admit.

The quasi-two party system will become more entrenched by limiting the huge expenditures required to oust an incumbent. Alternative choices and third-party candidates will be further handicapped if all the reforms proposed are passed. They will never qualify for equal treatment since all campaign laws are written by Republicans and Democrats. The same will be true when it comes to divvying up taxpayer's money for elections.

The media becomes a big winner. Their influence grows as private money is regulated. It becomes more difficult to refute media propaganda, both print and electronic, when directed against a candidate if funds are limited. Campaigns are more likely to reflect the conventional wisdom and candidates will strive to avoid media attacks by accommodating their views.

The wealthy gain a significant edge since it's clear candidates can spend unlimited personal funds in elections. This is a big boast for the independently wealthy candidates over the average challenger who needs to raise and spend large funds to compete.

Celebrities will gain even a greater benefit than they already enjoy. Celebrity status is money in the bank and by limiting the resources to counter-balance this advantage, works against the non-celebrity who might be an issue-oriented challenger.

This current reform effort ignores the legitimate and moral Political Action Committees that exist only for good reasons and do not ask for any special benefit from government. The immoral Political Action Committees that work only to rip-off the taxpayers by getting benefits from government may deserve our condemnation but not the heavy hand of government anxious to control this group along with all the others. The reformers see no difference between the two and are willing to violate all personal liberty. Since more regulating doesn't address the basic problem of influential government, now out of control, neither groups deserves more coercive government rules. All the rules in the world can't prevent Members from yielding to political pressure of the groups that donate to their campaigns. Regulation cannot instill character.

More regulation of political speech through control of private money, without addressing the subject of influential government only drives the money underground, further giving a select group an advantage over the honest candidate who only wants smaller government.

True reform probably is not possible without changing the role of government, which now exists to regulate, tax, subsidize, and show preferential treatment. Only changing the nature of government will eliminate the motive for so many to invest so much in the political process. But we should not make a bad situation worse by passing more bad laws.

We should demand disclosure so voters can decide if their Representatives in Congress are unduly influenced. But the best thing we could do is to encourage competition, which will be made worse if the reformers have their way. The majority of Americans are turned off with the system and don't vote because they don't believe they have a real choice. Signature requirements, filing fees, and rules written by the two major parties make it virtually impossible for alternative parties to compete if not independently rich or a celebrity. We should change these obstructive rules to encourage the majority of Americans, who now sit out the elections, to participate in the electoral process. Restricting political money and speech will only further hamper competition and discourage citizens from voting.

THERE ARE HEROES IN OUR MIDST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, a couple of weeks ago today, I had the opportunity to present the Medal of Jubilee of Liberty to those South Dakota men who were among those men who stormed, held and kept the beaches of Normandy 55 years ago. From June 6, 1944 until August 31, 1944 these men fought in one of the most historic and pivotal military engagements in American and European history.

Winston Churchill called D-Day the greatest thing that we have ever attempted. Viewed with the benefit of 55 years of history, historians rank the invasion of Normandy as one of the greatest military actions ever on par with the battle of Actium in 31 B.C. that marked the beginning of the Roman Empire, and with the English defeat of the Spanish Armada in 1588. It is considered one of the half dozen greatest battles in human history.

I asked someone from my staff to call the men that we were going to be presenting medals to try and get more information about them and their involvement in the Normandy invasion so I could present it at the Memorial Day ceremony.

My staffer made several phone calls and talked to many of the men who were honored at that event but none of them really wanted to talk about their experience. They said that war is a horrible experience and they hoped that no one ever has to go through what they went through on the shores of Normandy.

They also said that really they did not do all that much. They said there were so many others who did so much more, so many buddies who never came home from those beaches. My staffer was amazed at their humility and their reticence.

Humility and reticence are two qualities in rare supply in America today. My staffer has been raised in the TV talk show America where people talk about everything that has ever happened to them all the time, all over the place, over and over again until everyone everywhere knows literally everything about them, and somehow this is considered healthy.

The men who fought in Normandy were raised in a different America. They were raised to do their duty, quietly, humbly, without question or rancor, and then come home again, marry the girl who waited for them, get a job, raise a family and live their lives.

Mr. Speaker, there is a lot of talk in America today about a lack of role models. We have shootings in our schools and people say it is because our young people have no one to look up to. They say that our young people have no heroes. If our young people have no heroes it is because we are looking for heroes in all the wrong places. We are looking for heroes among sports figures and on Hollywood sound stages and in the soldout amphitheaters of pop music concerts. We should be looking for the heroes who sit across the kitchen table from us. We should be looking for our heroes in the men who read to us and raised us and taught us right from wrong.

The men who fought at Normandy are heroes. They may not be rich and they may not be famous and they would never claim that title for themselves but they are heroes in the truest sense of the word. Many of their friends never came home. Nine thousand men lost their lives in the invasion; 2,500 at Omaha Beach alone; another 2,500 among the American Airborne division; 1,100 Canadians and 3,000 British.

But by the evening of June 6, 1944, Allied power had prevailed all across the Normandy beachhead. More than 100,000 men had come ashore, the first of millions more who would follow.

It is hard to describe horror to those who have never been there. It is hard for those of us who have never been in battle to imagine smoke and death and screaming tracers and the roar of cannon fire. We cannot imagine the horrors that these men have witnessed. We can only see the outcome.

These are the men who freed a continent. These are the men who won a war. These men knew that some things are worth dying for; that democracy is worth dying for; that America is worth dying for. They believed that someone had to stop Hitler. They did it because they had orders to do so. They did it because it was their job.

Webster defines a hero as, quote, a man admired for his achievements or qualities; one that shows great courage, unquote.

These men, the men of the summer of 1944, stormed and secured a beachhead. These men toppled a regime. These men rushed in to save democracy at that crucial moment in history when someone almost succeeded in taking it away. These men are heroes, though they will not admit it.

So the next time, America, that you think your kids do not have any role models and there is no one left to look up to, turn off the TV and look across the kitchen table at your father, your grandfather or your great grandfather and ask them about the war. Ask them what they did. Hear their stories. There are heroes walking in our midst. We need to open our eyes and see them before us and thank them for their courage.

It is my great privilege and honor to be able to recognize those men from my home State of South Dakota who served our country so nobly and so bravely in the summer of 1944 and helped secure the freedom that we enjoy in America today and hope that we will be able to pass it on to the next generation.

SCHOOL CONSTRUCTION LEGISLATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CROWLEY. Mr. Speaker, I am not so sure I will use all the 60 minutes but we will give it our best.

Mr. Speaker, I rise this evening to discuss the issue of school modernization and construction. I have led the freshman class in fighting for school construction. This past winter we hosted a series of one minutes and a special order like this evening for freshmen to talk about the conditions of our schools in our districts.

Recently, I hosted an education roundtable in my district on this very topic, with our very special guest assistant secretary for education Scott Fleming, and the gentlewoman from New York (Mrs. LOWEY) to whom I am very grateful for her work in the area of school construction and modernization.

I intend to continue my fight to bring school construction legislation to this floor this year, Mr. Speaker.

Last week, the freshman class sent a letter to the gentleman from Illinois

(Mr. HASTERT) asking for school construction to be brought up this year. We had Secretary Riley endorsing our request. We had the Democratic leadership and many members of the education community on our side. We are asking for a broad bipartisan support this evening for school modernization and construction.

☐ 1915

Our schools need our help. We need an effective and comprehensive school modernization package that is a Federal, State, and local partnership—a Federal, State and local partnership.

Schools, as part of our Nation's infrastructure, are in desperate need of repair and modernization. If these were our Nation's highways that I was talking about, we probably would not be having this discussion this evening. Well, Mr. Speaker, our schools are our educational highways.

Let me just give my colleagues some examples of some of the problems I am experiencing in my district, and I am sure many of my colleagues around the country are experiencing similar difficulties. Enrollment in the County of Queens in New York City is increasing by 30,000, 30,000 enrollments every 5 years. In 1999, the enrollment is 270,850 students. In the year 2004, that number will rise to 300,000. By year 2007, it is estimated that Queens County will have over 330,000 new students.

In the 7th Congressional District, I represent the most overcrowded school district in the City of New York. School District 24 is operating at over 119 percent of capacity. I have three of the top 10 most overcrowded school districts in the City of New York, District 24, District 30, and District 11 in the Bronx operating at 119, 109 and 107 percent respectively.

By 2007, three of the five most overcrowded schools and school districts will be in the 7th Congressional District, my district. Nearly every school in Queens will be operating at or over capacity. This is almost unbelievable.

But the average age of a school in New York City is 55 years of age. One out of every five schools in the City of New York is over 75 years of age. Now, when they built these schools back in the 1920s and 1930s, they were built to last; and that is why we have them today. But any school with any normal wear and tear would have to begin to show that wear and tear at least maybe 20 to 30 years after being built.

But our students are going to schools that were built 55 and 75 and some even 100 years ago in the City of New York. They are simply falling apart. These schools need new heating systems to replace unsafe older models. Structural repairs are needed, such as retaining walls, windows, and outside black top, and inside modernization repair such as lights and toilet fixtures.

Let me just add a little point here. That is in schools that maybe 55 to 75 years of age. Some schools will put on additions. Some schools have temporary classrooms, and that space is taking up the space where there once was a school yard where children would have the opportunity to play in recess or to gather before and after school.

The school where I attended kindergarten is PS 229 in Woodside, Queens. Woodside, Queens right now has no playground. Where I played hockey and basketball and grew up, that playground no longer exists. What has taken its place is modular classrooms and now a brand-new wing. It is only my hope that, when the brand-new wing is completed, that they will have a small portion of that playground to be restored to the children so they can use it for recreational purposes.

We need to assist local education agencies, those who know best, whether they need construction, modernization, or technical upgrades. So those who say that the Federal Government should not be in brick and mortars, fine. I think we ought to be involved in brick and mortars. But fine. Let us let the State and local governments handle that. We certainly could be there to help them with financing.

It is interest-free bonds, which will provide the flexibility and cost-effective approach to assist our crumbling schools. Mr. Speaker, I support the Public School Modernization Act of the gentleman from New York (Mr. RANGEL) and the School Construction Act of the gentleman from North Carolina (Mr. ETHERIDGE). Both these acts will drive millions of dollars to New York State and to my congressional district.

The Public School Modernization Act will provide $22 billion over 2 years in zero interest school modernization bonds. These bills would give 50 percent of the bonds to the 100 school districts with the largest number of low-income students and would give the remaining 50 percent directly to the States.

The Rangel bill would extend Davis-Bacon provisions, which would require payment of prevailing wage rates on all Federal construction projects, to projects funded through school modernization bond tax credits. I would say this bill would bring over $2.8 billion in funds to the State of New York and to the City of New York.

The School Construction bill of the gentleman from North Carolina (Mr. ETHERIDGE) will provide $7.2 billion nationally in school construction bonds to States suffering from rapid school-age population growth and provide the funds needed by States and cities experiencing high rates of growth in suburban and urban school districts. This will bring $540 million in school construction assistance to the State of New York.

I have been talking about New York State, but obviously the numbers we are talking about here extend across this great land in other areas that are experiencing high growth, and other school districts of high levels of impoverished children would also receive a great share of the assistance provided through school modernization bonds.

Both of these bills will help reduce the heavy burden on our local property taxpayers by offering school districts tax-free bonds.

Let me just give my colleagues a couple of national facts. One-third of the Nation's schools were built before World War II and are still in operation. One-third were built before World War II. There is currently a $112 billion backlog in school construction and modernization needs, $112 billion. Sixty percent of our Nation's schools have at least one major building feature in need of extensive repair. Think about that, 60 percent of our schools in this Nation have at least one major building feature in need of extensive repair.

Fifty-eight percent of the Nation's schools have at least one unsatisfactory environmental condition such as poor ventilation or poor heating. In fact, in some schools in Queens County and in my district and in the City of New York, they are still burning coal, still burning coal. We are going into the 21st Century still burning coal. Amazing.

In my home district and in many of our schools, we are heading into the 21st Century, and we are facing an enormous lack of seats. If we do nothing, if we do not help our local government, Queens County will be facing between 20,000 and 60,000 seats that they will be shy by the year 2007, between 20,000 and 60,000 seats shy.

The City of New York and the State of New York are doing all they can to provide funds for school construction and modernization, making schools and classrooms ready for the 21st Century, providing computers, providing access to the Internet, providing cable-ready classrooms. They simply cannot keep up with the pace.

Ellis Island no longer exists in terms of welcoming new immigrants to this great country. What has taken its place is Queens County. My borough has seen a tremendous growth in the past few years, and that is going to continue to take plates in the coming century. In fact, while most of the rest of the city and the other boroughs will be seeing a decline in student growth population, Queens County will be seeing a massive, massive growth. Much of that is due to the baby boom era. Due to the baby boom echo, school enrollment has now reached an all-time record high of 52.7 million in this Nation.

To meet rising school enrollments, 6,000 new schools will be needed to be built over the next 10 years in order to meet that challenge. I ask my colleagues, if this is not crisis, what is? If this issue does not ring with them, what will?•

I urge Speaker HASTERT to bring school construction legislation such as the bills of the gentleman from New York (Mr. RANGEL) or the gentleman from North Carolina (Mr. ETHERIDGE) to the floor for debate as soon as possible.

As we ready ourselves for the 21st Century, we have to ask ourselves, have we done all we can do to prepare our students for the next millennium. In fact, not the next millennium, the next century? In fact, have we done all we can do, not for the next century, but for the next decade? Are we really doing all we can do to help prepare our students just for the next decade?

Our schools can no longer wait for that answer. Mr. Speaker, we must act today.

ENCOURAGING FAIR AND OPEN DEBATE ON PATIENT PROTECTION LITIGATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, another week has gone by, and this House of Representatives has done nothing again to address the abuses in the HMO industry. I have been coming to the well of this House for 4 years to encourage the leadership of Congress to allow a fair and open debate on patient protection legislation.

Every time, I point out the HMO abuses, like the HMO abuse that cost this woman her life, or the HMO decision that cost this little boy both his hands and both his feet, like the HMO decisions that a child born with a birth defect like this, complete cleft lip and palate is a cosmetic defect, and they will not cover the cost of repair.

Every week I talk about patients like this, this woman who fell off a 40-foot cliff, and her HMO refused to pay for her hospitalization even though she had a broken skull, broken arm, broken pelvis, because she had not phoned ahead for prior authorization.

Mr. Speaker, these are not just isolated anecdotes. The victims of managed care are our friends, our neighbors, our fellow workers, our own family members. That is why audiences cheered when Helen Hunt described with blistering language her HMO's abominable treatment of her asthmatic son in the movie "As Good As It Gets."

☐ 1930

Mr. Speaker, that is also why the polls show that 85 percent of the public think that Congress should do something to stop HMO abuses like the ones that I have just shared.

So, Mr. Speaker, what is happening on Capitol Hill? Well, for weeks the Committee on Commerce has had a draft of patient protection legislation that the gentleman from Oklahoma (Mr. COBURN), the gentleman from Georgia (Mr. NORWOOD) and I provided the chairman, and we still have no firm commitment on a date for subcommittee action, much less full committee action. There are rumors on Capitol Hill that because the majority of the committee probably would vote for a strong bill, the rumors are that our committee may not even get a chance to vote on the issue, just like a repeat of last year.

This week the Subcommittee on Employer-Employee Relations will begin voting on what can only charitably be called a series of protections for the HMOs, not for patients.

I urge my colleagues to look at the fine print of those many bills. Most of those "limited" bills that are going to be taken up in the Subcommittee on Employer-Employee Relations are taken from language of last year's bill which passed the House that was crafted in the middle of the night by the industry and that I would charitably describe as the HMO Protection Act of 1998.

So why is the Subcommittee of the Committee on Education and the Workforce not using a comprehensive bill as a markup vehicle? Why are they not using the bill offered by the gentleman from Georgia (Mr. NORWOOD)? After all, he is a Republican member of that committee. Why are they not using my bill, the Managed Care Reform Act of 1999, which has the endorsement of many consumer groups like the American Cancer Society and professional groups like the American Academy of Family Physicians and the American College of Surgeons?

Well, the answer is clear. Last year the House rules were used to limit debate on this important issue, and the HMO industry is pulling strings again. I only hope that enough of my fellow Republicans on the House Committee on Education and the Workforce will say enough is enough. Let us do this right. And if they do not, let us hope that their constituents will flood their offices with pleas that they sign the committee petition that would make a real, comprehensive reform bill the vehicle for the markup.

Most of us are in Congress to try to make a difference. We feel that public service is important. As a Republican, I do not want bigger government, but I do want better government. And there are many big problems confronting us like securing the future of Medicare and Social Security and providing for our Nation's defense, but there are many problems that are less nationally portentous, but equally grave for individuals that many of us as Republicans want to help solve.

I am proud that I have contributed to helping pass legislation in the past few years to help make food safer, to help make water cleaner, to provide more life-saving drugs. And I am proud to come from a Midwest Republican tradition of common-sense government. It was Midwest Republicans like Bob LaFollette who called for minimum safety and health standards that work. It was Republican populists who called for the prohibition of child labor and for 1 day's rest in 7 for all wage-earners.

Republicans took up the causes of the muckrakers and helped pass the first food safety laws. It was the Bull Moosers who called for a system of social insurance for those who were injured on the job. It was Midwest Republicans who encouraged rural education and agricultural extension.

An Iowan, Carrie Chapman Catt, a Mason City, Iowa, high school principal, organized the National Women's Suffrage Association in 1905. Now, I do not know if Carrie Chapman Catt was a Republican or Democrat, but I do know that Midwest Republicans called for suffrage of women in 1913.

Mr. Speaker, it was Republican Teddy Roosevelt that broke up the trusts and stood up for the little guy, stood up for farmers who had battled the railroad trusts and the railroad robber barons.

I call on my Republican colleagues to remember our compassionate conservative heritage. I call on my Republican colleagues to tell our leadership and committee chairmen that we are not in the pockets of the HMOs. Teddy Roosevelt knew that the little guy could not stand up alone to the railroad barons without help from the government. The little guy today cannot stand up to an HMO with the way the deck is stacked against him.

So what does the HMO industry now want? They want the Federal Government to spend $60 billion a year for tax subsidies for their industry; but, of course, with no strings attached, nobody telling them how to run their business, nobody telling them to stop abusing patients. They do not want any State insurance oversight, and they do not want any Federal requirements either. "Just give us the money."

These are the same people, Mr. Speaker, who are spending millions of dollars lobbying here in Washington against the Patients' Bill of Rights. Last year, Mr. Speaker, the industry spent more than $100,000 per Congressman lobbying against patient protection legislation.

It is time for my Republican colleagues to remember our Teddy Roosevelt and our Bob LaFollette tradition and back a bill that would give the little guy some say over his medical care.

In 1993, the HMO industry told us we would lose our choice in health care and we would not get the coverage we needed if the Clinton health plan passed and became law, and it was true. Unfortunately, those same insurance companies went ahead and did the same thing they opposed in the Clinton health plan in order to increase their profits.

However, just as many of us were against a government bureaucrat running roughshod over patients, we should be equally outraged over an insurance bureaucrat doing exactly the same. $60 billion a year of taxpayer money without real patient protection reform like my Managed Care Reform Act of 1999 would be to reward the HMOs for their patient abuses.

Do not get me wrong. I strongly support increasing tax deductibility for health care, I just think that the health care companies should not get something for nothing. It would make Teddy Roosevelt and Bob LaFollette roll over in their graves.

Mr. Speaker, I say to my colleagues on both sides of the aisle: Join me, fight the big money HMO special interests. Let us show our constituents that we cannot be bought or intimidated by special interests any more than Teddy Roosevelt could be. Let us pass strong patient protection legislation for all Americans this summer.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2103

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MYRICK) at 9 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR 21ST CENTURY (AIR21)

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–185) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COST OF PHARMACEUTICAL DRUGS AT RECORD HIGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Madam Speaker, the cost of prescription drugs is certainly at a record high.

Prescription drugs represent the highest out-of-pocket medical care cost for 75 percent of the elderly. Only long-term care costs more than these prescription drugs. And approximately 37 percent of seniors do not have the drug coverage necessary for them to be able to buy these drugs and afford them.

But here in the Congress, a bill has been introduced that will further, I repeat, further increase the cost. That is right, not lower cost, not reduce the burden on our senior citizens, but a bill that will actually increase the cost to consumers and to market monopolies.

H.R. 1598, the Patent Fairness Act, is anything but fair. What the bill would do is simple. It allows a back door for multi-billion-dollar patent extensions to go to seven pharmaceutical companies, possibly more. It continues monopolies for these drugs for more than 3 years and, therefore, deprives senior citizens as well as other consumers the choice of selecting a more affordable generic version.

The estimated windfall for pharmaceutical companies for the extension will be at minimum $6 billion.

The bill ignores a compromise reached in 1984 that gave those drugs under review by the FDA a 2-year extension and gave a future eligibility for extensions to drugs that have been filed at the FDA.

In order to be fair, however, they still received an additional 2 years of patent protection in order to foster their growth. These extensions have added up and have had the effect of giving these companies a monopoly on the marketplace. As a matter of fact, one of these drugs, Claritin, had a 1998 U.S. sales total of $1.8 billion.

There is no need to continue the monopoly and, therefore, to continue the market exclusivity of these drugs and the high cost.

In the meantime, however, several companies that are gearing up to provide more affordable generic versions of these drugs are being stifled because of these patent extensions. These patent extensions subvert the drug patent system and turn it into an anti-competitive shield to protect profits.

And while the companies suffer, so do the average American citizens who are trying to afford these prescription drugs. The monopolies allow increased prices for their drugs and, therefore, the consumers pay more.

Prescription drug costs have risen 85 percent in the last 5 years. Every day we hear more and more about the fact that many seniors and their families are forced to choose between dinner on the table and medicine in their bodies.

As my colleagues can see from this graph here to my right, the average prescription drug price to consumers in the past 5 years has risen nearly $18 per prescription. Given the fact that generic drugs are usually priced between 30 and 60 percent less than the brand name drugs, we are seeing this monopoly raise prices and profits for these companies.

Conservative groups like Citizens for a Sound Economy and Citizens Against Government Waste have criticized this proposal in the past. The Consumer Federation of America said that "this is yet another attempt to slip a special-interest provision into an appropriations bill which will prove very costly to consumers."

Public Citizen called it the "greedy special-interest grab at the expense of consumers and the health care industry."

This year we will let this issue be brought up and we will make sure that the affordability of prescription drugs will be paramount amongst our side, on the Democratic side, to make sure that we will not extend this drug monopoly and block generic drug competition.

H.R. 1598 continues this high prescription drug prices, which we intend to fight every step of the way and make sure that we have more affordable generic medicines to provide our senior citizens with a choice.

Prescription drug costs have skyrocketed. Senior citizens' cost for out-of-pocket expenses for these prescription drugs are occupying an ever increasing percentage of their out-of-pocket expenses. And if my colleagues think about it, we will actually save money by covering prescription drugs and reducing these drug prices by going for generic brands, as well.

Because if senior citizens can afford these drugs, guess what, they do not end up in the hospital sick because they are not able to take the medications that their doctors tell them they must take if they are to remain well.

This is a classic case of an ounce of prevention is worth a pound of cure. I would ask my colleagues to keep in mind that this is an important issue that we need to keep alive so that we focus our attention on this issue and preserve generic drugs for the consumers in this country.

Mr. PALLONE. Madam Speaker, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from New Jersey.

Mr. PALLONE. Madam Speaker, I just want to thank my colleague the gentleman from Rhode Island (Mr. KENNEDY) for organizing this special order.

I want to add my voice to his tonight because we share the view that H.R. 1598 is a misguided and bad piece of legislation.

One of the most pressing issues on Congress' agenda this year, if not the most pressing issue, has been looking for a way to make prescription drugs more for all Americans, and seniors in particular. It is unfortunate, however, that there is a movement in this body to do just the opposite. And let there be no mistake about it, the "Patent Fairness Act of

1999" is an attempt by some in the pharmaceutical industry to protect market share, and force consumers to continue to pay the highest possible price for prescription drugs.

The brand name industry is well aware that generic competition has a dramatic impact on pharmaceutical costs. When a generic comes to market, it typically costs 30 percent less than the brand name version. After two years on the market, the price's drop further to 60 or 70 percent of the brand name drug. The price of some generic drugs drop by as much as 90 percent.

While these competitively priced alternatives are good for consumers, employers, government purchasers, and particularly the elderly, they are not good for the brand name producer trying to maintain monopolistic pricing. If there is no generic alternative available, consumers who need medicine have no choice but to buy the available brand drug and pay whatever it costs. It is for precisely this reason that a few brand name drug companies have been working so hard to get the so called "Patent Fairness Act of 1999" signed into law. A patent extension is the only way to protect the windfall profits these blockbuster drugs have been generating.

In addition to keeping low cost, generic alternatives out of the reach of consumers, the "Patent Fairness Act" of 1999 is bad public policy for two other reasons. The first is that it turns the whole intent of the drug patent system on its head.

The purpose of the patent system is to promote the research and development of new drugs. By granting patent extension above and beyond what is called for in current law, the Patent Fairness Act would create an anti-competitive environment, which is precisely opposite the intention of the 1984 Hatch-Waxman bill. That bill, which is in part named after my colleague from California, HENRY WAXMAN, was designed to lower drug prices through competition, not to protect monopolies. It has been enormously successful in achieving that objective and Congress should not carve out a special exemption for a few companies seeking to squeeze a few more billion dollars out of American consumers.

Secondly, it would also affect the federal government's ability to control health care costs. There are a number of legislative proposals that have been introduced to add a prescription drug benefit to Medicare, which is essential to modernizing the program. Indeed, the President is expected to unveil his plan to achieve this goal before the month is out. Carving out special exemptions for companies seeking to extend patents on blockbuster drugs for no good reason will complicate efforts to include a prescription drug benefit by driving up costs for the federal government. If the "Patent Fairness Act" becomes law, every major drug producer in America will be knocking on Congress' door for a patent extension, and the fight Democrats are already waging to include a meaningful prescription drug benefit in Medicare will get that much harder.

Congress' energy would be much spent trying to make prescription drugs more affordable, not more expensive. I urge all of my colleagues in the House to recognize the Patent Fairness Act of 1999 for what is and oppose this misguided and ill-conceived effort to charge the American people billions of dollars to line the pockets of a few pharmaceutical companies.

Mr. KENNEDY of Rhode Island. Madam Speaker, reclaiming my time, that these drugs are so costly; and we need to do everything in our power in this Congress to make sure seniors and other consumers are not overburdened by the cost of prescription drugs.

Mr. PALLONE. Madam Speaker, if the gentleman would continue to yield, I appreciate that; and I agree.

Mr. WAXMAN. Madam Speaker, I rise to join my colleagues in speaking against the ill advised, anti-consumer legislation, H.R. 1598, "The Patent Fairness Act of 1999."

My first observation is that, having reviewed this bill, I would suggest it deserves a more appropriate title, like "The Claritin Monopoly Extension Act" or "The Patently Unfair to Consumers Act of 1999."

This proposal is a multibillion dollar assault on consumers. By keeping out competition, the drug companies which benefit from H.R. 1598 can rake in money out of the pockets of Americans who already find it hard to pay for their medicines.

The best estimates of this bill's cost to consumers range in the billions of dollars. We have no idea as yet of its potential costs to the Federal government, but it will undoubtedly line the pockets of a handful of companies with money taken directly from the pockets of American taxpayers, including the indigent and the elderly.

H.R. 1598 is nothing more than a recycled versions of the patent extension which the pharmaceutical manufacturer, Schering-Plough, has attempted on repeated occasions to sneak into law. For many years, Schering has sought to extend its patent protections for Claritin, a prescription antihistamine with over $900 million in annual U.S. sales.

Let me share with my colleagues the sordid history of this bill. Last year, Schering tried to sneak this patent extension into the omnibus appropriations bill. You may recall this is the legislation renowned for having been enacted into law with scarcely any Member claiming to have read it in its entirely. Only through vigorous opposition and publicity was this effort defeated.

The year before, Schering lobbied the Senate for an amendment to omnibus patent reform legislation granting outright five-year patent term extensions for a number of drugs, including Claritin. And in 1996, Schering tried unsuccessfully to attach Claritin patent extensions to the omnibus appropriations bill, the continuing resolution and the agriculture appropriations bill. In the first half of that year alone, Schering spent over $1 million in lobbying the Congress.

This year, H.R. 1598 has been introduced. I have reviewed this legislation and can state unequivocally that, owing to many serious problems this legislation should not be enacted into law.

First, I am deeply concerned by the misreading of legislative history which has characterize the introduction of H.R. 1598. As the coauthor of the 1984 Waxman-Hatch Act, I want to set the record straight about the legislative history of the Act.

It has been alleged that Schering and the five other companies which would benefit from this special-interest, pork barrel legislation—Smith Kline Beecham, Bristol Myers Squibb, Bayer, Rhone Poulenc Rhorer and Hoechst Marion Roussell—somehow were arbitrarily or unexpectedly penalized by the Waxman-Hatch Act. Because these companies were the sponsors of drugs in the "pipeline" seeking approval at the time of the Act's enactment in 1984, those products are only eligible for a 2-year patent extension, and not the 5-year patent extension available to products approved after 1984.

The proponents of H.R. 1598 have called this provision in the Act "arbitrary" and unfair. It is no such thing. It is eminently fair and motivated by sound public policy. The pipeline drugs were not made eligible for 5 years of patent extension precisely because the point of the patent extensions was to encourage the research and development of future products. All products which had not yet undergone teasing or review by the Food and Drug Administration (FDA) were judged to be appropriately eligible for the full 5 years of patent extension.

I seriously doubt that Schering has told anyone that it already received a 2-year patent extension under this law. The company just wants another pass at the trough. But to make clear why the Act's intent in this regard is precise and fair, I want to quote the legislative history from the 1984 House committee report on this point:

> By extending patents for up to five years for products developed in the future . . . the Committee expects that research intensive companies will have the necessary inventive to increase their research and development activities.

This is the clear policy which motivated this provision—to encourage additional research, not to simply increase profits on existing products. Only now, faced with their imminent patent expirations, are a handful of companies lobbying vigorously to defeat this policy. They have no interest in research or feature products. Their sole concern is preserving their existing monopoly at the expense of consumers.

Let me make a final point about H.R. 1598. If this patent extension bill is snuck into law, it will create a huge loophole which will allow other drug companies to come and use it for other patent extensions at the Patent Office, a bad policy and worse precedent.

As consumer groups have made clear, H.R. 1598 is a back-door for drug companies to lucrative patent extensions. The bill creates a stacked deck in favor of drug companies. It forces the burden of proof into opponents of pork-barrel patent extensions. It creates a rebuttable presumption in favor of the drug companies. It restricts the FDA from providing input about the scientific judgments it had to make about safety and effectiveness. And it puts the Patent Office in the categorically inappropriate role of second-guessing the FDA about those scientific issues. As I've said before, this is like putting the IRS in charge of reviewing how NIH grants biomedical research funding.

This bill creates a terrible precedent of second guessing our public health agencies, which protect the public by ensuring drug safety and efficacy. What Schering calls "regulatory delay" may well be the result of its own delays through miscalculations, complications in its research and safety problems with its product. Schering conveniently never mentions that Claritin's "regulatory delay" resulted in no small part from the need to be sure that Claritin was not linked to cancer, as scientific data suggested during its review by FDA.

One of the points of the Waxman-Hatch Act was to stop companies like Schering from lobbying Congress for patent extensions. It has been generally successful, with the exception of rogue companies like Schering. If Schering believes it was unduly delayed, we have only to await the General Accounting Office's review of the circumstances surrounding the approval of Claritin. The introduction of H.R. 1598 leads me to believe that Schering is simply afraid of what the GAO will find.

Mr. Speaker, H.R. 1598 is a terrible deal for consumers. It creates a blatantly unfair administrative process which undercuts the public health. It does violence to the 1984 Waxman-Hatch Act. And it fulfills the public's worst expectations of Congress as a body motivated by the interests of lucrative industries, like the prescription drug industry, and not of average Americans struggling to afford their medicines.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of weather delay.

Mr. KIND (at the request of Mr. GEPHARDT) for today on account of airport weather delay.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on the account of weather delay.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PALLONE) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. FLETCHER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on June 16.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes each day, on today and June 15.

Mr. BILIRAKIS, for 5 minutes, on June 17.

Mr. MICA, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, on June 15.

Mr. JONES of North Carolina, for 5 minutes, on June 15.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

ADJOURNMENT

Mr. KENNEDY of Rhode Island. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 15, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2576. A letter from the Under Secretary, Department of the Navy, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2577. A letter from the Secretary of Defense, transmitting the approval of the retirement of Admiral Joseph W. Prueher, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2578. A letter from the Secretary of Defense, transmitting approval of the retirement of Lieutenant General Martin R. Steele, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2579. A letter from the Secretary of Defense, transmitting approval of the retirement of General Charles C. Krulak, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2580. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Years 1999–2000 for Certain Centers and Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2581. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Years 1999–2000 for Certain Centers and Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2582. A letter from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Manual for Nuclear Materials Management and Safeguards System Reporting and Data Submission, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2583. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 98F–0823] received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2584. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment [Docket No. 97F–0421] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2585. A letter from the CFO and Plan Administrator, PCA Retirement Committee, First South Production Credit Association, transmitting the annual report of the Production Credit Association Retirement Plan for the year ending December 31, 1998, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

2586. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting: Regulations Regarding Baiting and Baited Areas (RIN: 1018–AD74) received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2587. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 950427117–8275–04; I.D. No. 100598B] (RIN: 0648–AH97) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2588. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [I.D. 102098A] (RIN: 0648–AH97) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2589. A letter from the President, American Academy of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 1997, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

2590. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 98–ANE–43–AD; Amendment 39–11188; AD–99–12–04] (RIN: 2120–AA64) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2591. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Series Turbofan Engines [Docket No. 98–ANE–48–AD; Amendment 39–11187; AD 99–12–03] (RIN: 2120–AA64) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2592. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Santa Rosa, CA [Airspace Docket No. 99–AWP–3] received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2593. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Marblehead, MA to Halifax, Nova Scotia Ocean Race [CGD01–99–062]

(RIN: 2115–AA97) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2594. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations; Grand Canal, Florida [CGD07–98–048] (RIN: 2115–AE47) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2595. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Hospitalized Veterans Cruise, Boston Harbor, Boston, MA [CGD01–99–055] (RIN: 2115–AA97) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2596. A letter from the Chief, Regs and Admin Law, USGC, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Independence Day Celebration, Cumberland River mile 190.0–191.0, Nashville, TN [CGD08–99–036] (RIN: 2115–AE46) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2597. A letter from the Governor, State of North Dakota, transmitting a request for assistance in bringing some relief to the people of the Devils Lake basin; to the Committee on Transportation and Infrastructure.

2598. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Community Alliance for Math, Science, and Technology Literacy (CASTL) [Docket No. 990517136–9136–01] (RIN: 0693–ZA30) received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2599. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Service Connection of Dental Conditions for Treatment Purposes (RIN: 2900–AH41) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2600. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting Department's final rule—Surviving spouse's benefit for month of veteran's death (RIN: 2900–AJ64) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 6621.—Determination of Interest Rate [Rev. Rul. 99–27] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Secured Employee Benefits Settlement Initiative [Revenue Ruling 99–26] received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 10, 1999]

Mr. ARCHER: Committee on Ways and Means. H.R. 1802. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; with an amendment (Rept. 106–182 Pt. 1). Ordered to be printed.

[Submitted June 14, 1999]

Mr. GILMAN: Committee on International Relations. H.R. 17. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurance for contract sanctity, and for other purpose (Rept. 106–154 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 629. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to reauthorized the Community Development Financial Institutions Fund and to more efficiently and effectively promote economic revitalization, community development, and community development financial institutions, and for other purposes (Rept. 106–183). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 413. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; referred to the Committee on Small Business for a period ending not later than July 2, 1999, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X. (Rept 106–184, Pt. 1).

Mr. REYNOLDS: Committee on Rules. House Resolution 206. Resolution providing for consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 106–185). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following occurred on June 11, 1999]

Pursuant to clause 5 of rule X, the Committees on the Budget and Rules discharged. H.R. 1000 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of June 10, 1999]

H.R. 1802. Referral to the Committee on Commerce extended for a period ending not later than June 25, 1999.

[The following occurred on June 11, 1999]

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than June 15, 1999.

H.R. 17. Referral to the Committee on International Relations extended for a period ending not later than June 14, 1999.

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial Services extended for a period ending not later than June 15, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself and Mr. BOEHNER):

H.R. 2183. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2184. A bill to amend the Immigration and Nationality Act to provide for the removal of aliens who aid or abet a terrorist organization or an individual who has conducted, is conducting, or is planning to conduct a terrorist activity; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 2185. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance through a pooling arrangement; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 2186. A bill to suspend temporarily the duty on Rhinovirus drugs; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2187. A bill to prohibit reconstruction assistance (other than humanitarian assistance) for the Federal Republic of Yugoslavia (other than Kosovo) until Slobodan Milosevic and the four other officials of the Government of the Federal Republic of Yugoslavia named in the indictment of the International Criminal Tribunal for the former Yugoslavia have been arrested and placed in custody of the Tribunal; to the Committee on International Relations.

By Ms. HOOLEY of Oregon (for herself, Mr. GREENWOOD, Mr. LEVIN, Mrs. JOHNSON of Connecticut, and Mrs. MALONEY of New York):

H.R. 2188. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 2189. A bill to compensate certain former American hostages held in Lebanon and certain members of their families; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself and Mr. POMEROY):

H.R. 2190. A bill to amend the Internal Revenue Code of 1986 to provide small business employees with a simple, secure, and fully portable defined benefit plan; to the Committee on Ways and Means.

By Mr. McGOVERN:

H.R. 2191. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

H.R. 2192. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

By Mr. McINTYRE (for himself, Mr. SPRATT, and Ms. KAPTUR):

H.R. 2193. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment, and for other purposes; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2194. A bill to suspend temporarily the duty on Butralin; to the Committee on Ways and Means.

By Mr. NORWOOD (for himself and Mr. GRAHAM):

H.R. 2195. A bill to provide for the establishment of a national cemetery on a portion of Fort Gordon, Georgia; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 2196. A bill to suspend temporarily the duty on slide fasteners, with chain scoops of base metal die-cast onto strips of textal material; to the Committee on Ways and Means.

H.R. 2197. A bill to suspend temporarily the duty on slide fasteners fitted with polished edge chain scoops of base metal; to the Committee on Ways and Means.

H.R. 2198. A bill to suspend temporarily the duty on branched dodecylbenzene; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2199. A bill to amend title XVIII of the Social Security Act to promote the efficient use of capital by hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. SWEENEY:

.H.R. 2200. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 2201. A bill to amend the independent counsel provisions of title 28, United States Code, to authorize the appointment of an independent counsel when the Attorney General determines that Department of Justice employees have engaged in certain conduct; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H. Con. Res. 132. A concurrent resolution expressing the sense of the Congress in opposition to the use of proceeds from gold sales by the International Monetary Fund for structural adjustment programs in developing countries; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mrs. WILSON.

H.R. 17: Mr. SCHAFFER.

H.R. 21: Mr. SCARBOROUGH AND Mr. MOLLOHAN.

H.R. 346: Mr. STEARNS.

H.R. 347: Mr. PETERSON of Minnesota and Mr. WICKER.

H.R. 354: Mr. BEREUTER AND Mr. HUTCHINSON.

H.R. 371: Mr. LEVIN and Mr. OBERSTAR.

H.R. 372: Mr. EVANS.

H.R. 405: Mr. MANZULLO, Mr. LUCAS of Oklahoma, Mr. ROTHMAN, Ms. MCKINNEY, and Mr. DOOLEY of California.

H.R. 486: Mr. COOKSEY, Mr. MOORE, Mr. ETHERIDGE, Ms. KAPTUR, Mr. GRAHAM and Mr. DOOLEY of California.

H.R. 488: Mr. FILNER.

H.R. 629: Mr. GUTIERREZ.

H.R. 632: Ms. PRYCE of Ohio, Mr. PASCRELL, and Ms. HOOLEY of Oregon.

H.R. 637: Mr. WEINER, Mr. HYDE, Mr. LIPINSKI, and Mrs. BONO.

H.R. 670: Mr. ROTHMAN, Mrs. JONES of Ohio, Mrs. EMERSON, Mr. WATKINS, Mr. VENTO, Mr. SCARBOROUGH, Mr. QUINN, Mr. SMITH of Washington, Mr. DOOLEY of California, Mr. THOMPSON of California, and Mr. HOLT.

H.R. 710: Mr. OSE, Ms. ESHOO, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FLETCHER.

H.R. 735: Mr. SCHAFFER and Mr. PETERSON of Pennsylvania.

H.R. 742: Mr. ABERCROMBIE, Mr. TIERNEY, and Mr. CLEMENT.

H.R. 771: Mr. BLAGOJEVICH and Mr. ROTHMAN.

H.R. 776: Mr. BRADY of Pennsylvania and Mr. WEYGAND.

H.R. 860: Mr. PICKETT.

H.R. 864: Mr. GONZALEZ, Mr. PICKERING, Mr. GILCHREST, Ms. VELÁZQUEZ, Mr. REYES, Mr. RAHALL, Mrs. MORELLA, Ms. WATERS, Mr. OWENS, Mr. BRYANT, Mr. HOLT, Mr. CANADY of Florida, Mr. REYNOLDS, Mr. BAKER, Mr. RODRIGUEZ, Mr. BARTLETT of Maryland, Mr. DEUTSCH, Mr. BONILLA, and Mr. LATHAM.

H.R. 894: Mr. SPENCE and Mr. MCCRERY.

H.R. 922: Mr. PICKERING, Mr. BOUCHER, and Mr. HOSTETTLER.

H.R. 1044: Mr. MCCRERY and Mr. LUCAS of Kentucky.

H.R. 1070: Mr. BARRETT of Nebraska.

H.R. 1071: Mr. CLEMENT.

H.R. 1080: Mr. KIND and Mr. MASCARA.

H.R. 1082: Ms. VELÁZQUEZ and Mr. FATTAH.

H.R. 1098: Mr. PETERSON of Pennsylvania.

H.R. 1102: Mr. WATKINS, Mr. SWEENEY, Mr. SHAW, and Mr. KUCINICH.

H.R. 1109: Mr. FROST, Mr. MCNULTY, and Ms. NORTON.

H.R. 1111: Mr. BACHUS.

H.R. 1168: Ms. BERKLEY, Mr. PETERSON of Pennsylvania, Mr. FRELINGHUYSEN, and Mr. CONDIT.

H.R. 1180: Mr. LANTOS, Mr. GEJDENSON, and Mr. BEREUTER.

H.R. 1221: Ms. PRYCE of Ohio and Mr. SMITH of New Jersey.

H.R. 1248: Mr. BRADY of Pennsylvania.

H.R. 1283: Mr. SMITH of Texas, Mr. SHUSTER, and Mr. DAVIS of Virginia.

H.R. 1303: Mr. WELLER and Mr. MATSUI.

H.R. 1344: Mr. COOKSEY, Mr. BRADY of Pennsylvania, Mr. COSTELLO, and Mrs. CLAYTON.

H.R. 1358: Mr. PICKETT.

H.R. 1381: Mr. NORWOOD.

H.R. 1389: Mr. GARY MILLER of California, Mr. ROEMER, Mr. COSTELLO, and Mr. HOEKSTRA.

H.R. 1514: Mr. HINCKEY and Ms. VELÁZQUEZ.

H.R. 1532: Mr. GANSKE, Mr. BONIOR, Mr. PORTER, Ms. RIVERS, and Mrs. KELLY.

H.R. 1631: Ms. MCKINNEY.

H.R. 1645: Mr. WAXMAN.

H.R. 1658: Mr. BRADY of Pennsylvania and Mrs. BONO.

H.R. 1690: Mr. VENTO and Mr. FILNER.

H.R. 1710: Mr. SESSIONS.

H.R. 1731: Ms. DUNN and Mr. POMBO.

H.R. 1765: Mr. REYES and Mr. THOMPSON of California.

H.R. 1768: Ms. CARSON.

H.R. 1776: Ms. DUNN, Mr. BAKER, Mr. MOORE, Mr. MINGE, Mr. CASTLE, Ms. BROWN of Florida, Mr. CAMPBELL, Mr. REYES, Mr. PETERSON of Pennsylvania, Mr. DIAZ-BALART, Mr. BARTLETT of Maryland, Mrs. NORTHUP, Mr. GREEN of Wisconsin, Mr. HORN, Mr. LUCAS of Oklahoma, Mr. FRELINGHUYSEN, Mrs. CLAYTON, Mr. CUNNINGHAM, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. FLETCHER, Mr. SHOWS, Mr. WICKER, Mr. BEREUTER, Mr. GARY MILLER of California, Mr. FROST, Mr. SHIMKUS, and Mr. BOUCHER.

H.R. 1777: Mr. BOEHLERT.

H.R. 1824: Mr. GOODE, Mr. KUCINICH, and Mr. PASTOR.

H.R. 1827: Mr. SHAYS, Mr. WALDEN of Oregon, Mr. GOODLING, Mr. LATOURETTE, and Mrs. KELLY.

H.R. 1848: Mr. MCDERMOTT, Mr. ENGEL, Ms. LOFGREN, Mr. NADLER, and Mr. KENNEDY of Rhode Island.

H.R. 1869: Mr. KUYKENDALL and Mr. FOLEY.

H.R. 1881: Mr. BERMAN, Mr. ORTIZ, Mr. PASTOR, Mr. BILBRAY, and Mr. GREEN of Texas.

H.R. 1884: Mr. WU.

H.R. 1885: Mr. HOEKSTRA.

H.R. 1895: Ms. BERKLEY, Mr. WEINER, Mr. INSLEE, and Mr. HOEFFEL.

H.R. 1899: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. BORSKI, Mr. VENTO, MR. ABERCROMBIE, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. SHERMAN, Mr. MCHUGH, Ms. DELAURO, Mr. KLINK, Mr. DOYLE, Mr. FARR of California, and Mr. FROST.

H.R. 1907: Mr. CANNON and Mrs.MORELLA.

H.R. 1967: Mr. BROWN of California, Mr. STUPAK, Mr. QUINN, and Mr. PALLONE.

H.R. 2025: Mr. BARRETT of Wisconsin and Ms. ROYBAL-ALLARD.

H.R. 2028: Mr. SCHAFFER and Mr. TIAHRT.

H.R. 2094: Ms. MILLENDER-MCDONALD, Mr. BLILEY, Mr. BARRETT of Wisconsin, Mr. HOEKSTRA, Mr. SANDLIN, Mr. BEREUTER, Mr. TURNER, Mr. FOLEY, Mr. MEEHAN, Mr. ISTOOK, Mr. BISHOP, Mr. CANADY of Florida, Ms. DELAURO, Mr. RAMSTAD, Mr. SHOWS, Mr. WICKER, Mr. MALONEY of Connecticut, Mrs. KELLY, Mr. BARCIA, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. GOODLATTE, and Mr. LATOURETTE.

H.R. 2172: Mrs. KELLY, Mr. BENTSEN, Mrs. MORELLA, and Mr. GUTIERREZ.

H.J. Res. 41: Mr. PAYNE and Ms. RIVERS.

H. Con. Res. 60: Mr. HASTINGS of Florida, Mr. SANDERS, and Mrs. MCCARTHY of New York.

H. Con. Res. 116: Mr. KUCINICH, Mr. SAWYER, Mr. BARCIA, Mr. WU, and Mr. BERMAN.

H. Con. Res. 118: Mr. CROWLEY, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. GOODLING, and Mr. HOSTETTLER.

H. Con. Res. 128: Mr. PRICE of North Carolina, Mr. DIAZ-BALART, Ms. SCHAKOWSKY, Mr. SCARBOROUGH, Mr. PORTER, Mrs. KELLY, Mrs. THURMAN, Mr. ENGEL, Mr. FORBES, Mr. PALLONE, Mr. CARDIN, Mr. FROST, Mrs. MORELLA, Mr. RODRIGUEZ, Mr. SHIMKUS, Mr. DAVIS of Florida, Mr. CRANE, and Ms. BERKLEY.

H. Con. Res. 130: Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. ENGEL, Mr. FROST, Mr. TURNER, Mr. MCDERMOTT, Mr. DELAHUNT, and Mrs. MEEK of Florida.

H. Res. 41: Mr. LEVIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1604: Mr. OWENS.

PETITIONS, ETC.

Under clause 3 of rule XII,

19. The SPEAKER presented a petition of County Legislature of Suffolk, New York,

relative to Sense Resolution No. 9–1999 petitioning the United States Congress to establish Cold War Victory Day as a national holiday on November 9, 2000; which was referred to the Committee on Government Reform.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

OFFERED BY: MR. FORBES

AMENDMENT NO. 1: At the end of the bill, insert the following:

SEC. . INCREASE IN ENHANCED PENALTIES FOR POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM IN A CRIME OF VIOLENT OR DRUG TRAFFICKING CRIME; NEW ENHANCED PENALTY IF BODILY INJURY RESULTS.

Section 924(c)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "5" and inserting "10";

(B) in clause (ii)—

(i) by striking "7" and inserting "20"; and

(ii) by striking "and";

(C) in clause (iii)—

(i) by striking "10" and inserting "25"; and

(ii) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(iv) if bodily injury to another person results, be sentenced to a term of imprisonment of not less than 30 years or to imprisonment for life.";

(2) in subparagraph (B)—

(A) in clause (i), by striking "10" and inserting "15"; and

(B) in clause (ii), by striking "30" and inserting "35";

(3) in subparagraph (C)(i), by striking "25" and inserting "50"; and

(4) in subparagraph (D)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii); and

(C) by adding at the end the following:

"(iii) a person sentenced under this subsection shall not be released for any reason whatsoever during a term of imprisonment imposed under this subsection.".

H.R. 1501

OFFERED BY: MR. FORBES

AMENDMENT NO. 2: At the end of the bill, insert the following:

SEC. . ENHANCED PENALTIES FOR POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM, OR USING A FIREARM TO CAUSE BODILY INJURY IN A FELONY.

Section 924(c) of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any felony (including a felony that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any felony, possesses a firearm, shall, in addition to the punishment provided for the felony—

"(i) be sentenced to a term of imprisonment of not less than 10 years;

"(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 20 years;

"(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 25 years; and

"(iv) if bodily injury to another person results, be sentenced to a term of imprisonment of not less than 30 years or to imprisonment for life.

"(B) If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 15 years; or

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 35 years.

"(C) In the case of a second or subsequent conviction under this subsection, the person shall—

"(i) be sentenced to a term of imprisonment of not less than 50 years; and

"(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

'(D) Notwithstanding any other provision of law—

"(i) the court shall not impose a probationary sentence on any person convicted of a violation of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the felony during or in relation to which the firearm was used, carried, or possessed; and

"(ii) a person sentenced under this subsection shall not be released for any reason whatsoever during a term of imprisonment imposed under this subsection.'

"(2) For purposes of this subsection:

"(A) The term 'felony' means any crime punishable under Federal or State law by imprisonment for more than 1 year.

"(B) The term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.".

H.R. 1501

OFFERED BY: MR. PORTER

AMENDMENT NO. 3: At the end of the bill, insert the following:

SEC. _. ESTABLISHMENT OF MINIMUM 72-HOUR HANDGUN PURCHASE WAITING PERIOD.

Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "before the completion of the transfer, the licensee" and inserting "after the most recent proposal of the transfer by the transferee, the licensee, as expeditiously as is feasible,"; and

(ii) by inserting "and the chief law enforcement officer of the place of residence of the transferee" after "Act";

(B) in subparagraph (B)(ii)—

(i) by striking "3" and inserting "5"; and

(ii) by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) if the firearm is a handgun—

"(i) not less than 72 hours have elapsed since the licensee contacted the system;

"(ii) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of a member of the household of the transferee; or

"(iii) the law of the State in which the proposed transfer will occur requires, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, that an authorized State or local official verify that the information available to the official does not indicate that possession of a handgun by the transferee would be in violation of the law, and the authorized State or local official has provided such verification is accordance wit that law."; and

(2) by adding at the end the following:

"(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer of a law enforcement agency, or the designee of any such officer.

"(8) A chief law enforcement officer who is contacted under paragraph (1)(A) with respect to the proposed transfer of a firearm shall, not later than 20 business days after the date on which the contact occurs, destroy any statement or other record containing information derived from the contact, unless the chief law enforcement officer determines that the transfer would violate Federal, State, or local law.

"(9) The Secretary of the Treasury shall promulgate regulations regarding the manner in which information shall be transmitted by licensees to the national instant criminal background check system under paragraph (1)(A).".

EXTENSIONS OF REMARKS

PROHIBITING HMO'S FROM USING TAXPAYER MONEY TO LOBBY FOR HIGHER MEDICARE PAYMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. STARK. Mr. Speaker, Medicare HMOs are lobbying Congress, saying they are not being paid enough. The following memo shows that we are in fact overpaying most HMOs, largely due to the fact that most of them are enrolling much healthier than average Medicare beneficiaries.

Nevertheless, a number of HMOs are recruiting enrollees to send in form letters to Members of Congress urging higher payment rates. What is annoying is that they are spending some Medicare money on this lobbying.

They can lobby out of their profits and their CEO salaries if they want, but I don't think they should finance their lobbying out of taxpayer-Medicare payments. The enclosed letter from the Office of the Inspector General describes the problem.

I am introducing legislation to correct the problem identified by the OIG. The bill will save the taxpayer from financing lobbying to spend more taxpayer money. It might also cause some of those lobbying HMOs to spend money on health care rather than lobbying. That would be nice.

DEPARTMENT OF HEALTH
HUMAN SERVICES,
Washington, DC, September 11, 1998.

HON. FORTNEY H. (PETE) STARK,
Subcommittee on Health, Committee on Ways and Means, House of Representatives, Washington, DC

DEAR MR. STARK: This responds to your letter of August 25, regarding a news report that the American Association of Health Plans (AAHP) was urging its member HMO's to compile lists of enrollees, one purpose of which was to encourage enrollees to write letters to Congress regarding pending managed care legislation. You raised concerns about the rights of the approximately 5 million Medicare beneficiaries enrolled in managed care plans.

Your first question asks whether it is "legal or appropriate under Medicare's patient privacy provisions to be contacting beneficiaries for purposes of lobbying?" While we share your concern about the appropriateness of contacting Medicare beneficiaries to encourage them to lobby Congress, the practice itself does not appear to be illegal. As long as no Federal funds themselves are used to support lobbying, we are aware of no restriction in the Medicare law on what a plan, provider, or supplier may communicate to a Medicare beneficiary.

Your second question asks, "are the companies which are participating in this lobbying campaign assigning any part of the cost of the Medicare program?" Specifically, you ask whether the administrative costs of lobbying are included in the adjusted community rate (ACR) of the Medicare plans. Under the current ACR process, such costs might indeed be included in a plan's ACR proposal, since the proposal is based upon amounts that would be charged if the plan furnished the Medicare covered services package to its general membership. The law does not restrict a plan from including costs in its ACR proposal that would be considered unallowable under Medicare principles or the Federal Acquisition Regulations. In a recent audit report (Review of the Administrative Costs Component of the Adjusted Community Rate Proposal, A-14-97-00205), we have raised concerns about the present system's inclusion of such costs, especially including lobbying costs, in the ACR proposal. The effect of including these additional administrative costs may be to limit the amount by which enrollees' premiums would be reduced, the amounts of extra noncovered Medicare benefits afforded enrollees, or amounts otherwise credited to the program.

Again, we share the concerns raised in your letter. If you would like additional information about our work with regard to Medicare managed care, please let us know.

Sincerely,

JUNE GIBBS BROWN,
Inspector General.

CURRENT MEDICARE OVERPAYMENTS TO MANAGED CARE PLANS

[Prepared by Rep. Pete Stark's staff]

Source of overpayment	Cost of Medicare	Source of analysis
Overpayments due to BBA change that removed HCFA's ability to recover overpayments when health care inflation is lower than expected.	$800 million in 1997 $8.7 billion over 5 years $31 billion over 10 years	Congressional Budget Office.
Overpayments due to lack of risk adjustment	5–6% overpayment to HMOs per beneficiary who is enrolled	Physician Payment Review Commission (now MedPAC) 1996 Annual Report.
Overpayment due to inflation of Medicare's share of plan administrative costs	More than $1 billion annually	HHS Office of Inspector General July 1998.
Overpayments doe to inclusion of fraud, waste and abuse dollars from FFS payments. Managed care plans should better "manage" and therefore avoid such fraud, waste and abuse.	7% annual overpayment Annual savings with a corrected 1997 base year would be: $5 billion in 2002 $10 billion in 2007	HHS Office of Inspector General Sept. 11, 1998.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISALLOWING COSTS THAT ARE UNALLOWABLE UNDER MEDICARE PRINCIPLES OR THE FEDERAL ACQUISITION REGULATION IN COMPUTING THE ADJUSTED COMMUNITY RATE FOR MEDICARE+CHOICE PLANS.

(A) IN GENERAL.—Section 1854(f) of the Social Security Act (42 U.S.C. 1395w–24(f)) is amended by adding at the end the following new paragraph:

"(5) EXCLUSION OF CERTAIN COSTS IN DETERMINING ADJUSTED COMMUNITY RATE.—In determining the adjusted community rate for an organization, there shall not be included any costs of the organization which would not be allowable costs under cost-reimbursement principles applied under this title or under the Federal Acquisition Regulation. Specifically, in carrying out this paragraph, the Secretary shall not permit inclusion of costs of lobbying, political contributions, or communications with plan members to urge them to lobby or to carry out other political activities.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to determinations of adjusted community rates made after June 14, 1999.

"LET'S KEEP CHINESE SPYING IN PERSPECTIVE"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. CRANE. Mr. Speaker, as evidenced by the debate in the House, all of us have serious concerns about the espionage activities that resulted in the theft of U.S. military secrets. On a daily basis, as Chairman of the Ways and Means Trade Subcommittee, I discuss, and contemplate, the complex but critically important issues involving the United States and the People's Republic of China. In my discussions, I try to articulate what I believe should be our response to the situation in which we find ourselves. However, I had not found a written piece that provided a reasoned and concise response to the allegations of spying until I read an opinion written by former President Jimmy Carter in the May 28th edition of USA Today. I completely agree with his views and I strongly urge my colleagues to read his comments which I have included for the RECORD.

[From the USA Today, May 28, 1999]

LET'S KEEP CHINESE SPYING IN PERSPECTIVE

(By Jimmy Carter)

Recent revelations about Chinese espionage are a justifiable cause for alarm among all those who are concerned about the protection of America's military secrets. But it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is also important to keep this issue in perspective as it affects already strained U.S.-Sino relations and to remember how nations traditionally react to security breaches.

The bipartisan report of the House select committee, which seems to be thorough and accurate, warrants immediate corrective action and, as a secondary priority, an effort to affix blame on those who may have violated the law or been derelict in their duties. However, the revelations have also aroused reactions that are ill-advised, counterproductive and could subvert the potential benefits of the committee's good work. There are unfounded allegations by both Democrats and Republicans against each other, obviously designed for partisan advantage. Some other American leaders, who have habitually demonstrated animosity toward the People's Republic of China, have attempted to drive a deeper wedge between our two countries at what is already a troubled time.

A CONFUSED POLICY TOWARD CHINA

At best, U.S. policy toward China is very confusing, at least to the Chinese, both because of uncertainties within the administration and because of highly publicized differences between the White House and Congress on how to address the issues of Taiwan, human rights, trade and the sharing of political responsibilities in Asia. The bombing of the Chinese Embassy in Belgrade, Yugoslavia, has further exacerbated the troubled relationship. This regrettable incident also has injected China, as a permanent member of the U.N. Security Council, into the potential role of negotiating a peaceful resolution of the Kosovo crisis.

It is clear that much is at stake—for both U.S.-China and global relations. So let's consider some facts about espionage. There are few, if any, nations that would not take advantage of opportunities to learn withheld secrets that could contribute to their military, political or economic advantage. In fact, although the select committee's attention was focused exclusively on China, it would be surprising if Russia and other nations have not also benefited from the lax policies at our nuclear research laboratories.

The United States certainly seeks to learn what other nations are doing, and we use surreptitious means, if necessary, to glean this information. Only recently, the celebrated case of Jonathan Pollard has proved this premise. Pollard was found guilty of delivering, over a period of years, some of our most valuable secrets to Israel, our strongest and most reliable ally in the Middle East.

The standard reaction to cases of this kind is to arrest and punish severely American citizens who have committed such treasonous acts, but not to impose penalties on the country that benefited from them. If a foreign spy is caught in our nation, the response is to expel the guilty person and perhaps to include others who are suspect or diplomatically sensitive. When I was president, we even swapped guilty Soviet spies for the freedom of some human-rights heroes who were incarcerated in Siberia.

In addition to spying among nations, a major field of espionage is in the commercial world, where France and other advanced nations avidly seek secret information from American business firms—and vice versa.

HANDLE GUILTY PARTIES AS IN THE PAST

In the current case, no one has been arrested for espionage, and there is no indication that such arrests are imminent. If guilty parties are revealed, they should be handled in the time-honored way.

This still leaves the question of China's improper use of the secret information, either to threaten us directly or to channel advanced weapons to others who might attack the United States. The House committee leaders make clear that the Chinese have not tested or deployed missiles or warheads that include the most advanced technology. In fact, the People's Republic of China has committed itself to complying with the Nuclear Test Ban Treaty, and any testing of warheads would be considered a serious violation of international law.

Revelations of spying should lead to legal action against any convicted American spies and to the treatment of international relations in a customary and historical manner. The past 20 years of diplomatic relations have been extremely valuable to both our nations and to peace, stability and economic progress in Asia. These advantages must not be endangered as we correct the mistakes that have been made by both Democratic and Republican administrations.

My hope is that our government can exhibit as much wisdom, judgment, effectiveness and bipartisan cooperation as has been demonstrated by the select committee.

HONORING DANIEL R. GOOLEY ON HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Ms. DELAURO. Mr. Speaker, I stand today to honor one of New Haven, Connecticut's most celebrated citizens. On July 13, 1999, family, friends, and the New Haven community will gather to pay tribute to Daniel R. Gooley as he celebrates his retirement.

Dan Gooley has served the citizens of New Haven in a variety of professional settings for more than half a century. His involvement with the City of New Haven began in 1933 when his father founded Gooley's Pub where Dan acted as managed until he became the proprietor of the pub in 1973. Over the years, Gooley's Pub has been a popular establishment for local businessmen, city officials, politicians, and the local Irish community. Gooley's was known for its warmth, friendliness and high-spirited political discussions.

Dan's own interest in local politics led to his election as a Member of the New Haven Board of Aldermen where he served three terms on the city board. After the closing of the historic saloon, Dan continued to stay involved with the New Haven community by serving a five year term as Deputy Sheriff. His community involvement continued at the Knights of Saint Patrick, where Dan eventually served as President and then assumed the stewardship for the Irish-American fraternal organization. Ethnic-based clubs, particularly in the New Haven area, have helped to enhance the spirit and friendship among its members and realize the importance of family traditions and family values. As the club steward, Gooley managed the organization, dedicating himself to the promotion of the Irish culture in the local community.

Mr. Speaker, it is a pleasure for me to rise today and join with his wife, Phyllis, family, and friends to celebrate this wonderful occasion and to recognize Dan's contributions to the local community. We wish him continued health and happiness in his retirement.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. MOORE. Mr. Speaker, on June 7, 1999, due to the failure of USAirways to provide scheduled service, I missed three votes due to circumstances beyond my control. Had I been present, I would have cast the following votes:

Roll No. 137, approval of the Journal of May 27: "aye."

Roll No. 138, passage of H.R. 435, Miscellaneous Trade and Technical Corrections Act: "aye."

Roll No. 139, passage of H.R. 1915, "Jennifer's Law": "aye."

GOD IS WHAT WE NEED

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. BARR of Georgia. Mr. Speaker, this poem was written by Darrell Scott, the father of two victims of the Columbine High School Shooting in Littleton, Colorado:

Your laws ignore our deepest needs
Your Words are empty air
You've stripped away our heritage
You've outlawed simple prayer

Now gunshots fill our classrooms
And precious children die
You seek for answers everywhere
And ask the question "Why"?

You regulate restrictive laws
Through legislative creed
And yet you fail to understand
That God is what we need!

CONGRATULATIONS TO EDGEWOOD COLLEGE CLASS OF 1999

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Ms. BALDWIN. Mr. Speaker, I rise this morning to pay tribute to the graduating class of Edgewood College, whose 71st commencement was Sunday May 16, 1999. Founded in 1927 by the Sinsinawa Dominicans as a junior college for women, Edgewood College is today an outstanding co-ed, liberal arts school located in the Second Congressional District offering both graduate and undergraduate programs. It sits on a beautiful campus shaded by gnarled oak trees on the shore of Lake Wingra. Committed to excellence in teaching and learning, Edgewood College seeks to develop intellect, spirit, imagination and heart. Its graduates acquire an enduring commitment to service, all from an educational community that seeks truth, compassion, justice and partnership.

My own life has been enriched by classes at Edgewood, where one of its special features is its accommodation of working adults. Americans are increasingly learning the benefits of life-long education, and Edgewood has long been a leader in this field.

I would also note that Edgewood College will confer two honorary degrees, to Gaylord Nelson, former Wisconsin Senator and one of our nation's greatest environmentalists; and to Sr. Angelo Collins, OP, the internationally recognized science education expert. I invite my colleagues to join with me in saluting the Edgewood College Class of 1999.

RECOGNITION OF OCCUPATIONAL SAFETY AND HEALTH AWARENESS DAYS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the Region I chapter of the Voluntary Protection Participants' Association and the Safety Council of Western Massachusetts. I applaud the work of this group in combating the serious threat that work-related injuries pose to our communities.

I want to pledge my support for the upcoming Occupational Safety and Health Awareness Days, June 16–17, 1999 organized by the Safety Council. I am pleased to see that the itinerary consists of both interesting and important presentations by local authorities on safety-related topics.

I feel that it is very important to have events such as this to educate the public about what everyone can do to prevent on-the-job accidents and ensure a safe working environment for the people of Western Massachusetts. It is clear that the work of the Safety Council is invaluable in this regard.

Finally I would like to thank the Safety Council for its tireless advocacy of occupational safety and health awareness. Along with the citizens of the Second Congressional District of Massachusetts, I express my most sincere gratitude and the hope that your important work will continue for years to come.

CELEBRATING THE 100TH ANNIVERSARY OF W.B. NEILSON HOSE COMPANY NO. 4

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. SWEENEY. Mr. Speaker, on July 6, 1999, the W.B. Neilson Hose Company No. 4 celebrates its 100th anniversary of fine service to Mechanicville, NY. It is my honor to represent the 22nd Congressional District that is served by such a dedicated department.

I would like to offer my sincerest and most enthusiastic congratulations to every member of the W.B. Neilson Hose Company No. 4 who has worked to maintain such a high level of excellence in fire fighting. With the flicker of an idea, thirty-five enthusiastic volunteers took action, bringing this company to life in 1899.

Over the years the W.B. Neilson Hose Company No. 4 has encountered many obstacles. During the early years, members had to draw the heavy horse cart through narrow, hilly streets and haul the heavy load over a steep bridge, all while facing treacherous weather conditions. These bumps in the road could have spelled disaster for an ordinary company, but they only made the W.B. Neilson Hose Company No. 4 stronger.

The devoted and dedicated members of this company deserve to be commended for their outstanding citizenship. These great men and women selflessly risk their lives in an effort to help and protect their friends and neighbors. Their heroic deeds reach far above and beyond the duty of an everyday citizen, and for this I am eternally grateful.

Mr. Speaker, please join me in thanking W.B. Neilson Hose Company No. 4 for a century of outstanding volunteer service to Mechanicville, New York. I am sure that this first hundred years is only the beginning for this wonderful company.

VETERANS' CEMETERIES ASSESSMENT ACT OF 1999

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Ms. BROWN of Florida. Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2040, the Veterans' Cemeteries Assessment Act of 1999, introduced by Chairman BOB STUMP of the Veterans' Affairs Committee.

America made a solemn commitment to those who put their lives on the line for her when in 1862, President Abraham Lincoln signed legislation authorizing the purchase of "cemetery grounds" to be used as national cemeteries "for soldiers who shall have died in the service of the country."

The stated goal of the Department of Veterans Affairs National Cemetery Administration is to assure that the burial needs of veterans are met with a final resting place that commemorates their service to our Nation. Unfortunately, today nearly a third of America's veterans do not have the option of being buried in a national or state veterans cemetery within a reasonable distance from their residence—determined by the VA to be 75 miles.

I was distressed that the VA's Fiscal Year 2000 proposed budget failed to request funding for even the planning of any new national cemeteries although the Department's own statistics show that demand for cemetery space will increase sharply in the near future, with burials increasing 42 percent from 1995 to 2010, and annual veteran deaths reaching 620,000 in the year 2008.

Additionally, I have been deeply concerned that VA continues to ignore the long-identified national veterans cemetery needs of the southern part of my home state of Florida. In both 1987 and 1994, the Miami area was designated by congressionally mandated reports as one of the top geographic areas in the United States in which need for burial space for veterans is greatest. Yet, as late as August 1998, VA's strategic planning through the year 2010 indicated nothing more than a willingness to continue evaluating the needs of nearly 800,000 veterans in the Miami/Ft. Lauderdale primary and secondary service area. Mr. Speaker, that is over 54 percent of the estimated state veteran population and 3.3 percent of the total U.S. veteran population.

Florida has the oldest veterans' population of any state. By VA's estimate, there will be nearly 25,000 veteran deaths in the greater Miami area in FY 2000, and by the year 2010, the annual death rate in South Florida will be nearly 26,000. Unfortunately, the nearest veterans cemetery is 250 miles away. That is why I introduced H.R. 1628 to require the Secretary of Veterans Affairs to establish a national cemetery in the Miami, Florida, metropolitan area to serve the needs of veterans and their families.

The independent study required by H.R. 2040 to assess, among other things, the number of additional national cemeteries that will be required for the interment and memorialization of veterans who die after 2010, will better identify the critical needs of all of Florida, as well as the Nation. Throughout America, Mr. Speaker, 90 percent of eligible veterans are not buried in a state or national veterans cemetery.

Another important matter required to be studied by H.R. 2040 would be improvements to VA burial benefits to better serve veterans and their families. The legislation specifically mandates consideration of a proposal to increase the amount of the plot allowance benefit.

The plot allowance, when paid to a state veterans cemetery, helps defray the state's operating costs of those burial grounds. At a recent hearing of the Veterans' Affairs Subcommittee on Oversight and Investigations, of which I am the Ranking Democrat, veterans organizations and State Directors of Veterans Affairs testified that the concern for high operating cost obligations keeps many states from seeking a VA grant to build and equip a state veterans cemetery.

Mr. Speaker, I would note that the plot allowance benefit—$150—has not been increased in over 20 years, and is limited to only veterans with wartime service. I believe that an assessment of the plot allowance benefit will find (1) that the current benefit does not cover the cost of interment, (2) that the current eligibility criteria discriminates against 20 percent of the veteran population who are buried in a state cemetery but who are otherwise eligible to be buried in a national cemetery, and (3) that an increase in the benefit amount and an expansion of the eligibility criteria would provide the needed incentive for more states to establish state veterans cemeteries as complements the national cemetery system.

H.R. 2040 will provide Congress with the road map needed to fulfill the Nation's solemn obligation to its heroes—that they and their families be provided an appropriate resting place of honor. I urge Members to support this legislation.

COMMEMORATING THE 36TH ANNIVERSARY OF EQUAL PAY ACT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, thirty-six years ago today, President Kennedy signed the Equal Pay Act. In 1963, when this law was enacted, women earned only 58 cents for every dollar earned by men.

Since then, women have made great strides. For example, women are now a major part of our Nation's workforce and have started their own businesses in record numbers. Women are being admitted to college and graduating at rates on par with men, often breaking into many fields which were formerly open only to men.

Yet in spite of these gains, the wage gap between men and women still persists. Today women earn only 75 cents for every dollar a man earns, and for minority women, the wage gap is even greater. African American women earn 65 cents and Hispanic women only 55 cents for every dollar earned by a man.

The tragedy of this wage discrepancy is highlighted by the fact that four out of every five households depend on a woman's income just to make ends meet. This crisis is further exacerbated by the rise in female-headed households, which makes women's income critical to the well-being of our Nation's children.

When you consider that receiving less pay means that women will also have less retirement security, the enormity of the problem is magnified. For example, less than 40% of women in the private sector have pensions, and those with pensions receive 50% less than what men receive. This is a critical problem given that women tend to outlive men, often by several years.

So, although women have made some gains since President Kennedy signed the Equal Pay Act, clearly, much more needs to be done to erase the disparity in wages that exists between men and women in order to achieve true pay equity.

Two bills have been introduced during this Congress that seek to remedy this wage disparity: H.R. 541, the Paycheck Fairness Act, introduced by Congresswoman ROSA DELAURO, and H.R. 1271, the Fair Pay Act, introduced by Delegate ELEANOR HOLMES NORTON.

The Paycheck Fairness Act strengthens current law by allowing women to collect damages for pay discrimination. It also ensures that employers who have taken steps to provide equal pay get the recognition they deserve. The Fair Pay Act prohibits wage discrimination based on sex, race, or national origin for work in equivalent jobs.

I encourage my colleagues in Congress to support these important bills, and I urge the leadership of the House of Representatives to take action to address the issue of wage inequality in our country.

CONGRATULATING BREAD FOR THE WORLD ON ITS 25TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Bread of the World organization on its 25th anniversary of seeking to feed the world's neediest individuals—those who suffer from hunger. There is no more basic need for survival than adequate nutrition, and these dedicated, compassionate volunteers are deserving of our deepest thanks. Without their efforts, millions of people around the globe might literally have starved to death in the past quarter century.

For 25 years, Bread for the World has been blessed with the commitment of tens of thousands of people united to one goal: seeking justice for the world's hungry people. This month, I join my colleagues in Congress and on the board of Bread for World in welcoming Bread for the World members to Washington for their National Gathering, Silver Anniversary Celebration, and Annual Lobby Day.

Bread for the World is a nonpartisan, Christian citizens' movement. Its mission is to change public policy to address the root causes of hunger and poverty in the United States and the world. Bread for the World members lobby the nation's decision-makers for policies that benefit hungry and poor people in the United States and around the world.

The organization was launched in 1974, after a small group of Catholics and Protestants began meeting to reflect on how persons of faith could be mobilized to influences U.S. policies that address the causes of hunger. Under the leadership of the Reverend Arthur Simon, the group quickly grew. Now, more than 44,000 members and churches belong to the ranks of Bread for the World and, led by the Reverend David Beckmann, serve as citizen advocates for hungry people.

Year after year, Bread for the World members win victories for hungry people from increased funding for child nutrition programs to investments in African farmers to restoration of food stamps to vulnerable legal immigrants. This year, Bread for the World members are part of Jubilee 2000, a worldwide movement for debt relief, and are supporting legislation providing debt relief for poverty reduction.

I am proud to be a member of the Board of Directors of Bread for the World. I believe it is nothing short of criminal that children go to bed hungry in this, the wealthiest nation in the world. Hunger is a completely preventable condition that stunts the growth and health of our youth and cripples the ability of adults to contribute to our society. I have long worked to fight hunger, sponsoring bills like the Hunger Has a Cure Act and fighting cuts in food stamps, the school breakfast/lunch program, Emergency Food Assistance, and WIC, among others. My commitment to this issue is unwavering.

In this 25th anniversary year of Bread for the World, I would like to take this opportunity to give thanks for their advocacy and wish them continued blessings in the years ahead, as they seek an end to hunger. There are few higher callings.

IN HONOR OF THE TENTH ANNIVERSARY OF THE NEW YORK CITY LAB SCHOOL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to salute and commend an exceptional public school in New York City as it celebrates its 10th Anniversary. The New York City Laboratory School for Gifted Education is a prime example of public school education at its best.

The school was founded in 1988 with the help of former Board of Education Chancellor Joseph Fernandez and the former District 2 Superintendent Anthony Alvarado. Since its inception, this school has continued to provide a nurturing, safe environment for gifted children, allowing them to the freedom to explore their interests and broaden their horizons while they are enrolled as students.

The New York City Lab School strives to provide each child with an individualized and research-based curriculum where they are challenged to work both independently and collaboratively with their peers. The students also have the opportunity to take advantage of the school's excellent academic and extracurricular programs such as Spanish as a Foreign Language award winning Math and Chess Teams, and university partnerships with New York University and City College.

State of the art facilities such as the new Media Center, libraries in every classroom and both IBM and Macintosh computers in every room all contribute to the vibrant and enriching environment of this school. All of these factors have proven successful with students.

The New York City Lab School was the highest performer on the New York State Fourth grade English test. IN 1997 they were second in the city and in 1998 their scores had risen by 17%.

Best of all might be the students, faculty and staff of the school itself. The children are not only gifted but they all possess a love of learning and are all curious and excited about the many experiences they have had and will have in the future at their school.

The faculty are constantly challenged to take risks in the classroom and introduce students to new and interesting ways to respond to their ideas and questions. Faculty are also consistently questioning their own teaching styles and methods so that they may improve and continue to provide excellent interactions with the students.

The leadership of the director, Ms. Elizabeth Marra Kasowitz, is an important guiding force behind this school. With her dedication and consistent role in the school, she is able to work alongside the entire school community to help continue the school's long standing reputation of excellence and dedication to a gifted education.

Parents also play an important role in the community of the New York City Lab School. Parents of students contribute great amounts of time, energy and effort by volunteering in many ways.

The entire community of the New York City Laboratory School for the Gifted is an example of how dedication, hard work and personalized relationships lead to positive and phenomenal results. I ask my colleagues to join me in commending the entire community of the New York City Laboratory School.

A TRIBUTE TO SANTA CLARITA, CALIFORNIA'S HERO OF THE WEEK PROGRAM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. McKEON. Mr. Speaker, it is an honor for me to bring to the attention of the House of Representatives a wonderful program that exists in the city of Santa Clarita called the "Hero of the Week" and those individuals honored in this program.

The program is jointly sponsored by the City of Santa Clarita Anti-Gang Task Force and Mad About Rising Crime Santa Clarita Chapter under the direction of Mr. Gary Popejoy. Started by Maria Fulkerson and Lorraine Grimaldo of the Sant Clarita Anti-Gang Task Force, the "Hero of the Week" program focuses on more of the positive actions of our youth rather than the negative. The program honors students for their positive actions and choices they have demonstrated. The students from the Santa Clarita Valley Junior and Senior High Schools are recommended by teachers and principals based on their observations of the student exhibiting positive behavior.

The students that are selected exhibit the qualities that we are looking for in future leaders of our nation. These students, many of whom have had previous problems of one sort or another, have made remarkable improvements in many different areas. I am pleased to honor these students today here on the House floor.

On June 2, 1999 the "Hero of the Week" program honored 47 members of my community for their outstanding activities that truly made them heros in our neighborhood. These students have faced serious obstacles and, in many cases, faltered in the face of adversity. However, none of these students gave up. Their hard work and determination have truly earned them the title "Hero" in our community.

Mr. Speaker, I would like to conclude these remarks by listing the 47 students honored by the city last week. I congratulate them and the sponsoring organizations for such a wonderful, positive program.

HERO OF THE WEEK HONOREES

Neal Abrams, Canyon High School
Jose Avila, Arroyo Seco Jr. High School
Monica Barajas, Placerita Jr. High School
Allison Barlow, La Mesa Jr. High School
Adrian Becerra, La Mesa Jr. High School
Chris Butterrick, Sierra Visa Jr. High School
Brett Cain, Arroyo Seco Jr. High School
Raymond Cano, Hart High School
Anthony Cisneros, Sierra Vista Jr. High School
Keith Farley, Canyon High School
Dylan Foley, Placerita High School
Sheryllene Go, Saugas High School
Ashley Hope, Sierra Vista Jr. High School
Jared Kennedy, Arroyo Seco Jr. High School
Kristian Kimoto, Hart High School
Russell King, Arroyo Seco Jr. High School
Johnny Lara, Hart High School
Chris Lockwood, Valencia High School
Selena Lopez, Saugus High School
Ashlie Madden, Placerita Jr. High School
Luis Marin, Placerita Jr. High School
Ana Medrano, Bowman High School
Denika Mercado, Saugus High School
Charissee Miranda, La Mesa High School
Michele O'Kray, La Mesa Jr. High School
Emily Osborne, Arroyo Seco Jr. High School
Andrew Pacheco, Bowman High School
Jimmy Perry, Canyon High School
Erik Plessner, Saugus High School
Brittney Potes, Hart High School
Marina Preciado, Saugus High School
Naji Qammou, Bowman High School
Mike Raiman, Sierra Vista Jr. High School
Daniel Rettig, Saugus High School
Jorge Rodriquez, Bowman High School
Danielle Sozio, Canyon High School
Sean Pennala-Taylor, Sierra Vista Jr. High School
Denny Tucker, Valencia High School
Adriana Varela, Saugus High School
Jorge Vargas, Hart High School
Rene Vasquez, Placerita Jr. High School
Jaclyn Vigeant, Arroyo Seco Jr. High School
Danielle Walters, Sierra Vista Jr. High School
Joe Young, Sierra Vista Jr. High School
Megan Young, Placerita Jr. High School
Oscar Zapata, Canyon High School

MASSACHUSETTS SENIOR ACTION COUNCIL DOCUMENTS HARM DONE BY MEDICARE CUTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, during the Congressional recess, I spent a very useful two hours at the University of Massachusetts-Dartmouth meeting with a large number of older people at a rally called by the Massachusetts Senior Action Council. One of the very impressive aspects of that rally was a series of short, poignant examples given by members of the Council of the terrible harm that is being done by the cut backs in Medicare that we are now inflicting on older people, most of which are a direct result of the terribly mistaken legislation adopted by Congress and signed by the President in 1997.

Younger people reading this might not be aware of a central fact: as currently constituted, Medicare includes no payment for prescription drugs. We in Massachusetts used to have a law which required that HMOs provide prescription drugs, but that was crudely abolished by the 1997 so-called Balanced Budget Act as part of the effort to cut Medicare to make funds available for other purposes. And that bill also required for the same reason severe cut backs in home health care. I ask that these examples of the terrible damage that is being done by the 1997 Act be printed here, in the hopes that it will influence our colleagues to join those of us who are seeking to undo the grave error Congress made in 1997 in cutting Medicare.

TESTIMONY GIVEN AT THE MASS. SENIOR ACTION COUNCIL RALLY TO PRESERVE AND PROTECT MEDICARE AND SOCIAL SECURITY, JUNE 1, 1999

Armando and Alexandria Demelo live in Fairhaven. They are 75 and 78 years old. They both have life threatening medical conditions. Their prescription drug costs are currently $6,000 per year.

William Kirby lives in East Wareham. He is 83 years old. He has emphysema. His prescription drug costs are over $800 per month.

Arthur and Mary Travassos live in Fall River. They both have serious health problems and Arthur is currently in the hospital. They were lucky enough to be able to switch out of their HMO in time to another plan which is now closed. Between the two of them they pay over $7,000 yearly in prescription drug costs.

Del Silvia worked as a stitcher in the Fall River mills for 37 years. She is 63 years old. She is on nine prescription drug medications in order to keep her lungs functioning. Before Del got out of her Medicare HMO she had over $10,000 in prescription drug costs per year.

An 84 year old Portuguese woman who lives in New Bedford was admitted to the hospital in the middle of the night with severe cramping in her abdomen. Thank God she did not have a serious obstruction. Her HMO denied payment for her care in the hospital.

An 85 year old woman from Southeastern Mass. was discharged from the hospital after an operation for colon cancer. She had been in the hospital a full month. She was approved by Medicare for only 4 home health visits.

A 73 year old woman from Fall River returned from the hospital after knee surgery. She was denied home health services by her HMO.

Loretta Lamond from New Bedford passed away last year. She was 85 years old. She was diabetic and blind and could not fill her own insulin needles. Medicare cut off her nurse who came to the house to assist her with the needles.

These are only a few of the countless stories we hear every day. The sickest and most vulnerable—those who can not always speak for themselves are hit the hardest.

Something must be done!

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT EMPLOYEES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to require the U.S. Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department employees engaged in misconduct, criminal activity, corruption, or fraud. The bill is similar to legislation I authored in the last three Congresses.

The independent counsel provisions of the Ethics in Government Act of 1978 require the Attorney General to conduct a preliminary investigation when presented with credible information of criminal wrongdoing by high-ranking executive branch officials. If the Attorney General finds that further investigation is warranted or makes no finding within 90-days, the

Act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The Act also gives the Attorney General broad discretion in seeking the appointment of independent counsel with regard to individuals other than high ranking executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill amends the Act to treat allegations of misconduct, corruption or fraud on the part of Justice Department employees in the same manner as allegations made against high-ranking cabinet officials. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department employees have been accused of misconduct, corruption or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt federal prosecutors. No action has ever been taken against the prosecutors.

The 1992 Randy Weaver incident that took place in Ruby Ridge, Idaho is perhaps the most notorious and disturbing example of Justice Department employees, in this case, high-ranking officials, acting in a questionable manner, and receiving no punishment other than disciplinary action. In the Randy Weaver case, an unarmed woman holding her infant child was shot to death by an FBI sharpshooter acting on orders from superiors. Former FBI deputy director Larry Potts allegedly approved the decision to change the rules of engagement the FBI sharpshooters and other federal officials at Ruby Ridge were acting on. The decision allowed FBI sharpshooters to shoot on sight any armed adults—whether they posed an immediate threat or not. As a result of this decision, Vicki Weaver was shot to death while holding her infant daughter.

While several officials, including Mr. Potts, were disciplined—some forced to leave the department—no criminal charges were ever filed against any of the officials involved in the Ruby Ridge incident. I would point out that at the outset of the incident a 14-year-old boy was shot in the back by U.S. Marshals. In August of 1996 the federal government agreed to pay the Weaver family more than $3 million—but did not admit any wrongdoing in the incident. The Ruby Ridge incident served as a stark reminder that the Justice Department does not do a very good job in objectively and aggressively investigating potential criminal acts or misconduct on the part of Justice Department employees. This is especially true of actions involving Justice Department attorneys.

In 1990, a congressional inquiry found that no disciplinary action was taken on 10 specific cases investigated by the Justice Department's Office of Professional Responsibility (OPR) in which federal judges had made written findings of prosecutorial misconduct on the part of federal prosecutors. Several federal judges have expressed deep concern over the lack of supervision and control over federal prosecutors. In 1993, three federal judges in Chicago reversed the convictions of 13 members of the El Rukn street gang on conspiracy and racketeering charges after learning that assistant U.S. attorneys had given informants alcohol, drugs and sex in federal offices in exchange for cooperation, and had knowingly used perjured testimony. No criminal charges have ever been made against the federal prosecutors nor has OPR taken any meaningful disciplinary action, other than firing one U.S. attorney.

Unfortunately for our democracy, over the years the Justice Department has built a wall of immunity around its attorneys so that it is extremely difficult to control the actions of an overzealous or corrupt prosecutor. In many instances, the attorney general has filed ethics complaints with state bar authorities against nongovernment lawyers who complain about ethical lapses by federal prosecutors. How has Congress let this agency get so out of control?

The majority of Justice Department officials are hardworking, courageous and dedicated public servants. The unethical and criminal actions of a few officials and attorneys are tarnishing the reputation of the department. By allowing these actions to go unpunished or by not taking aggressive action in the form of criminal indictments, the department is eroding the public's confidence in government.

As the El Rukn case illustrated, in their zeal to gain a conviction, federal prosecutors overstepped the boundaries of ethical and legal behavior. As a result, dangerous criminals were either set free or received greatly reduced sentences. Such actions are unacceptable. The federal government needs to act in an unambiguous and aggressive manner against any federal prosecutor or official who betrays the public trust in such a blatant and damaging fashion. Sadly, that was not done in the El Rukn case, and countless other cases where Justice Department officials acted in an unethical or illegal manner.

The American people expect that the Justice Department—more than any other federal agency—conduct its business with the highest level of ethics and integrity. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department employees be treated with the same seriousness as allegations made against high-ranking cabinet officials. I urge all of my colleagues to support this bill.

H. CON. RES. 124 AND H. CON. RES. 111—CONDEMNING DISCRIMINATION AGAINST ASIAN AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. STARK. Mr. Speaker, I rise today to actively support both H. Con. Res. 124, which seeks to protect the citizenship rights of Asian Americans, and H. Con. Res. 111, which seeks to condemn all forms of discrimination against Asian Americans.

In response to recent allegations of espionage and illegal campaign financing by the Chinese government, H. Con. Res. 124 conveys the very important point that all Americans of Asian descent are vital members of our society and that they are to be treated fairly and equally as American citizens.

It is our duty to make the clear distinction between our relations with the government of China and how we treat Americans of Chinese descent. We must work together to prevent the rise of tensions similar to those existing during the World War II era with the internment of loyal Japanese Americans.

Asian Americans have made and continue to make significant contributions to our society in areas, such as the arts, education, and technology. H. Con. Res. 111 fully supports the continued political and civic participation by these citizens throughout the United States.

Organizations like the Oakland Chinese Community Council (OCCC) of the East Bay area work to not only help Americans of Asian descent assimilate into American culture, but help them to maintain their Asian heritage and identity as well. More specifically, OCCC has developed programs for career referral, voter registration, and training in efforts to aid new immigrants with successfully attaining their goals upon entering the United States.

I ask my colleagues to join with me in the outward condemning of discrimination against Asian Americans and in the protection of their rights as American citizens so that they may be treated with the equality and fairness that is rightfully expected and deserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes:

Mr. BLILEY. Mr. Chairman, I rise today to express a number of concerns about H.R. 1401, the National Defense Authorization Act for FY2000, as well as about the process used to bring this legislation to the floor of the House. Key provisions of this legislation, along with a number of amendments made in order under the rule, address programs and activities of the Department of Energy that fall within the jurisdiction of the Committee on Commerce under the Rules of the House. Several examples will serve to highlight these areas of concern.

Section 3165 of H.R. 1401 consolidates responsibility for nuclear weapons activities, facilities, and laboratories under DOE's Assistant Secretary for Defense Programs. This effort to reorganize the responsibilities at the Department of Energy falls within the Committee on Commerce's responsibility for the general management of the Department of Energy, including its organization. The facts that have come to light about lax security controls at the Los Alamos National Laboratory highlight the dangers of a nuclear weapons laboratory trying to police its own security. Secretary

Richardson is moving toward the appointment of a security "czar" at DOE headquarters who would oversee security for all DOE facilities, laboratories, and operations. This section of H.R. 1401, however, would run directly counter to that approach by giving the program office, Defense Programs, responsibility for its own safeguards and security operations. Separate from the merits of a particular organizational solution, we should also preserve the prerogative of the Secretary of Energy to adapt his organization to changing circumstances. H.R. 1401 locks in a particular structure legislatively.

The Commerce Committee has a long history of ensuring that DOE maintains a system or independent checks on its program offices, including its work on the Department of Energy Organization Act. The Commerce Committee believes it is essential to maintain the safeguard and security function independent from the Defense Programs office. The same is true of other oversight functions, such as environmental protection and occupational health and safety. These should not be integrated into the DOE program offices, but should maintain the independence necessary to do the job right.

Amendment No. 2, offered by Mr. SPENCE, requires preparation of a plan to transfer all of the national security functions of the Department of Energy to the Department of Defense. Such a move is unwise, as it would violate the long-standing policy in this country of keeping the development of nuclear weapons and materials under the control of a civilian agency, separate from the military departments which might have to employ those weapons. This policy dates back to the original Atomic Energy Act enacted shortly after the end of World War II. Integrating all of these functions into the Department of Defense is a risky policy, and represents an unreasoned reaction to the recent Chinese espionage problems. This amendment would also impose stricter controls on foreign contacts by DOE employees, consultants, and contractors. While such controls may make sense in light of recent events at the Los Alamos National Laboratory, this provision has the potential to sweep too broadly, possibly encompassing any employee of DOE contractors who possess a security clearance. This could pose an impossible burden on DOE to monitor the foreign contacts of all of these potentially-covered persons.

The approach taken on this issue by Amendment No. 1, offered by Mr. COX and Mr. DICKS, is preferable. However, the Cox-Dicks amendment also makes a number of significant organizational changes to the Department of Energy, changes which are appropriately under the jurisdiction of the Committee on Commerce. While many of these changes make sense from a substantive perspective, such as the creation of separate Offices of Foreign Intelligence and Counterintelligence within the Department of Energy, these would be changes better handled by the Committee pursuant to its authority over the management of the Department of Energy.

These jurisdictional concerns extend to the process used to bring H.R. 1401 to the floor. The normal intercommittee review process for the rule for this legislation, and for consideration of amendments to H.R. 1401, has been extremely truncated. The Committee on Commerce, one of the committees with primary jurisdiction over Department of Energy programs, has had only a minimal opportunity for review and comment on these major substantive provisions. While the situation with respect to China is highly charged and does call for a timely legislative response, we must remember that our internal House procedures are there for a reason—to ensure that we reach sound legislative decisions. Taking shortcuts with the normal committee review process increases the risk that we will pass legislation with unintended consequences. I have articulated many of these concerns in a letter to Chairman SPENCE, and I will insert it into the RECORD at this point.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 24, 1999.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am following up on my correspondence of May 21, 1999 concerning H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. After consultation with the Parliamentarians, we continue to believe that several provisions of H.R. 1401, as ordered reported, may fall within the jurisdiction of the Committee on Commerce. These provisions include:

Section 321—Remediation of Asbestos and Lead-Based Paint. One reading of this provision would permit a waiver of applicable law with respect to the remediation of asbestos and lead-based paint. I am sure that that is not the legislative intent of the language, however.

Section 653—Presentation of United States Flag to Retiring Members of the Uniformed Services not Previously Covered;

Section 3152—Duties of Commission. This section, as ordered reported, makes clear that the Commission on Nuclear Weapons Management formed pursuant to Section 3151 will specifically deal with environmental remediation. Such matters are traditionally within the jurisdiction of the Commerce Committee. I understand, however, that you have deleted subsection (a)(9) from this section, and therefore the Committee registers no jurisdictional objection.

Section 3165—Management of Nuclear Weapons Production Facilities and National Laboratories. As ordered reported, this section contains a number of provisions which we feel strongly fall within the Committee's Rule X jurisdiction over management of the Department of Energy. In particular, we are concerned about provisions which move functions heretofore carried out by various offices within the Department to the direct control of the Assistant Secretary for Defense Programs. We believe that this kind of wholesale reorganization of DOE functions must be considered by all of the committees of jurisdiction, including the Committee on Commerce.

However, recognizing your interest in bringing this legislation before the House expeditiously, the Commerce Committee has agreed not to seek a sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral, the Commerce Committee does not waive its jurisdiction over the provisions listed above or any other provisions of the bill that may fall within its jurisdiction. The Committee's action in this regard should not be construed as any endorsement of the language at issue. In addition, the Commerce Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference.

I request that you include this letter in the Record during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

Finally, I must take this opportunity to discuss a matter that will have a tremendous impact on the future of the market for telecommunications services. Section 151 of the bill adds a new section 2282 to Title 10 of the U.S. Code to prohibit the Secretary of Defense from obligating monies to buy a commercial satellite communications system or to lease a communications service, including mobile satellite communications, unless doing so would not cause harmful interference with the Global Positioning System (GPS) receivers used by the Department of Defense (DoD). It is my hope that the provision is intended only to provide policy guidance to the DoD regarding the protection of the GPS from harmful interference by other users of the radio spectrum. However, the specific language in section 151 goes much further and has potential unintended consequences that may undermine the spectrum management process under which both the public and the government have operated successfully for many years.

Spectrum management issues fall within the jurisdiction of the Commerce Committee. As our Members have learned over the years, spectrum management is a complex task that requires detailed analysis and consideration. We have also learned that advocacy for spectrum policy for one purpose cannot be considered in a vacuum or without considering the impact it will have on other spectrum users.

The use of the government-created GPS network of satellites by the public has mushroomed over the last several years. Private companies continue to create valuable position location devices that will assist in the protection of life and property. We should take appropriate steps to protect and promote the use of the GPS network. In fact, two years ago, the Congress enacted the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) which included a section endorsing and enacting into law the presidential policy on the sustainment and operation of GPS issued in March 1996. The section also directed the Secretary of Defense not to accept any restriction on the GPS system proposed by the head of any other department or agency in the exercise of that official's regulatory authority that would adversely affect the military potential of GPS. Members of the Committee on Commerce were appointed as conferees on this provision and participated in the conference negotiations.

The GPS network of satellites, like all spectrum users, operates in a community of spectrum users. Neighboring users of the band included the U.S.-promoted and licensed Mobile Satellite System networks such as GlobalStar, Iridium, Ellipso and Constellation, one of which is already fully operational and another of which is poised to commence operations later this year. Several agencies of the U.S. Government, including the DoD, have worked domestically and internationally to resolve the many technical issues surrounding the operations of these systems and the standards their equipment must meet to protect the community of spectrum users. As I understand it, DoD has not opposed the operations of any of the licensed Mobile Satellite Systems. In fact, it already is a customer of one of these systems.

Moreover, the FCC is in the midst of a number of proceedings that address protection standards between GPS and its spectrum neighbors. DoD and the defense community will have ample opportunity to participate in the ongoing FCC proceedings and to work with Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) within the Department of Commerce, the appropriate agencies for spectrum management, to ensure that their interests are protected.

In May of this year, the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Commerce Committee held a legislative hearing on the reauthorization of NTIA. As part of that hearing, Assistant Secretary Larry Irving, Administrator of NTIA, indicated that "NTIA is also addressing issues that will protect the radio spectrum currently used by the global positioning system (GPS) and facilitate the expansion of GPS services. . . . In order for GPS to be used reliably and confidently as a worldwide utility, the radio spectrum within which it operates must be protected . . . NTIA will also continue its efforts to work with the Department of Transportation, the Department of Defense, the Department of State, the FCC, and the private sector to ensure that spectrum is available in the future for this purpose."

It is my firm belief that we should not circumvent these ongoing processes unless absolutely necessary. There is no reason to interfere at this time. If, at the end of the day, DoD is not comfortable with the resolution of the administrative process and can demonstrate the potential harm to GPS, the Commerce Committee is prepared to consider its concerns and take action as necessary. I would also urge DoD and other GPS users to participate in the proceedings now before the FCC. The defense authorization process should not be used to end-run the spectrum management process that has worked so well for so long. It is interesting to note that DoD has made clear in conversations with Commerce Committee staff that it did not request nor does it seek inclusion of section 151 in the defense authorization process.

Accordingly, I believe that section 151, coupled with two spectrum-related provisions within the Senate's Department of Defense Authorization Act for Fiscal Year 2000 (§§ 1049 and 1050 of S. 1060), may have a negative impact on telecommunications policy. The Commerce Committee will be active to ensure that the inclusion of any provision within the final version of a defense authorization bill not interfere or cause harm to telecommunications policy. I respectfully request that these concerns be taken into account during further consideration of this legislation.

Mr. Chairman, thank you for this opportunity to comment on H.R. 1401, the Defense Authorization Bill for fiscal year 2000.

CONCERNING THE ADMINISTRATION OF THE OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS PROGRAM BY THE DEPARTMENT OF AGRICULTURE

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. SKEEN. Mr. Speaker, I support funding grants to 1890, 1862, and 1994 Land Grant Colleges and Institutions to enhance the viability of small farmers by providing training and technical assistance in overall farm management practices. H.R. 1906 provides $3,000,000 in funding for the program in fiscal year 2000, the same level as 1999 and provides that the Secretary of Agriculture may transfer up to $7,000,000 from the Rural Housing Insurance Fund Account for "Outreach for Socially Disadvantaged Farmers." However, I am concerned about the Department of Agriculture's track record in the delivery of this program to date.

Since the program was authorized by Section 2501 of the Food, Agriculture, Conservation and Trade Act of 1990, the management of the program has been transferred to several agencies in the Department ending in the Office of Outreach under Departmental Administration since 1998.

USDA has not audited the program even though questionable fiduciary practices have surfaced, including two violations of the Antideficiency Act in 1996. In addition, in 1998, the USDA's Office of Outreach coordinated $4.8 million in cooperative agreements with other USDA agencies for small farmer outreach training and technical assistance with the same universities and colleges that have received funding under the Section 2501 authorities.

I believe USDA should carefully review the funding and management requirements for the program and take appropriate action to ensure that eligible farmers and ranchers receive full benefit and that the American taxpayers' funds are being well spent.

For the record, I am submitting copies of the Antideficiency Act notification letters and respectfully request they be included in the CONGRESSIONAL RECORD.

JUNE 17, 1997.

Hon. FRANKLIN D. RAINES,
Director, Executive Office of the President, Office of Management and Budget, Washington, DC.

DEAR FRANK: As required by OMB Circular Number A–34, section 32.2, the Department of Agriculture (USDA) is reporting to the President, through your office, two violations of the Antideficiency Act with respect to USDA's Outreach for Socially Disadvantaged Farmers Program.

Please let me know if additional information is needed.

Sincerely,

DAN GLICKMAN,
Secretary.

Enclosure.

JUNE 17, 1997.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This letter is to report two violations of the Antideficiency Act, as required by section 1351 of Title 31, United States Code.

Both violations occurred in the Outreach for Socially Disadvantaged Farmers Program account (1260601) of the Farm Service Agency (FSA). The program was transferred from Rural Development to FSA on October 1, 1995, under the Department of Agriculture's reorganization. The violations occurred on August 15, 1996, and August 27, 1996, and involved the obligation of funds which exceeded the amount available in the fiscal year (FY) 1996 appropriation for the Outreach for Socially Disadvantaged Farmers Program. Officers responsible for the violations were Carolyn B. Cooksie, Deputy Administrator for Farm Loan Programs and John I. Just-Buddy, Chief, Economic Enhancement Branch, FSA.

The violations occurred with the awarding of cooperative agreements by program officials which obligated $100,000 to South Carolina State University and $25,414,24 to Langston University. The agreements obligated funds exceeding the amount available in the FY 1996 appropriation for the Outreach for Socially Disadvantaged Farmers Program because the program managers erroneously assumed, based on informal advice they requested from FSA budgetary staff, that unexpended funds from the expired FY 1993 appropriation were available for new agreements. Program officials were unfamiliar with budget and fiscal terminology and procedures, and the FSA budget staff misunderstood the program manager's request regarding fund availability. The violations were identified in time to prevent the actual expenditure of funds in excess of the appropriation.

There is no evidence that anyone knowingly or willfully violated the law. Thus, no disciplinary action has been taken.

An adequate funds control system for FSA is in place. Officials responsible for these antideficiency violations have been counseled to verify the availability of funds prior to entering into future cooperative agreements.

The Outreach for Socially Disadvantaged Farmers Program was transferred to the Natural Resources Conservation Service (NRCS) on October 1, 1996. NRCS has been provided a copy of this letter.

Identical letters will be submitted to the presiding officer of each House of Congress.

Respectfully,

DAN GLICKMAN,
Secretary.

IN HONOR OF COMMISSIONER JIMMY DIMORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Jimmy Dimora, on the occasion of his being honored for his twenty-eight years of service to the Cuyahoga County community.

Jimmy Dimora is a dedicated public official who has contributed a substantial portion of his life to the betterment of his community. He is especially committed to maintaining ties to labor organizations and helping the working men and women in the community. He has held a variety of public offices, ranging from

Mayor of Bedford Heights to the Commissioner of Cuyahoga county. In addition to his service as a dedicated public official, he has devoted much of his time to community initiatives. Some of this activities Commissioner Dimora has been involved with include: a member of the Board of Trustees for the University Hospitals Health System Bedford Medical Center, and leadership rolls in the United Way, Shoes for Kids and the YMCA. Additionally, he has served as chairman of the Cuyahoga Democratic Party since 1994.

Although his work and community service put extraordinary demands on his time, Commissioner Dimora has never limited the time he gives to his most important interest his family especially his lovely wife, Lori.

I ask that my distinguished colleagues join me in commending Commissioner Jimmy Dimora for his lifetime of dedication, service, and leadership in Cuyahoga County. His large circle of family and friends can be proud of this significant contributions he has made. Our community has certainly been rewarded by the true service and uncompromising dedication displayed by Commissioner Jimmy Dimora.

CONGRATULATIONS TO JIM SELKE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. McINNIS. Mr. Speaker, it is with great pleasure that I now recognize Mr. Jim Selke, who after 31 years of dedication to educating the students of District 51 in Grand Junction, Colorado, has decided to retire. In doing so, I would like to pay tribute to the extraordinary career of this remarkable individual, who for so many years, has worked to shape the minds of the youth of Grand Junction, and who has worked to preserve a high standard of education.

Mr. Selke began his career in Grand Junction, Colorado at Central High School in 1968, and for 24 years he served in various capacities, coaching football and baseball, and serving as activities coordinator. After his years of inspiring the students of Central High School, Mr. Selke was ready to return to the classroom.

For the past 7 years, Jim Selke has served as the athletic director for Palisade High School. There is no doubt that his positive attitude and uplifting words of encouragement will be missed. Teachers like Mr. Selke, who give tirelessly to their students and inspire great success, are a rare breed.

It is with this, Mr. Speaker, that I say thank you to Mr. Selke and wish him the best of luck as he begins his much deserved retirement.

INTRODUCTION OF "MEDICARE HOSPITAL CAPITAL EFFICIENCY PROMOTION ACT OF 1999," 11TH IN A SERIES OF MEDICARE MODERNIZATION BILLS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. STARK. Mr. Speaker, I am today introducing the 11th in a series of bills to modernize Medicare, obtain long-term savings, and make the program more efficient, without forcing beneficiaries to make radical changes.

The bill would give Medicare authority to reduce capital payments 25% to hospitals in areas where we have more than an average number of beds and the occupancy rate is below the national average. Exceptions would be made if capital payments to these hospitals were used to merge or downsize or if the Secretary determined that special circumstances required a capital expansion.

Mr. speaker, a major force making American health care the most expensive in the world is that we have way, way too many hospital beds. In California, occupancy has been below 50% for years. Throughout the nation, many hospitals are at 20 to 30% occupied. No one would run a modern factory at these occupancy rates-and certainly no banker would willy-nilly put more capital into such an industry. Yet the taxpayer consistently makes billions of dollars a year in automatic payments for capital to the nation's hospitals.

Dr. John Weinberg of Dartmouth has just published the third in what is called The Dartmouth Atlas. He provides overwhelming documentation that in health, it is not so much demand, as supply that is driving the cost of the health care system. In other words, "build it, and they shall come." Build a hospital, and doctors will find a way to use it. The more hospital beds available in a community, the more likely you will die in a hospital instead of at home, in a hospice, or in a nursing home. Yet we know that the public does not prefer a high-tech, prolonged death. At the moment of death, most people would like to be a familiar setting surrounded by family-not hooked up to a half dozen tubes in a hospital ICU.

Capital payments also are used to proliferate fancy new services-rather than asking that expensive services (such as transplant or open heart surgeries) be concentrated at hospitals which do a large volume of operations and which have better outcomes. The data is overwhelming that the more operations a hospital does, the less likely they are to kill you. In other words, practice makes perfect, or at least very good. Yet in California, for example, we have about 130 hospitals doing open heart surgeries. Setting up an open heart program costs, I am told, about $10 million. Yet some of these heart centers only do 3 or 5 operations a month! They may be good for a local hospital's prestige, but they are almost a prime facie malpractice waiting for a jury. Medicare and taxpayers, again, should not be paying for this proliferation of local prestige: we are killing people through bad outcomes when we allow every Tom, Dick, and Harry hospital to do sophisticated operations.

My bill is a simple proposal: where we have to many beds and they are going unoccupied, the taxpayer can save 25% in reduced hospital capital payments.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF THE RAGIN CAJUN AMATEUR BOXING CLUB

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. JOHN. Mr. Speaker, I rise today to recognize a very special group of young athletes. These young boxers, along with their coach Beau Williford, comprise Lafayette, Louisiana's Ragin Cajun Amateur Boxing Club.

Over the Memorial Day district work period, I had the privilege of visiting their gym and witnessing first-hand the remarkable program that Mr. Williford leads. Everyday after school, Mr. Williford's gym becomes a training ground for the next generation of boxers. He not only provides these youngsters with a place to train, but he also provides the life instruction and guidance that many of these kids so desperately need. My experience at his gym convinced me of just how vital the need for such programs is in communities throughout the United States. In fact, research has shown that students who participate in after-school programs exhibit higher levels of achievement in reading, math, and other subjects. These students also exhibit improved grades, reading ability, attendance levels, homework completion, and increased graduation and enrollment in post secondary education.

In 1982, Beau Williford opened Beau Williford's Boxing Academy and began the Ragin Cajun Amateur Boxing Club. Mr. Williford's Boxing Academy soon became a place where young people could productively spend their after school time under the wing of an inspirational coach. Indeed, nine gold medals were recently won by young athletes who competed at the 1999 Junior Olympics and Under 19 competitions in Natchitoches, LA, on May 14–16, 1999.

Beau Williford deserves special acknowledgement for his devotion to the physical and personal development of the youngsters he takes in. A former boxer and trainer of six boxing champions, Mr. Williford offers these kids a place where they can relieve stress through exercise while socializing with others their age. Several of the young people he trains were troubled youths without motivation, discipline, or direction. Under Mr. Williford's guidance, their lives have been turned around. Those who were once making failing grades in school are now making straight A's. In addition, the parents of these young athletes claim that not only are their children doing great as boxers, but they are doing much better as children. They are more disciplined and have gained a sense of self-respect.

Mr. Speaker, I would like to individually recognize these outstanding youths who have worked hard to earn the title of "champion." Please join me in extending a warm voice of recognition to Jared Hidalgo, a sixteen year-old Carencro High School junior who won the

178-pound division gold medal; to Harold Breaux, a seventeen year-old Northside High School junior who won the 165-pound division gold medal; to Mark Megna, an eight year-old Woodvale Elementary School student who won the Gold in the 60-pound bantam division; to John Ross Prudhomme, an eleven-year old Westminister Academy student who won the Gold in the 85-pound junior division; to Jacob Carriere, an eleven year-old Edgar Martin Middle School student who won the Gold in the 65-pound junior division; to Clay Johnson, an eleven year-old S.J. Montgomery student who won the Gold in the 95-pound junior division; to Michael Carriere, a fourteen year-old Edgar Martin Middle School student who won the Gold in the 156-pound intermediate division; to Darren Johnson, a fourteen year-old Lawtell Middle School student who won the Gold in the super heavy weight intermediate division; and to Wesley Williford, a fourteen year-old Lafayette Middle School student who won the Gold in the 156-pound senior division.

These youngsters are guided by an outstanding group of coaches who also deserve our recognition. In addition to the guidance of Beau Williford, Coaches Gene Hidalgo, Walter Dugas, Mark Peters, Sean McGraw, Lenny Johnson, Harold Breaux, Sr., and Deidre Gogarty work with these kids on a daily basis. Along with team manager Christian Williford, this outstanding group of adults is committed to the direction and success of these young athletes.

The hard work and discipline that Mr. Williford and his team inspire in these young people not only produces athletic growth, but personal growth as well. Studies have shown that sustained positive interactions with adults contribute to the overall development of young people and their achievement in school. At a time in our country when youth violence is on the rise and we are searching for answers, Mr. Williford and the Ragin Cajun Amateur Boxing Club have found their own solution. He and his young boxers were an inspiration to me, and in recognizing them today I hope that his story will inspire others to take an active role in the lives of our youth.

HONORING KENNETH C. BAKER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize and honor the accomplishments of a man who has given much to the teaching profession, and even to his many students. On June 30, friends, colleagues, and family will gather to pay tribute to Mr. Kenneth Baker of Flint, Michigan, who is retiring from the Flint Community Schools after 34 years of dedicated service to the community.

As a former school teacher myself, I understand how important it is for the minds of our Nation's children to be influenced by positive, uplifting role models. I am happy that Kenneth Baker lives up to this ideal. A graduate of the University of Toledo, and Eastern Michigan University, Kenneth began his long and rewarding career with Flint Community Schools in 1965. He served as a science teacher at Bryan Community School until 1969, where he then went on to Carpenter Community School as its director. He served in this same capacity at McKinley Middle School from 1972 to 1990, helping guide the lives of thousands of children.

When the need arose, Kenneth found himself thrust back into the role as teacher, as he taught science and social studies at Anderson Community School from 1990 to 1995, and then his current teaching position, once again at McKinley. No matter which hat he wore, Kenneth always proved himself to be an exceptional educator, able to help his students acquire and develop skills that would help them to become strong, positive members of society.

In efforts to lead by example, Kenneth has also been involved in the community as well. Within the school, he has been a team leader in the team curriculum program, and has also been willing to volunteer as a referee for sporting events such as volleyball and track and field. He has served on the Learning Standard Committee, and has been a coordinator of the Buick City and Flint Olympian Road Race.

Mr. Speaker, there are many adults throughout the entire state of Michigan whose lives have been enriched by an early life interactions with Kenneth Baker. I am proud to have a person such as him within my district. I ask my colleagues in the 106th Congress to join me in wishing him well in his retirement.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. NETHERCUTT. Mr. Speaker, on June 10, 1999, I was absent after 6:30 p.m. to attend my son's junior high school graduation ceremony. I ask that the RECORD reflect that if I was present, I would have voted "no" on rollcall votes 192, 193, 200, 201 and 202 and I would have voted "aye" on rollcall votes 194 through 199 and 203.

TROOPER CHARLES PULVER RETIRES AFTER 31 YEARS OF SERVICE ON THE COLORADO STATE PATROL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to honor Trooper Charles Pulver who, after 31 years in the Colorado State Patrol, has announced his retirement. In recognition of his service and dedication to the citizens of Colorado, I would like to take a moment to pay tribute to Trooper Pulver.

After graduating from Central High School in Pueblo in 1960, Pulver went on to serve in the United States Air Force from 1960 to 1964. In 1968, Pulver received his first assignment to serve the citizens of Golden, Colorado. He was transferred to Idaho Springs where he served from 1972 until 1980 when he returned home to serve the community of Pueblo.

Throughout his 31 years of service, Chuck has undoubtedly witnessed a great deal, yet one thing has remained the same, Chuck's dedication to the citizens of Colorado, and his high moral standards. In 1974, Trooper Pulver was awarded the Red Cross Life Saving awards for performing CPR on a heart attack victim until further medical help arrived on the scene. Named Officer of the Year several times by the Optimist Club, Chuck was most recently nominated in 1998 for his outstanding dedication to duty. He has been recognized numerous times for his efforts in DUI enforcement, as a drug expert, and safety belt compliance by the Colorado State Patrol.

Today, as Trooper Pulver embarks on a new era in his life, I would like to offer my gratitude for his years of service. It is clear that Pueblo, Colorado has benefited greatly from the hard work and honest endeavors of Mr. Pulver. On behalf of all of Colorado, I would like to say thank you to Trooper Charles Pulver and wish him all the best as he begins his much deserved retirement.

CRISIS IN KOSOVO (ITEM NO. 8)—REMARKS BY JOHN R. MACARTHUR, PUBLISHER OF HARPER'S MAGAZINE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. KUCINICH. Mr. Speaker, on May 20, 1999, I joined with Rep. CYNTHIA A. MCKINNEY, Rep. BARBARA LEE, Rep. JOHN CONYERS and Rep. PETER DEFAZIO in hosting the fourth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by John R. (Rick) MacArthur, president and publisher of Harper's Magazine. Mr. MacArthur is an award-winning journalist and author. He received the 1993 Mencken award for the best editorial/opinion column. He also initiated the foundation-inspired rescue of Harper's in 1980, and since then the magazine has received numerous awards and the support of advertisers and readers alike. Mr. MacArthur is the author of Second Front: Censorship and Propaganda in the Gulf War, a finalist for a 1993 Mencken Award for books. A tireless advocate for international human rights, Mr. MacArthur founded and serves on the board of directors of the Death Penalty Information Center and the MacArthur Justice Center.

Mr. MacArthur describes how government institutions and their willing accomplices in the news media mislead the public during periods of wartime. He cites specific instances from the Gulf War as well as the current War in Yugoslavia. He also discusses how both sides in the War in Yugoslavia engage in propaganda, often involving the misrepresentation and invention of atrocity stories to suit political purposes. Mr. MacArthur makes a compelling case for how war undermines the trust that the American people have in their institutions, with truth and accuracy as the victims. I commend this excellent presentation to my colleagues.

Presentation by John R. MacArthur, Publisher of Harper's Magazine

The first thing to keep in mind is that all governments lie in wartime, more or less in proportion to what they view as their political needs. Much more rarely do they lie in the pursuit of strategic military objectives or to protect military security, which is their oft-stated claim. Occasionally military commanders get the upper hand and their general obsession with secrecy and control can overcome the will of the politicians and their civilian advisors, but usually the politicians call the tune. They lie, and when they lie in concert with their military subordinates it is for one principle reason, and that is to manipulate journalists and mislead the public. In our country this matters more than in, say, North Vietnam, because we Americans operate on the quaint, old-fashioned notion of informed consent of the governed. The thought in the government is that if too much bad or unpleasant news gets to the people, as it finally did in Vietnam, the people might turn against the war policy of their leaders, which the leaders would prefer not to happen. Thus we cannot talk about war coverage in Kosovo without talking about NATO, US, and Serbian censorship and information management.

NATO and the US are trying to manage the bad news in a variety of ways. Some of their techniques have succeeded in keeping us in the dark, and some have backfired. A case in point comes from Newsday's senior Washington correspondent Pat Sloyan whose upcoming article in the June American Journalism Review details the NATO public relations response to the April 14th bombing of the mixed procession of military and civilian vehicles near Jakovo that killed upwards of 82 Albanian civilians, who, of course, we were supposed to protect. You'll recall the delay in NATO's response, and the playing of an audio tape debriefing of a US air force pilot identified only as "Bear 21." "Bear 21" is heard sincerely explaining how hard he tried to hit the military vehicle, but the implication by NATO and by the PR people was that "Bear 21," with all his good intentions, had simply missed his target and killed civilians. In fact, "Bear 21" did hit the military vehicle, not the tractors. A review of the gun-sight footage revealed later that other NATO pilots may have killed the civilians. I think they probably did, and, as Sloyan writes, senior US military officials who spoke on condition of anonymity say General Clark's staff had purposely singled out the F-16 pilot, "Bear 21," in an attempt to minimize public criticism of the civilian bombing. The hope was that the public would be sympathetic to someone who had taken great care to be accurate. "They [that is, NATO], picked him for propaganda reasons," says a senior US military official. The blame-placing outraged senior military officials, who said it deliberately misrepresented the event, and smeared an excellent pilot.

That's a fairly sophisticated public relations maneuver, but NATO is resorting to less sophisticated manipulation techniques as well, some of which seem quite pointless to me. In the Gulf War you'll recall reporters were not permitted to interview soldiers, sailors, and airmen without a military press agent present at all times. This was done naturally to discourage the troops from making any offhand or calculated criticisms of US policy, of their living conditions, of their fears of going into battle, in short, anything that might have suggested that their morale wasn't anything but 100% A–OK. Today at the Aviano airbase in Italy, not only do you still need a military escort present, but you can't use the name or hometown of your interview subject. The bizarre justification for this is allegedly to protect the families of the servicemen, or the servicewomen, from Yugoslav hate mail. I'm wondering if this is a military security matter or some weird form of political correctness in which the receivers of the bombs aren't permitted to express their hatred for those who deliver the bombs. But actually I think it's more likely just propaganda, because we're inevitably going to kill Serb and Albanian civilians and we don't want to associate actual names and faces with the killing. That would be bad for morale, both within the air force and outside the air force. It's pure and simple PR.

This brings up the larger question of war coverage and propaganda. NATO and Serbia are currently engaged in a propaganda war that hinges to some extent on accurate or inaccurate war coverage. Paradoxically, the side that is cast as the villain in the war, the enemy of freedom and tolerance, is the side that is permitting and encouraging the best war coverage. The Serbs think bad news helps their case because nobody on our side wants to see the blood of civilians on our hands. NATO realizes this and is trying to mitigate the propaganda value of dead civilians with allegations of atrocities committed by the Serbs against innocent Albanians. NATO and its supporters in the media are hyping Holocaust analogies in particular. Fred Hiatt in the Washington Post threw all caution and sense of proportion to the winds last week, making an explicit comparison between the expulsion and flight of the Albanians and the Auschwitz extermination camp. NATO talks about the rape camps, mass graves, and summary executions. They cite as evidence spy satellite photographs, but won't show us these photographs.

Meanwhile, thanks to the Yugoslav political imperative, correspondents like the outstanding Paul Watson of the Los Angeles Times report things like: "Something strange is going on in [this Kosovar Albanian village] in what was once a hard-line guerrilla stronghold, where NATO accuses the Serbs of committing genocide." He goes on to report that by their own accounts the Albanian men are not living in a concentration camp, or being forced to labor for the police or army, or serving as human shields for Serbs. I think you've probably seen other stories saying that these Serbs for whatever reason are encouraging Albanians to move back into their homes. This of course in no way excuses the expulsion of the hundreds of thousands who are in the refugee camps, but there is a battle of propaganda going on now of epic proportion.

I would, I suppose immodestly, ask you to ask yourselves and your elected representatives and maybe your local newspaper editors why it is that our memories are so short on the question of successful propaganda. Just seven years ago, John Martin of CBS News and I revealed elements of an atrocity that allegedly occurred during the Gulf War, which had a great deal to do with the Senate vote in favor of going to war, the Senate War Resolution. I am referring to the baby incubator murders of 1990 and 1991 allegedly committed by Iraqi soldiers in Kuwaiti hospitals. I hope you remember that it was entirely false, entirely fraudulent. Not one baby was killed by Iraqi soldiers. It's possible that babies died from neglect, because most of the foreign medical staff had fled the Kuwaiti hospitals, but there was no looting of incubators. At one point President Bush, sounding very much like President Clinton, declared that babies were being "scattered like firewood" across the hospital floors. More famously, in this case, the daughter of the Kiwaiti ambassador, Naira Al Sabah, testified as an anonymous refugee before House Human Rights Caucus, saying that she herself had witnessed 15 babies being removed from incubators. Everybody believed it. By the end of it, Amnesty International, which got suckered into the story as well, had declared that 312 babies had been killed this way. Another hearing was held in front of the UN Security Council, where a surgeon—he called himself a surgeon—said that he had personally supervised the burial of 40 babies outside the hospital where they had been killed. After the war, he recanted. He turned out to be a dentist, not a surgeon, and so on and so forth. This was not just in the august chambers of the House of Representatives, but before the United Nations Security Council. So I am astonished that there is so little skepticism about the atrocity stories.

The exaggeration of atrocities, or the invention of atrocity stories, has the paradoxical effect of minimizing the real horror of a war. In other words, because there's a Holocaust going on, well, if a few hundred civilians have to die, it's not such a big deal. I think that's one of the propaganda motives of NATO right now, to hype the atrocities and push the Holocaust analogies as much as possible in order to minimize the horror over the deaths of hundreds of civilians, Albanians and Serbs, caused by our side.

HONORING MELVYN S. BRANNON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize and honor the achievements of a man who has given much to the community on behalf of civil rights. On June 27, local officials and civic leaders will join family and friends to pay tribute to Mr. Melvyn Brannon of Burton, MI, who is retiring as president of the Urban League of Flint, after more than 30 years of dedicated service.

Melvyn Brannon was born in Memphis, TN, and went to studies at the University of Arkansas at Pine Bluff. He then moved to Michigan, where he pursued postgraduated studies at Eastern Michigan University, the University of Michigan-Flint, and Harvard Business School. During this time, he also participated in the National Urban League Management Training and Development Program. This served as just the beginning of a long standing relationship with the Urban League.

Throughout the years, Mel worked at Flint Osteopathic Hospital as a radiologic technologist, and then moved on to lengthy and rewarding tenure with Flint Community Schools, which included positions such as teacher, special counselor, and job development and placement specialist. In September of 1968, Mel was appointed deputy executive director of the Urban League of Flint, and held the position until November of 1970, where he became president, a position he has held until this day.

In addition to his extensive work with the Urban League both locally and nationally, Mel has benefited many members of the community with his vision and insight. In the past, he has served on such boards as Genese County Commission on Substance Abuse Services, the Coalition for Positive Youth Development, the Urban Coalition of Greater Flint, and the Hurley Hospital Board of Managers, to name a few. Currently he has been involved with the boards of Disability Network, Priority 90's, the Hurley Medical Center Human Resources Committee, and he serves as Chairman of the Bishop International Airport Authority. Mel has also been found working with groups such the NAACP, the Rotary Club, and the Genesee County Sickle Cell Anemia Foundation, among many others.

Mr. Speaker, the Flint area, as well as the entire state of Michigan has prospered due to the efforts and leadership of Melvyn Brannon. I ask my colleagues in the 106th Congress to please join me in congratulating him on his retirement.

FLAG DAY 1999

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. PAUL. Mr. Speaker, I wish to pay tribute to a great symbol of our nation, the flag of the United States of America on this Flag Day 1999. I wonder how frequently we take for granted this symbol, how often we fail to consider what it is and indeed what it represents.

The flag contains 13 stripes and 50 stars. Those 13 stripes represent the first thirteen states, each of which emanating from colonies of British America. These 13 colonies came together because they were opposed to continued oppression by the British executive and the British parliament. After numerous and significant entreaties seeking reconciliation, the British American came to understand that political independence and local self-government was the only way to insure against the most dangerous of tyrannies.

Was this eternal truth forgotten immediately upon the founding of our nation? Hardly. From the Articles of Confederation through to the original U.S. Constitution a clear understanding of the necessity of the separation of powers was maintained. And the genius of that division of powers lay only so partially in the three federal branches, each reliant upon some different direct authority but all resting government finally on the consent of the governed. Indeed, it has rightly been said that "the genius of the constitution is best summed up in that clause which reserves to the states or to the people those powers which are not specifically delegated to the federal government."

So those states came together to form a compact, indeed to form a nation and, they gave specific but limited powers to the federal government. From those original thirteen stars and stripes, representing the individual states, came one. E pluribus unum. And this is what the flag and those stripes represent.

Today the flag contains 50 stars to represent the 50 current states. From 13 came 50 and in this way "E pluribus pluribum" is also true. From many came more.

Yes, Mr. Speaker, our flag is a symbol of our Nation. It is a symbol but certainly not the sum. America means so much more to us than symbol devoid of substance. It means those rights, inalienable and indivisible, which are life, liberty and property. Property not just as an object of ownership but as an idea. Private property is indeed the bedrock of all privacy. And private enjoyment of property is not simply exemplified by the right to hold, but to use and dispose of as the owner sees fit. This is at the very essence of property, and it is in fact the meaning of the pursuit of happiness.

And those stars and stripes represent an idea about how it is that we should hope to actually realize the protection of all these rights that we as Americans hold so dear. Namely, we the people vest in those very states that formed this union, the power to legislate for the benefit of the residents thereof.

This is the idea of federalism and of local self-government. This idea is sacrosanct because it is the necessary precursor to all of those things which we hold dear, most specifically those rights I have enunciated above. Our Nation is based on federalism, and State governments, indeed the nation is created by the States which originally ratified our Constitution.

Now confusion has come upon us. We are far removed from the days of the Constitution's ratification and hence it seems we have lost that institutional memory that points to the eternal truths that document affirms.

Today there are calls to pass Federal laws and even constitutional amendments which would take from the States their powers and grant them to the Federal Government. Some of these are even done in the name of protecting the Nation, its symbol, or our liberties. How very sad that must make the Founding Fathers looking down on our institutions. Those founders held that this centralization of power was and ought always remain the very definition of "unAmerican" and they understood that any short term victory an action of such concentration might bring would be paid for with the ultimate sacrifice of our very liberties.

To do what is right we must understand and honor the symbol and the sum of our Nation. We must contemplate the flag and the constitution, both of which point us to the key basis of liberty that can be found only in local self-government. Our Flag and our Constitution both honor and symbolize federalism and when we undermine federalism we dishonor our Flag, our Constitution and our heritage.

The men who founded our Nation risked the ultimate price for freedom. They pledged "their lives, their fortunes and their sacred honor" to the founding of a Republic based on local self-government. We should honor them, our Republic and its most direct symbol, our U.S. Flag by taking a stand against any rule, law or constitutional amendment which would expand the role of our Federal Government.

MR. DICK DIXON OF SALIDA, COLORADO, HAS TOUCHED THE LIVES OF SO MANY HIGH SCHOOL STUDENTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor and recognize Mr. Dick Dixon of Salida, Colorado. Mr. Dixon has touched many lives as a teacher of Western History and Journalism at Salida High School, and I would like to recognize his hard work, dedication, and achievements.

Mr. Dixon is a man of great experience who has received state and national awards, dined with the Governor, and taken the Tenderfoot Times student newspaper of Salida High School to greatness. After his arrival, the student newspaper began winning numerous awards and became one of the most recognized high school newspapers in Colorado.

Mr. Dixon guided the newspaper team to three national Gold Crown awards, a Peacemaker honor and a rank as one of the top high school newspapers in the nation. Dixon also helped his students win many Colorado High School Press Association sweepstakes awards which gave them the opportunity to have lunch at the Governor's Mansion. Though students changed each year, Dixon remained consistent in his drive and dedication, and continued to inspire greatness in his staff. His strength and presence at Salida High School will truly be missed.

Mr. Dixon not only taught, but for 12 years he also worked for the Pueblo Chieftain as the Salida correspondent. His lessons came to life as students heard his words of wisdom on covering the news, and then were able to read his bylines and see his photographs in the Chieftain. Mr. Dixon led by example and his work and lessons will continue to inspire.

Mr. Speaker, I would like to say thank you to Mr. Dick Dixon for touching the lives of many and for inspiring the youth of Salida. Individuals such as Mr. Dixon who dedicate so much time and energy into shaping the minds of students and ensuring a bright future for all are to be appreciated. I would like to congratulate Mr. Dixon on a job well done and wish him the best of luck in all his future endeavors.

COMMEMORATING THE SONORA WOOL AND MOHAIR SHOW

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. BONILLA. Mr. Speaker, I rise today to salute the 62nd Annual Sonora Wool and Mohair Show and the 39th Annual National 4–H Wool Judging Contest. Both of these events are scheduled for June 15–17. The Sonora 4–H program serves as a model for the youngsters of rural America. Year after year the program has distinguished itself with entries from the nation's top youth. It is my honor to report this event today and I wish continued success to this outstanding organization.

The Sonora Wool and Mohair Show has been the foremost event of its type for more than half a century. The popularity of the youth's wool judging contest began when the program was added to the event in 1947. It remains popular with young people today. it is annually attended by many successful youth teams. The show is sponsored by the Sonora Lions Club and Sonora Chamber of Commerce, in cooperation with the Sonora Wool and Mohair Company and the Texas Agriculture Extension Service.

A variety of activities fill the three-day event. These include an All-Texas Show for 4–H Clubs and FFA Chapters, an open show for all U.S. producers and the National 4–H Wool Judging Contest.

Mr. Speaker, it is my hope that my colleagues from all areas of the United States join me in recognizing the Sonora 4–H program. Programs such as these give our young people many great skills. Wool judging requires hours of study and evaluation, equipping students with great research skills. More importantly, the competition gives participants a sense of accomplishment through a job well done. For the next few days all eyes will focus on Sonora.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 15, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on issues relating to prostate cancer.

SD–192

10 a.m.

Finance

Business meeting to markup H.R. 1833, to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, the proposed Generalized System of Preferences Extension Act, the proposed Trade Adjustment Assistance Reauthorization Act, the proposed United States Caribbean Basin Trade Enhancement Act, and the proposed Steel Trade Enforcement Act.

SD–215

Joint Economic Committee

To continue hearings on issues relating to the High-Technology National Summit.

SH–216

2:30 p.m.

Indian Affairs

Business meeting to markup S. 28, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park; S. 400, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance; S. 401, to provide for business development and trade promotion for native Americans,and for other purposes; S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes; S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

SR–485

Foreign Relations

To hold hearings on the nomination of David B. Dunn, of California, to be Ambassador to the Republic of Zambia; the nomination of Mark Wylea Erwin, of North Carolina, to be Ambassador to the Republic of Mauritius, and Ambassador to the Federal Islamic Republic of the Comoros and as Ambassador to the Republic of Seychelles; the nomination of Christopher E. Goldthwait, of Florida, to be Ambassador to the Republic of Chad; and the nomination of Joyce E. Leader, of the District of Columbia, to be Ambassador to the Republic of Guinea.

SD–562

3 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

JUNE 17

9:30 a.m.

Environment and Public Works

To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.

SD–406

Commerce, Science, and Transportation

To hold hearings on the nomination of Johnnie E. Frazier, of Maryland, to be Inspector General, Department of Commerce; the nomination of Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology; the nomination of Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy; the nomination of Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation; the nomination of Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission; and the nomination of Ann Brown, of Florida, to be a Commissioner of the Consumer Product Safety Commission.

SR–253

10 a.m.

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Education and Work Force on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on research and evaluation.

SD–106

Finance

To hold hearings on the nomination of Lawrence H. Summers, of Maryland, to be Secretary of the Treasury.

SH–216

Judiciary

Business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; S. 692, to prohibit Internet gambling; and S. 768, to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

SD–226

Foreign Relations

To hold hearings on the nomination of Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

Room to be announced

Joint Economic Committee

To hold hearings on monetary policy and the economic outlook.

311 Cannon Building

2 p.m.
Judiciary
To resume closed oversight hearings on certain activities of the Department of Justice.
S-407 Capitol

Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

Finance
To hold hearings on Medicaid and school-based services.
SD-215

Aging
To hold hearings on issues relating to income security.
SD-106

JUNE 21

9 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine the black market peso exchange, focusing on how U.S. companies are used to launder money.
SH-216

JUNE 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on National Gambling Impact Study Commission report.
SR-485

JUNE 24

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the implications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.
SD-366

JUNE 29

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.
SD-366

JUNE 30

9:30 a.m.
Indian Affairs
To hold hearings on S.438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting to consider pending calendar business.
Room to be announced

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service Economic Action programs.
SD-366

JULY 1

9:30 a.m.
Indian Affairs
To hold hearings to establish the American Indian Educational Foundation.
SR-485

JULY 14

9:30 a.m.
Indian Affairs
Energy and Natural Resources
To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.
Room to be announced

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.
SR-485

JULY 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SR-485

AUGUST 4

9:30 a.m.
Indian Affairs
To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.
SR-485

SEPTEMBER 28

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on mergers and consolidations in the communications industry.
SR-253

Energy and Natural Resources
To hold hearings on S. 1049, to improve the administration of oil and gas leases on Federal land.
SD-366

SENATE—*Tuesday, June 15, 1999*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, there is nothing more wonderful than the smile of Your affirmation. We say with John Hancock, "By the smile of heaven I am a free and independent man." We praise You that You have smiled with providential care on our beloved Nation. Your smile of joy is the source of our lasting happiness. You have given us freedom to live as independent men and women because we are dependent on You. May this be a day to count our blessings, so that every moment of this day may be filled with praise and gratitude for all You do for us. We even praise You for our problems because we know that You will help us solve them in a way that will bring us closer to You. Most of all, we seek Your smile over our efforts to change whatever contradicts Your will in America and registers consternation on Your face. Thank You for Your corrective judgment and, when we change or correct social injustice, thank You for Your amazing grace. We claim Your benediction, "*The Lord bless you and keep you. The Lord make his face shine upon you and be gracious to you. The Lord lift up His countenance upon you, and give you peace.*"—Numbers 6:24-26. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator MCCAIN, is recognized.

SCHEDULE

Mr. MCCAIN. Today the Senate will immediately begin 2 hours of debate on S. 96, the Y2K legislation. Following that debate, the Senate will stand in recess until 2:15 p.m. so that the weekly party conferences can meet. When the Senate reconvenes at 2:15, a series of stacked votes will begin. The first votes in order will be on or in relation to the pending amendments to the Y2K bill, followed by a vote on final passage.

After the disposition of the Y2K bill, a cloture vote on the Social Security lockbox issue will take place. If cloture is not invoked on the lockbox legislation, a cloture vote on H.R. 1664 regarding the steel, oil, and gas appropriations bill will be in order.

Further, if cloture is not invoked on H.R. 1664, it is the intention of the majority leader to resume debate on the energy and water appropriations bill. It is hoped that a vote on final passage to that appropriations bill can be completed by this evening.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, leadership time is reserved.

Y2K ACT

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate equally divided for closing arguments on S. 96, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 96) to regulate commerce between and among the several States by providing for its orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of the year's date.

The Senate resumed consideration of the bill.

Pending:

McCain Amendment No. 608, in the nature of a substitute.

Sessions Amendment No. 623 (to Amendment No. 608), to permit evidence of communications with State and Federal regulators to be admissible in class action lawsuits.

Gregg/Bond Amendment No. 624 (to Amendment No. 608), to provide for the suspension of penalties for certain year 2000 failures by small business concerns.

Mr. MCCAIN. Mr. President, after discussion with the distinguished Democrat manager, Senator HOLLINGS, I would like to modify the unanimous consent agreement to allow Senator HOLLINGS and I 3 minutes each before the vote on final passage is taken. I will withhold that request to clear it on both sides. But I think it is appropriate after we have votes on amendments that Senator HOLLINGS and I be allowed to make brief statements before the final vote on this very important issue. So I will withhold that unanimous consent request, but I intend to make it at the appropriate time.

Also for the information of my colleagues, I believe we may not require a vote on the Sessions amendment—I believe we are working that out on both sides—and we may not require a vote on the Gregg amendment as well, although neither have been worked out on both sides. We are attempting to do that. So it is entirely possible that at 2:15 we would be moving to final passage.

I note that it is acceptable to the other side, so I ask unanimous consent to modify the unanimous consent request, that Senator HOLLINGS be allowed 4 minutes and I be allowed 4 minutes prior to the vote on final passage of the pending Y2K legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I believe it is in the unanimous consent agreement that there be 2 hours equally divided; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Mr. President, I yield myself whatever time I may consume.

Mr. President, we are about to culminate the work of many months: investigation, drafting, negotiation, and compromise. The vote we take today will set the tone for the Senate in the new millennium. The Senate will either rise to the challenge that the Y2K problem poses and provide a proactive solution, or it will allow traditional political loyalties to leave us in reactive mode after a problem exists. I am optimistic that most of my colleagues recognize the importance of providing a balanced approach to avoiding a Y2K litigation quagmire, to preserving the nation's economy and providing support to the creativity and ingenuity that makes this country the world's leader in technology.

I want to remind my colleagues that many compromises have been made in this bill since it passed out of the Commerce Committee. It is certainly not as strong a bill as that passed by the House. These compromises have been made in order to get a bill that can have bipartisan approval and can be signed into law. We cannot play politics with this important issue—we must ensure that this legislation becomes law. On the other hand, I have stated clearly that I will not be party to passing a mere facade. Unless we really accomplish something, we cannot take credit for doing so. Even with all of the compromises we have made to get the legislation to this point, I firmly believe that the legislation will be effective.

Before we vote, I want to walk through the provisions of the legislation and correct some misconceptions as to how this bill would operate. With all of the rhetoric of the past several days, I think there has been some concern about the operation of the legislation, which I want to allay.

First, it is critical to remember that this legislation addresses Y2K failures which may be encountered by every industry, business, and consumer in the country. This legislation is not designed to protect the high tech industry or provide it immunity. The intent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of the legislation is to provide a balance and orderly system for the resolution of Y2K failures in a manner that is fair, ensures that real problems experienced by consumers and businesses alike are addressed quickly, without litigation whenever possible, and that the judicial system is not overrun with opportunistic and creative lawsuits. It is not the redress of real problems that this legislation seeks to limit.

It is important to keep in mind that this legislation is supported by the broadest array of interests I have ever seen in support of legislation. They represent companies which will be plaintiffs, those who will be defendants, and those who will likely be both. These varied interests have debated among themselves many of the points raised on the floor of the Senate regarding the balance between plaintiffs and defendants. The compromises made since the bill was passed from the Commerce Committee also have refined the balance. What remains today to be voted upon is a good piece of legislation for every segment of the nation's economy.

Let me also reiterate that the Y2K date code problem is not simple to correct. Millions of lines of code are involved, many in outdated languages or in applications that have been revised and upgraded more than once or twice. Multiple means of correcting the date codes adds to the challenge, as does the rare occurrence of leap year in the first year of a new century. Uncertainty as to all the affected embedded chips, the interface of the various corrections, and the complexities of solving the date code without affecting other aspects of a date program, all make this a complex problem requiring massive dedication of technical ingenuity to correct. Although the opponents of this legislation would like the country to think the solution is simple and could have and should have been fixed a long time before now, it is not so simple.

Businesses in every industry will spend hundreds of billions of dollars to correct the problem. Estimates are that the costs in the United States alone will be between $100 and $200 BILLION—without litigation costs. There will undoubtedly be shifts of costs from one business to another, from one industry to another, from consumer to manufacturer, as the ramifications of the problem are better known. The purpose of this legislation is to provide rules and mechanisms for this process of cost shifting; rather than focusing on blame, to focus on solutions, prevention and remediation of real problems, rather than anticipated or perceived problems.

Let me review some of the most important aspects of S. 96:

First, I want to emphasize that this legislation does not affect personal injury cases. We have done nothing to alter the current law regarding how personal injury or wrongful death claims would be handled.

Second, let me state clearly that this legislation sunsets. It applies only to problems that occur within 3 years. This legislation will not change American law for all time.

The notice provisions provide time for the potential plaintiffs and defendants to resolve Y2K problems without litigation. The notice period is 30 days. Only if the defendant responds by fixing the problem is another 60 days provided to allow remediation to be completed. If there is no response, or if the defendant declines to fix the problem, the plaintiff can sue on the 31st day. The emphasis here is on providing notice that there is a problem so that it can be fixed. Most people want their equipment to work—they don't want a lawsuit. This provision ensures that the first order of business is to offer an opportunity to fix the problem. In no way does this provision deny someone's right to sue. Instead, it should speed up resolution of problems.

A requirement for pleading material injury ensures that the cases which are litigated are those in which there is real injury. This section will not cause problems for consumers or businesses with actual Y2K-related failures. It will cause a problem for plaintiffs solicited for class actions where no injury has occurred, as in the increasingly famous California case brought by Tom Johnson.

To remind my colleagues, that is the case brought against six retailers in California, not to remedy any failure or injury, but to disgorge profits made over the past 5 years from selling unspecified products which may or may not be Y2K compliant. The clear intent of this litigation is a large settlement. That kind of profiteering litigation is the kind of litigation which S. 96 seeks to curb. Our judicial system should not be clogged with possible Y2K failures, nor novel complaints to ensure the payment of lottery-type settlements and attorneys' fees.

The economic loss rule further ensures that contract actions will not be "tortified." Why is this important? Historically contract actions have provided as remedy the "benefit of the bargain," but not punitive damages. The "benefit of the bargain" may include lost profits or similar compensatory damages to ensure that the plaintiff is made whole. By turning contract actions into tort actions, aggressive attorneys can claim the more lucrative punitive damages which are not compensatory in nature and allow a windfall from which to pay attorneys' fees.

However, banning the "tortification" of contracts does not leave a consumer without remedies for real problems. Principles of contract law govern many situations where only a verbal contract, not a written contract, exists. Additionally, the legislation does not affect rights under State Uniform Commercial Code and consumer protection laws.

Punitive damage awards have been limited for small businesses, but not for large businesses, in recognition that small companies are especially vulnerable to an onslaught of litigation. No caps are applicable, however, if the defendant has intentionally caused injury, since such conduct is egregious and should not be protected. These modest limitations also prevent frivolous lawsuits. This is especially reasonable here where we have eliminated personal injury claims, thus the damages suffered are all economic in nature.

We have preserved contracts as written to ensure that preexisting contractual relationships are maintained. The parties will receive the full benefit of their bargain. When the terms of a contract are in conflict with this legislation, the contract prevails. There is no reason for attorneys to say, as some trial lawyers have, that the legislation would alter a businessman's right to sue a vendor who does not perform a contract because of a Y2K failure. He can. But the legislation provides a notice period in which the vendor can, and should, remedy the problem without the time and expense of litigation.

A critical provision of the legislation provides that where litigation is necessary, the defendants will pay for their proportionate share of the damage. This is fair. A defendant pays for the damage he caused. It also eliminates the incentive to sue the "deep pockets" who may not be primarily responsible for the problem. Exceptions are provided for small plaintiffs who should not be at risk for collecting a damage award, and for situations where a defendant, because of particularly egregious behavior, should bear the burden of collecting from other defendants.

Those who oppose the bill have alleged that these provisions will actually deter responsible companies from taking necessary action to prevent Y2K failures. The facts do not support this claim. All one has to do is take a quick look at the year 2000 related Internet links to see that massive efforts are already being made to make information about Y2K problems and solutions available.

A recent EDS, Electronic Data Systems, ad highlights its free of charge, on-line data base that lists over 230,000 products from more than 5,000 vendors, with links to the vendors, instructions for making products Y2K compliant, and links to other related sites. The ad claims that the site receives 56,000 hits a day.

Both the EDS site and other sites provide step-by-step checklists and resource information for solutions. Why is this information being made available? Because the United States is the world's leader in technology. One of the reasons for the high-tech industry's success is that it has responded well to the marketplace. Preventing Y2K problems, letting other businesses and industries know about the problem and how to solve it, make good business sense.

If so much work is going into solving the Y2K problem then why do we need this legislation?

As I have stated before, the cost of solving the Y2K problem is staggering. Experts have estimated that the businesses in the United States alone will spend $50 billion in fixing affected computers, products and systems. But what experts have also concluded is that the real problems and costs associated with Y2K may not be the January 1 failures, but the lawsuits filed to create problems where none exist. An article in USA Today on April 28 by Kevin Maney sums it up:

> . . . Experts have increasingly been saying the Y2K problem won't be so bad, at least relative to the catastrophe once predicted. Companies and governments have worked hard to fix the bug. Y2K-related breakdowns expected by now have been mild to nonexistent. For the lawyers, this could be like training for the Olympics, then having the games called off.
>
> . . . The concern, though, is that this species of Y2K lawyer has proliferated, and now it's got to eat something. If there aren't enough legitimate cases to go around, they may dig their teeth into anything. . . . In other words, lawyers might make sure Y2K is really bad, even if it's not.

The sad truth is that litigation has become an industry. While many fine attorneys represent their clients ethically and in a scrupulous manner, litigation has become big business for a segment of the trial bar.

A panel of experts predicted at an American Bar Association convention last August that the legal costs associated with Y2K will exceed that of asbestos, breast implants and tobacco and Superfund combined. A reported 500 law firms across the country have put together Y2K litigation teams.

As we have already seen in the Tom Johnson case in California, where no real injury or damage exists, novel theories are pursued to divert attention from prevention and remediation to defending litigation. Time and resources that could be spent on improving technology are diverted to litigation and settlement costs and attorneys' fees.

During a hearing on this legislation in the Commerce Committee testimony was presented from two small businessmen who were concerned, legitimately, about problems they had faced with Y2K failures, or anticipated failures. The esteemed Ranking Member of the Committee has often mentioned their testimony on the floor. Both expressed concern that they would be prevented by this legislation from bringing suit, or from being compensated for their damages. In both instances, not only would this legislation not elimate their right to sue, it might help prevent the need to sue. The notice provisions and remediation period would assure prompt attention and resolution to their complaints.

We cannot lose sight of the bigger picture in terms of cost of litigation. The costs of both bringing and defending lawsuits are passed on by the businesses and industries into higher prices and cutbacks in jobs or new orders. The impact on our economy of an avalanche of frivolous lawsuits will be felt by all of us. If we do not curtail litigation costs, we will all pay a price in higher prices for computer and software goods, higher prices for every other retail good with embedded chips, higher prices for insurance, and slower, more expensive increases in technological advances. Money that is spent on litigation is money that is not spent on creating new jobs, providing better incomes, retaining our nation's competitive edge.

Mr. President, in closing, let me urge my colleagues to support this legislation. It is bipartisan, and again I want to thank Senators WYDEN and DODD for all they have done to make it so. It is reasonable and practical. It presents a good balance between the interests of plaintiffs and defendants and will prevent needless and costly litigation. It will assist in preserving the best economy our country has ever enjoyed. I will encourage the continued prosperity and leadership of our nations' technology industries as we enter the new millennium. It will prevent our nation's courts from being clogged for years with litigation that offers no one prosperity except for the lawyers. The emphasis in approaching the Y2K problem must be on prevention, remediation and prompt resolution of Y2K problems. This legislation meets those goals.

The coalition of support for this bill is compelling. This legislation is important not only to big business and high tech, but to small businesses, retailers, wholesalers, insurance, consultants—virtually every segment of the business community.

Time is of the essence. For this legislation to provide the direction and impetus desired to assure prevention and remediation of Y2K problems, it must be passed now. We have spent several months getting to this point. Let me be clear. This legislation will make a difference. If we don't pass it, we will be failing to provide leadership for our country. I fear that a year from now we will again turn to this issue, but only after an avalanche of lawsuits has stymied the economy. Support this legislation and be part of the Y2K solution.

I again thank Senators DODD and WYDEN and many others for all of their efforts. I also want to congratulate Senator HOLLINGS, my friend from South Carolina, for an impassioned and very compelling argument in opposition to this legislation. I have always enjoyed debating him on a variety of issues, and I know no one who is better informed.

I reserve the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. I thank the Chair, and I thank the distinguished chairman of the committee.

He and I work very closely together. The chairman of our committee has gained a reputation against charades and frauds and make-believes and pork and all these things. That is why it doesn't please this particular Senator that he would take this one on.

The truth of the matter is that, generally speaking, it is a nonproblem. If there is a problem, the best of the best, Intel, has a web page we lifted just yesterday afternoon entitled "Updating Your Components, Updating Your PC Hardware."

"If you have determined that your PC hardware is not capable of handling the century rollover"—so forth and so on, about how to manually reset and install a BIOS upgrade or patch, if available.'

> 1. Manually reset the date after December 31, 1999, the first time you turn on your PC or laptop after December 31, 1999, and before you use any software applications, simply reset the operating system date on the computer. For nearly all PCs and laptops, this is the easiest and safest way to ensure the computer will handle dates properly in the year 2000. Once reset, the PC hardware clock will maintain the correct date when powered off and on or rebooted.
>
> 2. Install a BIOS upgrade or "patch," if available if you wish to ensure that your PC hardware is capable before the new millennium begins. You may want to install a BIOS upgrade or software "patch" before the end of 1999. Some PC hardware manufacturers and BIOS and software vendors are offering free BIOS upgrades.

I was wondering, Mr. President, about the time, the minimum amount of time, as I understand, and the cost.

I lifted, again, in searching back in 1998, an article entitled, "Tool fixes PC Y2K glitch," priced at $94.95.

We are hearing millions and billions and everything else, Chick Little, the sky is falling.

> A lot of people still don't seem to realize that even though they purchase their PC in 1998, it doesn't mean that the system is compliant. There are still PCs out there that are not fully compliant. Tools like the [PCfix2000] provide users with a solution for addressing this.

Then they go on to describe this $94.95 fix.

I noticed in the month of March, on March 10 of this year:

> The easiest way to prepare your PCs for the new millennium is with Y2K diagnostic software. We chose five sub-$50 programs that both check your computer for year 2000

compliance and solve any problems they find: Check 2000 PC Deluxe, IntelliFix 2000, Know2000, Norton 2000, and 2000 Toolbox. We scrutinized each program and, finally, chose a winner. (Mac owners: Your machines are, and always have been, free of the Y2K bug.)

That interested me, because we only just last week had Michael Dell of Dell Computers, the largest producers of computers in the United States, and he had advertised with the Securities and Exchange Commission that all Dell computers were Y2K compliant.

I ask unanimous consent, once again, to print this March issue of Business Week in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Mar. 1, 1999]

BE BUG-FREE OR GET SQUASHED

(By Marcia Stepanek, Ann Therese Palmer, and Michael Shari)

Lloyd Davis is feeling squeezed. In 1998, his $2 million, 25-employee fertilizer-equipment business was buffeted by the harsh winds that swept the farm economy. This year, his Golden Plains Agricultural Technologies Inc. in Colby, Kan., is getting slammed by Y2K. Davis needs $71,000 to make his computer systems bug-free by Jan. 1. But he has been able to rustle up only $39,000. His bank has denied him a loan because—ironically—he's not Y2K-ready. But Davis knows he must make the fixes or lose business. "Our big customers aren't going to wait much longer," he frets.

Golden Plains and thousands of other small businesses are getting a dire ultimatum from the big corporations they sell to: Get ready for Y2K, or get lost. Multinationals such as General Motors, McDonald's, Nike, and Deere are making the first quarter—or the second at the latest—the deadline for partners and vendors to prove they're bug-free. A recent survey by consultants Cap Gemini America says 69% of the 2,000 largest companies will stop doing business with companies that can't pass muster. The National Federation of Independent Business figures more than 1 million companies with 100 workers or less won't make the cut and as many as half could lose big chunks of business or even fail.

WEAK LINKS

Cutting thousands of companies out of the supply chain might strain supply lines and could even crimp output. But most CEOs figure it'll be cheaper in the long run to avoid bugs in the first place.

Some small outfits are already losing key customers. In the past year, Prudential Insurance Co. has cut nine suppliers from its "critical" list of more than 3,000 core vendors, and it continues to look for weak links, says Irene Dec, vice-president for information systems at the company. At Citibank, says Vice-President Ravi Apte, "cuts have already been made."

Suppliers around the world are feeling the pinch. Nike Inc. has warned its Hong Kong vendors that they must prove the're Y2K ready by Apr. 1. In India, Kishore Padmanabhan, vice-president of Bombay's Tata Consultancy Services, says repairs are running 6 to 12 months behind. In Japan, "small firms are having a tough time making fixes and are likely to be the main source of any Y2K problems," says Akira Ogata, general research manager for Japan Information Service Users Assn. Foreign companies operating in emerging economies such as China, Malaysia, and Russia are particularly hard-pressed to make Y2K fixes. In Indonesia, where the currency has plummeted to 27% of its 1977 value, many companies still don't consider Y2K a priority.

A December, 1998 World Bank survey shows that only 54 of 139 developing countries have begun planning for Y2K. Of those, 21 are taking steps to fix problems, but 33 have yet to take action. Indeed, the Global 2000 Coordinating Group, an international group of more than 230 institutions in 46 countries, has reconsidered its December, 1998 promise to the U.N. to publish its country-by-country Y2K-readiness ratings. The problem: A peek at the preliminary list has convinced some group members that its release could cause massive capital flight from some developing countries.

Big U.S. companies are not sugarcoating the problem. According to Sun Microsystems CEO Scott G. McNealy, Asia is "anywhere from 6 to 24 months behind" in fixing the Y2K problem—one he says could lead to shortages of core computers and disk drives early next year. Unresolved, says Guy Rabbat, corporate vice-president for Y2K at Solectron Corp. in San Jose, Calif., the problem could lead to price hikes and costly delivery delays.

Thanks to federal legislation passed last fall allowing companies to share Y2K data to speed fixes, Sun and other tech companies, including Cisco Systems, Dell Computer, Hewlett-Packard, IBM, Intel, and Motorola, are teaming up to put pressure on the suppliers they judge to be least Y2K-ready. Their new High-Technology Consortium on Year 2000 and Beyond is building a private database of suppliers of everything from disk drives to computer-mouse housings. He says the group will offer technical help to laggard firms—partly to show good faith if the industry is challenged later in court. But "if a vendor's not up to speed by April or May," Rabbat says, "it's serious crunch time."

WARNINGS

Other industries are following suit. Through the Automotive Industry Action Group, GM and other carmakers have set Mar. 31 deadlines for vendors to become Y2K-compliant. In March, members of the Grocery Manufacturers of America will meet with their counterparts from the Food Marketing Institute to launch similar efforts. Other companies are sending a warning to laggards—and shifting business to the tech-savvy. "Y2K can be a great opportunity to clean up and modernize the supply chain," says Roland S. Boreham, Jr., chairman of the board of Baldor Electric Co. in Fort Smith, Ark.

In Washington, Senators Christopher S. Bond (R-Mo.) and Robert F. Bennett (R-Utah) have introduced separate bills to make it easier for small companies like Davis' to get loans and stay in business. And the World Bank has shelled out $72 million in loans and grants to Y2K-stressed nations, including Argentina and Sri Lanka. But it may be too little too late: AT&T alone has spent $900 million fixing its systems.

Davis, for one, is not ready to quit. "I've survived tornadoes, windstorms, and drought," he says. "We'll be damaged, yes, but we'll survive." Sadly, not everyone will be able to make that claim.

WHY BIG BUSINESS MAY HAVE A SMALL-BUSINESS Y2K PROBLEM

[A January survey of small-business owners]

	Percent
Aware of the Y2K problem	55
Are taking action to fix it	38
Plan to take action but haven't yet	19
No action taken and none planned	18

Data: National Federation of Independent Business.

Mr. HOLLINGS. It is very short.

Multinationals such as General Motors, MacDonald's, Nike, and Deere, are making the first quarter—or the second at the latest—the deadline for partners and vendors to prove they're bug free. A recent survey by consultants Cap Gemini America says that 69% of the 2,000 largest companies will stop doing business with companies that can't pass muster. The National Federation of Independent Business figures more than 1 million companies with 100 workers or less won't make the cut and as many as half could lose big chunks of business or even fail.

Some small outfits are already losing key customers. In the past year, Prudential Insurance has cut 9 suppliers from its critical list of 3,000 core vendors.

Citibank has already cut. Cuts have already been made.

I read further down:

> If a vendor is not up to speed by April or May, it is a serious crunch problem. Through the Automotive Industry Action Group, General Motors and other car makers have set a March 31 deadline for vendors to become Y2K compliant. In March, members of the Grocery Manufacturers of America will meet with their counterparts from food marketing to launch similar efforts. Other companies are sending a warning to laggards and shifting business to the tech-savvy.

Now I quote:

> "Y2K can be a great opportunity to clean up and modernize the supply chain," says Ronald S. Boreham, Jr., chairman of the board of Baldor Electric Co. in Fort Smith, Ark.
>
> The World Bank shelled out millions in loans and grants to Y2K-stressed nations.

On and on, Mr. President. Here is another article that the banks now, by June 30, will have all of their Y2K customers and everything else compliant, or they will have cancellations.

Otherwise, Paul Gillin said in Computer World earlier this year:

> Vendors have had plenty of time to prepare for 2000. The fact that some were more preoccupied with quarterly earnings and stock options than in protecting their customers is no excuse for giving them a get-out-of-jail-free card now.

That is what Computer World has called the Y2K bill, I say to the distinguished Senator from Arizona—a get-out-of-jail-free card—which is why I am surprised by my colleague, because he is usually on the other side. I quote again from Computer World:

> The problem belongs—hook, line, and sinker—to the vendors that capriciously ignored warnings from as long ago as the late '70s. . . . It has been five years since year 2000 awareness washed over the computer industry [and everyone should now be compliant].

I was interested that Boeing, for example—and the Senator from Washington was here debating it—started back in 1993. Everyone has done that. This is a political fix—and I will get to that in just a little while. I want to just bring you really up to date with respect to the number of cases.

We had a witness, Ronald Weikers, who has written Litigating Year 2000 Cases, published by the West Group. I can tell you, the West Group is not going to publish anything partisan. They have a wonderful reputation for objectivity and reliability of their reports. He says:

> I frequently write and speak about the subject. I do not represent any clients that have any interest in the passage or defeat of any proposed Y2K legislation.

Then he goes on to state:

> Thirteen of the 44 Y2K lawsuits that have been filed to date have been dismissed almost entirely.

I brought that 44 figure up to date because that was the end of April, just a little over a month and a half ago. It is now 50 cases. Twelve cases have been settled for moderate sums of money, or no money. The legal system is weeding out frivolous claims. They act as if the courts just love to see a frivolous claim come into the court that doesn't have any substance. All you have to do is get 12 people and, whoopee, you've got money. You race to the courthouse, see the 12 people, and you get your money. It is a total fanciful picture that is being painted with respect to this legislation.

> The legal system is weeding out frivolous claims and Y2K legislation is therefore unnecessary.

So says, of course, the Washington Post; they editorialized. We included that particular item in the RECORD, with others.

The most recent one is by Institutional Investor, a magazine from Wall Street. They had a survey taken, and this was just this month:

> Do you feel your company's internal computer systems are prepared to make the year 2000 transition without problems?

Mr. President, 88.1 percent said yes; 6 percent said no. Here we are, 5 and a half months, and now the bill. This is a wonderful problem here, and we have to give it time. In January, under the McCain bill, you get 3 months. I am giving them 5 and a half months, the operation, right now, to that 6 percent. Get with it.

> Have you done a dry run of your computer problems for the year 2000 transition?

Twelve percent said no problems. Few problems: 86.4 percent.

Then they asked:

> Do you expect Y2K transition problems to have a material impact on your company's business or financial performance next year?

Three point six percent, and we have this wonderful Federal legislation. Of course, States haven't asked for that. No attorney general has ever come up here. In fact, the Conference of State Legislatures has resolved against this political fix. That is all it is, political. We will get to that in just a few minutes.

Only 3.6 percent said yes; 89.2 percent said no. And then 95.2 percent say they have worked with their suppliers and cleaned up the problem.

So here we are in June, 5 and a half months ahead of time, and we still are insisting, if you please, on the Y2K fix.

Let me divert for a second and get right into the matter of safety. I know it is difficult with the matter of gun violence in the schools, and everything else, for us politicians to think in terms of a safe America. But that is the fact. We have the safest society with respect to product liability. That is what this is about, the Y2K problem with your computer, a product liability.

Since 1963 in the McPherson case, under the common law, when the courts came in and enunciated the doctrine of strict liability, the State legislatures thereupon have followed suit, enunciating strict liability, joint and several liability, all over the land. When you buy a product, it is not caveat emptor, the buyer beware, but caveat venditor, the seller beware. They have to be responsible right down the line, because the proponents of this bill said they are going to go way down and find somebody with fat pockets, or high pockets.

That is total nonsense. I have a glitch on my computer now, and I know they are like fleas on a dog, and they are all rich; it is the richest crowd the world has ever produced, way better than any oil millionaires. I know they have deep pockets, but I am not racing to the courthouse. I told my secretary to get this blooming thing fixed. I have no time to run around to the courthouse. If I went to the courthouse at 12 noon, it would take until the year 2000 to get into the courthouse. File your pleadings and see how it happens.

The total unreality of the picture described here for the need of this particular legislation—it has worked and, yes, and the Europeans are following us, incidentally. I have the record here where they are coming along with strict liability and joint and several liability. I only mention that because they come in and say we are losing business to the Europeans. The Europeans are following America. We are setting the example for safe products in America.

The conference board has found that. The Rand study has found that. I could go to various others—232 risk managers; the conference board reports that the companies responded to product liability by "making their products safer." So we know the effect it has had.

But to emphasize it, yes. Mothers Against Drunk Drivers has done a wonderful job with respect to consumers demanding a safe product, checking it out and understanding it—and various other things. The National Safety Transportation Board has come forth with various regulations, but it is really all prompted, if you please, I say to the Senator from Utah, by the trial lawyers. This town loves lawyers. That is all about lawyers. There are 60,000 of them. This town just loves lawyers. There are 60,000 to fix you and to fix me—not to get to the court. The lawyers are racing to the court around this place. I can tell you. I have been here 32 years now, and I know them. They are delightful folks. They are highly intelligent. I enjoy them. But one thing is that they have started advertising against working lawyers and the trial lawyers.

The lawyer that has to come in, if you please, and when he has a client that comes to him, he says first I have got to investigate and make sure the facts are as you say they are and you have been wronged. He has to pay for all the expenses of that investigation—the interrogatories, the discoveries, having to file the different pleadings, the trial of the case itself, and on appeal taking care of the briefs on appeal, the costs thereof, making of appeal and waiting for the court. And all along that so-called talented trial lawyer is rushing to the courtroom. He has to get all 12 jurors—not 11 but all 12 jurors. He has to get a majority opinion from the court. Then he gets his 20 percent or 30 percent, and these Senators run all around and saying they have a lottery, and "strike it rich," and some kind of atmosphere.

The consumer has never been mentioned here. That is what trial lawyers represent. They do not represent themselves. They represent a wronged consumer. Ask the Consumer Federation of America. Ask Public Citizen. Ask anybody who represents consumers if they thought that this bill was appropriate. They are absolutely opposed to it, but we have them. They have been very clever in the way that they have postured this particular measure. It isn't about consumers. It isn't about wrongdoing. It isn't about need.

This is a measure—sooey, pig. All you computer folks come into town—you millionaires—falling over each other. Billionaires, excuse me. I don't mean to hurt their feelings. Billionaires are falling over each other because we are going to fix it for you, which reminds me; that is some crowd, isn't it? That is some crowd. They are highly intelligent. Bless their success, but that is the crowd now that wants estate tax cuts. That is the crowd that wants capital gains tax cuts. That is the crowd that wants no tax on the Internet. What Wal-Mart has started cleaning up is Main Street. Now we are going to clean up the rest of it, because Main Street in the States and the municipalities is not going to be able to tax businesses as normal businesses on

Main Street. In fact, the merchant on Main Street will say: Tell me. Yes. You want siding 42 feet long. That is fine. Let me order it. I will have it delivered tomorrow. I will order it on the Internet, and you won't have to pay the 8 percent sales tax.

There is the agent sitting up there in a little cubicle on Main Street, and all we have is the wig shops run up and down Main Street of America.

But that is the crowd that says get rid of the immigration laws. They have been spoiled. They have been told that money can buy anything. Get rid of the estate taxes, capital gains taxes, the immigration laws, and now get rid of the liability laws—200 years of State liability laws for wrongdoers—and instead they are saying the wronged injured party now has to pay for the misdeeds of the wrongdoer.

I go back to placing emphasis on the point: I want to join on the issue about these lawyers. It was Mark Robinson back in the 1970s who brought the Pinto case wherein the gasoline tank exploded. It was negligently and willfully proved that they knew it was unsafe, but they figured that the extra little cost from a market cost-benefit analysis that they weren't going to put in the safe gas tank.

He got a verdict in that death case of $3½ million and $125 million punitive damages 20 years ago. He collected zero of his punitive damages. He never got a red cent. But pick up the morning paper or yesterday's paper, pick up any news edition and you will find recalls.

I went to the National Transportation Safety Board. As of 1994—in the last 4 years—there have been 73 million recalls on account of the Pinto case, on account of trial lawyers. You break that down to $1.8 million, or $18 million each year, $50,000 a day, and 5 percent of the $50,000 would be death, the other 95 percent in injury, and Mark Robinson saved 2,500 people from being killed as of today. He ought to be proud of it. Every trial lawyer who works that hard knows he is taking a risk, and he has to convince by the greater weight of the preponderance of evidence all 12 jurors. He has to be studied and careful and legally sound and prevail on appeal. He is taking care of all the costs, and out of it the average American gets a good lawyer. They do not like good lawyers. They like office lawyers that fix you and me. They don't like working lawyers.

So all of us, this thing about running to the courthouse, race to the courthouse, and everything else, we put it to bed.

Under our system, torts have been relegated to the States. I would think the contract crowd would understand that. If I remember it, they came to town in 1995 and said the best government is the least government; the best government is closest to the people—the 10th amendment, the rights of the States. Even then the first thing they passed was to make sure the States were made whole. What did they call that thing? Unfunded mandates. That was it. Yes. Unfunded mandates. They wanted to make sure they would take care of the State communities. The States have been administering. They have been doing it on Y2K. Everyone is taking up the Y2K. They don't live in an isolation booth. The people are close to their government at the local level, and all of them have been hearing about this particular problem. It has been advertised.

Incidentally, my distinguished friends, the Senator from Utah, Mr. BENNETT, and the Senator from Connecticut, Mr. DODD, have performed yeomen service in bringing attention to this particular problem. But the States have been administering this, whereby you have to be a accountable for your wrongful acts. Having done so, we have a safe America with the States having administered properly their product liability law. They have refused every time—and this has been going on for 20 years—to get the Federals to come in.

Here were the States asking not to do it. No State attorney general has come up and asked for it. No State Governor has said it is inadequate, and we need a Federal statute. Here they want to do away with 200 years of liability law at the State level. Why? Why? Why? Why? Why? Look here. All we have to do is get yesterday's New York Times, June 14. On the front, left-hand column, "Congress Chasing Campaign Donors Early and Often." The money chase. If you have any doubt about that, just the day before, on Sunday in the Washington Post, a two-column story appears on two pages, "GOP Vies for Backing of High-Tech Leaders." "Party aims to exploit Y2K vote at CEO summit."

That is why they have all of them in town. This is a disgrace. This crowd has gone so political about message, message, message, they got the message together, but they say: Now, wait a minute. Senator MCCAIN and Senator HOLLINGS were ready for a final vote at 12:30 last Thursday, but we have to wait 5 days because you have to have a message but you have to have it timely.

Guess who is in town this afternoon when we vote. Bill Gates of Microsoft. You want me to call the roll? Want to hear a bird call? Here we go.

John Warnock of Adobe system, Carol Bartz of Autodesk, Greg Bentley of Bentley Systems, Michael Cowpland of Corel Corporation, Dominique Goupil of FileMaker, Bill Harris of Intuit, Jeff Papows of Lotus Development, Bill Gates of Microsoft, William Larson of Network Associates, Eric Schmidt of Novell, John Chen of Sybase, John Thompson of Symantec Corporation, and Jeremy Jaech of Visio Corporation.

Of course, we have some that we could not get to meet with us, I guess—like Netscape.

I saw Barksdale on TV, and I saw the head of IBM, Gerstner. They were on my morning TV. They are all in town.

I thought this was the most amusing thing I had ever seen. I lifted this—I had to scroll it down word for word. Turn on channel 2, the TV here, which is the Republican screen of what is going on. I read it word for word: Senate again attempts to end minority stranglehold—the great Y2K money chase.

That is the first time an outreach, bag in hand, has ever been called a "stranglehold." We have been begging, trying to get a little bit of the crumbs from Silicon Valley. We have to run, too. We have never been against technology. I am the author of the Advanced Technology Program. I am the author of the Manufacturers Extension Partnership Program. It all works. It was supported by the electronics industry, the technology industry. It is working extremely well. We are trying to expand it.

I would love to get Mr. Gates and Microsoft to South Carolina. I don't speak in a disparaging way. I speak in an adoring way. But don't come here with the screen about stranglehold.

We have the Federal Election Campaign Commission. Last year, according to their records:

Intel, Andy Grove, hard money, the Democrats got $16,000; the Republicans got $64,000.

Microsoft, the Democrats got $71,000, and the Republicans got $143,000.

Soft money, Microsoft, the Democrats got $135,000; the Republicans got $629,000.

This is usually a performance of my distinguished chairman from Arizona, because I have heard him and he is very effective. I am just shocked he is not doing this and I am forced to do it.

I could go down the list here. Computer Services Corporation, the Democrats, $25,000; the Republicans, $53,000.

Microtech, Democrats, soft money, zero; Republicans, $16,000.

Advanced Micro Devices, soft money, the Democrats got $1,000; the Republicans, $95,000.

I have the list. You can go over there.

Stranglehold? Come on, give me a break.

Here is what they are doing. They come here. We all have to run. So we create a problem. We raise a straw man of trial lawyers. We don't talk about consumers. We don't talk about the wrongdoing. We don't talk about trial lawyers representing wrongdoers. They are not just running around with frivolous cases. That is an imaginary thing that could be brought at the political level but not at our level, I can tell you that. Trial lawyers worth their salt are not fooling around. They have to make a living. They don't run up and down and ruin their reputation. You know they are not getting anywhere. The courts take care of the frivolous charges. They raise that thing and they are saying: Here is what we are going to do; we are going to get rid of the lawyer.

It was very obvious in the debate how they are going to get rid of the lawyer. They said get rid of economic damages. If you come in with a $10,000 or $20,000 computer and that is all you are limited to, that is all you can recover.

What I have just described—for the investigation, the pleadings, the interrogatories, the depositions, the trial, the appeal, the cost, the time—as a lawyer, I would tell my secretary up front, if they come in, tell them those are very complicated cases and there are a lot of legal loopholes to go through and delays, and we are just not in a position to handle those cases.

That is the way to get rid of the lawyer. They know exactly what they are doing.

When Senator EDWARDS of North Carolina came up and said, wait a minute, you can't do that, the Senator from Oregon said, we will give you exactly whatever the contract. You don't contract for torts. You don't say, we are going to contract for the wrongdoing; the contract is complied with.

If they defraud you, if they engage in wrongdoing, while the computer is down you are losing your customers to your competition, you are losing your business, you may have to let go of some of your good employees to tide yourself over.

All the time that business has to wait—and a small business at that—I can tell you right now, there will be serious economic damages.

If there is any doubt about it—because that is what small business wants. They don't want a law case; they want it fixed—up comes the Senator from California, Senator BOXER. She said: Don't give us trials, don't give us lawyers; just get a fix.

They denied that in an up-and-down vote. They said instead of fixing the computer, we are going to fix the lawyers; we are going to fix the system.

Just like any car dealer who comes around, what we are going to do is take your junk off the shelves and sell it; don't worry about it, because the law will protect you for 3 years. You can get rid of all your old models. Don't worry about it. Get rid of the junk. We will repeal the liability bill. We will say that fraud pays for the first time in America.

No one is going to get these cases. That is what they will do. I can see exactly what was happening with that particular witness from New Jersey who came before the committee. He bought an update that was represented to last for 10 years. Within a year he found out it wasn't Y2K compliant. He paid $13,000. He called them twice and nothing ever happened. He wrote a letter. They finally came back and said they would make it Y2K compliant, for $25,000. That was after he got a lawyer and it went on the Internet and some 17,000 similarly situated people filed, and that particular manufacturer, supplier, came back and said they would fix it for nothing and pay legal fees.

You can see the game that business will play on a cost-benefit basis. We live in a rough world, but we have a responsibility in American society. It is done well at the State level and has worked well at the State level. No State has asked for this particular measure. Instead, the Association of State Legislatures has resolved against the Federal Y2K bill.

But they have the audacity to come up here and raise a straw man of lawyers running to the courthouse, in a litigious society and all of that nonsense, 5½ months ahead of time, and insisting on passing this particular measure, and insisting on the time of its passage is when the computer folks are in town so they will know who delivered the goods.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from Utah, followed by 10 minutes to the Senator from Connecticut, if that is agreeable to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Yes, it is.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have enjoyed the remarks of my colleague, my dear friend. In this body, he is certainly a champion for the trial lawyers, and certainly I have been as well. I intend to continue to stand up for trial lawyers, who do a great job for consumers in this country, but we are talking about a little bit of a different problem.

Mr. President, I rise to express my support for the final passage of S. 96, the Y2K Act, as modified by S. 1138, the bipartisan Dodd-McCain-Hatch-Feinstein-Wyden-Gorton-Lieberman-Bennett amendment. This bill effectively addresses the very serious problems associated with the Y2K computer problem.

As you know, Mr. President, what is now known as the Y2K problem arises from the inability of computers to correctly process the date after December 31, 1999. When January 1, 2000 arrives, the computers that cannot process that date will have a variety of problems, ranging from very mild glitches to severe breakdowns. In the technologically dependent world we live in, this creates obvious problems for both individuals and for any business that relies on computer technology at any point in its business.

As a result of this problem, we face the threat of an avalanche of Y2K-related lawsuits that will be filed on or about January 3, 2000. Such an unprecedented wave of litigation will overwhelm the computer industry's ability to correct the problem. As I have said before, this super-litigation threat is real, and the consequences for America could be disastrous. Already, there have been more than 66 lawsuits, including 31 class actions, filed based on the Y2K problem. These suits are the beginning of a tsunami of litigation that could drown America.

As a Senator from the State of Utah, I am extremely aware of the impact this problem will have on the economy of the United States, as well as that of the entire world. Utah stands with a number of other states as a leader in the technological boom that has fueled America's economic progress in recent decades. The future of Utah, and of all America, relies on our ability to continue in our role as the global technological leader. As I have said before, if we fail to counteract the negative effects of the Y2K problem, we will be killing the goose that lays the golden egg.

Every dollar that industry has to spend defending itself from frivolous litigation is a dollar that cannot be spent on fixing the problem. The way to minimize the hardships caused by the problem on January 1st is to encourage remediation by the technology industry and to encourage mitigation by would-be plaintiffs, both before and after January 1st. This bill does precisely that.

The Y2K bill provides powerful incentives for industry to fix the Y2K problem before it happens and to remedy problems once they occur. Contrary to what some opponents of the bill have alleged, there is absolutely nothing in the bill that would deny any aggrieved party the right to sue. Let me repeat this. There is nothing in the bill that would prohibit anyone from bringing a lawsuit. What the bill does is to create powerful incentives to fix problems before resort to the courts is necessary. It encourages remediation through the requirement of pre-litigation notice and by providing opportunities for alternative dispute resolution. The prelitigation notice and pleading requirements also assist industry in fixing Y2K problems by requiring that prospective plaintiffs provide the information necessary for the defendant to understand and remedy the problem during the cure period.

In addition to encouraging the computer industry to remediate the problem, this bill fosters action by both industry and consumers to avoid the problems caused by Y2K failures. This bill preserves contracts and State contract law, encouraging contracting parties to anticipate the possibilities of Y2K failure and to do all they can to avoid them. The bill also imposes a duty to mitigate, requiring prospective plaintiffs to do what they reasonably can to avoid damages occurring because of a Y2K failure.

Some Senators have raised concerns about some of the provisions of the Y2K Act. Let me address some of these concerns.

Specifically, some Senators have opposed to the punitive damages provision, the proportional liability provision, and the section dealing with the economic loss rule. In the past several days, however, we have also heard many of my colleagues set forth the reasons why these provisions are central to the effective operation of the bill in preventing the disaster that is imminent in the wake of extensive frivolous Y2K litigation.

The punitive damages provision of the Y2K Act is essential in order to prevent the destruction of America' small businesses by excessive punitive damage awards. This section of the bill is extremely limited, as it applies only to small businesses. The bill simply does not impose a cap on punitive damages for any defendants other than small businesses. Opponents of this provision argue that punitive damages serve as a deterrent to misconduct, and that placing a cap on them will remove that deterrent. The punitive damage cap created by this bill does not remove any deterrent to misconduct.

Punitive damage awards against small businesses will be limited to three times the amount awarded for compensatory damages or $250,000, whichever is less. FOr small businesses consisting of an individual whose net worth does not exceed $500,000 or a company with less than 50 employees, this is a significant deterrent of misconduct. In addition, there is no cap at all if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff. I cannot take seriously the argument that this formulation of punitive damages is too small to act as a deterrent. Treble damages or $250,000 is a significant piece of change to pay for a small business.

In fact, I supported a similar cap for all businesses. But, in the spirit of bipartisan compromise, we agreed to limit the caps to small businesses. I understand that even the White House supported a similar small business cap provision in the products liability bill of two years ago. So what's the big deal?

What the small business punitive damages cap does do is to protect our small businesses from utter destruction by excessive punitive damage awards. As last year's Rand Corporation study of punitive damages concluded, the United States has witnessed a substantial increase in the amount of punitive damage awards. Witness the recent May 10 punitive damage award by an Alabama jury of $581 million to a family that complained they were overcharged $1,200 for two satellite dishes. According to Rand, although punitive damages amounts to a minority of all damages awarded, the very size of these awards skewers the civil justice system. Even frivolous lawsuits are settled for fear of large judgments. This has led to what is termed "jackpot justice." Lawsuits have been grossly transformed from a search of justice to a search of deep pockets. We have tried to counter this trend—at least for small businesses—in the Y2K Act.

Speaking about "jackpot justice"—the proportionate liability provision is intended to mitigate the quest for deep pockets by assuring fairness in the award of damages. Punishment must fit the crime and it is only fair that defendants should be liable only for the part of the damage that they cause. In an attempt to forge a bipartisan compromise, Senators McCAIN, DODD, WYDEN, LIEBERMAN, FEINSTEIN, GORTON, BENNETT, and myself, agreed to the formulation of proportionate liability found in the Federal Private Securities Litigation Reform Act of 1995. This act was signed into law by the President several years ago—so it should be acceptable to the administration.

Yet some opponents to this bill have spoken out against this provision. Opponents of this section of the bill apparently want some defendants to be liable for all damages, even if they were responsible only for a tiny fraction of the damage. That is the very definition of "deep pockets." The Y2K Act would prevent this and that is why it is opposed by the trial attorneys. The act ensures that a defendant's liability in a Y2K action will be for the damage that they caused, and not for the damages caused by other defendants.

Another section of the bill that is under attack is the class action section. Opponents of the bill say that this provision would federalize all State actions. This is a gross exaggeration. Let me explain.

The class action provision is vital to the effective operation of the bill. Class actions are a significant source of abuse. I have seen this as chairman of the Judiciary Committee. Far too often, Federal jurisdiction is defeated by joining just one nondiverse class plaintiff—even if the overwhelming number of parties are from differing States. This wrecks the clear purpose of Federal Rule of Civil Procedure 23—to provide for a Federal forum ameliorates myriad state judicial decisions that are conflicting in scope and onerous to enforce.

Now, as I stated before in this debate, I am a great proponent of federalism and the right of our States to act as what Justice Brandeis termed national laboratories of change. But it is axiomatic that a national problem needs an uniform solution. That is the justification for Congress' commerce clause power and its consequent promulgation of rule 23. That is the justification for the Y2K Act itself, in which the Y2K defect is clearly a national problem in need of a Federal answer.

The economic loss section of the Y2K Act has also been the subject of some contention. Let me reiterate some of the arguments I made last Thursday on the Senate floor in opposition to the Edwards amendment which if passed would have weakened this section. The economic loss rule is already widely accepted and has been adopted by both the U.S. Supreme Court and by a majority of States. The rule basically mandates that when parties have entered into contracts and the contract is silent as to consequential damages—which is the contract term for economic losses—the aggrieved party may not turn around and sue in tort for economic losses. Under the rule, the party may only sue under tort for economic losses. Under the rule, the party may only sue under tort law when they have suffered personal injury or damage to property other than the property in dispute.

In short, the Y2K Act's economic loss section ensures fairness in contract law by applying the rule already in use in most states to Y2K lawsuits. It prevents "tortification" of contract law by flagging an end run against terms of a contract agreed to by the parties.

Let me also remind the critics of this bill that it is of limited duration. This bill is designed to specifically address the problems related to Y2K computer failures that will occur around the turn of the millennium. In keeping with this purpose, the bill has a sunset period, which means that the entire bill will only be in effect until January 1, 2003.

Let me also make a variant of Pascal's wager. If these disputed provisions are harmful, as some critics contend, enacting them will do little harm because the bill will expire in 3 years. But if, as the supporters of this bill believe, these provisions are critical, not including them in the final bill could greatly harm the economy and our high tech industries. The choice is obvious. Both reason and equity require that these provisions remain in the bill.

Some have expressed concern that President Clinton will veto this bill. I don't think he will. This bill can only solve the problems created by the Y2K problem. Its provisions encourage remediation and mitigation, and encourage solutions to problems. The President knows this. He knows that to sign the bill can only help our nation and the world. He knows that by vetoing the bill he will, at best, be doing nothing to solve the Y2K problem, and that at worst he will be contributing to it.

If we are to be successful in solving this great problem before us, we must overcome our fear and pass the Y2K bill as a strong and effective piece of legislation.

Again, I emphasize the importance of this bill to our nation's future. Without meaningful legislation addressing the Y2K problem and the deluge of litigation that will surely follow, our nation may suffer devastating consequences. The Y2K Act before the Senate today is that meaningful legislation. This is a bipartisan bill, created and shaped through cooperation on both sides of the aisle. I urge my colleagues to vote for its final passage.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, very briefly, I want to once again commend my colleague from Utah. He has given a very insightful legal analysis of what the implications of this proposal are, what the authors of this bill are attempting to do. I will restate, not as eloquently as he has, the fact that the trial bar performs a very valuable service in this country.

There is no way in the world the Justice Department, and others, could do all the work the private litigators achieve on behalf of all citizens. But to listen to some talk about this bill, you would think we had just voided all litigation when it came to the Y2K issue. Nothing could be further from the truth. In fact, quite to the contrary, it provides for a systematic way for laws to be filed should there be no other means of resolving the difficulties.

I commend my colleague from Utah. I also commend Senator MCCAIN, the chairman of the committee and the principal author of this legislation, my colleague from Oregon, Senator WYDEN, and the many others who have been involved in putting this piece of legislation together. I also wish to commend the hard work of Senator MCCAIN's staff, Senator WYDEN's staff and I wish to particularly recognize my own staff and all the work that they have done.

We have now resolved most of the outstanding issues, or we have had votes on a number of them. I understand we will have a final passage vote sometime early this afternoon.

We, as a nation, and the world at large are going to meet the new millennium 199 days from today. That is when the clock turns. As many of my colleagues know, Senator BENNETT of Utah and I were asked by the leadership of this body—the majority and the minority—to head up a special committee, if you will, to take a good, hard look at the Y2K issue and the full ramifications of it on our National Government, State and local governments, private industry, nonprofits, and the world.

We have held, over the last year and several months, some 22 hearings; we have had site visits to nuclear power plants, hospitals, and financial services sectors; we have had staff who have gone overseas to meet with leaders of other countries—all of this, as quickly as we could, to give our colleagues and the country the benefit of an analysis of where we stand with this issue of the year 2000 millennium bug.

I am not going to go into all the details of the work. We have had a good committee. I commend my colleague from Utah, Senator BENNETT, who has done a very fine job chairing this committee. We think—we hope—we have provided a valuable service in highlighting and pushing and using the forum of that special committee to urge a greater sense of urgency on the part of the various sectors of our society to get ready for this problem.

I think it is fair to say we believe we are in fairly good shape on this issue. Again, I will not go through all the details, but, by and large, most sectors in our society—government at all levels—are doing a good job of remediating the problem, taking the steps that are necessary to fix these computers and to eliminate the potential hazards and harm. There are larger problems offshore. I am not going to go into that at this point. But there has been a lot of work up to this point.

One of the things we concluded, in part, is that we ought to come up with some sort of a means by which, if problems do emerge after January 1, we ought to try to fix the problem before we litigate the problem.

This is an outrageous thought, but maybe Congress might actually do something in anticipation of a potential problem. We do not normally do that around here. We wait for the problem to hit us. We wait for catastrophes to occur, many of which we cannot predict, obviously, because in many cases we talk about natural disasters or unanticipated events.

However, in 199 days, we have a very anticipated event. We have been told by experts, knowledgeable people, during the last 2 years in our hearing cycle—one expert after another—that we have a very serious problem hanging over us potentially, come the change in the millennium date.

You could go the traditional route and rush to the courthouse every time a problem emerges—with a handful of law firms, by the way. To speak about the trial bar on this issue, you can count the law firms on one hand, almost, that are involved in this kind of litigation. Let there be no illusion, this isn't your fender-bender, your product liability case, your personal injury case. This is a very specialized area. They would prefer to run to the courthouse for the problem.

Those of us who have offered this bill do not rule out the courthouse at all, but we say: Why not a 90-day cooling off period? How about saying you have to take some time to try to fix the problem? As much as we try to anticipate the problem, we cannot guarantee that we have done so. If a problem emerges, why not try to fix the problem? If you cannot fix it, then go to the courthouse. It is not much more complicated than that.

This bill lasts 36 months. You would think, to listen to some of my colleagues, we were amending the Constitution of the United States, the Bill of Rights, that we were changing the Ten Commandments. This is a 36-month bill for one short window in time, for us to say we want to try to solve the problem and not run to the courthouse for 36 months.

Can the trial bar bear that for 36 months? To see if we can't come to some conclusion and avoid the tremendous cost, the business to consumers, and others, as they spend weeks and months, if not years, litigating these problems instead of trying to fix them? That is really what this is all about.

We came to some significant compromises here. In fact, this bill ought to have been done on a consent calendar, in my view. It should not have taken a week's time in the Senate to deal with this issue. It is not that complicated.

What we have done here is, we have put caps on punitive damages for small business. We do not think you ought to wipe out a small business because you file a lawsuit against them, because they have a computer glitch problem. These punitive damage caps apply only to businesses that employ 50 people or less. We have directors' and officers' liabilities—again, no ceilings here on punitive damages at all. The trial bar begged for those things. That is included. That is in our bill.

We have proportionate liability here. This is the great stumbling block, I guess, for some in this 36-month bill. For 36 months we are going to have proportional liability—this cataclysmic event that is occurring here for 36 months—where we say that if, in a normal case, you are guilty of involvement in some problem, you are responsible for that percentage of the problem you caused—that is a radical idea—except, however, that is not the case if in fact you had an intentional, willful action on the part of the defendant. Under those circumstances, there is no proportional liability; it is joint and several. So we protect the plaintiff that may have been severely hurt as a result of this problem.

That is basically the sum and substance of this legislation—for 36 months.

This is an important industry, the high-technology community. It is changing the economy of our Nation and the world in which we live. The United States is on the cutting edge. We are leading the world. Ten or fifteen years ago, all we talked about was the Japanese and the Pacific rim. The United States could not compete in high technology. We had lost it forever. Well, there were bright people in this country who had other thoughts. As a result of their ingenuity and hard work, they changed the nature of how the world looks to leadership in high technology. Today the United States is the leader. These leaders champion ideas that are incubated in basements and garages, these technology leaders are often young people who are coming out with little or no money in their own pockets but a good idea. They are changing how you and I live.

Mr. President, I ask unanimous consent for 30 additional seconds to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. These industries are critical to the 21st century economy of this country. I do not think we ought to allow some big appetites and a handful of law firms to go out there and try and do damage unnecessarily to these people. If you have to get to a courthouse, you get to the courthouse. But, for 36 months in this country, let us take time out and try and solve the problem.

This bill that Senator McCAIN, Senator WYDEN, myself and others have authored, we think buys us this short window of time to resolve these difficulties. I hope this afternoon, when final passage occurs, my colleagues will vote for the 21st century future and not for a handful of law firms that want to litigate forever.

Mr. MOYNIHAN. Mr. President, I rise to congratulate Senators McCAIN, DODD, BENNETT, and HATCH for all the work they have done on S. 96, the Y2K Act. The bill will help protect against frivolous Y2K lawsuits. With just 199 days until 2000, the focus must remain on fixing the computer problem, not on litigating it.

The Y2K computer problem has been with us for some while, and it would be derelict of me not to mention that it was brought to my attention by a dear friend from New York, a financial analyst, John Westergaard, who began talking to me about the matter in 1995. On February 13, 1996, I wrote to the Congressional Research Service to say: Well, now, what about this? Richard Nunno authored a report which the CRS sent to me on June 7, 1996, saying that, "the Y2K problem is indeed serious and that fixing it will be costly and time-consuming. The problem deserves the careful and coordinated attention of the Federal Government, as well as the private sector, in order to avert major disruptions on January 1, 2000."

I wrote the President, on July 31 of that year, to relay the findings of the CRS report and raise the issue generally. In time, a Presidential appointment was made to deal with this in the executive branch. And last spring—less than 1 year ago—the majority and minority leaders had the perception to appoint the Senate Special Committee on the Year 2000 Technology Problem.

We have done a fine job preparing for the Year 2000. It took some cajoling, but people finally began to listen. The Federal Government should make it. The securities industry has been out on front on this. Their tests went very well this past March and April. When Senator BENNETT and I held a field hearing last summer—July 6—in the ceremonial chamber of the U.S. Federal Court House for the Southern District of New York, we found the big, large international banks in the City advanced in their preparations regarding this matter.

But much work still remains to be done. Testing and contingency plans are still being addressed. Last year, Senators BENNETT, DODD, and I introduced the Y2K Disclosure Act. This act, which the President signed on October 19, 1999, has been very successful in getting businesses to work together and share information on Y2K. S. 96 builds on the Disclosure Act and encourages remediation and information sharing. It is a good short-term fix for a once-in-a-modern-civilization problem, and I encourage the Senate to pass it forthwith.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Does the Senator from North Carolina want to use his time?

Mr. HOLLINGS. I thank the distinguished Senator. Mr. President, I yield 10 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

Mr. President, we have a bill before us today that has had a great deal of discussion. I just listened to my friend, the distinguished Senator from Connecticut, discuss it. He and I agree about a great many things. We agree about a great many things with respect to this bill.

I think it makes great sense to pass a moderate, thoughtful bill that provides protection for the computer industry. I think it makes sense to create incentives for consumers, buyers of computer products and those people who sell those products to, No. 1, try to remedy any Y2K problems that might exist with the computers they purchase and, No. 2, to work together to solve any problem that either of them may have, either the seller or the purchaser.

I think it makes a great deal of sense, as a result of that, to have a cooling off period. I think the 90-day cooling off period is something I strongly support. I add to that, I strongly support the idea of alternative dispute resolution which has been discussed at great length on the floor of the Senate. I think all those things accomplish positive things. They accomplish the goal of providing some legitimate protection for the computer industry. They accomplish the goal of having folks work together to try to avoid lawsuits. I think those are things that we ought to support.

There is a fundamental problem with this particular bill. The problem is this: There are going to be cases where purchasers of computers, whether they be consumers or small businesspeople, are going to suffer legitimate losses. They are going to have a Y2K problem. Their business is going to get shut down. They are going to have to continue to make payroll. All of us who grew up with small businesses understand that proposition. They are going to have to keep paying their employees, keep having overhead. But as a result of a Y2K problem, they do not keep generating revenue.

They are going to have a real and substantial loss. The computer company or salespeople who sold them the computer may well be responsible for that loss. In those cases where the computer company or the manufacturer acted in a reckless or irresponsible way on one hand, and in addition to that, we have a purchaser who suffered a real substantial and legitimate loss—I am not talking about something frivolous, not talking about their VCR won't work; I am talking about their family-run and family-owned business has been put out of business—that loss exists as a result of a Y2K problem clearly caused by somebody's irresponsibility, what we have to recognize is that loss will not go away. It exists. It exists in reality. It exists in the pocketbook of this small businessman.

The question is really very simple. Who will bear that real and legitimate loss when it occurs?

There are two problems in this bill. One has to do with the issue of joint and several liability. The other has to do with economic loss. They are both devastating in how they deal with that issue.

If you start with the basic premise that that loss which has been suffered by the consumer or a small businessperson is a real loss that is not going to go away, then the question becomes, who is going to pay for it? By eliminating joint and several liability, what we have said by law is if there are multiple parties who may be responsible, but for some reason one of those parties can't be reached, that we are going to shift that part of the responsibility, whatever, because it is an offshore company, if it is a company going bankrupt, out of business, whatever, and that company was 20 percent responsible, that loss gets shifted to the innocent consumer, the businessman, under this law. That is exactly what this law does.

Joint and several liability has existed in this country for 200 years. It exists for a simple reason—because it is fair and it is equitable.

What we say in the law of the United States is that we always want the guilty to pay and not the innocent. What this law does is, it changes that fundamental premise. If a Y2K problem exists and an innocent consumer or businessman suffers as a result, that share of the loss that can't be recovered will be borne not by those who participated in the loss, the guilty, but will be borne by the innocent. That is one problem.

There is a second problem that is even more devastating. This bill essentially eliminates the right to recover economic losses, which means, in my example, a small businessman whose family-run-and-owned business has been put out of business, as between him or her and a computer company or computer sales business that has sold the computer to him knowing it was non-Y2K compliant, as between those two, what we say in this law is, the innocent purchaser will bear the loss.

It is so important for all of my colleagues and the American people to recognize that there has been a lot of rhetoric on the floor about lawsuits and lawyers and the trial bar I heard Senator DODD talking about a few minutes ago. This has nothing to do with lawyers. What we are taking about and what we ought to be talking about is who is going to be protected by this bill and who is going to be hurt by it.

We know who is going to be protected. The big computer companies will be protected. Now the question is, Who will be hurt? It is not lawyers that will be hurt. The people who will be hurt are consumers and small businessmen. It really becomes a very simple proposition. We are protecting the big guy, and we are shifting that injury and damage to the little guy. It is the little guy that gets hurt by this bill.

In my example where a computer has been sold that is non-Y2K compliant, the people who sold it did it absolutely intentionally. They knew exactly what they were doing and some innocent businessman in a small town in North Carolina gets put out of business. If this law passes, this is what he can recover; he can recover the cost of his computer.

Well, he is going to have a great time explaining to his family, to his mother and father, who spent their life building up his business, that they have been put out of business and they can identify who caused it and they did it intentionally and willfully and they were irresponsible, but all they can ever get back is the cost of their computer.

It is fundamentally wrong. It is inequitable and it is unfair. That is what is wrong with this bill.

I want to mention three specific examples that I think show the American people what a problem we have. Example No. 1, let's suppose we have a businessman who runs his assembly line with a computer system. On November 15, 1999, this year, the computer salesman comes to him and sells him a new system. Let's assume that computer salesman knows the system is not Y2K compliant. On January 2, 2000, his assembly line comes to a grinding halt. It does so because of this Y2K problem. The people who sold it to him were reckless and irresponsible in doing so. He has lost all of his sales. He can't produce a product.

Let's assume that some of his customers will void their contracts, which they would. He doesn't have what they need and they have to get their product somewhere. They void their contract because he doesn't have anything to sell them. He can't meet payroll. For about 3 weeks, he is able to pay his people, but he can't meet payroll now because he has nothing to sell anymore. He goes out of business. Under section 12 of this bill, under that example, this is what this manufacturer can recover: The cost of the computer. He may have lost thousands and thousands of dollars. He has been put out of business, and what he can get back is the $5,000 cost of the computer. That is one example.

Let me give a second example. Suppose a businessman buys a computer program that manages his billings, his promotional mailing, and his data bases. On January 1, 2000, the program fails and renders the computer unworkable. The business can't send out its bills and loses the use of its mailing list and data base for more than 2 months; as a result, it goes under. Under this bill, he has been run out of business—clearly a Y2K problem, clearly the responsibility of the people who sold him the computer system. But all he can recover is the cost of his computer.

Finally, assume that we have a doctor who buys an infusion pump which is run by a computer, which is done all over the country in doctors' offices, and he uses it for a surgical procedure in his office. Because of a Y2K problem, it fails during surgery and a patient he cares about is severely injured as a result. They sue him for malpractice. He has to pay some huge judgment. He doesn't have enough insurance to cover it, so he loses thousands and thousands of dollars and his business is ruined. What that doctor who is operating in small town North Carolina is allowed to recover is the cost of his computer.

The problem is—and all three of these examples show it—it is very fundamental to the problem existing in this bill. We are going to have real and legitimate losses that are caused by irresponsible conduct. The vast majority of computer companies in this country will act responsibly, but the reality is, as we all know, there will be a minority of those companies that do not act responsibly. We are going to have small businesspeople and consumers all across the United States who have real losses. I think my colleagues, Senator MCCAIN, Senator WYDEN, and Senator DODD, would all recognize that is true. That is reality.

What we do when we pass this bill is we take that real, legitimate loss that has to be borne by somebody—it doesn't disappear into thin air because the Congress of the United States passes a law. These folks who run small businesses and these consumers are going to have some real losses. It is a simple question: Who pays for those losses?

What I propose is that we have a bill that creates every conceivable incentive to cure Y2K problems, to cause these people who have legitimate complaints to work to solve those problems; that makes the purchaser do everything in his power to reduce his losses, to act in a very responsible way; that we streamline the process; that we find a way to have alternative dispute resolution; that we make the court procedure as simple as it can possibly be. All of those things would go to help with any litigation that might occur, or any day in court that may occur.

The problem is that this bill takes that loss that is real and legitimate and says we are going to go a step further; we are going to say when somebody suffers a real and meaningful loss, we are going to make the innocent consumer and the small businessman bear that loss. It is fundamentally wrong. It is inequitable. It violates every principle of law that exists in this country.

The American people absolutely do not believe in this and would not support it. They don't want frivolous lawsuits. None of us do. We ought to cut those off. They want people to use alternative dispute resolution. They don't want people going to the courthouse the first time they have a problem. We ought to do something about that. But what we should not do is throw the baby out with the bath water. There are going to be real people out there who have real losses, and it is simply not right—and the American people in their gut know it is not right—to take that loss and shift it from the people who are responsible to the innocent people who have suffered.

I will make one last comment and I will be finished. I have heard Senator DODD and Senator WYDEN talk at great length about the sunset nature of this bill, that this is a 3-year bill. With all due respect to those arguments, I think they are a smokescreen. This bill will cover virtually every Y2K problem that exists, because by the very nature of the problem, it is going to come into existence in the year 2000. So it doesn't make any difference. They could cut it off in 2 years, or in a year and a half. It would not make any difference whatsoever. It could be 20 years. It is going to cover exactly the same losses—those losses that rear their ugly heads in the year 2000 because of a Y2K problem.

So what I say to my colleagues and to the American people is that, being from a State where we are very proud of our technology industry and believing that the great majority of technology companies act in a very responsible way, I think it makes a lot of sense to provide some thoughtful protection for those folks and to provide the kind of incentives we have talked about today. But I don't think we should go so far and be so drastic and so dramatic as to take away a real and legitimate loss and to take that loss, which is not going to disappear, and shift it from the people who are responsible for it to the innocent consumers and to innocent small businesspeople. I think that is wrong. I think it is protecting the big guy against the little guy. For that reason, I oppose this bill and will vote against it.

I yield the remainder of my time.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I want to respond to some of the points made by the distinguished Senator from North Carolina. But before I do that, I want to talk about what a vote against this legislation means today.

A vote against this legislation today means that the high-technology sector, which is driving this Nation's economic prosperity, doesn't deserve the same kind of treatment afforded the airline manufacturers; the high-technology sector doesn't deserve the same kind of treatment afforded the securities industry; the high-technology sector doesn't deserve the same kind of treatment afforded the financial services sector. I just don't think that makes sense, when it is so clear that we are going to have problems in the next century with respect to Y2K, that we would compound those problems by not giving high technology the same sort of protection that we have given to a variety of other industries.

Second, it seems to me that a vote against this legislation is a vote against the Nation's risk-takers, and it is a vote against the Nation's entrepreneurs who are working their heads off today to make their systems Y2K-compliant but are legitimately concerned about frivolous lawsuits. I don't think the Senate ought to be voting today against those risk-takers and entrepreneurs.

Third, it seems to me that a vote against this bill fails to recognize how dramatic the bipartisan changes have been to this legislation since it came out of the Senate Commerce Committee. The Senate Commerce Committee bill, as far as I am concerned, was a nonstarter. The House bill is a nonstarter. But this bill puts tough pressure on business and directs systems to cure problems, as well as those who might want to bring suits to mitigate damages.

Now, my friend from North Carolina has said repeatedly for days that if you have a problem and you are a small businessperson, you are not going to get to recover anything except the cost of the computer.

My question, colleagues, is, Why in the world would the overwhelming majority of the Nation's small businesses be calling for passage of this bill if all they got when there was a problem was the cost of a computer?

I agree with the Senator from North Carolina. These are dedicated, thoughtful people. Why in the world would they be in support of a bill if all they got was the cost of the computer?

The reason they are for the bill is they get all the rights that are prescribed in the contract that a majority of them signed when they purchased a computer. They get the damages that are the foreseeable consequence of a Y2K problem. They get economic losses as prescribed by State contract law. That is the reason why the overwhelming number of small businesses in this country are for this legislation.

The fact of the matter is, colleagues, that the so-called culprits who are behind the Y2K problem are folks who didn't really realize decades ago what we would be faced with at the end of the century.

Let me tell you what Alan Greenspan had to say recently on this issue. Alan Greenspan said, "I am one of the culprits who created the problem. I used to write those programs back in the 1960s and 1970s, and was so proud of the fact that I was able to squeeze a few elements of space by not having to put 19 before the year."

That is what Alan Greenspan said. He said he was one of the culprits behind the problem. In the infancy of the information age when every byte of memory cost about $1 million, he saved his company a lot of money. Today a million bytes of memory can be bought for less than a penny.

This problem was a result of an engineering tradeoff, not some kind of conspiracy of computer geeks. I doubt that any computer programmer ever dreamed that programs written in the 1960s and 1970s would still be running today.

But the point of this legislation is to keep the heat on all of our Nation's companies to do everything they can to make the chips and the computers and all of our systems Y2K compliant. Let's get the problem fixed. But let's also have a safety net in order to ensure justice for those who have problems.

I want to say to my friend from North Carolina, the distinguished Senator, that he talked about how companies that are big and bad are going to get off the hook; they are going to get a free ride, and, again, you are not going to get anything except the cost of the computer.

Let me tell you what the hooks are for those that are big and bad. If you are ripping people off, you are going to get stuck with joint and several liability. You are going to get stuck with punitive damages. That is what happens under this legislation when you are big and bad.

But what we say in the many cases where we don't have that kind of conduct—the Senator from North Carolina and I certainly agree on this point—is you will be liable for the proportion of the problem that you caused. We say that the small businesses deserve a break on punitive damages.

But let's make no mistake about it, colleagues. If you are big and bad, the hooks in this bill are clear. Nobody is getting off the hook. You get stuck with joint and several liability. You can be held for punitive damages. That is in the text of this legislation.

There is a reason, colleagues, why the little guy is for this bill. There is a reason why the overwhelming number of small businesses in this Nation are for the bill. It is that those risk takers, those entrepreneurs, those innovators are saying, as we take the steps to make our systems Y2K compliant, let's also have a safety net so if there are frivolous lawsuits that we aren't going to lose everything as a result.

This bill has seen 11 major changes to favor the consumer, the plaintiff, and small businessperson since the legislation left the Senate Commerce Committee. I particularly want to credit the chairman of the committee, Senator MCCAIN, and the Democratic leader on the technology issue, Senator DODD, who have worked so hard to help fashion this proposal.

I hope today when we vote that we will not send a message that high technology doesn't deserve the same kind of treatment that airlines get, that the securities industry gets, that the financial services sector gets. Let's pass this bill. Let's send it to the conference with a resounding vote.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—H.R. 1664

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that prior to the cloture vote on the motion to proceed to H.R. 1664 there be 10 minutes of debate equally divided between Senators NICKLES and BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the agreement regarding H.R. 1664 be amended to add 5 minutes for Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. I yield 2 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I would like to respond very briefly to my colleague from Oregon, Senator WYDEN.

First, I point out that based on my study of the issue it appears to me that virtually every consumer group which is composed of, among others, small businesspeople around this country is opposed to this bill.

Second, and more importantly, Senator WYDEN said—I am quoting him—that the "bill permits recovery of damages for foreseeable consequences."

I say with all due respect to my colleagues that is exactly what the bill does not permit. That language appears nowhere in this bill. I challenge him, since he has made that statement, to find the language in the bill that says "damages for foreseeable consequences."

Mr. WYDEN. Will my colleague yield?

Mr. EDWARDS. I will.

Mr. WYDEN. I appreciate that. Of course, that is what many contracts say. That is the economic loss rule. We say that the rights that apply are the rights of contracts, which most small businesses enter into when they buy the system. It is the State economic loss rule. State contract law with respect to economic loss covers those issues.

I appreciate him yielding.

Mr. EDWARDS. My response to that is, first of all, the vast majority of the computers are not bought pursuant to a written law in contract, because most folks are not able to hire a team of lawyers to draft a contract on their behalf. So the contracting is a meaningless concept, except as between one big company buying the computer system from another big company. Otherwise, contracts don't exist. In the absence of a contract, this bill eliminates recovery of economic losses.

It is that simple. They do not allow for the recovery of damages that are the result of foreseeable consequences.

It is a huge, fundamental problem with this bill. It will not allow people to recover anything but the cost of their computer. That is what the bill says.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I yield 5 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say thanks to my friends, Senator HOLLINGS and Senator MCCAIN. They worked very hard on moving this piece of legislation through.

I really like the premise of this bill. As a matter of fact, when I saw there was a bill introduced, and there were several that gave a 90-day cooling off period where we can fix the Y2K problem, I thought, there is a great idea. But the more I got into it, the more I saw the consumers being trampled on.

That is not the way my friend from Oregon sees it. I have the utmost respect for him. We just simply disagree. I say: How do you know who is right? I harken to what Senator EDWARDS said. Every consumer group is against it. They don't like taking on lost causes that they are going to lose.

This bill is going to pass overwhelmingly. Why would consumer groups step up to the plate and say it is wrong? Because in their heart they know the bill goes too far.

I am just going to give you three examples of what happened to this bill when it came to the floor. I am going to pick out three amendments as examples as to why this bill moved over so far to the anticonsumer.

Take one of the amendments of Senator EDWARDS. My friend offered an amendment that simply said that if you sell a computer in the year of 1999, or you sell software, and it is supposed to be Y2K compliant and something happens, you should get the protection of the underlying bill.

Why should we protect people who sell a computer to an ordinary person, or a small business, or sell software in the year of 1999, I say to my friend, as late as November of 1999, and then, whoops, it goes wrong, and in the year 2000 you still get the protection of this bill? I don't get it. It goes too far.

Then we have the Boxer amendment supported by a number of my friends.

What did that say? In the remediation period of that 60 days after you have notified the computer company or the software company that you have a failed product, they have to fix it, if they have a fix.

We had 31 votes or something like that. Where are the voices of the consumer in this Senate? It is perplexing to me. We showed at that time the law of the State of Arizona, a law on Y2K protecting their computer people, as well. Guess what. It said in the remediation period, you must offer a fix to the people.

If this is supposed to cure the problem, how are we curing it when we vote down the Boxer amendment, which said if there is a fix, fix the computer, fix the problem?

Today, we have the Gregg amendment. If I am correct, it is my understanding that the Gregg amendment will be accepted; is that correct?

Mr. HOLLINGS. I don't know. I had not discussed it with the distinguished Senator.

Mrs. BOXER. If it is accepted or we know they will pass because they all are passing, what does the Gregg amendment do? Under the Gregg amendment, if your small business makes a certain chemical and has to live by the rules of the Environmental Protection Agency regarding dumping of that chemical, but your computer goes on the fritz—I don't mean that in a derogatory way—your computer breaks down, guess what. Under the Gregg amendment you don't have to live by the environmental laws. Dump that stuff anywhere, because you will get a waiver which says the problem was my computer went down and, therefore, I can't live within the environmental laws.

This is amazing.

I have given the Senator three examples of how every proconsumer amendment has been voted down and every amendment that flies in the face of good government has moved forward. I am totally shocked and chagrined that we could not even pass the simplest amendments.

I see my friend from Vermont is here. I yield the floor.

Mr. HOLLINGS. I yield the remainder of my time to the Senator from Vermont.

Mr. LEAHY. Mr. President, earlier I came to the floor to show what happens in an actual case today under the law.

In a case in Warren, MI, a man bought a $100,000 computer system and it was not Y2K compliant. He almost lost his business. However, he was able to follow the State laws we have today. He was able to use State law, enforce it, and save going into bankruptcy, save being out of business.

Under the law before the Senate today, instead, here is what would happen. Rather than a straight line of protection for that small businessperson, here is the way it goes: dead end, dead end, roadblock, roadblock, dead end, dead end, roadblock.

Now they say they have cured it. What did they do? They took off one of the roadblocks.

Look at this chart. The roads in Kosovo are easier to drive through than the roads on this so-called Y2K "correction" bill.

I wish we did what we did last year. We had a good Y2K bill. The information-sharing law, S. 96, was done in a truly bipartisan way. It passed virtually unanimously. It was signed into law.

Now we have a bill, instead of making efforts to bring all parties together to have a bill the President could sign, we have something we know the President will veto, and he will veto it because of these dead ends, because of these detours, because of these roadblocks, because the court door is slammed, and because it wipes out every single State law in this country—all 50.

Mr. President, a few months ago, I came to the Senate floor to take a look at what this Y2K liability bill will actually do in a real life situation. I had a similar chart with me at that time.

Since then, we have heard some of my colleagues praise the so-called compromise on the Y2K liability protection bill. I have adjusted my chart to take into account the changes made to S. 96. You can see that this new so-called compromise eliminated only one road block on the road to justice. The "compromise" dropped liability protection for officers and directors of corporations that have Y2K computer problems. All these other special legal protections are still in S. 96.

Let's take a closer look at my chart under the modified S. 96. The chart still illustrates the many detours, roadblocks and dead ends that this bill would impose on a innocent plaintiff in our state-based legal system. Let's take a real life example of a Y2K problem and see what would happen under the sweeping terms of this new bill.

A small business owner from Warren, Michigan, Mark Yarsike, testified this year before the Commerce and Judiciary Committees about his Y2K problems. In 1997, he brought a new computer cash register system for his small business, Produce Palace, that was not Y2K compliant. Naturally, he assumed his new cash register system would be Y2K compliant. But it was not.

His brand new high-tech cash register system, which cost almost $100,000, kept crashing. After more than 200 service calls, it was finally discovered that his computer cash register system kept breaking down because it could not read credit cards with an expiration date in the year 2000. A Y2K computer defect that would be covered under this so-called "compromise" bill.

At the top of this chart is how the state-based court system works today for Mark Yarsike. His business buys a new computerized cash register system and a Y2K defect crashes the system. He then asks the cash register company to fix the system. If Congress rejects current Y2K liability legislation, a small business owner has two options under traditional state law.

The cash register company agrees to solve the Y2K problem and the small business owner has a quick and fair settlement.

If the company fails to fix the cash register system with the Y2K defect, then a small business owner has the option to have his day in court and proceed with a fair trial. That is what Mark Yarsike did. He was forced to buy a new computer cash register system from another company and sued the first company that sold him the non-Y2K compliant system. He was able to recoup his losses through a fair settlement.

Today's court system worked for him.

Now what happens to that same small business owner who brought a Y2K defective computer cash register system under the bill before us. Well, the current "compromise" bill overrides the 50 state laws and places new Federal detours, roadblocks, and dead ends from justice for that small business owner. Let's take another look at the chart.

If Congress enacts this Y2K liability protection legislation that overrides state law, the small business owner faces all these special legal protections on his road to justice.

The bill's sweeping legal restrictions include—90 day waiting period, preservation of unconscionable contracts' terms, heightened pleading requirements, new class action requirements, duty to anticipate and avoid Y2K damages, override of implied warranties under state law, caps on punitive damages, limits on joint and several liability, and bystander liability protection. All these special legal protections still apply to small business owners and consumers under this so-called "compromise."

All these dead ends on the road to justice may force a small business owner, like Mark Yarsike, to file for bankruptcy or lay off employees.

The bill contains severe limits on recovery by capping punitive damages to 3 times the amount of compensatory damages or $250,000, whichever is less, for medium-sized and small businesses. The sponsors of this "compromise" have touted the fact that they struck the looser punitive damages cap for larger businesses that was in the bill. I agree that this is an improvement, but it comes with another troubling compromise.

The bill now defines small businesses as firms with fewer than 50 employees, instead of firms with fewer than 25 employees, which was the definition in the original bill. As a result, the absolute cap of $250,000 on punitive damages now applies to many more businesses without any justification. Never before in any product liability tort "reform" bill has a small business been defined so broadly.

An exception to this punitive damages cap has been added if a plaintiff can prove that the defendant intentionally defrauded the plaintiff. Of course, the plaintiff must prove this by a higher standard of proof than normal—by clear and convincing evidence. Even the legal standard to prove an exception is stacked against the plaintiff under this bill.

This exception will prove meaningless in the real world because no one will be able to meet this exception for proving the injury was specifically intended. How in the world is our small business owner going to prove that the cash register company intentionally tried to injury him by selling a Y2K defective cash register system? How in the world is our small business owner going to prove this specific intent by clear and convincing evidence? Get real.

As a result, the small business owner who is harmed by the Y2K defective cash register system may be forced into bankruptcy or lay off employees.

To the credit of the sponsors of this "compromise," they have struck the last road block in the original bill—special liability protection to directors and officers of companies involved in Y2K disputes. I commend them for striking this section. Providing special Y2K liability protection to the key company decision makers would hinder Y2K remediation efforts. Instead, we want to encourage these key decision makers to be overseeing aggressive year 2000 compliance measures.

I hope special legal protections for corporate officers and directors does not resurface in the final bill after conference with the House.

A few of these detours, roadblocks and dead ends in this so-called "compromise" may be justified to prevent frivolous Y2K litigation. But certainly not all of them.

This bill makes seeking justice for the harm caused by a Y2K computer problem into a game of chutes and ladders—but there are only chutes for plaintiffs and no ladders. The defendant wins every time under the rigged rules of this game.

Unfortunately, this so-called compromise bill still overreaches again and again. It is not close to being balanced.

During Senate consideration of S. 96 last week, some of my colleagues and I offered amendments to add some balance to this bill. But the majority defeated every one.

Senator JOHN KERRY offered an alternative, which was endorsed by the White House. The President would sign Senator KERRY's bill tomorrow, but the majority voted it down.

I offered a consumer protection amendment to exclude ordinary consumers from the bill's legal detours, road blocks and dead ends. My amendment would have granted relief from the bill's broad Federal preemption for ordinary consumers to access their home state consumer protection laws. But the majority voted it down.

Senator EDWARDS offered two amendments to add balance to the bill. The first clarified the bill's economic loss section to ensure that recovery would be permitted only for claims allowed under applicable state or Federal law effective on January 1, 1999. The second excluded bad actors from the bill's special legal protections if they sold non-Y2K compliant products in 1999. But again the majority voted down these amendments.

Senator BOXER offered an amendment for computer manufacturers to offer free or at-cost fixes to small businesses and consumers who had purchased Y2K defective products as a requirement for these same computer manufacturers to be protected under S. 96. This amendment would have added real balance to the bill. But the majority voted it down.

The prospect of Y2K computer problems requires remedial efforts and increased compliance. But as last week's delay in voting on final passage of S. 96 made clear, this bill is not about promoting Y2K compliance; it is about sweeping liability protection and partisan politics.

I fear that all the special legal protections for Y2K problems in S. 96 will hinder serious Y2K remediation efforts in 1999. Instead of passing protections against future lawsuits, Congress should be encouraging Y2K remediation efforts during the last six months of 1999. We have to fix as many of these problems ahead of time as we can. Ultimately, the best business policy and the best defense against Y2K-based lawsuits is to be Y2K compliant.

That is why I hosted a Y2K conference in Vermont to help small businesses prepare for 2000. That is why I taped a Y2K public service announcement in my home state. That is why I cosponsored Senator BOND and Senator KERRY's new law, the "Small Business Year 2000 Readiness Act," to create SBA loans for small businesses to eliminate their Y2K computer problems now. That is why I introduced, with Senator DODD as the lead cosponsor, the "Small Business Y2K Compliance Act," S. 962, to offer new tax incentives for purchasing Y2K compliant hardware and software.

These real measures will avoid future Y2K lawsuits by encouraging Y2K compliance now.

Last year, I joined with Senator HATCH to pass into law a consensus bill known as "The Year 2000 Information and Readiness Disclosure Act." We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance.

The new law, enacted less than nine months ago, is working to encourage companies to work together and share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers. That is the model we should use to enact balanced and narrow legislation to deter frivolous Y2K litigation while encouraging responsible Y2K compliance.

Unlike last year's Y2K information sharing law, S. 96 is not narrow or balanced. Instead it is a wish list for special interests that are or might become involved in Y2K litigation.

This bill sends the wrong signal to the business community about its Y2K remediaton efforts. It is telling them; "Don't worry, be happy." That will only make Y2K computer problems worse next year, instead of fixing them this year.

The coming of the millennium should not be an excuse for cutting off the rights of those who will be harmed, turning our States' civil justice system upside down, or immunizing those who recklessly disregard the coming problem to the detriment of American consumers.

I remain open to continuing to work with interested members of the Senate on bipartisan, consensus legislation that would protect consumers, deter frivolous Y2K lawsuits and encourage responsible Y2K compliance. S. 96 is not that bill.

The President will veto S. 96 in its present form, as he should. Then perhaps we can sit down with all interested parties and craft a truly balanced bill.

Those of us in Congress who have been active on technology-related issues have struggled mightily, and successfully, to act in a bipartisan way. It would be unfortunate, and it would be harmful to the technology industry, technology users and to all consumers, if that pattern is broken over this bill.

Mr. MCCAIN. I yield 8 minutes to the Senator from Alabama, Senator SESSIONS.

Mr. SESSIONS. Mr. President, I am pleased to have the opportunity to comment on this extremely important bill. I congratulate Senator MCCAIN for his leadership. I am confident it will pass with a strong vote.

This morning we completed our second day of a joint economic committee on the high-tech national summit. We have heard some of the leading practitioners of computer business in America, including Alan Greenspan and the president of MIT, and we have discussed the tremendous role computers and high-tech equipment have played in the economic growth of this country.

Most people may not know that for a number of years the average wage of Americans has been increasing twice as fast as the cost of living. That is exactly what we want in America. We want productivity. That occurs because of an increase in the productivity of our workforce.

Mr. Greenspan, who everybody recognizes is such a knowledgeable person about our economy, attributes that primarily to the increased productivity that has come from being on line with our computer systems.

Experts, including Bill Gates of Microsoft, talked about the leading exports from the United States being computer related.

This is good for America. We are buying more than we take in. We are selling less than we buy. We need to change that. We need to increase our exports. The one industry that is strong in that record is the computer industry.

Craig Barrett of Intel testified yesterday. I asked him about the Y2K bill. He said it was critical for their industry to maintain economic growth.

Some say they can pay, and we can sue and sue. I know one Senator mentioned a case, and I believe it was the same case, in which a man testified before the Senate Judiciary Committee. He had filed a lawsuit over the computers in his company. He eventually won. I asked him how long it took. The litigation took 2 years.

With regard to asbestos, we have 200,000 lawsuits completed, 200,000 pending, with another 200,000 expected. They are filed all over this country. Do we want hundreds of thousands, perhaps even a million or more, lawsuits filed in every court in America, with every single case clogging those courts, distracting the computer companies from fixing the problem, trying to defend against the litigation with punitive damages and other unexpected costs that somebody might claim in a lawsuit?

We need to act. It is the responsibility of Congress to set the standards for lawsuits. We have every right to do that. That is what the legislative branch does.

We have an industry that deals throughout the United States. It deals throughout the world. We need to make sure it fixes the problem—and focuses on fixing the problem, not on draining its resources.

With regard to asbestos, 70 percent of the asbestos companies are now in bankruptcy, and of the money they paid out through this litigation onslaught, only 40 percent actually got to the victims.

What I think this bill is intended to do, with strong bipartisan support, is to make sure the moneys these companies spend are spent on fixing the problem. The idea that somehow joint and several liability is horrible is not so. Many States already have joint and several liability in every aspect of their legal system. We are simply saying for this one problem we will have joint and several liability. Frankly, I think that is the better way to go. Why should a company that is not responsible but for 10 percent of the problem pay the whole cost of the problem? What is just about that? I don't think that is a good argument.

We have a potential crisis in our country. We have the potential, make no mistake about it, to significantly damage our highest and most productive industry, the industry that has led to our economic growth and increased wages for American workers. We are endangering that community. If anyone thinks hundreds of thousands of lawsuits filed against all our computer companies in every county in America will not drain them of creativity, will not drain them of research and development, will not reduce their ability to be competitive in the world, I suggest that person is clearly wrong.

I thank Senator WYDEN and Senator DODD, on that side, and Senators MCCAIN and HATCH, who have worked on this bill. They have done a good job, and I am pleased to support it.

I yield the floor.

Mr. KYL. Mr. President, I support S. 96, the Y2K Act of 1999. The subject of Y2K liability is an important and timely issue for the Senate to address. As you know, I serve on the Senate Special Committee on the Year 2000 Technology Problem. Earlier this year, the Committee held a hearing examining Y2K litigation and its potential effect on the courts. A study by the Gartner Group estimated that the cost of Y2K-related litigation could reach $1 trillion.

The issue of liability is especially important to me. Last Congress, I sponsored the Year 2000 Information and Readiness Disclosure Act, which became law. That legislation encouraged companies to disclose and exchange information about computer processing problems, solutions, test practices, and test results that have to do with preparing for the year 2000. The goal of the bill was to encourage information sharing, which would in turn lead to remediation, which would in turn lead to greater Y2K compliance. Unfortunately, many companies still fear liability, and it is that fear of lawsuits that is inhibiting them from getting done what is needed—which is remediation. The goal of S. 96, like that of the Year 2000 Information and Readiness and Disclosure Act, is to ease the fear of lawsuits so businesses can focus on remediation rather than litigation.

S. 96 is the second major Y2K bill passed by the Congress. Earlier this year, the Senate passed (by a vote of 99 to 0) the Small Business Y2K Readiness Act, which became law on April 2. The bill directed the Small Business Administration to establish a loan guarantee program to guarantee loans of up to $1 million for small businesses to fix their computers or tackle other Y2K-related problems.

S. 96 enjoys bipartisan support and the backing of a broad coalition of business groups—large and small—including the U.S. Chamber of Commerce, the Information Technology Association of America, the National Retail Federation, the National Association of Independent Business, the Semiconductor Industry Association, to name a few. The bill provides incentives for fixing Y2K problems before failures occur and it encourages the prompt resolution of Y2K problems if they do occur.

Finally, I commend my colleague from Arizona, JOHN MCCAIN, for his tireless efforts in navigating this bill through the Commerce Committee and for his repeated attempts to secure its passage on the Senate floor. S. 96 will provide much needed protection against a potential flood of lawsuits against the nation's business community and I look forward to its prompt signature by the President.

Mr. THOMPSON. Mr. President, I rise in opposition to S. 96, the Year 2000 liability legislation. The problems caused by faulty computer software on January 1, 2000 may be severe, and some legislation addressing that problem may be warranted. Although I had concerns about S. 96 as it was originally offered, I supported invoking cloture on the bill because I wanted to see the compromise process continue so as to possibly improve the legislation. But even the modified bill would cause the litigation nightmare that it ostensibly seeks to avoid.

Were this bill to become law, both State and Federal courts would be required to resolve disputes resulting from Year 2000 failures not under familiar legal standards developed over 200 years, but by applying new legal terms and definitions, or terms never before applied to this context. As a result, vast amounts of litigation will be required to establish the meaning of those terms, and various State and Federal courts are certain to adopt different views of the same language.

For instance, the bill applies to injuries that result "directly or indirectly from an actual or potential Y2K failure." Because it would be in the interest of defendants to apply the liability shields contained in this bill as widely as possible, many types of cases certainly will be characterized as "result[ing] directly or indirectly from an actual or potential Y2K failure." Pre-trial motions, trial court rulings, appellate court decisions, and ultimately, appellate court rulings to resolve conflicting appellate court rulings will be necessary before the scope of cases actually covered by the bill is finally determined. Courts will consume years determining the meaning of other operative terms, such as "material defect," or deciding precisely what factors are relevant in assessing "the nature of the conduct."

Although punitive damages have been a staple of the common law, this bill would impose a punitive damages regime never before adopted in any jurisdiction. While some States have adopted caps on punitive damages for noneconomic damages in personal injury cases, this bill represents the first time that a law would cap punitive damages with respect to property damage. No one has offered a compelling reason for this course. And no one can predict what the consequence will be of a blanket Federal rule on this subject in the absence of any State experiences with this approach.

The bill's effects on the procedures for resolving cases are equally serious. It would permit a defendant to respond to a complaint by indicating a willingness to engage in alternative dispute resolution. But the bill makes no provision for the actual availability of alternative dispute resolution in federal courts that lack them, nor does it ensure the use of State ADR procedures. And federal law would control the pleading requirements even of State law causes of action brought in state courts.

Additionally, I am concerned about the effect this bill would have on small businesses. Unless a small business is in the computer business, its exclusive role in Year 2000 litigation will be as a plaintiff, not a defendant. But this bill provides benefits only to defendants, benefits that would be of no use to most small businesses. At the same time, it denies otherwise available legal rights to small business plaintiffs. Apart from restricting their right to recover punitive damages, small businesses who currently could bring an action against a landlord who fails to provide working elevators so that customers and employees can reach their offices would not be able under this bill to sue the landlord if he for failed to take action now to make sure that those elevators will work on January 1, 2000. The landlord's relief from liability will both increase the chances that a small business' elevator will not work and decrease the recovery that the small business can obtain if in fact the elevator does not work.

Similarly, a small business that bought a computer that did not work now has the right to obtain consequential damages from that failure. If the business had to shut down because of the failure, the business owner could recover the lost profits for the period that the defective computer caused the shutdown. But under this legislation, all that the business owner who files a tort and contract lawsuit could obtain is recovery for damage to the computer itself. No compensation would be permitted for real injuries that the owner faces. There is no reason to impose this hardship on a small business that bought a product that it had every reason to believe would work. There is no reason to increase the protection of the company that did not take the appropriate steps to ensure Y2K compliance as against the workers who will be laid off because the small business cannot continue to operate.

Even though the bill does preempt state law in a number of areas, federal action might be appropriate to address a unique event such as the Year 2000 problem. There could in fact be a large volume of litigation that could overwhelm courts. But this bill is not an effective means of addressing that possible calamity. Reducing in advance the exposure of people who made non-Y2K compliant products will reduce neither the scope of the computer malfunctions nor the number of lawsuits. Restrictions only on the ability of plaintiffs, such as individuals and small businesses, to recover damages, no matter how meritorious their cases, is not warranted. S. 96 will create many new issues to litigate, increase the likelihood that the Year 2000 problem will be great rather than small, and harm the ability of innocent persons to recover that which their states legally entitle them to retain. These are not desirable objectives, and for these reasons I oppose this bill.

Mr. KERREY. Mr. President, the debate surrounding Y2K Liability is a very important one. The estimated cost associated with Y2K issues vary greatly, ranging from $600 billion to $1.6 trillion worldwide. The amount of litigation that will result from Y2K-related failures is uncertain, but at least one study has guestimated the costs for Y2K related litigation and damages to be at $300 billion.

With that in mind, several bills have been drafted which encourage companies to prevent Y2K failures and to remedy problems quickly if they occur, and to deter frivolous lawsuits. It has essentially boiled down to 2 bills: the McCain-Wyden-Dodd bill, and the Kerry bill. Many of the provisions within the bills are the same; however, there are a couple of issues that warrant discussion.

I have studied these bills closely. And for me, what it all comes down to is two simple questions: Which bill provides more of an incentive for computer companies to identify and remedy potential Y2K problems? And, second, what effect will this legislation have on consumers?

First. Which bill provides more of an incentive for computer companies to identify and remedy potential Y2K problems? To answer that question, one needs to understand what the backers of this bill are so concerned about. The people that are pushing for this bill, namely, some of the computer companies and big business, are not afraid of me. They are not afraid of what Congress might do to them. What they are concerned about, and what they are afraid of, is 12 men and women on a jury. They are afraid of what a jury might do to them if they are sued and their case ends up in court before a jury.

Let me be clear: I do think this Y2K liability is a special situation and believe that we should provide computer companies with some type of certainty and protection from these lawsuits. That is why I want to pass one of these bills. However, I think we need to be careful that the protections we provide aren't so great that companies no longer have an incentive to fix their Y2K problems.

So, when I hear people asking to "cap" the amount of punitive damages that can be imposed against them, I can't help but to wonder, "Why do you need to worry about that? The only time punitive damages are awarded is if the person has done something flagrantly wrong."

Similarly, proportionate liability, which provides assurances to the defendant on how much money he would have to pay the plaintiff, is fair and reasonable for most defendants, but not all defendants. Under the Kerry bill, only good corporate citizens will have the benefit of proportionate liability. Under the McCain bill, all corporate citizens, no matter whether they act in good faith or bad faith, will be rewarded with proportionate liability.

Computer companies must have an incentive to identify and remedy potential Y2K problems. If we pass the McCain bill, which both caps punitive damages, and rewards all corporate citizens, both good and bad, with proportionate liability, I believe that would provide a disincentive to remedy potential Y2K problems.

Therefore, the answer to the first question is clear: the Kerry bill provides more incentive for computer companies to identify and remedy potential Y2K problems.

Second. The second question I had to answer is what effect will this legislation have on consumers? To answer that question, we need to look at one provision in particular: the economic loss provision. The economic loss provision has to do with whether a small business owner or the consumer is allowed to recover for lost profits, lost overhead, and out-of-pocket costs.

The McCain bill bars the recovery of economic losses for businesses in all Y2K contexts. The economic loss rule that I support, and the rule followed in most jurisdictions, says that if the parties have agreed by contract about the allocation of loss, then that agreement should govern. If there is no contract, then state law would apply.

What does this mean? It means that under the McCain bill, consumers and small businesses are going to be at a disadvantage. To illustrate, let's look at a very practical example that would apply to many small businesses in Nebraska. A businessman wants to open a flower shop. He goes into a computer store and talks to a computer salesman. That salesman tells the businessman that the computer is Y2K compliant and that come January 1, 2000, the computer will be fine. The businessman buys the computer for $5,000. The flower shop opens and is doing great. On January 1, 2000, the computer crashes and can not be fixed for four weeks. The businessman relies on his computer for almost everything, including as a cash register, a client database, and record keeping. As a result of the computer crash, his business is severely affected—he pays bills late, he can't meet payroll, and he loses customers, costing him a total of $75,000. Under the McCain bill, the only damages the businessman can recover are the cost of the computer, $5,000. The economic loss rule I support, the Edwards amendment, would allow the businessman to make a case as to why he should be able to recover at least some of his lost profit. Thus, to answer to the second question, the McCain bill would unfairly place small businesses and consumers at a disadvantage to computer companies.

Because of these reasons, I will cast a vote against the McCain Y2K Liability bill. I want to reiterate that I support the goals of this legislation—I want computer companies to have an incentive to identify and remedy potential Y2K problems, and I don't want there to be an onslaught of frivolous lawsuits beginning on January 2, 2000. Unfortunately, I do not believe the McCain bill in its current form is the proper way to address these issues.

If these issues are properly addressed in conference, I will support the conference report. Until that happens, although the McCain bill may achieve its goal of eliminating frivolous lawsuits, I believe this comes at too high a price to our small businesses and consumers.

Mr. ROCKEFELLER. Mr. President, the overriding point to be made today is that the vast majority of the Senate, Democrats and Republicans, and the White House, agree on the need for legislation to encourage Y2K readiness and to prevent frivolous litigation.

We all agree that there is likely to be a surge in Y2K related complaints and lawsuits and that everyone will benefit if many of those cases can be dealt with outside the courtroom. We agree on the need to encourage consumers and businesses to use remediation to fix Y2K problems and to use negotiation to settle disputes.

Where we differ is on the details of how to get there. And let me assure you from my 11 years of experience as a proponent of product liability reform—the details matter.

And the details should matter. In liability reforms, and especially tort reforms, what's at stake is the basic balance between plaintiffs and defendants, consumers and business, injured and responsible parties. Our state courts and legislatures have struggled for several hundred years to get that balance right. If we're going to change their work then we have a responsibility to work hard at getting the details right, too.

Senators KERRY and DASCHLE deserve a great deal of credit for wading into the middle of the Y2K liability reform issue. I've been in their shoes before, and I know how hard it is to try to find the middle ground. It is no easy feat to craft a bill that protects consumers, gives business the predictability and relief from frivolous suits they deserve, wins the support of the majority in Congress, and would secure a presidential signature.

Senators KERRY and DASCHLE came up with a bill that gives the high-tech community about 80 percent of what they want, that meets every one of the objections outlined by the White House, and that won 41 votes in the Senate last week. I voted for that bill.

Forty-one votes, including the votes of many Senators who hold strong reservations about federalizing any part of our tort liability system at all. Forty-one votes shows us in plain terms that there is obvious overlap on the core issues and principals of this bill, and on a good many of the details.

What is so regrettable is that even after our negotiating a bill that gives most stakeholders most of what they say they need, my Republican colleagues and much of the business community would rather have an issue than a bill. A negotiated compromise that gives them 80 percent of what they want but also keep the courts open to legitimate claims apparently isn't enough.

So rather than achieve a major portion of their goals for the year 2000, they've decided to put all of us through an exercise that will result in nothing. Believe me, I've been down this road before. I know these issues, I know these stakeholders, I know the vote counts, and I know this White House on liability reforms. And I know what the outcome will be if we continue down this dead-end path.

What baffles me is to see the business community, once again, choose nothing. Haven't we learned from years of legislating on liability reforms that purists come away emptyhanded?

The bottom line is that the bill before us today is simply too far afield of what's doable. And the best way to get back on course for enacting a Y2K law is to vote against this bill and sit down at the negotiating table.

Unlike the never-ending products liability debate the opportunity to deal with Y2K suits won't last long. We can't afford to get it wrong. And we don't have time to pass a bill that we know will be vetoed and then come back to the drawing board.

I urge my colleagues not to squander this opportunity.

Mr. WYDEN. Mr. President, I rise today to ask my colleague, the Senator from Oklahoma, Senator INHOFE, a few questions regarding his amendment Thursday to the Y2K Bill.

Mr. INHOFE. I thank my colleague from Oregon, Senator WYDEN, and I am pleased to answer any questions he might have.

Mr. WYDEN. The Senator's amendment refers to temporary non-compliance with "federally enforceable requirements" because of factors related to a Y2K failure beyond the control of the party charged with compliance. Could the Senator provide an example of such a federally enforceable requirement so that this Body can understand the practical scope of the Senator's amendment, especially what would and would not be an imminent threat to health, safety or the environment that would bar the use of the defense?

Mr. INHOFE. I would be pleased to. An example of a use of the defense that this amendment would provide would be a federally enforceable reporting requirement on an energy facility. Suppose a plant operator is vigilant at the controls of a conventional power plant. At the stroke of midnight New Year's the plant is operating smoothly, and power is being transmitted to homes, hospitals, and nursing homes right on schedule. Further, the operator can see clearly that the environmental machinery that cleans emissions such as sulfur dioxide (an acid rain precursor) or nitrogen oxides (a contributor to smog) is operating normally in every respect save one. The computer readout from the continuous emissions monitor at the top of the smoke stack does not seem to be transmitting or storing the emission data verifying that equipment is otherwise in normal function. Repairing the bug in the monitor transmitter may take a few days over the holiday weekend.

Without my amendment the plant operator faces a terrible choice. Does he shut down the whole plant and let the people in the nursing homes freeze in the dark, or does he run the risk of severe sanctions for disregarding a requirement that he provide government agencies an unbroken chain of emission monitor print-outs? Mind you, he knows the pollution is being controlled as usual because he or she has hands on the equipment. With my amendment, the plant could keep operating, nobody's lights would have to go out unless—and this is key—doing so does not threaten public health, safety, or the environment. This is not a holiday from environmental quality laws.

Mr. WYDEN. Could the Senator also provide an example of when the defense would not apply?

Mr. INHOFE. Certainly, suppose the power plant were nuclear and—this time—a temperature gauge is broken and the operator does not really know whether the plant is operating in safe mode or not. In such a case, the operator could not, under my amendment, "drive in the dark with no lights on." Clearly operating in such a fashion that could pose a risk to health, safety, or the environment would receive no protection under my amendment, and no sympathy from me.

Mr. WYDEN. What does the phrase "federally enforceable requirements" mean? Is it broader than federal requirements?

Mr. INHOFE. It is broader only in the following respect. Many federal standards are actually implemented in collaboration with states. For example, it could technically be a state-issued monitoring and data recordation and reporting program that is enforceable federally.

Mr. WYDEN. I thank the Senator from Oklahoma for clarifying his amendment and I thank him for his work on this issue.

Mr. INHOFE. I appreciate the Senator from Oregon's interest in my amendment and I thank him for his support and assistance in getting my amendment accepted.

Mr. BYRD. Mr. President, in little more that six months time, each and every American is going to be impacted by one of the simplest, yet most complex technological problems we have ever faced. The so-called Y2K computer problem—simple to understand, but enormously complex in terms of its solution—has the potential to adversely affect every facet of our lives. Yet, while no one can say with absolute certainty what consequences will flow from the new year, there is one thing our litigious nation can be sure of: Come January 1st, many Americans will seek redress in our nation's courtrooms.

At the very time when businesses will need to focus their attention on mending computer problems and helping others deal with service disruptions, too many companies will, unfortunately, find themselves distracted from that important task by the threat of legal action. Equally troubling is the possibility of hundreds of thousands of law suits being brought in a matter of weeks or months; a situation which could simply overwhelm our judicial system.

Consequently, I am concerned that, unless we act now, our legal system may not be able to adequately address the ramifications of the new year in an efficient, fair, and effective manner. But beyond the courthouse doors, I am also deeply concerned about the potential long-term effect on our nation's computer industry.

Mr. President, a generation ago, the United States was the world's preeminent producer of manufactured goods. At one time, we were unrivaled in our construction of automobiles, aircraft, consumer electronics, communications equipment including satellite technology, and steel, to name but a few. For various reasons, though, we have lost our dominant position in each of these important areas. No longer do foreign companies immediately look to the U.S. when seeking to purchase an airplane or a roll of steel. And no longer do consumers around the world automatically purchase an American-made television, an American-made radio or an American-made camera. Those days are gone.

Yet, despite that circumstance, unsettling as it may be, the fact remains that the United States is predominate in the world of computers and computer technology. Companies such as IBM, Microsoft, Intel, and Compaq, are household names around the world, and for good reason. They, among many others, are American success stories that have produced enormous benefits to our nation's economy and provided our workers with good, high-paying jobs.

Like many of my colleagues, I am troubled by the fact that some small businesses may suffer as a result of a Y2K failure. But it also troubles me to think that we may be on the verge of litigating our computer industry into submission. Where are we if, in our zeal to place blame, we cripple these corporate entities, some of which may be big and rich, but most of which are small? And how do we preserve what may be our last industrial stronghold if we are willing to treat the overwhelming majority of these companies, which have worked diligently and in good faith, the same way we treat those few unscrupulous firms that do not wish to accept their responsibilities? I believe that the protections afforded small business in the bill, while not as I would have written them, are adequate.

We must acknowledge that what is at stake here is of enormous long-term importance to the economic well-being of every American. Each of us has a duty to ensure that our technological and industrial base flourishes, not just in the coming months, but for decades. In weighing those factors, I sincerely hope that my colleagues will come to the same conclusion as I and support this legislation for the good of our economy, our workers, and our nation.

Mr. KOHL. Mr. President, we should act both to deter frivolous litigation over Y2K defects and to encourage Y2K fixes, but this bill will create as many problems as it solves. Instead of merely establishing incentives to address Y2K defects, several provisions in this bill could, perversely, discourage companies from acting responsibly and reward those who silently —and inexcusably—wait for defects to happen rather than cure them before disaster strikes. In short, I will oppose this measure because it fails to strike the right balance.

To be sure, the bill has improved from earlier versions, and some sections—like class action reform to curtail frivolous lawsuits and a 90-day waiting period to promote remediation instead of litigation—are steps in the right direction. Still, provisions like limits on punitive damages and a one-sided duty on consumers to anticipate all Y2K defects give businesses an excuse to continue doing nothing because even the bad actors end up with a lower risk for liability. And provisions like the elimination of "joint and several" liability, which I have supported in other contexts, seem out of place here where remediation is the heart of the matter. In other words, if a company isn't fixing a defect when it could be 100 percent liable, why should limiting its liability to a fraction of that be anything but a disincentive to take corrective steps?

While this issue has become a political football here in Washington, it doesn't play the same way in Wisconsin, where we know how to play football. Our home State businesses are concerned about the potential for wasteful litigation, and they want to see fixes rather than breakdowns. Like me, they do want Y2K liability reform. That is why I supported the Kerry/Robb substitute. But the Wisconsin businesses who've contacted me don't have very strong feelings about any of the provisions unique to the McCain/Wyden bill. And it is not surprising because, unlike as with product liability reform, here they are more likely to be plaintiffs than defendants, making them weary of measures that discourage remedial action.

I continue to believe that we should generally reform litigation. But if we are going to start doing it piecemeal, the place to start is probably in the product liability context, where 90-year-old products, still in use, are being judged by today's standards. The place not to start with sweeping reform is here—especially when it would benefit a software manufacturer who produces a product in 1998 that becomes dysfunctional just two years later and did nothing at all to try to prevent the defect from happening.

That said, there are moderate steps we have taken, and can take, to help address the Y2K issue. For example, last year I cosponsored and Congress passed the Year 2000 Information Disclosure Act. This law encourages the disclosure and exchange of information about computer processing problems by raising the standard regarding when companies can be liable for releasing false information. I also cosponsored the Small Business Year 2000 Readiness Act, which was signed into law earlier this year. It expands the Small Business Administration's lending program to provide companies with assistance as they work to become Y2K compliant. The Kerry/Robb substitute is a reasonable measure that can make a difference and, indeed, that the President can sign.

When all is said and done, I suspect we will enact a law this year and before the Year 2000, and that it will look a lot more like the Kerry/Robb substitute than the unbalanced bill before the Senate today. That would be fair to the high tech world and it would be in the best interests of consumers and small businesses in Wisconsin.

Mr. BURNS. Mr. President, today I rise to highlight the hypocrisy that I have heard during this debate on S. 96, the Y2K legislation admirably led by my friend, Senator JOHN McCAIN. I have heard a number of Senators up here saying they would not do anything to hurt the high-tech industry. Those same Senators then turn around and offer an amendment or voice their support for an amendment that no one in the high-tech industry supports, but there is one group who supports their amendments, the American Trial Lawyers.

As Chairman of the Senate Subcommittee on Communications, I work with leaders from the high-tech industry on a daily basis. I sit back in amazement when I watch the economic success of our nation, which is largely driven by the high-tech industry. In fact, yesterday, June 14, Alan Greenspan testified in front of Chairman MACK's Joint Economic Committee and placed strong emphasis on the fact that the high-tech industry is driving our current economic boom. It is creating an economy like we have never seen before. I am working toward the goal of bringing high-tech jobs to Montana, my home state. I believe in my heart that the day will come when the high-tech economy delivers more good paying jobs to my fellow Montanans. I do not want anything to get in the way of this possibility. Let me give you a few amazing statistics that outline the success and tremendous growth opportunities in this industry. In 1998, there was anywhere from $32 billion to $50 billion in electronic commerce done worldwide depending on which research firm you listen to. The Gartner Group projects that in 2003 there will be $3.2 trillion in electronic commerce done worldwide. Think about that, $32 billion in 1998 and over $3.2 trillion in 2003 or 100 times as much electronic commerce in five years. Friends, we have never seen growth like this in an economic sector in American history. Further, in 2010, 20 percent of worldwide commerce will be done online. I ask myself, "What can the Government do to make sure these numbers become a reality?"

We need to stay out of the way. What can the Government do that could stop this unprecedented growth? I can tell you what we could do to stop the growth of the industry, we could listen to our colleagues who are up here carrying the water of the trial lawyers.

Let me show you exactly why the American trial lawyers do not want to see this legislation pass. The Gartner Group estimates that the cost of dealing with the Y2K bug worldwide will run in excess of $600 billion. Yet, we continuously hear that class action lawsuits and other suits are being filed or are being written for later filing that may reach past the $1 trillion mark. Do you know any industry in the world that is so resilient that it can easily take a $1 trillion hit without being slowed down in its growth? I don't. As a matter of fact, as big as the Y2K problem is, the biggest problem our high-tech industry faces is from the trial lawyers. We cannot stand by and let this happen.

I want the American people to see why many Senators are carrying Amendments that are supported by the American trial lawyers. In the 1998 election cycle, nearly 90 percent of the roughly $2.4 million given to federal candidates by the American Trial Lawyers Association was given to Democrats. Every single one of the Amendments offered here on the Senate floor that the American Trial Lawyers Association backed has been offered by Democrats. It is not hard to see the correlation and draw conclusions. President Clinton has threatened to veto S. 96 if passed in its current form. Sure enough, if you look back to his election in 1996, you find that over 90 percent of the money given by the American Trial Lawyers Association was given to President Clinton over former Majority Leader Bob Dole.

The Democrats stand on the Senate floor and say that their proposed amendments to S. 96 are proconsumer. I am here to highlight the hypocrisy in that statement. Is it proconsumer to slow the growth of our Nation's economy because of frivolous legislation? What the amendments do and President Clinton's threatened veto stand to do are to slow one of the most outstanding eras of economic growth this country has ever seen. And they say this is proconsumer? As voices for the people, we are elected to do what is best for the citizens of America. The high tech industry, which is carrying us into an unprecedented era of economic strength, wants to see this bill passed so that the $1 trillion plus in threatened lawsuits by the American trial lawyers never become a reality.

The Democrats are again threatening to play politics with a matter of grave danger and utmost importance to the American economy. I want to say to my colleagues, stand firm. Push this bill through unchanged, and send it to President Clinton.

The growth of the high-tech industry is absolutely critical to the continued growth of our Nation's economy. Make President Clinton tell the American people that he would rather see the trial lawyers have their day and pay rather than see one of the most exciting industries in American history continue its rise to the top of our Nation's economy. Do not let the American trial lawyers dictate our economy, stand in support of Senator McCAIN's bill, S. 96.

Mr. DOMENICI. Mr. President, I rise in support of the compromise Y2K liability bill before the Senate today.

I want to commend my colleagues who have worked hard to put the Senate in position to pass this important legislation.

After working for years to enact securities litigation reform, I know how tough it is to battle the trial lawyers. In fact, many of the same entrepreneurial lawyers who specialize in securities class actions have already begun to file Y2K class actions.

Let there be no doubt that being a trial lawyer is big business. In anticipation of the problems associated with Y2K, lawyers have been putting on seminars on how to plead, try and negotiate Y2K lawsuits. Nearly 80 companies have already been hit by Y2K lawsuits.

Y2K offers these enterprising lawyers a new litigation gold mine. If we do not pass this bill, estimates are that the litigation costs from the Y2K problem will be as much as $1.5 trillion. That exceeds the cost of the asbestos, breast implant, tobacco and Superfund lawsuits combined.

Our economy is the envy of the world. High technology companies have done much to fuel the growth of the stock market in recent years, and they have provided millions of Americans high paying and rewarding jobs. The average high-tech wage is nearly 75% higher than the average private sector wage in the United States. These companies spend nearly $40 billion per year in research and development. I would rather see high-tech firms continue to spend their resources on their employees and on improving their products, rather than spend money on lawyers.

And there is no doubt that deep-pocketed technology companies will be the most attractive potential defendants in abusive Y2K litigation. These companies proved to be the most attractive for entrepreneurial securities class action lawyers, and I have every reason to believe that they will find themselves in the lawyers' cross hairs once again if we don't enact this bill.

Rather than turn our booming high tech economy over to the trial lawyers, this bill seeks to place some reasonable restraints on Y2K litigation. The focus of this bill is to encourage potential litigants to fix their Y2K problems without having to resort to the courts, and the lawyers.

The bill would require a 90-day cooling off period to allow potential plaintiffs to offer a way to cure any Y2K defects which arise in their products. This is a reasonable alternative to the "rush to the courthouse" atmosphere which might prevail without this legislation.

I am also pleased to see that the drafters of this bill have chosen to include the proportionate liability provisions from the Private Securities Litigation Reform Act of 1995 in this bill. These provisions, taken from the bill Senators DODD, D'Amato and I passed into law, are the essence of fairness in tort reform. Who can argue with the concept that defendants should only be responsible for the portion of damages corresponding to their actual fault in any given case? I guess the trial lawyers might argue with that idea, but few others would.

Finally, I want to say a word about punitive damages. I think the drafters of this bill have done all they can, and compromised as much as possible on the issue of punitive damages. At this point, unless you are a small business, there is no limit in this bill on punitive damages, if the plaintiff can prove by clear and convincing evidence that the applicable standard for punitives has been met.

In my view, I would have liked to see this bill further cap punitive damages. Punitive damages are designed to deter future wrongful conduct, but it has been shown that they serve relatively little deterrent purpose. This is particularly true in Y2K cases, where the problem is one that is fixable the first time it is discovered. Since we cannot have another "millennium problem" for another thousand years, I fail to see how punitive damages should apply in any Y2K case.

Former Supreme Court Justice Lewis Powell, in describing punitive damages generally many years ago, noted that they invited "punishment so arbitrary as to be virtually random." Justice Powell wisely has commented that because juries can impose virtually limitless punitive damages, they act as "legislator and judge, without the training, experience, or guidance of either." Justice Powell didn't know about the Y2K problem when he wrote these words, but they still ring true in this debate here today.

While many of us would have liked to see this bill go farther in a few areas, I believe that some lawsuit reform is better than no reform at all. Rather than let the trial lawyers run out the clock, the drafters have done a fine job reaching a compromise. This bill is a reasoned approach to the problem- one that emphasizes cooperation, not litigation and puts our economic growth and our high-tech businesses ahead of greedy trial lawyers. I am happy to support it.

I thank my colleagues for yielding me time, I again commend the drafters of this bill, and I yield the floor.

Mr. ROBB. Mr. President, while most people think of divisions in this body as divisions of party, there are other divisions as well. Increasingly, I'm becoming concerned about the division between those who want to create political issues and those who want to solve problems.

From the start of this debate, I realized that the crushing wave of litigation which could accompany the new year threatens to hinder our efforts to achieve Y2K readiness and exacerbate the damage done by the Y2K bug. The prospect of litigation enormously complicates an already complex problem. I have worked with others to try to move all interested parties toward enough of a consensus that we could get a bill that would be signed into law.

This effort to develop a consensus bill led to the development of the alternative offered by Senator KERRY. That substitute had the benefit of both addressing the legitimate needs of the high tech community and satisfying the concerns expressed by the Administration. Instead we have voted out legislation which, if unchanged in conference, is heading toward a veto.

I have said from the outset that I believe we ought to pass a bill to address this real—and unique—problem. So today I voted for S. 96, to move it to the next stage in the legislative process. But I caution my colleagues that if this bill is not modified—if the conferees are not willing to address the remaining concerns in the upcoming conference—then we're still faced with a veto, we'll end up where we began, and we'll have wasted valuable time in reaching our goal.

With regard to the conference, I have heard that the House may simply adopt the Senate language, sending this bill directly to the White House knowing it would be vetoed. That's pure politics and it's counter-productive. From my negotiations with the White House, I know that they too want to find consensus, but at this point, the only way to find this consensus is to sit down with them in a conference setting.

If a conference does not take place, if this bill is sent to the President with the explicit knowledge that it will draw a veto, then the reports on Capitol Hill that some would rather have a Y2K issue than a Y2K solution will be obvious for one and all to see, because there is consensus to be found on this issue, if all parties are willing to negotiate in good faith.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I think we have had a very excellent debate. I yield the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the opportunity to say just a couple of words about the pending bill. I will use my leader time, because I know we are out of time under the unanimous consent agreement.

Let me begin by saying I do not think there is disagreement at all among most of our colleagues about the importance of stopping frivolous Y2K lawsuits. We recognize that high technology is now the driving engine of our economy and will become an even more important part of our economy in the years ahead. We recognize that businesses need to focus on fixing the problem, not defending against lawsuits.

So we want a bill. We hope to have a bill the President will sign. I am disappointed we are not there yet. The White House has made it very clear the pending bill will be vetoed even with the changes that have been made so far. So we have gridlock. We have gridlock in large measure because we have not been able to resolve the remaining differences on this important legislation.

I think it is very important we balance the legitimate needs of industry to be protected from frivolous attacks and the rights of consumers. We differ on very critical legislative details that were the focus of a substitute Senator KERRY offered some time ago. We recognize that consumers and small businesses will face real problems. We need to protect their rights in court. That is one of our fundamental concerns about the passage of the current legislation.

We want a bill. We do not want frivolous lawsuits. But we also want to ensure that people have some protection.

Let me just give one example of what will happen if this bill is passed and signed into law. This is just one example.

The pending bill only allows small businesses to recover economic losses for tangible property damage. That is a phrase we are going to hear a lot more in the future, "tangible" property damage. This does not include the loss of business information, such as that contained in computer databases. So such losses, including billing records or customer lists, property that is critical to a business owner but which is not tangible, is not covered under the bill we are passing. Amazingly, the pending bill would even protect defendants from liability for fraud or misrepresentation.

If you are a small businessman watching C-SPAN right now, you are on Main Street and you are wondering what this bill is all about, under this bill, in those cases where you do not have a tangible property matter at stake, you have absolutely no protection. If you lose your database, if you lose that so-called nontangible property, you have no recourse. That is unacceptable.

I know we are going to get all kinds of debate, and I will probably get calls this afternoon: Yes, we do. The fact is, we have had analysis after analysis. The bottom line is that there is no protection for intangible property. That is not protected.

Defendants are even protected from liability for economic losses if they engaged in fraud or misrepresentation under the current legislation.

Our alternative, by contrast, only protects responsible companies. The biggest difference between our approach and theirs is that we protect only companies that have acted responsibly. We require companies to demonstrate that they have taken steps to clear up the Y2K problems.

For example, the pending bill provides blanket proportional liability. The Kerry amendment merely requires companies to have identified and warned potential victims of problems to get proportional liability.

The pending bill caps punitive damages for small companies. Punitive damages punish egregious conduct. We provide no such protection for irresponsible behavior in the alternative we offer.

The pending bill sets up roadblocks for consumers suffering from real Y2K-related problems. Our amendment lets them in the courthouse door to at least have the opportunity for redress their damages in a court of law.

This area of law traditionally falls under State jurisdiction. But this legislation, the pending bill, preempts State law. We acknowledge the need to do so because of unique circumstances, but we also recognize the need to be careful.

The pending bill virtually shifts all Y2K suits into Federal court. It makes it harder for consumers to bring a suit. It increases the strain on an already backlogged Federal court system. Chief Justice Rehnquist and the Judicial Conference oppose such federalization. Our bill places limits on class actions but does not federalize them.

In some ways our bill is very similar. Our version addresses all the basic concerns raised by the high-tech industry. Our plan is identical to the pending bill in many ways. Both give defendants 60 days to fix a Y2K problem. Both allow either party to request alternative dispute resolution. Both require anyone seeking damages to have the opportunity to offer reasonable proof—including the nature and amount of the damages—before a class action suit could proceed.

But while we recognize the need for a bill, we must carefully write it. Evidence is yet unclear as to the extent of this problem. Evidence is yet unclear about how much frivolous litigation will result from the Y2K bug.

We should not grant sweeping legal immunity to those who have caused but not corrected problems. Those who have not tried to address problems deserve no special protection. Yet, this bill provides them that protection.

Our approaches are identical in every important, necessary way. But they differ in critical ways for consumers and for our court system.

Our approach is the only one the President will sign, so it is the only one that has hope of becoming law.

The year 2000 is fast approaching. We cannot waste time debating a bill we know will be vetoed only to have to start all over again. It is senseless to do that.

If enough of our colleagues vote against this legislation, it sends a message to fix it in conference. If conferees fail to fix it, I will make every effort to pass another bill that addresses the problem, that the President can sign.

In fact, I will present again, as clearly as I can, an articulated, very understandable version of what the President will sign. I want to make it very clear what it is the President will sign and what he will not. We owe it to all of our colleagues to reiterate one more time just what it is that he finds so offensive about this.

Let's go back one more time, because I think it is so incredible an issue. If you are affected tangibly, if your property is somehow tangibly affected, you have redress, you can be compensated for economic losses; but if your database, if your mailing list, or if anything else in the computer is adversely affected, is lost, is destroyed as a result of an advertent or inadvertent error on the part of technology—you lose everything—you have no recourse. You cannot recover economic losses that result.

Is that really what we want to do? Do we want to destroy your opportunity for recourse when you have lost your database? When you have lost your mailing list? Do we really want that to be the law of the land overriding State law? That is exactly what we are voting on.

The answer is, I will bet you this afternoon a majority of our colleagues are going to say: Yes, that is what I am voting on. I will support taking away the right of a small businessman to go to court if he has lost his database. I will support the right of an errant computer salesman or somebody else to take away a small business's opportunity to go to court.

I do not believe we want to do that. That is why the President said he will veto this bill. We can do better than that. Nobody can plead ignorance. I am saying it this afternoon. I want everybody to understand it. Nobody can say, "I didn't know that's what the bill did," because I am telling you right now, that is what it does.

So before you vote, my colleagues, understand, ignorance is not bliss here. Ignorance is no excuse. When they come back and say, "I didn't know," we can say, "I told you before the vote."

If you want to take away a small businessman's right to go to court because he has lost everything, you go ahead and vote for this bill. If you want a bill that works, work with us, work with the President; let's get one approved by the Senate he can sign.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:15.

Thereupon, the Senate, at 1:16 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Y2K ACT

The Senate resumed the consideration of the bill.

AMENDMENT NO. 623 TO AMENDMENT NO. 608

Mr. McCAIN. Mr. President, it is my understanding that there is a Sessions amendment at the desk, No. 623, and I ask for its immediate consideration.

It is also my understanding, with the agreement of the Senator from South Carolina, that the amendment is acceptable to both sides. Therefore, I believe there is no further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 623) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 624 TO AMENDMENT NO. 608

Mr. McCAIN. The next item of business is the amendment that was offered by Senator GREGG.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Mr. President, the amendment is very well intentioned. I believe we more appropriately sought to deal with this matter when we adopted the Inhofe amendment. I come to the conclusion that the Gregg amendment could possibly have an adverse affect on the bill and lead to more litigation, when certain individuals use this legislation as an excuse to avoid legitimate regulation.

I also believe that the adoption of this amendment might further increase the risk of veto of the bill. I want to assure the Senator from New Hampshire that we will deal with this matter in a thoughtful manner in conference, but I am very concerned about the impact of this amendment.

I believe that under the previous order, unless the Senator from New Hampshire requests unanimous consent to speak on the amendment, we should move forward.

The PRESIDING OFFICER. There are 2 minutes equally divided.

The Senator from New Hampshire.

AMENDMENT NO. 624 TO AMENDMENT NO. 608, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent to modify the amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 624), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term "agency" means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term "first-time violation" means a violation by a small business concern of a Federal rule or regulation (other than a Federal rule or regulation that relates to the safety and soundness of the banking or monetary system, including protection of depositors) resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term "small business concern" has the same meaning as a defendant described in section 5(b)(2)(B).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if—

(1) the small business concern's failure to comply with Federal rules or regulations constitutes or creates an imminent threat to public health, safety, or the environment; or

(2) the small business concern fails to correct the violation not later than 1 month after initial notification to the agency.

Mr. GREGG. Mr. President, is the precedent that the presenter of the amendment has the last minute?

The PRESIDING OFFICER. The time is equally divided.

The Senator from New Hampshire.

Mr. GREGG. This amendment is really fairly simple. Essentially, it is an attempt to give the middle person, the small businessperson in this country who may, through no fault of their own, be subject to a Federal fine because they didn't comply with some Federal law as a result of the failure of their computer system, some protection from that fine. It says that this can only occur in instances where it is the first time it has happened. In other words, you can't have a bad actor trying to use this to try and get out from underneath the fines.

It says that the small business may have a legitimate, provable effort that they tried to protect the computer problem and that they notified the Federal agency they had the computer problem. So there is ample protection to be sure that the system can't be gamed. The purpose of this amendment is simply to protect the small businessperson. This will be rated by the NFIB, I understand.

Mr. LOTT. Mr. President, I would like to express my strong support for the Gregg-Bond amendment that was adopted as part of this Y2K bill. I know that the small business community in Mississippi and nationwide must appreciate our removing the potential for yet another millennium headache.

Almost every federal agency requires small businesses to comply with a number of paperwork requirements. That is a fact that is unlikely to change with the new century. It is likely, however, that an unanticipated Y2K failure could prevent a small business from meeting these federal paperwork deadlines on time.

The Gregg-Bond amendment will provide relief to small businesses by waiving civil penalties in this type of case. Let me remind my colleagues that this is not an amendment that will reward those who misbehave or who fail to prepare themselves for Y2K. As the Senator from New Hampshire stated earlier, in order to take advantage of this one-time penalty waiver, a small business owner must first prove that he or she took prudent steps to prevent the Y2K failure in the first place. Let me give you an example of how the amendment will work.

Let's say a shoe repair shop owner in Inverness, Mississippi, does her best to make her computer system Y2K compliant, only to find that the New Year brings total system failure. Because of this computer crash, the store owner is unable to access her payroll records and cannot submit her payroll taxes on time. The Gregg-Bond amendment gives the business owner a reasonable amount of time to get her system running and pay her taxes—without the IRS slapping huge fines on her.

Mr. President, this amendment does not say that small businesses do not have to comply with the law. It does not say that small businesses do not have to meet their paperwork requirements. It simply says that if a small business has a legitimate Y2K failure that causes a hiccup in its paperwork flow, its federal fines can be waived.

As we enter the new century, I ask my colleagues: Do we want to start the millennium by fining small businesses for unpredictable and unintentional first-time paperwork violations?

Fortunately, the answer is no.

I would like to thank Senator GREGG and Senator BOND for offering this amendment, and my colleagues for adopting it. I would also like to thank the National Federation of Independent Business for its hard work on this amendment and this bill. The "Voice of Small Business" was heard loud and clear in this Chamber today. Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 624, as modified. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 28, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—71

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—28

Akaka
Biden
Boxer
Breaux
Bryan
Byrd
Cleland
Daschle
Durbin
Edwards
Feingold
Feinstein
Hollings
Inouye
Johnson
Kennedy
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—1

Chafee

The amendment (No. 624), as modified, was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I will take 2 of my minutes, and the Senator from Oregon will take the remaining 2 minutes.

The PRESIDING OFFICER. It is 2 minutes equally divided.

Mr. McCAIN. Under a previous unanimous consent agreement, I requested 4 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, let's be clear about the importance of the bill and what is at stake. The bill is supported by virtually every segment of our economy. It is important not only to the high-tech industry or big business but carries strong support from small business, retailers and wholesalers, and the insurance industry.

On one side of the issue we have the American economy, arguably the strongest our Nation has ever enjoyed. It is driven in large measure by the technological leadership our companies have and are providing to the rest of the world, the resulting revolution in productivity for other industries. On the other side, we have those who, for whatever reason, desire encouraging disputes rather than solving problems.

The Y2K situation presents an unparalleled opportunity to tie up the country's judicial system and the economy's resources in litigation, which only profits the legal profession. Opportunistic litigation costs the Nation's economy time and resources which then cannot be spent on value-added productivity.

This is a very important piece of legislation. It is important to the future of the economy. It is important to the future development of this technology, and it is of great importance to the future of average American citizens.

I yield back the balance of my time.

Mr. WYDEN. Mr. President, Senator DODD is the Democratic technology leader. I join him now in saying that a vote against this bill is a vote against the entrepreneurs and risk-takers of this Nation who are working their heads off to make their systems Y2K compliant but are legitimately fearful of frivolous lawsuits.

Some have said that small businesses cannot recover their economic losses under this bill. If that were the case, why would the Nation's small businesses overwhelmingly support the legislation?

The fact is, small businesses can recover economic losses just as they do under the status quo. Specifically, a small business plaintiff can recover whatever economic losses are allowed under State contract law. Many of these State laws say that if profits are lost as a consequence of a Y2K failure, the small business plaintiff can recover their economic losses.

Failure to pass this bill would be similar to lobbing a monkey wrench into the high-tech engine that is driving the Nation's economic prosperity. I join with Senator DODD, our technology leader, in urging Democrats to support the legislation.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, this is a very serious moment for the Senate in that we now are going to legalize negligence and legalize fraud. How does this come about? It is very interesting that the industry itself says 90 percent have no Y2K problems at all. Only 6 percent here, in this month's Investors Business Daily, said that 5½ months ahead of that they could possibly have any problem. Straussman of Xerox said it is managerial incompetence not to have it fixed by now. We still have 5½ months.

We are acting in spite of the fact that the States have been not only doing an outstanding job with respect to product liability but also with respect to Y2K, and in spite of the Conference of Chief Justices' resolve against this measure.

I ask unanimous consent to have printed in the RECORD a letter from the Conference of Chief Justices of the State Supreme Courts.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONFERENCE OF CHIEF JUSTICES, OFFICE OF GOVERNMENT RELATIONS, NATIONAL CENTER FOR STATE COURTS,
Arlington, VA, May 25, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I am writing on behalf of the Conference of Chief Justices (CCJ), to express our concern with S. 96 and H.R. 775 in their present form. We understand that S. 96 and H.R. 775 are attempts to address the serious problem of potential litigation surrounding the Y2K issue. However, in part, the bills pose a direct challenge to the principles of federalism underlying our system of government. We are particularly concerned that each bill would in effect replace established state class action procedures in favor of removal to the Federal courts in most cases. The members of CCJ seriously question the wisdom of such an action.

In this regard, CCJ agrees with the position of the U.S. Judicial Conference as submitted by Judge Walter Stapleton to the House Judiciary Committee on April 13, 1999. His testimony points out that:

"State legislatures and other rule-making bodies provide rules for aggregation of state-law claims into class-wide litigation in order to achieve certain litigation economies of scale. By providing for class treatment, state policymakers express the view that the state's own resources can be best deployed not through repetitive and potentially duplicative individual litigation, but through some form of class treatment. H.R. 775 could deprive the state courts of the power to hear much of this class litigation and might well create incentives for plaintiffs who prefer a state forum to bring a series of individual claims. Such individual litigation might place a greater burden on the state courts and thwart the states' policies of more efficient disposition.

Federal jurisdiction over class litigation is an area where change should be approached with caution and careful consideration of the underlying relationship between state and federal courts."

We would emphasize that State courts presently handle 95 percent of the nation's judicial business. State and Federal courts have developed a complementary role in regard to our jurisprudence and these bills would radically alter this relationship. It is not enough to argue these bills affect only a segment of commerce, or that resolution of the problem on a state by state basis is inconvenient. It is a bad precedent that could have future ramifications. The founding fathers created our federal system for a reason that Congress should be extremely reticent to overturn.

If you have any questions, please feel free to contact me directly, or contact Tom Henderson or Ed O'Connell who staff our Government Relations Office. They can be reached at (703) 841-0200.

Respectfully,

DAVID A. BROCK,
Chief Justice, President,
Conference of Chief Justices.

Mr. HOLLINGS. We are acting in spite of the fact that no attorney general, no Governor, or any other entity has come up and asked for it. Then the question is, Why do we, at the Federal level, rush to suspend 200 years of State law?

Right to the headline here in the Washington Post, "GOP Voice For Backing Of High Tech Leaders. Party Aims To Exploit Y2K Vote, CEO Summit." And yesterday morning's New York Times, the headline, "Congress Chasing Campaign Donors Early And Often."

If you look on the Republican screen, it says there:

> Senate again attempts to end minority stranglehold—the great Y2K money chase.

There it is. This crowd, they want to do away with estate taxes, capital gains taxes, immigration laws, now the State liability laws. If this thing works, I am going to put in an exemption for the corporate tax.

You know, they rebuilt America—not us, who back in 1993 even taxed Social Security, cut 300,000 employees, raised taxes some $250 billion and cut spending $250 billion so the economy could recover.

In spite of all that—so the economy could recover, so you could buy these computers and everything else of that kind—what is happening here is they do not even want a fix. The Senator from California just says, "Let's just get a fix. Get rid of the lawyers." They voted it down. "Let's just help the consumers," said Senator LEAHY. They voted that down.

What they are trying to do is not get a fix but, rather, fix the system. They know how to do it. They suspend economic losses. I practiced law, and I can tell you here and now what will happen if all you can get is, say, two-thirds of the cost of your computer because—after I bring the investigation, the pleadings, discovery, interrogatories, trial, appeal, and convince 12 jurors—after I have done all of that, I am deserving of at least 20 or 30 percent. So I have to tell the client that is the best you can do after a year in court and everything else of that kind. I have never seen such a thing in my life.

This is a bad bill. We could have passed a good one. We could have gotten alternative dispute resolution. We could have done this in a bipartisan fashion, as we did last year. We could have done this as I did with the aircraft bill, which I voted for, or the securities bill, which I voted for. But they would not let us. They wanted that computer money.

The PRESIDING OFFICER. The time of the Senator has expired.

Without objection, the substitute amendment is agreed to.

The substitute amendment, as amended, was agreed to.

The PRESIDING OFFICER. The Senate bill will be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The clerk will report H.R. 775.

The assistant legislative clerk read as follows:

> A bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, H.R. 775 is amended by striking all after the enacting clause and inserting in lieu thereof the text of S. 96, as amended.

The bill will be read for the third time.

The bill was read the third time.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—62

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Enzi
Feinstein
Fitzgerald
Frist

Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thurmond
Voinovich
Warner
Wyden

NAYS—37

Akaka
Bayh
Biden
Boxer
Breaux
Cleland
Cochran
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Specter
Thompson
Torricelli
Wellstone

NOT VOTING—1

Chafee

The bill (H.R. 775), as amended, was passed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I want to thank a number of Senators and members of their staffs for the hard work and diligence that has resulted in the passage of the Y2K Liability Limitation legislation. This bill was crafted through the determination of Senator McCAIN and Senator WYDEN of the Commerce Committee, Senator BENNETT and Senator DODD of the Special Committee on the Year 2000 Technology Problem, and Senator HATCH and Senator FEINSTEIN of the Judiciary Committee. Additional help from Senator GORTON, Senator LIEBERMAN, and Senator BROWNBACK also helped to secure passage of this important legislation.

Mr. President, it is also important to recognize the work of a number of the staff members for the Senators who were instrumental in the successful efforts on this bill. We are very fortunate to have such intelligent, dedicated individuals working in the United States Senate, and the passage of meaningful legislation would not be possible without the hard work of these people. Specifically, I would like to thank Marti Allbright, Mark Buse, Carole Grunberg, Shawn Maher, Wilke Green, Larry Block, Manus Cooney, David Hantman, Tania Calhoun, Laurie Rubenstein, Karen Knutson, Brian Henneberry, and Steven Wall . The professional skills and abilities of these staff members were important in achieving this legislative success. These staff members and their colleagues ensure that the United States Senate is a responsive, effective body for the American people. On behalf of myself and my colleagues in the Senate, I again say "thank you."

Mr. President, the passage of Y2K liability relief provides a reasonable public policy for America as our nation enters the next millennium. It ensures that America's technology sector focuses on solutions to the Y2K problem, rather than spending limited time and resources on defending lawsuits. American ingenuity will make certain that the Year 2000 problem is solved. Great strides have already been made toward this goal, and this bill is an additional critical step in the process for America.

Mrs. MURRAY. Mr. President, just three weeks ago I joined with 12 of my Democratic colleagues to urge the leadership in both parties of the Senate to take up Y2K reform legislation as soon as possible. We got what we wanted and just completed debate. Many amendments were offered but several that would have improved the bill were defeated. Certainly the bill we passed today is much better than the proposal that passed out of the Senate Commerce Committee months ago.

Despite some reservations I voted for this bill, because potential problems associated with Y2K failures and subsequent litigation could be very harmful. Widespread litigation could harm businesses and hurt consumers through increased costs in the essential products and services we use in our information technology dependant lives. Moving the process forward is necessary if we are to adequately protect consumers and the businesses who have done all they can to ensure their products work at the turn of the century.

It is important we have mechanisms that will allow for quick remediation of Y2K problems, will encourage companies to correct their mistakes, and will fairly adjudicate cases when mediation fails. We all recognize that computer problems associated with the new millennium could be large. These problems need to be addressed.

Washington is one of the most high-tech-dependant States in the Nation. Technology companies make up the most energetic and fastest growing segment of the Washington State economy. Information technology has also become a major factor in the economic engine of the Nation. Many employees and consumers in my State depend on these companies' success. The people I represent could be negatively impacted if we fail to take action on this issue.

What we passed today could do much to encourage remediation of the problems we face in addressing the Y2K problem. The bill protects businesses that have acted responsibly and allows for consumers and businesses to punish those who have acted in bad faith. The bill is also limited in scope and time with a sunset date just three years after enactment, which focuses this bill on the unique, one time event which we are seeking to address. What we have done today is an important step toward protecting consumers and businesses from Y2K problems.

That said, I have some concerns about the bill. Individual consumers were not as well protected as they should have been. While we've been able to retain for small businesses as large as 50 employees the ability to get a broad array of damages, we were unable to get a complete exception for consumers. Individuals have less bargaining power and generally don't possess the expertise or money required to protect themselves as well as businesses. Therefore, I am hopeful in conference we will get measures that exempt consumers from certain sections of the bill and allow them greater access and bargaining power when Y2K failures harm them.

I also have concerns about the bill's preemption of State contract and tort law. The class action provisions of this bill would allow for either party to remove an action from a State proceeding to Federal court at virtually any time. This impedes State's rights and could harm individual plaintiffs by forcing them to incur more litigation costs by having to start anew in federal court. Unlike large companies, individuals often have difficulty traveling to new venues and paying additional attorney's fees. The court system should encourage individuals who are harmed to seek redress, not discourage them as this bill does. I also hope we can work on this in conference.

It is important to note that the version that passed the House of Representatives is an even worse bill for consumers. It does not seek the balance between plaintiffs and defendants, but resembles the pro-defendant bill that originally passed from the Senate Commerce Committee. The House bill is a step backward from what was achieved in the Senate. If we move at all toward the House bill in conference, I would hope and I'm confident that many of my colleagues will join me in opposing the conference report.

Overall, passing this bill helps get the process going. It certainly is not perfect and I am hopeful the problems I have outlined can be dealt with in conference. It is also my desire to see the administration get involved in the negotiations at conference.

My constituents, high-tech companies, and consumers deserve a bill that is fair and just, allows for remediation before filing suit, and protects people and companies who have acted in good faith.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, to extend for 40 minutes equally divided between the two leaders.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 297 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process:

Trent Lott, Pete Domenici, Rod Grams, Mike Crapo, Bill Frist, Michael B. Enzi, Ben Nighthorse Campbell, Judd Gregg, Strom Thurmond, Chuck Hagel, Thad Cochran, Rick Santorum, Paul Coverdell, Jim Inhofe, Bob Smith of New Hampshire and Wayne Allard.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 297 to S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Chafee

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999—MOTION TO PROCEED

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, it is my understanding now we are going to have a debate on the cloture motion related to the steel loan guarantee program. It is my further understanding that there are two people in favor of it who wish to speak for it. Senator NICKLES was going to speak against it.

I ask unanimous consent I might have 5 minutes with Senator NICKLES, so we would have 10 minutes in favor of it and 10 minutes opposed to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate is not in order. The Chair will recognize the Senator from West Virginia, but his time will not start until the Senate is in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair for his insistence upon order.

I urge my colleagues to vote for cloture on this bill and to vote for the bill. I am going to direct my remarks to that portion of the bill, insofar as I can in this brief period, that deals with the steel loan guarantee. Mr. DOMENICI and others will speak about the similar oil and gas loan guarantee.

There is a real need for this legislation, for this assistance to American firms and to American workers, and that need is now. A crisis does exist in our own steel industry. The illegal dumping of below-cost steel into our country is real.

Our domestic steel industry has been seeking remedy through antidumping and countervailing trade cases. The Commerce Department tells us these cases are being considered, but it takes time. Opponents of this loan guarantee program would have us believe this is an excessively costly solution to a nonexistent problem. It is neither. The loan guarantee program outlined in this bill would provide qualified steel producers access to loans through the private market that are guaranteed by the Federal Government in the same way the Federal Government now guarantees loans made to homebuilders, farmers, even foreign nations such as Mexico, Israel, and Russia. It sets no precedent. Similar programs have been successfully implemented for New York City, Lockheed, and Chrysler.

Both the Congressional Budget Office and the Office of Management and Budget have calculated the budget authority estimates of this program at $140 million, reflective of the fairly low risk of default and the value of the potential collateral to be offered. This cost is fully offset. I want to stress that. This cost is fully offset. The total amount of all guarantees will not exceed $1 billion. All loans must be repaid within 6 years with interest. The program also contains a funding mechanism for the borrowers to pay for the cost of administering the program. Importantly, this loan guarantee program is GATT legal. We are still playing fair. We are not subsidizing our steel industry.

I respect those who will oppose this measure. But let me ask this question: Are we going to ship another U.S. industry overseas? We have already shipped the shoe industry, the leather industry, the pottery industry, the textile industry and other industries. Are we going to ship another U.S. industry overseas, the steel industry this time? Are we going to allow foreign entities to make ghost towns of our steel-dependent communities?

These are loan guarantees, similar to the guarantees we have provided for all manner of national endeavors in the past whenever it was in our national interests to do so. We have provided such guarantees to foreign nations as well whenever we deemed it to be necessary and beneficial to our international interests. I am not against doing that, if it is in our national interests. This bill is a short-term helping hand to a vital American industry which is being severely damaged by illegal—illegal—foreign dumping. Can we not act here to stand up for American businesses and for American workers? This is a pro-American-business vote as well as a pro-American-jobs vote.

We have already lost 10,000 jobs in the U.S. steel industry since last November. How many more must we lose before we act? When we continue to lose these industries and these jobs, are you going to explain it on the basis that you voted against cloture? Good luck!

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the emergency steel and emergency oil and gas guarantee program.

Before discussing the merits of the pending issue—which I believe is a very meritorious bill—I think it appropriate to comment on the very unique procedural status of this measure, and it is this:

This provision was in the emergency appropriations bill passed by the Senate, which went to conference with the House last month, on the so-called "Kosovo emergency" where we provided funding for the military action in Kosovo. The House of Representatives during the conference receded to the Senate position, so this bill was accepted by both the Senate—where it passed—and by the House on the rescission.

On the next day, since the conference did not end that day, where the House receded, the House of Representatives changed its position, because the Speaker of the House took up the matter where two of the three key voters in the House changed their vote. The House then changed its position to be opposed to this guarantee loan program.

Then we had the controversy continuing, with the Senate including the program in its bill. The House, having first receded and adopting the program, then said it would oppose the program.

There was very considerable debate. One of our sessions lasted past midnight. The conferees, of which I was one on the Appropriations Committee, were trying to get this bill concluded so we could fund the Kosovo military operations.

There were very considerable discussions. Finally, a small group went to Senate Room 128, the appropriations room. Senator BYRD was present, Senator STEVENS was present, and I was present, all representing the Senate. There were just a few of the House Members present at that time.

We finally agreed upon an approach where the sponsors of this measure—the principal sponsors being Senator BYRD and Senator DOMENICI, and I was a sponsor as well—agreed to have it removed from the emergency supplemental to be attached to another supplemental, which was available.

The understanding was reached that the provision would be on the Senate bill going back to the House in an identical position, that the provision was on the Senate bill, the emergency supplemental passed by the Senate, and then up for consideration by the House. Senator STEVENS, as the chairman of the committee, made a commitment on behalf of the Senate that that would happen.

In order to comply with that arrangement, it would be necessary for this bill to pass the Senate and then to go back to conference with the House—where, candidly, its fate is uncertain—because the House Members, after the position taken by the Speaker of the House, appeared during our conference as being unlikely to accept the bill. Presumptively, that position would continue. That, of course, would await the events of the conference. But, that arrangement was made.

I think that is a strong point that ought to be considered by the Senate to put this provision in the same position it was in when approved by the Senate, with disagreement by the House after they had earlier agreed, so there would not be a procedural loss.

That was the essence that finally persuaded Senator BYRD to agree to take it off of the earlier bill. So much for the procedure, which I think speaks very strongly for having this measure enacted by the Senate.

On the merits, I submit there are very sound reasons for this loan guarantee program. We have seen the steel industry really decimate in the recent past by dumped steel imports from many countries including Japan, Brazil, Korea, and Russia. In Russia there is a very great demand for the dollar so the Russians are selling steel for any price they can get for it.

The International Trade Commission, backed by the Commerce Department, recently confirmed the very high level of dumping.

We have had a very serious problem with thousands of layoffs in an industry which had slipped down from some 500,000 steelworkers to about 150,000 even while some $50 billion in capital had been put into the steel industry. There is no way to compete with dumping. Dumping is when foreign exporters bring imports into the United States below the cost of production—below the cost they are selling it in other places. Dumping is in violation of U.S. trade laws and is in violation of GATT.

Over the years, I have urged the adoption of legislation which would provide for a private right of action. That was introduced early in the 1980s to have injunctive relief granted to stop dumped and subsidized steel coming into the country in violation of U.S. trade laws.

I introduced legislation, which is pending at the present time, which would modify the injunctive relief but would provide for equitable relief with duties imposed. This would be GATT consistent. Anybody who dumped steel in the United States would have a duty imposed equal to the legitimate price minus the dumped price. With this legislation, there would be no advantage to dumping steel in the United States.

The House of Representatives passed a very strong bill on quotas, by 289 to about 141. It is veto proof, at least on that state of the record. That matter may be headed for debate on the Senate floor—but in the interim—I think this program for emergency steel and loan guarantees is very appropriate. It provides for a $1 billion revolving fund for steel companies, and a two-year, $500 million revolving fund for oil and gas companies.

The bill would require commitment of collateral, which would be a guarantee that the loan would be repaid and have a fee to be paid by the borrower to cover the cost of administering the program with all loans to be paid in full within 6 years.

The package has been estimated to cost $270 million which is offset by the executive travel budget. On the merits, it is a solid program and it does have an appropriate offset.

I speak with grave concern about the issue of steel—from the point of view of our Nation—because steel is essential for national security purposes. If an emergency were to arise, we would not be able to buy steel presumptively from the Russians or probably from the Japanese, or who knows, from the Brazilians. We ought to be independent and have a strong steel industry.

In my capacity as chairman of the Senate Steel Caucus, I have grave concern about the loss of jobs, which have been very heavy in my State, Pennsylvania, but very heavy in other States as well. Three medium-sized companies have recently gone into bankruptcy: Acme Steel, Laclede Steel, and Geneva Steel. Others may be in the offing with the tremendous impact of the dumping of steel.

With respect to the problems in the so-called "oil patch," Senator DOMENICI has spoken at some length. We are not talking about the big oil companies. From my background years ago when my family owned a used oil field equipment company—really, a junkyard in Russell, KS—I became familiar with the problems of the small oil dealers in the so-called "oil patch." Senator DOMENICI will address that issue in somewhat greater detail.

My familiarity at the moment is more intensive and extensive on steel, but I do believe that the problems which have been faced by the small oil producers are extensive and warrant this kind of a loan guarantee program. With the provisions of collateral security, safeguards, fees to be paid and with the offset present, this program is one which is structurally sound to have the loans repaid.

Accordingly, I urge my colleagues to vote for cloture so we can consider this matter on the merits, both because of the understanding—really, commitment—reached as I earlier described and the merits of the substantive program.

Mr. DEWINE. Mr. President, I rise today to express my strong support for the bill before us today, and specifically the "Emergency Steel Loan Guarantee Program" provision authored by our distinguished colleague

Senator ROBERT BYRD. I would like to take this opportunity to express my gratitude to Senator BYRD for his hard work, determination, and persistence in bringing this important measure to the floor.

Our steel industry is in trouble. Since last year, U.S. steel producers have had to withstand an onslaught of illegally imported steel. In 1998, 41 million tons were dumped—an 83 percent increase over the amounts imported for the previous eight years. Many steel companies are reporting financial losses, most attributed to the high levels of illegal steel imports. It is estimated that approximately 10,000 steelworkers have lost their jobs. The Independent Steel Workers predict job losses of as many as 165,000 if steel dumping is not stopped. I, along with many of my Senate colleagues like Senators BYRD, ROCKEFELLER, and SPECTER, have introduced legislation to help our steel industry. It is time for action. All eyes are on the U.S. Senate to respond to the crisis.

A good first step would be the adoption of Senator BYRD's Steel Emergency Loan Guarantee Program. This loan program is designed to help troubled steel producers who have been hurt by the record levels of illegally imported steel. For many companies, this program is the only hope they have to keep their mills alive. Specifically, the program would provide qualified U.S. producers with access to a two-year, $1 billion revolving guaranteed loan fund. In order to qualify, steel producers would be required to give substantive assurances that they will repay the loans. A board chaired by the Secretary of Commerce would oversee the program. The program will cost $140 million, all of which has been fully offset with other reductions in spending.

A strong and healthy domestic steel industry is vital to our nation. Fortunately, our steel industry is a highly efficient and globally competitive industry. Yet, despite this modernization, our steel producers face a number of unfair trade practices and market distortions that are having a devastating impact in Ohio and other steel-producing states. I have heard firsthand from industry and labor leaders about the crisis. Many steel companies are in serious trouble and are in desperate need of immediate assistance. The short term loans that would be provided under Senator BYRD's program will provide that assistance without burdening taxpayers. If steel plants close, taxpayers will be forced to pay for unemployment compensation, food stamps, Medicaid, housing assistance, child care, community adjustment assistance, and worker retraining—all of which will exceed the total cost of this program. Again, the steel companies are required to repay the loan within six years, provide collateral, and pay a fee to cover the costs of administering the program. The Commerce Department has identified 10 companies that may qualify for the program.

I am a free trader. And I believe free trade does not exist without fair trade. Free trade does not mean free to subsidize, free to dump, free to distort the market. Our trade laws are designed to enforce those principles. However, the current steel crisis underscores flaws and weaknesses in those laws. I am pleased that the Majority Leader has scheduled time next week to deal with the issue of steel dumping. The House has already acted. It is time for us to act.

Today, we have an opportunity to help an industry that throughout its long and illustrious history has been there for our country. Let us pass this bill and commit to adopting meaningful legislation to deal with the steel import crisis.

I thank Senator BYRD for his tireless efforts in standing up for Steel. I cannot think of a more dedicated champion on this issue. I know my colleagues in the Steel Caucus as well as the hard-working steel producers and steel workers across America are very proud of his efforts.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend from West Virginia, because he is tenacious. He is a very good legislator. I am afraid he is going to win on this vote on the motion to proceed. I hope he does not, because I think we are making a serious mistake if we vote for this, but I compliment him for his persistence in pushing this proposal. I am opposed to it. This proposal is a $1.5 billion loan guarantee, $1 billion for steel, $500 million for oil and gas. Senator DOMENICI added the oil and gas provision, because the oil and gas industry is probably going through a greater economic crisis than even the steel industry.

The Senator from West Virginia said steel has lost 10,000 jobs. The oil and gas industry probably lost 40,000 jobs, and I will tell you, a good percentage of those are in my State. So I am sympathetic with the objectives they are trying to accomplish. I just disagree with the idea of having the Federal Government come in and make Federal loan guarantees.

We tried it before. The Carter administration did this in 1978. In 1978, they came up with a loan guarantee proposal for steel. They ended up making 290 million dollars' worth of loans, net contingent liability. The steel industry defaulted on $222 million. That is a 77-percent default rate. I will read a couple of comments that were made in the CRS report, dated March 17, 1994.

> Although only five loan guarantees were obligated to steel companies. . .77 percent of the dollar value of these guarantees were defaulted. Although the sample size is very small, hindsight suggests that as a group, steel loans represented a very high level of risk, which may account for the lack of interest in the private markets to take these debt obligations without a guarantee.

I also will read for the RECORD from a Washington Post article dated February 28, 1988, just a couple of comments talking about the loan guarantees.

> Less than a decade later, all five loans are in default, and the Commerce Department's Economic Development Administration, in an internal memorandum, notes that "by any measurement, EDA's steel loan program would have to be considered a failure. The program is an excellent example of the folly inherent in industrial policy programs," the memo added. The companies that received the guaranteed loans are either in bankruptcy, out of business or no longer own the facility in which the money was invested.

This is a news report that analyzed the loan guarantee program that was initiated in the Carter administration back in 1978–1979.

I ask unanimous consent to have printed in the RECORD the article from which I just quoted.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 28, 1988]

STEEL LOAN DEFAULTS PROVIDE HARD LESSON IN GOVERNMENT POLICY

(By Cindy Skrzycki)

For sale by government, the most modern steel rail mill in the country. Like new. Capable of turning out 360,000 tons of rail. Not far from Pittsburgh.

With a slick marketing campaign, the U.S. government is attempting to recover a portion of the $100 million it lent Wheeling-Pittsburgh Corp. in 1979 to build a steel rail mill in Monessen, Pa. But it appears that its investment may be as shabby as many of the abandoned mills that litter America's industrial landscape.

The Monessen mill is an example of ill-fated government intervention in an industry that is but a shadow of its old self. Under a special loan-guarantee program put in place by the Carter administration to help the ailing steel industry, a total of five loans worth $365 million were approved, backed by a 90 percent government guarantee.

Less than a decade later, all five loans are in default, and the Commerce Department's Economic Development Administration, in an internal memorandum, notes that "by any measurement, EDA's steel loan program would have to be considered a failure."

"The program is an excellent example of the folly inherent in industrial policy programs," the memo added.

The companies that received the guaranteed loans are either in bankruptcy, out of business or no longer own the facility in which the money was invested.

Carried on the ledgers of the EDA, which administered the program in the late 1970s, the steel loan-guarantee program is evidence that politically influenced government investment decisions can result in unprofitable, if not disastrous, results, many analysts say.

"It says that in cases like these there is no reason for the government to get involved and second-guess the private capital markets," said Robert Crandall, an economist with the Brookings Institution. "The argument for government intervention may be to develop seed technology with other applications. . . . But these were investments in rather rudimentary technology in a declining industry."

Walter Adams, a steel expert at Michigan State University, called the loan program "another goodie, a lollipop thrown to the industry to assuage complaints about unfair competition and satisfy their demands for government assistance."

At the time the loans were approved, some of them whipped up a storm of controversy in Congress.

At the time, the steel industry was being increasingly pinched by imports and a dramatic falloff in demand for steel. In an effort to save jobs and encourage investment, the industry pressured the Carter administration to provide some relief. Carter's response was to form a special steel task force under the guidance of Anthony Solomon, the Treasury's undersecretary for monetary affairs. One recommendation was to provide industrial loan guarantees for the industry.

Some of the loans, and the criteria under which they were made, proved to be troublesome. For example, a $42 million loan—which was never closed—was to go to a French-controlled company called Phoenix Steel. Critics pointed out that the loan not only encouraged overcapacity, but was a subsidy to a foreign producer.

The government has written off the $19.6 million it paid on a $21 million loan to Korf Industries, but hopes to recover the $94.2 million it already has paid bond holders on a $111 million loan to LTV Corp., which has filed for bankruptcy reorganization. It has recovered about $16 million of a total of $63 million it lent to the defunct Wisconsin Steel Co.

But the real eye of the storm has centered on the ill-fated Wheeling-Pittsburgh deal—a facility that was up and running barely six years.

"Once you're in bankruptcy, you're just looking for ways to eliminate unprofitable operations," said Raymond A. Johnson, spokesman for Wheeling-Pittsburgh, which filed for bankruptcy in 1985.

Though Wheeling-Pittsburgh's competitors in the rail business—Bethlehem Steel Corp. and CF&I Steel Corp—insisted in the late 1970s that there was not enough demand to support another mill, officials at EDA and the company dismissed the objections not only of the companies but of several members of Congress, such as Sen. Lowell P. Weicker (R–Conn.)

Robert Hall, who was then assistant secretary for economic development, called criticism of the new facility "misplaced." Dennis Carney, former chairman of Wheeling-Pittsburgh, said at the groundbreaking of the Monessen mill that "a new rail mill was vitally needed." He also said he felt sure that the company could repay the loan, which was supplemented by yet another $50 million guaranteed loan from the Farmers Home Administration for pollution control equipment.

But demand has fallen far below the levels foreseen in 1979, when Bethlehem projected that the railroads would need about 1.2 million tons per year of rail. Since the mid-1980s, demand declined as the railroad industry shrank and turned to recycling rail.

"It's not a booming market," said Bob Matthews, president of the Railway Progress Institute, an association of railroad equipment manufacturers. He predicted that demand will be only 500,000 tons, on average, over the next decade while capacity—if Monessen is factored in—is at least double that. Also, imports account for some 30 percent of the market.

Last year, according to Bethlehem, industry shipments—counting imports—were only 540,000 tons. The industry is down to two producers: Bethlehem's unprofitable plant at Steelton, Pa., and CF&I in Pueblo, Colo.

Left to mop up the loan mess is the current crop of EDA officials, some appointed by the Reagan administration, which itself has come under pressure to provide special help for the steel industry such as import quotas.

"We have vivid proof that federal government intervention in the markets has disastrous results," said Orson Swindle, assistant secretary for economic development at Commerce. "The taxpyer will take a bath."

Just how big will the bath be?

In the case of the Monessen mill, the EDA, as instructed by the bankruptcy court, is taking bids and hopes to cover its share of the $63.5 million loan that financed the mill. The chances of recovering the rest of the $100 million loan, which went to finance pollution controls, are not good, said Michael Oberlitner, director of EDA's liquidation division.

The government made good on its part of the deal after Wheeling-Pittsburgh filed for bankruptcy in April 1985, paying bond holders some $90 million.

To try to recoup its investment, the government has undertaken a $110,000 marketing and advertising campaign that includes having a public relations firm churn out press releases and field inquiries. A brochure touts the Monessen property as "the most advanced rail rolling and finishing facility in America."

Most of the budget, said Oberlitner, has gone to placing promotional ads in newspapers such as the Wall Street Journal and the Financial Times of London.

"We've had tremendous response to the advertising," said Oberlitner, adding that some 130 inquiries have come from domestic and foreign companies and investors.

But the most interesting—if not ironic—bid for the Monessen mill has come from Wheeling-Pittsburgh's old nemesis, Bethlehem Steel, which has offered $60 million for the facility.

Although Bethlehem's own rail mill at Steelton is not profitable and faces a soft market, the company thinks it can combine the mills, rolling steel at Monessen that has been shipped from Steelton's underutilized facilities.

"We believe the acquisition of Monessen is vital," said Tim Lewis, Steelton's plant manager.

In the end, which comes on April 7 when a buyer will be chosen, the modern Monessen rail mill may run again. But as it stands now, Monessen is an example of a failure of industrial policy.

"In cases like this, there is no penalty for failure," Michigan State's Adams said, commenting on the lack of corporate accountability for bad decisions. "This was largely a political phenomenon."

Mr. NICKLES. We have tried it. It didn't work before. I am afraid it won't work again, because it is basically saying we don't believe the marketplace can make loans; we want the Federal Government to do it. We want to set up a board of politicians that will make loan guarantees, and not only guarantee 70 or 80 percent of the loan but the bill that is before us says they can guarantee 100 percent of the loan.

I find that to be very irresponsible. We are saying the Secretaries of Labor and Commerce and Treasury have better wisdom on whether or not to be making loans than bankers throughout the country. I think that is a serious mistake.

I also have objections because of the way this bill is drafted. It says this is an emergency. We just voted on lockbox. We are going to vote on lockbox again later this week. We do not want to spend any of the surplus of Social Security money on anything but Social Security.

This bill takes a bunch of that money, up to $270 million estimated by CBO, and says: Let's spend that on loan guarantees. Let's spend Social Security money. Let's move the caps. Let's adjust the caps.

We are violating the so-called lockbox which we say we do not want to spend. As a matter of fact, President Clinton said it in the State of the Union Address 2 years ago: We won't spend one dime of this Social Security money on anything else. This bill would say, let's spend $270 million of it. I think that is a mistake.

I urge my colleagues, we shouldn't be declaring an emergency this week. We just did it 2 weeks ago. We did it 2 weeks ago as Kosovo money, $13 billion net for Kosovo. We declared that an emergency. We are declaring this an emergency; that is a $270 million cost. That shouldn't be counted. Even though it may have offsets on budget authority, it is not offset in outlays. It does move the caps up. It does violate the budget. I think it would be a serious mistake.

What about dumping? The Commerce Department has already taken action against Japan and against Brazil to stop illegal dumping. That is the proper avenue to be moving if there is illegal dumping. It is not to have the Federal Government come in and say: Let's make loan guarantees. Let's have the Federal Government underwrite it. Politicians know best. We don't think the marketplace can work. We think bureaucrats in three Departments should be making these loans.

I urge my colleagues to vote no on the cloture vote.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The time of the Senator from Oklahoma has expired. Who yields time?

Mr. DOMENICI. Mr. President, I will reserve the remainder of my time for closing. Since we are trying to defend against an assault here, we want to speak last.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, out of courtesy for our colleague from New Mexico, I will go ahead and speak now.

First of all, let me make a couple of things clear. No. 1, this bill contains an emergency designation so that not one penny of the funds expended under these loan guarantees will count toward the spending caps.

What that means is that in the next 2 years alone, in the years 2000 and 2001, that is $270 million, over a quarter of a billion dollars, if optimistic assumptions about defaults contained in this bill hold up, $270 million, over a quarter of a billion dollars will come directly out of the Social Security surplus.

Supposedly, there are offsets for cutting travel and furniture, but the spending caps are not reduced by that amount. So that money, if in fact those cuts were ever made, would end up being spent on something else. The spending in this bill is designated as an emergency, which means every penny of it will come out of the Social Security surplus.

We just had a vote about an hour ago where we said we want to stop the plundering of the Social Security trust fund. We do not think Congress ought to be taking Social Security money and spending it on other things. In fact, Republicans have been pretty self-righteous about it. We have held up our little lockboxes, and we have had press conferences. The problem is we hold these lockboxes up, but we keep supporting measures that knock the doors off, springs go flying, the combination thing goes rolling across the room. You cannot have it both ways. You either want to spend money or you don't want to spend money.

Nobody should be confused about the fact that this is paid for. The cuts don't lower the spending caps. There is an emergency designation; $270 million minimum in 2 years will come right out of Social Security.

We are turning the clock back. The last time we had the Government making loans to business, engaging in industrial policy, was when Jimmy Carter was President. Someone earlier today tried to make an argument that we were doing all of these things because the inflation rate was double digit at the time. Did anybody ever think the inflation rate got to be double digit because we did all of these things?

In a period of record prosperity, what are we doing having the Government override the decisions of the marketplace?

We do have laws against dumping, and those laws are being vigorously enforced by this administration. Some would say overly enforced. But there are avenues to deal with dumping, and those avenues are being addressed.

The last time we guaranteed loans to American industry and to the steel industry in particular, 77 percent of those loans were defaulted. If that happens here, every penny of that is coming right out of the Social Security surplus.

This is popular. I am from an oil State. There are going to be people who say $500 million of loans could just do wonders for us. But we are not paying for this. You take out the emergency designation, you change this bill, because then you get cuts in other spending to pay for it.

I think we have to make a decision. We have to decide which side we are on. You cannot be for not plundering the Social Security trust fund and be for this bill. So while obviously my State, and the State of the Senator from Oklahoma, would be beneficiaries from some of these loans, we can't have it both ways. We can't stand up an hour ago and say: Don't plunder Social Security, and then an hour later say: Well, if it is for a good reason such as providing loan guarantees for steel and oil, it is OK to plunder Social Security, but it is not OK in the abstract.

I can't turn corners that quickly. I can't change sides on an issue in an hour.

I do not want people to be confused. This bill has an emergency designation. It will waive the cap for the spending. There are offsets in budget authority, but they do not match up with the spending. There is no lowering of the spending cap to enforce the savings. The truth is, every penny spent from the year 2000 when this program starts until it ends will come directly out of the surplus and, for the next few years, every penny of it will come directly out of the Social Security surplus.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GRAMM. If you are going to lock it up, you cannot spend it.

Mr. DOMENICI. Mr. President, parliamentary inquiry. All the time has expired except for 5 minutes for the Senator from New Mexico; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Then we will vote?

The PRESIDING OFFICER. The cloture vote, yes.

Mr. DOMENICI. Mr. President, let me remind everyone that this would have been a great argument 3 weeks ago when the Senate passed, with an overwhelming vote, a supplemental appropriations bill that had this precise bill in it. A vast majority of Senators voted in favor of the Emergency Supplemental bill. So we already passed it.

All of a sudden, steel and oil and gas become a very bad thing. But we already passed it overwhelmingly. We sent it over to the House to go to conference. The Senate Conferees wanted their loan programs. The House was dead set against it. Because of these loan programs the Emergency Supplemental for Kosovo and Hurricane Mitch was deadlocked. The Senate conferees said, all right, let's pass the Emergency bill without the loan provisions but let's take it back to the Senate, and when it gets back to the Senate, let's vote it out and take it to conference with the House so we can finally resolve the debate that started weeks ago in conference.

Frankly, the air tight lockbox that everybody thinks will really tie up Social Security forever—I want to confess, I invented it, I dreamt it up. But, you know, every time we turn around now for the next 6 or 8 months, as we work our way through, where is the lockbox? Do we really have one, or don't we?

We will hear this "plundering" heard—led by the Senator from Texas—that we are plundering. If you divide $270 million by 10 years, we are plundering it to the extent of $27 million a year.

If you want to look at the reality of things, in order to say to the oil patch in the United States, which already has lost over 56,400 jobs out of an estimated 340,700 jobs just since October 1997. With oil patch in crisis our rural communities are dying on the vine. Those who service the oil industry in the field—not the Exxons and the Texacos—going broke or belly up because they can't get loans, we are not going to fix that.

But I submit that if you are worried about making loans, we make hundreds of millions in loans for agriculture. We voted $6 billion or $8 billion in supplemental emergency funds for agriculture. If you don't think the U.S. Government lends money to business, just go look at the Small Business Administration, where hundreds of thousands of dollars are loaned to small business on 90 percent guarantees. Guess what. They are making it. There is no gigantic default rate. They are being helped to get into business and succeed.

Frankly, from my standpoint, it just appeared to me, as a Senator from oil patch, that essentially if we are going to help other people, then I just want to try to see in the Senate if you would like to help the industry that is a core fundamental of any industrialized economy—the production of oil and gas in the United States, which is withering on the vine, and dependence is going through the roof. Our foreign oil dependence is now 57 percent.

Senator NICKLES mentioned the steel program of the late 1970's. It was a small, unstructured, ad hoc program. I believe there were a grand total of five loans made. We sit here tonight and equate this to an era in American corporate history when inflation was 18 percent, interest rates were 20 percent, and my friend from Texas says because that program didn't work very well we shouldn't try again.

That experience is a lesson, but frankly, it is irrelevant. The steel industry of today bears no resemblance to the steel industry of the 1970s. Our economy today, bears no resemblance to the economy then. Interest rates and default rates by American companies are nowhere near what they were then. The failure of business to default is all over the guarantee program in America. The failure is very small, because the economy is strong and they are able to pay their loans back.

So Senators on my side of the aisle can feel free to vote against this measure as a matter of substance. But I believe in fairness to having passed these bills already—we committed to go to conference with the House to see what they would do—we ought to invoke cloture so as to delay this bill for the shortest period of time possible. It could be amended post cloture, but at least we won't be here killing the bill that is exactly what I have outlined—a revote on something we already voted for.

I am not going to argue the economic condition of oil patch, because some of the Senators on my side of the aisle, and a few on that side of the aisle, already know that the United States, in terms of oil patch, those people who service oil wells, they are experiencing a total economic collapse. If we can't see fit to put $500 million on the books that can be loaned to them, and have to argue about the philosophy of loans by the Federal Government and the default rate of 25 year ago, then, frankly, I believe oil patch has the right to conclude that we just don't care.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, the clerk will report the motion to invoke cloture.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 121, H.R. 1664, the steel, oil and gas loan guarantee program legislation:

Trent Lott, Pete Domenici, Rick Santorum, Mike DeWine, Ted Stevens, Kent Conrad, Joe Lieberman, Robert C. Byrd, Byron L. Dorgan, Jay Rockefeller, Tom Daschle, Harry Reid, Paul Wellstone, Tom Harkin, Fritz Hollings, Robert J. Kerrey, and Tim Johnson.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1664, an act making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

The yeas and nays resulted—yeas 71, nays 28, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—71

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Cleland
Cochran
Conrad
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Specter
Stevens
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—28

Allard
Ashcroft
Brownback
Bunning
Collins
Coverdell
Crapo
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hutchinson
Kyl
Lott
Mack
McCain
Nickles
Roth
Smith (NH)
Smith (OR)
Snowe
Thomas
Voinovich
Warner

NOT VOTING—1

Chafee

The PRESIDING OFFICER. On this vote the yeas are 70, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. Without objection, the motion is agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to proceed was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

CHAPTER 1

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[DIPLOMATIC AND CONSULAR PROGRAMS

[Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Diplomatic and Consular Programs", $17,071,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

[Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Security and Maintenance of United States Missions", $50,500,000, to remain available until expended, of which $45,500,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

[Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Emergencies in the Diplomatic and Consular Service", $2,929,000, to remain available until expended, of which $500,000 shall be transferred to the Peace Corps and $450,000 shall be transferred to the United States Information Agency, for evacuation and related costs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.**]**

SEC. 101. EMERGENCY STEEL LOAN GUARANTEE PROGRAM.

(a) SHORT TITLE.—This chapter may be cited as the "Emergency Steel Loan Guarantee Act of 1999".

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the United States steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established under subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Steel Guarantee Loan Program established under subsection (d).

(3) QUALIFIED STEEL COMPANY.—The term "qualified steel company" means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, in January 1998 or that operates substantial assets of a company that meets these qualifications.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEE LOAN PROGRAM.—There is established the Emergency Steel Guarantee Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section, except that the Board may in exceptional circumstances guarantee smaller loans.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan;

(4) the company has agreed to an audit by the General Accounting Office prior to the issuance of the loan guarantee and annually thereafter while any such guaranteed loan is outstanding; and

(5) In the case of a purchaser of substantial assets of a qualified steel company, the qualified steel company establishes that it is unable to reorganize itself.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee to the Department of the Treasury to cover costs of the program, but in no event shall such fee exceed an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress a full report of the activities of the Board under this section during each of fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) REGULATORY ACTION.—The Board shall issue such final .procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) IRON CRE COMPANIES.—

(1) IN GENERAL.—Subject to the requirements of this subsection, an iron ore company incorporated under the laws of any State shall be treated as a qualified steel company for purposes of the Program.

(2) TOTAL GUARANTEE LIMIT FOR IRON ORE COMPANY.—Of the aggregate amount of loans authorized to be guaranteed and outstanding at any one time under subsection (f)(2), an amount not to exceed $30,000,000 shall be loans with respect to iron ore companies.

(3) MINIMUM IRON ORE COMPANY GUARANTEE AMOUNT.—Notwithstanding subsection (f)(4), a single loan to an iron ore company in an amount of not less than $6,000,000 may be guaranteed under this section.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

(RESCISSIONS)

SEC. 102. (a) Of the funds available in the nondefense category to the agencies of the Federal Government, $145,000,000 are hereby rescinded: Provided, That rescissions pursuant to this subsection shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

CHAPTER 2

[DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For an additional amount for "Military Personnel, Army", $2,920,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, NAVY

[For an additional amount for "Military Personnel, Navy", $7,660,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for "Military Personnel, Marine Corps", $1,586,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for "Military Personnel, Air Force", $4,303,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE

[OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Overseas Contingency Operations Transfer Fund", $5,219,100,000, to remain available until expended: *Provided*, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $1,311,800,000 shall be available only to the extent that the President transmits to the Congress an official budget request for a specific dollar amount that: (1) specifies items which meet a critical readiness or sustainability need, to include replacement of expended munitions to maintain adequate inventories for future operations; and (2) includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts, including Overseas Humanitarian, Disaster, and Civic Aid; procurement accounts; research, development, test and evaluation accounts; military construction; the Defense Health Program appropriation; the National Defense Sealift Fund; and working capital fund accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such funds may be used to execute projects or programs that were deferred in order to carry out military operations in and around Kosovo and in Southwest Asia, including efforts associated with the displaced Kosovar population: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[PROCUREMENT

[Weapons Pocurement, Navy

[For an additional amount for "Weapons Procurement, Navy", $431,100,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[Aircraft Procurement, Air Force

[For an additional amount for "Aircraft Procurement, Air Force", $40,000,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[Missile Procurement, Air Force

[For an additional amount for "Missile Procurement, Air Force", $178,200,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[Procurement of Ammunition, Air Force

[For an additional amount for "Procurement of Ammunition, Air Force", $35,000,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[Operational Rapid Response Transfer Fund

[(including transfer of funds)

[In addition to the amounts appropriated or otherwise made available in this Act and the Department of Defense Appropriations Act, 1999 (Public Law 105–262), $400,000,000, to remain available for obligation until September 30, 2000, is hereby made available only for the accelerated acquisition and deployment of military technologies and systems needed for the conduct of Operation Allied Force, or to provide accelerated acquisition and deployment of military technologies and systems as substitute or replacement systems for other U.S. regional commands which have had assets diverted as a result of Operation Allied Force: *Provided*, That funds under this heading may only be obligated in response to a specific request from a U.S. regional command and upon approval of the Secretary of Defense, or his designate: *Provided further*, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any amount in excess of $10,000,000 to a specific program or project: *Provided further*, That the Secretary of Defense may transfer funds made available under this heading only to operation and maintenance accounts, procurement accounts, and research, development, test and evaluation accounts: *Provided further*, That the transfer authority provided under this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $400,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[GENERAL PROVISIONS—THIS CHAPTER

[(transfer of funds)

[Sec. 201. Section 8005 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262), is amended by striking out "$1,650,000,000" and inserting in lieu thereof "$2,450,000,000".

[Sec. 202. Notwithstanding the limitations set forth in section 1006 of Public Law 105–261, not to exceed $10,000,000 of funds appropriated by this Act may be available for contributions to the common funded budgets of NATO (as defined in section 1006(c)(1) of Public Law 105–261) for costs related to NATO operations in and around Kosovo.

[Sec. 203. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

[Sec. 204. Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the special authorities provided under section 5064(c) of such Act shall continue to apply with respect to contracts awarded or modified for the Joint Direct Attack Munition (JDAM) program until June 30, 2000: *Provided*, That a contract or modification to a contract for the JDAM program may be awarded or executed notwithstanding any advance notification requirements that would otherwise apply.

[Sec. 205. (a) Efforts To Increase Burdensharing.—The President shall seek equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States government in connection with Operation Allied Force.

[(b) Report.—Not later than September 30, 1999, the President shall prepare and submit to the Congress a report on—

[(1) All measures taken by the President pursuant to subsection (a);

[(2) The amount of reimbursement received to date from each organization and nation pursuant to subsection (a), including a description of any commitments made by such organization or nation to provide reimbursement; and

[(3) In the case of an organization or nation that has refused to provide, or to commit to provide, reimbursement pursuant to subsection (a), an explanation of the reasons therefor.

[(c) Operation Allied Force.—In this section, the term "Operation Allied Force" means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

[Sec. 206. (a) Not more than thirty days after the enactment of this Act, the President shall transmit to Congress a report, in both classified and unclassified form, on current United States participation in Operation Allied Force. The report should include information on the following matters:

[(1) A statement of the national security objectives involved in U.S. participation in Operation Allied Force;

[(2) An accounting of all current active duty personnel assigned to support Operation Allied Force and related humanitarian operations around Kosovo to include total number, service component and area of deployment (such accounting should also include total number of personnel from other NATO countries participating in the action);

[(3) Additional planned deployment of active duty units in the European Command area of operations to support Operation Allied Force, between the date of enactment of this Act and the end of fiscal year 1999;

[(4) Additional planned Reserve component mobilization, including specific units to be called up between the date of enactment of this Act and the end of fiscal year 1999, to support Operation Allied Force;

[(5) An accounting by the Joint Chiefs of Staff on the transfer of personnel and materiel from other regional commands to the United States European Command to support Operation Allied Force and related humanitarian operations around Kosovo, and an assessment by the Joint Chiefs of Staff of the impact any such loss of assets has had on the war-fighting capabilities and deterrence value of these other commands;

[(6) Levels of humanitarian aid provided to the displaced Kosovar community from the United States, NATO member nations, and other nations (figures should be provided by country and type of assistance provided whether financial or in-kind); and

[(7) Any significant revisions to the total cost estimate for the deployment of United States forces involved in Operation Allied Force through the end of fiscal year 1999.

[(b) OPERATION ALLIED FORCE.—In this section, the term "Operation Allied Force" means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

[SEC. 207. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $1,339,200,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for spare and repair parts and associated logistical support necessary for the maintenance of weapons systems and equipment, as follows:

["Operation and Maintenance, Navy", $457,000,000;

["Operation and Maintenance, Air Force", $676,800,000;

["Operation and Maintenance, Air Force Reserve", $24,000,000;

["Operation and Maintenance, Air National Guard", $26,000,000;

["Aircraft Procurement, Navy", $118,000,000;

["Aircraft Procurement, Air Force", $31,300,000; and

["Missile Procurement, Air Force", $6,100,000:

[*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $1,339,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[SEC. 208. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $927,300,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for depot level maintenance and repair, as follows:

["Operation and Maintenance, Army", $87,000,000;

["Operation and Maintenance, Navy", $428,700,000;

["Operation and Maintenance, Marine Corps", $58,000,000;

["Operation and Maintenance, Air Force", $314,300,000;

["Operation and Maintenance, Marine Corps Reserve", $3,000,000;

["Operation and Maintenance, Air Force Reserve", $6,800,000; and

["Operation and Maintenance, Air National Guard", $29,500,000:

[*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $927,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[SEC. 209. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $156,400,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military recruiting and advertising initiatives, as follows:

["Operation and Maintenance, Army", $48,600,000;

["Operation and Maintenance, Navy", $20,000,000;

["Operation and Maintenance, Air Force", $37,000,000;

["Operation and Maintenance, Army Reserve", $29,800,000;

["Operation and Maintenance, Navy Reserve", $1,000,000; and

["Operation and Maintenance, Army National Guard", $20,000,000:

[*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $156,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[SEC. 210. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $307,300,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military training, equipment maintenance and associated support costs required to meet assigned readiness levels of United States military forces, as follows:

["Operation and Maintenance, Army", $113,200,000;

["Operation and Maintenance, Marine Corps", $15,200,000;

["Operation and Maintenance, Air Force", $28,000,000;

["Operation and Maintenance, Army Reserve", $88,400,000;

["Operation and Maintenance, Navy Reserve", $600,000;

["Operation and Maintenance, Air Force Reserve", $11,900,000;

["Operation and Maintenance, Army National Guard", $23,000,000; and

["Operation and Maintenance, Air National Guard", $27,000,000:

[*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $307,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[SEC. 211. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $351,500,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for base operations support costs at Department of Defense facilities, as follows:

["Operation and Maintenance, Army", $116,200,000;

["Operation and Maintenance, Navy", $45,900,000;

["Operation and Maintenance, Marine Corps", $53,000,000;

["Operation and Maintenance, Air Force", $91,900,000;

["Operation and Maintenance, Army Reserve", $18,700,000;

["Operation and Maintenance, Navy Reserve", $13,800,000;

["Operation and Maintenance, Marine Corps Reserve", $300,000; and

["Operation and Maintenance, Army National Guard", $11,700,000:

[*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $351,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[SEC. 212. (a) In addition to amounts appropriated or otherwise made available to the Department of Defense in other provisions of this Act, there is appropriated to the Department of Defense, to remain available for obligation until September 30, 2000, and to be used only for increases during fiscal year 2000 in rates of military basic pay and for increased payments during fiscal year 2000 to the Department of Defense Military Retirement Fund, $1,838,426,000, to be available as follows:

["Military Personnel, Army", $559,533,000;

["Military Personnel, Navy", $436,773,000;

["Military Personnel, Marine Corps", $177,980,000;

["Military Personnel, Air Force", $471,892,000;

["Reserve Personnel, Army", $40,574,000;

["Reserve Personnel, Navy", $29,833,000;

["Reserve Personnel, Marine Corps", $7,820,000;

["Reserve Personnel, Air Force", $13,143,000;

["National Guard Personnel, Army", $70,416,000; and

["National Guard Personnel, Air Force", $30,462,000.

[(b) The entire amount made available in this section—

[(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)); and

[(2) shall be available only if the President transmits to the Congress an official budget request for $1,838,426,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[(c) The amounts provided in this section may be obligated only to the extent required for increases in rates of military basic pay, and for increased payments to the Department of Defense Military Retirement Fund, that become effective during fiscal year 2000 pursuant to provisions of law subsequently enacted in authorizing legislation.]

SEC. 201. PETROLEUM DEVELOPMENT MANAGEMENT.

(a) SHORT TITLE.—This chapter may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term "qualified oil and gas company" means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) (or a company based in Alaska, including an Alaska Native Corporation created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators that drill, complete wells, and produce, transport, refine, and sell hydrocarbons and their by-products as the main commercial business of the concern or company; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed $500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $122,500,000 to remain available until expended.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee to the Department of the Treasury to cover costs of the program, but in no event shall such fee exceed an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

(RESCISSIONS)

SEC. 202. (a) Of the funds available in the nondefense category to the agencies of the Federal Government, $125,000,000 are hereby rescinded: Provided, That rescissions pursuant to this subsection shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

CHAPTER 3

[BILATERAL ECONOMIC ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[AGENCY FOR INTERNATIONAL DEVELOPMENT

[INTERNATIONAL DISASTER ASSISTANCE

[For an additional amount for "International Disaster Assistance", $96,000,000 (increased by $67,000,000), to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[OTHER BILATERAL ECONOMIC ASSISTANCE

[ECONOMIC SUPPORT FUND

[For an additional amount for "Economic Support Fund", $105,000,000, to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bulgaria, Bosnia-Herzegovina, Montenegro, and Romania, and for investigations and related activities in Kosovo and in adjacent entities and countries regarding war crimes; *Provided*, That these funds shall be available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): *Provided further*, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in subsection (b)(3) of section 533 shall be deemed to be satisfied if the Committees on Appropriations are notified at least 5 days prior to the obligation of such funds: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

[For an additional amount for "Assistance for Eastern Europe and the Baltic States", $75,000,000, to remain available until September 30, 2000, of which up to $1,000,000 may be used for administrative costs of the U.S. Agency for International Development: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations.

[DEPARTMENT OF STATE

[MIGRATION AND REFUGEE ASSISTANCE

[For an additional amount for "Migration and Refugee Assistance", $195,000,000, to remain available until September 30, 2000, of which not more than $500,000 is for administrative expenses: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

[For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", and subject to the terms and conditions under that head, $95,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[GENERAL PROVISION—THIS CHAPTER

[SEC. 301. The value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act of 1961 to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section: *Provided*, That such assistance relating to the Kosovo conflict provided pursuant to section 552(a)(2) may be made available notwithstanding any other provision of law.

[CHAPTER 4

[DEPARTMENT OF DEFENSE

[MILITARY CONSTRUCTION

[NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

[For an additional amount for "North Atlantic Treaty Organization Security Investment Program", $240,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization, as provided in section 2806 of title 10, United States Code: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $240,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[GENERAL PROVISION—THIS CHAPTER

[SEC. 401. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 1999, $831,000,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2003, as follows:

[''Military Construction, Army'', $295,800,000;

[''Military Construction, Navy'', $166,270,000;

[''Military Construction, Air Force'', $333,430,000; and

[''Military Construction, Defense-wide'', $35,500,000:

[*Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $831,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

[CHAPTER 5

[DEPARTMENT OF AGRICULTURE

[FARM SERVICE AGENCY

[AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

[For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, $1,095,000,000, as follows: $350,000,000 for guaranteed farm ownership loans; $200,000,000 for direct farm ownership loans; $185,000,000 for direct farm operating loans; $185,000,000 for subsidized guaranteed farm operating loans; and $175,000,000 for emergency farm loans.

[For the additional cost of direct and guaranteed farm loans, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2000: farm operating loans, $28,804,000, of which $12,635,000 shall be for direct loans and $16,169,000 shall be for guaranteed subsidized loans; farm ownership loans, $35,505,000, of which $29,940,000 shall be for direct loans and $5,565,000 shall be for guaranteed loans; emergency loans, $41,300,000; and administrative expenses to carry out the loan programs, $4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OFFSETS—THIS CHAPTER

[BILATERAL ECONOMIC ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[AGENCY FOR INTERNATIONAL DEVELOPMENT

[DEVELOPMENT ASSISTANCE

[(RESCISSION)

[Of the funds appropriated under this heading in Public Law 105–118 and in prior acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded.

[OTHER BILATERAL ECONOMIC ASSISTANCE

[ECONOMIC SUPPORT FUND

[(RESCISSION)

[Of the funds appropriated under this heading in Public Law 105–277 and in prior acts making appropriations for foreign operations, export financing, and related programs, $17,000,000 are rescinded.

[DEPARTMENT OF HEALTH AND HUMAN SERVICES

[HEALTH RESOURCES AND SERVICES ADMINISTRATION

[FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

[(RESCISSION)

[Of the funds made available under the Federal Capital Loan Program for Nursing appropriation account, $2,800,000 are rescinded.

[DEPARTMENT OF EDUCATION

[EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

[(RESCISSION)

[Of the funds made available under this heading in section 101(f) of Public Law 105-277, $6,800,000 are rescinded.

[MILITARY ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[PEACEKEEPING OPERATIONS

[(RESCISSION)

[Of the funds appropriated under this heading in Public Law 105–277, $10,000,000 are rescinded.

[MULTILATERAL ECONOMIC ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[INTERNATIONAL FINANCIAL INSTITUTIONS

[CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

[GLOBAL ENVIRONMENT FACILITY

[(RESCISSION)

[Of the funds appropriated under this heading in Public Law 105–277, $25,000,000 are rescinded.

[EXECUTIVE OFFICE OF THE PRESIDENT

[FUNDS APPROPRIATED TO THE PRESIDENT

[UNANTICIPATED NEEDS

[(RESCISSION)

[Of the funds made available under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, $10,000,000 are rescinded.

[CHAPTER 6

[GENERAL PROVISION

[SEC. 601. No part of any appropriation contained in the Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 602. It is the sense of the Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

[This Act may be cited as the "Kosovo and Southwest Asia Emergency Supplemental Appropriations Act, 1999".]

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in the Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. (a) Amounts appropriated or otherwise made available in chapters 1 and 2 of this Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)), as amended.

(b) The amounts referred to in subsection (a) shall be available only to the extent that the President makes an emergency designation pursuant to that Act.

This Act may be cited as the "Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999".

Amend the title so as to read: "An Act providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. LOTT. Mr. President, I ask unanimous consent the Senate resume consideration of the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed the consideration of the bill.

Pending:

Domenici amendment No. 628, of a technical nature.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I am aware of the very tight budgetary constraints under which this bill is being considered and I commend the chairman and ranking member for their good, hard work. One concern I have, however, is that the fiscal year 2000 Energy and Water Appropriations bill does not fund the Department of Energy's Scientific Simulation Initiative (SSI). The SSI is not only an integral part of the President's Information Technology Initiative for the 21st Century, but also a key element in the Department's effort to keep the United States at the leading edge of scientific discovery. It is only through scientific modeling on computers 10–100 times more powerful than those now available to civilian scientists that we can address many scientific problems with an enormous potential payoff for the Nation. The SSI will build on DOE's successful history of making leading edge computers available for scientific modeling to provide us with reliable, quantitative and regional information about changes in climate, and help us design more efficient internal combustion engines. It will also help us create more effective drugs and materials, and contribute to our understanding of basic scientific problems in a wide range of disciplines. I hope that, should more funding become available during this year's congressional appropriations process, the Senate will work with the House of Representatives to fully fund this important program.

Mr. LEVIN. Mr. President, I am pleased the managers have accepted the amendment that I introduced along with Senators DEWINE, VOINOVICH, MOYNIHAN and AKAKA, adding funds to help combat zebra mussels and other invasive species which infest U.S. waterways. The funds provided will allow the Army Corps of Engineers (USACE) to meet its responsibilities under the National Invasive Species Act of 1996 to research, develop and demonstrate environmentally sound techniques for managing and removing aquatic nuisance species that threaten public infrastructure in U.S. waters. The Corps' efforts complement the work of other agencies to limit the introduction and spread of new species, providing a desperately needed aquatic invasive species control program.

Mr. President, Zebra mussels in the Great Lakes degrade and disrupt the ecosystem; they endanger other indigenous species, either by consuming their food supply or smothering them, and zebra mussels cause grave economic impacts as they damage public infrastructure. Similar nonindigenous species infestations harm virtually every U.S. waterway and coastal area. Over the years, legislation to prevent and control these invasive species has received strong bipartisan, multi-regional support as a testimony to the serious threat they pose.

The Committee bill includes some other important items for Michigan and the Great Lakes. These include:

$400,000 for preconstruction, engineering and designing improvements to the locks in Sault Ste. Marie.

$1.7 million to repair the north and south piers and revetments at Pentwater Harbor.

$100,000 to complete a study on Environmental Dredging in Detroit River.

$250,000 for corrections to deficiencies associated with the Clinton River Spillway.

$100,000 to complete seawall construction, dredging and other work associated with the establishment of the Robert V. Annis Water Resource Institute at Grand Valley State University.

$200,000 for planning and design of sea lamprey barriers at sites throughout the Great Lakes basin. As my colleagues may know, the sea lamprey is a devastating invasive species that has plagued the Great Lakes since it first appeared and these barriers play an important role in preventing this species spread and population growth.

Funding for the Partnership for a New Generation of Vehicles (PNGV)

Mr. President, on balance, this is a good bill, despite the budget constraints that the managers faced in putting it together.

Mr. DEWINE. Mr. President, I rise today to make a few remarks about a serious threat to my home state of Ohio and to thank the honorable chairman and ranking member of the Energy and Water Appropriations Subcommittee and Senator LEVIN for helping me to address this threat.

Mr. President, sometimes big problems come in small packages. Today, Lake Erie—and just about every other body of water in the Midwest—are threatened by a very small and unwanted intruder, the zebra mussel. This small but prodigious mussel is just one of the many invasive species that have entered this country and which threaten to degrade the natural resource capital of virtually every U.S. waterway and coastal area. Free of their natural predators and other limiting environmental factors, alien species like the zebra mussel often cause grave economic harm as they foul or otherwise damage public infrastructure.

In the late 1980s, the zebra mussel was discovered in Lake St. Clair, having arrived from eastern Europe through the discharge of ballast water from European freighters. The species spread rapidly to 20 states and as far as the mouth of the Mississippi River. U.S. expenditures to control zebra mussels and clean water intake pipes, water filtration equipment, and electric generating plants and other damages are estimated at $3.1 billion over 10 years.

In Ohio, the zebra mussel poses a particular threat to public water intake systems. Ohio has more than 1,900 facilities that collectively withdraw over 10 billion gallons of water per day. The costs to remove or prevent infestations of zebra mussels in large surface water intakes can exceed $350,000 annually.

The mussels threaten native wildlife in Ohio by competing for the food of native fish by filtering algae and other plankton from the water. They have also been shown to accumulate contaminants which can be passed up the food chain. During the summer of 1995, they were implicated as the probable cause of a large bloom of toxic algae in the Western Basin of Lake Erie. The frequency of these large and destructive blooms has increased as the mussels spread through the lake. Since 1988, zebra mussels in Ohio have spread to 10 inland lakes and 6 streams.

Mr. President, along with my esteemed colleague and co-chairman of the Great Lakes Task Force, Senator LEVIN, I urged funding for the effective implementation of a program to help mitigate the impact of zebra mussels in United States waters. Today, I want to thank Senator DOMENICI and Senator REID for continuing to fund important research to control the damage caused by the zebra mussel.

While other agencies work to limit the introduction of new species into U.S. waters, the Army Corps of Engineers has the responsibility under the National Invasive Species Act (NISA) of developing better means for managing those pest species already established. NISA expands existing authority for the Army Corps to research, develop and demonstrate environmentally sound techniques for removing zebra mussels and other aquatic nuisance species from public facilities, such as municipal water works.

As the range of the zebra mussel expands, control is being undertaken by more and more raw water users. Without the benefit of this research, the control methods chosen may be less efficient, and less environmentally sound than necessary. With the help of Senators DOMENICI and REID and LEVIN I am glad to say that this bill will provide $1.5 million to continue this important work.

The National Invasive Species Act of 1996, which I cosponsored and which reauthorized and expanded the Nonindigenous Aquatic Nuisance Prevention and Control Act, received strong bipartisan and multi-regional support in both chambers, and the full support of the administration, the maritime industry and environmental community. Funding for NISA programs is essential if the benefits of the law are to be realized.

Mr. President, again I want to thank Senator DOMENICI and Senator REID for their attention to this matter.

Mr. TORRICELLI. Mr. President, I rise today out of concern for a provision in the Fiscal Year 2000 Energy and Water Development bill that rescinds funding for a critical flood control project being sponsored by the Hackensack Meadowlands Development Commission (HMDC) in Lyndhurst, NJ. This project first began receiving Federal funds in FY 1995, while I was still a U.S. Congressman, and is necessary to reduce damage to local areas caused by Hackensack River flooding.

Nearly 10 years ago, the HMDC analyzed a number of local areas which experience frequent flooding, and developed a list of improvements designed to reduce damage to the region. At my request, in FY 1995, the HMDC received $2.5 million to make this flood control project a reality, and the agency began to develop a plan to restore several drainage ditches in the area, install tidal gates and reconstruct a major dike system along the Hackensack River.

Regrettably, because of the Army Corps' difficulties in reaching an agreement with the local sponsor on the scope of the work, and with finding a source for the cost-share, only about $100,000 has been spent to date on this project. I understand that this year the subcommittee has targeted projects with unspent balances, and, as a result, the FY 2000 Energy and Water bill contains a rescission of $1.641 million for this initiative.

However, I have been informed that the local sponsor is now ready to sign a Project Cooperation Agreement and that the local cost-share is now available. As a result, I want to work closely with Chairman DOMENICI and Ranking Member REID to address the concerns about the unspent balance while ensuring that this project remains ready to move forward.

Again, I would like to thank Chairman DOMENICI and Ranking Member REID for their consideration and assistance with this initiative. I appreciate their personal involvement in trying to reach agreement on funding for this project, and am hopeful that by working together we can move forward in the effort to reduce flooding damage caused by the Hackensack River.

LEGISLATIVE ACTION IN THE SENATE

Mr. DURBIN. Mr. President, I think most of those who are following the activities on Capitol Hill understand that we are awaiting action in the other body, the House of Representatives, on a measure that was passed here several weeks ago concerning gun safety. This is a measure which received a bipartisan vote, a tie vote on the floor of the Senate, a tie that was broken by Vice President GORE. That issue, which reached, I guess, the highest level of national consciousness, came in the wake of the Littleton, CO, tragedy.

I think most Members of Congress thought we on Capitol Hill had to listen to the families across America who were asking us to do something to make life safer for our school children. The Senate responded. After a week-long debate, we passed legislation and sent it to the House of Representatives—modest steps but important steps in sensible gun control.

It is our hope that the House meets its obligation, passes legislation, and we can achieve something this year on the important issue of safety in our schools. This respite that we currently enjoy, because of summer vacation, should not lull us into a false sense of security about school safety.

Sadly, the names of towns across America remind us that we have a national problem: Conyers, GA; Littleton, CO; Jonesboro, AR; West Paducah, KY; Pearl, MS; Springfield, OR. The list goes on, sadly, to include too many towns, many of which I am sure we would never have guessed would be the site or scene of violence in a school. It has become a national problem.

I hope this Congress, which has done precious little in the last few months, can respond to this issue of school safety and do it quickly. We would be remiss to believe the response to that issue satisfies the needs of the American people as they look to Congress for leadership.

There is an area which most Americans understand and appreciate that, frankly, we have failed to address over the last several years. I refer, of course, to the whole question of the Patients' Bill of Rights and whether or not we, as a Congress, will respond to the need to do something about the state of health insurance in America.

We all know what has happened. There was a debate several years ago, when the Clinton administration first came in, over whether we would do health care reform. That debate broke down on Capitol Hill when the insurance industry spent literally millions of dollars in advertising against any kind of reform. We stopped in place. We did nothing on Capitol Hill.

Families across America, as they look at the changing landscape of health insurance, might assume we passed some sweeping Federal legislation. We did not. What happened was, there were dramatic changes in the private sector without any impetus from legislation on Capitol Hill. Those changes started moving more and more Americans into what is now euphemistically called managed care. Managed care, of course, is a health insurance approach that is designed to bring down costs. I do not argue with the fact that it has brought down costs in some areas. What I argue with is whether or not we have paid too high a price for those costs to be brought down and whether there is a more sensible way to address it.

It is estimated that by 1996, 75 percent of employees with employer-provided health insurance were covered by managed care.

I have traveled around Illinois. I will bet Senators visiting their home States would find the same thing that I did. I visited hospitals in cities and rural areas. I invited doctors and medical professionals to come to the cafeteria and sit around a table and talk about health insurance. I didn't know if any doctors would take time out of their busy day for that purpose, but they did.

In fact, in one hospital, as we were sitting in a cafeteria discussing the issue, all of the doctors' beepers went off. There was a crisis in the emergency room, and they all left. They returned about 45 minutes later, still anxious to carry on the conversation. What these doctors talked to me about was the changing environment in medical care in this country and their concern as to whether or not they could do the right job professionally.

And it wasn't just the doctor's concern. I have heard the same thing from families all across Illinois, and we have heard it across the Nation.

Too many people worry that when they go into a doctor's office with a medical problem, or with a member of their family who is ill, they aren't getting straight talk. They expect doctors to tell them honestly what the options are, the best course of treatment, the best hospital, the best specialist. Unfortunately, because of managed care, there is another party involved in this conversation. It is no longer just the doctor and the patient, or the doctor and the parent of an ailing child; there is also some clerk at an insurance company who is party to that conversation. They might not be sitting at the examining table, but most doctors, before they can recommend anything for a patient, have to get on a phone and call some invisible clerk hundreds, if not thousands, of miles away for approval.

Let me tell you a real life story by a doctor. The doctor said that a mother came in with a young boy and said, "My son has complained of headaches for months." The doctor said, "Are they in one particular part of his head?" She said, "Yes; on the left side. He always complains about headaches on the left side of his head."

The doctor thought to himself that there was a possibility that this could be a tumor if the child continued to complain about headaches on one side of his head. So he thought that perhaps he needed some diagnostic treatment—an MRI, CAT scan, or something to tell him whether or not there was the presence of a tumor.

Before he said those words to the mother, he excused himself. He took a copy of her chart and looked up the insurance company and had his secretary call so he could ask the clerk at the insurance company whether or not he could tell this mother they could go ahead with this diagnostic treatment to determine the nature of the child's problem.

The clerk on the other side of the telephone said, "No, it is not covered; you can't do that." The doctor said to the clerk, "What am I supposed to do?" The clerk said, "Tell the mother to go home and wait and come back at a later time if the problem is still there."

That doctor walked back into the room with the mother present and said, "I think you should go home and wait and call me in a few weeks if things have not changed." He could not, under his contract with the insurance company, even tell the mother why he had been overruled on his course of treatment. That is what is known as a "physician's gag rule."

What that means for too many Americans is that when you sit across the table from a doctor, you are never certain whether that doctor is telling you everything you ought to know. When we erode the basic confidence in the relationship between a doctor and a patient, we have gone a long way in this country in undermining quality health care, which has been one of the hallmarks of America. The physician-patient relationship is so sacred under the law that it is recognized in court as a special, confidential relationship. Yet that very relationship is being undermined because of this fact.

Managed care restricts a doctor's right to decide and his or her right to even tell you why he has made a certain decision.

That is not the end of it by a long shot. In addition, many managed care policies restrict the hospitals to which patients can go. I belong to a managed care plan in Springfield, IL. We have two excellent hospitals, but my plan really focuses on one hospital and says, you will go to this hospital to the exclusion of the other hospital, or it will cost you. It is not a big problem where I live, because the hospitals are a few blocks from one another. But in some areas of urban America, and in rural America, it can be a problem.

In what way? Well, consider this. You are in your backyard at a family picnic for the Fourth of July, and the kids are playing around, as I just went through with Memorial Day at a family get-together. They are climbing trees, and a child falls out of a tree and starts crying, and there is fear that he might have broken his arm, or worse. They take off for the emergency room.

But wait. Before you take off for the nearest emergency room, you had better ask yourself: Does my health insurance policy cover emergency care at that hospital? Do I have to drive across town or to some other hospital under the terms of my policy? It makes no sense. If there is a situation of medical necessity to protect your child or a member of your family, you should not have to fumble around and try to remember which hospital is covered by your plan. Instead, you should do what is right for your family. That is one of the elements I think many people are concerned about when it comes to this whole question of managed care.

There is also a question about the cost of this managed care and the accessibility of this care for many employees. It is a fact of life in America that each year fewer and fewer working families in America have the benefit of health insurance protection. Fewer and fewer employers are offering it. We are drifting away from our goal of universal health coverage and leaving more and more Americans vulnerable. That is a classic example of what is wrong with our system today, an instance of what we need to do in order to make certain that every American has the peace of mind to know they have health insurance coverage.

(Mr. BROWNBACK assumed the Chair.)

Mr. SCHUMER. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. SCHUMER. I thank the Senator from Illinois. I am in complete sympathy with the remarks he has made.

Everywhere I have gone in my State, people have brought up one horror story after the next, whereby, say, accountants are making medical decisions instead of doctors. I would like to relate to the Senator an instance that I heard about, which was really frightening to me, and see if the kind of proposal we are talking about might deal with that issue.

There was a young woman on Long Island, 24 years old and beautiful, who had just got out of nursing school. She was an athletic individual. She went to a physician because her upper leg was hurting. She went to the physician, who determined that she had a tumor on the bone. The physician recommended and told her privately that she ought to go to an orthopedic oncologist because they had to take the tumor off. She went to her HMO. The HMO said: No, no, no. All you need is a regular orthopedic surgeon.

Well, this was not a well-to-do family. She had her health plan because her father had retired as a lineman for the phone company. She figured she would go along. She went to where the HMO recommended—to a regular orthopedic surgeon. The operation was had, and he said it was a success.

Two months later, the tumor grew back. She called the HMO and said, "I really need an orthopedic oncologist." They said no. She then paid something like $45,000 or $50,000; she went into hock with loans to get the operation done, which was a success. A day after the operation occurred, the HMO wrote her a letter saying, "All right, you are right; we will give you an orthopedic oncologist." But it was too late. She said, "Why don't you reimburse me?" They said no way. After a lot of intervention from my office and others, they have finally reimbursed her.

One of the things that has been mentioned as part of the Patients' Bill of Rights is guaranteed access to appropriate specialists. I was just wondering if the Senator from Illinois could enlighten us as to—in that type of situation, which I am sure is repeated time and time again—how the Patients' Bill of Rights might rectify that situation.

Mr. DURBIN. I thank the Senator for that question.

Sadly, the Senator's experience can be repeated in almost every State under managed care plans. What we are trying to provide in the Patients' Bill of Rights, supported by the Democratic side, is a continuity of care and access to specialists when needed. I think that just makes common sense. I can't imagine anyone, such as this lady the Senator mentioned, or others, who would want to compromise the best care possible to make sure they are taken care of.

Here is another example you are probably aware of. Many times, companies will change managed care plans. Someone who, for example, is going through cancer therapy and believes they have good, quality care that is very promising in terms of full recovery may find a change in managed care plans which makes that doctor, that clinic, or that hospital ineligible. So that is another area where, frankly, we want to restore peace of mind among the people across America—that they would have this kind of access, access with continuity—even if a change in plan has taken place through the employer.

This access to needed specialists becomes equally important, because most managed care plans have what they call gatekeepers. These gatekeepers are general practitioners, family internists, and the like who try to decide whether or not you need a specialist. Many specialists have come to me and said they have limited training, but they have specialized training. And they are encouraged to pass them along the chain to a specialist who might be initially more expensive but, frankly, might save that patient a lot of worry, perhaps suffering, and perhaps provide a cure that might not otherwise be available.

That is the kind of thing that I think families across America are concerned about.

They look at Capitol Hill and say: Do you get it up there? Do you understand? These are things our families worry about when we think we have the protection of health insurance, and, yet, we are so vulnerable. What are you doing about it in Washington?

The honest answer is, we have done nothing.

The question is, before we leave town this year, perhaps even this month, whether or not we can bring up this bill, the Patients' Bill of Rights, and address some of the real family concerns we have run into.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SCHUMER. Again, I couldn't agree more with the Senator. These are the kinds of things, it seems to me, that our constituents sent us to Washington to do—not to spend all day debating all sorts of things that have very little relevance to their lives but to try to solve the problems that families face.

I find families from one end of my State to the other are just totally frightened about the ability to pay for health care and are frightened that the HMO that they have is really not giving them good medical care, that it is putting dollars above health care.

There is nothing wrong with HMOs. In fact, a lot of them have done a good job in terms of reducing costs. But the pendulum has swung, it seems to me, too far.

When physicians who spend years and years of training, and whom this country subsidizes to train, are no longer making the decision, it seems to me the Senator has made a great point: It not only hurts health care but it actually costs more money. The example I gave is an example where the operation has to be gone through twice because it was done so poorly the first time.

My issue is, from what I understand, oftentimes, in access to specialists as well as access to procedures, the gatekeeper is not even a physician; some HMO is the gatekeeper. Someone who is an actuary is looking at tables and statistics, and things like that, and overrules the actual decisions of the medical doctor or the specialist.

Is that true in the Senator's State as well?

Mr. DURBIN. It is. I was in Joliet, IL, at a hospital cafeteria, sitting at a table full of doctors. One of the doctors was so angry because he kept getting this clerk on the phone: No, that patient can't be admitted. He finally said to the voice on the other end of the phone: Are you a doctor? The employee of the insurance company said no. Well, are you a nurse? No. Well, are you a college graduate? No. How can you possibly overrule my decision on treating a patient? She said: I am going by the book.

She had a book in front of her that had the complaints that a person might register and whether or not a treatment was warranted.

That medical care has now been reduced to the level that we have people who are reading books and overruling doctors who have been trained gives everyone concern.

One of the reasons we need to bring up this Patients' Bill of Rights is to make sure that doctors and medical care personnel across the country can make the best professional decision for the people they treat—a decision based on a person's health and their well-being as opposed to the bottom line profit margin of the insurance company that is involved in it.

Mr. SCHUMER. If the Senator will yield, I have one final question. This is not a new issue. In other words, I think we have heard about the Patients' Bill of Rights for at least a year or two. I am new to this body.

Have there be any attempts to deal with this issue in the past? What has happened? What is stopping us from just voting on this right now? I am sure it is a measure that the American people in every one of our States want us to discuss. What has been the history of this legislation?

Mr. DURBIN. I thank the Senator from New York. The history of the legislation has been frustrating, because we came close to debating it last year, then it fell apart.

There are two different points of view: The Republican side of the aisle, not exclusively but by and large, has their own approach. The Democratic side of the aisle has its own approach on the Patients' Bill of Rights.

We would like to bring this out for a debate. Let's have a debate. Let's act as a legislative body, as we did during the gun debate. Let's let the American people in on it. Let's let them hear arguments over the amendments on one side and then the other, and let them join us in this decision-making process. Unfortunately, that broke down last year and there has been no evidence of an effort to revive it this year.

We need to remember that in a few weeks, literally, we will all be heading home for the 4th of July recess, then for the August recess, and many people will say to us: Incidentally, what have you done? What is happening in Washington? If we can't point to real-life issues that families care about, they have a right to be upset and wonder if we are doing our job.

So I say to the Senator from New York, precious little has been done on this subject. But we are prepared to go forward with debate. I think that is what this body is supposed to be all about—the world's most deliberative body, the Senate.

Let's not be afraid of amendments. Let's not be afraid of votes. I invite the Members on the other side of the aisle to join us. Let's put the issue on the floor. Let's come to some conclusion, send the bill on to the House and challenge them to do the same thing, bring the President into the conversation, and say to the American people that we are doing what you sent us to Washington to do—to respond to things that people really care about.

Mr. SCHUMER. If the Senator will yield once more, it seems to me that, again, if there is anything we should be doing, it is things such as this. There are lots of important issues. This is a big country. We debate all sorts of things.

But, again, I go around my State. I can't think of anything that people care more about, that we can do something concrete about, that is not a radical solution. This is not something that says scrap the whole system and start from the beginning; this is simply something that redresses the balances so people can have faith in their physician.

This is an amazing thing to me. I don't know if the Senator has found this. But as I go around the State, perhaps the most frustrated group is the doctors themselves. They are hardly a group of wide-eyed crazy radicals. The doctors come to me in place after place with anguish in their eyes, and they say: You know, I have spent so many years, I went to college and took all of the courses, I went to medical school, I performed a residency, and I practiced medicine in the way I chose, in the best I way I know how, for 30 years, and now, all of a sudden, because of these changes in health care, I can't deliver the quality health care that I want for my patients, whom I care about, many of whom have been my patients for decades.

I would join my colleague in urging that we in this body debate and debate rather quickly a Patients' Bill of Rights. We don't have the only approach. Let every approach be aired. Let us have a real debate on the issue. But let's not walk away from here before the July 4th break without having a Patients' Bill of Rights.

I am wondering if the Senator thinks that is within the timeframe of possibility that we could get such a Patients' Bill of Rights.

Mr. DURBIN. I thank the Senator from New York.

We just spent 5 days debating whether or not certain computer companies should be protected from liability on Y2K problems. That is a serious issue. It is a bill that we passed today. We spent 5 days debating it. I think we owe the American people to spend at least 5 days, if not more, debating the Patients' Bill of Rights. We have the time to do it. We don't have an overload of activity in the Senate, but we have an overload of responsibility when it comes to the health care issue.

The last point I will make before giving up the floor is on the question of liability. Remember the example I used earlier about the doctor who couldn't tell the mother that it wasn't his decision that her son couldn't have an MRI or CAT scan. He couldn't tell her. It was the insurance company's decision.

Let's assume for a minute that something terrible occurred, and that child didn't have a brain tumor, and in fact suffered some long illness, or recuperation, or maybe worse. Do you know that under current law, as written, in many of these managed care plans, even though the insurance company made the bad decision, the insurance company overruled the doctor, the insurance company could not be held accountable for its wrongdoing in America?

There are very few groups that are immune from liability. I think foreign diplomats are one. When it comes to this issue of managed care and insurance companies, many doctors are saying: That is not fair; we want to make the right medical decision, and we are overruled by the insurance company. The doctors get sued. The insurance companies are off the hook.

That is not what this system or what this Government is all about. It is about accountability. I am held accountable for my actions as the driver of a car, as the owner of a home—all sorts of different things. Why should we exempt health insurance companies and say they are not going to be held liable for bad decisions—decisions not to refer you to the right specialist, decisions not to allow you to stay in a hospital, decisions not to allow you the kind of care you need? That, to me, is the bottom line in this debate.

I see Senator KENNEDY on the floor. He has been a leader on this issue. I thank him for joining in this discussion. I hope he can give Members some instruction.

I yield to the Senator for a question.

Mr. KENNEDY. Mr. President, I want to join my friend, the Senator from Illinois, in his presentation, as well as the Senator from New York, and urge that Members in this body begin debate on one of the most important pieces of legislation that we, hopefully, will have an opportunity to consider; that is, how we will ensure that medical decisions are made by those in the medical profession, rather than the accountants and the insurance companies.

The Senator has made that case with an excellent example this afternoon. I wonder whether the Senator realizes it has been over 2 years we have had legislation pending before the Senate. The Human Resources Committee has the jurisdiction, and we were effectively denied—I know the people who are watching or listening are not really interested in these kinds of activities. We have to have the hearings in the committee. Then we have to try to work the will of the committee and report it out to the Senate.

This legislation has been before the Senate for 2 years, but we were not even permitted to have a hearing under the leadership of our friends on the other side, the Republican leadership. We were denied the opportunity to debate these questions when we tried to bring this up in the last Congress.

I gather from what both Senators have said, they believe, as I do, that this is one of the fundamental and basic issues of central concern to families all over this country. If we can spend 5 days dealing with the Y2K issue, we can certainly afford to spend a few days—perhaps not even the 5 days, 4 days—on an issue that is so important to families, families who may have an emergency, families who may want to have clinical trials for the mother, the grandmother, or the daughter, to deal with problems of cancer. Or the whole issue of specialty care, to make sure those who need the kinds of prescription drugs necessary to deal with a particular illness and sickness would be able to get them.

I wonder if the Senator would agree with me that included in Senator DASCHLE's legislation is a series of recommendations that were made by a bipartisan panel to the President, with Members who were nominated by the leaders of both parties and by the President of the United States. It had to be unanimous. They made a series of recommendations. Those recommendations have been included in Senator DASCHLE's Patients' Bill of Rights. The only difference was the panel recommended they be voluntarily accepted. We have seen that the companies are unwilling to accept those. The leader has said if they are not going to accept them voluntarily, we will include them, but they reflect a bipartisan panel.

Secondly, they include some other recommendations that have been recommended by the insurance commissioners. They are not a notorious group favoring the Democrats or Republicans. I imagine, if you looked over the field, most of them are actually Republicans. They made some recommendations. Those effectively have been included.

Finally, there are the kinds of protections that have been included in the Medicare and Medicaid programs. We don't hear a murmur from the other side about those protections not being effective.

If that is the basis of this legislation, and it has the support of 130 groups that have responsibility for treating the American families in this country, why in the world shouldn't we have an opportunity to debate it?

On the other hand, our Republican friends haven't a single group, not one, that represents parents, children, women, or disabled that support their program. Can the Senator explain to me why, if that is the case, we are being denied? Does the Senator agree it is completely irresponsible to deny the Senate the full opportunity to debate these measures?

Mr. DURBIN. I am happy to respond.

I think the Senator's question is rhetorical. But if we can spend 5 days debating protection for computer companies, can't we spend 5 days debating protection for America's families concerned about the quality of the health care available to them and their children?

I think that is obvious. I think the Senator has clearly made the point about the number of groups that endorse the Democratic approach to that, that they could and should have that kind of debate.

I see the minority leader on the floor, and I am happy to yield.

Mr. DASCHLE. I congratulate the Senator from Illinois and the Senator from New York for beginning this colloquy this afternoon. Certainly, the Senator from Massachusetts is a leader on health issues. This is, without a doubt, the single most important health issue facing this Congress this year, next year, and for however long it takes to pass.

Senator KENNEDY's question is right on the mark: Why is it, with all of these groups that are urging the Senate to act, that are waiting for the Senate to act, that cannot understand why we have not acted, why is it we cannot schedule legislation this week to get this bill passed?

If we can do Y2K, if we can do the array of other matters that have come before this Congress this year, for heaven's sake, why, with 115 million people already detrimentally affected, can't we do it this week? There isn't an answer to that question.

I ask the Senator from Illinois if, from the experiences he has had in his own State, he has heard any other issue having the resonance, having the depth of feeling and meaning to the families of America that this issue does; whether or not he ever had the kind of experience I have had where people come up and volunteer that there is no more important question facing this Congress than this issue, and they want Members to solve it; has the Senator had a similar experience?

Mr. DURBIN. I have had a similar experience. Not only is this an important issue, the human side is compelling. We hear the stories from the Senators from New York and Massachusetts, and we have run into these real-life stories. These are not the kinds of stories you dream up or see on television.

People worry on a day-to-day basis whether they can protect themselves and their own families under this managed care Patients' Bill of Rights, on which Senator DASCHLE is the lead sponsor. It gives a framework to give assurance to these people so they can have confidence that not only good health care will be there but quality health care that will help respond to a lot of the family tragedies which we hear over and over as we travel about our States.

The other side of the aisle makes a serious mistake if they do not understand this is a very bipartisan issue. I am just not hearing from Democrats or Independents; I am hearing from Republicans and Democrats and Independents alike. All families are in the same predicament. All families look to the Senate to focus on this issue, which means so much to the future of this country.

Mr. DASCHLE. I thank the Senator for his leadership and comments he has made.

Obviously, time is running out. We have 6 weeks left before the summer recess begins in August. We have a few weeks left in September and October, and then we are at the end of the session already.

We have very little time to address an issue of this importance. That is why we have indicated we will find a way to ensure this issue is addressed in June. We cannot wait any longer. We waited last Congress. We waited and came up with as many different ways with which to approach this issue procedurally as we knew how. We failed to convince our Republican colleagues to join this side of the aisle in passing it last year. We will not fail this year. We will get this legislation passed. It has to happen this month.

I thank the Senator for his leadership and for cooperating and making this a part of our schedule this afternoon.

Mr. KENNEDY. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. KENNEDY. I express appreciation for the very excellent commitment of our leader on this issue. He has been tireless in the pursuit of the protections of our fellow citizens in the health area.

I see the Senator from New York on his feet. I will ask one or two questions and then I will yield. Is one of the points the Senator from Illinois thinks worth debating, with the approach that has been taken by our Republican friends, the limited number of people who are actually being covered? As one who was the author of the HMO legislation in the 1970s, we passed it five times here in the Senate before we finally got the House to pass it.

Then it was passed and it was on a pilot program. But the concept at that time was we were going to change the financial incentives from having more and more tests and more and more treatment to having a capitation payment that said to the health delivery system you have this amount of money to take care of this patient, so they have an incentive to work for preventive health care, keep the person healthy. They get more resources the healthier the person is and the longer the person stays healthy. But we have seen abuses where they have cut back on more and more of the coverage. That has stimulated this whole program.

The fact remains, under the Republican proposal we find out that somewhere above a quarter, about 30 percent of all of those who are covered, and even a lesser percent of HMOs, which is really the problem, are actually covered. Would this not be an issue that ought to be debated out here, that the Members of this body ought to be able to make some call about? I do not think that is a very complex issue. Do we want to cover 30 percent or do we want to cover 100 percent? How long do you think that issue would really take, for people to understand it and be able to express a view? It does not seem to me that would take a very long time. People can make that judgment. People ought to be able to make that judgment. Does the Senator agree?

Mr. DURBIN. I agree with the Senator from Massachusetts. Isn't it an interesting analogy to the debate we had on guns, where we had amendments coming before us, and when the public had a chance to take a look at it they were satisfied that amendment does not achieve the result we want, keeping schools safer and guns out of the hands of children and criminals? The debate ensued for the week we were on it, and when it was all over the public prevailed. They passed a real sensible gun control bill as opposed to one that did not do the job.

I think what the Senator from Massachusetts says is let's let the American public in on this debate, too. Do they think covering one out of three families is enough, or do we want to make sure we have a bill similar to the Democrats' Patients' Bill of Rights which really provides protection and assurance of quality health care for the vast majority of families under managed care plans? I think the Senator is right. That deserves to be debated on the floor of the Senate.

Mr. KENNEDY. Just a final point. Does the Senator agree with me that now the insurance industry has spent somewhere around $15 million to misrepresent and distort the Patients' Bill of Rights, which has been introduced by our leader, Senator DASCHLE, and of which many of us are cosponsors? They have spent that last year doing that, when people thought we were supposed to take it up. If you ask across the spectrum of America about the importance of this issue, the American people still want action taken. They still want to have these protections for themselves and for their families. I think this is a clear indication.

I think our friends on the other side ought to understand that Americans understand this issue. I think parents understand it. I think mothers and grandparents understand it best. Those who are opposed to it can distort and misrepresent and advertise, as they have done in the past, but American people know what this issue is all about.

Does the Senator not agree with me on that, and that the American people want action by this body?

Mr. DURBIN. I agree and I think we have precious little time left to respond.

I yield to the Senator from New York.

Mr. SCHUMER. Just one final question to the Senator. I first thank the Senator from Massachusetts for the eloquence and passion and intelligence that he brings to these issues, and our leader, Senator DASCHLE, for sponsoring this legislation and leading us in this regard.

When you walk into an emergency room, the first question you should be asked is not: What is your coverage? It should be: Where does it hurt? Yet, these days, the way our system is working, the first question that often has to be asked is: What is your coverage? That is so totally wrong.

One of the reasons I ran for the Senate was so I would have the opportunity to debate these bills, because the procedures in the Senate allow the American people, through their elected Representatives, to debate in a much wider way than the process in the House. Yet we are not being allowed to debate this, even though we have wished to do it.

I ask my senior colleague, what holds us back? I mean, why can we not debate this issue? Not everyone is going to have the same view, but I think everyone would agree this is an issue on the very top of the list of things that most Americans care about. What can hold us back? What is holding us back from debating an issue as important as the Patients' Bill of Rights?

Mr. DURBIN. I think it is a matter of political will and it is a question of whether the leadership on both sides of the aisle can agree on a schedule.

I see on the floor the majority leader, Senator LOTT. For the purpose of answering a question, I yield to the majority leader. Will he tell us whether or not we plan on scheduling this Patients' Bill of Rights for consideration in the next several weeks?

Mr. LOTT. Mr. President, the Senator asked a question and yielded to me for a response. First of all, I am standing so we can make an announcement about what the schedule will be for the remainder of the night and to get an agreement about how we will proceed during the day tomorrow. As soon as this 15-minute block of time that was agreed to is exhausted, I will be prepared to go to this.

In answer to the Senator's question, I will be delighted to go to this Patients' Bill of Rights very soon. We could even do it next week if we could get an agreement that we will vote on your version of the Patients' Bill of Rights and we will vote on our version of the Patients' Bill of Rights. We have a good bill. We are ready to go. We think there are important things that need to be done in this area, and we are prepared to debate the issue and vote on the two different approaches. So we can do that.

Or we can work together and see if there would be a limited number of amendments that could be agreed to that would be offered on both sides. The problem we ran into last year is somebody said we will need 100 amendments. Please. We have lots of other work. If the Senator has a perfect product and we have a perfect product, why do we need 100 amendments? Then it got down to 20 amendments on each side.

But I have designated Senator NICKLES to work with the designee from the Democratic side of the aisle. I believe Senator DASCHLE has indicated Senator KENNEDY will do that. They are going to try to get some agreement on exactly how to proceed. We will be glad to vote on the two versions any time Senators are ready, because we think this is important. We have a bill that was developed by a task force that had broad involvement. Senator JEFFORDS was involved, as were Senator COLLINS, Senator GRAMM, Senator NICKLES, Senator SANTORUM—really a good group. So we are ready to go. It is just a question of getting an agreement on how the procedure will be worked out.

Mr. DURBIN. If I might, without yielding the floor, say first to the majority leader, I was told Senator DOMENICI was going to come forward to urge a vote or something of that nature. I have not seen him at his desk, but I am happy to yield the floor.

But I ask the Senate majority leader one last question: If we could reach an agreement that we would limit the length of debate on Patients' Bill of Rights to the same period of time, the 5 days we spent on the Y2K, would that be a sound basis for agreeing that next week we would take up the Patients' Bill of Rights?

Mr. LOTT. I would have to take a look at that. First of all, I think 5 days is probably excessive. There was no need to take up 5 days on the Y2K bill. We could have done that in 2 days very easily, but there were a lot of obstruction tactics and delays—having to vote on cloture. Finally, we came to a conclusion and 62 Senators voted for it. I am not prepared now to say we want to go that long or limit it. I think we need to look at what we need, have a fair debate, and get votes on the substitute. We do not have a list of the amendments. We have asked for a list of the amendments so we are in the process of trying to get an understanding of what is going on here.

I want to reemphasize we are aware that there needs to be some things done in terms of patients' rights. We have a good bill. We do not think the solution to the problem is lawsuits. Some people seem to think what we need to solve the problems of managed care is more lawsuits. No. If I have a problem with a HMO in my family, I would prefer to have a process to solve the problem, either internally or an external appeal. I would prefer not to be the beneficiary of inheritance as a result of a lawsuit 3 years later. So that is kind of the crux of it.

We have Dr. BILL FRIST who has worked on this, I mean a doctor, somebody who understands what it is like to have your heart replaced, someone who understands the need for managed care. We want to do this, so we will be glad to work with all the Senators who are interested. We would like to get a list of amendments. I think it would be fair for the other side, Senator KENNEDY, to want to look at our amendments. I hope that process is underway.

Senator NICKLES has been designated to work on this issue on our behalf, and he might want to respond to your question, if you would yield to him for that.

Mr. DURBIN. I ask you or Senator NICKLES one last question, brought on by what you just said.

Can we then agree we will bring this up for debate before we break for the Fourth of July recess so we can say to the American people we understand the importance of this issue? We have a difference of opinion on liability and other questions. Before we leave for the Fourth of July recess, we will have a vote on final passage on the Patients' Bill of Rights?

Mr. LOTT. As soon as we get agreement on how to proceed, we will take it up. We will be glad to vote on your substitute and our substitute. We could do that this week, but if it is going to be that you have some amendments or you want more debate, then we have to work through when that is going to be. I was ready to do this bill last year, and we could not get a reasonable agreement on how to handle it. If we get that worked out, we will be glad to do it.

Mr. NICKLES. Will the leader yield?

Mr. LOTT. I do not have the floor.

Mr. DURBIN. I will be happy to yield to the Senator from Oklahoma.

Mr. NICKLES. I will make a couple comments. The leader said we would be happy to vote on the Democrat bill, and we would be happy to vote on our bill. We made that offer last year, I might mention. We asked unanimous consent to do that on two or three occasions last year. We also made a unanimous consent request last year a couple of times to have a limited number of amendments. That was not agreed upon.

I will inform my colleagues, I did discuss this last Wednesday with Senator DASCHLE and Senator KENNEDY. They expressed a desire to bring it forward. I said I think we have to have some kind of time constraints and limit on amendments. I did request that. They said they would be forthcoming in giving me that list. We have yet to receive it. Our staff requested it from them as late as Friday. We have yet to receive that list. Once we receive that list, we will try to see if we cannot negotiate some reasonable time agreement to get this thing resolved.

Mr. DURBIN. I say, reclaiming my time, one of my colleagues and friends from the home State of the Senator from Oklahoma, the late Congressman Mike Synar, used to say: If you don't want to fight fires, don't be a fireman. If you don't want to cast tough votes, don't be a Member of Congress.

I think we ought to welcome the possibility of having some tough votes on amendments. Let the Democrats squirm, let the Republicans squirm, and let the body work its will. Don't be afraid of some amendments. Let's bring out the best ideas on both sides and see if we can craft it together in a bipartisan bill.

If we limit this debate to a few days or a certain number of amendments, there is no reason why we should not be able to accomplish this in the next week or two. Insulating Members from casting a tough vote on what might be a difficult amendment really should not be our goal. The goal should be the very best legislation and the body working its will. If we have an up-or-down vote, take it or leave it, that is an odd way for the Senate to view this issue.

Mr. DASCHLE. Will the Senator yield?

Mr. DURBIN. I yield to the Democratic leader.

Mr. DASCHLE. We still have not seen the text of whatever it is we are supposed to be amending. The Senator from Oklahoma and I talked about that last week. He indicated it is going to be roughly the bill that passed out of the Labor Committee with some changes, as I understand it, but we have not seen the changes.

I must say, it would not be in keeping with the traditions in the Senate that we need approval from the majority with regard to amendments before we can move to a bill. We are determined to be as cooperative as we can, but at the same time, we certainly do not seek our Republican colleagues' approval on a list of amendments. That should not be our requirement.

We want to offer amendments that we expect to be debated and considered and hopefully voted on. As the Senator from Illinois has said, there are going to be tough votes on all sides on this issue, but they are issues that have to be addressed. If we are going to deal with a Republican bill that was passed out of the committee with an expectation that, obviously, that may be the bill that passes, we are going to have to try to amend it.

We do not have any expectation necessarily that our bill can pass without some Republican support. We hope it will be, and we will work with our Republican colleagues to support the Democratic bill. But we have to have an opportunity to offer amendments, and we will protect our Senators' rights to offer those amendments, and hopefully we can work through this.

We are prepared to come up with a reasonable list. I have suggested 20 amendments, which is probably a third of what our colleagues would like to offer on this side alone. But we will come up with a list. I certainly do not expect that we will need to seek approval, however, from our Republican colleagues before we offer them.

I thank the Senator from Illinois.

Mr. DURBIN. I yield to the Senator from New York, and then I will yield the floor.

Mr. SCHUMER. Briefly, because I know we want to move on.

Just as an example, I ask the Senator this question: Our bill, it is correct, has the right to sue, and I respect the view of many on the other side. Our bill, for instance, has a far more ample provision about having access to specialists. There might be a good number of Members in this body who want to see greater access to specialists but not support the right to sue, and conversely. Giving us the right to do some amendments might perfect a bill that can pass. I ask the Senator, my being new here, if that would be sort of an ideal way that could work?

Mr. DURBIN. That is the way a deliberative body works. It deliberates and makes choices. It is important to make our views known on the Patients' Bill of Rights and helping millions of American families concerned about the adequacy of their health insurance and whether they have guarantees to quality care.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate is presently considering the energy and water appropriations bill. There are now, and have been, negotiations taking place in the Cloakrooms to put the finishing touches on the managers' amendment which will encompass most, if not all, of the remaining amendments.

While progress is being made, final passage on that vote is not anticipated this evening. Therefore, I do want to get a unanimous consent agreement about how we will proceed tomorrow. If we get that entered into, then we will not expect further votes tonight. The managers will remain tonight to complete action on the appropriations bill, and final passage will occur tomorrow, hopefully in a stacked sequence, beginning at approximately 10:45.

Once again, if we get this unanimous consent agreement, then there will be no more votes tonight, and the first votes will occur in the morning at 10:45.

UNANIMOUS CONSENT AGREEMENT—S. 331 AND S. 1205

Mr. LOTT. Mr. President, I ask unanimous consent that at 10 a.m. on Wednesday, June 16, the Senate proceed to the consideration of S. 1205, the military construction appropriations bill; that there be 10 minutes for debate, equally divided in the usual form, with an additional 5 minutes for Senator MCCAIN, with no amendments in order to the bill. I further ask unanimous consent that there be 20 minutes, equally divided in the usual form, relative to S. 331; that is the work incentives bill. I finally ask unanimous consent that following the expiration of all debate time, the Senate proceed to vote on final passage of S. 1205, the MILCON appropriations bill, to be immediately followed by a vote on passage of S. 331, the work incentives legislation, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Therefore, all Senators should be aware, there will be at least two stacked votes occurring at 10:45. In addition, there may be another vote or two on or in relation to amendments on the energy and water appropriations bill and final passage of the appropriations bill. All Senators will be notified when those agreements are reached.

I now ask unanimous consent that with respect to S. 1205, when the Senate receives from the House the companion measure to this bill, the Senate immediately proceed to the consideration thereof; that all after the enacting clause be stricken and the text of the Senate-passed bill be inserted in lieu thereof; that the House bill, as amended, be read a third time and passed; that the Senate then insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate, with the foregoing occurring without any intervening action or debate. I further ask unanimous consent that with respect to S. 1205, the bill not be engrossed and that it remain at the desk pending receipt of the House companion bill; and that upon passage of the House bill, the passage of S. 1205 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—HOUSE LOCKBOX SOCIAL SECURITY LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the stacked votes on Wednesday, there be 1 hour for debate, equally divided in the usual form, prior to the vote on a cloture motion involving the House lockbox Social Security legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

CHANGE OF VOTE

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recorded as voting "aye" on vote No. 167, a vote today on the cloture motion. It would not have changed the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. INHOFE. I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 14, 1999, the federal debt stood at $5,608,264,664,474.06 (Five trillion, six hundred eight billion, two hundred sixty-four million, six hundred sixty-four thousand, four hundred seventy-four dollars and six cents).

Five years ago, June 14, 1994, the federal debt stood at $4,605,762,000,000 (Four trillion, six hundred five billion, seven hundred sixty-two million).

Ten years ago, June 14, 1989, the federal debt stood at $2,784,398,000,000 (Two trillion, seven hundred eighty-four billion, three hundred ninety-eight million).

Fifteen years ago, June 14, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million).

Twenty-five years ago, June 14, 1974, the federal debt stood at $473,308,000,000 (Four hundred seventy-three billion, three hundred eight million) which reflects a debt increase of more than $5 trillion—$5,134,956,664,474.06 (Five trillion, one hundred thirty-four billion, nine hundred fifty-six million, six hundred sixty-four thousand, four hundred seventy-four dollars and six cents) during the past 25 years.

HAWTHORNE ARMY DEPOT

Mr. REID. Mr. President, today—for the first time in many months—there is peace in Kosovo.

Like all Americans, I hope with all my heart that the peace will be both lasting and just.

I rise today not to discus the war—or the way it was conducted—or the terms on which it was ended.

Many Americans risked their lives in the air over Kosovo in the bombers and helicopters flying over the front lines. Every night, America watched the heroism and skill of those pilots as they braved anti-aircraft fire to drop laser-guided bombs and missiles and other ordnance onto targets with amazing accuracy.

But what we often forget is that those heroics were made possible by the efforts of thousands of Americans working behind the lines, off-camera, in a variety of roles—maintaining the planes, feeding the pilots, shipping supplies, performing countless other functions critical to men and women in combat.

Now that the war is over, I think that we owe all of those countless Americans, who helped in ways both large and small, a nod of thanks for their sacrifice and for their effort.

Today, I particularly want to acknowledge the unique contribution of several hundred men and women from my home state of Nevada.

The war in Kosovo was the first successful large-scale campaign waged exclusively by air. Much more than other wars, that kind of war relies heavily upon specialized ordnance—the laser-guided smart bombs and precision rockets that were so effective in destroying Slobodan Milosevic's infrastructure and weapons of war.

Many of those weapons were supplied by the hardworking men and women of Hawthorne Army Depot in Nevada.

Hawthorne Army Depot in Nevada is the largest ammunition storage facility in the world. It employs about 500 people in the state of Nevada, and stores munitions of all kinds for our Armed Forces.

For the past several weeks, many of those 500 men and women worked overtime—sometimes working 12 to 16 hour days, for days on end—to supply many of the bombs, rockets, shells, and missiles used to such devastating effect in Kosovo.

During the course of the war, Hawthorne Army Depot shipped about 10,000 tons of munitions to our troops in Kosovo, including hundreds of the 750-pound bombs used to destroy Slobodan Milosevic's infrastructure.

And even though the war is over, their job is not. They still have a long, tough job ahead of them to replenish the weapons and munitions expended during the closing days of the conflict, to supply the peacekeeping forces now entering Kosovo, and to return to storage the thousands of bombs and munitions being shipped back now that the fighting is over.

I take this opportunity to say to those hardworking men and women at Hawthorne, thank you for a job well done.

DRUG PROBLEM IN RIO ARRIBA COUNTY, NEW MEXICO

Mr. DOMENICI. Mr. President, I rise today to talk about the drug problem which is plaguing the northern part of my home state—a problem which has had particularly profound effects on the quality of life and the health of the citizens in an area known as Rio Arriba County, New Mexico.

Simply put, Rio Arriba County faces one of the most severe black tar heroin epidemics this nation has ever seen. In recent years, there have been 44 heroin overdose deaths in this small county—more per capita than any other area of the country. Last year, New Mexico led the nation in per capita heroin overdose deaths, and Rio Arriba County led New Mexico.

Just this weekend, one of the local papers printed a story about the black tar heroin epidemic in northern New Mexico, and the reporter interviewed several heroin addicts. Two of these addicts died of overdoses between the time they were interviewed and the time the story was printed. That is how acute the problem is.

Rio Arriba County is a rural community with close to 40,000 inhabitants. Many of those who reside in this small county have family who have lived there for several generations. Neighbors don't just know each other—they know each other's entire families and their family's history in the area.

This is a close-knit community, one which recognizes that it must band together to beat this problem. Families, political leaders, community institutions and public safety and heath experts must work together in cooperative fashion to rid this area of the scourge of heroin.

Earlier this year, I mentioned this problem to Attorney General Janet Reno, and she committed to help coordinate the federal response to the heroin epidemic in northern New Mexico.

After speaking with Attorney General Reno, I later convened a field hearing in Espanola, New Mexico in Rio Arriba County to begin to bring people together at the local, state and federal levels to see what could be done. The hearing was held under the auspices of the Commerce, State, Justice subcommittee of the Senate Appropriations Committee, chaired by Senator GREGG. I want to thank Senator GREGG for agreeing to the hearing, and for his commitment to providing the necessary federal resources to begin to address the problem.

At the field hearing, we heard from Laurie Robinson, Associate Attorney General for Justice Programs, who has since sent a technical assistance team to the area to meet with state and local officials, treatment providers, and community groups in order to begin to formulate a comprehensive plan to attack the problem. This technical assistance team returns to the county this week to continue its efforts, and I expect them to issue an action plan by mid-July.

This plan will include recommendations on how the county can best coordinate local drug treatment and intervention efforts, and take advantage of new federal resources made available in recent months.

I want to commend the Department of Justice, Attorney General Reno, and her partners in this effort—the National Institute on Drug Abuse (NIDA) and the Substance Abuse and Mental Health Services Administration (SAMHSA), as well as New Mexico's Department of Health and Human Services, which has worked closely with the federal team.

Their comprehensive effort will ensure that we don't simply throw money at this problem and hope that it goes away. I believe that the strategy they produce will have a lasting, positive impact on the substance abuse problem in Rio Arriba County.

The strategy will include new federal resources for prevention, treatment and law enforcement, and I want to outline federal efforts to date to combat this problem.

In addition to bringing in the Department of Justice team to coordinate federal resources, in April, I convinced the Senate to include $750,000 in the emergency supplemental appropriations bill to allow Rio Arriba, Santa Fe and San Juan counties to participate in the New Mexico High Intensity Drug Trafficking Area (HIDTA).

Expanding the New Mexico HIDTA will allow state and local law enforcement officials to enhance their efforts to rid northern New Mexico of drug traffickers, many of whom are Mexican nationals who bring the heroin to New Mexico through the crime corridor between the southwest border and Rio Arriba County.

Because a crime corridor exists in New Mexico, with the help of Senator GREGG, the Committee also included $5 million in this year's Commerce, State, Justice appropriations bill for a pilot project through the United States Attorney's office in New Mexico.

Much of the heroin brought into northern New Mexico comes up Interstate 10 from Mexico between Las Cruces and Albuquerque. This pilot project will allow the U.S. Attorney to undertake federal prosecutions of illegal immigration and drug trafficking along that corridor. It is patterned after a similar successful initiative, called Project Exile, which significantly reduced illegal gun smuggling and violent crime in the corridor between Camden, New Jersey and Philadelphia.

Solving this problem will take more than just increased law enforcement. It also is critically important that we give children healthy and safe alternatives to drugs and crime.

With Chairman GREGG's help, the Senate Appropriations Committee has provided $750,000 for an after-school program in Rio Arriba, and increased funding for the Boys' and Girls' Clubs nationwide. Northern New Mexico has long faced a true shortage of worthwhile crime and drug abuse prevention programs, particularly for children.

We need to provide kids with constructive outlets for their time and energy, so they do not become the next generation of addicts. I think that our efforts here recently are going to change that for the better.

Finally, let me talk a little bit about treatment, because that is the most difficult problem the county faces. Currently, there are 66 treatment beds in Rio Arriba County. Yet, all but six of them are reserved for alcoholics. There is no in-patient treatment for heroin addicted kids and no detox facility in Rio Arriba. So the county has a long way to go in dealing with the special health care needs of heroin addicts.

To assist with the efforts, I have requested $2 million from the budget of the Department of Health and Human Services to help expand drug treatment and prevention services in the county. Also, the state of New Mexico has provided $500,000 for increased drug treatment in the area.

Successful treatment programs require more than a one-time infusion of federal or state funds. Communities, state and local governments and treatment providers must work together to keep them viable and operational once facilities are established. Federal dollars can help, but the bulk of the effort must come at the state and local level.

A big part of what the technical assistance team I have sent to Rio Arriba County is doing is figuring out how to coordinate federal, state and local treatment resources, and how to make these treatment options available for many years to come. This is a critical component in the strategy we have begun to develop.

As I see it, the federal response to the drug problem in Rio Arriba County has been swift and comprehensive. We have done much more in a short amount of time than simply throw money at the problem. We have begun to build upon the three main components of any successful anti-drug strategy: law enforcement, treatment and prevention, and the Department of Justice and other federal agencies have begun the process of working with the local community to improve in all three areas in Rio Arriba County.

It is my hope that in a few years, after our efforts and ideas have been implemented, we will look to northern New Mexico as an example of how small rural communities can overcome big drug problems. We have a long way to go, but I look forward to continuing my efforts to defeat the heroin problem in Rio Arriba County and help this proud community get it back on its feet.

Thank you, Mr. President.

TAIWAN'S HUMANITARIAN AID TO KOSOVO

Mr. JOHNSON. Mr. President, I would like to recognize the important contribution Taiwan has made to the international effort to provide humanitarian assistance to the refugees of Kosovo. Taiwan recently announced that it will grant $300 million in an aid package to the Kosovars. The aid package will include emergency support for food, shelters, medical care, and education for Kosovar refugees who were driven from their homes and forced to live in exile. In addition, I am pleased that Taiwan has offered short-term accommodations for Kosovar refugees in Taiwan along with technical training in Taiwan to help the refugees be better equipped for the restoration of their homeland upon their return.

Slobadan Milosevic initiated a brutal and calculated effort to rid Kosovo of ethnic Albanians and fracture Europe. The United States and its NATO allies moved quickly and decisively to stop the massacres of innocent women and children inside Kosovo, and the international community joined the effort to provide relief to the hundreds of thousands of refugees who fled homes burned by Yugoslav police.

Over two months of NATO bombings resulted in the withdrawal of all Yugoslav military and police from Kosovo and Milosevic's acceptance of a NATO-led peacekeeping force to secure Kosovo for the refugees return. The rebuilding and recovery efforts that are now beginning in Kosovo will take many years and many resources. Taiwan has contributed significant financial and technical resources to this effort. However, more importantly, Taiwan's generous actions should give comfort to the people of Kosovo that the world's leaders will help them through this difficult time.

CHALLENGE OF THE BALKANS

Mr. McCAIN. Mr. President, as we have learned repeatedly over the last three months, few things seem to go as planned in the Balkans. In fact, I think the warning "expect the unexpected" is quickly becoming the first rule of statecraft in the post-cold-war world.

The provocative and disturbing occupation of the airport in Pristina by 200 Russian paratroopers has surely complicated our peacekeeping mission in Kosovo. Even more importantly, it exemplifies the huge challenge confronting us as we seek to build a relationship with a former superpower adversary that works to out mutual benefit and that of the world's.

I do not know if this action is evidence of a growing breach between Russia's political and military leadership or if Russia's political leaders sanctioned it. I don't pretend to be a scholar of Russian politics. I do know, however, that Russia's continued refusal to accept NATO's command over the entire peacekeeping effort in Kosovo, whether the Russian government or some independent-minded Russian generals issue that refusal, challenges the viability of the fragile peace we are committing 50,000 NATO troops to enforce. It is a challenge we must overcome immediately, with steady nerve and firm resolve.

Even though, NATO obviously has the power and authority to work its will in Pristina, overcoming the challenge should not require us to forcibly evict the Russians from the airport. But neither does it require us to pretend that the challenge is so insignificant that it doesn't merit our notice. It is a problem, although not yet a disaster, and it requires our swift and sure-footed response to resolve it as quickly as possible.

We must take the necessary steps to prevent the reinforcement of those troops. But, more importantly, we must make abundantly clear to Moscow that we consider this action to be evidence that Russia cannot yet be trusted as good faith partners in preserving European stability. It even casts doubt on their efforts to convince Mr. Milosevic to accept NATO's terms for a settlement, raising the suspicion that there were hidden commitments to secure a de facto partition of Kosovo.

Until those suspicions can be allayed—which would require, of course, Russian troops to accede to NATO's authority at the airport—progress in constructing a new and mutually beneficial relationship between the United States and its allies and Russia will suffer. The coming G–7 meeting in Germany, which was intended to consider efforts to assist the collapsed Russian economy, must now result in a clear, unequivocal statement that no such assistance will be forthcoming while Russian leaders either tolerate or are unable to stop attempts by their forces to undermine our efforts in Kosovo.

Moreover, we should exact some specific and public assurance from the putative leader of Russia, Boris Yeltsin—since the word of his ministers is no longer credible—that Russia will play either a constructive role or no further role in Kosovo. A constructive role will entail, of course, Russia's acquiescence in the unified NATO command of the entire operation.

There must be no Russian sector in Kosovo even if we select some other euphemism to describe it because most Kosovars believe, quite understandably, it is a pseudonym for the partition of Kosovo. Few if any ethnic Albanians will return unarmed to an area where their security is the responsibility of troops whose loyalties were demonstratively pledged to the Serb persecutors.

The United States recognizes the importance of achieving stable, mutually beneficial relations with Russia. We expect Russia to recognize that its best interests lie in friendship with NATO and not in old hostilities that stretch back to the cold war and beyond. The Russian military should be capable of recognizing that its interests are best served by better relations as well. An army that cannot adequately feed and fuel itself, or that is unable to offer a minimum standard of life to its soldiers should see the error in nursing old enmities at the expense of progress toward the common goal of a more secure world.

The United States expects nothing more of Russia than that it acts in its own best interests, for its best interests are compatible with the cause for peace and justice in Kosovo, and everywhere else for that matter.

THE SOCIAL SECURITY LOCK BOX

Mr. GRASSLEY. Mr. President, I rise today to express my support for the Social Security "lock box." This legislation is vital to the future of the Social Security program. I commend my colleagues, Senators DOMENICI, ABRAHAM, and ASHCROFT on their leadership and dedication to the fiscal year 2000 budget resolution which establishes goals for the next ten years by setting aside projected Social Security surpluses of $1.8 trillion.

The unified budget system created during President Lyndon Johnson's administration allows the government to account for non-Social Security programs using Social Security funds. For years it masked the size of the federal deficit. When it comes to Social Security, this accounting method has fanned unfavorable public sentiment. According to a survey conducted by the National Public Radio, the Kaiser Foundation, and the Kennedy School of Government, Americans believe that the Social Security trust fund is somehow being misused. Asked why the system is in trouble, more people (65%) selected "money in the Social Security trust fund is being spent on programs other than Social Security" than any other reason. It's time to change the system. The lock box legislation would help restore the public's trust in the system and ensure Congress and the President don't squander the surpluses accumulating in the Social Security trust fund.

The surplus could be very tempting to the President and Congress to spend. The Social Security "lock box" would institute a 60-vote budget point of order in the Senate which would limit Congress's ability to pass a budget resolution which uses a portion of the Social Security trust fund for non-Social Security purposes. In addition, this legislation would institute a limit on the debt held by the public.

Passing this legislation demonstrates Congress's ability and discipline to save money. Taxpayers and beneficiaries believe "reform" will translate into higher taxes and lower benefits. One way to quell public concern is by starting out on the right foot. We can protect the Social Security trust fund from being drained for non-Social Security purposes. As Members of Congress, we owe this to the future generations of America. As Senators, we should understand the dynamics of saving the Social Security trust funds because we all have constituents in our home states who have doubts about Social Security money being there for them when they retire. That is why this legislation is so important: it will help restore the confidence of the American people in their government. Locking away the Social Security trust fund is a key way to secure the public's peace of mind. Wage earners who contribute a sizable percentage of their paycheck every week to the public retirement system have grown leery about the Federal Government using their Social Security taxes for other purposes.

President Clinton, pledged in his 1998 State of the Union Address, to "save every cent of the Social Security Surplus." Some Members of Congress including myself along with Senators GREGG, BREAUX, and KERREY have put forth proposals to save Social Security. However, if Congress and the White House reach a Social Security stalemate this year, the lock box legislation offers a bonus economic benefit. It would ensure the public debt is reduced. That's because the Social Security lock box effectively would limit the amount of public debt, which would prevent Social Security revenue from being used for other programs.

Some have expressed concern that passing this legislation would stifle Congress's ability to address emergency situations such as economic recession or war. Those situations were anticipated in the development of the lock box legislation. This bill would allow the flexibility necessary to address such situations by suspending the public debt limit in specific instances such as recession or a declaration of war.

We are at a point in time where talk is cheap and execution is everything. At one time or another we all learned the steps of first aid and the first step that is taken is to stop the bleeding. We need to stop the bleeding of the trust fund dollars from the Social Security trust fund.

I ask my colleagues to demonstrate the courage necessary to pass this bill and preserve the future of our great Nation.

I yield the floor.

SECTION 201 DECISIONS

Mr. BURNS. Mr. President I rise today to discuss my grave concern regarding the Section 201 petition brought forward by America's domestic lamb industry. This case has been sitting on President Clinton's desk for more than 2 months. He has had more than ample time to make a decision. Furthermore, the decision was slated for June 5. For 10 days, America's sheep producers have been waiting, wondering what is going to happen to their livelihood.

On February 9, 1999, the International Trade Commission voted unanimously that lamb imports are a threat to our industry. On March 26, the sheep industry scored another victory with the decision by the International Trade Commission to support 4 years of market stability. Several remedies have been offered, including tariff rate quotas and ad-valorem tariffs. Now a decision by President Clinton to approve, deny, or modify those remedies has been expected since June 5.

This administration has virtually ignored the request by America's sheep producers to solve the issue of excessive imports. While these producers are suffering, the President continues to deal with any and all other issues but this important agriculture case. While I understand that Kosovo and other world issues require much time and consideration, domestic policy cannot stand still during international situations.

The agricultural producers of this country that provide food and fiber for the rest of the Nation, warrant more time and attention than this administration has paid them. I feel as though the crisis facing the sheep producers of this country is receiving about the same consideration from this administration as agriculture received 5 months ago in the State of the Union Address. Agriculture received a mere thirty seconds during that address and is receiving even less time in this important case.

The domestic lamb industry has every reason to believe their market has been substantially undercut by these countries. Imports now make up nearly one-third of the domestic market, and comparisons of imported and domestic lamb meat have found that imports undercut domestic products nearly 80 percent of the time. Between 1993 and 1997 imports increased 47 percent. The problems of imports are very real and have had a substantial impact on sheep producers.

Furthermore, the domestic industry has followed the legal process for trade action that is available to all industries under our trade agreements. The unanimous ruling of the ITC during the injury phase of this 201 case, followed by the entire Commission's recommendation to impose trade relief, clearly shows U.S. sheep producers have a viable case.

I urge my fellow colleagues to join me in urging the president to make an extremely timely decision in support of the section 201 petition and the recommendations made by the domestic sheep industry for strong and effective trade relief.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. JEFFORDS. Mr. President, the time has come. Our friends with disabilities have waited patiently. Our bipartisan coalition has remained united. The last obstacles have been resolved. Assurances have been given. I am referring to our pending consideration of the landmark legislation, S.331, the Work Incentives Improvement Act of 1999.

When I came to Congress in January 1975, one of my legislative priorities was to provide access to the American dream for individuals with disabilities. It was not an easy task. I learned quickly that providing access for Americans with disabilities was complicated.

It involved providing access to education, it involved removing physical barriers, and it involved ensuring access to rehabilitation, job training, and job placement assistance.

It required obtaining access to assistive technology and health care. Most importantly, access to the American dream for people with disabilities meant gaining the opportunity to choose and to participate in the full range of community activities. Moreover, it involved making sure that the Federal Government, along with other entities, be made to comply with laws affecting access for people with disabilities. We have made tremendous progress in the last 24 years.

The Individuals with Disabilities Education Act, the Rehabilitation Act, the Americans with Disabilities Act, and the Assistive Technology Act have changed, and will continue to change lives. Children with disabilities are being educated with their peers. No agency or individual, including the Federal Government, can discriminate against individuals on the basis of disability in employment, transportation, public accommodations, public services, or telecommunications.

Job training and placement opportunities for individuals with disabilities are ever expanding because of the reforms we achieved in the Work Force Investment Act of 1998 and because of low unemployment rates. I am proud of these accomplishments.

Today we will address the biggest remaining barrier to the American dream for individuals with disabilities—access to health care if they work.

I began work on the Work Incentives Improvement Act more than 2 years ago. Since then, I have learned a great deal. I suspect the same holds true for the 77 other co-sponsors of this bill. People with disabilities want to work, and will work, if they are given access to health care. This bill does just that—it gives workers with disabilities access to appropriate health care—health care that is not readily available or affordable from the private sector.

People with disabilities want to work, and will work, given access to job training and job placement assistance. This bill does just that—it gives individuals with disabilities training and help securing a job.

The Work Incentives Improvement Act gives people with disabilities the power to control their own destiny, the power to pay taxes and return the investment that society has made in them, and most of all the power to go to work.

First, I must thank my bipartisan cosponsors Senators KENNEDY, ROTH, and MOYNIHAN the original co-sponsors of this bill who made a commitment many months ago to work together to create a sound piece of legislation to address this real problem for millions of Americans with disabilities. Such commitment represents the best of what the Senate can accomplish when sound policy is placed above partisanship.

I also thank the additional, original 35 co-sponsors of this bill and the subsequent 45 co-sponsors who represent a total of over three quarters of this body, perhaps a Senate record on health care legislation.

Over the last two weeks, the Majority Leader has been the driving force who urged us to work out policy differences that were delaying Floor consideration. We did so through good faith efforts that broadened support for the bill and reduced its overall modest cost.

In particular, I want to recognize Senators NICKLES, BUNNING, and GRAMM for their willingness to reach consensus with us on policy without compromising the integrity of the legislation, thus, allowing S. 331 to move forward.

I especially thank the over two hundred national organizations that offered time, energy, and ideas to create and support a bill that will improve the quality of life for millions of Americans with disabilities who want to work.

One at a time, we each have come to understand the importance of health care and a job to individuals with disabilities. Sometimes the power of common sense and the voices of reason transcend politics and help us to forge new policy that will make America a better place for all of its citizens. The Work Incentives Improvement Act is the right policy at the right time, and we all know it.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of S. 331, the Work Incentives Improvement Act of 1999.

This historic initiative, which Republicans have been working on for many years now, has strong bipartisan support and will help tear down the barriers that prevent disabled Americans who want to work from reaching their full potential and achieving economic independence.

Approximately 8 million American adults receive more than $73 billion a year in cash benefits under the Supplemental Security Income and the Social Security Disability programs, making these disability programs the fourth largest entitlement expenditure in the Federal budget. In Maine, there are close to 55,000 people receiving more than $335 million each year in cash disability benefits under these two programs. If only 1 percent, or 75,000, of these disabled Americans were to enter the workplace, Federal savings in cash benefits would total $3.5 billion over the worklife of these individuals.

While surveys show that the overwhelming majority of adults with disabilities want to work, fewer than one half of 1 percent of them actually do. The reason is very simple: The current law contains disincentives that prevent these people with disabilities from going into the workforce. I know that the Presiding Officer has been working on this issue for several years and shares our concern.

Removing the barriers that prevent Americans with disabilities from working will not only assist these individuals in their pursuit of self-sufficiency, but it will also contribute to preserving the Social Security trust fund.

Advances in medicine and technology, coupled with civil rights laws, have made it possible for more and more people with physical and mental disabilities to enter the workforce. These are people who genuinely want to work. They have the skills and the talents necessary to contribute greatly to the American economy, but they currently face a Catch-22. If they leave the disability rolls for a job, they risk losing essential Medicare and Medicaid benefits that made it possible for them to overcome the obstacles that prevented them from entering or reentering the workforce in the first place. Moreover, many of these individuals' lives depend on the prescription drugs, the technology, the personal assistant services and the medical care that they receive.

Let me put a human face on this problem which is facing too many Americans with disabilities. In Bangor, ME, I know a young man in his 20s who unfortunately suffers from a severe mental illness. The good news is that if he takes his medicine, which is very expensive and is now covered by Medicaid, he can hold down a part-time job. He very much enjoys working. He enjoys the skills he is learning. He enjoys the companionship. He enjoys the sense of pride he feels when he works. Unfortunately, if he goes to work, he loses the very Medicaid coverage that provides the essential prescription drug that he needs to enable him to work. He should not face that kind of dilemma.

The truth is that no one should have to make the choice between a job and essential health care. The Work Incentives Improvement Act of 1999 will create and fund new options for States, to encourage them to allow people with disabilities who enter into the workforce to buy into the Medicare program and the Medicaid program so that they can continue to receive the essential prescription drugs they need which enable them to work, and the personal assistant services and the medical care upon which they depend. It will also allow workers who leave the Social Security Disability Insurance program to extend their Medicare coverage for 10 years.

This is tremendously important since many people returning to work after having been on SSDI either work part-time and, therefore, are not eligible for most employer-based insurance, or they work in jobs that simply do not offer health insurance. Allowing these disabled Americans to maintain their Medicare coverage, and to maintain their Medicaid coverage in some cases, will serve as a tremendous incentive for them to return to or to enter the workforce.

Other provisions of this legislation incorporate a more user-friendly approach in programs, providing job training and placement assistance to individuals with disabilities who want to and are able to work.

Our legislation gives disabled SSI and SSDI beneficiaries greater consumer choice by creating essentially a ticket that enables them to choose whether they want to go to a public or a private provider of vocational rehabilitation services. The bill also provides grants to States and organizations to help connect people with disabilities with the appropriate services, and it funds demonstration projects and studies to better understand and identify the policies that will encourage and enable work.

Mr. President, this legislation is an investment in human potential that promises tremendous returns. By ensuring that Americans with disabilities have access to affordable health insurance, we are removing a major barrier, a significant disincentive that too often keeps them out of the workplace.

The Work Incentives Improvement Act of 1999 will both encourage and enable Americans with disabilities to be full participants in our Nation's workforce and growing economy and, equally important, it will allow them to reach their full potential. It deserves our strong support and the President's signature. I am very proud to be an original cosponsor of this landmark legislation.

Mr. HARKIN. Mr. President, I rise in support of the Work Incentives Improvement Act of 1999. I was an original cosponsor of the Work Incentives bill when we introduced it last year, and again this year, and was at the White House when the President endorsed the bill.

Almost nine years ago, the Americans With Disabilities Act became law. On that day, we told Americans with disabilities that the door to equal opportunity was finally open.

And the ADA has opened the doors of opportunity—plenty of them. Americans with disabilities now expect to be treated as full citizens, with all the rights and responsibilities that entails. And they are participating in American life like never before in our Nation's history.

But we have not been as successful in employment. Far too many people with disabilities who want to work are unemployed. More than eight million people between 18 and 64 are on SSI and SSDI—and less than one-half of one percent of them return to work each year.

Clearly, there are barriers to be torn down.

Let me tell you the story of a young woman from Iowa named Phoebe Ball. Phoebe just graduated from the University of Iowa and she was shocked when she found that if she took an entry level job paying $18,000, she would suffer a huge loss—her health insurance.

Phoebe wrote an article for an Iowa City newspaper. Here is what she said:

> I want off SSI desperately . . . I want to work. I want to know that I have earned the money I have . . . I don't feel good about the money the government sends me each month. I don't feel entitled to it because I know what I am capable of.
>
> My parents and my society made a promise to me. They promised me that I can live with this disability, and I can. . . . What is limiting me right now is not this wheelchair, and it's not this limb that's missing. It's a system that says if I can work at all, then I'm undeserving of any assistance, I'm undeserving of the basic medical care that I need to stay alive.
>
> . . . What is needed is a government that understands its responsibility to its citizens . . . then we'll see what we are capable of, then we will be working and proving the worth of the ADA.

Mr. President, the Work Incentives Improvement Act is a well-crafted, comprehensive bill that would be the answer to Phoebe Ball's dilemma.

It provides health care and employment preparation and placement services to individuals to reduce dependency on cash assistance;

It creates new options for States to allow people with disabilities to purchase Medicaid coverage;

It lengthens the current period of extended eligibility for Medicare coverage for working disabled individuals; and

It establishes a return to work "ticket" program that will allow people with disabilities to secure the best possible services they can find to get and keep jobs.

If only 1 percent—or 75,000—of the 7.5 million people with disabilities, like Phoebe, who are now on benefits were to become employed, Federal savings would total $3.5 billion over the work life of the beneficiaries. That not only makes economic sense, it also contributes to preserving the Social Security Trust fund.

Mr. President, the disability community and members from both sides of the aisle here in the Senate have wholeheartedly endorsed this bill. The Work Incentives Improvement Act has 78 cosponsors. 78! Rarely do we see in this chamber such broad bipartisan support.

The Work Incentives Act will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream, and I urge all my colleagues to support it.

Mr. BUNNING. Mr. President, I rise to speak in support of S. 331, the Work Incentives Improvement Act of 1999.

This is the most far-reaching Social Security disability bill to come before the Senate in a generation, and it's going to give thousands of men and women who are trapped in the disability program the tools they need to return to work.

While it's not a perfect bill, it's still a significant step forward.

Right now there are over 4½ million Americans on disability. Four and a half million, Mr. President. And of this group, less than one-half of 1 percent will return to work.

Many of these folks have permanent conditions and need assistance. But, many of these people want to return to work, and can return to work. For them, the disability program has become a black hole that swallows everyone who falls in. With proper training and rehabilitation, many of these people could work. But the disability system is not working for them.

Because of problems with the current program, they face too many hurdles, too many disincentives, in trying to return to the workforce. That is a tragedy.

Some of us have been fighting for a long time to improve the Social Security Disability Program. When I chaired the House Social Security subcommittee, we held numerous hearings on disability.

And we learned there are indeed many, many disabled who want to return to work, and can work. But they're afraid to try. They're afraid to try because returning to work often means losing their health care coverage.

Many other disabled workers could return to their jobs if they had the proper training. But because of backlogs and problems in the current vocational rehabilitation system, they have not been able to get the assistance they need.

The bill before us today will change things for the better. It removes barriers that discourage the disabled from returning to work. It helps harness the power of the private sector and competition to help provide training for the disabled. And it extends basic health care coverage to help them make the difficult transition back to work.

It represents a fundamental, revolutionary change for the disabled community.

As an added benefit, this legislation will have money for Social Security—big money. For every 1% of the total number of disabled who return to work, we save $3 billion for Social Security. The legislation before the Senate today has the potential to literally save billions and billions for Social Security.

Mr. President, last year, the House did pass my disability bill by a vote of 410–1. Unfortunately, the bill was tied up in the Senate by some shenanigans and it died. That was a tremendous disappointment to me, and to be honest, I didn't think we would be back to talking about a disability bill in the Senate for a long, long time.

But we are back here today, and I am proud that the disability provisions in the bill before us largely borrows from my old legislation. The bill's sponsors did make some further changes to their bill at my request that I think improves it, and I appreciate that.

But we still have a way to go. And there are several conditions that have to be met for me to support any conference report.

The bill has to be fully paid for with other spending reductions. Under the unanimous consent agreement, the conference report has to be fully offset, and contain no new taxes. I intend to stick by that agreement.

I also want to see changes that the sponsors negotiated with me on the ticket maintained in the final conference report. I appreciate their working with me, and I think our efforts have produced a better bill. We shouldn't move backward in the conference report.

This is a good bill, but it is not perfect. And we still have to hear from the House. But we are making progress. I'm eager to move forward.

I urge support for the bill.

AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES

Mr. KOHL. Mr. President, I am aware that an amendment or amendments relating to dairy policy may be offered during full committee mark-up on the fiscal year 2000 appropriations bill for Agriculture, Rural Development and Related agencies. I serve as ranking member for the Agriculture, Rural Development and Related Agencies Subcommittee and I am proud of the work I have done with Senator COCHRAN, Chairman of the Subcommittee, in preparing the bill for fiscal year 2000 and having it approved unanimously by the entire Subcommittee. I am, therefore, very distressed to learn of possible amendments that are authorizing in nature, and that would result in setting dairy policy with disastrous consequences for my State and region.

Due to my very strong commitment to keep the fiscal year 2000 appropriations bill clean of amendments of the nature suggested, I am prepared to take whatever steps possible to prevent inclusion of these amendments during consideration of the bill by the Senate Appropriations Committee. I strongly believe that the issues surrounding these amendments are of such an important nature that deliberation by the full Senate is imperative. If proponents of these amendments wish to bring them to the floor to offer and debate them, I welcome the opportunity for the discussion. However, I will do all I can to ensure that these matters are not decided by the smaller number of Senators that comprise the Appropriations Committee.

In the event an amendment or amendments relating to dairy policy, such as one establishing or extending interstate compacts, are offered for adoption by the full Appropriations Committee, I am prepared to offer, and will offer, a number of second degree amendments to eliminate the harmful policy that amendment proponents apparently seek to impose on farmers and consumers. Also, in an attempt to keep this sort of anti-consumer, anti-farmer amendment from ending up on the bill, I am prepared to offer, either as first or second degree amendments, a number of other amendments—some related to the bill and some not. If the committee chooses to enter into controversial debates that belong in authorizing committees, I too have several non-Appropriations issues that I would like considered.

I do not relish holding up the work of my Committee, and I will not if these sort of dairy amendments are not offered. But I feel it is only fair to my fellow Committee members and to the Senate to let them know how very seriously I take attempts to harm the dairy industry in the State of Wisconsin.

The amendments I may offer that are relevant to the Agriculture Appropriations bill, include, but are not limited to:

An amendment to provide additional funds for the President's Food Safety Initiative.

An amendment to provide additional funds for the WIC program.

An amendment to provide additional funds for the President's Human Nutrition Initiative.

An amendment to provide additional funds for the Wetlands Reserve Program.

An amendment to provide additional funds for the Conservation Farm Option Program.

An amendment to provide additional funds for the TEFAP program.

An amendment to provide additional funds relating to the Food Quality Protection Act.

An amendment to provide additional funds for the National Research Initiative.

An amendment to provide additional funds for the NET program.

An amendment to provide additional funds for the Food and Drug Administration.

An amendment to provide additional funds for the EQIP program.

An amendment to provide additional funds for the Fund for Rural America.

An amendment to express the sense of the Senate on the history of dairy policy.

An amendment to express the sense of the Senate on diary compacts and their harmful effects on consumers.

An amendment to express the sense of the Senate on dairy compacts and their fundamental conflict with the principles of free trade.

An amendment to express the sense of the Senate on dairy compacts and their harmful effect on the Midwestern dairy industry.

An amendment to express a sense of the Senate on the economic policy problems with dairy compacts.

In addition to these, I have at least 40 other amendments funding changes to the bill that will require votes by the full Committee.

I also have many amendments not relevant to the bill and more in the nature of authorizing legislation. However, as I said before, if the Committee is going to consider dairy legislation of an authorizing nature—legislation with a very real impact on my State—I would insist on also considering other authorizing issues of importance to my constituents. These would include:

The Patient Abuse Prevention Act: This amendment is based on my bill that establishes a national registry of abusive long-term care workers, and requires nursing homes, home health agencies and hospices to check the registry and do criminal background checks on potential employees before hiring them.

Folic Acid Promotion and Birth Defects Prevention Act: This amendment is based on a bill I will be introducing with BOND and ABRAHAM next week. It would authorize $20 million per year to provide education and training to health care providers and the public on the need for women to take folic acid to reduce birth defects.

Sense of the Senate on the nursing home bill: This amendment is based on an amendment that passed two years ago on the Budget Resolution. It is a Sense of the Senate that Congress should create a national registry system so long-term care facilities may conduct background checks on potential employees.

Organ distribution amendment: This amendment would nullify the HHS proposed rule that changes the way organs are distributed across the nation.

Class size fix: This would amend the Class Size Reduction program to ensure that smaller school districts have access to their class size funds without having to form a consortium with other districts.

National Family Caregiver Support program: This would provide support services, including respite services, to persons caring for a disabled or elderly relative.

Sodas in Schools: This is based on a bill introduced by LEAHY, JEFFORDS, KOHL, and FEINGOLD last month) This would prohibit the giveaways of free sodas during the school lunch program.

The Child Care Infrastructure Act: This amendment would establish a tax credit for employers who provided child care benefit to their employees.

Child Support Pass Through: This amendment would reform the child support collection system to provide more income support for low-income families.

Income Averaging for Farmers: This, and another amendment creating Farmer IRAs would establish more fairness for farmers.

Several foreign policy Sense of the Senates including: A sense of the Senate resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; a sense of the Senate resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan; a sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

Apostle Islands: An amendment to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area.

Zachary Baumel: An amendment to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

Women's Business center: A bill to amend the Small Business Act with respect to the women's business center program.

Arctic National Wildlife Refuge: A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

Military Reservists: An amendment to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

Menominee: An amendment to provide for the settlement of claims of the Menominee Indian Tribe of Wisconsin.

33RD ANNIVERSARY OF MIRANDA VERSUS ARIZONA

Mr. THURMOND. Mr. President, 33 years ago this week, the Supreme Court issued possibly its most famous and far-reaching criminal law decision of the twentieth century: Miranda v. Arizona. In response, the Congress enacted a law, codified at 18 U.S.C. section 3501, to govern the admissibility of voluntary confessions in Federal court. The Criminal Justice Oversight Subcommittee, which I chair, recently held a hearing to discuss the Clinton Justice Department's refusal to use this Federal statute to help Federal prosecutors in their work to fight crime.

Issued in 1966, the Miranda decision imposed a code-like set of interrogation rules on police officers. Essentially, the Court held that before a confession can be admitted against a defendant, regardless of whether the confession was voluntary, the police must read the defendant the now familiar Miranda warnings, and the defendant must affirmatively waive his rights. We will never know how many crimes have gone unsolved or unpunished because of Miranda.

The Miranda decision acknowledged that the warnings were not themselves constitutionally protected rights but only procedural safeguards designed to protect the Fifth Amendment right against self-incrimination. Subsequent Supreme Court opinions have repeatedly reaffirmed this conclusion. Further, the Miranda court expressly invited Congress and the States to develop legislative solutions to the problem of involuntary confessions.

In response to the Court's invitation, the Congress held extensive hearings on this issue as part of Federal criminal law reform. A bipartisan Congress with my participation and that of many others on both sides of the aisle in 1968 passed an omnibus crime bill that included a provision that eventually became law as section 3501. That statute, of which I was an original cosponsor, provides that "In any criminal prosecution brought by the United States . . . a confession . . . shall be admissible in evidence if it is voluntarily given." The statute goes on to list five nonexclusive factors that a judge may consider in determining whether a confession is voluntary and, hence, admissible. One of those factors is whether the Miranda warnings were given. Thus, the statute continues to provide police with an incentive to deliver the Miranda warnings.

More than thirty years after the original hearings on § 3501, the Senate Judiciary Committee's Subcommittee on Criminal Justice Oversight, under my leadership, conducted a hearing to examine the statute's enforcement.

The history of the statute begins with the Johnson Administration. Although President Johnson signed § 3501 into law, his administration viewed the statute unfavorably and refused to enforce it. Then, in 1969, the Nixon Justice Department issued an important memorandum setting forth the Department's official policy toward section 3501. According to that policy, "Congress has reasonably directed that an inflexible exclusionary rule be applied only where the constitutional privilege itself has been violated." The memorandum also concluded that "the determination of Congress that an inflexible exclusionary rule is unnecessary is within its constitutional power."

In 1975, the Department succeeded in enforcing the statute when the 10th Circuit in United States v. Crocker affirmed a district court's decision to apply § 3501 rather than Miranda and upheld the constitutionality of the statute.

The next significant chapter in the history of § 3501 occurred during the Reagan Administration. Judge Stephen Markman, who was then Assistant Attorney General in charge of the Justice Department's Office of Legal Policy, also testified before our Subcommittee. In response to an assignment from Attorney General Meese, Judge Markman's team issued a comprehensive report on the law of pre-trial interrogation that concluded that section 3501 represented a valid, constitutional response by the Congress to the Miranda decision. Later, as Judge Markman testified, the Reagan Justice Department continued the litigation effort to apply section 3501.

Judge Markman also testified that while he was U.S. Attorney in the Bush Administration, he and other U.S. Attorneys attempted to apply the statute, although appellate cases did not develop. Certainly, the Bush Justice Department never sought to undermine the statute's enforcement.

During the Clinton Administration, this Committee repeatedly has encouraged the Justice Department to enforce the statute. During an oversight hearing in 1997, Attorney General Reno indicated to the Committee that the Department would enforce it in an appropriate case, as did Deputy Attorney General Holder during his nomination hearing the same year. However, when such a case clearly arose in United States v. Dickerson, the Administration refused.

In that case, Charles Dickerson was suspected of committing a series of armed bank robberies in Virginia and Maryland. During questioning, he voluntarily confessed his crimes to the authorities and implicated another armed bank robber, but the Miranda warnings were not read to him beforehand. The U.S. Attorney's office in Alexandria urged the trial court to admit the confession under section 3501, but the Justice Department refused to permit the U.S. Attorney to raise it on appeal. It was only the intervention of third parties in an amicus brief of Professor Cassell and the Washington Legal Foundation, that the issue was presented to the Fourth Circuit for its consideration.

The Fourth Circuit ruled solidly in favor of § 3501's constitutionality, holding that this statute, not the Miranda decision, governs the admissibility of confessions in Federal court. The court criticized the Justice Department for its failure to enforce the statute, saying that the Department's prohibition of the U.S. Attorney from arguing section 3501 was an elevation of politics over law.

The administration's actions in the Dickerson case are part of a larger pattern by which the Clinton Justice Department has blocked opportunities for career prosecutors to raise section 3501. The Department has even gone so far as to order career Federal prosecutors to withdraw already filed briefs that contained arguments in favor of section 3501. The Supreme Court in Davis v. United States expressly made note of the Justice Department's decision not to rely on the statute in a 1994 case where it was clearly relevant. In a concurring opinion in that same case, Justice Scalia wrote that "[t]he United States' repeated refusal to invoke § 3501 . . . may have produced—during an era of intense national concern about the problem of run-away crime—the acquittal and the non-prosecution of many dangerous felons. There is no excuse for this."

The Executive Branch has a duty under Article II, Section 3, of the Constitution to "take care that the laws be faithfully executed." Section 3501 is a law like any other. In Davis, Justice Scalia also questioned whether the refusal to invoke the statute abrogated this duty.

Our hearing also demonstrated the strong level of support that exists for the Justice Department to enforce section 3501, especially in the law enforcement community. I have received supportive letters in this regard from the Fraternal Order of Police, whose National President testified at our hearing, as well as from the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the Major Cities Chiefs of Police, and others. Former Attorney General Ed Meese also expressed his support for our efforts.

If section 3501 is upheld by the Supreme Court, this will encourage the states to enact their own versions of the law in this area. Arizona already has a statute almost identical to § 3501, and the Maricopa County Attorney in Phoenix, whose predecessor prosecuted Miranda, testified at our hearing that he and others could enforce their statute in Arizona if the Supreme Court upholds section 3501.

The Justice Department will not say what position it will take if the Dickerson case is considered by the Supreme Court. Unfortunately, they refused my invitation to testify at the hearing on section 3501. I recognize the Department's reluctance to discuss specifics about pending cases, but this is no excuse for its failure to discuss in person its refusal to explain its general treatment of the law governing voluntary confessions. Even the dissenting judge in Dickerson recognized that the Congress could invoke its oversight authority and investigate why the law is being ignored. As he stated, the "Congress . . . may legitimately investigate why the executive has ignored § 3501 and what the consequences are."

In my view, the Administration clearly has a duty to defend § 3501 before the Supreme Court and should be enforcing it in the lower Federal courts. The Justice Department has a long-standing policy that it has a duty to defend a duly enacted Act of Congress whenever a reasonable argument can be made in support of its constitutionality. Thus far, all Federal courts that have directly considered § 3501's constitutionality have upheld it. Accordingly, reasonable arguments in defense of the statute clearly exist and have been accepted by the courts—most recently by the Fourth Circuit in Dickerson.

Indeed, before the Dickerson case, the Fourth Circuit in United States v. Leong expressly rejected the Justice Department's argument that it was not free to press § 3501 in the lower Federal courts unless and until the Supreme Court overrules Miranda. In concluding that the Government was "mistaken" in this regard, the Leong court stated that "[t]he question of whether Miranda establishes a rule of constitutional dimension, and thus whether Congress acted within its authority in enacting § 3501, is easily within the compass of the authority of lower federal courts."

Our subcommittee inquiry into section 3501 is ongoing. America does not need its Justice Department making arguments on behalf of criminals. On this the 33rd anniversary of Miranda v. Arizona, it is appropriate to note the Fourth Circuit's statement in Dickerson that "no longer will criminals who have voluntarily confessed their crimes be released on mere technicalities." I hope the Clinton Justice Department will help make this promise a reality.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a withdrawal which was referred to the Committee on Finance.

(The withdrawal received today is printed at the end of the Senate proceedings.)

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ending September 30, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 15, 1999.*

REPORT RELATIVE TO THE EXCHANGE STABILIZATION FUND—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 31 United States Code 5302, to the Committee on Appropriations, to the Committee on Banking, Housing, and Urban Affairs, and to the Committee on Foreign Relations.

To the Congress of the United States:

On November 9, 1998, I approved the use of the Exchange Stabilization Fund (ESF) to provide up to $5 billion for the U.S. part of a multilateral guarantee of a credit facility for up to $13.28 billion from the Bank for International Settlements (BIS) to the Banco Central do Brazil (Banco Central). Eighteen other central banks and monetary authorities are guaranteeing portions of the BIS credit facility. In addition, through the Bank of Japan, the Government of Japan is providing a swap facility of up to $1.25 billion to Brazil under terms consistent with the terms of the BIS credit facility. Pursuant to the requirements of 31 U.S.C. 5302(b), I am hereby notifying the Congress that I have determined that unique or emergency circumstances require the ESF financing to be available for more than 6 months.

The BIS credit facility is part of a multilateral effort to support an International Monetary Fund (IMF) stand-by arrangement with Brazil that itself totals approximately $18.1 billion, which is designed to help restore financial market confidence in Brazil and its currency, and to reestablish conditions for long-term sustainable growth. The IMF is providing this package through normal credit tranches and the Supplemental Reserve Facility (SRF), which provides short-term financing at significantly higher interest rates than those for credit tranche financing. Also, the World Bank and the Inter-American Development Bank are providing up to $9 billion in support of the international financial package for Brazil.

Since December 1998, international assistance from the IMF, the BIS credit facility, and the Bank of Japan's swap facility has provided key support for Brazil's efforts to reform its economy and resolve its financial crisis. From the IMF arrangement, Brazil has purchased approximately $4.6 billion in December 1998 and approximately $4.9 billion in April 1999. On December 18, 1998, the Banco Central made a first drawing of $4.15 billion from the BIS credit facility and also drew $390 million from the Bank of Japan's swap facility. The Banco Central made a second drawing of $4.5 billion from the BIS credit facility and $423.5 million from the Bank of Japan's swap facility on April 9, 1999. The ESF's "guarantee" share of each of these BIS credit facility drawings is approximately 38 percent.

Each drawing from the BIS credit facility or the Bank of Japan's swap facility matures in 6 months, with an option for additional 6-month renewals. The Banco Central must therefore repay its first drawing from the BIS and Bank of Japan facilities by June 18, 1999, unless the parties agree to the roll-over. The Banco Central has informed the BIS and the Bank of Japan that it plans to request, in early June, a roll-over of 70 percent of the first drawing from each facility, and will repay 30 percent of the first drawing from each facility.

The BIS's agreement with the Banco Central contains conditions that minimize risks to the ESF. For example, the participating central banks or the BIS may accelerate repayment if the Banco Central has failed to meet any conditions of the agreement or Brazil has failed to meet any material obligation to the IMF. The Banco Central must repay the BIS no slower than, and at least in proportion to Brazil's repayments to the IMF's SRF and to the Bank of Japan's swap facility. The Government of Brazil is guaranteeing the performance of the Banco Central's obligations under its agreement with the BIS, and, pursuant to the agreement, Brazil must maintain its gross international reserves at a level no less than the sum of the principal amount outstanding under the BIS facility, the principal amount outstanding under Japan's swap facility, and a suitable margin. Also, the participating central banks and the BIS must approve any Banco Central request for a drawing or roll-over from the BIS credit facility.

Before the financial crisis that hit Brazil last fall, Brazil had made remarkable progress toward reforming its economy, including reducing inflation from more than 2000 percent 5 years ago to less than 3 percent in 1998, and successfully implementing an extensive privatization program. Nonetheless, its large fiscal deficit left it vulnerable during the recent period of global financial turbulence. Fiscal adjustment to address that deficit therefore formed the core of the stand-by arrangement that Brazil reached with the IMF last December.

Despite Brazil's initial success in implementing the fiscal reforms required by this stand-by arrangement, there were some setbacks in passing key legislation, and doubts emerged about the willingness of some key Brazilian states to adjust their finances. Ultimately, the government secured passage of virtually all the fiscal measures, or else took offsetting actions. However, the initial setbacks and delays eroded market confidence in December 1998 and January 1999, and pressure on Brazil's foreign exchange reserves intensified. Rather than further deplete its reserves, Brazil in mid-January first devalued and then floated its currency, the real, causing a steep decline of the real's value against the dollar. As a consequence, Brazil needed to prevent a spiral of depreciation and inflation that could have led to deep financial instability.

After the decision to float the real, and in close consultation with the IMF, Brazil developed a revised economic program for 1999–2001, which included deeper fiscal adjustments and transparent and prudent monetary policy designed to contain inflationary pressures. These adjustments will take some time to restore confidence fully. In the meantime, the strong support of the international community has been and will continue to be helpful in reassuring the markets that Brazil can restore sustainable financial stability.

Brazil's experience to date under its revised program with the IMF has been very encouraging. The exchange rate has strengthened from its lows of early March and has been relatively stable in recent weeks; inflation is significantly lower than expected and declining; inflows of private capital are resuming; and most analysts now believe that the economic downturn will be less severe than initially feared.

Brazil's success to date will make it possible for it to repay a 30 percent portion of its first (December) drawing from the BIS credit facility and the Bank of Japan swap facility. With continued economic improvement, Brazil is likely to be in a position to repay the remainder of its BIS and Bank of Japan obligations relatively soon. However, Brazil has indicated that it would be inadvisable to repay 100 percent of the first BIS and Bank of Japan disbursements at this point, given the persistence of risks and uncertainties in the global economy. The timing of this repayment must take into account the risk that using Brazilian reserves to repay both first drawings in their entirety could harm market confidence in Brazil's financial condition. This could undermine the purpose of our support: protecting financial stability in Brazil and in other emerging markets, which ultimately benefits U.S. exports and jobs. Given that the BIS and Bank of Japan facilities charge a substantial premium over the 6-month Eurodollar interest rate, the Banco Central has an incentive to repay them as soon as is prudent.

The IMF stand-by arrangement and the BIS and Bank of Japan facilities constitute a vital international response to Brazil's financial crisis, which threatens the economic welfare of Brazil's 160 million people and of other countries in the region and elsewhere in the world. Brazil's size and importance as the largest economy in Latin America mean that its financial and economic stability are matters of national interest to the United States. Brazil's industrial output is the largest in Latin America; it accounts for 45 percent of the region's gross domestic product, and its work force numbers approximately 85 million people. A failure to help Brazil deal with its financial crisis would increase the risk of financial instability in other Latin American countries and other emerging market economies. Such instability could damage U.S. exports, with serious repercussions for our workforce and our economy as a whole.

Therefore, the BIS credit facility is providing a crucial supplement to Brazil's IMF-supported program of economic and financial reform. I believe that strong and continued support from the United States, other governments, and multilateral institutions are crucial to enable Brazil to carry out its economic reform program. In these unique and emergency circumstances, it is both appropriate and necessary to continue to make ESF financing available as needed for more than 6 months to guarantee this BIS credit facility, including any other rollover or drawing that might be necessary in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 15, 1999.*

MESSAGES FROM THE HOUSE

At 1 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1400. An act to amend the Securities Exchange Act of 1934 to improve collection and dissemination of information concerning bond prices and to improve price competition in bond markets, and for other purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 91. Concurrent resolution authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association.

H. Con. Res. 105. Concurrent resolution authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1400. An act to amend the Securities Exchange Act of 1934 to improve collection and dissemination of information concerning bond prices and to improve price competition in bond markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 91. Concurrent resolution authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1221. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. DASCHLE, and Mr. BAUCUS):

S. 1222. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance to farmers; to the Committee on Finance.

By Mr. SCHUMER:

S. 1223. A bill to provide for public library construction and technology enhancement; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 123. A resolution to authorize representation of Members of the Senate in the case of Candis Ray v. John Edwards, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. DASCHLE, and Mr. BAUCUS):

S. 1222. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance to farmers; to the Committee on Finance.

THE TRADE ADJUSTMENT ASSISTANCE FOR FARMERS ACT

• Mr. CONRAD. Mr. President, I rise today to introduce a bill that would amend the Trade Act of 1974 to make farmers eligible for Trade Adjustment Assistance (TAA) similar to that provided to workers in other industries who suffer when there is an increase in imported products. This bill would provide equitable treatment for farmers when imports affect the prices of the commodities they grow.

When imports cause layoffs in manufacturing industries, workers are eligible for TAA. However, when imports cause agricultural commodity prices to drop, farmers lose income but they don't lose their jobs. That means they generally don't get benefits from TAA. Let me explain why.

Farmers typically do not earn a salary check. Farmers get paid for the crops or livestock that they grow. When commodity prices are low, the check the farmers get for all the hard work of growing crops or livestock for a whole year may be so low that they cannot cover family expenses. In some cases, the payment they get for selling their crops or livestock is so low that they cannot even cover the costs necessary to produce the commodity (such as feed, seed, fertilizer, etc.), so the farmers lose money for the year. Low prices resulting from imports directly reduce farmers' incomes, but because farmers do not actually lose their jobs, they do not qualify for the TAA benefit.

For example, farmers in my state are experiencing record low prices that result, in part, from a flood of imports of wheat, barley and livestock from Canada. These imports cost North Dakota farmers hundreds of millions of dollars in lost income. But North Dakota farmers have not been able to take advantage of the TAA program. The bill that I am introducing today would provide some equity by ensuring that farmers whose income was affected by imports would be eligible for TAA benefits just like other workers.

Most of us would agree that trade is extremely important to our overall economy. International trade allows Americans to sell U.S.-made products to world markets, rather than just to those who live in this country. Trade also allows American to buy products that the rest of the world produces.

And trade is especially important to our agricultural economy. According to the U.S. Department of Agriculture, one-third of U.S. crop land produces for export.

U.S. agricultural exports are a bright spot for our nation's balance of trade. In 1999, the United States is expected to export $49 billion worth of goods, compared to agricultural imports this year of $37.5 billion. Thus, agricultural exports contribute $11.5 billion to our balance of trade with other nations.

Nonetheless, many farmers and other citizens feel that they can be hurt by free trade. When we import commodities that compete with what Americans are producing, then some American producers—whether they are workers, firms, or farmers—can be hurt by falling prices for the goods they produce.

As a result, the lack of trade adjustment assistance for farmers has undercut support for trade among many family farmers.

By giving farmers some protection against precipitous income losses from imports, the Trade Adjustment Assistance for Farmers Act can help strengthen support for trade agreements that expand agricultural export opportunities.

We need to be sure that we don't leave American farmers behind, and that we treat farmers fairly in comparison with other American workers and industries. That's why I am introducing this bill, the Trade Adjustment Assistance for Farmers Act.

This bill would amend the Trade Act of 1974 to provide trade adjustment assistance to farmers by partially compensating them for income lost due to the effect of imports. Here's how it will work.

Farmers would receive benefits that would be triggered when two conditions are met. First, the national average price for a specific commodity for the previous marketing year must have dropped more than 20 percent below the average price in the previous 5-year period. Second, increased imports—or a high level of imports—must have contributed importantly to the commodity price reduction.

A group of farmers who grow a particular commodity (or a commodity group representing them) would submit an application for trade adjustment assistance to the Labor Department. The Secretary of Labor (consulting with the Secretary of Agriculture) would determine whether the two triggers had been met.

If the commodity is determined to be eligible, then individual producers could apply for benefits. Farmers who are eligible for benefits under the program would receive a cash assistance payment equal to half the difference between the national average price for the year (as determined by USDA) and 80 percent of the average price in the previous 5 years (the price trigger level), multiplied by the number of units the farmers had produced. The maximum cash benefits available to farmers under this program would be $10,000 per year.

Training and employment benefits that are available to workers under TAA would also be available, on an optional basis, to farmers who are eligible for cash assistance benefits under the law. For example, a farm family that was suffering from low prices due to increased imports might consider retraining to learn skills in the high-tech computer industry, which they could use in an at-home business to supplement farm income.

In most years, this program would likely have a modest cost because very few commodities, if any, would be eligible for assistance. However, in a year like the last we have just been through—when hog and wheat prices dropped precipitously—this program would be one tool to provide a modest amount of support to compensate farmers for the harmful effect of imports on their commodity prices and thus their incomes. Thus the bill would treat family farmers fairly, including them in the protections available to others in our economy who are hurt by the increased trade that, in the aggregate, benefits us all.

Mr. President, I hope my colleagues will join me in supporting American family farmers as they compete in the global market place.●

By Mr. SCHUMER:

S. 1223. A bill to provide for public library construction and technology enhancement; to the Committee on Health, Education, Labor, and Pensions.

ANDREW CARNEGIE LIBRARIES FOR LIFELONG LEARNING ACT

Mr. SCHUMER. Mr. President, I rise today to introduce legislation that will prepare our nation's public libraries for the twenty-first century: the Andrew Carnegie Libraries for Lifelong Learning Act. Mr. President our nation's libraries are in crisis. Eighty-five percent of America's nearly 16,000 libraries require expansion or renovation. In New York State alone, 1.3 million citizens do not have access to free basic library services and nearly one-half of the state's libraries cannot accommodate users with disabilities.

The Andrew Carnegie Libraries for Life-Long Learning Act is designed to prepare America's libraries for the twenty-first century by providing grants of one billion dollars over five years for construction, renovation, and rehabilitation of public library facilities. The bill will also permit libraries to use grants to purchase high-tech hardware and information technology so that all citizens can take advantage of the tools of the information age. Since the funds provided through this legislation must be matched dollar for dollar by states, cities, or private sources, billions of additional dollars will be leveraged. Moreover, since the grants will be awarded competitively, areas most in need will receive much needed assistance.

At the turn of the twentieth century, steel magnate Andrew Carnegie created nearly 3,000 libraries. His impact is still being felt in places like Astoria, Queens, Harlem, and Port Richmond Staten Island, where libraries endowed by Carnegie remain in service today. Imagine how different America would be without this gift. Now, the information age is upon us and libraries must play an integral role in providing citizens the resources they need to succeed in a knowledge intensive economy. The future of America depends less on the minerals in our soil than our intellectual capital. Strong public libraries can serve as anchors in communities so that young people can receive a strong education and so that life-long learning can become a reality for every citizen. Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Andrew Carnegie Libraries for Lifelong Learning Act".

SEC. 2. PUBLIC LIBRARY CONSTRUCTION AND TECHNOLOGY ENHANCEMENT.

The Library Services and Technology Act (20 U.S.C. 9121 et seq.) is amended—

(1) by redesignating chapter 3 as chapter 4; and

(2) by inserting after chapter 2 the following:

"CHAPTER 3—PUBLIC LIBRARY CONSTRUCTION AND TECHNOLOGY ENHANCEMENT

"SEC. 241. GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION AND TECHNOLOGY ENHANCEMENT.

"(a) IN GENERAL.—From amounts appropriated under section 244 the Director shall carry out a program of awarding grants to States that have a State plan approved under section 224 for the construction or technology enhancement of public libraries.

"(b) DEFINITIONS.—In this chapter:

"(1) CONSTRUCTION.—

"(A) IN GENERAL.—The term 'construction' means—

"(i) construction of new buildings;

"(ii) the acquisition, expansion, remodeling, and alteration of existing buildings;

"(iii) the purchase, lease, and installation of equipment for any new or existing buildings; or

"(iv) any combination of the activities described in clauses (i) through (iii), including architects' fees and the cost of acquisition of land.

"(B) SPECIAL RULE.—Such term includes remodeling to meet standards under the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (42 U.S.C. 4151 et seq.), commonly known as the 'Architectural Barriers Act of 1968', remodeling designed to ensure safe working environments and to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of historic buildings for conversion to public libraries.

"(2) EQUIPMENT.—The term 'equipment' means—

"(A) information and building technologies, video and telecommunications equipment, machinery, utilities, built-in equipment, and any necessary enclosures or structures to house the technologies, equipment, machinery or utilities; and

"(B) all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) PUBLIC LIBRARY.—The term 'public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds. Such term also includes a research library, which, for the purposes of this sentence, means a library, which—

"(A) makes its services available to the public free of charge;

"(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

"(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

"(D) is not an integral part of an institution of higher education.

"(4) TECHNOLOGY ENHANCEMENT.—The term 'technology enhancement' means the acquisition, installation, maintenance, or replacement, of substantial technological equipment (including library bibliographic automation equipment) necessary to provide access to information in electronic and other formats made possible by new information and communications technologies.

"(c) APPLICABILITY.—Except as provided in section 243, the provisions of this subtitle (other than this chapter) shall not apply to this chapter.

"SEC. 242. USES OF FEDERAL FUNDS.

"(a) IN GENERAL.—A State shall use funds appropriated under section 244 to pay the Federal share of the cost of construction or technology enhancement of public libraries.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—For the purposes of subsection (a), the Federal share of the cost of construction or technology enhancement of any project assisted under this chapter shall not exceed one-half of the total cost of the project.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of construction or technology enhancement of any project assisted under this chapter may be provided from State, local or private sources, including for-profit and nonprofit organizations.

"(c) SPECIAL RULE.—If, within 20 years after completion of construction of any public library facility that has been constructed in part with grant funds made available under this chapter—

"(1) the recipient of the grant funds (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Director determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.

"SEC. 243. DESCRIPTION INCLUDED IN STATE PLAN.

"Any State desiring to receive a grant under this chapter for any fiscal year shall submit, as a part of the State plan under section 224, a description of the public library construction or technology enhancement activities to be assisted under this chapter.

"SEC. 244. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $200,000,000 for fiscal year 2000 and each of the 4 succeeding fiscal years.".

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 333

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. CLELAND), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 468

At the request of Mr. THOMPSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 468, a bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

S. 556

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 579

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 679

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 679, a bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes.

S. 692

At the request of Mr. KYL, the name of the Senator from New Jersey (Mr.

TORRICELLI) was added as a cosponsor of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 740

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from Utah (Mr. HATCH), the Senator from Connecticut (Mr. DODD), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 789

At the request of Mr. MCCAIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 875

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

S. 880

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 897

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 897, a bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 984

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 984, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for electricity produced from certain renewable resources.

S. 1017

At the request of Mr. GRAHAM, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Delaware (Mr. BIDEN), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1034

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1034, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests.

S. 1042

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1042, a bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes.

S. 1053

At the request of Mr. BOND, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1124

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1124, a bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of Senate Concurrent Resolution 36, a concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 96

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

SENATE RESOLUTION 113

At the request of Mr. SMITH, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 113, a resolution to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

AMENDMENT NO. 630

At the request of Mr. LAUTENBERG his name was added as a cosponsor of amendment No. 630 intended to be proposed to S. 1186, an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2000.

AMENDMENT NO. 631

At the request of Mr. LAUTENBERG his name was added as a cosponsor of amendment No. 631 intended to be proposed to S. 1186, an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2000.

AMENDMENT NO. 637

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Ohio (Mr. DEWINE), were added as cosponsors of amendment No. 637 proposed to S. 1186, an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2000.

SENATE RESOLUTION 123—TO AUTHORIZE REPRESENTATION OF MEMBERS OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas, in the case of *Candis O. Ray* v. *John Edwards, et al.*, Case No. 99–CV–1104–EGS, pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants Senator Trent Lott and Senator John Edwards;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Lott and Senator Edwards in the case of *Candis O. Ray* v. *John Edwards, et al.*

AMENDMENTS SUBMITTED

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

DOMENICI AMENDMENTS NOS. 663–664

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthening budgetary enforcement mechanisms; as follows:

AMENDMENT NO. 663

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Safe Deposit Box Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending;

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the Social Security surpluses;

(4) the Congress has chosen to allocate in this Act all Social Security surpluses toward saving Social Security;

(5) amounts so allocated are even greater than those reserved for Social Security in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until Social Security reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save Social Security.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of Social Security surpluses for any purpose other than Social Security.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) OTHER LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

"(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to Social Security reform legislation as defined by section 5(c) of the Social Security Safe Deposit Box Act of 1999.

"(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;".

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(b) EXPIRATION.—Sections 301(a)(6) and 312(g) of the Congressional Budget Act of 1974 shall expire upon the enactment of Social Security reform legislation that significantly extends the solvency of the Social Security trust funds.

(c) SOCIAL SECURITY REFORM LEGISLATION.—The term "Social Security reform legislation" means a bill or a joint resolution that—

(1) significantly extends the solvency of the Social Security trust funds; and

(2) includes a provision stating the following: "For purposes of the Social Security Safe Deposit Box Act of 1999, this Act constitutes Social Security reform legislation.".

AMENDMENT NO. 664

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Safe Deposit Box Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending;

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the Social Security surpluses;

(4) the Congress has chosen to allocate in this Act all Social Security surpluses toward saving Social Security;

(5) amounts so allocated are even greater than those reserved for Social Security in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until Social Security reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save Social Security.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of Social Security surpluses for any purpose other than Social Security.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) OTHER LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

"(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to Social Security reform legislation as defined by section 5(c) of the Social Security Safe Deposit Box Act of 1999.

"(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;".

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(b) EXPIRATION.—Sections 301(a)(6) and 312(g) of the Congressional Budget Act of 1974 shall expire upon the enactment of Social Security reform legislation that significantly extends the solvency of the Social Security trust funds.

(c) SOCIAL SECURITY REFORM LEGISLATION.—The term "Social Security reform legislation" means a bill or a joint resolution that—

(1) significantly extends the solvency of the Social Security trust funds; and

(2) includes a provision stating the following: "For purposes of the Social Security Safe Deposit Box Act of 1999, this Act constitutes Social Security reform legislation.".

KENNEDY AMENDMENT NO. 665

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, H.R. 1259, supra; as follows:

On page 4, strike lines 6 through 10.

On page 6, strike beginning with line 11 through the end of the bill.

MOYNIHAN AMENDMENT NO. 666

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill, H.R. 1259, supra; as follows:

Add the following paragraph to new section 312(g):

"(5) EXCEPTION FOR LOW ECONOMIC GROWTH AND WAR.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the points of order established by this subsection are suspended.

"(B) WAR.—If a declaration of war is in effect, the points of order established by this subsection are suspended.

MCCAIN AMENDMENTS NO. 667–668

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 1259, supra; as follows:

AMENDMENT NO. 667

At the end of the bill, add the following:

TITLE II—PROTECTING AND PRESERVING THE SOCIAL SECURITY TRUST FUNDS

SEC. 201. SHORT TITLE.

This title may be cited as the "Protecting and Preserving the Social Security Trust Funds Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should not use the social security trust funds surpluses to balance the budget or fund existing or new non-social security programs;

(3) all surpluses generated by the social security trust funds must go towards saving and strengthening the social security system; and

(4) at least 62 percent of the on-budget (non-social security) surplus should be reserved and applied to the social security trust funds.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—Balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used solely for paying social security benefit payments as promised to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that would cause or increase an on-budget deficit for any fiscal year.

"(l) SUBSEQUENT LEGISLATION.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of the bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of the bill or resolution in the form recommended in the conference report;

would cause or increase an on-budget deficit for any fiscal year.

"(2) EXCEPTION TO POINT OF ORDER.—This subsection shall not apply to social security reform legislation that would protect the social security system from insolvency and preserve benefits as promised to beneficiaries.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(j), 301(k), 301(l), 305(b)(2)".

SEC. 204. SEPARATE BUDGET FOR SOCIAL SECURITY.

(a) EXCLUSION.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be excluded from—

(1) any official documents by Federal agencies regarding the surplus or deficit totals of the budget of the Federal Government as submitted by the President or of the surplus or deficit totals of the congressional budget; and

(2) any description or reference in any official publication or material issued by any other agency or instrumentality of the Federal Government.

(b) SEPARATE BUDGET.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be submitted as a separate budget.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

TITLE III—SAVING SOCIAL SECURITY FIRST

SEC. 301. DESIGNATION OF ON-BUDGET SURPLUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not less than the amount referred to in subsection (b) for a fiscal year shall be reserved for and applied to the social security trust funds for that fiscal year in addition to the surpluses generated by the trust funds.

(b) AMOUNT RESERVED.—The amount referred to in this subsection is—

(1) for fiscal year 2001, $6,820,000,000;
(2) for fiscal year 2002, $36,580,000,000;
(3) for fiscal year 2003, $31,620,000,000;
(4) for fiscal year 2004, $42,160,000,000;
(5) for fiscal year 2005, $48,980,000,000;
(6) for fiscal year 2006, $71,920,000,000;
(7) for fiscal year 2007, $83,080,000,000;
(8) for fiscal year 2008, $90,520,000,000; and
(9) for fiscal year 2009, $102,300,000,000.

SEC. 302. SENSE OF THE SENATE ON DEDICATING ADDITIONAL SURPLUS AMOUNTS.

It is the sense of the Senate if the budget surplus in future years is greater than the currently projected surplus, serious consideration should be given to directing more of the surplus to strengthening the social security trust funds.

AMENDMENT NO. 668

At the end of the bill, add the following:

TITLE II—ELIMINATION OF SOCIAL SECURITY EARNINGS TEST

SEC. 201. SHORT TITLE.

This title may be cited as the "Older Americans Freedom to Work Act".

SEC. 202. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. (f)(8)(D)) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(3) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4)(A) of the Social Security Act (42 U.S.C. 423(d)(4)(A)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Senior Citizens' Freedom to Work Act of 1999 had not been enacted".

(d) EFFECTIVE DATE.—The amendments and repeals made by this section shall apply with respect to taxable years ending after December 31, 1998.

TITLE III—PROTECTING AND PRESERVING THE SOCIAL SECURITY TRUST FUNDS

SEC. 301. SHORT TITLE.

This title may be cited as the "Protecting and Preserving the Social Security Trust Funds Act".

SEC. 302. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should not use the social security trust funds surpluses to balance the budget or fund existing or new non-social security programs;

(3) all surpluses generated by the social security trust funds must go towards saving and strengthening the social security system; and

(4) at least 62 percent of the on-budget (non-social security) surplus should be reserved and applied to the social security trust funds.

SEC. 303. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—Balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used solely for paying social security benefit payments as promised to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that would cause or increase an on-budget deficit for any fiscal year.

"(l) SUBSEQUENT LEGISLATION.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of the bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of the bill or resolution in the form recommended in the conference report;

would cause or increase an on-budget deficit for any fiscal year.

"(2) EXCEPTION TO POINT OF ORDER.—This subsection shall not apply to social security reform legislation that would protect the social security system from insolvency and preserve benefits as promised to beneficiaries.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(j), 301(k), 301(l), 305(b)(2)".

SEC. 304. SEPARATE BUDGET FOR SOCIAL SECURITY.

(a) EXCLUSION.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be excluded from—

(1) any official documents by Federal agencies regarding the surplus or deficit totals of the budget of the Federal Government as submitted by the President or of the surplus or deficit totals of the congressional budget; and

(2) any description or reference in any official publication or material issued by any other agency or instrumentality of the Federal Government.

(b) SEPARATE BUDGET.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be submitted as a separate budget.

SEC. 305. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

TITLE IV—SAVING SOCIAL SECURITY FIRST

SEC. 401. DESIGNATION OF ON-BUDGET SURPLUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not less than the amount referred to in subsection (b) for a fiscal year shall be reserved for and applied to the social security trust funds for that fiscal year in addition to the surpluses generated by the trust fund.

(b) AMOUNT RESERVED.—The amount referred to in this subsection is—

(1) for fiscal year 2001, $6,820,000,000;

(2) for fiscal year 2002, $36,580,000,000;

(3) for fiscal year 2003, $31,620,000,000;

(4) for fiscal year 2004, $42,160,000,000;

(5) for fiscal year 2005, $48,980,000,000;

(6) for fiscal year 2006, $71,920,000,000;

(7) for fiscal year 2007, $83,080,000,000;

(8) for fiscal year 2008, $90,520,000,000; and

(9) for fiscal year 2009, $102,300,000,000.

SEC. 402. SENSE OF THE SENATE ON DEDICATING ADDITIONAL SURPLUS AMOUNTS.

It is the sense of the Senate if the budget surplus in future years is greater than the currently projected surplus, serious consideration should be given to directing more of the surplus to strengthening the social security trust funds.

GRAMM AMENDMENT NO. 669

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, H.R. 1259, supra; as follows:

On page 4, line 8, strike "or Medicare reform legislation".

DOMENICI AMENDMENT NO. 670

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 1259, supra; as follows:

At the appropriate place insert the following:

SEC. ___. PROTECTION OF SOCIAL SECURITY SURPLUSES IN THE PRESIDENT'S BUDGET.

(a) IN GENERAL.—Chapter 11 of subtitle II of title 31, United States Code, is amended by inserting before section 1101 the following:

"§1100. Protection of social security surpluses

"The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code is amended by inserting before the item for section 1101 the following:

"1100. Protection of social security surpluses.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, for the information of the Senate, on Tuesday, June 22, 1999, the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Governmental Affairs, and the Select Committee on Intelligence will hold a joint hearing to receive testimony from the President's Foreign Intelligence Advisory Board regarding its report to the President: Science at Its Best; Security at Its Worst: A Report on Security Problems at the U.S. Department of Energy. The hearing will be held in room 106 of the Dirksen Senate Office Building, and will begin at 9:30 a.m.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy and Natural Resources Committee.

The purpose of the hearing is to explore the effectiveness of existing federal and industry efforts to promote distributed generating technologies, including solar, wind, fuel cells and microturbines, as well as regulatory and other barriers to their widespread use.

The hearing will take place on Tuesday, June 22, 1999, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Katharina Kroll or, Colleen Deegan, Counsel, at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, for the information of the Senate on June 29 and July 1, 1999, the Committee on Energy and Natural Resources will hold hearings on S. 161, the Power Marketing Administration Reform Act of 1999, S. 282, the Transition to Competition in the Electric Industry Act, S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999, and S. 1047, the Comprehensive Electricity Competition Act. The hearings will be held in room 216 of the Hart Senate Office Building, and will begin at 9:30 a.m. For additional information you may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, June 15, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. MCCAIN. Mr. President, I ask unanimous consent to conduct a hearing of the Joint Economic Committee in Hart 216 beginning at 9:35 a.m., on June 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Forest and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 15, for purposes of conducting a hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on issues related to vacating the Record of Decision and denial of a plan of operations for the Crown Jewel Mine in Okanogan County, WA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADVANCED TECHNICAL CENTER, MEXICO, MISSOURI

• Mr. BOND. Mr. President, I rise today in recognition of the Advanced Technical Center in Mexico, Missouri.

Back in 1997, several community and state leaders approached me regarding funding for the Advanced Technical Center, which at that time existed only on paper and in the minds of these leaders. I immediately had a certain affection for this project. First and foremost, this project would be located in my hometown of Mexico, Missouri. Second, the local leaders came to me with one of the most comprehensive partnerships that I have ever had the pleasure to work with. The partners included Linn State Technical College, the University of Missouri, Moberly Area Community College, the Mexico Area Vocational and Technical School, the City of Mexico, and the State of Missouri. Third, the Advanced Technical Center would provide students with exceptional educational opportunities through highly specialized and advanced technical education and training at the certificate and degree levels in both emerging and traditional technologies.

In the fall of 1997, the Senate approved and the President signed the appropriation bill providing $1 million in Federal funds for the Advanced Technical Center in Mexico, Missouri. The federal support recognized that the key to staying competitive in today's global marketplace is investing in education and training of our current and future workers. The federal funds, in conjunction with the local and state funds, made this project a reality.

This Friday, June 18, 1999, the Advanced Technical Center will celebrate its Grand Opening. I am looking forward to being a part of the celebration. But, more importantly, I am proud to have been a participant in the successful partnership that has led to the creation of a model, state-of-the-art technical training and learning facility in my hometown of Mexico, MO.•

TRIBUTE TO HENRY AND MARILYN TAUB

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to two very close friends, Henry and Marilyn Taub in honor of the June 15, 1999 dedication of the Henry and Marilyn Taub Science and Technology Center Faculty of Computer Science. This state-of-the-art facility, located at the Technion-Israel Institute of Technology in Haifa, Israel, will be one of the largest computer science facilities in the world. It is only the most recent example of the Taubs' contributions to education. They have had a long history of philanthropic activity.

As Henry Taub's long-time business associate, I witnessed the Taubs' extraordinary commitment to the Technion. They established both the Taub Loan Fund, which aids faculty members in the Electrical Engineering and Computer Science Faculties, as well as the Henry Taub Prize for excellence in research. And their support helped the Institute establish the Morris and Sylvia Taub Computer Center. These outstanding contributions to Israel's top technology institution are but one example of the Taubs' commitment to Israel's strength and independence through science and learning.

They have helped students keep pace with technological advances in this century and have helped make Technion one of the leading technology centers for the next century.

It has been one of my life's most rewarding experiences to have worked with Henry and his brother Joseph. We shared successes together but more significantly, a commitment to a strengthened Israel and world wide Jewish community.

I am honored by my friendship with Henry and Marilyn Taub. The course of my life was heavily influenced by my association with the Taubs and I am grateful for the example that Henry provided for all of us who know him.

His activities serve as an outstanding model of how to respond to success available, to those who will work for it, in this blessed America.

I ask my colleagues to join me in paying tribute to this thoughtful, selfless couple for the excellent work they have done to improve life in America and Israel.•

250TH ANNIVERSARY OF THE TOWN OF BENNINGTON, VERMONT

• Mr. JEFFORDS. Mr. President, I rise today to recognize the 250th anniversary of the Town of Bennington, Vermont. On behalf of all Vermonters, I want to wish this historical town a very happy anniversary.

In 1749, the Governor of New Hampshire, Benning Wentworth, chartered the first town in the territory that would eventually become the State of Vermont. In 1761, the town was named Bennington in his honor. With its access to the Walloomsac River as a power source, the new town quickly built up industries such as paper mills, pottery, grist mills, and the largest cotton batting mill in the United States. It became an important gateway to the region.

During the Revolutionary War, Bennington gained great notoriety with the Battle of Bennington. As the British General, John Burgoyne, marched his troops south from Canada with the plans to capture Albany, they stopped in Vermont intending to forage for supplies. However, they underestimated the strength of their enemy. On August 16, 1777, John Stark, leading a militia of 1500 men, including the Green Mountain Boys, attacked. After two days of fighting, the militia defeated the British with the first decisive victory for the Americans. This critical battle is seen as the turning point in the war because it greatly weakened the British forces, revitalized languishing spirit of the revolutionaries, and ensured another victory at Saratoga. Bennington was also the base of Ethan Allen and the Green Mountain Boys who led the taking of Fort Ticondaroga. To celebrate Bennington's vital role in the American Revolution, I've enjoyed marching in many Bennington Battle Day parades.

The Town of Bennington holds a special place in the Vermont history books. On Bennington's village green stands the meeting house where legislators in 1791 voted for the Independent Republic of Vermont to become the 14th state.

In addition to the town's historical significance, Bennington has a rich cultural heritage. The buildings found in Old Bennington form one the greatest concentrations of early Federal and Georgian architecture in the state. In North Bennington is the Park-McCullough House, built in 1865, which served as home to two Vermont governors. The Bennington Museum houses a collection of paintings by the celebrated folk artist, Grandma Moses, known for her depictions of rural life and the countryside.

Today, Bennington offers much to both its residents and to visiting tourists.

Continuing a long tradition of artistic appreciation, the new Arts Center helps promote a variety of exhibits, threatre productions, literary readings, artists' work space, and dance and musical performances. Bennington also boasts two private colleges: Bennington College, a small liberal arts school with a strong performing arts program; and Southern Vermont College, a small college that prides itself on providing resources to and giving back to the Bennington community.

But the heart of this small town has always been its indomitable people and its close-knit community. It is a community dedicated to improving the lives of all its citizens. This dedication can be seen in several innovative Bennington educational programs, in the town's collaborative approach to helping children and families, and in the significant progress made toward meeting the community's needs for affordable housing.

It gives me great pleasure to recognize the Town of Bennington's 250th anniversary, its significant role in both the history of our country and of the State of Vermont, and its strong, diverse citizens.•

A TRIBUTE TO THE ISRAELI MIA'S

• Mr. SCHUMER. Mr. President, around this time every year I deliver this speech to the House of Representatives and now I am privileged and honored to deliver it to the Senate. I rise today to pay tribute to the capture of several Israeli soldiers who were taken prisoner by the Syrians in the 1982 Israeli war with Lebanon.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in Lebanon's Bekaa Valley. The Syrians succeeded in capturing Sgt. Zachary Baumel, 1st Sgt. Zvi Feldman and Cpt. Yehudah Katz. Upon arrival in Damascus, the identified tank and crew were paraded through the streets draped in Syrian and Palestinian Flags.

Since that terrible day in 1982, the Israeli and the United States Governments have been working to obtain any possible information about the fate of these missing soldiers, joining forces with the offices of the International Committee of the Red Cross, the United Nations and other international bodies. According to the Geneva convention, the area in Lebanon where the soldiers first disappeared was continually controlled by Syria, therefore deeming her responsible for the treatment of the captured soldiers. To this day, despite the promises made by the Syrian Government and by the PLO, very little information has been forthcoming about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

June 11 marks the anniversary of the day that these soldiers were reported missing in action. Sixteen pain-filled years have already passed since the families of the MIA's have last seen their sons, and yet President Assad has still not revealed their whereabouts.

One of these missing soldiers, Zachary Baumel, is an American citizen from my district in Brooklyn, N.Y. A dedicated basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members, and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew study psychology. But fate had unfortunately decreed otherwise and on June 11, 1982 he vanished.

Zachary's parents, Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Jewish Congregation of America, the American Coalition for missing Israeli Soldiers, and the MIA Task Force of the conference of Presidents of major American Jewish organizations. The Stella K. Abraham High School for Girls forged a project that has increased awareness and support for the MIA's plight for freedom. These groups have been at the forefront of this pursuit of justice. I want to recognize their devoted efforts and ask my colleagues to join me in commending their efforts. These families have been without their children for sixteen years. Answers must be found.•

50TH ANNIVERSARY OF LOS ALAMOS

• Mr. DOMENICI. Mr. President, I rise to congratulate Los Alamos County on its 50th anniversary. This small northern New Mexico county has packed an amazing number of contributions into its short history.

Los Alamos had already completed its momentous contributions during the Second World War, when it was officially created in 1949. But the work of Los Alamos and its contributions to national security were far from completed. Few might have anticipated that the nuclear stockpile created at Los Alamos would lead to an unprecedented five decades free of massive global conflict. During those five decades, the nuclear weapons of the United States have provided time for the world's leaders to strive toward global peace. Today they still serve as the ultimate guarantor of our precious freedoms.

Throughout the County's history, its support for the national security objectives of Los Alamos National Laboratory has never wavered. The success of the lab is completely intertwined with the success and history of the County. As we've advanced toward world peace, admittedly with steps far smaller than all of us would wish, the County has supported dramatic changes at the laboratory, from changing characteristics of our nuclear stockpile to new challenges that the laboratory was called upon to address. For example, in 1949, most of the non-proliferation and environmental challenges that the lab addresses today did not exist.

I believe it is also important to note on this anniversary that the time of the closed secret city has long passed, and Los Alamos County has now become a community open to scientific and economic growth and cultural diversity. Today, the lab and the surrounding County are making wonderful strides toward becoming fuller partners in the Española Valley and with all of New Mexico.

Los Alamos County and the laboratory have a wealth of challenges ahead as national priorities are modified to adapt to new global conditions. The future of Los Alamos County should be as bright as its past, and the range of its contributions will continue to be of vital importance in guaranteeing the nation's freedoms.•

CONGRATULATIONS TO BOY SCOUT TROOP 33

• Mr. WELLSTONE. Mr. President, one of the oldest boy scout troops in the country, Troop 33 of Minneapolis, Minnesota, is celebrating its eightieth anniversary with a trip to Washington, D.C. to learn about U.S. government. Founded in 1918, Boy Scout Troop 33 has served its community for three generations and produced 269 Eagle Scouts. Troop 33 has conducted extensive service projects, including: flood relief sandbagging in Fargo, North Dakota; collecting food and clothes for the poor; severe tornado damage cleanup in St. Peter, Minnesota; leading bingo games for veterans; volunteering at an AIDS house; visiting nursing home residents; entertaining disabled adults; building wheelchair ramps; serving as a color guard at the Chapel at Fort Snelling National Cemetery; and running a blood donation drive at their sponsoring church, Westminster Church of Minneapolis, Minnesota.

The troop has extraordinary long-term continuity. Three families have contributed three generations of Eagles and there are eight father-son combinations on the Eagle list. The troop has also had continuity of leadership, with only seven men serving as Scoutmaster during Thirty-Three's eighty years: Kyle Cudworth, Ted Carlsen, Rich Wheaton, Stan Moore, Bill Braddock, Karl Ostlund, and Dave Moore.

Troop 33's current Scoutmaster, Dave Moore, has served as Scoutmaster to over 1,150 scouts over the course of 33 years, representing over 3,000 boy-years in scouting. Now in his fiftieth year of scouting, Mr. Moore, who joined the Troop at age 12, has helped his boys to earn 2833 ranks, including 130 Eagles, and over 5,900 merit badges. Mr. Moore has helped thousands of young people to discover the enjoyment that comes from service and to dedicate themselves to building strong communities.

Over the years, the troop has received numerous honors and awards. Leaders have earned the prestigious Silver Beaver Award, the Eagle-to-Eagle Award, and the This-is-Your-Life Award. On the national level, their scouts have received the Whitney Young Award and the George Meany Award. Also, former Scoutmaster Ted Carlsen received the national Silver Buffalo Award in recognition of his many years of service to scouting at the Troop, council, and national levels.

The achievements and dedication of Troop 33 exemplify the value of scouting as a learning experience, aiding boys in acquiring leadership abilities, recognizing the responsibilities of citizenship, and contributing to the community.•

TRIBUTE TO CLARENCE LIEN

• Mr. GRAMS. Mr. President, I rise today to pay tribute to Clarence Lien of Forest Lake, MN. On June 7, 1999, I had the great honor of presenting a much-belated Purple Heart to Clarence. He is most deserving of this long overdue recognition. I, therefore, take this opportunity to congratulate Clarence and thank him for his service and sacrifice. President Ronald Reagan said, "Freedom is not something to be secured in any one moment of time. We must struggle to preserve it everyday. And freedom is never more than one generation away from extinction." We must always remember the great debt of gratitude we owe to those like Clarence who have served our country in the Armed Forces, protecting the freedom we all too often take for granted. Again, congratulations, Clarence. I salute you.•

TRIBUTE TO DON CHILDEARS

• Mr. ALLARD. Mr. President, I would like to join the Colorado banking industry in saluting an outstanding member of the Colorado community, Don Childears, President/CEO of the Colorado Bankers Association. Mr. Childears, a native of Colorado, born in Saguache, received his undergraduate degree from Colorado State University and his Juris Doctor from the University of Denver, College of Law.

For over 25 years, Mr. Childears has worked tirelessly building alliances between bankers, community leaders, and legislators. As the voice of commercial banking in Colorado, Don has effectively and faithfully championed the vital role of banking in our economy on both a national and state level.

As a national leader in banking, Don chaired the American Bankers Association (ABA) State Association Division in 1991–1992; he assumed the post of Vice Chairman of this division the previous year. As Chairman, he guided the representation of all state bankers associations in the United States. Don was also Chairman of the ABA Regulatory Burden Task Force from 1992–1994 and was given the honor of addressing the General Session of the ABA's Annual Convention and Banking Industry Forum in Boston during 1992. Don was the only state association executive to have done this in 17 years. This year, Don was asked by the Governor of Colorado, Bill Owens, to serve on Colorado's Task Force on Y2K Preparedness.

Don has served educational institutions as a Trustee for both the Graduate School of Banking at Colorado, University of Colorado, University of Colorado, Boulder, and the Graduate School of Banking, University of Wisconsin-Madison, since 1980. As a banking spokesman, Don has always made himself available to public speaking opportunities, which has included everything from teaching courses on government, political influence, and banking at the Graduate School of Banking at Colorado to addressing civic groups of all sizes and descriptions on a variety of topics. He has also been heavily involved in various charitable fundraising and political campaign committees across the state.

The recognitions and awards that have been bestowed upon Don are many, as you may have gathered. He is a leader in his community on many different levels. Beyond that, though, Don is an invaluable resource to the banks of our nation, and in particular in my state of Colorado. I am proud to call Don Childears my friend and to recognize his efforts.•

ORDER FOR STAR PRINT—S. 707

Mr. JEFFORDS. Mr. President, I ask unanimous consent that S. 707 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF LEGAL REPRESENTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 123, submitted earlier by Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 123) to authorize representation of Members of the Senate in the case of Candis Ray v. John Edwards, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, in 1977, Candis Ray, who operated a tour business in Washington, brought an action against Senator Proxmire and Ellen Proxmire, the Senator's wife. The plaintiff claimed that Senator and Mrs. Proxmire had tortiously interfered with her business in order to favor Mrs. Proxmire's competing tour business. One of the plaintiff's claims was that Senator Proxmire had helped to arrange for Senate rooms for his wife's tours. In affirming the district court's dismissal of the complaint, the court of appeals observed that, to the extent that an issue had been raised about compliance with the Senate's rules on use of its facilities, "[t]he judicial function is not implicated at all, for only in the Senate forum can observance of the rule be compelled." *Ray* v. *Proxmire*, 581 F.2d 998, 1002 (D.C. Cir.), *cert. denied*, 439 U.S. 933 (1978).

In the two decades since that decision, Ms. Ray has launched a barrage of civil lawsuits, seeking to obtain damages in connection with this matter, against the Senate, individual Senators, and Senate employees, federal judges and government attorneys who have been involved in her prior lawsuits, and the President. In 1989, Ms. Ray sought to hold Senator Heflin, Sanford, Stennis, and Wallop, as well as an employee on Senator Sanford's staff and the Senate itself, accountable for the Senate's lack of favorable action on her complaints and petitions for financial payment. The Senate Legal Counsel obtained the dismissal of that action.

The plaintiff has now filed her fifth lawsuit related to this matter, this time against Senator LOTT and Senator EDWARDS, her home-state Senator. The lawsuit again seeks to hold the Senators responsible for the lack of favorable action on her demands for payment from the Senate.

The resolution would authorize the Senate Legal Counsel to represent Senator LOTT and Senator EDWARDS and to move to dismiss the complaint.

Mr. JEFFORDS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 123) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 123

Whereas, in the case of *Candis O. Ray* v. *John Edwards, et al.*, Case No. 99–CV–1104–EGS, pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants Senator Trent Lott and Senator John Edwards;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Lott and Senator Edwards in the case of *Candis O. Ray* v. *John Edwards, et al.*

ORDERS FOR WEDNESDAY, JUNE 16, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, June 16. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. For the information of all Senators, tomorrow the Senate will convene at 10 a.m. and, by previous consent, begin 15 minutes of debate on S. 1205, the military construction appropriations bill. Immediately following that debate, the Senate will begin 20 minutes of debate on S. 331, the work incentives legislation. Upon completion of debate on these two bills, the Senate will begin a series of stacked votes. Therefore, Senators can expect the first of two votes to start at approximately 10:40 a.m. on Wednesday.

Also by previous consent, following the series of stacked votes, the Senate will debate the motion to invoke cloture on the House lockbox legislation for 1 hour, with that cloture vote to begin after all time has expired or been yielded back.

Assuming cloture is not invoked, the Senate will turn to H.R. 1664 regarding steel, oil, and gas appropriations, with amendments in order. It is also hoped that the Senate will be able to complete action on the energy and water appropriations bill during the morning session of the Senate.

If there is no further business to come before the Senate——

The PRESIDING OFFICER. There is objection heard to the motion to adjourn.

Mr. DASCHLE. Mr. President, reserving the right to object, I had intended, at the request of the Senator from Wisconsin, Mr. FEINGOLD, to object to the request earlier made by the Senator from Vermont having to do with the schedule tomorrow morning. It was the hope of the Senator from Wisconsin that he could have 30 minutes, prior to the time we begin at 10, for purposes of morning business. I would like to amend the request for that purpose and determine whether or not that could be accommodated.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I amend the earlier unanimous consent request to provide that immediately following the cloture vote on the House lockbox legislation, there then be a period of morning business for 60 minutes, with Senator FEINGOLD in control of 20 minutes, 10 minutes under the control of Senator DASCHLE, and the remaining 30 minutes under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Wednesday, June 16, 1999, at 10 a.m.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 15, 1999, withdrawing from further Senate consideration the following nomination:

SOCIAL SECURITY ADVISORY BOARD

RICHARD A. GRAFMEYER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 2000, VICE HARLAN MATHEWS, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 1999.

HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

GROWING CRISIS ON THE KOREAN PENINSULA

Mr. HAYWORTH. Mr. Speaker, I wish you and my colleagues in this House a good morning, although reports that have reached us this morning from far places on the globe are not so present. We awakened today to hear of a growing crisis off the Korean Peninsula in the Yellow Sea as the respective navies of North and South Korea clash.

Mr. Speaker, I noted with interest that in the prerecorded comments that one of our government spokesmen offered dealing with this situation, this spokesman said, well, in the past when there has been this type of confrontation, the North Koreans retreat or back off, and, quite frankly, we are surprised that the North Koreans did not follow that action this morning.

Well, Mr. Speaker, let me point out to that government spokesman and to my colleagues precisely why the North Koreans failed to back off. See, Mr. Speaker, the sad fact is the outlaw nation of North Korea is now for all intents and purposes a nuclear power. That is the cold, grim, stark reality.

Proliferation of nuclear technology, technology stolen by the Chinese Government and given to other nations like North Korea, has now borne its bitter fruit. Moreover, shockingly, surprisingly, Mr. Speaker, this administration has engaged in the willful, naive transfer of technology. Indeed, Mr. Speaker, when I first arrived in the Capital City for my first term, prior to taking the oath of office I had occasion to then meet with the Secretary of Defense at that time, Secretary Perry. I asked him why this administration was so intent on giving, giving two nuclear reactors to North Korea. The Secretary responded that I needed a briefing, a briefing that, by the way, was never forthcoming, Mr. Speaker.

A couple of points that we should bring out. We do not need a briefing to know that one does not put their hand on the eye of the stove when it is turned on and not expect to get burned. Now, the sad fact is that of those two reactors which this administration supplied to North Korea, within the last 6 months the U.N. inspection teams finally went in. The first thing they found out was that one reactor was intact, but the core of the second reactor was missing. Couple that with the fact that the North Koreans have developed what they call the Taepo Dong missile, an intercontinental ballistic missile capable of reaching the continental United States, and, Mr. Speaker, we begin to understand full well why the North Koreans continue to act provocatively. Add to that the extreme famine that the North Koreans find themselves in, documented cases of cannibalism; a totalitarian Communist state that does not view peace as its logical means of existence, that will have to turn to hostilities, and we see the situation that has been set up.

How sad it is, Mr. Speaker, that there is such a radically different interpretation from my left-leaning friends in the administration when it comes to providing for the common defense. How sad it is, Mr. Speaker, that the President of the United States 2 years ago stood at the podium behind me here and said that our children no longer faced the threat of annihilation by nuclear missiles, that nuclear missiles were not targeted at the United States.

Mr. Speaker, the President was, to be diplomatic, sorely mistaken in that evaluation.

Mr. Speaker, this House and those of us who serve in the legislative branch cannot continue to allow this type of drift and uncertainty in our foreign policy and in our national security situation. We must take seriously our role to provide for the common defense. That means steps to cut off the theft of our secrets by China. That means a realistic, not a socialistic utopian view, but a realistic assessment of the threat offered by an outlaw nation like North Korea and that also entails an honest assessment of our friends, the Russians, in the Balkan theater.

CONGRESS MUST ADDRESS THE THREAT OF GUN VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, gun violence against children in this country has reached a point where even Congress can no longer ignore its consequences. Even though there still have been the 10 to 15 children, victims of violence across the country, finally it was some very stark school shootings that focused the attention.

I sat on the floor of this Chamber and heard the Speaker articulate from this well how finally Congress and the House of Representatives would be coming forward. We could not rush to judgment before Memorial Day bringing something to the floor of the House. We had instead to take a more deliberative course of action.

Well, we have seen what has been the result of that more deliberate course of action. After the NRA has been spending hundreds of thousands of dollars per day over the last couple of weeks, even more in their fund-raising efforts, we now have coming before the House of Representatives a rather confused set of provisions, and we are poised to pull another Kosovo where we cannot go right, left, sideways or forward.

Mr. Speaker, that is unfortunate because there is, in fact, a very simple answer for the House of Representatives to move forward. First and foremost, it is to refine and pass the provisions that did secure approval in the U.S. Senate restricting the magazine clips, having child access protection and dealing with the gun show loophole to the Brady bill. These are modest steps, but the American public supports it, and it would be an opportunity for us to show that we have got the message and can work together.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The next step would be to consider Representative CAROLYN MCCARTHY's comprehensive bipartisan bill to reduce gun violence amongst our youth. The Child Gun Violence Protection Act, H.R. 1342, with bipartisan support, contains provisions that will make a difference and should be considered in short order before this Chamber.

Mr. Speaker, finally, and I think most interestingly for me, is an opportunity for us to take a step back and look at the same sort of approach that made a difference in reducing the carnage on our Nation's highways. If we would have taken a step back in history a third of a century, we would have heard the same arguments against being able to make a difference in auto safety that we hear today about gun violence. The Americans have a love affair with the automobile that, if anything, is more pervasive than the attachment to firearms. There is no single step that is going to make the total difference, that is going to solve the problem. Some of it may actually cost money investing in making things safer.

Well, we heard all of those arguments, but Congress finally was provoked to act, and it did so in a comprehensive way. It produced legislation, consumer product safety-oriented, that made automobiles safer. We had manufacturers, instead of fighting auto safety, understand that it was important to produce the safest possible product and competed in terms of providing the amenities of a safer vehicle. It was a selling point.

We found that the American people would rise to the occasion, and, even though it was inconvenient for some or perhaps a modest infringement on their lifestyle, we have seen dramatic changes take place in terms of attitudes of people; driving and alcohol, for instance. We have changed America's patterns. A third of a century later, we have cut in half the rate of death and destruction on our highways.

I am absolutely convinced that we can do the same thing dealing with the reduction of gun violence with our youth, that we can have as much consumer safety for real guns as we have for toy guns. The key will be whether or not the Members of this Chamber are willing to stand up for our families and for our children to look at the apologists for gun violence, look past their misrepresentations and political threats and do what is right. If we were able to do it to change a climate of carnage on our highways, I think we can do the same thing to reduce gun violence for our children.

Mr. Speaker, I look forward to Congress this week taking this important first step to avoid a debacle like we had, an inability to make some decisions on Kosovo, and send clear statements about our commitment to reduce gun violence for our children.

KEY TO SUCCESS OF 2000 CENSUS IS LOCAL INVOLVEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, we are less than 10 months away from the upcoming decennial census, the 2000 census. And the magical date is April 1 of 2000 would be conducted to count all the people in this great country, and it is essential to our entire democratic process that we have the most accurate census possible and one that is trusted by the American people.

It is fundamental to our elective system of government because most elected officials in America are dependent upon the census. The key to the success of the census is local involvement; local involvement in the planning for the census, local involvement in the process of developing the addresses which is taking place today, and local involvement at the conclusion of the census to allow a quality check and verification that we have counted everybody the census.

Sadly, the administration and most of my colleagues on the other side of the aisle are opposed to local involvement at the end of the census, the quality check that was provided in 1990, and they are opposed to letting local communities, the mayors and city councils and county commissioners and city managers and such across this country, to have one last chance to check their numbers because they say we are going to allow them to be involved before the census takes place, and that will solve all the problems.

Well, Mr. Speaker, that is exactly the problem. That there are mistakes. We all make mistakes, and there are going to be errors in the census in 2000, and we need to do everything that we can to correct those.

Now, this program that they are advocating is called LUCA, Local Update of Census Addresses, is a good program because it is allowing communities that want to participate to check addresses at this early stage. Unfortunately, not enough of the communities are involved in that, and that is a problem, but those that are involved are finding major problems with the Census Bureau.

Mr. Speaker, there was an article on the AP wire service last Friday identifying exactly the type problem that we thought would happen. A lot of this is anecdotal because we are going to talk about it community by community as we go through this. This is Flathead County in Montana.

"Flathead County officials said they found errors in two-thirds of the first addresses they checked in data provided by the Census Bureau in preparation for the 2000 count. Rick Breckenridge, the head of the county computerized mapping project," and this is a fairly advanced community because they have computerized their records, so we should not have the type of errors that the Census Bureau has come up with, "said of the first 100 addresses supplied by the Census Bureau, there were 67 discrepancies. In one case, the Census Bureau had one address where he had 16; apparently, the Census Bureau missed an apartment complex, he said. In other cases, the bureau had addresses where the county records showed none.

"Breckinridge said the errors could lead to a serious undercount when the 2000 Census is conducted next spring. Clerk and Recorder, Sue Haverfield, said the errors occurred although the county gave the Bureau computer maps of its roads last summer. That information was not incorporated into the Census Bureau maps returned to the county recently. She said, 'Frankly, with the technology now available, what they are providing is ridiculous.' " Mr. Speaker, this is the type of errors we have got to catch, and thank goodness Flathead County caught it, and hopefully we can get it corrected. I encourage every community to be involved to catch these types of errors because the Census Bureau and the administration refuses for them to have a chance to look for the errors at the conclusion of the census as was provided in the 1990 census.

A program called Post Census Local Review, which the House passed, by the way, with, unfortunately, most of the Democrats opposing it because they do not want to trust the local communities to look at these numbers, I do not know what they are afraid of, but they will not allow them to look at numbers, but in 1990 it caught 400,000 errors. Four hundred thousand mistakes in the census were corrected because of Post Census Local Review, and they added 124,000 people that would not have been counted before.

Mr. Speaker, this is strongly supported by most elected officials in this country. The National Association of Towns and Townships fully supports it. The National League of Cities supports it. The National Association of Developmental Organizations supports it. The only ones that do not support it, surprisingly, are big-city mayors, who are the ones who gained the most from it the last time around. Detroit added over 40,000 people in 1990, and now their mayor is opposed to it. Explain that one to me, because that just makes no sense that he is opposed to have one last quality check. That is all it is.

Mr. Speaker, all we are asking is after the census is completed next year, end of 2000, to give them a period of time to review the numbers to see if any errors, because if those errors continue to exist, they cannot be corrected after the fact. So we need to get as much local input as we can and get the most accurate and trusted census as possible.

NO REPEAL OF SECTION 907 WHILE AZERBAIJAN ILLEGALLY BLOCKADES ARMENIA AND NAGORNO KARABAGH

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, late last month Secretary of State Madeleine Albright renewed the administration's unfortunate and misguided effort to repeal Section 907 of the Freedom Support Act. Section 907 restricts direct U.S. Government assistance to the Government of Azerbaijan until the President certifies that Azerbaijan has taken demonstrable steps to lift its blockades of Armenia and Nagorno Karabagh. Azerbaijan's illegal blockades of its neighbors has resulted in the disruption of supplies of vital goods to Armenia and Nogorno Karabagh, causing severe economic hardship and real human suffering.

Mr. Speaker, Section 907 was good law when it was passed, and it remains good law 7 years later. Azerbaijan has done nothing to merit the repeal of Section 907, and despite these facts, the administration, with the strong backing of some of the major oil companies, is trying to urge Congress to repeal Section 907.

Mr. Speaker, the Caspian Sea, which Azerbaijan borders on, is believed by some to contain vast oil reserves. The tantalizing prospect of a new source of petroleum resources has caused the administration to look the other way in terms of Azerbaijan's poor human rights record, its corrupt and undemocratic government, and its pattern of regional aggression.

In written testimony submitted to the Senate Appropriations Subcommittee on Foreign Operations, Secretary Albright stated that the administration would renew its request to repeal Section 907. Presumably, the foreign operations bill which we will be debating later this summer would be the vehicle for repealing Section 907, just as was attempted last year. But, Mr. Speaker, I am proud to say that we succeeded in taking that language out of the bill on the House floor. A bipartisan coalition of Members of this House kept Section 907 as the law because it was the right thing to do.

Mr. Speaker, I would say that it would be even more imprudent and unjustified now to repeal Section 907. As I mentioned, Azerbaijan's blockade is against both the Republic of Armenia and the Republic of Nogorno Karabagh. With the breakup of the Soviet Union, as the countries of the collapsing empire attained their independence, Azerbaijan attempted to militarily crush Nogorno Karabagh and drive out the Armenian population. But the Karabagh Armenians ultimately won their war of independence, and a ceasefire was signed in 1994.

The U.S. has been one of the countries taking the lead in the peace process under the auspices of the Organization for Security and Cooperation in Europe. Late last year, the U.S. and our negotiating partners put forward a proposal known as the Common State Proposal as a basis for moving the negotiations forward.

Despite some serious reservations, the elected governments of both Nogorno Karabagh and Armenia have accepted this Common State Proposal in a spirit of good faith to get the negotiations moving forward. And what was Azerbaijan's reaction to the proposal from the United States and our negotiating partners? An unqualified no.

Yet, Mr. Speaker, unbelievable as it sounds, our State Department is trying to push Congress to reward Azerbaijan, a country that rejects our peace plan, by repealing Section 907, to the serious detriment of Armenia and Karabagh, the countries that accept our proposal. Furthermore, the administration's budget request actually proposes increasing aid to Azerbaijan and decreasing aid to Armenia. What kind of a message does that send? That rejecting peace is okay?

Current law, Section 907, makes good sense and is morally justified. Section 907 does not prevent the delivery of humanitarian aid to the people Azerbaijan; to date, well over $130 million in U.S. humanitarian and exchange assistance has been provided to Azerbaijan through NGOs, nongovernmental organizations. The blockade of Armenia and Nogorno Karabagh has cut off the transport of food, fuel, medicine, and other vital supplies, creating a humanitarian crisis requiring the U.S. to send emergency life assistance to Armenia.

The bottom line, Mr. Speaker, is that Azerbaijan has failed to live up to the basic conditions set forth in the U.S. law pursuant to Section 907, and that is: "Taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nogorno Karabagh."

Mr. Speaker, I just hope that Secretary Albright and the State Department will reconsider their plan to repeal Section 907. And if not, Mr. Speaker, I hope that Congress will reject this effort as we have done now for several years.

Mr. Speaker, late last month Secretary of State Madeleine Albright renewed the Administration's unfortunate and misguided effort to repeal Section 907 of the Freedom Support Act.

What is Section 907? And why is it so important? Section 907 restricts direct U.S. government assistance to the government of the Republic of Azerbaijan, until the President certifies that Azerbaijan has taken demonstrable steps to lift its blockades of Armenia and Nagorno Karabagh. Azerbaijan's illegal blockades of its neighbors has resulted in the disruption of supplies of vital goods to Armenia and Nagorno Karabagh, causing severe economic hardship and real human suffering.

When the Freedom Support Act was adopted in 1992, establishing our new, post-Cold War U.S. foreign policy for the newly independent states of the former Soviet Empire, Section 907 was included as a way of holding Azerbaijan accountable for its blockades of its neighbors. Ideally, it might have been hoped that the Section 907 sanctions would prompt Azerbaijan to lift the blockades. But Azerbaijan has stubbornly maintained its counterproductive strategy of trying to strangle Armenia and Karabagh.

Mr. Speaker, Section 907 was good law when it was passed, and it remains good law seven years later. Azerbaijan has done nothing to merit the repeal of Section 907.

Despite these facts, Mr. Speaker, the Administration—with the strong backing of some of the major oil companies—is trying to push Congress to repeal Section 907. You see, the Caspian Sea, which Azerbaijan borders on, is believed by some to contain vast oil reserves. Much of these reserves remain unproven, and recent disappointing test drillings have prompted several international oil consortiums to pull out of Azerbaijan. But the tantalizing prospect of a new source of petroleum resources has caused the Administration to look the other way in terms of Azerbaijan's poor human rights record, its corrupt and undemocratic government, and its pattern of regional aggression.

In written testimony submitted to the Senate Appropriations Subcommittee on Foreign Operations, Secretary Albright stated that the Administration would renew its request to repeal Section 907. Presumably the Foreign Operations bill, which we will be debating later this summer, would be the vehicle for repealing Section 907—just as was attempted last year. Last September, as we were working to finish up the appropriations bills before adjourning for the Congressional elections, a provision was included in the fiscal year 1999 Foreign Operations bill to repeal Section 907. But I'm proud to say, Mr. Speaker, that we succeeded in taking that language out of the bill on the House floor. A bipartisan coalition of Members of this House kept Section 907 as the law, because it was the right thing to do.

Mr. Speaker, I would say that it would be even more imprudent and unjustified now to repeal Section 907.

As I mentioned, Azerbaijan's blockade is against both the Republic of Armenia and the Republic of Nagorno Karabagh. Nagorno Karabagh is an historically Armenian-populated region of the Caucasus Mountains (known as Artsakh to the Armenian people) that Stalin's map-makers included as part of Azerbaijan—although even in Soviet times its distinctiveness and autonomy were officially recognized. With the break-up of the Soviet Union, as the countries of the collapsing empire attained their independence, Azerbaijan attempted to militarily crush Nagorno

Karabagh and drive out the Armenian population. But the Karabagh Armenians ultimately won their war of independence, and a cease-fire was signed in 1994.

Although the shooting war has essentially ceased—except for occasional sniper fire from Azerbaijan's soldiers against the defenders of Karabagh—a more permanent peace has been elusive. The United States has been one of the countries taking the lead in the peace process, under the auspices of the Organization for Security and Cooperation in Europe (OSCE). Late last year, the U.S. and our negotiating partners put forward a proposal, known as the "Common State" proposal, as a basis for moving the negotiations forward.

Despite some serious reservations, the elected governments of both Nagorno Karabagh and Armenia have accepted this Common State proposal in a spirit of good faith, to get the negotiations moving forward. And what was Azerbaijan's reaction to the proposal from the United States and our negotiating partners? An unqualified "no." In other words, Armenia and Karabagh have agreed to work with the U.S. for peace in this strategically vital region of the world. Azerbaijan has rejected American efforts to achieve peace and stability.

Yet, Mr. Speaker, unbelievable as it sounds our State Department is trying to push Congress to reward Azerbaijan, the country that rejects our peace plan, by repealing Section 907—to the serious detriment of Armenia and Karabagh, the countries that accept our proposal. Furthermore, the Administration's budget request actually proposes increasing aid to Azerbaijan and decreasing aid to Armenia. What message does that send? That rejecting peace is okay?

Current law, Section 907, makes good sense and is morally justified. Section 907 does NOT prevent the delivery of humanitarian aid to the people of Azerbaijan; to date, well over $130 million in U.S. humanitarian and exchange assistance has been provided to Azerbaijan through NGOs (non-governmental organizations). The blockade of Armenia and Nagorno Karabagh has cut off the transport of food, fuel, medicine and other vital supplies—creating a humanitarian crisis requiring the U.S. to send emergency life-saving assistance to Armenia. Armenia is land-locked, and the Soviet-era infrastructure routed 85 percent of Armenia's goods, as well as vital energy supplies, through Azerbaijan. That life-line is now cut off. Despite these disadvantages, Armenia has established democracy and market reforms, and is trying to integrate its economy with the West.

But the bottom line, Mr. Speaker, is that Azerbaijan has failed to live up to the basic condition set forth in U.S. law, pursuant to Section 907: "taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno Karabagh."

I hope that Secretary Albright and the State Department will reconsider their plan to repeal Section 907. If not, I hope Congress will reject this effort, as we have done for years.

H.R. 2116, THE VETERANS' MILLENNIUM HEALTH CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, good morning. Today I want to talk about a bill that I have sponsored, the bill is H.R. 2116, the Veterans' Millennium Health Care Act. I am pleased this is a bipartisan bill. The gentleman from Arizona (Mr. STUMP) on the Republican side and the gentleman from Illinois (Mr. EVANS) on the Democrat side, as well as the gentleman from Illinois (Mr. GUTIERREZ), the ranking member on the subcommittee, have all cosponsored this legislation.

Last week, on June 9, we held a hearing and marked up the legislation, and it was favorably reported out of the full committee.

What this legislation does is offer a blueprint to help position VA for the future, and I think it is appropriately entitled the Veterans' Millennium Health Care Act. Foremost among the VA's challenges are the long-term care of our aging veterans population. For many among the World War II population, long-term care has become just as important as acute care. However the long-term care challenge has gone unanswered for too long.

It is important, therefore, that just last month the VA committee held a hearing on long-term care. The bill I have introduced would precisely address this issue and would adopt some of the key recommendations of the blue ribbon advisory committee. But my bill goes further than that in providing VA important new tools for access to long-term care.

The bill also tackles another challenging issue. Mr. Speaker, the GAO findings showed that the VA spends billions of dollars in the next 5 years to operate unneeded buildings. They testified that one out of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients. A lot of these buildings are over 40 years old. Now, this is just not an abstract concern. This could be a savings of almost $10 billion a year.

Mr. Speaker, I think it is no secret that the VA administration is talking about closing old, obsolete hospitals. In some locations, that may be appropriate. The point is that the VA has closure authority and has already used it. In fact, we could expect closures of needed facilities under the disastrous budget submitted by the President last year.

Mr. Speaker, my bill instead calls for a process, establishing a new process so that decisions on closing hospitals can only be made on a comprehensive planning basis with veterans' participation. And this is very important and very appropriate. The bill sets numerous safeguards in place and would specifically provide that VA cannot simply stop operating a hospital and walk away from its responsibilities to veterans. No, it must reinvest the savings in a new, brand new, improved treatment facility or improved services in the area.

The bill responds to pressing veterans' needs. It opens the door to expansion of long-term care, to greater access to outpatient care, and to improve benefits including emergency care coverage. In turn, it provides for reforms that would help advance these goals.

As I mentioned earlier, it is bipartisan, and we have the support of both Democrats and Republicans. I also would like to commend the gentleman from New Jersey (Mr. SMITH) for introducing H.R. 1762. This is legislation that expands the scope of VA respite care. The language in his bill has been incorporated into our bill.

My legislation also requires that the VA provide needed long-term care for 50 percent service-connected veterans and veterans needing care for service-related conditions.

H.R. 2116 would also expand access to care to two very deserving groups. It would specifically authorize priority care for veterans injured in combat and awarded the Purple Heart and provide specific authority for VA care of TRICARE-eligible military retirees not otherwise eligible for priority VA care. In such cases, DOD would reimburse the VA at the same rate payable to the TRICARE contractor.

The measure would also authorize VA to recover reasonable costs of emergency care in community hospitals for VA patients who have no health care.

In other words, this is needed. There is no other more important component in this than this long-term care I have mentioned earlier. But I think there is another segment that we are forgetting about, and that is the homeless veterans. This bill addresses that by awarding grants for building and remodeling State veterans' homes and providing grants for the homeless veterans.

To summarize, Mr. Speaker, this bill, H.R. 2116, provides new direction to address veterans' long-term care needs; expands veterans' access to care; closes gaps in eligibility laws; and establishes needed reform to improve the VA health care system. Our veterans population is in need of this reform.

"COMMUNITIES CAN!" COMMUNITIES OF EXCELLENCE AWARD WINNERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, I am pleased to draw the attention of the Congress to five communities that are being nationally recognized today for making particularly effective use of public dollars on behalf of families who have children with or at risk of special needs. Considering all of the different funding sources, the many different rules and regulations from various Federal departments that exist, these communities have found ways to make government more efficient, more flexible and more responsive to families with these young children.

This year, Communities Can!, a growing national network of communities dedicated to serving children and families, including children with or at risk of special needs, is announcing its 1999 Communities Can! Communities of Excellence award winners. They are: Fremont County, Colorado; Goldsboro, North Carolina; Augusta, Maine; and Mile City, Montana; as well as Livingston County, Michigan.

Communities Can! is endorsed by the Federal Interagency Coordinating Council for Early Intervention, which is cosponsoring these awards. These communities have been chosen as award winners for demonstrating exemplary efforts in meeting the following very important goals:

First, all young children and families in need of services and supports are effectively identified early and easily brought into the community's system for delivering services and supports.

All young children and families will receive regular, ongoing and comprehensive services and supports that they need.

There is a way to fund the services and supports needed by these young children and their families.

And services and supports for young children and their families are organized in the way that families can easily use them.

Finally, they ask the families what they need and involve them in the decision-making process at all levels and determine the specific services that will be most beneficial to their real-world concerns.

These communities are being honored for their accomplishments this morning here in the Capitol Building, and I know that many of my colleagues will be participating to celebrate this very important event.

Congratulations to each of these communities, and congratulations to Communities Can!, because it is demonstrating that every community in this country can make a difference in the lives of young children with or at risk of special needs. It can assure that each of them is able to achieve to the full extent of their potential.

ELIMINATION OF THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, this year House Republicans have several goals. We want to strengthen and make our schools safer. We want to strengthen Social Security by locking away 100 percent of Social Security revenues and surpluses for retirement security. Republicans want to pay down the national debt, and Republicans also want to lower the tax burden for middle-class working families.

I believe this year, as we work to lower the tax burden for middle-class families, that we should focus on making our Tax Code simpler and making our Tax Code fairer to families. And let me raise a series of questions today that really illustrate what I believe is the most unfair tax, and that is the tax on marriage.

The marriage tax is not only unfair, it is wrong. Is it right that under our Tax Code, married working couples pay higher taxes than two single people living together outside of marriage? Do Americans feel that it is fair that 28 million married working couples pay on average $1,400 more in higher taxes just because they are married? That is right. Under our Tax Code today, a husband and wife who both are in the work force pay higher taxes than two single people living together with identical incomes. Mr. Speaker, that is wrong.

Let me give an example here of what it means. As I pointed out earlier, there are 28 million married working couples paying on average $1,400 more in higher taxes. Here is an example of a South Chicago suburban couple. I represent the south suburbs of Chicago. If we take a machinist who works for Caterpillar in Joliet and a schoolteacher in the local public schools of Joliet, and they have a combined income of $62,000, the machinist makes $35,500 and as a single individual when he files his taxes, if we subtract the personal exemption and the standard deduction, he pays a certain amount of taxes. But if he chooses to marry, and his schoolteacher wife with an identical income, and when they are married they file their taxes jointly, their combined income of $62,000, when he subtracts the standard deductions and exemptions under our current Tax Code, this machinist and his schoolteacher wife making $62,000 a year pay the average marriage tax penalty of $1,400.

Now, there are those, particularly on that side of the aisle, who believe that this is no big deal. That is money that we have to spend in Washington. Back in Joliet, $1,400 is 1 year's tuition in Joliet Community College; 3 months of day care in the local child care center; and, also several months' worth of car payments.

The Marriage Tax Elimination Act, which I am proud to say has 230 cosponsors, a bipartisan majority of this House, we propose to eliminate the marriage tax penalty for all Americans. Under our legislation, we double the standard deduction for joint filers to twice that for single filers. We double the brackets so that those who are married filing jointly can earn exactly twice what a single filer can make and be treated fairly under taxes.

Mr. Speaker, the bottom line is the Marriage Tax Elimination Act would eliminate the marriage tax penalty for this machinist and this schoolteacher wife who are married in Joliet, Illinois. Eliminating the marriage tax penalty is really an issue of fairness and will help simplify the Tax Code.

What is the bottom line? The Marriage Tax Elimination Act puts two married people on equal footing with two single people. That is fair, and that simplifies the Tax Code. I am proud to say I was part of this Congress when Republicans succeeded in passing into law the Adoption Tax Credit to help loving families find a home for a child in need of adoption. We accomplished that as part of the Contract With America in 1996. And we followed up in 1997 by enacting into law the centerpiece of the Contract with America, the $500 per child tax credit, which benefits 3 million Illinois children. That is $1.5 billion that will stay in Illinois rather than coming to Washington. And, of course, I believe the folks back home can better spend their hard-earned dollars back home than we can here in Washington.

Mr. Speaker, we can build on that helping working families by working to simplify our Code, by working to bring fairness to our Tax Code, by eliminating what is the most unfair tax of all, and that is the tax on marriage.

Let us stop taxing marriage. Let us pass into law the Marriage Tax Elimination Act and eliminate the marriage tax penalty once and for all. Let us make the elimination of the marriage tax penalty the centerpiece of this year's tax cut.

HOPE FOR PEACE IN ERITREA AND ETHIOPIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Arkansas (Mr. SNYDER) is recognized during morning hour debates for 3 minutes.

Mr. SNYDER. Mr. Speaker, while the world watches, the events of peace unfold in the Balkans, the violence of a land war raging in Africa between the nations of Eritrea and Ethiopia. As a family doctor who worked in refugee camps in Sudan in 1985 and cared for refugees from both great nations, I can only feel sadness as massive military confrontation continues with large numbers of casualties on both sides.

Since this war began a year ago, I have asked a number of wise people to share with me the causes of this war. But, frankly, it appears to be a war that serves no purpose and seems to offer no hope but only destruction for the two countries. I commend the OAU for their continued efforts to find peace, but ultimately the decision to stop warring comes down to individual decisions by each great nation, Eritrea and Ethiopia.

Mr. Speaker, it is the hope of the world, at least of those that are watching, that these decisions are made soon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 38 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 10 a.m.

PRAYER

The Reverend Dr. Craig Barnes, Senior Pastor, National Presbyterian Church, Washington D.C., offered the following prayer:

Let us pray:

O God, we ask that You would be gracious to the leadership of our land this day. Give them the wisdom of Your spirit that they may find their way through the complex issues we now confront. Give them the courage to hold to what they believe to be right, and the humility to discover more truth than they have.

But most of all, O God, we pray that You will give these leaders Your own great dreams for the future of our people, that we may participate in the kingdom You would build here.

All this we ask in the name of the Lord, whose way we prepare. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 322. An Act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WELCOMING THE REVEREND DR. CRAIG BARNES OF NATIONAL PRESBYTERIAN CHURCH

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I am delighted to welcome to the House today Dr. Craig Barnes, the pastor of National Presbyterian Church, a church with a long and grand history in Washington, D.C.

Dr. Barnes is not only a friend but serves as the pastor for me and my family here in the Nation's Capital.

For those of us who come to Congress to serve for a time, to be able to find a church home away from home is indeed a blessing. In his worship commitment Craig Barnes brings to all who have the opportunity to hear him, or read his books, by the way, not only a thoughtful and wonderful message of faith but true belief in the grace of God. He has a unique way of clearing the fog away from confusion, despair and uncertainty that sometimes touches all of us in life and preach a message of hope as he ministers to those in need.

Mr. Speaker, I am especially delighted that Dr. Barnes is here today and grateful that he would address the House.

KHATAMI HAS THE WHITE HOUSE BUFFALOED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Khatami regime in Iran has arrested 13 Iranian Jews. They were accused of spying for Israel and the United States of America. The regime is supposedly seeking the death penalty.

Unbelievable, Mr. Speaker. The White House supports Khatami; the State Department supports Khatami; in fact, the White House said, and I quote: "Khatami is a welcome voice of moderation."

Moderation, my ascot.

Beam me up.

Khatami is a brutal killer, a fanatic, a bold-faced liar.

It is time to recognize the Resistance, the National Council of Resistance in Iran, fighting for democracy, and it is time to set the record straight. Khatami has the White House buffaloed. He should not buffalo this Congress.

CONGRESSIONAL GOLD MEDAL TO ROSA PARKS, A TRUE AMERICAN LEGEND

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today Congress will honor a true American legend with the Congressional Gold Medal. Many refer to Rosa Parks as the First Lady of Civil Rights and the Mother of the Freedom Movement because she refused to yield her bus seat in Montgomery, Alabama, in 1955 and was arrested. That silent protest by Parks, who is now 86 years old, set in motion a year-long bus boycott by African Americans and a rethinking and elimination of Alabama's segregation law.

On November 13, 1956, the Supreme Court ruled that the law in Alabama was unconstitutional; and the buses were desegregated. As an original cosponsor of the legislation awarding the Gold Medal to Mrs. Parks, I feel that this is a distinct honor and privilege to participate in the process to bestow one of the Nation's highest tributes upon this courageous lady. Her contribution to the Freedom Movement helped pave the way for civil rights and equal treatment in America.

To Mrs. Parks:

I salute you and the significant contributions you have made to this great country. Thank you.

REPUBLICANS PUT NRA-BACKED POLITICS ABOVE OUR CHILDREN

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, Republicans need to decide who is more important to them, our children or their politics. Because if they want to play politics with the issue of gun safety, they should explain why to the parents of Sean Harvey of West Paterson in my home State of New Jersey. Sean did not live to see his 17th birthday because he was shot by a man who mistakenly thought he was stealing a neighbor's car. Well, the car belonged to a friend of Sean's, and the gun used to kill him was unlicensed by a man with a list of prior offenses.

This Congress has a responsibility to get these guns off the street and to make sure that everyone who buys a gun is subject to a background check. When it comes to keeping our children safe in their schools and in our neighborhoods, there should be no loopholes and no exceptions.

There is nothing more important than the safety of our children, and it is a sad day in this House and this Nation when the Republican leadership gives the NRA all of the time necessary before the Memorial Day break to be able to work over Members and to create a process that is destined to failure, destined to fail our children in terms of safety, destined to fail the citizens of this country in terms of safety and destined to ensure the NRA's victory.

WANT TO SEE A LIBERAL BECOME HYSTERICAL?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, if you think it is fun to watch a liberal become hysterical, then here is a fun trick that you might want to try. Next time you are in the company of liberals, especially the kind who make a big deal about how compassionate they are with other people's money, mention that you heard that the Republicans in Congress are going to do away with the income tax withholding. In other words, mention that you heard a rumor, and it is apparently true, that conservative Republicans are going to get rid of income tax withholding and make everyone send in one big check to Uncle Sam at the end of each year for their income tax. The reaction you will get cannot be expressed in words.

First, there is silence, dead silence, and then we will see an expression of sheer panic and terror on their face. The liberal knows that if we are forced to see in one lump sum just how much money is forked over to the Federal Government every year we would revolt, and the liberals would never win another election.

Try that sometime on liberal friends, and enjoy the show.

EPA UNDERMINING EFFORTS TO REVITALIZE ECONOMIES OF OUR INNER CITIES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the EPA is the gang that cannot shoot straight. This Agency's mishandling of the so-called environmental justice issue has undermined the efforts to revitalize the economies of our inner cities and hurt the very people it intended to help.

Last year, I included language in the budget that forced the EPA to go back to the drawing board to formulate a more workable policy that addresses the concerns expressed by State and local officials and business leaders from across this country. Mr. Speaker, the EPA has still not come forward with its new proposal. This, I believe, is inexcusable, and it is time for this arrogant, heavy-handed Agency to get its act together. Further delays and additional foot-dragging will only hinder the efforts to redevelop brownfields and create good-paying jobs in minority communities.

Mr. Speaker, it is time the EPA finally gets its act together and comes to a final resolution on this issue.

KYLE HIRONS WOULD BE ALIVE TODAY IF A GUN HAD BEEN EQUIPPED WITH A SAFETY LOCK

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, not long ago a 15-year-old boy from Glastonbury, Connecticut, found a loaded .357 magnum in the bedroom drawer of one of his parents. In the midst of playing, the gun accidentally went off, shooting the boy in the face and killing him. The boy's name was Kyle Hirons. Today is the last day Kyle's death will remain anonymous.

I invoke the Kyle Hirons because he is one of the 13 children who die every day because of guns. These are not nameless, faceless statistics. They are real people. They are our children. In this case, one more child would be alive today if the gun had been equipped with a safety lock. And yet there are forces in this country, in this very body, who would undermine modest gun safety legislation that would protect our children.

This week, we can take steps. We can pass the Senate provisions and require gun child safety locks and devices. We can close the loophole at gun shows, and we can eliminate high-capacity, human-hunting ammunition clips.

Our kids are dying of an epidemic. The epidemic is unsafe guns. Let us pass sensible measures that make guns as safe as possible.

THE AMERICAN PEOPLE DESERVE SOME ANSWERS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, the American people need to ask many questions about our relationship with China. Why did the President approve the sale of missile technology to the Chinese against the objection of his own Defense Department, his own State Department and his own Justice Department? Was it because of the millions of dollars of campaign contributions from the Chinese military and top executives of the Hughes Electronics Corporation? Why over the last 5 years have there been 3,567 requests for wiretaps and search warrants under the Foreign Intelligence Surveillance Act and only one turned down, and that one involving Mr. Lee and the spying at Los Alamos?

There are many other questions exactly like these. The American people deserve some answers.

The Cox report says the Chinese espionage goes on even to this day. Things are going on today that have never happened before in the history of this Nation, Mr. Speaker, and the American people deserve to know why.

THE GREATEST GENERATION

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to honor one of the many brave soldiers who risked their lives during World War II to preserve the freedoms we enjoy today. In his book, Tom Brokaw dubbed them The Greatest Generation. It is hard to dispute this description. Many of these soldiers walked off farms or out of shops and factories to fight for the country they love dearly.

One of these men was Mr. Garland Ward of Del City, Oklahoma. As a 22-year-old, he left a secure job as a grocery clerk to answer the call of duty to his country. As an enlistee of the 45th Infantry Division, Private Ward was sent to fight in North Africa. From there his unit made its way across Europe. After fighting in the Battle of the Bulge, they made their way to Germany where he and other members of his unit were captured. After spending 4 days as a POW, American forces recaptured the village and freed these brave men. Upon freedom, Private Ward rearmed himself and continued his fight towards victory across Europe.

Our country owes a great deal to these brave soldiers, like Mr. Ward, who fought so valiantly.

GUN CONTROL POLITICS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, we have and are hearing so much about gun control. First of all, let me say that the legislation and the push behind this legislation is political, political,

political. The reason, because the other party thinks they will get a political advantage out of it. The truth is, the truth is we have many, many gun laws on the books, passed by this Congress, signed by this President and other Presidents, and they are unenforced by this administration. Unenforced, and we do nothing about the media and the violence which they penetrate into our society because they are the friends of those who promote gun control legislation.

□ 1015

Let us be reasonable. Let us do what is right for America, not what is political. Let us pass reasonable gun legislation, when needed, and enforce that which is on the books.

ERODING THE SECOND AMENDMENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, when the President says put people first, what he means, particularly this week, is put politicians first, put political people first, because this week, as we further erode the second amendment, we are not putting people first, we are not putting children first, we are not putting safety first, and we are certainly not putting the facts first. But we hear over and over again, no, we are just closing a few loopholes. This is common sense, reasonable, sensible. Yet it goes far beyond closing loopholes in gun shows. It calls for registration of people's guns who go to gun shows, permanent registration. It calls for a 6-month background check that is kept by the FBI for 6 months, and many, many other measures that have nothing to do with closing loopholes.

Mr. Speaker, in Columbine High School, Dylan Klebold and Eric Harris broke 23 gun control laws. In Heritage High School, the young man broke into his father's gun cabinet to steal a well-protected gun. Yet we have to ask ourselves, maybe there is something beyond gun control that could prevent these things from happening, because gun control is not working. It did not work in these two cases.

What about the violent video, the violent TV? What about the music? What about children being raised without parents? It seems in today's society, where there are no absolutes, no truths, there are also no values.

This week is not about children, it is about politics.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SELECTIVE AGRICULTURAL EMBARGOES ACT OF 1999

Mr. EWING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17) to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

The Clerk read as follows:

H.R. 17

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Selective Agricultural Embargoes Act of 1999".

SEC. 2. REPORTING ON SELECTIVE EMBARGOES.

The Agricultural Trade Act of 1978 (7 U.S.C. 5711 et seq.) is amended by adding at the end of title VI:

"SEC. 604. REPORTING ON SELECTIVE EMBARGOES.

"(a) REPORT.—If the President takes any action, pursuant to statutory authority, to embargo the export under an export sales contract (as defined in subsection (e)) of an agricultural commodity to a country that is not part of an embargo on all exports to the country, not later than 5 days after imposing the embargo, the President shall submit a report to Congress that sets forth in detail the reasons for the embargo and specifies the proposed period during which the embargo will be effective.

"(b) APPROVAL OF EMBARGO.—If a joint resolution approving the embargo becomes law during the 100-day period beginning on the date of receipt of the report provided for in subsection (a), the embargo shall terminate on the earlier of—

"(1) a date determined by the President; or

"(2) the date that is 1 year after the date of enactment of the joint resolution approving the embargo.

"(c) DISAPPROVAL OF EMBARGO.—If a joint resolution disapproving the embargo becomes law during the 100-day period referred to in subsection (b), the embargo shall terminate on the expiration of the 100-day period.

"(d) EXCEPTION.—Notwithstanding any other provision of this section, an embargo may take effect and continue in effect during any period in which the United States is in a state of war declared by Congress or national emergency, requiring such action, declared by the President.

"(e) DEFINITIONS.—As used in this section—

"(1) the term 'agricultural commodity' includes plant nutrient materials;

"(2) the term 'under an export sales contract' means under an export sales contract entered into before the President has transmitted to Congress notice of the proposed embargo; and

"(3) the term 'embargo' includes any prohibition or curtailment.".

SEC. 3. ADDITION OF PLANT NUTRIENT MATERIALS TO PROTECTION OF CONTRACT SANCTITY.

Section 602(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(c)) is amended by inserting "(including plant nutrient materials)" after "agricultural commodity" each place it appears.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. EWING) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois, (Mr. EWING).

Mr. EWING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, American agriculture plays a key role in U.S. trade economy. The contributions of agricultural exports to the U.S. economy are impressive. The United States Department of Agriculture estimates that farm exports will be $49 billion in 1999, providing a positive trade balance of $11 billion.

Just 3 years ago, however, there was another $10 billion higher on our agricultural trade balance. This was almost three times what it is today. It is a fact, and it is a painful one to many of us, that our agricultural economy is the one sector of the great American economy that is suffering very badly. If things do not improve, 10 percent of American farmers could be forced from their farms this year.

New and reliable markets are one of the answers to this very serious problem. The U.S. agricultural economy is more than twice as reliant on exports as the overall economy. This reliance makes agricultural-specific embargoes especially painful for the American farmer and rancher. H.R. 17 provides a vital and necessary foreign check and balance system. This legislation provides for congressional review and approval of both Houses of Congress if the President imposes an agricultural-specific embargo on a foreign country.

H.R. 17 would require the President to submit a report detailing to Congress reasons for the embargo and a proposed termination date. Congress then has 100 days to approve or disapprove the embargo.

If Congress approves the resolution, the embargo will terminate on the date determined by the President or 1 year after enactment, whichever occurs earliest. If a disapproving resolution is enacted, the embargo will terminate at the end of the 100-day period.

This legislation would not impact embargoes currently in place, nor would it impede the President's authority to impose cross-sector embargoes. Additionally, H.R. 17 would not take effect during times of war. This legislation was the official policy of the United States when the Export Administration Amendments Act was adopted in 1985. Unfortunately, that act expired in 1994 when Congress failed to reauthorize it. It is important to note that the failure to reauthorize was not a result of any opposition to the agriculture embargo language contained in that act.

Mr. Speaker, according to the United States Department of Agriculture, the Soviet grain embargo cost the United States about $2.3 billion in lost U.S. exports and U.S. Government compensation to American farmers. The Soviet grain embargo is still fresh in the minds of grain farmers throughout America. In the midst of an already poor overall economy, the imposition of the Soviet grain embargo triggered the worst agricultural economic downturn in America since the Great Depression.

As if we had not learned our lesson from the Soviet grain embargo, there are unilateral sanctions in effect today that have damaged our image as a reliable supplier of agricultural products. The problem with agricultural-specific embargoes is that our farmers and ranchers end up losing a share of the global marketplace, while the embargoes often fail to achieve their purpose. The purpose of the Selective Agricultural Embargo Act of 1999 is to emphasize the importance of U.S. agricultural exports and the unique vulnerability of agriculture in the world trade arena. Agricultural embargoes hurt our farmers, help our trade competitors, and the 1980 Soviet embargo is a perfect example. The U.S. was deprived of the Soviet grain market, and France, Australia, Canada and Argentina stepped in to take over this market.

Our reputation as a reliable agricultural supplier suffers and will suffer every time agricultural embargoes are put in place. On April 28, 1999, the President announced a significant change in U.S. policy on sanctions and embargoes, and we applaud that change. With the enactment of the Freedom to Farm Act, our farmers are dependent more and more on foreign markets for an increasingly significant portion of their income. In our global marketplace, the importance of being a reliable supplier of food and fiber cannot be overstated. Therefore, Congress should have input when the President decides to use American agricultural products as a foreign policy tool. My legislation does not eliminate the President's ability to impose sanctions; it just includes Congress in the debate.

Mr. Speaker, I ask that the rest of my colleagues join me in helping the American farmer and rancher by voting "yes" on H.R. 17 today.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as an original cosponsor in support of the Selective Agricultural Embargo Act of 1999. This bill provides for greater scrutiny of the unilateral embargoes we place on our trading partners, and is an important step towards the comprehensive sanctions reform that need to be enacted.

When Congress passed freedom to farm 3 years ago, it promised to open foreign markets to U.S. agriculture products. So far, we have failed to deliver on that promise.

By providing congressional review of unilateral agriculture sanctions, this bill will require us to put a little more thought into our actions, to think before we concede our agricultural markets to our competitors. The bill will also help to maintain our reputation as a reliable supplier of food. It is time to find a more effective way to implement our foreign policy goals. Unilateral sanctions do not work, and they cost our farmers and ranchers dearly. Let us pass this bill and begin moving in the direction of comprehensive sanctions reform.

Mr. Speaker, I reserve the balance of my time.

Mr. EWING. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. COMBEST), Chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I rise in support of H.R. 17, the Selective Agricultural Embargoes Act of 1999. The bill requires the President to report to Congress on any selective embargo on agricultural commodities and specifies the period during which the embargo will be in effect.

I congratulate the gentleman from Illinois (Mr. EWING), the chairman of the Subcommittee on Risk Management, Research and Specialty Crops, and the author of this bill, for his hard work and tenacity on moving this subject forward.

The use of economic sanctions is a subject that has captured the attention of all of us that are interested in the prosperity of farmers and ranchers. We can all agree that food should not be used as a tool of foreign policy. I especially welcome the administration's April 28 announcement regarding lifting of certain economic sanctions of food and agriculture.

Food should not, under nearly all circumstances, be used as a weapon. Such a policy ends up hurting our farmers and ranchers and all who are involved in agriculture production, processing and distribution. There are three things that can happen when agricultural sanctions go into effect, and none of them are good. Exports go down, prices go down, and farmers and ranchers lose their share of the world market.

For American farmers and ranchers, trade is an essential part of their livelihood. Currently exports account for 30 percent of U.S. farm cash receipts and nearly 40 percent of all agricultural production that is exported. U.S. farmers and ranchers produce much more than is consumed in the United States; therefore, exports are vital to the prosperity and success of U.S. farmers and ranchers.

For years, U.S. agriculture has provided a positive return to our balance of trade, and in order to continue this positive balance and to improve upon it, markets around the world must be open to our agricultural exports.

Embargoes and sanctions destroy the United States' reputation as reliable suppliers. U.S. agriculture remembers the 1980 Soviet grain embargo. Not only did our wheat farmers lose sales, but markets as well. France, Canada, Australia and Argentina stepped in and sold wheat to the former Soviet Union. The only people hurt by those sanctions were U.S. wheat farmers. The one lasting impression left of that embargo was that the U.S. could not be considered a reliable supplier of wheat. The past 19 years have been spent attempting to reverse that opinion.

Therefore, because of the importance of assuring the reliability of the U.S. as a supplier of food and agriculture product, we must address the effects of embargoes on U.S. agriculture, and I urge support of H.R. 17.

Mr. EWING. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the opportunity to speak here today on H.R. 17, the Selective Agricultural Embargoes Act of 1999.

The farmers of Oregon work hard to actively market and promote the sale of agricultural goods throughout the world. Approximately 80 percent of all agriculture production in our State of Oregon is shipped out of State, with nearly half of that going to foreign markets. Wheat, potatoes, hay and pears are just some of the products farmers in my district produce, which are dependent on foreign markets for their success.

Oregon's producers have long been recognized for their initiative in expanding foreign trade. Sanctions on foreign nations that disallow the importation of U.S. agriculture products interfere with the ability of Oregon's farmers to sell the quality goods that they produce. Once U.S. agriculture loses its ability to compete in the market, it is very difficult to regain that market share. America's farmers and ranchers cannot afford to be used as pawns in foreign policy battles.

H.R. 17 would simply give Congress the ability to review these agricultural embargoes imposed by the President. This legislation would then allow Congress 100 days to approve or disapprove of the President's decision to impose an agricultural embargo.

□ 1030

Should the Congress agree with the President's actions, then the embargo will terminate on the date determined by the President or 1 year thereafter. Should Congress disapprove this action, then the embargo will terminate at the end of the hundredth day after the congressional review period.

This is commonsense foreign policy that our farmers deserve. Our Nation's farmers deserved the ability to compete fairly in the international marketplace. With farm prices at their lowest levels in years, U.S. agriculture needs to be promoted, not unilaterally restricted.

This is particularly relevant to the State of Oregon, where 36 percent of all of our agriculture products are exported abroad. The farmers in the Second District of Oregon can ill afford the devastating effects that agricultural embargoes cause.

I commend my colleague the gentleman from Illinois for introducing this legislation, and appreciate the opportunity to speak on this matter today, Mr. Speaker.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding time to me.

Mr. Speaker, I think it is very appropriate that a Republican speaks from the Democrat side of the isle to talk about this issue because it is a bipartisan effort that represents fairness.

We have heard how it disrupts agriculture and causes great stress for the survival of the family farm in the United States. I think what also needs to be said is sanctions on food exports does not work. We have had embargoes and sanctions for several reasons. The fact is that in the end another country will sell their agricultural products when we stop selling to a particular country. Those countries still get food & fiber products, and the loser is the United States' farmers and ranchers.

We have sanctions for a couple of reasons. Both administrations have made the mistake of doing it. We had a sanction under the Nixon administration because there was a shortage of soybeans. There were cries from consumers and millers calling on the President to, shut off the export of soybeans because prices are going too high in this country and shuting off exports would in crease domestic supply and reduce price.

That is fine, but of course, we all know what happened. Japan, who was dependent on the United States for their soybean needs, decided to look for a more dependable supply and eventually went to Brazil. They bought and cleared land. They found that they could develop and grow soybeans down there very, very well. Brazil's soybean agriculture has expanded. Now they are one of the major competitors to the United States soybean market.

President Carter decided to punish Russia in 1981 by cutting off much needed wheat from the U.S., Russia started looking for a more reliable supplies and again American farmers again were the loosers.

Mr. Speaker, I hope everybody will move ahead, not only on this bill, but even a more aggressive bill that simply provides we will stop embargoes and sanctions on agricultural products for any reason. Number one because it is disrupting American agriculture, and number two, it does not work.

Mr. EWING. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), my colleague and cochairman of the Committee on Agriculture.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, foreign policy and international trade can sometimes be a very complicated topic for farmers and ranchers. But what is not confusing is the overseas markets that are so vital to our agriculture economy. This is especially true I think in my State of Nebraska.

Unfortunately, agriculture often gets caught up in a sanctions policy that does not work as intended. Sanctions usually end up hurting producers far more than they influence the behavior of other countries or effect any real change.

As agriculture continues to suffer from low prices, Congress needs to examine every policy to make sure that we are not standing in the way of recovery. We are doing that on the Committee on Agriculture, and I am glad to note that our colleagues on the Committee on International Relations are joining us in this effort, as well.

A re-examination or rationalization of sanctions policy is an absolutely necessary part of this effort. H.R. 17 is a minor, reasonable change in sanctions policy. It only requires Congress to approve or disapprove future embargoes on farm products within 100 days. It will not inhibit the President's ability to conduct foreign policy.

Agricultural embargoes are not put in place lightly, but only at the highest level of provocation. Congress will not ignore an international crisis that requires our president to act in a serious way. I believe that the Congress will follow the President's leadership.

Sanctions unfairly hurt agriculture. The House's passage of H.R. 17 will tell producers that Congress recognizes the poor economy that they are facing and their concerns with how foreign policy is conducted. Let us respond to their need with this very small change in policy. Please support H.R. 17.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of H.R. 17, which requires congressional approval of any agriculture-specific embargo on a foreign Nation. I am proud to be a cosponsor of this legislation, and I hope my colleagues will join me in voting for its quick passage.

For those who represent rural agricultural districts, agriculture is always a priority issue. But with the crisis now facing our farmers, this issue should be a priority for every Member of this House.

The bill of the gentleman from Illinois (Mr. EWING) represents an important step in alleviating the hardships in the agriculture community. H.R. 17 would require the President to submit a report to Congress laying out the reasons and a termination date for any proposed agriculture embargo. A 100-day period would follow during which Congress could approve or disapprove the embargo.

Mr. Speaker, it is difficult to overstate the importance of foreign markets to American agriculture. When our farmers are singled out to pay the price for punishing a foreign country the impact can be enormous, especially in times like these, when every opportunity for income is critical.

This bill seeks to address only those embargoes which are agriculture-specific, and would not affect cross-sector sanctions such as those against Cuba and Iraq. There would be no question that this legislation is good for America's farmers, and if there were ever a time we need our help, it is certainly now. I hope every Member will join me in supporting H.R. 17.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to another gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the ranking member for yielding time to me.

Mr. Speaker, I rise in support of H.R. 17, Selective Agricultural Embargoes Act of 1999, as introduced by my colleague and friend, the gentleman from Illinois (Mr. EWING). To put it very simply, embargoes can be the death knell for agriculture. We have seen it many, many times.

This bill is simple and straightforward. It simply requires the approval of both Houses of Congress if the President ever decides to impose an agriculture-specific embargo on a foreign country. However, Mr. Speaker, the bill in no way impedes the President's authority to impose cross-sector embargoes, it only attempts to single out agriculture.

With the enactment of Freedom to Farm, our farmers and ranchers have become increasingly reliant on foreign markets for a significant percentage of their income. In our global marketplace, the importance of being a reliable supplier of food and fiber cannot be overstated.

The U.S. agricultural economy is more than twice as reliant on exports as the overall economy. Congress should have input when the President decides to use American agriculture as a foreign policy tool.

For American farmers and ranchers, trade is an essential part of their livelihood. Currently exports account for 30 percent of U.S. farm cash receipts, and nearly 40 percent of all agricultural production is exported.

Past experience has shown the weakness in using sanctions as an instrument of foreign policy. Unfortunately, it may be politically impossible to entirely eliminate the use of economic sanctions. The President needs to be able to waive those impositions when he believes sanctions will have a negative impact on U.S. interests, especially on American agriculture.

Rather than continue policies that withhold sales of U.S. food and fiber as punishment, H.R. 17 would urge that food and agricultural trade be encompassed in U.S. diplomacy. Such a move would contribute to world security, help feed the engine of economic growth, and build the lines of communication that allow engagement with these countries with whom we have disagreements.

Mr. Speaker, I urge the passage of this important legislation.

Mr. EWING. Mr. Speaker, I yield 2 minutes to my colleague and friend, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I want to commend the chairman for using for his superb leadership in bringing this bill to the floor.

Our farmers in this country have a lot of challenges. Many times we can do nothing about those challenges here in Congress. We can do nothing about too much rain or lack thereof. Oftentimes there is very little we can do about the price of commodities that is so important to the farmers. One thing we can do is everything possible to open up trade opportunities so our farmers can export their agricultural commodities.

We have in Illinois the distinction of exporting about 47 percent of our farm products. That is, almost half of the farmers in the State of Illinois are dependent upon exports. We are presently involved in a battle with the Europeans over their acceptance of cattle that have the growth hormone, and also involved in a battle with them battle over their acceptance of genetically-altered grains and things of that nature.

One thing we can do is get the government out of the way of hindering markets that already exist for the purpose of allowing exports by our farmers. We only have to look back to the days of the Russian grain embargo, which was disastrous. Russia ended up buying their grain from other sources, and this country has never recovered from the loss of sales to Russia, simply because Russia looked to Argentina and other countries that do not use trade embargoes as a method of foreign policy.

The purpose of H.R. 17 is to eliminate that, to open up these markets. I would encourage my colleagues to vote for H.R. 17.

Mr. STENHOLM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, one of the things I think we have an opportunity to recognize is that sanctions may indeed be for worthy goals, or we intend them for worthy goals, but the impact of sanctions has not been proven to be effective. Certainly the sanctions on food and drugs not only are ineffective, but in terms of the humanitarian point of view, it certainly is inappropriate.

Additionally, sanctions on food are counterproductive to our commercial interests, particularly when we consider in many of these countries we are now giving food where we are not even allowed to sell food. So it is not consistent with our understanding that we should be humanitarian, and yet at the same time we will not allow our commerce to sell these very basic goods of food and medicine in those areas.

In my State, the products that we produce in abundance indeed are dependent upon trade. Having these sanctions certainly poses an economic threat, and indeed impacts them economically. But more importantly, sanctions as a whole are ineffective.

This particular bill does recognize that having sanctions on food products is inappropriate and not in our best interests. The sales of sanctioned products to these most egregious countries, when we think of them, really are not representing a large portion of our sales. It is the principle that this particular bill indeed addresses. It removes those sanctions for basic food.

When we begin to understand it, agriculture as a whole represents a significant part of our economy. So when we have sanctions on food used as a tool, we are indeed putting a deterrent on a significant amount of our economy.

In my particular State, we produce far more pork than anyone else. Over 75 percent of that must be dependent on trade in some form. Then when countries are no longer able to buy those particular products, or any other products that we have to sell in abundance, such as turkeys, cucumbers, chicken, any of those that we are very proficient in producing far beyond our domestic needs, it has a great impact.

I support this in principle, and I also support it in its specifics of looking at food as an area that should be barred from sanctions. The tools of food and medicine are not only inappropriate for us as a country, as a moral country, but it is inappropriate for us in a commercial way, and is counterproductive; particularly when we are going to give the food away anyway, why not have the opportunity to sell these very basic goods?

Again, I urge all of my colleagues to support this legislation. I want to commend the gentleman from Illinois (Mr. EWING) for his leadership in putting this forward.

□ 1045

Mr. EWING. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her support.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I rise today in strong support of this legislation.

Let me say at the outset, hunger knows no politics; and we have seen down through the years that embargoes have very little positive consequences, either for whatever we are trying to achieve diplomatically but certainly for our farmers.

I want to share a story that every day in Mankato, Minnesota, there are more soybeans processed than anywhere else in the United States. We grow an awful lot of soybeans in our area; and something that many of the Members do not know is that literally over half of all the soybeans grown, at least in the upper Midwest, ultimately wind up in some kind of export markets.

Now, soybeans should be selling for somewhere between $7 or $8 a bushel. Today, they are looking like they may test at $4 a bushel. Here is an unvarnished fact, that whether one is talking about soybeans, whether they are talking about pork, whether they are talking about corn, name the commodity that we produce here in the United States, here is an unvarnished fact about it, we cannot eat all that we can grow.

If we are going to allow farmers to achieve the kind of income levels that they deserve for the work that they put in, we have to open markets. We cannot close them off. Using food as a political weapon has never worked. It is like holding a gun to the heads of our farmers. It has not worked in terms of achieving diplomatic ends. It has been a mistake. This is a very important step in the right direction.

Mr. Speaker, as long as I have the floor for just a moment I want to say that one day I hope that we in this capitol of Washington and capitols all over the rest of the world will embrace the idea of a world food treaty, because we ought to say that as long as there is not a declaration of war between two countries we ought to always say that we are going to be willing to sell food to those countries, regardless of their politics, regardless of what may happen within their borders in terms of their own political process, but we will never use food as a political weapon.

This is an important piece of legislation, a very important step in the right direction. It is good for farmers, and I think in the long run it is good for our diplomatic relations as well.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to reiterate the reason why we are here and to commend the gentleman from Illinois (Mr. EWING) and the gentleman from Texas (Mr. COMBEST) for bringing this bill again to the floor, the reasons for passage are very, very clear. The gentleman from Illinois (Mr. EWING) pointed out the recent activities or actions taken by the administration, along the same line of beginning to recognize that unilateral sanctions are not helpful, particularly when it applies to food and to medicine.

The administration supports the spirit of this legislation from the standpoint of continuing to work with the Congress to make those changes necessary to bring about an end to these very harmful actions, harmful to the producers of food and fiber in the United States.

I think I would be remiss if I did not also mention, though, we have some other actions that this Congress needs to take this year along the same line.

We have some very controversial actions coming up regarding normal trade relations with China, a country of 1,200,000,000 mouths to feed. This is something that also needs to be looked at in the same bipartisan spirit.

Fast track negotiations need to be brought before this Congress so that we might include sending our negotiators to the table to negotiate in areas in which perhaps we can avoid sanctions even being considered by any administration. We also have to acknowledge the fact of the disappointment of many in the agricultural appropriation bill that was passed just a few days ago. The lack of step 2 funding for cotton, for example, is going to make it extremely difficult for our cotton industry to participate in the international marketplace; China's ascension to the WTO; all of these need to be considered in the same spirit in which we are here today in support of H.R. 4647.

Again, I commend the leadership, the gentleman from Illinois (Mr. EWING), his leadership on this, and look forward to the passage of this, the passage in the Senate, a presidential signature and moving on to other very important activities regarding agriculture.

Mr. EWING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express, as the ranking member has, our great desire to work with the administration on this new and revised policy about sanctions and embargoes. I think it is very important and very timely, particularly with the problems in agriculture, that we recognize that some of these policies have not worked as we had hoped they would.

Some of the sanctions are put on by this body here, by the Congress, some by the administration. We need to approach that very carefully. In that regard, the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), the gentleman from Nebraska (Mr. BEREUTER), a member of that committee, and the gentleman from California (Mr. ROYCE), also a member of that committee, have worked very hard to get this bill, H.R. 17, out of the Committee on International Relations and here on the floor today, and I personally recognize them and thank them for their help.

Embargoes and sanctions are not effective. The solution is a bipartisan approach, and that is what we have here today.

With that, I want to thank the staff of the Committee on Agriculture, the staff on my committee, for all the work they have done. This is not a complicated bill, but it has taken some time to bring it here to the floor and to work through the channels.

I do very much appreciate the very strong support on both sides of the aisle of the Committee on Agriculture for this piece of legislation and particularly my thanks to the gentleman from Texas (Mr. STENHOLM) for his cooperation and help today.

Mr. Speaker, I would just close by saying that this bill is strongly supported by the Agricultural Retailers Association, the American Farm Bureau Federation, the American Soybean Association, Corn Refiners Association, Farmland Industries, Inc., IMC Global, Louis Dreyfus Corporation, National Association of Animal Breeders, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Cattlemen's Beef Association, National Chicken Council, National Corn Growers Association, National Council of Farmer Cooperatives, National Farmers Union, National Food Processors Association, National Grain and Feed Association, National Grain Sorghum Producers, National Grange, National Milk Producers Federation, National Pork Producers Council, National Renderers Association, National Sunflower Association, North American Export Grain Association, North American Millers' Association, the Fertilizer Institute, United Egg Association, United Egg Producers and the U.S. Canola Association.

So there is strong support out there in the agricultural community for this bill, and I would now ask for its passage.

Mr. GILMAN. Mr. Speaker, I am pleased to join in supporting H.R. 17, the Selective Agricultural Embargoes Act of 1999, and I commend the gentleman from Illinois, Mr. EWING, and his cosponsors for their strong commitment to bringing this measure forward.

As a technical matter, what H.R. 17 says is that, in the future, if the President selectively embargoes the export of U.S. agricultural commodities to a foreign country, Congress can either pass a law authorizing that embargo, or pass a law disapproving that embargo. If Congress does either of these things, H.R. 17 specifies what consequences for the embargo will follow from that action. If Congress does neither of these things, nothing happens and the embargo will remain in effect.

Inasmuch as selective agricultural embargoes are extremely rare to begin with, and Congress is unlikely in any instance where the President imposes such an embargo to be able to enact a law with respect to that embargo, the practical impact of H.R. 17 will be limited.

As my colleagues know, we have had something of a debate over the last year or so regarding the wisdom and effectiveness of sanctions as a tool of United States foreign policy. I continue to believe that sanctions can be an effective foreign policy tool in appropriate cases, and I know that view is shared by the Clinton Administration, and also by the vast majority of my colleagues, if their votes on sanctions measures over the past several years are any indication of their position on the issue.

If I thought the measure before us today compromised the ability of the United States Government to promote our vital foreign policy interests by preventing the application of sanctions in appropriate cases, I would oppose it. I am satisfied, however, that H.R. 17 does not compromise the availability of this foreign policy tool, and therefore I am pleased to join in supporting it.

I also have received assurances from the distinguished Chairman of the Committee on Agriculture, Mr. COMBEST, regarding the manner in which he will proceed if H.R. 17 is amended by the Senate. I appreciate Mr. COMBEST's willingness to provide these assurances, not least of which because they were critical to my ability to schedule this measure for action in the Committee on International Relations and to support the measure today. I insert the letter I received from Mr. COMBEST to be reprinted in the RECORD at this point.

In closing, Mr. Speaker, I urge my colleagues to support H.R. 17.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 9, 1999.

Hon. BEN GILMAN,
Chairman, Committee on International Relations, Washington, DC.

DEAR BEN: This correspondence is in regard to H.R. 17, the "Selective Agricultural Embargoes Act of 1999." The Committee on Agriculture approved this legislation on February 10, and as you are aware the bill was referred additionally to the Committee on International Relations. I understand that your committee will consider H.R. 17 on June 10, 1999, and that you do not anticipate any changes to the bill.

Subcommittee Chairman Ewing and I are eager for prompt floor consideration of H.R. 17. As H.R. 17 relates to an area of special concern to the Committee on International Relations, I support your determination that changes to the bill which would be within the jurisdiction of your committee not be allowed to occur without your input and consent.

If, as expected, your committee reports H.R. 17 without amendment, let me assure you that in the event changes to the bill were proposed, either by the Senate or in the unlikely event of a conference, I will work with you to ensure that your committee's interests are protected. Because of the lengthy history of this legislation both in this session and last, I am eager to ensure that any concerns your committee may have concerning any attempts to modify this or similar legislation be thoroughly and cooperatively addressed in the same manner as was accomplished between our committees on H.R. 4647 during the 105th Congress. Should changes be made to H.R. 17 in the Committee on International Relations, I will reconsider the options available.

In the event your committee passes H.R. 17 without amendment I will seek to have the bill considered on the Suspension Calendar on the earliest available date.

I deeply appreciate your cooperation regarding H.R. 17. If I may be of further assistance regarding this matter please do not hesitate to contact me.

Sincerely,

LARRY COMBEST,
Chairman.

Mr. BEREUTER. Mr. Speaker, as the Vice Chairman of the Committee on International Relations and an original cosponsor of the bill, this Member rises in strong support of H.R. 17, the Selective Agricultural Embargoes Act of 1999. This Member also wants to commend the distinguished gentleman from Illinois, Mr. EWING, for his initiative and his persistence in bringing this important legislation to the Floor as expeditiously as possible.

As has been noted, H.R. 17 is identical to H.R. 4647, legislation which passed the House by voice vote under suspension of the rules in the final days of the previous 105th Congress. Unfortunately, since the other body did not consider the measure before adjournment, it is necessary for us to again pass this bill.

House Resolution 17 takes the first step towards rationalizing our sanctions policy by requiring the President to report to Congress on any selective embargo on agriculture commodities. The bill provides a termination date for any embargo and requires Congress to approve the embargo for it to extend beyond 100 days. House Resolution 17 also provides greater assurances for contract sanctity.

Unilateral embargoes of U.S. food exports do not hurt or effect any real change on the targeted country. All American farmers have a right to be angry that they are being used by both the executive and legislative branches to carry out symbolic acts so foreign policymakers can appear to be doing something about our toughest foreign policy problems. Given the fact that in relative terms U.S. commodity and livestock prices are at the lowest level seen in years and that many American farmers are facing financial ruin, our agricultural sector can no longer bear this unfair discriminatory burden for our country.

There are three types of embargoes: Short supply embargoes, foreign policy embargoes, and national security embargoes. Unfortunately, the imposition of any these types of embargoes ends up hurting America's farmers and other Americans working in the agricultural sector of our economy while having little or no impact on the targeted country. Indeed, the people who the authors of these embargoes might intend to harm least, namely American farmers, are harmed the most.

For example, last year the United States nearly lost a 350,000 metric ton wheat sale to Pakistan because of our unilateral non-proliferation sanctions on that country. Seeing that unintended and futile effort a number of us in Congress rushed to reverse that sanction just hours before the bids for the wheat sale were received. Because of this quick action, American exporters and our farmers sold our wheat, but just in the nick of time. Had we not acted then, surely the Australian, Canadian or French wheat farmers would have gladly become Pakistan's new primary supplier of wheat.

Mr. Speaker, this Member also believes it is important to state what this legislation does not do in order to reinforce the balanced nature of the bill. House Resolution 17 does not alter any current sanctions because it would only affect embargoes that apply selectively to agriculture products like President Carter's ill-fated and totally ineffective unilateral grain embargo on the Soviet Union in 1980 or President Ford's unilateral, anti-farmer short-supply soybean embargo. The former embargo benefitted European grain farmers while having no impact on the Soviet Union or its invasion of Afghanistan. The latter short-supply soybean embargo devastated American soybean farmers while creating our major soybean export competition in Brazil.

House Resolution 17 does not restrict the President's ability to impose cross-sector embargoes or apply to multilateral embargoes in which all of our agricultural competitors agree to the same export prohibitions we have imposed on our agricultural sector against the targeted country. This legislation reinforces the approach contemplated by this Member, that is that future export sanctions should be across the board and, whenever possible, multilateral, so that our competitor countries are also affected. And, if there is any room for any exception to that kind of embargo, it should be for food and medical exports. Food should not be used as tool of foreign policy.

Mr. Speaker, in addition to thanking our colleague from Illinois for his outstanding work on this measure, this Member would also like to thank the Chairmen and Ranking Members of the International Relations and Agriculture Committees, Messrs. GILMAN, GEJDENSON, COMBEST and STENHOLM, respectively, as well as International Relations Subcommittee Chairwoman ROS-LEHTINEN and Ranking Member MENENDEZ for considering this legislation expeditiously. In the view of this Member, H.R. 17 is one of the more important steps the 106th Congress is taking on behalf of farmers and agricultural trade.

Mr. Speaker, the Selective Agriculture Embargoes Act is a measured and responsible bill that protects the American farmer and the American agricultural sector from unnecessary and unwarranted harm while at the same time preserving an important foreign policy tool. This Member, therefore, urges his colleagues to vote for H.R. 17.

Mr. MINGE. Mr. Speaker, I rise today in support of H.R. 17, the Selective Agricultural Embargoes Act of 1999. I commend Mr. Ewing for his leadership on this issue, and I am proud to be an original co-sponsor of this legislation.

H.R. 17 requires that if the President acts to implement an embargo of any agricultural commodity to any country, the President must notify Congress of the reasons for the embargo and of the period of time that the embargo will be in effect. Congress then has 100 days to approve or disapprove the embargo. The President's action is approved by Congress, the embargo will terminate on the date determined by the President or 1 year after Congress considered the embargo, whichever occurs earliest. If Congress disapproves of the embargo, it will terminate at the end of a hundred day period.

For well over a year, America's farmers have been suffering from prolonged low commodity prices and decreated export sales. In times like these, it is doubly important that food not be used as a weapon in political battles between nations. The grain embargo of the Soviet Union in the 1970s not only closed the door to one market for America's farm exports, but it also sent a loud message to our trading partners that the United States does not always deal in good faith. This legislation will help assure other countries that it is safe to do business with us, while also assuring our farmers that they are not being used as a foreign policy tool.

Another policy which need to be reformed, in order to stop the damage that it is doing to America's farmers, is the use of sanctions against foreign nations. Congress needs to take up sanctions reform legislation as soon as possible to provide our farmers with more markets for their products. Food should not be used as a weapon, whether it is in the form of a sanction or an embargo.

I urge my colleagues to support H.R. 17, the Selective Agricultural Embargoes Act, because it is a vote for the future of America's farmers.

Mr. EWING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Illinois (Mr. EWING) that the House suspend the rules and pass the bill, H.R. 17.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EWING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 17, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXPRESSING CONCERN OVER ESCALATING VIOLENCE, GROSS VIOLATIONS OF HUMAN RIGHTS AND ONGOING ATTEMPTS TO OVERTHROW DEMOCRATICALLY ELECTED GOVERNMENT IN SIERRA LEONE

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 62) expressing concern over the escalating violence, the gross violations of human rights, and the ongoing attempts to overthrow a democratically elected government in Sierra Leone, as amended.

The Clerk read as follows:

H. RES. 62

Whereas the Armed Forces Revolutionary Council (AFRC) military junta, which on May 27, 1997, overthrew the democratically elected government of Sierra Leone led by President Ahmed Kabbah, suspended the constitution, banned political activities and public meetings, and invited the rebel fighters of the Revolutionary United Front (RUF) to join the junta;

Whereas the AFRC and RUF then mounted "Operation No Living Thing", a campaign of killing, egregious human rights violations, and looting, that continued until President Kabbah was restored to power by the Economic Community of West African States Military Observation Group (ECOMOG) on March 10, 1998;

Whereas the AFRC and RUF have escalated their 8 year reign of terror against the citizens of Sierra Leone, which includes heinous acts such as forcibly amputating the limbs of defenseless civilians of all ages, raping women and children, and wantonly killing innocent citizens;

Whereas the Kamajor civil defense group has committed summary executions of captured rebels and persons suspected of aiding the rebels;

Whereas the AFRC and RUF continue to abduct children, forcibly provide them with military training, and place them on the front-line during rebel incursions;

Whereas countries in and outside of the region, including Liberia, Burkina Faso, and Libya, and mercenaries from Ukraine and other countries, are directly supporting the AFRC/RUF terrorist campaign against the legitimate government and citizens of Sierra Leone;

Whereas the United Nations High Commissioner for Refugees (UNHCR) estimates that last year more than 210,000 Sierra Leoneans fled the country to Guinea, bringing the number to 350,000, most of whom have left Sierra Leone to escape the AFRC/RUF campaign of terror and atrocities, as have an additional 90,000 Sierra Leoneans who have sought safe haven in Liberia;

Whereas the refugee camps in Guinea and Liberia may be at risk of being used as safe havens for rebels and staging areas for attacks against Sierra Leone;

Whereas the humanitarian crisis in Sierra Leone has reached epic proportions with people dying from a lack of food, medical treatment, and medicine, while humanitarian operations are impeded by the countrywide war and the resultant destruction of infrastructure;

Whereas the Nigerian-led intervention force, ECOMOG, has deployed some 15,000 troops in Sierra Leone in an attempt to end the cycle of violence and ensure the maintenance of its democratically elected government at the request of the legitimate Government of Sierra Leone and with the support of the Economic Community of West African States (ECOWAS);

Whereas the escalating violence and terror in Sierra Leone perpetrated by the rebel AFRC/RUF threatens stability in West Africa and has the immediate potential of spilling over into Guinea and Liberia;

Whereas the ECOWAS Group of Seven recently met in Guinea in an attempt to bring about a cessation of hostilities and a negotiated settlement of the conflict; and

Whereas the United Nations report in February 1999 documented human rights abuses by the RUF, the Kamajor civil defense group, and summary executions by ECOMOG: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes the cessation of hostilities and calls for the respect of human rights by all combatants;

(2) applauds the effective diplomacy of the Department of State and the Reverend Jesse Jackson, United States Special Presidential Envoy for the promotion of democracy in Africa, particularly the successful efforts in helping to formulate a cease-fire arrangement;

(3) supports the efforts of all parties to bring lasting peace and national reconciliation in Sierra Leone;

(4) calls on all parties, including government officials and the RUF, to commit to a cease-fire;

(5) appeals to all parties to the conflict to engage in dialogue without any preconditions to bring about a long-term solution to this civil strife in Sierra Leone;

(6) supports the people of Sierra Leone in their quest for a democratic and stable country and a reconciled society;

(7) urges the President, the Secretary of State, and the Assistant Secretary of State for African Affairs to support the democratically elected government of Sierra Leone and continue to give high priority to helping resolve the devastating conflict in that country, which would be an important contribution to stability in the West Africa region;

(8) abhors the gross violations of human rights ongoing in Sierra Leone, including the dismemberment of citizens (including children) by the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) and demands that they immediately stop such heinous acts;

(9) condemns the West African countries and those outside the region that are aiding the AFRC/RUF and demands they immediately withdraw their combatants and cease providing military, financial, political, and other types of assistance to the rebels in Sierra Leone;

(10) applauds the Economic Community of West African States Military Observation Group (ECOMOG) for its support of the legitimate Government of Sierra Leone and urges it to diversify its forces with troops from additional Economic Community of West African States (ECOWAS) countries and remain engaged in Sierra Leone until a comprehensive settlement of the conflict is achieved;

(11) calls upon the United States to provide increased, appropriate logistical and political support for ECOMOG;

(12) calls on the United States to appoint an independent commission to investigate human rights violations;

(13) calls on the United Nations Security Council to fully support, financially and diplomatically, the activities of the human rights section of the United Nations Observer Mission in Sierra Leone (UNOMSIL);

(14) calls upon the United States to provide increased, appropriate logistical and political support for Ghana and Mali, countries that participate in ECOMOG; and

(15) urges the President to appoint a special envoy for Sierra Leone.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 62, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution addresses the tragic situation in Sierra Leone where the democratically elected government of President Ahmed Kabbah has been under siege by rebel forces. The RUF rebels, as the Subcommittee on Africa has heard, have used despicable tactics of political terror against civilians, which does throw into serious question these forces' commitment to a peaceful and democratic Sierra Leone.

We can only hope that the current cease-fire and ongoing political negotiations between the government and the RUF will produce a lasting political settlement.

Today, Sierra Leone is suffering a humanitarian crisis with hundreds of thousands of Sierra Leoneans having had to flee their country.

As this resolution notes, Sierra Leoneans are suffering from a lack of food. They are suffering from a lack of medicine. As a matter of fact, the suffering is acute. Many victims have lost their hands, have lost their limbs. Many have severed lips and severed ears because of political terror. Amputation is a part of the tactics used by the RUF in order to terrorize the opposition.

This resolution calls for an end to hostilities which, frankly, have the potential of destabilizing all of West Africa. It condemns the gross human rights violations that have shocked the world, and there should be no doubt it is the rebels that have been by far the greatest perpetrators of human rights violations in Sierra Leone.

This resolution calls on specific West African countries to cease providing military aid to rebel forces, and that aid, of course, aids and abets their carnage. It calls on the U.S. to provide additional support for ECOMOG forces that are providing a measure of stability in Sierra Leone. Clearly, the U.S. needs to do more for ECOMOG.

The situation in Sierra Leone greatly concerns many Members of Congress. Over the last year, the Subcommittee on Africa has held two hearings on this conflict. This resolution introduced by the gentleman from New Jersey (Mr. PAYNE) reflects what this subcommittee has learned through these hearings. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this resolution concerning Sierra Leone. I would especially like to thank the gentleman from California (Mr. ROYCE) of the Subcommittee on Africa for his work on this very important issue. I should also like to thank the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for bringing this resolution up so swiftly through the full committee last week.

Let me also thank my colleague, the gentleman from Florida (Mr. HASTINGS), who has been concerned about Sierra Leone for many, many years and for his resolution last week that congratulated everyone involved, especially the Reverend Jesse Jackson, for securing a cease-fire between President Kabbah and Corporal Foday Sankhoy at the talks.

I am pleased that the cease-fire was called and serious negotiations are beginning in Lome. I know that the President of Togo, General Gnassingbe Eyadema, is anxious to get the process moving forward.

Mr. Speaker, the brutal civil war in Sierra Leone has gone on for 8 horrific years. Even during the 30 years of independence, we have seen a country that has been governed improperly, where resources have not been used throughout the country, and that you have a different country from Freetown and the rest of the country. Twenty thousand people have been killed, hundreds have been maimed, and hundreds of thousands have been displaced; and, as we have heard about the horrendous violence from the gentleman from California (Mr. ROYCE) previously, there is not anyplace in the world where the atrocities to this degree should be allowed to go on.

H. Res. 62 expresses the sentiment of the House of Representatives that it is time for the war to end and for all combatants to commit to maintaining the cease-fire and continue talks that will lead to peace and true national reconciliation.

H. Res. 62 abhors the violence against innocent civilians that has characterized the late stages of the conflict. Additionally, the resolution condemns the human rights violations by all combatants, the RUF, the Kabbah government, the Nigerian-led ECOMOG.

H. Res. 62 calls upon the United States Government to increase its diplomatic efforts by pressuring the government and the rebels to remain at the peace talks. It will be difficult because of the brutality of the conflict but, we must urge them to sit at the table and come up with a negotiated settlement.

The government of the U.S. is encouraged to appoint an independent commission to investigate human rights allegations and appoint a special envoy for Sierra Leone in an effort to stop the fighting and end the war.

To date, a cease-fire has been in effect since May 25, 1999. The government of Sierra Leone, headed by the democratically elected President Kabbah and the rebel Revolutionary United Front, called the RUF, have worked out an agreement for exchange of prisoners.

However, the diplomatic effort of the U.S., the UK, ECOWAS and other diplomats will be tested as the two sides grapple with the tricky and final issues of power sharing, a transitional government and the removal of foreign troops.

The stakes are high in Sierra Leone. The stability of the West African region depends on peace and stability within its regions.

□ 1100

As I said, we commend Reverend Jesse Jackson and the State Department, but the people of Sierra Leone must resolve their deep seeded ethnic, social, economic, and political problems for peace to have a chance to take root.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), who has had a special interest in the humanitarian crisis in Sierra Leone, and who has worked with his church to try to urge adoption of this resolution.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from California (Mr. ROYCE) for yielding me this time.

I commend the gentleman from California (Mr. ROYCE) for his activities in this area and for the work he has done on Sierra Leone. I sponsored a similar resolution last year, although not as detailed as this one, because issues had not developed to this point.

The gentleman from California has been extremely helpful and very interested in the Sierra Leone issue and has done all that can be done in the Congress to address this issue.

I also wish to thank the gentleman from New Jersey (Mr. PAYNE) for sponsoring this resolution and bringing it to our attention. I appreciate his interest and his support in this effort.

It is very troubling when one examines the situation in Sierra Leone. It is particularly troubling when one compares our Nation's response to this situation to the response we mounted in in Kosovo and Yugoslavia. It is dangerous to make comparisons, of course, because they are far different parts of the world. But I do find it troubling that, even though Sierra Leone had more deaths and more people displaced than Kosovo at the time the bombing began in Kosovo and Yugoslavia, we did not chose to take action in Sierra Leone. Furthermore, this is a clear case, I believe, showing aggression or at least involvement from other nations outside of Sierra Leone, particularly Liberia. There is clear evidence of that, but there is also substantial evidence that Libya has been involved in stirring the pot and creating great difficulties there.

My interest in this goes back almost 20 years. I was involved in a task force on world hunger appointed by my denomination, the Christian Reformed Church of North America. I am results-oriented, and I insisted that we develop recommendations that would be meaningful and that our small denomination could handle with its 350,000 members. We came up with the suggestion for our denomination to adopt Sierra Leone and help them in every way possible.

Our church has been active there for some time but has been forced by events of the last year to withdraw. We had substantial success in Sierra Leone in helping with development, particularly in the bush region, and helping them drill wells, provide water, start farming, and develop economically as well as agriculturally. In addition, we have tried to help in other areas, in cooperation with the government.

It is a great disappointment to see the situation deteriorate in Sierra Leone. In fact, one of the national workers in our church's effort there was killed recently while innocently walking down the street. When the RUF gunman was asked why he shot this person, his response was, "Well, I have not shot anyone for a week; I thought it was about time."

This is the type of terror that is taking place there. But in some ways, it is even worse than in Kosovo, because not only are people being shot and killed, but they are also being tortured.

The gentleman from California (Mr. ROYCE) mentioned the amputations. It is very common there to chop off hands or feet, and sometimes both, and then turn people loose. Many of them, of course, die from loss of blood before they can get medical help. But regardless of whether they die or survive, it is a terrible act. Those survivors not only suffer, but are hampered from earning a living for the rest of their life.

What has troubled me most is that the United States Government has not responded as forcefully as I believe it could.

I say to the gentleman from New Jersey (Mr. PAYNE) I particularly appreciate that part of his resolution that calls on us to offer whatever assistance we can. It would take a minimal amount of assistance to deal with this situation and help the forces of ECOMOG, which are from the other neighboring nations, overthrow the rebels and provide peace and stability to that country; and, yet, we have provided very little assistance. I hope that this resolution will be one means of addressing that situation and stabilizing the nation.

Once again, I want to emphasize to the Congress the importance of this issue and how destabilizing it is, not only in Sierra Leone, not only in this region; but in fact, in all of West Africa. If our Nation does not indicate a willingness to aid peace and stability in that region, we will likely to have very serious problems to contend with there in the future.

Mr. PAYNE. Mr. Speaker, I really appreciate those remarks from the gentleman from Michigan (Mr. EHLERS).

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS) from our committee, who has worked hard on this issue.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE), the ranking member, for yielding me this time. I thank the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, for bringing this matter forward in an expeditious matter.

Like the gentleman from New Jersey (Mr. PAYNE), I would like to associate myself with the remarks of the gentleman from Michigan (Mr. EHLERS) that were just made.

Mr. Speaker, I rise to express my strong support for H. Res. 62, which expresses concern over the escalating violence and the gross violations of human rights in Sierra Leone.

On May 27, 1997, the Armed Forces Revolutionary Council, the military junta, overthrew the democratically elected government of Sierra Leone led by President Ahmed Kabbah, suspended the Constitution, banned political activities, and invited the rebel fighters of the Revolutionary United Front to join the junta.

The resolution, as offered, calls for immediate cessation of hostilities and respect for human rights by all combatants in Sierra Leone. It encourages parties to engage in dialogue without preconditions; abhors human rights violations by the Armed Forces Revolutionary Council and Revolutionary United Front against innocent civilians, including children; encourages the United States to provide increased and appropriate logistical political support for ECOMOG and other participating countries; and calls upon all combatants to commit a cease-fire. It also commends Reverend Jesse Jackson for his extraordinary diplomacy in this area.

Mr. Speaker, as legislators committed to promoting democracy the world over, we have followed with great interest the efforts undertaken by many countries in Africa seeking to promote democracy. Thus, it has been my belief that the United States has a responsibility to help countries in Africa succeed in their efforts toward stabilization, both for humanitarian reasons and because it is in the interest of democracy. We must do all within our power to assist in stabilizing the situation in Sierra Leone.

I urge our colleagues to support this resolution.

Mr. Speaker, I rise to express my strong support for H. Res. 62, which expresses concern over the escalating violence, and the gross violations of human rights in Sierra Leone.

Mr. Speaker, on May 27, 1997, the Armed Forces Revolutionary Council (AFRC) military junta, overthrew the democratically elected government of Sierra Leone led by President Ahmed Kabbah, suspended the constitution, banned political activities, and invited the rebel fighters of the Revolutionary United Front (RUF) to join the junta.

This resolution calls for immediate cessation of hostilities and respect for human rights by all combatants in Sierra Leone. It encourages parties to engage in dialogue without preconditions; abhors human rights violations by Armed Forces Revolutionary Council and Revolutionary United Front against innocent civilians, including children; encourages the U.S. to provide increased and appropriate logistical, political support for ECOMOG and other participating countries and calls upon all combatants to commit to a cease fire.

Mr. Speaker, as legislators committed to promoting democracy the world over, we have followed with great interest the efforts undertaken by many countries in Africa seeking to promote democracy. Thus, it has long been my belief that the United States has a responsibility to help countries in Africa succeed in their efforts towards stabilization, both for humanitarian reasons and because it is in democracies' best interest. We must do all within our power to stabilize the situation in Sierra Leone.

I urge my colleagues to support this resolution.

Mr. PAYNE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today in strong support of House Resolution 62, which expresses concerns on the escalating violence in Sierra Leone. This resolution deals with the genocide, forced servitude either in the Army and/or enslavement, because it deals with gross human rights violations, and it threatens the stability of a democratic government and a democratic society.

Not too long ago, Mr. Speaker, I stood here on the floor of the House saying, as we were involved with the escalating violence in Kosovo, that genocide is genocide, and it is wrong no matter where it is.

I say that the genocide that is taking place now in Sierra Leone must be stopped; and we must, as Members of the House and members of the administration, pay attention to what is going on in Sierra Leone and on the continent of Africa. For, indeed, there is a saying that "to whom much is given, much is required." Much has been given to this great Nation of ours, and therefore much is required of it.

If we turn our backs on the wrong, the moral wrong, the children who are being murdered and maimed every day, who are not getting an education, who are not getting the opportunity to compete in the global society in which we now live, then we are wrong as Members of this House, and we are wrong as a Nation.

We must make efforts. We must put our money where our mouths are. We must make sure that we stop the wrong that is going on in Sierra Leone so that a civilized society can come back to an existence. We must put our foot down as we did in Kosovo to say that enough is enough, and we are going to have a civil government and stop the kinds of inhuman treatment and injustices that are taking place.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Let me once again thank the gentleman from California (Mr. ROYCE) for bringing this very important resolution to the floor.

Let me just say in conclusion that Sierra Leone is a country that many people do not realize in addition to Liberia, where free men and women went back to Africa to create the country of Liberia back in 1822, and then under President Monroe, Liberia was founded in 1847, called Liberia for free men in Monrovia, its free city, Sierra Leone was founded also by freed slaves that went to Freetown.

Many of these persons actually fought in the Revolutionary War, and they fought for the British actually. The British guaranteed that, if they won the war, or when the war was concluded, that these persons would earn their freedom by fighting with the British against the colonists. Of course many African Americans also fought with the colonists.

As my colleagues know, Crispus Attucks was the first person killed in the Boston Massacre in May of 1770. So Freetown does have some links to African-Americans.

Many Sierra Leonans also went to South Carolina where many of them still speak a dialect. So we feel there is an importance to not only African-Americans, but to all Americans in that we should move to see that this terrible war ends and that the cease-fire holds, and that we can move on to reconciliation as we have seen in Namibia after their long civil war and we saw in Mozambique in that war when people sat at the table and came up with a solution.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to thank the participants of this debate. I have enjoyed working with Mr. Payne and the other members of the Subcommittee on Africa on this resolution, and I urge its adoption.

Mr. GILMAN. Mr. Speaker, I rise in support of this resolution.

Mr. ROYCE, Mr. PAYNE, and the Members of the Subcommittee on African Affairs are to be congratulated for their attention to the difficult political and humanitarian crisis in Sierra Leone.

When Sierra Leone received independence from Britain in 1961, it had everything going for it. The fierce tribalism that plagues some African nations never developed there, and although there are 14 ethnic groups, urban life has led to a blending of cultures. Sierra Leone benefited from strong educational institutions at the time of independence and boasts many highly educated citizens. But after independence, corrupt politicians found it relatively easy to consolidate power and accumulate great wealth.

Neighboring Liberia's civil war spilled over into Sierra Leone ten years ago, and faction leader Charles Taylor, now Liberia's president, armed and supported a Sierra Leone rebel group, the Revolutionary United Front. Led by Foday Sankoh, a cashiered army corporal, the RUF has demonstrated no discernible political agenda. Its followers have murdered and maimed thousands of the poorest people. Like the Shining Path in Peru, the RUF terrorizes the population to ensure compliance. RUF leaders recruit teenage and pre-teen boys and girls, sometimes forcing them to kill their own families before taking them from their rural villages at gunpoint. The practice of amputation and carving RUF initials into the skin of children became commonplace.

Sierra Leoneans finally rose up and demanded elections. In 1996 they poured into the streets, even battling soldiers to protect ballot boxes. In the first democratic elections in many years, they chose Ahmad Tejan Kabbah, a retired U.N. diplomat, as President.

Kabbah never came to grips with the country's many problems. In May 1997, the army seized the capital again and invited the RUF to join them in looting the city. Nine months later, Nigerian troops operating under the Economic Community of West Africa Monitoring Group (ECOMOG) ousted the vandals and restored Kabbah to power.

On January 6 of this year, the RUF launched another offensive on the capital and destroyed the country's largest hospital, its 170-year-old university, and its new telecommunications center before the ECOMOG troops drove them out again.

For the moment, there is a sign of hope. On May 18, 1999, President Kabbah and rebel leader Sankoh signed a cease-fire agreement. This tenuous peace must be guarded and nurtured. This resolution is an important step in sustaining continued U.S. engagement and support.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, House Resolution 62, as amended.

The question was taken.

Mr. ROYCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONDEMNING THE NATIONAL ISLAMIC FRONT (NIF) GOVERNMENT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 75) condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 75

Whereas according to the United States Committee for Refugees (USCR) an estimated 1,900,000 people have died over the past decade due to war and war-related causes and famine, while millions have been displaced from their homes and separated from their families;

Whereas the National Islamic Front (NIF) government's war policy in southern Sudan, the Nuba Mountains, and the Ingessena Hills has brought untold suffering to innocent civilians and is threatening the very survival of a whole generation of southern Sudanese;

Whereas the people of the Nuba Mountains and the Ingessena Hills are at particular risk, having been specifically targeted through a deliberate prohibition of international food aid, inducing manmade famine, and by routinely bombing civilian centers, including religious services, schools, and hospitals;

Whereas the National Islamic Front government is deliberately and systematically committing genocide in southern Sudan, the Nuba Mountains, and the Ingessena Hills;

Whereas the Convention for the Prevention and the Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, defines "genocide" as official acts committed by a government with the intent to destroy a national, ethnic, or religious group, and this definition also includes "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part";

Whereas the National Islamic Front government systematically and repeatedly obstructed peace efforts of the Intergovernmental Authority for Development (IGAD) over the past several years;

Whereas the Declaration of Principles (DOP) put forth by the Intergovernmental Authority for Development mediators is the most viable negotiating framework to resolve the problems in Sudan and to bring lasting peace;

Whereas humanitarian conditions in southern Sudan, especially in Bahr al-Ghazal and the Nuba Mountains, deteriorated in 1998, largely due to the National Islamic Front government's decision to ban United Nation's relief flights from February through the end of April in 1998 and the government continues to deny access in certain locations;

Whereas an estimated 2,600,000 southern Sudanese were at risk of starvation late last year in southern Sudan and the World Food Program currently estimates that 4,000,000 people are in need of emergency assistance;

Whereas the United Nations-coordinated relief effort, Operation Lifeline Sudan (OLS), failed to respond in time at the height of the humanitarian crisis last year and has allowed the National Islamic Front government to manipulate and obstruct the relief efforts;

Whereas the relief work in the affected areas is further complicated by the National Islamic Front's repeated aerial attacks on feeding centers, clinics, and other civilian targets;

Whereas relief efforts are further exacerbated by looting, bombing, and killing of innocent civilians and relief workers by government-sponsored militias in the affected areas;

Whereas these government-sponsored militias have carried out violent raids in Aweil West, Twic, and Gogrial counties in Bahr el Ghazal/Lakes Region, killing hundreds of civilians and displacing thousands;

Whereas the National Islamic Front government has perpetrated a prolonged campaign of human rights abuses and discrimination throughout the country;

Whereas the National Islamic Front government-sponsored militias have been engaged in the enslavement of innocent civilians, including children, women, and the elderly;

Whereas the now common slave raids being carried out by the government's Popular Defense Force (PDF) militias are undertaken as part of the government's self-declared jihad (holy war) against the predominantly traditional and Christian south;

Whereas, according to the American Anti-Slavery Group of Boston, there are tens of thousands of women and children now living as chattel slaves in Sudan;

Whereas these women and children were captured in slave raids taking place over a decade by militia armed and controlled by the National Islamic Front regime in Khartoum—they are bought, sold, branded, and bred;

Whereas the Department of State, in its report on Human Rights Practices for 1997, affirmed that "reports and information from a variety of sources after February 1994 indicate that the number of cases of slavery, servitude, slave trade, and forced labor have increased alarmingly";

Whereas the enslavement of people is considered in international law as "crime against humanity";

Whereas observers estimate the number of people enslaved by government-sponsored militias to be in the tens of thousands;

Whereas former United Nations Special Rapporteur for Sudan, Gaspar Biro, and his successor, Leonardo Franco, reported on a number of occasions the routine practice of slavery and the complicity of the Government of Sudan;

Whereas the National Islamic Front government abuses and tortures political opponents and innocent civilians in the North and that many northerners have been killed by this regime over the years;

Whereas the vast majority of Muslims in Sudan do not subscribe to the National Islamic Front's extremist and politicized practice of Islam and moderate Muslims have been specifically targeted by the regime;

Whereas the National Islamic Front government is considered by much of the world community to be a rogue state because of its support for international terrorism and its campaign of terrorism against its own people;

Whereas according to the Department of State's Patterns of Global Terrorism Report, "Sudan's support to terrorist organizations has included paramilitary training, indoctrination, money, travel documentation, safe passage, and refuge in Sudan";

Whereas the National Islamic Front government has been implicated in the assassination attempt of Egyptian President Hosni Mubarak in Ethiopia in 1995 and the World Trade Center bombing in 1993;

Whereas the National Islamic Front government has permitted Sudan to be used by well-known terrorist organizations as a refuge and training hub over the years;

Whereas the Saudi-born financier of extremist groups and the mastermind of the United States embassy bombings in Kenya and Tanzania, Osama bin-Laden, used Sudan as a base of operations for several years and continues to maintain economic interests there;

Whereas on August 20, 1998, United States Naval forces struck a suspected chemical weapons facility in Khartoum, the capital of Sudan, in retaliation for the United States embassy bombings in Nairobi and Dar es Salaam;

Whereas relations between the United States and Sudan continue to deteriorate because of human rights violations, the government's war policy in southern Sudan, and the National Islamic Front's support for international terrorism;

Whereas the United States Government placed Sudan in 1993 on the list of seven states in the world that sponsor terrorism and imposed comprehensive sanctions on the National Islamic Front government in November 1997; and

Whereas the struggle by the people of Sudan and opposition forces is a just struggle for freedom and democracy against the extremist regime in Khartoum: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly condemns the National Islamic Front government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations;

(2) strongly deplores the government-sponsored and tolerated slave raids in southern Sudan and calls on the government to immediately end the practice of slavery;

(3) calls on the United Nations Security Council to condemn the slave raids and bring to justice those responsible for these crimes against humanity;

(4) calls on the President—

(A) to increase support for relief organizations that are working outside the United Nations-coordinated relief effort, Operation Lifeline Sudan (OLS), in opposition-controlled areas;

(B) to instruct the Administrator of the United States Agency for International Development (USAID) and the heads of other relevant agencies to significantly increase and better coordinate with nongovernmental organizations outside the Operation Lifeline Sudan system involved in relief work in Sudan;

(C) to instruct the Administrator of USAID and the Secretary of State to work to strengthen the independence of Operation Lifeline Sudan from the National Islamic Front government;

(D) to substantially increase development funds for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas, and to report on a quarterly basis to the Congress on the progress made under this subparagraph;

(E) to instruct appropriate agencies to provide humanitarian assistance directly, including food, to the Sudan People's Liberation Army (SPLA), its NDA allies, and other indigenous groups in southern Sudan and the Nuba Mountains;

(F) to intensify and expand United States diplomatic and economic pressures on the National Islamic Front government by maintaining the current unilateral sanctions regime and by increasing efforts for multilateral sanctions;

(G) to provide the Sudan People's Liberation Army (SPLA) and its National Democratic Alliance (NDA) allies with political and material support;

(H) to take the lead to strengthen the Intergovernmental Authority for Development's (IGAD) peace process; and

(I) not later than 3 months after the adoption of this resolution, to report to the Congress about the administration's efforts or plans to end slavery in Sudan;

(5) calls on the United Nations Security Council—

(A) to impose an arms embargo on the Government of Sudan;

(B) to condemn the enslavement of innocent civilians and take appropriate measures against the perpetrators of this crime;

(C) to swiftly implement reforms within the Operation Lifeline Sudan to enhance independence from the National Islamic Front regime;

(D) to implement United Nations Security Council Resolution 1070 relating to an air embargo;

(E) to make a determination that the National Islamic Front's war policy in southern Sudan and the Nuba Mountains constitutes genocide or ethnic cleansing; and

(F) to protect innocent civilians from aerial bombardment by the National Islamic Front's air force;

(6) urges the Inter-Governmental Authority for Development (IGAD) partners under the leadership of President Daniel Arap Moi to call on the Government of Sudan to immediately stop the indiscriminate bombings in southern Sudan;

(7) strongly condemns any government that financially supports the Government of Sudan;

(8) calls on the President to transmit to the Congress not later than 90 days after the date of the adoption of this concurrent resolution, and not later than every 90 days thereafter, a report regarding flight suspensions for humanitarian purposes concerning Operation Lifeline Sudan; and

(9) urges the President to increase by 100 percent the allocation of funds that are made available through the Sudanese Transition Assistance for Rehabilitation Program (commonly referred to as the "STAR Program") for the promotion of the rule of law to advance democracy, civil administration and judiciary, and the enhancement of infrastructure, in the areas in Sudan that are controlled by the opposition to the National Islamic Front government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 75.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, this resolution brings much needed attention to the terrible situation in Sudan where war incredibly has led to the death of 1.9 million Sudanese over the past decade. The vast majority of these Sudanese have not been combatants. They have been innocent women and children in the south who have been cruelly subjected to starvation and disease as food has been used as a weapon against them.

□ 1115

As the Subcommittee on Africa and the Subcommittee on International Operations and Human Rights of the Committee on International Relations heard 3 weeks ago, the humanitarian crisis in Sudan remains severe and a process of slavery still exists. We heard the personal experiences of southern Sudanese who have lost family members to the horrific process of slavery.

This resolution pulls no punch. The Sudanese government, it states, is committing genocide. The Sudanese government has also engaged in slavery. This is consistent with its international behavior. Sudan is classified as a terrorist state by the State Department.

This resolution condemns the Sudanese government for its genocidal war in southern Sudan and its support for terrorism. It deplores the government-supported slave trade in Sudan, and it calls for increased and more effective aid efforts in southern Sudan. The United States, this resolution suggests, must play a key role in attempting to bring peace to southern Sudan.

Mr. Speaker, I commend the gentleman from New Jersey (Mr. PAYNE), the author of this resolution, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, once again let me commend the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, for bringing this very important resolution to the floor; and also to the ranking member of the full committee, the gentleman from New York (Mr. GEJDENSON); and the chairman of the full committee, the gentleman from New York (Mr. GILMAN), for the work that they have done on this very important issue.

The issue has been an issue that has been very important to me for many, many years: The question of Sudan and the horrendous quality of life that people, in particular in the south of Sudan, must go through in their daily lives simply to exist.

My first visit to Sudan was in 1993, and since then I have traveled several times to the region. Just last week I was joined by my colleagues, Senator BROWNBACK from Kansas and the gentleman from Colorado (Mr. TANCREDO), and it was great to have those Congress persons, as a matter of fact, the largest congressional delegation to go to the south of Sudan perhaps in decades.

Our trip took us to Loki in Kenya, to southern Sudan, to Yei and Labone, and at each of these places we saw thousands and thousands of refugees who are living in substandard conditions. Let me say that the war in Sudan is currently Africa's longest running Civil War. It is estimated that two million people have died, and as a direct result of this war many others have been misplaced, close to four million. The Sudanese conflict is often one of the major causes of famine and misery in southern Sudan.

The National Islamic Front government in Khartoum has systematically and militarily tried to wipe out the people in the south by genocidal means. The NIF government of the north has supported international terrorist activities and has even attempted to destabilize neighbors in East Africa. They have supported the Lord's Resistance Army in northern Kenya, an army of people who brutalize, kidnap children and maim and kill innocent people.

H.Con.Res. 75 condemns the NIF government for its genocidal war in southern Sudan, its support of terrorism and continued human rights violations.

H.Con.Res. 75 deplores the slave raids into southern Sudan where women and children are captured and sold as chattel slaves by a military controlled by the Khartoum government.

The resolution calls upon the United States Government to increase aid to relief organizations working outside of Operation Lifeline Sudan, the OLS, and it instructs USAID to better coordinate the delivery of aid and relief materials.

The State Department is called upon to increase the diplomatic pressure on the NIF government and to provide greater leadership by strengthening the Intergovernmental Authority for Development, the IGAD process, and we urge President Moi from Kenya, who chairs IGAD, to even work more diligently at coming up with a solution.

Finally, H. Con. Res. 75 calls upon the U.N. Security Council to impose an arms embargo against the Sudanese Government, condemn slavery and reform OLS to strengthen its independence from the NIF government.

All Members of the House are encouraged to vote for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO), who along with the gentleman from New Jersey (Mr. PAYNE) recently toured Sudan and had an opportunity to visit sites recently bombed, such as the hospital in Yei.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me this time. It is accurate that my colleagues, the gentleman from New Jersey (Mr. PAYNE), and Senator BROWNBACK, and I just returned from the Sudan where we witnessed the events described in this resolution, as described on the floor. We witnessed them firsthand, and witness them we did. Not only did we witness the effects, the physical effects of the bombing, the physical effects of the terror being imposed on the people of south Sudan by the government in the north, or the government in Khartoum, but we also witnessed the terror in the eyes of the people in south Sudan who came to us time after time after time, village after village, and asked us to do something, to do anything, as representatives of the greatest Nation on earth, as representatives of the most powerful Nation on the planet. They asked us to do something about the horror that they face day in and day out and that they have faced now for lo these many years.

As my colleague, the gentleman from New Jersey (Mr. PAYNE) has indicated, it is the longest running battle, war, conflict, whatever we wish to call it, on the continent. It has now killed more people than any conflict since the Second World War. Two million dead, 4 million displaced. All of this has happened and the world has been silent.

My colleague, and the chairman the distinguished chairman of our committee, the gentleman from New York (Mr. GILMAN), has offered and will offer a statement for the RECORD in its entirety, but I would like to just excerpt one part of it because I think it is extremely poignant and needs to be stressed. It says: "Sudan has had a long history of suffering. For many years, it has gone largely unnoticed by the rest of the world. I am reminded of the Book of Isaiah, where in chapter 40 the prophet speaks of a 'voice crying out in the wilderness.' A few of our colleagues, like the gentleman from Virginia (Mr. WOLF), and the gentleman from New Jersey (Mr. PAYNE) have cried out again and again at the pain and suffering of the people of south Sudan. But for too long, they have been the lone voices in the wilderness."

I am here to say, Mr. Speaker, that I will add my voice willingly to the voices of the gentleman from New Jersey (Mr. PAYNE), the gentleman from Virginia (Mr. WOLF) and others who have been crying out in this wilderness for some time.

Hard as it is to believe, Mr. Speaker, there are still places on this earth where people can be abducted from their own homes, placed in chains, taken to a foreign land, branded, and forced to live out their lives as slaves. Hard as it is to believe, Mr. Speaker, these things are happening to people, and their own government is a culprit in the crime.

There are many issues, of course, being addressed in the resolution. I certainly want to add my support to all of them. But this particular issue needs to be brought to the attention of the American public because maybe this is the thing that will get someone to pay attention to this horrible situation in Sudan and bring some relief to these people.

Finally, Mr. Speaker, it is important to note that a vast majority of northern Sudanese citizens are not complicit in this oppression. To the contrary, many northerners are suffering under the regime and they would like to see it end also. As with most abusive regimes, a small minority of military extremists are driving the government's policies. Far from condemning all of the people of the north, we express our sympathy and solidarity with them.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS), a member of the Subcommittee on Africa.

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of H. Con. Res. 75, and let me thank the Chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) for bringing this resolution to the floor. I think that it is time that we really pay attention to what is going on in the Sudan.

Mr. Speaker, 1.9 million people are dead. These are human beings, people who have flesh and blood just like us. How can we turn our backs on what is happening there? People taken from their homes and put into slavery. Our own dark history in this country knows the evils of slavery, and surely this is a chance for us in this country to redeem ourselves from what happened in our dark past, to make sure that that should never, ever happen on the face of the earth today.

How can we talk about going into the 21st century when slavery is still going on? How can we allow such a shameful act to continue? We must, as this resolution begins to do, do something and show that we care about human life; we care about people who may not be our immediate neighbors but they are our brothers in this world.

So I thank the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. GILMAN) for having the wisdom to bring this forward to the American public, and I think that we as a House and this administration need to surely focus on it as we do any other world crisis.

Mr. PAYNE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in strong support of H. Con. Res. 75, and I want to thank the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. ROYCE) and (Mr. PAYNE) for bringing this to not only the committee's attention but to the country's attention.

The war in the Sudan is currently Africa's longest running Civil War. It is estimated that 2 million people have died as a result of this war. The Sudanese conflict has caused major famine and misery for the people of southern Sudan.

This resolution condemns the National Islamic Front government for its genocidal war in southern Sudan and its support of terrorism and continued human rights violations.

The State Department is called upon to increase the diplomatic pressure on the NIF government and to provide greater leadership by strengthening the Intergovernmental Authority Development process.

The United States must take the moral high ground in addressing genocide throughout the world wherever it is occurring. The recent attention on the terror and the death and destruction in Yugoslavia causes many of us to question why there has been no attention and outrage over the 2 million people dying in the Sudan or over the 800,000 people who died in Rwanda.

Mr. Speaker, during the hearings on this resolution we heard some very sobering testimony about the lack of our own country's response to this human tragedy. There is an abolitionist movement taking place in this country here in 1999. Imagine, an abolitionist movement to free the slaves of Sudan. How tragic it is that in 1999 there must be in the United States of America an abolitionist movement. But we need this movement to assist us to help the public become aware of the great contributions and discrepancies in our policies toward Africa.

Mr. Speaker, I want to once again thank all of the leadership on this issue and hope that we get a unanimous aye vote for this resolution.

□ 1130

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I thank the gentleman for yielding. And I thank the chairman and ranking member and all of the sponsors for bringing this resolution to the floor. I strongly support it.

I traveled to Sudan in 1989. I did not know much about the Horn of Africa at the time. But I knew this: 280,000 people starved to death the year before, not because there was not enough food. There was a tremendous outpouring of support from people all over the world, and, I am proud to say, it came primarily from the United States of America. But that food did not get through to the innocent civilian populations because of this civil war.

I went to Sudan with the late Mickey Leland and the late Bill Emerson and my colleague GARY ACKERMAN. I watched in awe as Mickey Leland negotiated with the tyrant Sadiq al-Mahdi and with the leader of the SPLA John Garang, and even that unsavory character next door President Mengistu in Ethiopia to create these "corridors for peace." He was successful that year. And in that following year, deaths due to starvation dropped dramatically.

But in the time since then, we have focused our attention elsewhere. We have looked away from this tragedy and the situation today under Colonel Bashir is as bad as it has ever been.

As my friend and colleague the gentleman from New York (Mr. MEEKS) pointed out, 1.9 million people have already died in Sudan because of this civil war; 4 million people are internally displaced—more than any other nation on the face of the Earth. And we look the other way.

Mr. Speaker, we need to get our priorities straight; stop this war, secure the peace, end this human suffering. And we can start by passing and then implementing the provisions of this resolution.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to cosponsor this resolution on Sudan, along with the gentleman from New Jersey (Mr. PAYNE), and rise today in strong support of the measure.

Sudan has had a long history of suffering. For many years, it has gone virtually unnoticed by the rest of the world. I am reminded that in the Book of Isaiah, where in chapter 40 the prophet speaks of "a voice crying out in the wilderness."

A few of our colleagues, like the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. PAYNE) have cried out again and again at the pain and suffering of the people of southern Sudan. But for far too long, they have been the lone voices in the wilderness.

This resolution conveys the sadness and the frustration of this Congress with Sudan's government. The National Islamic Front, led by Dr. Hassan al-Turabi, has mounted a consistent, methodical campaign to eliminate their southern problem by any means necessary. It is chillingly reminiscent of the apartheid strategies launched by the National Party of South Africa in 1948 to eliminate the so-called "black problem."

Eventually, the National Party in South Africa learned the futility of apartheid, and tomorrow that country is going to celebrate the inauguration of its second democratically elected President. The National Islamic Front of Sudan will also learn, eventually, hopefully, the futility of its efforts to suppress the human spirit. But we wonder how many more lives are going to have to be lost before that lesson is truly learned.

One final but important note, Mr. Speaker: The vast majority of northern Sudanese citizens are not complicit in this oppression. To the contrary, many northerners are suffering under this regime and want to see it come to an end quickly. And as most abusive regimes, a small majority of militant extremists are driving the government's policies. Far from condemning all the people of the North, we express our sympathy and solidarity with them.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PAYNE) and the other members of the committee for their work on this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I would like to thank everyone for the support.

Finally, the question of Sudan is starting to become an issue that people in this country and around the world are starting to focus on. We have seen Somalia. We have seen Haiti. We have seen Kosovo. But as these things were going on, Sudanese were still suffering. For the last 40 years, they have been suffering. So finally, I think enough is enough. The time is now for us to act.

I would also like to thank people like Barbara Vogel, who is a teacher out in Colorado whose youngsters have written letters about slavery, and they call themselves "The Little Abolitionists," and they have raised close to a $100,000 to buy back people who have been in bondage in Sudan; and Father Dan Ethal, who is with the Norwegian People's Aid, who has worked so long in southern Sudan; and Roger Winters from the Refugee International; and Charles Jacobs, who heads the anti-Africa Slavery Committee.

When I concluded at a church service on our last day in southern Sudan, I simply told the people there that I had been there many years, as it was interpreted, but I said the next time I return to southern Sudan, I would hope to visit them in their own homes. There was a tremendous cheer that went out. So, hopefully, this resolution will move us toward that day where those people who have been suffering for decades and decades can go back to their own homes.

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Con. Res. 75, a resolution condemning the National Islamic Front government in Sudan for its support for terrorism, its human rights abuses and its genocidal war in Southern Sudan. I commend Representatives DON PAYNE for his leadership in sponsoring this resolution.

I also want to applaud Mr. PAYNE and Representative TOM TANCREDO for taking the time to visit Sudan during the Memorial Day recess. It is not an easy trip—it is in fact one of the most difficult places to visit in the entire world. But, people need to go there and see for themselves the suffering of the people. Once you have seen it—the desperate looks in their eyes, their utter destitution, the starvation, homelessness and disease—you cannot forget it. The willingness of Representative PAYNE and TANCREDO to go to Sudan gave the people there hope that they are not forgotten. This resolution is another message of hope.

The war in Sudan has gone on longer than almost any current conflict today. It has killed more people than in any war since the second World War—more than in Kosovo, Somalia, Rwanda, Chechnya and Bosnia combined. Some 2 million people or more have died in Sudan since the current phase of the war began in 1983. Most of the fallen are black Southern Sudanese. They have lost an entire generation to the fighting—probably two generations by now.

The January edition of the New York magazine contained an excellent article about the war in Sudan. It was titled The invisible War—an appropriate way to describe this conflict. At the end, the author William Finnegan asks a question we should all be asking ourselves: "The hard question is why the international community—the Western powers, really, led by the United States—is willing to invest so heavily in humanitartian relief and, at the same time, invest almost nothing in the diplomatic effort that might compel the warring parties to make peace." The war in Sudan has gone on for over 15 years, virtually unnoticed by the international community.

The United States has been and continue to be one of the largest country donors to the United Nations humanitarian relief effort in Sudan, Operation Lifeline Sudan. In FY 1998 along, the United States provided $110 million in aid to humanitarian agencies providing assistance in Sudan and additional $150 million in surplus wheat. I applaud these efforts.

But, what has been lacking on the part of the U.S. government and the international community is the political will to engage itself in a substantive and aggressive effort to promote peace in Sudan. That is what is needed—peace in Sudan.

H. Con. Res. 75 describes the atrocities taking place—slavery; religious persecution; genocide against the Muslims and Christians in the Nuba Mountains and the people of Southern Sudan; high-altitude bombing of civilian targets like hospitals, churches and feeding centers.

The government restricts humanitarian groups to desperately needy areas of the country, thereby allowing hungry people to become starving people. Tens if not hundreds of thousands of people have died of starvation in the war years. The government of Sudan has banned all international aid groups from going into the Nuba Mountains region since 1989. Meanwhile, government troops have slashed and burned the entire region, leaving thousands homeless, naked, starving, orphaned, diseased and without hope.

Sudan is a humanitarian nightmare and a human rights disaster. The majority of the suffering is caused by the government of Sudan's war policy, its intransigence in negotiations, it radical philosophy and its brutal tactics.

The real problem is the war and the United States must turn its attention to bringing peace to Sudan. If it does so, many of these other issues will take care of themselves.

I support all the provisions in H. Con. Res. 75. The United States must increase support for non-governmental agencies working outside Operation Lifeline Sudan. It must provide aid for capacity-building in Southern Sudan so the areas outside the government of Sudan's control can learn to administer themselves and create some semblance of order. It must work to strengthen the independence of Operation Lifeline Sudan to prevent Khartoum from using aid as a weapon against people it opposes. These provisions will help save lives and make the lives of people of Southern Sudan a little better.

The United States must do more to support the National Democratic Alliance—the coalition of northern and southern parties in opposition to the NIF government.

The time has also come for the U.S. to provide diplomatic and material support for the Southern People's Liberation Army (SPLA).

However, I also believe strongly that the United States must appoint a special envoy for Sudan. It should be a person of stature such as former Senator Paul Simon or Nancy Kassebaum or a similar kind of person. Former Senator George Mitchell want to Northern Ireland some 60 times in pursuit of peace in that region. Aren't the people of Sudan worth the same kind of effort?

Achieving a just peace in Sudan should be the goal of the U.S. government and the international community.

I want to be clear on one point. I believe that the government of Sudan is one of the most evil governments of earth. Its policies have devastated the lives of the people of Northern and Southern Sudan alike. It sponsors international terrorism, allows slavery to take place, uses food as a weapon, engages in coercive practices to force people to change their religion, tortures political opponents and commits many other egregious human rights abuses.

The NIF government has done very little to show themselves serious about peace and have thus made themselves one of them most isolated regimes on earth. The government of Sudan must understand that it will never become a full-fledged and respected member of the international community unless it gets serious about peace and stops its support for international terrorism.

But, the international community has continued to hide behind a flawed peace process, called the Inter-governmental Authority on Development (IGAD), which has produced a laudable Declaration of Principles but very little other real progress.

All the parties in Sudan must work for peace, but the International community must do more to force them to the table.

It's time to do more. For the sake of the people of Sudan, we must do more.

I urge this administration to appoint a special envoy for Sudan. We must get serious about peace in Sudan and put some diplomatic muscle into it.

In my office I have a picture of a young boy from Southern Sudan. It was taken 10 years ago by a member of my staff during my very first trip to Sudan in 1989. The boy is probably dead by now. But if he is not, what kind of life do you think he has been living?

This resolution lays out some excellent steps which must be taken immediately by the United States, the United Nations and the government of Sudan. I hope they will be taken seriously and implemented as soon as possible.

But, I hope the administration will go one step further and appoint a special envoy for Sudan.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 75, as amended.

The question was taken.

Mr. ROYCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECURITY ASSISTANCE ACT OF 1999

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 973) to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Security Assistance Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TRANSFERS OF EXCESS DEFENSE ARTICLES

Sec. 101. Excess defense articles for central European countries.
Sec. 102. Excess defense articles for certain independent States of the former Soviet Union.

TITLE II—FOREIGN MILITARY SALES AUTHORITIES

Sec. 201. Termination of foreign military financed training.
Sec. 202. Sales of excess Coast Guard property.
Sec. 203. Competitive pricing for sales of defense articles.
Sec. 204. Reporting of offset agreements.
Sec. 205. Notification of upgrades to direct commercial sales.
Sec. 206. Expanded prohibition on incentive payments.
Sec. 207. Administrative fees for leasing of defense articles.

TITLE III—STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

Sec. 301. Additions to United States war reserve stockpiles for allies.
Sec. 302. Transfer of certain obsolete or surplus defense articles in the war reserves stockpile for allies.

TITLE IV—INTERNATIONAL ARMS SALES CODE OF CONDUCT ACT OF 1999

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. International arms sales code of conduct.

TITLE V—AUTHORITY TO EXEMPT INDIA AND PAKISTAN FROM CERTAIN SANCTIONS

Sec. 501. Waiver authority.
Sec. 502. Consultation.
Sec. 503. Reporting requirement.
Sec. 504. Appropriate congressional committees defined.

TITLE VI—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Sec. 601. Authority to transfer naval vessels.
Sec. 602. Inapplicability of aggregate annual limitation on value of transferred excess defense articles.
Sec. 603. Costs of transfers.
Sec. 604. Expiration of authority.
Sec. 605. Repair and refurbishment of vessels in United States shipyards.
Sec. 606. Sense of Congress relating to transfer of naval vessels and aircraft to the Government of the Philippines.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Annual military assistance reports.
Sec. 702. Publication of arms sales certifications.
Sec. 703. Notification requirements for commercial export of significant military equipment on United States Munitions List.
Sec. 704. Enforcement of Arms Export Control Act.
Sec. 705. Violations relating to material support to terrorists.
Sec. 706. Authority to consent to third party transfer of ex-U.S.S. Bowman County to USS LST Ship Memorial, Inc.
Sec. 707. Exceptions relating to prohibitions on assistance to countries involved in transfer or use of nuclear explosive devices.
Sec. 708. Continuation of the export control regulations under IEEPA.

TITLE I—TRANSFERS OF EXCESS DEFENSE ARTICLES

SEC. 101. EXCESS DEFENSE ARTICLES FOR CENTRAL EUROPEAN COUNTRIES.

Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "2000 and 2001".

SEC. 102. EXCESS DEFENSE ARTICLES FOR CERTAIN INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) USES FOR WHICH FUNDS ARE AVAILABLE.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2000 and 2001, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, and Uzbekistan.

(b) CONTENT OF CONGRESSIONAL NOTIFICATION.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (a) shall include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.

TITLE II—FOREIGN MILITARY SALES AUTHORITIES

SEC. 201. TERMINATION OF FOREIGN MILITARY FINANCED TRAINING.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended—

(1) by inserting in the second sentence "and the Arms Export Control Act" after "under this Act" the first place it appears;

(2) by striking "under this Act" the second place it appears; and

(3) by inserting in the third sentence "and under the Arms Export Control Act" after "this Act".

SEC. 202. SALES OF EXCESS COAST GUARD PROPERTY.

Section 21(a)(1) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)) is amended in the text above subparagraph (A) by inserting "and the Coast Guard" after "Department of Defense".

SEC. 203. COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES.

Section 22(d) of the Arms Export Control Act (22 U.S.C. 2762(d)) is amended—

(1) by striking "Procurement contracts" and inserting "(1) Procurement contracts"; and

(2) by adding at the end the following:

"(2) Direct costs associated with meeting additional or unique requirements of the purchaser shall be allowable under contracts described in paragraph (1). Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.".

SEC. 204. REPORTING OF OFFSET AGREEMENTS.

(a) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended in the fourth sentence by striking "(if known on the date of transmittal of such certification)" and inserting "and, if known on the date of transmittal of such certification, a description of the offset agreement. Such description may be included in the classified portion of such numbered certification".

(b) COMMERCIAL SALES.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended in the second sentence by striking "(if known on the date of transmittal of such certification)" and inserting "and, if known on the date of transmittal of such certification, a description of the offset agreement. Such description may be included in the classified portion of such numbered certification".

SEC. 205. NOTIFICATION OF UPGRADES TO DIRECT COMMERCIAL SALES.

Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

"(4) The provisions of subsection (b)(5) shall apply to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to paragraph (1) in the same manner and to the same extent as that subsection applies to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to subsection (b)(1). For purposes of such application, any reference in subsection (b)(5) to 'a letter of offer' or 'an offer' shall be deemed to be a reference to 'a contract'.".

SEC. 206. EXPANDED PROHIBITION ON INCENTIVE PAYMENTS.

(a) IN GENERAL.—Section 39A(a) of the Arms Export Control Act (22 U.S.C. 2779a(a)) is amended—

(1) by inserting "or licensed" after "sold"; and

(2) by inserting "or export" after "sale".

(b) DEFINITION OF UNITED STATES PERSON.—Section 39A(d)(3)(B)(ii) of the Arms Export Control Act (22 U.S.C. 2779a(d)(3)(B)(ii)) is amended by inserting "or by an entity described in clause (i)" after "subparagraph (A)".

SEC. 207. ADMINISTRATIVE FEES FOR LEASING OF DEFENSE ARTICLES.

Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended in paragraph (4) of the first sentence by inserting after "including reimbursement for depreciation of such articles while leased," the following: "a fee for the administrative services associated with processing such leasing,".

TITLE III—STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 301. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Paragraph (2) of section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

"(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $340,000,000 for fiscal year 1999 and $60,000,000 for fiscal year 2000.

"(B)(i) Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.

"(ii) Of the amount specified in subparagraph (A) for fiscal year 2000, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

SEC. 302. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVES STOCKPILE FOR ALLIES.

(a) ITEMS IN THE KOREAN STOCKPILE.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions, equipment, and material such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, ammunition, barrier material, and ancillary equipment, if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, located in a stockpile in the Republic of Korea.

(b) ITEMS IN THE THAILAND STOCKPILE.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Thailand, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items in the WRS–T stockpile described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions, equipment, and material such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, ammunition, barrier material, and ancillary equipment, if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for Thailand; and

(D) as of the date of enactment of this Act, located in a stockpile in Thailand.

(c) VALUATION OF CONCESSIONS.—The value of concessions negotiated pursuant to subsections (a) and (b) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(d) PRIOR NOTIFICATIONS OF PROPOSED TRANSFERS.—Not less 30 days before making a transfer under the authority of this section, the President shall transmit to the chairmen of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a detailed notification of the proposed transfer, which shall include an identification of the items to be transferred and the concessions to be received.

(e) TERMINATION OF AUTHORITY.—No transfer may be made under the authority of this section more than three years after the date of enactment of this Act.

TITLE IV—INTERNATIONAL ARMS SALES CODE OF CONDUCT ACT OF 1999

SEC. 401. SHORT TITLE.

This title may be cited as the "International Arms Sales Code of Conduct Act of 1999".

SEC. 402. FINDINGS.

The Congress finds the following:

(1) The proliferation of conventional arms and conflicts around the globe are multilateral problems. The only way to effectively prevent rogue nations from acquiring conventional weapons is through a multinational "arms sales code of conduct".

(2) Approximately 40,000,000 people, over 75 percent of whom were civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the cold war, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(3) Conflict has actually increased in the post cold war era.

(4) It is in the national security and economic interests of the United States to reduce dramatically the $840,000,000,000 that all countries spend on armed forces every year, $191,000,000,000 of which is spent by developing countries, an amount equivalent to 4 times the total bilateral and multilateral foreign assistance such countries receive every year.

(5) The Congress has the constitutional responsibility to participate with the executive branch in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(6) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, or is currently engaged in acts of armed aggression should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do not apply.

SEC. 403. INTERNATIONAL ARMS SALES CODE OF CONDUCT.

(a) NEGOTIATIONS.—The President shall attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries. The President shall take the necessary steps to begin negotiations with all Wassenaar Arrangement countries within 120 days after the date of the enactment of this Act. The purpose of these negotiations shall be to conclude an agreement on restricting or prohibiting arms transfers to countries that do not meet the following criteria:

(1) PROMOTES DEMOCRACY.—The government of the country—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—The government of the country—

(A) does not engage in gross violations of internationally recognized human rights, including—

(i) extra judicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—The government of the country is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN U.N. REGISTER OF CONVENTIONAL ARMS.—The government of the country is fully participating in the United Nations Register of Conventional Arms.

(b) REPORTS TO CONGRESS.—(1) In the report required in sections 116(d) and 502B of the Foreign Assistance Act of 1961, the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1) through (4) of subsection (a).

(2) Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the appropriate committees of the Congress on the progress made during these negotiations.

(c) DEFINITION.—The term "Wassenaar Arrangement countries" means Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Russia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom.

TITLE V—AUTHORITY TO EXEMPT INDIA AND PAKISTAN FROM CERTAIN SANCTIONS

SEC. 501. WAIVER AUTHORITY.

(a) AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive, with respect to India or Pakistan, the application of any sanction or prohibition (or portion thereof) contained in section 101 or 102 of the Arms Export Control Act (22 U.S.C. 2799aa or 2799aa–1), section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)), or section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(2) EFFECTIVE DATE.—A waiver of the application of a sanction or prohibition (or portion thereof) under paragraph (1) shall be effective only for a period ending on or before September 30, 2000.

(b) EXCEPTION.—The authority to waive the application of a sanction or prohibition (or portion thereof) under subsection (a) shall not apply with respect to a sanction or prohibition contained in subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act.

(c) NOTIFICATION.—A waiver of the application of a sanction or prohibition (or portion thereof) contained in section 541 of the Foreign Assistance Act of 1961 shall not become effective until 15 days after notice of such waiver has been reported to the congressional committees specified in section

634A(a) of such Act in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 502. CONSULTATION.

Prior to each exercise of the authority provided in section 501, the President shall consult with the appropriate congressional committees.

SEC. 503. REPORTING REQUIREMENT.

Not later than August 31, 2000, the Secretary of State shall prepare and submit to the appropriate congressional committees a report on economic and national security developments in India and Pakistan.

SEC. 504. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE VI—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

SEC. 601. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) Dominican Republic.—The Secretary of the Navy is authorized to transfer to the Government of the Dominican Republic the medium auxiliary floating dry dock AFDM 2. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) Ecuador.—The Secretary of the Navy is authorized to transfer to the Government of Ecuador the "OAK RIDGE" class medium auxiliary repair dry dock ALAMOGORDO (ARDM 2). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) Egypt.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "NEWPORT" class tank landing ships BARBOUR COUNTY (LST 1195) and PEORIA (LST 1183). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(d) Greece.—(1) The Secretary of the Navy is authorized to transfer to the Government of Greece the "KNOX" class frigate CONNOLE (FF 1056). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) The Secretary of the Navy is authorized to transfer to the Government of Greece the medium auxiliary floating dry dock COMPETENT (AFDM 6). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(e) Mexico.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "NEWPORT" class tank landing ship NEWPORT (LST 1179) and the "KNOX" class frigate WHIPPLE (FF 1062). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(f) Poland.—The Secretary of the Navy is authorized to transfer to the Government of Poland the "OLIVER HAZARD PERRY" class guided missile frigate CLARK (FFG 11). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(g) Taiwan.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(h) Thailand.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "KNOX" class frigate TRUETT (FF 1095). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(i) Turkey.—The Secretary of the Navy is authorized to transfer to the Government of Turkey the "OLIVER HAZARD PERRY" class guided missile frigates FLATLEY (FFG 21) and JOHN A. MOORE (FFG 19). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

SEC. 602. INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by section 601 shall not be counted for the purposes of section 516(g) of the Foreign Assistance Act of 1961 in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

SEC. 603. COSTS OF TRANSFERS.

Any expense incurred by the United States in connection with a transfer of a vessel authorized by section 601 shall be charged to the recipient.

SEC. 604. EXPIRATION OF AUTHORITY.

The authority to transfer vessels under section 601 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 605. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under section 601, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 606. SENSE OF CONGRESS RELATING TO TRANSFER OF NAVAL VESSELS AND AIRCRAFT TO THE GOVERNMENT OF THE PHILIPPINES.

(a) Sense of Congress.—It is the sense of the Congress that—

(1) the President should transfer to the Government of the Philippines, on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the excess defense articles described in subsection (b); and

(2) the United States should not oppose the transfer of F–5 aircraft by a third country to the Government of the Philippines.

(b) Excess Defense Articles.—The excess defense articles described in this subsection are the following:

(1) UH–1 helicopters, A–4 aircraft, and the "POINT" class Coast Guard cutter POINT EVANS.

(2) Amphibious landing craft, naval patrol vessels (including patrol vessels of the Coast Guard), and other naval vessels (such as frigates), if such vessels are available.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ANNUAL MILITARY ASSISTANCE REPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended to read as follows:

"(b) Information Relating to Military Assistance and Military Exports.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

"(1) were furnished by grant under chapter 2 or chapter 5 of part II of this Act or under any other authority of law or by sale under chapter 2 of the Arms Export Control Act;

"(2) were furnished with the financial assistance of the United States Government, including through loans and guarantees; or

"(3) were licensed for export under section 38 of the Arms Export Control Act.".

SEC. 702. PUBLICATION OF ARMS SALES CERTIFICATIONS.

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended in the second subsection (e) (as added by section 155 of Public Law 104–164)—

(1) by inserting "in a timely manner" after "to be published"; and

(2) by striking "the full unclassified text of" and all that follows and inserting the following: "the full unclassified text of—

"(1) each numbered certification submitted pursuant to subsection (b);

"(2) each notification of a proposed commercial sale submitted under subsection (c); and

"(3) each notification of a proposed commercial technical assistance or manufacturing licensing agreement submitted under subsection (d).".

SEC. 703. NOTIFICATION REQUIREMENTS FOR COMMERCIAL EXPORT OF SIGNIFICANT MILITARY EQUIPMENT ON UNITED STATES MUNITIONS LIST.

(a) Notification Requirement.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(i) As prescribed in regulations issued under this section, a United States person to whom a license has been granted to export an item identified as significant military equipment on the United States Munitions List shall, not later than 15 days after the item is exported, submit to the Department of State a report containing all shipment information, including a description of the item and the quantity, value, port of exit, and destination of the item.".

(b) Quarterly Reports to Congress.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(A) in paragraph (11), by striking "and" at the end;

(B) in paragraph (12), by striking "third-party transfers." and inserting "third-party transfers; and"; and

(C) by adding after paragraph (12) (but before the last sentence of the subsection), the following:

"(13) a report on all exports of significant military equipment for which information has been provided pursuant to section 38(i).".

SEC. 704. ENFORCEMENT OF ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended in sections 38(e), 39A(c), and 40(k) by inserting after "except that" each place it appears the following: "section 11(c)(2)(B) of such Act shall not apply, and instead, as prescribed in regulations issued under this section, the Secretary of State may assess civil penalties for violations of this Act and regulations prescribed thereunder and further may commence a civil action to recover such civil penalties, and except further that".

SEC. 705. VIOLATIONS RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 38(g)(1)(A)(iii) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)(A)(iii)) is amended by adding at the end before the comma the following: "or section 2339A of such title (relating to providing material support to terrorists)".

SEC. 706. AUTHORITY TO CONSENT TO THIRD PARTY TRANSFER OF EX-U.S.S. BOWMAN COUNTY TO USS LST SHIP MEMORIAL, INC.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the long-standing policy of the United States Government to deny requests for the retransfer of significant military equipment that originated in the United States to private entities.

(2) In very exceptional circumstances, when the United States public interest would be served by the proposed retransfer and end-use, such requests may be favorably considered.

(3) Such retransfers to private entities have been authorized in very exceptional circumstances following appropriate demilitarization and receipt of assurances from the private entity that the item to be transferred would be used solely in furtherance of Federal Government contracts or for static museum display.

(4) Nothing in this section should be construed as a revision of long-standing policy referred to in paragraph (1).

(5) The Government of Greece has requested the consent of the United States Government to the retransfer of HS Rodos (ex-U.S.S. Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(b) AUTHORITY TO CONSENT TO RETRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-U.S.S. Bowman County (LST 391)) to the USS LST Ship Memorial, Inc..

(2) CONDITIONS FOR CONSENT.—The President should not exercise the authority under paragraph (1) unless USS LST Memorial, Inc.—

(A) utilizes the vessel for public, nonprofit, museum-related purposes;

(B) submits a certification with the import application that no firearms frames or receivers, ammunition, or other firearms as defined in section 5845 of the National Firearms Act (26 U.S.C. 5845) will be imported with the vessel; and

(C) complies with regulatory policy requirements related to the facilitation of monitoring by the Federal Government of, and the mitigation of potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

SEC. 707. EXCEPTIONS RELATING TO PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.

(a) IN GENERAL.—Section 2 of the Agriculture Export Relief Act of 1998 (Public Law 105–194; 112 Stat. 627) is amended—

(1) by striking subsection (d); and

(2) by striking the second sentence of subsection (e).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act or September 30, 1999, whichever occurs earlier.

SEC. 708. CONTINUATION OF THE EXPORT CONTROL REGULATIONS UNDER IEEPA.

To the extent that the President exercises the authorities of the International Emergency Economic Powers Act to carry out the provisions of the Export Administration Act of 1979 in order to continue in full force and effect the export control system maintained by the Export Administration regulations issued under that Act, including regulations issued under section 8 of that Act, the following shall apply:

(1) The penalties for violations of the regulations continued pursuant to the International Emergency Economic Powers Act shall be the same as the penalties for violations under section 11 of the Export Administration Act of 1979, as if that section were amended—

(A) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly violates or conspires to or attempts to violate any provision of this Act or any license, order, or regulation issued under this Act—

"(1) except in the case of an individual, shall be fined not more than $500,000 or 5 times the value of any exports involved, whichever is greater; and

"(2) in the case of an individual, shall be fined not more than $250,000 or 5 times the value of any exports involved, whichever is greater, or imprisoned not more than 5 years, or both.";

(B) in subsection (b)—

(i) in paragraphs (1)(A) and (2)(A) by striking "five times" and inserting "10 times"; and

(ii) in paragraph (1)(B) by striking "$250,000" and inserting "$500,000"; and

(iii) in paragraph (2)(B) by striking "$250,000, or imprisoned not more than 5 years" and inserting "$500,000, or imprisoned not more than 10 years";—

(C) in subsection (c)(1)—

(i) by striking "$10,000" and inserting "$250,000"; and

(ii) by striking "except that the civil penalty" and all that follows through the end of the paragraph and inserting "except that the civil penalty for a violation of the regulations issued pursuant to section 8 may not exceed $50,000."; and

(D) in subsection (h)(1), by inserting after "Arms Export Control Act (22 U.S.C. 2778)" the following: "section 16 of the Trading with the enemy Act (50 U.S.C. 16), or, to the extent the violation involves the export of goods or technology controlled under this or any other Act or defense articles or defense services controlled under the Arms Export Control Act, section 371 or 1001 of title 18, United States Code,".

(2) The authorities set forth in section 12(a) of the Export Administration Act of 1979 may be exercised in carrying out the regulations continued pursuant to the International Emergency Economic Powers Act.

(3) The provisions of sections 12(c) and 13 of the Export Administration Act of 1979 shall apply in carrying out the regulations continued pursuant to the International Emergency Economic Powers Act.

(4) The continuation of the provisions of the Export Administration Regulations pursuant to the International Emergency Economic Powers Act shall not be construed as not having satisfied the requirements of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 973.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House floor H.R. 973, the Security Assistance Act of 1999.

I want to extend my appreciation to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member on our committee, for his support of this legislation.

This bill modifies authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act.

These provisions address the transfer of excess defense articles, and amendments to our foreign military sales program including additional notification requirements for arms sales, new reporting requirements for offset agreements associated with arms transfers, and ensuring DOD charges foreign customers for the administrative cost of processing leases.

This bill also modifies authorities to provide for the stockpiling of defense articles in foreign countries for use by our U.S. forces. Two additional provisions regarding annual military assistance reports and publications of arms sales certifications will bring greater transparency to our arms transfer process.

This measure also extends for 1 fiscal year the waiver authority which exempts India and Pakistan from certain sanctions imposed pursuant to the nuclear tests last year. Last week the other Chamber passed legislation suspending many of these sanctions for a period of 5 years.

It is my intention to work with Senator BROWNBACK and other Senators and House Members to ensure that legislation suspending India and Pakistan from certain sanctions becomes law.

I do have specific concerns about the bill passed in the other Chamber, and we want to carefully analyze it before proceeding. In particular, we need to consider linking any changes in current law regarding transfers of sales of military equipment to Pakistan to verifiable evidence that Pakistan ceases all destabilizing activities in Kashmir.

In addition, the bill also contains a permanent exemption for USDA export credits and credit guarantees of those programs subject to termination for nations that violate our nuclear proliferation laws. Extending these waivers recognizes the small but important steps each of these countries have taken to move forward on the nonproliferation agenda as well as improved bilateral ties between the countries.

This bill contains compromise language on a Code of Conduct governing arms sales, which was worked out by the gentleman from Connecticut (Mr. GEJDENSON), our ranking member, and the gentlewoman from Georgia (Ms. MCKINNEY), who have long championed this important issue.

This legislation also authorizes the transfer of 10 vessels to 8 nations: to the Dominican Republic, to Equador, Egypt, Greece, Mexico, Poland, Taiwan, and Turkey. These transfers, which have been requested by the DOD, will generate over $80 million for our Treasury, in addition to an additional $250 million for training, for supplies and for support and repair services, and U.S. Government and U.S. private shipyards are going to realize between $100 million and $140 million to accomplish the required reactivation work in order to transfer these vessels.

Finally, this legislation protects our national security and enacts one of the key bipartisan Cox committee recommendations by increasing the criminal and civil penalties that can be imposed against any U.S. company that violates U.S. export control laws.

The Department of State and Department of Defense support this measure. Many of the provisions have been requested by the administration.

In sum, H.R. 973 helps protect our national security by modifying U.S. laws that govern the provision of security assistance worldwide. It enacts a key bipartisan recommendation of the Cox committee to impose stiffer penalties against companies that violate our export control laws. It helps our farmers and exporters by providing permanent waiver authority for agricultural products and for medicine for export to India and to Pakistan. And it generates revenue for our Treasury and our Government and private shipyards by the sale of naval vessels to foreign nations.

Accordingly, I urge my colleagues to fully support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am privileged to be here with the chairman of the committee and to support this legislation. The gentleman from New York (Mr. GILMAN) has done a yeoman's work here in working with Members on both sides of the aisle.

I am particularly pleased to see two major provisions in this legislation, at first the Code of Conduct that I think is so important. And I am a great believer that we need to focus on nuclear, chemical and biological weapons, but conventional weapons still kill more people than almost anything else, and we should not be in the process of an arms race in the poorest countries on this planet.

We need to make sure that we take the major producers of these systems and try to restrain the kind of sales that will only impoverish these nations and not make them stronger or more secure. To the contrary, spending massive amounts of money on these system also impoverish and destabilize these countries.

Additionally, we have the Glenn amendment sanctions and the waiver for another year in India and Pakistan, both important countries to the United States. India, the largest, most populous democracy on this planet, is a country that we have strong ties with and relationships that we want to develop.

□ 1145

My own State of Connecticut and district had Chet Bowles as Ambassador twice to India who is credited for establishing a good relationship with India and saving it through some of the toughest times. India is the most populous democracy. We need to work with them and be closer to that great democratic society.

Also, the bill increases penalties for violations of the export control regulations, the Export Administration Act of 1979, and strengthens the enforcement of the Arms Export Control Act.

Particularly important to me are the increased penalties. I have often argued that what we want to do is focus on a smaller number of challenges, but when we get to those challenges, we find somebody who is violating dual use or selling to countries like Iran, Iraq or North Korea, that we should make sure the penalties are significant and not simply look at it as a cost of doing business. There has been such a time lag between when the original legislation passed that some of these companies may be making millions of dollars on a sale, and if the penalty is tens of thousands of dollars, it may simply be, well, that is the price of doing business.

So I think this is the right kind of action, and I think we need to again continue to focus on the problem areas and not just have a broad net that frankly does more damage to our country than good.

This is important legislation, it is bipartisan and broadly supported.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE) the distinguished chairman of the Committee on Armed Services, for the purposes of a colloquy.

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Let me begin by first thanking the gentleman for working with me and my staff on mutually agreeable modifications to section 608 of this bill dealing with penalties under the Export Administration Act or the EAAA. The issue of how best to control the export of sensitive, dual-use military technology lies at the heart of most of the recent revelations and scandals over militarily sensitive technologies being acquired by China and other potential adversaries around the world.

Our two communities have over the years done considerable work in this area. While not always in agreement on the best approach, mutually we recognize these issues to be of critical importance to both the national security and economic well-being of the Nation.

As such, it is my strong belief that any effort by Congress to modify or reform the statutory framework underlying the United States export control policy should only occur after careful debate, consideration and deliberation afforded through the regular legislative process. Therefore, I ask the gentleman to confirm that it is his understanding and commitment that this legislation, which does contain an important improvement in this level of sanctions imposed on firms that violate the EAA will not be used as a legislative vehicle for any broader policy change or revision to the EAA itself or to United States export control policy.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from New York.

Mr. GILMAN. The gentleman is absolutely correct. This legislation narrowly focuses on a much needed increase in the level of penalties that would result from violations to the EAA and associated implementing regulations. The distinguished chairman has my commitment and assurance that this bill will not be transformed into a broader rewrite of the EAA or U.S. export control policy.

Mr. SPENCE. Mr. Speaker, I thank the gentleman for that assurance and further would inquire as to whether or not it is the gentleman's understanding that this same understanding and commitment is shared by the Speaker of the House.

Mr. GILMAN. It is my understanding that the Speaker shares my position on this matter and would similarly not support using a legislative vehicle to pursue any broader reform of U.S. export control policy.

Mr. SPENCE. Again, I would thank the gentleman for his commitment and for his cooperation on this important issue.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, the legislation introduced by the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), contains an important provision regarding the sanctions that were imposed last year on India and Pakistan following the nuclear tests conducted by the two south Asian nations. The legislation would extend for another year the waiver authority provided for under the Omnibus Appropriations Act for Fiscal Year 1999, giving the President the authority to waive the unilateral U.S. sanctions that were imposed pursuant to the Glenn amendment of the Arms/Export Control Act.

Mr. Speaker, I want to thank both the gentleman from New York (Mr. GILMAN) and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for their leadership on this issue. They have clearly been working for progress on resolving the sanctions issue.

I would, however, stress that I believe we should be going further than the 1-year extension provided for in this legislation. Last week the other body, the Senate, approved an amendment to the fiscal year 2000 defense appropriations bill that would suspend for 5 years the sanctions against India and Pakistan, and I would note that our chairman already indicated in the speech that he made just prior to mine or earlier today that he, too, would like to go much further.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want the gentleman to know I look forward to working with him on this important issue. It is my intention to introduce a bill shortly which mirrors in most instances the provisions that are contained in the bill recently adopted by the other body, and I hope the gentleman from New Jersey will be able to work with me in supporting that legislation as we move through the legislative process to make certain that we change our law to suspend certain sanctions against both India and Pakistan.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New York for his leadership on this issue and agree with what he just said about the need to move more towards what the Senate has proposed in most respects.

Let me just say briefly, if I could, Mr. Speaker, that I believe that giving the administration waiver authority does not fully accomplish the goal of getting the U.S.-India relationship back on track and restoring confidence in the future of that relationship. The problem with the waiver authority that we have had in the last year is that the broad discretion given to the President means more of the same incremental carrot and stick approach. In other words, one of the requirements of the Glenn amendment is that the United States oppose World Bank loans to India that do not meet the strict definition of humanitarian needs. World Bank projects have the ability to improve the health and welfare of the people of India, and we should support those.

Similarly, USAID projects in India that do not meet strict humanitarian criteria but which still make a huge difference for the quality of the life of people have been blocked by the President's refusal to grant the waiver, and we should not allow these important development projects to be held hostage to our diplomatic considerations.

I just wanted to mention that I have introduced legislation to permanently repeal the sanctions. I am also drafting a sense of the Congress resolution similar to the provision in the Senate bill that states that export control should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only those items that can contribute to such programs.

I have long been critical of the administration's so-called entities list which has targeted a wide range of commercial and government entities in India but have no bearing on nuclear proliferation or other national security concerns but which have been prohibited from contacts with U.S. entities.

Now I wanted to say one thing, and I do not know what the position of the gentleman from New York (Mr. GILMAN) is on this, but one negative provision in the Senate bill in the Brownback amendment, which I hope we do not include in the House, is the language to repeal the Pressler amendment which bans U.S. military assistance to Pakistan. I think we should retain the Pressler amendment since nothing has changed to justify its repeal, and I do want to emphasize that I do support removing the economic sanctions on Pakistan, but not military cooperation.

Mr. Speaker, as is demonstrated by the Senate action last week and today's action in the House and a statement by our chairman, the gentleman from New York (Mr. GILMAN) there is bipartisan and bicameral support for putting the U.S.-India relationship back on track, and I just want to thank both the chairman and the ranking member for their leadership and look forward to working with them for continued progress.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his intercession on this and for his comments.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) for incorporating my amendment into this legislation, H.R. 963, that calls for the transfer of excess naval and Coast Guard patrol vessels and fixed wing aircraft and helicopters to the Republic of the Philippines.

We should be under no illusion. The Philippines is a strategic partner, and I think those words have been misused by this administration in regard to China, but certainly the Philippines with a democratic government is a strategic, a vital strategic, partner of the United States and is a front line Nation in the growing designs of China to militarily control the Pacific in the 21st century. The ongoing Chinese construction of naval bases and facilities and fortifications in the Spratley Islands and repeated incursions of warships and fishing fleets into Philippine territorial waters has increased the urgency of our longtime ally's need to modernize its naval and air patrol capabilities. I believe that the current availability of excess U.S. defense articles such as POINT class Coast Guard cutters, and in this case it is the Point Evans, and UH–1 helicopters and A–4 aircraft would make an immediate impact on strengthening the Philippines' defense capabilities.

And the section also instructs our government to offer the naval vessels such as frigates, amphibious landing craft and cutters to the Philippines when available, and the section instructs our government not to oppose the transfer of F–5 aircraft by third countries to the Philippines.

This section of H.R. 9063 reaffirms the importance of America's friendship and mutual defense partnership with the people of the Philippines and their democratic government, and the most important phrase is "their democratic government." They have just recently passed a Visiting Forces Agreement in which American military personnel will be able to, permitted, to come to the Philippines and transit and to land there for rest and relaxation purposes. They are strengthening ties with the Philippines, and all of this happening while the Philippines has been expanding the concepts of democracy and freedom and liberty and justice that we hold so dear here in the United States.

In fact, part of this overall legislation, part of H.R. 963, is a code of conduct provision that has been spearheaded by the gentlewoman from Georgia (Ms. MCKINNEY) and myself, and I would like to take this opportunity to congratulate Ms. MCKINNEY on her efforts to ensure that American military equipment not be sent to dictatorships.

So I would like to add my congratulations to the gentlewoman from Georgia (Ms. MCKINNEY) who spent a lot of time and effort to make sure that when we are transferring weapons, especially modern weapons of mass destruction that we built for the Cold War, trying to deter war with the Soviet Union, that now those weapons will not find their way in into the hands of dictatorships, nor should weapons manufacturers who are building weapons today be selling weapons that will permit these dictatorships to oppress their own people and to commit acts of aggression against their neighbors.

So I salute the gentlewoman from Georgia (Ms. McKINNEY) and have been very happy to join with her on this effort.

I think it is a tragedy that the United States of America, that our government, has been treating dictatorships the same as we do democracies. We have most-favored-nation status with China which encourages people to invest in China, while democratic countries like the Philippines and countries like Indonesia, struggling to be democracies, and other countries around the world that are trying to develop their democratic institutions that could use investment in their countries; but instead here we provide Vietnam with an equivalent of a most-favored-nation status; China, a communist China, dictatorships like that, in order to encourage American businessmen to invest in those countries that are ruled by vicious dictatorships rather than investing in countries like the Philippines.

Again I thank the chairman and the ranking member of the committee for including my provisions into H.R. 963 which will, at the very least, help the Philippines and aim towards the Philippines, a country that is struggling now with a major national security threat while at the same time having democratic elections, freedom of the press and freedom of religion, the things that we hold true, and they want to be friends of the United States.

So this is a very good sign to the people of Philippines and the other people throughout the world struggling to have democratic government.

□ 1200

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of H.R. 973, the Security Assistance Act of 1999. I want to thank the distinguished chairman, the gentleman from New York (Mr. GILMAN), and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for bringing this bipartisan bill before the House for consideration.

Mr. Speaker, section 706 of this bill has special meaning for me and for hundreds of World War II Navy veterans in Massachusetts. It will allow the transfer of the U.S.S. *Bowman County*, currently in Greece, to the veterans who make up the LST Ship Memorial, Incorporated, a nonprofit organization. They will operate the vessel as a memorial to the veterans of World War II amphibious landings so that all Americans might learn of their deeds, their bravery and their sacrifice.

The U.S.S. *Bowman County* is the last of her kind and played an important role during D-Day, the invasion of Normandy on June 6, 1944. Time and again, this gallant landing craft returned to Omaha Beach, through murderous gunfire, to unload more men and replenish equipment. It was during one of these return trips that she struck a German mine.

Prior to Normandy, the U.S.S. *Bowman County* served in the invasions of North Africa and Sicily. After World War II, it transported prisoners of war until transferred to Greece. Today, Greece has requested the transfer of this ship back to the United States and to the control of the U.S.S. LST Ship Memorial. This is a third-party transfer, Mr. Speaker, at no cost to the United States Government.

This transfer will recognize a group of veterans who put their lives in harm's way for all of us. Many of their shipmates lost their lives during amphibious assaults, and returning the LST to their care is one way we can all honor the men who carried out their duties, who are still with us, and to honor those who gave their lives for our freedom. Among those living veterans is Peter Leasca of Worcester, Massachusetts, and other members of the LST Association of Massachusetts, who have worked so long to bring the U.S.S. *Bowman County* home.

In the last Congress, the House approved a bill to provide for this transfer, but the Senate failed to act. In January, the gentleman from Texas (Mr. HALL) and I introduced H.R. 146 to provide for this transfer, and I am pleased that that bill has been incorporated into H.R. 973, as well as into the Defense Authorization bill that passed the House last week.

Mr. Speaker, I urge my colleagues to honor these Navy veterans by approving H.R. 973 today.

Mr. POMEROY. Mr. Speaker, I rise in strong support of the Security Assistance Act of 1999, I commend Chairman GILMAN and Mr. GEDJENSON for their bipartisan work on this legislation.

The Security Assistance Act includes several important measures that will enhance our nation's security. The bill updates and codifies U.S. policy with respect to the transfer of military items, it directs the President to negotiate an international "code of conduct" to control the sale of arms to governments that violate human rights, it increases penalties for violations of the arms export laws, and it strengthens the role of Congress in overseeing arms exports. This bill is especially timely and appropriate in light of recent revelations of Chinese espionage activities and our ongoing concern over the proliferation of advanced weapons among rogue nations.

In addition to its national security provisions, the Security Assistance Act is one of two bills the House will consider today that together represent a significant victory for American farmers in the fight to reform our sanctions policy. This bill, and the Selective Agriculture Embargoes Act considered earlier, reflects a growing bipartisan acknowledgment that unilateral food sanctions have failed to achieve our foreign policy objectives while causing significant harm to American farmers by denying them access to valuable export markets. This bill recognizes that we have many tools in our arsenal to fight the proliferation of weapons, but that food should not be among them.

Specifically, I would like to thank Chairman GILMAN for including Section 602 in this bill, which permanently excludes USDA export programs from the list of programs subject to elimination under the Arms Export Control Act. My colleagues will remember that this issue surfaced last spring following the nuclear detonations by India and Pakistan. At the time, the Administration determined that the Arms Export Control Act required the termination of credit guarantees to both countries. In the case of Pakistan, the loss of credit guarantees threatened to halt the sale of U.S. wheat to the third largest market in the world for our wheat farmers. The Canadians, Australians, and Europeans were eagerly standing by to fill the vacuum. Fortunately, Congress acted swiftly with the support of the Administration to enact legislation exempting agriculture export programs from the Arms Export Control Act for a period of one year, ending September 30, 1999. With the expiration of this earlier legislation now only 14 weeks away, however, the Security Assistance Act is needed to provide permanent assurance that our vital agriculture export tools will remain at our disposal.

In summary, I thank the Chairman and his staff for including this provision in the bill, and I strongly urge my colleagues to support the Security Assistance Act.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 973, the Security Assistance Act of 1999. This Member congratulates the Chairman of the Committee on International Relations, the distinguished gentleman from New York [Mr. GILMAN] for his action in bringing this legislation before this body.

There are many important elements to the legislation before this body today. This Member will draw attention only to two key elements.

Representing the great state of Nebraska, this Member is keenly aware of the crisis that continues to affect the American farmer. As was made clear in the discussion of H.R. 17, food commodities are the lowest they have been in many years. Our farmers need markets to sell their grain and other produce. Thus, the loss of the Indian and Pakistani agricultural markets—which occurred following the imposition of the mandatory sanctions that resulted from the May 1998 testing of nuclear devices in South Asia—was particularly devastating for American farmers. A one-year legislative waiver was granted last year, and this waiver permitted the sale of several hundred thousand tons of wheat to Pakistan. H.R. 973 extends that waiver on agricultural sanctions to India and Pakistan for an additional year, permitting this important market to remain open. This Member would thank the distinguished gentleman from North Dakota [Mr. POMEROY] for his important work on this issue, and would thank the Chairman for incorporating this matter into his legislation.

Other issues in H.R. 973 are also significant. The legislation transfers certain forward-based but outdated defensive stockpiles to South Korea and Thailand. While these items were no longer of use to the United States, they are of great significance to the recipient countries. This is particularly true of South Korea, which faces a volatile neighbor to the North. Indeed, in an unfortunate coincidence just yesterday North and South Korea wages a dangerous naval gun-battle as the North attempted to seize control of what appear to be South Korean territorial waters. Certainly, South Korea rightly hopes that its "sunshine policy" towards the North will bring better relations. Until better relations are achieved, however, South Korea must be prepared to defend itself. House Resolution 973 assists in that effort.

Mr. Speaker, this Member urges strong support for H.R. 973.

Mr. FARR of California. Mr. Speaker, I am pleased that the House of Representatives finally passed an International Arms Sales Code of Conduct today as part of H.R. 973, the Security Assistance Act. During the 104th and 105th Congresses, I cosponsored legislation calling for an Arms Transfer Code of Conduct on international arms sales.

Many of my constituents share my concern with the escalating problem of conventional weapons proliferation and the role of the United States in foreign arms sales. If we are concerned about rogue nations acquiring conventional weapons, we must establish a multinational arms sales code of conduct. If we are concerned about human rights, we must establish a multinational arms sales code of conduct. If we are concerned about national security, we must establish a multinational arms sales code of conduct. If we learned only one lesson from the fall of the former Soviet Union, it would be that the Soviet leadership chose to fuel the international arms race at the expense of their citizens' domestic tranquility.

Specifically, the bill lays out four criteria for the Administration that would restrict or prohibit arms transfers to countries that: do not respect democratic processes and the rule of law; do not adhere to internationally recognized norms on human rights; engage in acts of armed aggression; or, are not fully participating in the United National Register of Conventional Weapons. The language in H.R. 973 also directs the president to attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement (to control weapons of mass destruction) countries.

I urge my colleagues in the Senate to pass comparable legislation and close the loophole on international arms sales to countries that are undemocratic, abuse the civil rights of their citizens, are engaged in armed aggression, and fail to comply with the UN Registry of Arms.

Mr. LANTOS. Mr. Speaker, I join my colleagues in supporting H.R. 973—the Security Assistance Act of 1999—a bipartisan bill that contains many important initiatives that will enhance our national security and promote our national interests.

Mr. Speaker, I welcome the provisions in this legislation that require the President to seek to negotiate a multilateral Code of Conduct for arms sales, which would take into account when deciding whether to sell weapons such issues as human rights, the state of democracy and involvement of the government seeking to purchase arms in military aggression. Mr. Speaker, multilateral action is the only approach that will work. Unilateral American restrictions on arms sales deals only with a part of the problem, and non-American suppliers of arms will simply move in to fill the gap. I want to comment our distinguished colleague from Georgia, Ms. MCKINNEY, and our distinguished colleague from Connecticut, Mr. GEJDENSON, for their contribution to these provisions.

Another provision that I want to note, Mr. Speaker, is the authority this legislation includes for the President to waive the so-called "Glenn Amendment" sanctions against India and Pakistan for one additional year. The Administration—under the able and dedicated leadership of Deputy Secretary Strobe Talbot and Assistant Secretary Rick Inderfurth—has made significant progress with India and Pakistan, and I am delighted that we have seen important progress in coming to grips with the problems of nuclear non-proliferation. The nuclear threat in South Asia remains a serious problem, Mr. Speaker, and the Administration needs the flexibility and negotiating leverage which the waiver authority provides. I strongly support the inclusion of this provision.

Mr. Speaker, I also support the provisions of this legislation which increase the penalties for violation of the export control regulations under the Export Administration Act of 1979, and the provisions which strengthen the enforcement of the Arms Export Control Act. This will increase the penalties on American companies selling dual-use items to rogue nations such as Iran, Iraq, Libya and North Korea in violation of United States export controls. As my colleagues know, strengthening our export administration provisions through increasing penalties for violation of these regulations was strongly recommended in the report on "U.S. National Security and Military/Commercial Concerns with the People's Republic of China" issued by the Select Committee under the leadership of Congressman CHRIS COX of California and Congressman NORM DICKS of Washington.

I also support, Mr. Speaker, this bill's authorization of the sale and transfer of American naval vessels that are no longer required by our navy. These ships can support the security of countries in which we have a political and a national security interest. Furthermore, these sales will produce some $90 million for the United States Treasury, whereas decommissioning these vessels will be a significant cost to the American taxpayers. The legislation also authorizes an increase in the War Reserve Stockpile for our allies, South Korea and Thailand, and authorizes the Secretary of Defense to transfer such items to these countries in return for certain concessions to be negotiated. This provision is in our national security interest.

Mr. Speaker, I urge my colleagues to support the adoption of this legislation.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 973, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ending September 30, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 15, 1999.*

ESF FINANCING FOR BRAZIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

On November 9, 1998, I approved the use of the Exchange Stabilization Fund (ESF) to provide up to $5 billion for the U.S. part of a multilateral guarantee of a credit facility for up to $13.28 billion from the Bank for International Settlements (BIS) to the Banco Central do Brasil (Banco Central). Eighteen other central banks and monetary authorities are guaranteeing portions of the BIS credit facility. In addition, through the Bank of Japan, the Government of Japan is providing a swap facility of up to $1.25 billion to Brazil under terms consistent with the terms of the BIS credit facility. Pursuant to the requirements of 31 U.S.C. 5302(b), I am hereby notifying the Congress that I have determined that unique or emergency circumstances require the ESF financing to be available for more than 6 months.

The BIS credit facility is part of a multilateral effort to support an International Monetary Fund (IMF) stand-by arrangement with Brazil that itself totals approximately $18.1 billion, which is designed to help restore financial market confidence in Brazil and its currency, and to reestablish conditions for long-term sustainable growth. The IMF is providing this package through normal credit tranches and the Supplemental Reserve Facility (SRF), which provides short-term financing at significantly higher interest rates than those for credit tranche financing. Also, the World Bank and the Inter-American Development Bank are providing up to $9 billion in support of the international financial package for Brazil.

Since December 1998, international assistance from the IMF, the BIS credit facility, and the Bank of Japan's swap facility has provided key support for Brazil's efforts to reform its economy and resolve its financial crisis. From the IMF arrangement, Brazil has purchased approximately $4.6 billion in December 1998 and approximately $4.9 billion in April 1999. On December 18, 1998, the Banco Central made a first drawing of $4.15 billion from the BIS credit facility and also drew $390 million from the Bank of Japan's swap facility. The Banco Central made a second drawing of $4.5 billion from the BIS credit facility and $423.5 million from the Bank of Japan's swap facility on April 9, 1999. The ESF's "guarantee" share of each of these BIS credit facility drawings is approximately 38 percent.

Each drawing from the BIS credit facility or the Bank of Japan's swap facility matures in 6 months, with an option for additional 6-month renewals. The Banco Central must therefore repay its first drawing from the BIS and Bank of Japan faciities by June 18, 1999, unless the parties agree to a rollover. The Banco Central has infomed the BIS and the Bank of Japan that it plans to request, in early June, a rollover of 70 percent of the first drawing from each facility, and will repay 30 percent of the first drawing from each facility.

The BIS's agreement with the Banco Central contains conditions that minimize risks to the ESF. For example, the participating central banks or the BIS may acclerate repayment if the Banco Central has failed to meet any condition of the agreement or Brazil has failed to meet any material obligation to the IMF. The Banco Central must repay the BIS no slower than, and at least in proportion to, Brazil's repayments to the IMF's SRF and to the Bank of Japan's swap facility. The Government of Brazil is guaranteeing the performance of the Banco Central's obligations under its agreement with the BIS, and, pursuant to the agreement, Brazil must maintain its gross international reserves at a level no less than the sum of the principal amount outstanding under the BIS facility, the principal amount outstanding under Japan's swap facility, and a suitable margin. Also, the participating central banks and the BIS must approve any Banco Central request for a drawing or roll-over from the BIS credit facility.

Before the financial crisis that hit Brazil last fall, Brazil had made remarkable progress toward reforming its economy, including reducing inflation from more than 2000 percent 5 years ago to less than 3 percent in 1998, and successfully implementing an extensive privatization program. Nonetheless, its large fiscal deficit left it vulnerable during the recent period of global financial turbulence. Fiscal adjustment to address that deficit therefore formed the core of the stand-by arrangement that Brazil reached with the IMF last December.

Despite Brazil's initial success in implementing the fiscal reforms required by this stand-by arrangement, there were some setbacks in passing key legislation, and doubts emerged about he willingness of some key Brazilian states to adjust their finances. Ultimately, the government secured passage of virtually all the fiscal measures, or else took offsetting actions. However, the initial setbacks and delays eroded market confidence in December 1998 and January 1999, and pressure on Brazil's foreign exchange reserves intensified. Rather than further deplete its reserves, Brazil in mid-January first devalued and then floated its currency, the real, causing a steep decline of the real's value against the dollar. As a consequence, Brazil needed to prevent a spiral of depreciation and inflation that could have led to deep financial instability.

After the decision to float the real, and in close consultation with the IMF, Brazil developed a revised economic program for 1999–2001, which included deeper fiscal adjustments and a transparent and prudent monetary policy designed to contain inflationary pressures. These adjustments will take some time to restore confidence fully. In the meantime, the strong support of the international community has been and will continue to be helpful in reassuring the markets that Brazil can restore sustainable financial stability.

Brazil's experience to date under its revised program with the IMF has been very encouraging. The exchange rate has strengthened from its lows of early March and has been relatively stable in recent weeks; inflation is significantly lower than expected and declining; inflows of private capital are resuming; and most analysts now believe that the economic downturn will be less severe than initially feared.

Brazil's success to date will make it possible for it to repay a 30 percent portion of its first (December) drawing from the BIS credit facility and the Bank of Japan swap facility. With continued economic improvement, Brazil is likely to be in a position to repay the remainder of its BIS and Bank of Japan obligations relatively soon. However, Brazil has indicated that it would be inadvisable to repay 100 percent of the first BIS and Bank of Japan disbursements at this point, given the persistence of risks and uncertainties in the global economy. The timing of this repayment must take into account the risk that using Brazilian reserves to repay both first drawings in their entirety could harm market confidence in Brazil's financial condition. This could undermine the purpose of our support: protecting financial stability in Brazil and in other emerging markets, which ultimately benefits U.S. exports and jobs. Given that the BIS and Bank of Japan facilities charge a substantial premium over the 6-month Eurodollar interest rate, the Banco Central has an incentive to repay them as soon as is prudent.

The IMF stand-by arrangement and the BIS and Bank of Japan facilities constitute a vital international response to Brazil's financial crisis, which threatens the economic welfare of Brazil's 160 million people and of other countries in the region and elsewhere in the world. Brazil's size and importance as the largest economy in Latin America mean that its financial and economic stability are matters of national interest to the United States. Brazil's industrial output is the largest in Latin America; it accounts for 45 percent of the region's gross domestic product, and its work force numbers approximately 85 million people. A failure to help Brazil deal with its financial crisis would increase the risk of financial instability in other Latin American countries and other emerging market economies. Such instability could damage U.S. exports, with serious repercussions for our workforce and our economy as a whole.

Therefore, the BIS credit facility is providing a crucial supplement to Brazil's IMF-supported program of economic and financial reform. I believe that strong and continued support from the United States, other governments, and multilateral institutions are crucial to enable Brazil to carry out its economic reform program. In these unique and emergency circumstances, it is both appropriate and necessary to continue to make ESF financing available as needed for more than 6 months to guarantee this BIS credit facility, including any other rollover or drawing that might be necessary in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 15, 1999.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 62, by the yeas and nays;

House Concurrent Resolution 75, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the electronic vote after the first such vote in this series.

EXPRESSING CONCERN OVER ESCALATING VIOLENCE, GROSS VIOLATIONS OF HUMAN RIGHTS, AND ONGOING ATTEMPTS TO OVERTHROW A DEMOCRATICALLY ELECTED GOVERNMENT IN SIERRA LEONE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 62, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 62, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 1, answered "present" 1, not voting 18, as follows:

[Roll No. 205]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Barr

NOT VOTING—18

Brady (TX)
Brown (CA)
Buyer
Cardin
Coyne
Danner
Dooley
Houghton
Kleczka
Lewis (GA)
McCarthy (NY)
Metcalf
Napolitano
Pickering
Pryce (OH)
Rush
Ryun (KS)
Weldon (PA)

□ 1228

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONDEMNING THE NATIONAL ISLAMIC FRONT (NIF) GOVERNMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 75, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 75, as amended, on which the yeas and nays are ordered.

This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, answered "present" 1, not voting 16, as follows:

[Roll No. 206]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Barr

NOT VOTING—16

Brady (TX)
Brown (CA)
Cardin
Coyne
Danner
Gephardt
Greenwood
Houghton
Lewis (GA)
McCarthy (NY)
Metcalf
Miller, George
Napolitano
Pryce (OH)
Rush
Ryun (KS)

☐ 1237

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize, programs of the Federal Aviation Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No further amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. REYNOLDS) is recognized for one hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my neighbor, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1000, the Aviation Investment and

Reform Act for the 21st Century, or Air 21.

The rule provides for one hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

Mr. Speaker, this rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of an amendment, modified by the amendment printed in part A in the report of the Committee on Rules accompanying the resolution.

Additionally, the rule makes in order only those amendments printed in part B of the Committee on Rules report accompanying the resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report; may be offered only by a Member designated in the report and shall be considered as read; shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent; shall not be subject to an amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Further, this rule waives all points of order against consideration of the bill, against consideration of the amendment in the nature of a substitute, and waives all points of order against the amendments printed in the report.

In addition, the rule allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, after their historic flight in Kitty Hawk, North Carolina, Orville and Wilbur Wright cabled home a simple dispatch to their father, the Reverend Milton Wright. They spoke of the success of their four flights and finished the telegram with a simple pronouncement: "Inform press, home Christmas."

Of course, that may have been the last time two air travelers were that confident they would be home by Christmas.

Much has changed in the 96 years since the Wright brothers sent that telegram and much more needs to be changed to ensure safety at our airports and fairness in the airline industry.

Mr. Speaker, this bill provides for the reauthorization of the Federal Aviation Administration and the air improvement program. It seeks to address many of the problems burdening our aviation system by making our airports and skies safer, by injecting immediate competition into the airline industry. The bill also addresses many safety concerns by ensuring that the FAA has adequate funding to hire and retrain air traffic controllers, maintenance technicians and safety inspectors needed to ensure the safety of the aviation system.

It provides the resources for the FAA to modernize their antiquated air traffic control system. In addition, the bill provides whistleblower protection for both FAA and airline employees so they can reveal legitimate safety problems without fear of retaliation.

Mr. Speaker, the safety of our skies and of our citizens must remain a paramount concern of this Congress and clearly this bill addresses those needs and concerns, but there is another issue in this reauthorization that means much to consumers, economic development and job growth across our Nation, and that is the issue of increasing competition and making air travel more affordable to more Americans.

In my own district in upstate New York, the high cost of air travel has been a tremendous concern in cities such as Buffalo, Rochester and Syracuse.

□ 1245

Earlier this year, I had the opportunity to submit testimony to Transportation Secretary Rodney Slater, asking for his intervention in making adjustments to the slot process, which controls the take-off and landing rights at our Nation's busiest airports, to encourage airline competition and lower airfare costs.

Airline customers in my community still pay some of the highest airfares in the Nation. In fact, in Rochester, New York, air travelers pay the fourth highest airfares in the United States. This is not only a tremendous burden for leisure travelers, it is a direct impediment to economic growth and job creation.

Business travelers account for more than 70 percent of Rochester's flying public. They are also burdened with some of the highest-priced airfares. A published report noted that a last-minute round-trip airfare from Rochester to Chicago would cost nearly $1,100 on U.S. Airways. That same ticket from Baltimore would cost only $242.

This bill addresses much of that concern by setting a dated elimination of slot restrictions at O'Hare, LaGuardia and Kennedy airports and, equally important, making additional slots available for new airlines.

Making slots available to regional jet service providers will ensure that this Congress does what is needed to inject much-needed competition into the airline industry.

This legislation does much to increase competition with the clear goal of lowering the cost of air travel for the American people.

I would also encourage Secretary Slater to continue to use the power of his office to further identify other creative ways to help increase competition in the airline industry.

Representing a number of smaller, general aviation airports in need of improvement, I am pleased that this bill addresses many of the hurdles small airports face in trying to serve their specialized markets with commercial and private aircraft.

In addition, H.R. 1000 allows the States to control Airport Improvement Program grants to small airports. Under this provision, the State, not the FAA, will determine which general aviation airports are eligible for Federal funds.

Additionally, the bill requires medium and large hub airports to file a competition plan so that the resources can be directed to those projects that will do the most to enhance competition.

In conclusion, I would like to commend the gentleman from Pennsylvania (Chairman SHUSTER) of the Committee on Transportation and Infrastructure and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their hard work on this measure.

I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this resolution calls for a structured rule, which makes in order only those amendments printed in the rules report accompanying the resolution. These restrictions are totally unnecessary and limit the full debate on what is a most important issue. I would note once more that the open rule best protects all Members' rights to fully represent their constituents.

The underlying bill we are considering attempts to ensure that America's aviation system remains safe and competitive as we enter the 21st century. Mr. Speaker, there is nothing more critical to the economic well-being of our Nation. Our aviation system was once the envy of the world. Now many communities find themselves cut off from the booming economy as a result of their inability to move their goods and services and people where they need to go.

This problem has enormous economic implications for certain regions of the country, including my own. Mr. Speaker, we are going to hear vigorous floor debate on a variety of issues but we know this: economic development cannot occur without affordable, accessible air transportation.

My district of Rochester, New York, is the largest per capita exporting district in the United States. This region exports more goods than all but nine States. Indeed, we are among the top 10 exporting areas in the entire country. Last year, 1.2 million people flew out of our airport.

The 28th District of New York is the proud birthplace of a number of Fortune 500 companies, such as Eastman Kodak, Xerox Corporation, Bausch and Lomb, making it the world's image center. Of equal importance are the hundreds of small and mid-sized high-technology firms that have been growing in the region over the last several years. Indeed, these companies are now critical to the lifeblood of our community.

But that continued success is by no means certain. Many firms or businesses are either moving out or choosing to expand in other regions of the country. The reason? Exorbitant airfares and the inability to get a decent flight schedule.

Last year we learned that Eastman Kodak plans to move the marketing headquarters to Atlanta because of cheaper and more frequent flights out of Atlanta's airport. That effect on our area's smaller companies is equally pronounced. A relatively young and growing Rochester-based firm recently wrote me that high fares to and from Rochester are the primary reason it froze professional positions in its local office, opting instead to expand its mid-Atlantic offices.

Rochester is like many mid-sized communities that got left out of the benefits promised by deregulation. To be blunt, deregulation failed us. During the 1980s, 13 air carriers served our region, affording consumers choices and creating a competitive environment that produced reasonable fares. Now one dominant carrier and four additional carriers effectively serve our region, but not effectively. They barely serve us. My constituents pay the second highest airfares in the United States, second only to Richmond, Virginia.

The major airline carriers have clipped the wings of any would-be start-up carriers. While more than one carrier may service our region, they do not compete among themselves on most routes. For example, let me say that competition is not the answer, because we have two airlines that will take persons from Rochester, New York, to Chicago round trip, but both airlines charge $1,267, to the penny, very same price. The result has been the creation of de facto monopolies on individual routes that are gouging business people and consumers when they fly.

Congress can and must level the playing field for start-up air carriers so that they can compete with the major carriers. The low-cost airlines formed after deregulation are the primary source of price competition in other areas of the country. When they enter the market, these airlines force the big carriers to reduce fares. Without the pressure from the bargain airlines, the large competitors charge the consumers exorbitant prices. In fact, we are fairly certain that, if one lives in an area where one's airfares are reasonable, the people of Rochester, New York, are helping to subsidize that.

Two years ago, I pledged to my constituents to confront this problem head on. I authored legislation calling on the Department of Transportation and the Department of Justice to get tough on the predatory behavior of major carriers. I have testified numerous times before both House and Senate colleagues, and we had hearings last February with the Secretary of Transportation Rodney Slater on the high cost of airfares.

The major carriers attacked my efforts claiming I was addressing a nonexisting problem. This was no small attack because the carriers had spent millions of dollars on lobbyists, on law firms, public relations firms, and focus groups. Fortunately, the flying public has not been fooled, and the drumbeat for greater action from their leaders continues, and we have been successful.

As I stand here today, the Department of Justice has launched a full antitrust investigation into the behavior of the major carriers. The Department of Transportation, for the first time in 20 years, drafted comprehensive guidelines to prevent anticompetitive behavior.

But, Mr. Speaker, just recently four major airlines raised their prices over a weekend together. In the old days, we used to call that collusion. Now it is simply called free enterprise. Thirty-six States' attorneys general are pressing their State courts into action, and the full House, the full Senate and administration are all moving forward with comprehensive measures to tackle the problem.

My bill, the Airline Competition and Lower Fares Act, includes measures to address the distribution of landing and take-off rights at airports, known as slots, and the predatory practices of the major carriers. I commend the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member for including provisions in AIR 21 to address the slot issue.

Slots are critical to this debate. Currently the major carriers have a stranglehold on the slots, effectively preventing low-cost carriers from entering the market. In the 18 years since airline deregulation, major airlines have increased their grips on the access to slots at the major airports.

At four airports in the country, LaGuardia and Kennedy Airports in New York, O'Hare Airport in Chicago, and National Airport near Washington, D.C., the dominant airlines use their control of slots to squeeze out the smaller carriers, and consumers are getting crushed in the process.

Deregulation of the airline industry increased the demand for slots at these airports. The DOT, I think, out of a moment of sheer madness, gave permission to the major airlines to use these slots as their personal property. They did, however, retain those slots as the property of the people of the United States.

However, the major airlines have been allowed to buy and sell them to each other, to use them as collateral for loans; and we must stop that. As many as one slot, if an airline decides to rent it to another smaller start-up airline, can cost as much as $2 million a year during peak hours. That is money they are making off of our landing rights, Mr. Speaker. Few start-up companies can overcome such a financial barrier to enter the market.

When the slots were first distributed, it was made clear that they were government property, and we retain the right to reclaim them; and the time for that is now.

We heard testimony at the Committee on Rules yesterday to the effect that the elimination of the slot rule would pose a threat to safety. Mr. Speaker, this is not true. In testimony before the House Subcommittee on Aviation, the top officials of the Department of Transportation refuted this notion. Indeed, when asked directly by the gentleman from Illinois (Mr. LIPINSKI), ranking member, whether any safety reasons existed that would warrant maintaining the current slot system, FAA Administrator Jane Garvey issued an emphatic no.

Indeed, Mr. Speaker, if the slot control density was a safety issue, there are several airports in the United States that are far more used and more dense than the four airports that are slot-controlled. If it were safety, one may believe that the Atlanta airport, for one, would be one of those recommended. It is not a safety issue.

Again, I commend the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member for tackling the problem. Last fall, the "Economist" magazine, surely a publication with capitalist credentials in order, noted that "if passengers are to benefit fully from airline deregulation, they also need to be protected from what could all too easily turn into just another bunch of price-gouging cartels."

I could not agree more. There may have been benefits promised by deregulation, but we do not have them. Without effective competition in this market, businesses and consumers cannot get a fair shake. AIR 21 will provide additional airport capacity and help to improve large and small airports to ensure that we have fair competition in an industry where individual air carriers have market dominance over many communities.

Mr. Speaker, I feel it is necessary to say again that we found out last year, when Northwest Airline employees went on strike, that they left whole States in the Northwestern United States without service.

Mr. Speaker, while I will not call for a recorded vote, I do say that we will have a vigorous debate on this bill before it is over.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), the distinguished vice chairman of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. REYNOLDS) for yielding me this time.

I rise in support of this very reasonable and appropriate rule. I honestly believe that it should lead to full opportunity for debate on many relevant issues that we heard on this subject yesterday before the Committee on Rules, matters that were brought to our attention by Members of the appropriate committee.

I commend the bipartisan work of the Committee on Transportation and Infrastructure under the leadership of the gentleman from Pennsylvania (Mr. SHUSTER) in bringing the House this comprehensive authorization bill for our Nation's airports and critical aviation needs.

We have all been reading about the horror stories when things go wrong in aviation, and I am not just talking about the tragic accidents, I am talking about the passenger inconvenience from overcrowding and management problems.

Every single Member in this House wants to ensure that our airports are ready to move into the next century before it gets here, and it is hard upon us. My district encompasses one of the fastest growing parts of the Nation, an area that also happens to be one of the country's most desired vacation spots, and I cordially invite anybody to visit southwest Florida.

As a result, southwest Floridians certainly understand the importance of continuing to invest wisely in our aviation system. That need is even more acute now that we have gone global in southwest Florida and other parts of our country with free trade zone designation that is promoting world-class business and economic development throughout our entire region, and obviously of great importance, our economic well-being of our Nation.

All of this good news, though, is contingent upon an airport system that works, and it has got to work well and better than it is working now. At our peak in March, our area airports handled more than 800,000 passengers. The biggest of our airports in southwest Florida, Southwest Florida International, is a model for the entire Nation on how to stay ahead of growth and meet demand without jeopardizing safety or efficiency.

□ 1300

And I want to publicly congratulate the individuals involved in the management of that airport and the policies of that airport.

The next big project they have for that airport is the construction of a new midfield terminal, the result of yet another successful Federal-local partnership. And I am grateful to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and people like that who have recognized needs and given attention to needy situations.

Suffice it to say in my part of Florida we are positive witnesses on the importance of passenger air travel and, of course, air cargo. However, Mr. Speaker, we also know there is no free lunch. When it comes to using taxpayer money we have to find out where it is coming from. We have to balance our priorities and understand the tradeoffs, and that means we cannot overpromise. I am concerned that this bill, for all of its merits in supporting vital infrastructure, may be raising expectations just a trifle too high.

Specifically, the bill makes a technical change to the Federal budget process that has far-reaching consequences. The argument here is not about whether we are going to provide proper funding for our airports and aviation safety. That is a given. Rather it is about how we make that happen and whether we unnecessarily tie our own hands for future spending decisions.

This bill seeks to wall off the Aviation Trust Fund from the rest of the budget, a precedent that could lead us down the road of even less fiscal control than we have today and, obviously, would be of concern. One of the primary reasons that we have been able to achieve this remarkable era of budget surplus is that we have examined the Federal budget as a whole and made tough decisions about living within our means. I oppose creating separate budget entities for airport expenditures, or just about anything else, because they are not subject to the same overall control.

Our colleagues will have the chance later in this debate to consider an amendment to strip H.R. 1000 of that technical language and restore the proper balance between deciding on national priorities and allocating the money to foot the bill. I hope Members will support that amendment.

In the meantime, I urge support for this appropriate rule so we can get to that debate and again I congratulate the managers of the bill, the chairman and ranking member of the full Committee on Transportation and Infrastructure, for their hard work in bringing something forward that is timely and necessary for the well-being of our Nation.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I rise today in strong support of the rule and the bill, AIR 21, the Aviation Improvement Act for the 21st century.

As a member of the Committee on Transportation and Infrastructure, and a Member whose district is just minutes from our international border with Mexico, I know that the path to the 21st century is about more than just ground transportation on America's roads, rails and bridges. And as a Member whose district is also on the Pacific Rim, I know that today the path to the 21st century is also very much about the aviation system in our Nation's airways.

Because of that, I firmly believe that this legislation is more than a transportation bill and more than an aviation bill. Like its sister bill TEA 21, this legislation is a job creator, a winged engine for the Nation's trading economy and a critical tool for the economic development of my own Congressional District.

The enhanced aviation infrastructure and updated air traffic control system that this provides will improve our ability to more efficiently and effectively move people and goods. By removing delays caused by an aging and crumbling infrastructure and an inadequate air traffic control system, we will be better able to continue to grow the economy and shrink our global community.

Despite arguments to the contrary, this legislation is also about fiscal responsibility and accountability. We Americans are taxed when we fly. We are told that those taxes will go to fund our aviation infrastructure. What we are not told is that in reality our tax dollars are allowed to accumulate vast balances that are used by bureaucrats in a classic Washington shell game of hide-the-budget deficit. Americans pay aviation taxes for aviation infrastructure. It is time we instill some discipline into the Federal budget and spend these funds for their intended purpose. This bill will finally restore the trust the American people place in this account.

I believe AIR 21's increased investment in our aviation infrastructure is desperately needed at this time. America's investment in its transportation infrastructure has helped create the strongest economy in the history of the world. It invigorates the Nation's productive power, creates new jobs and raises revenues. This investment in transportation today boosts the economy and creates jobs today, tomorrow, and for years to come.

Madam Speaker, I will vote for my constituents' job interests and for the

Nation's economic interests today and vote for this critical legislation. I urge my colleagues to support this rule and to support this bill.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Madam Speaker, I thank the gentlewoman from New York for yielding me this time, and I want to rise today in support of this rule.

I want to talk about a contentious issue for which we will be debating at great length throughout consideration of AIR 21, and that is the passenger facility charge. In 1990, Congress responded to concerns that the aviation trust funds and other existing sources of funds for airport development were insufficient to meet national needs by creating the PFC.

The Aviation Safety and Capacity Expansion Act of 1990 allowed designated commercial airports the option of imposing a PFC on each passenger boarding an aircraft at the airport. PFCs are not Federal taxes. Rather, PFCs can be viewed as local taxes that require Federal approval.

Unlike Federal airport improvement program funds, AIP, PFC monies can be used for a wide range of projects and can also used for debt service and related expenses. As a result of this broad project eligibility, PFC funds are more likely to be spent on landside activity, such as terminal development, road construction, and debt service.

The PFC system has been enormously popular with airports. According to some estimates, the FAA has already approved PFC collections in excess of $18.5 billion. This large and growing source of airport funding is also viewed by many observers as a way to fund needed airport improvements without raising Federal Aviation taxes.

It is clear, however, that there are some concerns by many Members of Congress with respect to legislative intent. It is clear that additional capacity was a major goal of the authors of this legislation. What is less clear is how capacity is defined. As suggested in previous announcements, the Federal Aviation Administration has taken a broad view of the types of airport projects eligible for PFC funding.

It has been suggested by critics of several PFC projects that the FAA view is overly broad and that a redefinition of capacity would be appropriate and appropriate in AIR 21. This issue, generally referred to as an appropriate use issue, will be discussed in great detail in today's debate.

The single most controversial issue associated with PFCs has been the issue of appropriate use. Recent FAA approval of PFC funding for a $1.5 billion light rail system connecting JFK Airport with New York's subway system has raised the visibility of appropriate use. Recent testimony before the Subcommittee on Aviation of the House Committee on Transportation and Infrastructure indicates that airlines are still very opposed to this project and other types of projects that airports wish to undertake using PFC funds on the site of airports and not off site from airports.

The city of Chicago has chosen to use much of its PFC income to undertake large terminal-related projects. These terminal improvements are largely aimed at upgrading existing infrastructure as opposed to creating new infrastructure. The first terminal upgrades are aiding incumbent carriers. That is, the gates and terminal space being rehabilitated will already be under control of an air carrier. As a result, the space is unlikely to be available to new air carriers who might provide new and competitive services at the airport.

Second, this type of project has been historically subject to bond financing. In this historical financing framework, the airports would have to work with the incumbent air carrier to create new or improved terminal capacity by using its landing or other fees to support the bonds financing. Unfortunately, PFCs are acting as a subsidy for existing carriers and are not consistent with Congress' legislative intent to enhance competition amongst the carriers, which we will discuss in great measure.

The failure to concentrate PFC funds on the airside improvements is having the effect of increasing existing congestion in the air traffic control system. In this view, using PFC funds to build new airports, such as DIA and perhaps, even in my own district, Peotone, Illinois, has the effect of reducing ATC congestion at major transportation hubs. New runways, new taxiways, even at existing airports, are also seen as enhancing ATC capacity in an area and in a way that new terminals and parking loss indeed cannot.

On the issue of competition, by choosing not to spend money on new air site capacity and gates for potential new competitors, some airports seem to be working to maintain the status quo, thereby benefiting incumbent air carriers. Just this past Friday, the gentlewoman from Illinois (Ms. SCHAKOWSKY) sat on the runway at Reagan National Airport for 5 hours, not because there were not enough terminals at Chicago at its airport, not because there were not enough parking lots at Chicago at its airport, she sat on the runway because of bad weather at the airport and had nowhere else to go.

In the future, Chicago's airports will have to lengthen their runways from their present lengths, expand space between runways and taxiways so that generation and series 4, 5 and 6 aircraft will be able to land at those airports and, indeed, enhance competition amongst the carriers.

Madam Speaker, I look forward to continuing this debate and offering several corrective amendments to this bill to make Congress' intent a reality.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Speaker, I thank the gentlewoman for yielding me this time, and I want to say that I rise in strong support of this rule.

Madam Speaker, I would like to comment upon a few statements made by my good friend and colleague, the gentleman from Illinois (Mr. JACKSON) as it pertains principally to the Jackson-Hyde amendment which we will be dealing with later on today.

First of all, PFCs are collected locally and spent locally. The Jackson-Hyde amendment is an unprecedented attack on local authority. The law establishing the PFC clearly states that only FAA-recognized airports or airport authorities can collect and distribute PFC revenue.

The city of Chicago is the airport authority for both O'Hare Airport and Midway Airport. The Illinois Department of Transportation, the beneficiary of the Jackson-Hyde amendment, has tried before to grant the PFC revenue collected by the city of Chicago. In that case the U.S. Court of Appeals, 7th Circuit, ruled that the Illinois Department of Transportation had no rights to the revenues collected by the city of Chicago.

In fact, the court stated that PFC revenues belonged to the agency levying the charges, in this case the city of Chicago. They do not belong to the Illinois Department of Transportation or any other organ of the State. The Illinois Department of Transportation controls neither the airports, which are controlled by a municipal authority, the city of Chicago, nor the airspace, a Federal responsibility. The Hyde-Jackson amendment would set a precedent allowing entities that do not participate in the operations of airports to benefit from the PFC revenue.

It is airport operators, not State agencies, that know how to best use scarce aviation funds. The city of Chicago has wisely used its PFC revenues to address pressing airport needs. As is required by law, PFC revenues collected by the city of Chicago have only been used on projects approved by the FAA.

The city of Chicago began collecting PFCs in 1992, and since that time has had FAA approval for more than well over $700 million to rehabilitate and improve existing runways and taxiways, and more than $300 million to soundproof schools and homes surrounding O'Hare and Midway Airport.

I would like to run that by my colleagues once again. There has been $300 million from the PFCs set aside to soundproof schools and homes surrounding O'Hare and Midway Airport.

The city of Chicago also used PFC funds to build shared- or common-use gates that ensure access for any carrier wishing to serve the airport. This has helped foster competition at both O'Hare and Midway Airport and is a very important ingredient in this debate.

□ 1315

Midway Airport is beginning a $762 million development program to replace the 50-year-old terminal at the airport. Midway Airport has an airfield that can accommodate as many as 8.5 million enplanements.

Unfortunately, the terminal was built and later renovated to accommodate only 1.1 million annual passengers. By improving the terminal building, Midway will be able to utilize its operational capacity.

The gentleman from Illinois (Mr. JACKSON) when he spoke here a few minutes ago on the rule mentioned that neither O'Hare nor Midway will be able to accommodate the soon-to-be-built new generation of larger "series 6" aircraft.

O'Hare's main runways range from 13,000 feet to 10,000 feet and can easily accommodate today's largest aircraft. The Boeing 747-400 and the 777 all fly into and out of O'Hare on a regular basis. Midway's largest runway is 6,500 feet and Boeing's 757-200s regularly fly in and out of Midway.

In fact, ATA Airlines has started the one-stop service to Ireland using the 757-200; and once customs facilities are constructed at Midway, they will begin nonstop international service.

In conclusion, I would simply say, in Governor Ryan's inaugural address, he made mention of the fact that the State of Illinois wanted no PFC money from O'Hare Airport or Midway Airport to build Piatone.

The problem with accommodating larger aircraft is not a matter of runway capacity, but rather gate capacity. Most airport gates are not built wide enough to accommodate the bigger aircraft. Fortunately, the City of Chicago is planning on using PFC revenues to build 2 new terminals at O'Hare that will be able to accommodate the larger aircraft being built today.

The City of Chicago is not using PFC revenue as Congress intended. Once again, the City of Chicago has used PFC revenue on FAA approved projects only. Each project in some way enhanced safety or capacity, reduced noise, or enhanced competition as the law directs. Study the list of projects for yourself.

Listed below are capacity improvements that have been made at both O'Hare and Midway. Any taxiway and hold pad improvements are designed to eliminate ground congestion and delays. O'Hare has seen a 40% reduction in delays during the past decade, much of this is attributable to the reduction of ground congestion. The other projects maintain the operational capacity of the airports.

O'Hare International Airport

$6.8 million on Runway 27L hold pad (April–October 1993)

$3.1 million to rehabilitate Runway 4R/22L (June–December 1993)

$10 million to rehabilitate Runway 9R/27L (March–August 1996)

$8.8 million on shoulder and edge lighting on Runway 14L/32R (June–November 1996)

$26 million on new north airfield hold pad (July '94–April '97)

$3.3 on Air Traffic Control Tower (ATCT) lighting panel (June '95–August '97)

$7.9 million to rehabilitate Runway 4L/22R (July–November 1997)

$14.9 million to rehabilitate Taxiway 14R/32L (May–December 1997)

$12.9 million to rehabilitate Taxiway 9R/27L (September '97–September '98)

$1.7 million to rehabilitate Runway 4R/22L (May–October 1998)

$11.7 million to rehabilitate Taxiway 14L/32R (April–December 1998)

$9.9 million to rehabilitate Taxiway 4R/22L (June–December 1998)

$5.5 million for terminal apron pavement rehabilitation (June '98–December '01)

Projects at Midway Airport

$4.3 million to rehabilitate Runway 4L/22R (June–December 1995)

$900 thousand to rehabilitate Runway 13L/31R (May–November 1996)

$421 thousand on airfield lighting control panel (August '96–July '98)

Mr. REYNOLDS. Madam Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) has 18½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 8 minutes remaining.

Mr. REYNOLDS. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I find that probably nothing is more confusing to our fellow Members and to the audience at large as when we talk about slots and density control. And I would like to take just a few moments if I may to try to give my colleagues my view of what this discussion is really about.

As we know, there are four airports in the United States that are density controlled. And there are many more airports in the United States, notably, Los Angeles and Atlanta, that have far more traffic than the density controlled airports.

Safety is not the issue. The issue is simply this: It is important to note that a slot is not a gate. "Slot" is the term used for landing and takeoff at airports. And what the United States has done now is allow four airports in the United States to have nothing to say about it but the major airlines controlling who gets to land and who gets to takeoff. Because the slots, the landing rights of those airports, is in the hands of the major air carriers.

If a start-up airline wants to rent a slot or lease a slot from one of the carriers, as I pointed out earlier, it could cost them up to $2 million a year and they may be given the right to land at 2 a.m., and they may also be required to use the reservation system of the major airline, and they may also be required to use the ground crew of the major airline, which are some of the reasons why many start-up airlines never survive at all.

So what we are doing, if we let density stay at these four airports, do not lift the density, we are simply continuing the system of letting the major airlines determine who flies in and out of those four airports. It is important to understand that it is their control.

As I said earlier, they buy and sell them to each other, they lease them out to other airlines, and they use them as collateral for loans. The most important point I want to make is that that does not belong to them. Because even when they were given the right to control, the retention of the slots, the landing rights, were retained by the American people with the right to he reclaim them. And that is what needs to be done in this bill. It needs to be done now.

I urge all of my colleagues to vote against the Hyde-Morella amendment today that retains density. Because they are not helping an airport, they are continuing a monopoly situation.

Madam Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with my colleague and neighbor, the gentlewoman from Rochester, New York (Ms. SLAUGHTER).

If I had my way to write this bill, I would not have slots in it, no slots, any airport. I would have the free market based on the fact that my belief is that no slots would offer an opportunity to reduce the air fares in Rochester, Buffalo, and Syracuse.

However, this is a body of compromise. And some representatives from the New York City area representing LaGuardia and Kennedy, all Democratic minority members I might point out, work to suppress additional slots for areas like Upstate New York, Buffalo, Rochester, and Syracuse. And it was soon compromised by the chairman of the committee that a negotiated solution provided opportunities for new and additional regional jet service from New York City to airports like Upstate New York.

It is an important first step. It is not the last step. It is not a final solution. It is a compromise. It is a beginning first step. I urge more discussion, more ideas to come forward not only from this great body of the Congress but from the administration, the Secretary of Transportation, and the industry on what we can do to lower airfares and bring great competition to all of our airports in America.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1000.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognize the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, this is an historic moment in the House because we are considering legislation which will have a major impact on the future of nearly every American in the years to come.

Make no mistake about it, our aviation system in America today is hurdling toward gridlock and potential catastrophies in the sky. In fact, we have gone since airline deregulation from 230 million passengers flying commercially in America each year to 600 million last year, 660 million projected for this year. And in the first decade of the next century, we will have over a billion, with a "B", people flying commercially in America.

Beyond that, air cargo is skyrocketing. In the past 10 years, we have had a 74-percent increase in air cargo and it is escalating at even a steeper rate today. We are told that in the next 5 years there will be a 30-percent increase in planes over our 100 largest airports and, get this, a 50-percent increase in commercial jets in our skies.

Delays have increased to the point that our top 27 airports in America each are experiencing well over 20,000 hours of airplane delay a year. And it is getting worse, not better. In fact, it is projected that the airlines are losing $2.4 billion a year as a result of the delays and it is costing the American people $8 billion a year in delays.

That does not really tell the whole story, by a long shot. Why? Because delays are so prevalent, the airlines are building delays into their schedules. For example, a flight from Washington to LaGuardia takes 45 minutes, but the airlines are showing it as a one-hour flight because they are building in the delay. So those delays are not even calculated. Delays are increasing. Customer satisfaction, airline passengers are very, very upset.

From this April to last April, there has been an 87-percent increase in passenger complaints down at the FAA. As far as safety is concerned, while we have today still the safest aviation system in the world, it is not going to stay that way if we have 30 to 50 percent more planes in the sky.

In fact, with the tragedy that occurred out in Little Rock just a few weeks ago, they did not have a Dopler radar system, which would have warned them in advance of the problems they were having with weather. They have requests in for runway extensions, requests in for safety, other safety requests which have not yet been granted. Why not? Because the money is not there to do it.

Now, I cannot stand here today and say that that tragedy would not have occurred in Little Rock. But we can say that the additional safety devices which they want and have applied for certainly would have provided a safer environment for them. Competition is something which we have all been in favor of, and yet we do not see it today in many of our major hubs.

In fact, most of the major hubs is one dominant airline that controls 70 to 80 percent of the slots of the gates. And why? Because we do not have the necessary expansion.

As many of my colleagues know, the critical path generally is more runway. And if you could have more runways, then we could have more terminals and more gates. And indeed in this legislation, one of the reforms in this legislation is to provide the incentives for the airports to attract additional competition into the airport. And when that happens, we will see more competition, and more competition certainly works to the benefit of the traveling public.

What are the needs? We are told that, all told, when we consider the money that is coming from the Aviation Trust Fund, the bonding that takes place at airports, the general fund, the total need is about $10 billion a year. And we only have $7 billion a year. We are $3 billion short.

There are 59 runway projects that need to be built. The money is not there. We are told in one study there is a 60-percent increase in infrastructure required to meet the future demands on our aviation system. The General Accounting Office tells us that the air traffic control system will need another $17 billion in the next 5 years.

Well, is there a solution? Yes, there is a solution. And we are here with that solution today. The good news is that solution does not require any tax increase, nor does that solution require taking money away from other Federal programs.

The solution is to unlock the Aviation Trust Fund. By doing so, we can have $14.3 billion in the next 5 years to be spent to improve aviation, and indeed that is only money that is going into the Aviation Trust Fund paid for by the American traveling public in their ticket tax.

It is deja vu all over again when we look at the battle we fought last year on the Highway Trust Fund to unlock it so we would be straight with the traveling public and spend the money they put into the Highway Trust Fund for surface transportation improvements.

So now we come today and say let us do the fair thing, the right thing, let us unlock the Aviation Trust Fund.

In fact, if we do not unlock the Aviation Trust Fund, if things go on as they are, not only will we have the delays we talked about, the increasing safety problems, the Aviation Trust Fund in 10 years will have a balance of over $90 billion paid for by the traveling public and yet not spent.

□ 1330

Where do we offset the $14.3 billion? How can we say that we can spend the money going into the Aviation Trust Fund, which in the next 5 years will be an increase of $14.3 billion, and not take it from other programs and live within the caps? It can be done, and this legislation does do it because we move the Aviation Trust Fund outside the cap, we do not spend increased money from the general fund; in fact, we put a freeze on the general fund so this works to the benefits of our friends on the Committee on Appropriations so that they do not have the pressure of having to increase general fund spending in the future because the only increase comes from the Aviation Trust Fund. Indeed, the 14.3 billion we take from the $780 billion 10-year tax cut, that is in the budget resolution that has passed this House earlier this year.

Now stop and think about it for a minute. It is morally wrong to say we are going to take that $14.3 billion that is in the Aviation Trust Fund and use it, give it away, as part of a general tax cut. It is simply wrong, it is fraudulent, to take the tax money of the traveling public and then turn around and have that money given away as part of a general tax cut. That is a moral issue, as well as a financial issue, as well as a safety issue, and so we believe this legislation gets the job done, does not provide all the money we would like to see, but it certainly moves in the right direction.

And another very important point: In this legislation, it does differ from TEA 21, the highway bill, in that we do not mandate that the money all be spent. The appropriators in our manager's amendment, the appropriators retain all of the authority which they now have, so if someone gets up here and tells us that the appropriators are losing their authority over this legislation, that is simply not the case. They can set the obligational ceilings; they will have the same authority under this legislation that they have today under current law.

Indeed I was pleased to read this morning that the Speaker is going to support this legislation. I have just been informed, and I am proud to announce, that the Speaker, although a Speaker generally does not vote, the Speaker has informed me that he will vote on this legislation and he will vote in favor of this legislation. And why? Because it is good for America, because it the right thing to do.

Another issue that is of importance to us here is that we provide the local authorities, the locally-elected authorities particularly, I say to my conservative Republican friends, we send back to the localities the authority on the decision of whether or not the PFCs, the passenger facility charges, should be increased; but, because there is a national interest in it, we put some strings on that decision.

We say that we cannot increase PFCs unless we can justify to the Secretary of Transportation that with this additional money they are getting in our bill they still cannot do the job of providing safe transportation; they cannot provide in addition to safe transportation for a reduction in delays and an increase in competition. So all of those very important issues must be justified before a locality can increase its PFCs.

In this legislation, simply by unlocking the Aviation Trust Fund, small airports will have their allocation increased threefold, as will the medium and large hubs. For the first time, the cargo airports will get funds, and so will general aviation, without any tax increase, simply by using the money that the American people are paying.

Now we have heard, unfortunately, an article a few weeks ago about some of the Members being threatened by the Committee on Appropriations if they vote for this bill they will lose projects. I certainly do not believe it, and I know I have the highest regard for the chairman of the Committee on Appropriations. Just yesterday I was told that members of the New Jersey delegation were threatened that they would lose funds for their beaches. I am so happy to report to my colleagues that I have discussed this with the chairman of the Committee on Appropriations, and as I knew was the case, he has assured me that they do not operate this way and there certainly is no retribution, neither favors nor threats. And I knew that was the answer because I know my good friend, and I know what an honorable man of great integrity he is, but I am very pleased to be able to report.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would report to our colleagues on the same statement that I made to the gentleman, that the Committee on Appropriations does not seek to gain votes by offering projects to Members that might not otherwise be considered, nor would the Committee on Appropriations threaten to take away projects because of a lack of voting for an appropriation bill or something that the committee would support, and I thank the gentleman for bringing that to our attention.

Mr. SHUSTER. I thank my good friend. I knew that was the case, and I just appreciate him very much making that point.

I also want to emphasize that we just received today a vote alert from the U.S. Chamber of Commerce in which they say that they support this legislation and oppose the weakening amendments. They recognize the importance of this legislation, so we are just very thrilled to have that kind of support as well, along with the announcement that the Speaker is going to vote for this legislation.

There has been some misinformation put out, I am sure inadvertently. Let me emphasize again we do not touch the Social Security surplus, we do not touch other programs. The only increase is the increase from the Aviation Trust Fund.

Now I have had some say to me, "Well, we can get the money somewhere else." And I say respectfully, "You've got your head in the sand. Where is the money going to come from if it does not come from the Aviation Trust Fund?" And if we do not continue the historic commitment of the general fund, indeed we freeze the general fund so it cannot be increased, which certainly should be helpful to the appropriators.

Let me conclude by sharing with my colleagues something that was provided to the Congress of the United States by the National Civil Aviation Review Commission, a commission created by the Congress of the United States just recently, and here is what they say:

Without prompt action, the United States aviation system is headed toward gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy and hurt our position in the global marketplace. Lives may be endangered, the profitability and strength of the aviation sector could disappear, and jobs and business opportunities far beyond aviation could be foregone.

Let us do the right thing. Let us join with our Speaker and vote in favor of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman I yield myself 12 minutes.

Mr. Chairman, transportation has shaped America's history from its very origins, just as surely it guides our destiny as a Nation. From our beginnings as a colony and our restart as a new Nation, America first developed seaports which dominated the 18th century, and river ports which were characteristic of the 19th century, and railheads in the later 19th century, and our highway system through the late 20th century. But it is airports and aviation that guide and will shape America's destiny in the 21st century.

The debate today is not about arcane budget rules. It is about the very future of America and our leadership in the world economy. Every Nation in the world looks to America as the leader in aviation in every aspect of aviation, in air traffic control technology, in runway construction. In the economic and commercial application of aviation, we are the world leader.

Mr. Chairman, that is why we are here today for this debate, to make sure that the funding mechanism which undergirds and supports and makes possible our air traffic control system, our airport system, our safety and security measures, is itself secure, that it will provide for the future needs of the growth of aviation in America.

We understand railroads, we understand transit links, we understand highways as part of an integrated system to deliver transportation necessary for job opportunities for local economic growth, for quality of life for the people of this country. But we do not understand, I do not think the understanding has settled in sufficiently with the people of this country to understand fully the role that aviation plays in America's current and future economy. The air traffic control system for our large hub airports, ever since the explosive growth that began in 1978 with deregulation of aviation, has put constraints, caused delays, created congestion both on the air side and the ground side at the Nation's airports. Flight delays, cancellations, slower flights are all indications of a system that is not meeting the demands of the Nation's growing economy.

The DOT Inspector General just recently found that flights at nearly three-quarters of the major air routes are taking longer than they did 10 years ago, as much as 20 minutes longer. Delta Airlines, for example, recently reported that inefficiencies in our air traffic control system cost that airline $300 million a year. But it is not just the major airlines, not just the major airports, it is our smaller communities in the hub and spoke aviation system that are also experiencing the strain of the inability of our aviation structure to meet the Nation's capacity requirements.

George Bagley, Chief Executive Officer of Horizon Air, chairman of the Regional Airline Association, said that air traffic control and airport capacity limitations are increasingly burdensome issues for expanding regional airline service. He said we have always figured a way to park more airplanes and get more gates but this year we did not do some flying that we otherwise could have done.

The Nation's airports are the ground hubs for these air routes. Capacity is limited. We cannot ignore critical issues, expanding runways to accommodate larger aircraft, expanding terminals, expanding gates to promote competition, and to accommodate the dramatic rise in passengers from 600 million passengers-plus last year to an anticipated billion passengers within the next 10 years.

How does this play out? Worldwide there are 1 billion 200 million passengers flying all airlines in the entire world of all nations. Six hundred million, over half of those passengers fly in this airspace in the United States. That is how important. We are half, in fact more than half, of the world's total airport-airline passengers capacity. Travelers at 27 airports in the United States in the last year suffered more than 20,000 hours of delay at each of those airports, and if we do not pass this legislation and make the improvements necessary, we will see that number increase to 31 airports by 2007.

We are falling short of airport capacity needs by $3 billion a year. We also have to make improvements in airport technology capacity along with the airport development needs. The shortfalls in airport technology and weather and radar technology also costs us billions of dollars in lost time and lost travel opportunities. Rural areas are denied the opportunity to enjoy the benefits of the economic development that they would have because they cannot get into the major hub airports or cannot fully develop their own small airport systems.

The National Civil Aviation Review Commission, chaired by former colleague and former chairman of this committee, Norm Mineta, put it very clearly. Without prompt action, the U.S. aviation system is headed toward gridlock shortly after the turn of the century. If gridlock occurs, it will result in a deterioration of aviation safety.

□ 1345

The Little Rock Airport situation which our chairman just recently addressed shows us once again, reminds us very vividly and powerfully that aviation accidents are caused by a chain of events, not by a single incident, not by a single missing link. But in this case, if only one link had been addressed, that accident might have been averted or its impact reduced. We are learning now about our weather detection system not fully operational, runway technology which might have prevented fatalities or injuries that was not installed. The proximate cause of the accident is still under investigation, but we are already beginning to see evidence of the possibility that increased aviation investment at that airport may well have made a difference in saving lives.

Every dollar we do not spend from the Aviation Trust Fund makes it more likely that there will be more chains of events that lead to tragedies.

The bill before us today begins to address the needs of the Nation's aviation system. It will ensure that the attention and focus we have invested in the Interstate Highway System will be extended to aviation, by assuring that we will have a guaranteed revenue stream to ensure that the investments in capacity, modernization, competition and safety in our system will be made and will benefit the traveling public.

Example: A runway project at San Francisco to increase capacity and cope with noise will cost a minimum of $1.4 billion and will ensure that smaller airports can take advantage of that airport with increased investments in global positioning satellite technology and weather technology.

The funding that we make possible through this guaranteed revenue stream will ensure that the AIP funding that will average $4 billion, together with the proposal to increase the ability of individual airports to increase their PFC by $3, will assure that we will have the funds we need at local airports to reduce congestion, improve safety, reduce noise, and enhance competition.

There have been enormous successes with the limited and uncertain-from-year-to-year dollars available for our air traffic control system. Despite the stop-and-go financing that has been characteristic of investment in ATC improvements, FAA has registered enormous success. The nearly $1 billion Voice Switching and Control System, VSCS, was installed over one weekend without shutting down the air traffic control system for 1 second and is now fully operational without any delays or difficulties or system failures that was characteristic of past communications systems and is vastly enhancing the ability of controllers to do their job.

The Display System Replacement at the enroute centers has now been installed at all 20 enroute centers nationwide, another $1 billion system with a million lines of computer software code. It is now going through the final stages of acceptance at each one of those centers, vastly enhancing the ability of air traffic controllers to manage the increasing demands on our air traffic control system. Still to come are STARS and Wide Area Augmentation System. Those have incurred delays, but, again, a good deal of that delay has been due to inadequate funding.

Tony Broderick, former FAA Assistant Administrator, asked the key question at our committee hearing when he said, we would never expect a business to run efficiently if the funding stream fluctuated wildly, so why do we expect this of the FAA managers? We cannot. With the funding mechanism we put in place in this legislation, we will assure that they have the dollars they need, and we will also ask more of them. With the Air Traffic Control Oversight Board created in this bill, we will increase focus on the managers' performance and hold them accountable for meeting schedule and budget targets.

Mr. Chairman, this legislation sets the stage for the 21st century, for the next wave of transportation, for the next generation of American growth in transportation and for growth in our economy at home and abroad. Just as last year's T–21 set the stage for America's movement into the 21st century in ground transportation, AIR 21 sets the stage for America's growth and movement into the 21st century. I congratulate the gentleman from Pennsylvania (Mr. SHUSTER) the chairman of our committee, on the leadership that he has demonstrated for this whole body, and for all of transportation in America last year when we moved T–21 and moved America off dead center and into the future, and I commend him again for the leadership that he has shown and for the courage of standing up for what is right for the budget for air travelers, for America, for aviation for the future.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I certainly thank my good friend for those kind words.

Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the subcommittee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

I want to, first of all, say that the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) have already made statements about the need for this legislation and the reasons behind it. So I want to add just a few things. But first, I want to commend the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of our committee, for his leadership on this bill, and my good friend, the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), of the full committee and the ranking member of our subcommittee, the gentleman from Illinois (Mr. LIPINSKI), for their leadership and hard work on this legislation.

Mr. Chairman, this is indeed historic legislation, because we are poised to take the Aviation Trust Fund off budget, produce a more honest budget for the American taxpayers, and take the first steps toward ensuring that our aviation system remains as one of the safest and most efficient in the world. As the gentleman from Pennsylvania (Mr. SHUSTER) noted, the Speaker of the House has strongly endorsed this bill, and the National Chamber of Commerce has strongly endorsed this bill. This is a good bill that all Members can support.

Mr. Chairman, H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, or AIR 21, as it has been referred to, is a bill to reauthorize the Federal Aviation Administration program through the year 2004. AIR 21 is no ordinary bill. AIR 21 ensures that aviation taxes will be spent for aviation infrastructure improvements.

Last year, the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER), led the effort, as the gentleman from Minnesota (Mr. OBERSTAR) just noted, to unlock the Highway Trust Funds and ensure that highway taxes are spent on highways. Now we are attempting to and should do the same thing this year with the Aviation Trust Fund. I am proud to be a part of this effort to ensure that the taxes paid by aviation users will be spent only on aviation improvements. Unlocking the Aviation Trust Fund will benefit the entire aviation community, and it will also benefit even those who do not fly, because our entire economy is made stronger if we continually improve our aviation system.

Aviation activity is growing at a startling rate. In 1998, airlines flew over 640 million passengers. That is an increase of more than 25 percent from just 5 years ago. As this chart shows, current forecasts predict almost 1 billion employment sometime in the next 10 years, probably much sooner than that. At that growth rate, 10 new airports the size of Dallas-Fort Worth or Atlanta Hartsfield or Chicago/O'Hare, our largest airports, 10 of these large airports would be needed to adequately absorb these passengers.

In addition, air cargo traffic is rising even faster. It rose over 50 percent over the past 5 years and is expected to grow at an average of 8 or 9 percent over the next 10 years. With all of this growth, aviation delays are high and expected to increase in the future. The Air Transport Association estimates the delays caused by infrastructure problems cost the airlines $2.5 billion to $3 billion a year. Without proper investment into aviation infrastructure, our Nation's already stressed aviation system could be pushed to the breaking point.

AIR 21 acts to ensure that proper investment is available to fund improvements to our aviation system. By 2004, the bill raises the level of FAA operations to over $7 billion, the airport improvement program to over $4 billion, and facilities and equipment to $3 billion. The increase in AIP funding will triple the entitlement dollars for primary airports, triple the minimum entitlement for small airports, and fund an entitlement for general aviation airports up to $200,000.

Mr. Chairman, this bill does more or will do more for small and medium-sized airports than any bill in the history of the Congress. This infusion of money into airport infrastructure, this very needed infusion will ensure that our Nation continues to have the safest, most efficient air service in the world, and certainly that is a goal that I believe everyone in this Congress knows is necessary and that everyone in this Congress supports.

One of the most important benefits of this new funding will be the tremendous improvement in airport infrastructure at small and midsized communities. First, to provide funding to these communities to obtain increased air service, this bill authorizes a $25 million program, and all of the communities that are underserved across this Nation need to support this bill because of that. In addition, the money provided in this program can be used to assist underserved airports in obtaining jet air service, and then in marketing that service to increase passenger usage. This money would be used by small airports that are currently served by turboprop aircraft to bring jet service to their communities.

Secondly, the bill will improve competition by establishing a regional air service incentive program. This assistance program would seek to improve regional jet service to small communities by granting them Federal credit assistance.

Mr. Chairman, this is indeed historic legislation, because we are poised to take the Aviation Trust Fund off-budget, produce a more honest budget for American taxpayers and take the first step toward ensuring that our aviation system remains one of the safest and most efficient in the world.

As Chairman SHUSTER noted, the Speaker of the House has strongly endorsed this bill. The National Chamber of Commerce has strongly endorsed this legislation. This is a good bill.

H.R. 1000, the Aviation Investment and Reform Act for the 21st Century (or AIR 21) is a bill to reauthorize Federal Aviation Administration programs through the year 2004. AIR 21 is no ordinary bill. AIR 21 ensures that aviation taxes will be spent for aviation infrastructure improvements.

Last year, Chairman SHUSTER led the effort that unlocked the highway Trust Fund and ensured that highway taxes were spent on highways. Now, we are attempting to and should do the same thing this year with the Aviation Trust Fund.

I am proud to be a part of this effort to ensure that the taxes paid by aviation users will be spent only on aviation improvements. Unlocking the Aviation trust fund will benefit the entire aviation community, and even those who do not fly because our entire economy is made stronger if we continually improve our aviation system.

Aviation activity is growing at a startling rate. In 1998 airlines flew over 640 million passengers.

That is an increase of more than 25% from just five years ago. As this chart shows, current forecasts predict almost 1 billion enplanements in the next 10 years. At that growth rate, 10 new airports the size of Dallas/Ft. Worth, Atlanta Hartsfield or Chicago/O'Hare would be needed to adequately absorb these passengers.

In addition, air cargo volume rose 50% over the last 5 years and is expected to grow 83% by 2008.

With all of this growth, aviation delays are high and expected to increase in the future. The Air Transport Association estimates that delays caused by infrastructure problems cost the airlines $2½ to $3 billion a year.

Without proper investment into aviation infrastructure, our nation's already stressed aviation system could be pushed to the breaking point.

AIR 21 acts to ensure that proper investment is available to fund improvements to our aviation system.

By 2004, the bill raises the level of FAA operations to over $7 billion, the Airport Improvement Program to over $4 billion, Facilities and Equipment to $3 billion.

The increase in AIP funding will triple the entitlement dollars for primary airports, triple the minimum entitlement for small airports from $500,000 to $1.5 million, and fund an entitlement for GA airports up to $200,000.

This infusion of money into airport infrastructure will ensure that our nation continues to have the safest, most efficient air service in the world.

One of the most important benefits of this new funding will be the tremendous improvement in airport infrastructure at small and mid-size communities.

First, to provide funding to these communities to obtain increased air service, this bill authorizes a $25 million program.

This money would provide assistance to a small or mid-sized community by making money available to an air carrier that serves that community. The money would subsidize the carrier's operations for up to 3 years if the Secretary of Transportation determines that the community is not receiving sufficient air carrier service.

This assistance would come in the form of loan guarantees, secured loans, and lines of credit for commuter air carriers that promise to purchase regional jets and use them to serve a community for a minimum of three years.

Most regional jets have lower operating costs, higher passenger capacity, and can fly further than many of the turbo prop planes that they are beginning to replace. Jet service would greatly increase the travel choices for people living in small communities to major hub airports. These funding programs will allow small airports to enhance competition of low costs through regional jet service to ensure lower fares.

This bill makes tremendous strides in ensuring that smaller communities that are often overlooked or ignored by air carriers for financial reasons, gain a foothold to attract more, and better, air service for their residents.

We are also lifting slot restrictions at the New York and Chicago airports for regional jet service to small and nonhub airports effective March 1, 2000. This will open service to these airports and improve competition.

DOT has said that elimination of slots is not a safety issue. Therefore, we can increase air service and competition to many destinations currently dominated by one carrier or destinations with inadequate air service.

In addition, AIR 21 incorporates the National Park Overflights provisions based on a bill that I introduced. These provisions represent a strong compromise reached between all the parties involved in air tours over national parks. I am personally proud of the work that went into these provisions and I thank Chairman YOUNG of the Resources Committee for his work on this issue also.

This bill makes tremendous strides in meeting aviation needs and improving aviation infrastructure.

It ensures that communities that are often overlooked or ignored by air carriers for financial reasons, can attract more, and better, air service for their residents.

It also acts to enhance competition, safety and provide lower cost and better air service to all passengers.

This bill is the result of a lot of hard work. But there is still a lot of hard work in front of us. There are opponents to this bill who object to taking the trust fund off-budget. These same opponents object to the General Fund component of this bill.

The FAA's budget has had a General Fund component since its inception. The general fund contribution represents payment for a variety of FAA services, including services to military and other government aircraft, which use our airspace but do not pay taxes, as well as general safety and security services that benefit society as a whole by promoting economic growth.

This general fund payment has been affirmed by the congressionally authorized National Civil Aviation Review Commission (NCARC).

This Commission NCARC stated that "the cost of safety regulation and certification should be borne by a general fund contribution as these activities are consistent with the government's traditional role of providing for the general welfare of the citizens and are clearly in the broad public interest."

A similar conclusion was reached by the White House Commission on Aviation Security.

The Commission concluded that the federal government should consider aviation security to be a national security issue and that the government should commit to providing substantial funding to reduce the threats posed by terrorist attacks on civil aviation.

We are freezing the General Fund contribution in AIR 21 at the 1998 enacted level. As shown in this historical chart, this will result in a general fund share of approximately 23% from 2001–2004, well beneath the average general fund component of 39%.

This percentage is also well below the general fund share to other safety regulatory agency budgets. On average, these agencies (FDA, OSHA, and EPA) all receive about 80% or more of their budgets from the general fund. Comparatively, the FAA general fund contribution is a bargain.

If the General Fund component were eliminated, general taxpayers would not be paying their fair share for FAA services that benefit society as a whole.

Moreover, eliminating the General Fund component while maintaining the AIR 21 proposed funding levels would deplete the Trust Fund by 2003.

I urge you to vote against any amendment that contemplates cutting the general fund component of the FAA budget. If we allow AIR 21 to stand on its own, it will do great things for aviation.

I would like to take this opportunity to thank Chairman SHUSTER, Congressman OBERSTAR and Congressman LIPINSKI for all of their strong leadership efforts in crafting this legislation.

AIR 21 has been a bipartisan project and has resulted in a bipartisan product that I truly believe is good for aviation.

There are no earmarks in this bill, there is only the promise of safety and efficiency in our nation's aviation infrastructure in the years to come.

That should be enough for all of us.

I urge you to support H.R. 1000.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation, in a colloquy at this time.

Mr. Chairman, the loud noise generated from aircraft is having a negative impact on the quality of life and public health for thousands of residents living in areas with aircraft noise problems. In my congressional district, much of the aircraft noise is generated from the older, general aviation aircraft. At Teterboro Airport, which is located in my district, roughly 15 percent of the aircraft are still equipped with the louder stage-1 or stage-2 engines, and these 15 percent of the aircraft account for 90 percent, 90 percent, of all of the aircraft noise violations at that airport.

Mr. Chairman, it is my understanding that the GAO, at the request of leaders from the House Committee on Transportation and Infrastructure, is conducting an investigation into aircraft noise to determine whether planes weighing less than 75,000 pounds should abide by the stricter stage-3 noise levels.

Is that the chairman's understanding?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to my friend that that is my understanding, the gentleman is correct; the GAO is looking into it. We thank the gentleman for bringing to this our attention, and we will very carefully review the GAO study.

Mr. ROTHMAN. Mr. Chairman, I thank the chairman, and I thank the ranking member.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New York (Mr. SWEENEY), a stalwart member of our committee.

Mr. SWEENEY. Mr. Chairman, I want to talk about people. Upstate New York has been identified as an area that needs improvement and has been labeled a "pocket of pain" in the aviation system. The airports that serve my district are in dire need of many improvements, methods of enhancing accessibility, machinery, and, most importantly, technology.

□ 1400

Single airlines dominate service to the upstate region, and existing airline access rules have stifled competition and caused passengers to pay unreasonably high air fares.

For example, a round trip ticket from Albany to Washington, D.C. is almost $700. We are losing jobs and a chance to compete globally. Air 21 provides a critical step toward rebuilding the economies of many suburban and rural areas nationwide. I urge my colleagues to pass Air 21 and give us a chance to grow and compete.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member of the full committee for yielding time to me.

Mr. Chairman, I rise today in strong support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, or Air 21. This is an historical piece of legislation that will unlock the aviation trust fund, allowing aviation taxes to be used to fund aviation infrastructure needs.

The United States has the best aviation system in the world. It also has the busiest aviation system in the world. Since airline deregulation in 1978, the number of people flying has nearly tripled, from 230 million annually to 600 million last year. Passenger traffic is projected to reach 660 million this year, and approximately 1 billion in the next 10 years.

Even today, the FAA estimates that at any one time, there can be as many as 5,800 flights in the air over the United States.

Unfortunately, at the same time that record levels of passengers are traveling, capacity constraints are threatening gridlock at our national aviation system. Our aging air traffic control system and our aging airports are having difficulty keeping up with the increased demand.

In 1998, for example, 23 percent of all major air carrier flights were delayed 15 minutes or more. Delays caused by air traffic control equipment accounted for 22 percent of these delays, an increase of 9 percent from the previous year. In fact, last year alone there were 101 significant air traffic control outages which most often resulted in the FAA holding airplanes on the ground, keeping passengers waiting and waiting in the terminal or on the taxiway.

If nothing is done, delays and congestion will only get worse. Increased delays will mean less predictability in the airlines' schedules, which are already padded to account for some delays.

We cannot afford to have an aviation system that is so unreliable that it is not practical for users. This is why we need Air 21. By spending aviation taxes on aviation needs, Air 21 significantly increases investment in our nation's airports, runways, and air traffic control system today so our aviation system is ready for the increased demands of tomorrow.

Modernizing our air traffic control system is key to increasing the capacity of our national air aviation system. It is only through advanced technology that more airplanes will be able to share the same airspace safely and effectively.

For this reason, Air 21 provides $11.5 billion through the year 2004 for the FAA's facilities and equipment program, which purchases equipment for the modernization of the air traffic control system. The FAA already has several important projects underway to replace and improve computers, radars, communication systems, and other vital components of the air traffic control system.

However, major systemwide changes and improvements can take many years to develop and implement. Yet, in order to plan long-term improvements, the FAA needs a reliable stream of funding in order to know that it can see a project through from start to finish.

In fact, FAA Administrator Jane Garvey, in a speech to the National Press Club, stated that one of the most important things that can be done to support the FAA modernization efforts is to stabilize the agency's funding.

Air 21 does exactly what is needed. It provides a steady, reliable stream of funding for the FAA and its air traffic control modernization projects. In addition to modernizing the air traffic control system, improvement and expansion of our nation's airports is needed to improve capacity.

Even if we can accommodate more planes in the air, they all still need to find a place to land. Too many planes fighting for limited airport gates often leaves passengers waiting on the taxiway. Therefore, Air 21 increases the Airport Improvement Program, or AIP, to $4 billion in fiscal year 2001. The AIP program is vital to airports of all sizes throughout the Nation.

The AIP program provides Federal grants to fund needed safety, security, capacity, and noise projects. Air 21 also authorizes local airport authorities to raise their passenger facility charges from $3 to $6.

The PFC has been an important funding source for local airport authorities that need to do important airport improvements that may not be eligible for AIP funds. For example, AIP funds cannot be used to fund construction of terminal or gate improvements at airports.

Fortunately, local airports have been able to use revenues collected through the PFC to build shared or common use gates which can be used by any air carrier wishing to serve the airport. Such projects have helped increased capacity at the airports, as well as competition.

In conclusion, I want to compliment the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. Oberstar), the chairman of the Subcommittee on Aviation, my very good friend, the gentleman from Tennessee (Mr. DUNCAN), for the outstanding work and cooperation they have done on this bill.

I think only with the leadership of this committee have we been able to bring this bill to the floor of the House in such a unified fashion, and a bill that is good for aviation, not only today but all the way to the 21st century.

The Chairman. Without objection, the gentleman from Tennessee (Mr. DUNCAN) will control the time of the gentleman from Pennsylvania (Mr. SHUSTER) until his return.

There was no objection.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I rise in support of Air 21.

I rise to engage with the gentleman from Tennessee (Chairman DUNCAN), the chairman of the subcommittee, in a colloquy.

I say to the gentleman from Tennessee, I appreciate very much the subcommittee's inclusion in the manager's amendment that allows the sale of Blue Ash Airport in the city of Cincinnati 3 years in advance of the expiration of its current grant assurance with the FAA.

I understand that final acceptance of this language, however, may be subject to some conditions and concerns that the subcommittee may have. Would the gentleman care to express those concerns?

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I thank the gentleman for yielding, and for his work on this issue.

Mr. Chairman, the sale of the Blue Ash Airport will allow an important general aviation facility, which currently bases over 140 aircraft, to remain open for an additional 20 years. General aviation airports are closing at the alarming rate of 1 a week, so the gentleman's efforts on this issue are timely and very important.

The Subcommittee on Aviation, which I chair, held a hearing on this problem just last week. While we want to allow the sale of Blue Ash, it should be noted that Federal dollars have gone into the facility, and it is important that some proceeds of the sale be directed toward the improvement of other aviation facilities, such as Lunken Field, a general aviation airport in the area.

Between now and the conference, I would urge all the participants to come together and develop a division of the sale proceeds along these lines. We may alter the language in conference to provide the FAA with some further guarantees that Blue Ash will in fact remain open for another 20 years.

Mr. LATOURETTE. I thank the chairman for his kind words, and I pledge the help of the Ohio delegation in securing this important work.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for the generous grant of time.

Mr. Chairman, what some would have us believe is that what we have before us today is a radical proposal; that is, that we should take a tax which is collected for one purpose from the American people for the aviation system and we should dedicate it to that purpose.

We will hear from members of the Committee on the Budget and members of the Committee on Appropriations saying that is unconscionable that we should take it from one purpose and actually spend it on that. They do not like that. They are going to raise false allegations that this somehow will impact social security or other things.

None of that is true. This is the way it should be and should have been. Our system is going to be overcapacity in the near future. We need to invest. We are collecting this tax from the American people to invest in this system.

This bill will move us into the next century with greater capacity, greater comfort, and greater safety.

It has some other provisions that go directly to safety, to the competition for small airports, so they can attract new airlines and help the underserved airports.

All in all, this is an excellent piece of work, the first step in what should be a two-part process, the next dedicated to safety and passenger rights and to more competition.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. EHLERS), a distinguished member of our committee.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is essential to recognize that the aviation industry is extremely important to the future of this Nation, and is growing very rapidly. Our duty as legislators is to be aware of this, and also to move rapidly to deal with the problems of aviation.

I urge that the House pass this bill, and that we resolve the issues quickly.

Just to give an example of the problems, my local airport, Kent County International Airport in Grand Rapids, Michigan, needs to replace one runway, to totally renovate it. They are anxious to get started on that project soon, before the runway deteriorates so much that it can not be safely used.

Airport authorities have worked out a letter of intent with the FAA, but the FAA is not signing any new letters of intent until this legislation is passed, because they do not have the legal authority to do so. If we do not pass this bill soon and get the President's signature on it we in the north will lose another construction season, thereby endangering passengers. This is just one example of the situations local airports face, and shows that we have to make our decisions very quickly here.

I also urge that we adopt this bill because I believe it is going to provide a fair method of allocating resources that we raise through special aviation taxes, so that we can ensure that these taxes are used appropriately for the purposes for which they were raised.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I wonder if I might engage in a very brief colloquy with the ranking member.

I would say to the gentleman from Minnesota (Mr. OBERSTAR), I strongly support Air 21 because an adequate air transport is a key component to a livable community, to make sure it is healthy and well-functioning.

Yet in most of the communities one of the most harrowing parts of the journey is trying to actually get to the airport, and not just for passengers. There are problems for the many thousands of employees that work there, and the timing of freight is increasingly difficult.

Yet, the Federal government invests hundreds of billions of dollars on the ground, and Air 21 means tens of billions of dollars in the air. I would ask the gentleman if, under the implementation of Air 21, if there are ways to assure better coordination between air and ground transport, either coordination with the FAA, spotlighting the facts that have been done, or ways to get more representation of air issues on MPOs?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I want to compliment the gentleman on his leadership and concern on the issue of livable communities, and access to airports is one of those livability issues.

The gentleman has cited the metropolitan planning organizations and other surface transportation planning entities as essential to the process of airport development. Their role should be included by airport authorities in the planning process. That is one step in achieving the goal the gentleman seeks.

Mr. BLUMENAUER. I thank the gentleman. I support the legislation. I hope we will be concerned in its implementation to make sure that we can do a good job of putting these pieces together.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Cleveland, Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I appreciate the gentleman yielding time to me, and for having the opportunity to have a colloquy with the distinguished ranking member.

I would say to the gentleman from Minnesota, plans have been submitted to the Federal Aviation Administration to expand Cleveland Hopkins International Airport, and the expansion of the airport is a sensitive issue for the community I represent. The expansion is expected to involve a sharp increase in airport traffic.

For example, the airport is already expected to experience an increase of 200 daily flights this summer, and the current level of aircraft noise is very disruptive to peoples' lives. Further increases will cause more suffering. Protection of these residents against current levels of noise and pollution must be addressed before any new expansion plans are considered.

I would appreciate the guidance of the gentleman from Minnesota (Mr. OBERSTAR) as to how this bill would be able to assist my constituents.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the Airport Authority at Cleveland can already use its AIP funds for noise abatement under the Part 150 rules of FAA. In addition, as the airport authority is expanding the runway and adding capacity, they will very likely use a PFC to do so, and will be able to use part of that PFC money for part 150 noise abatement.

There are at least those two very important tools to reduce noise on airport neighbors. I compliment the gentleman on his initiative.

☐ 1415

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources and senior member of our committee.

Mr. YOUNG of Alaska. Mr. Chairman, I rise today in strong support of the Aviation Reform and Investment Act of the 21st Century.

We need to invest in our aviation infrastructure. More people are flying than ever before. The Aviation Trust Fund continues to accumulate unspent revenue. We have a responsibility, no, an obligation, to return and invest those tax dollars of the aviation American system. If it is the will of Congress not to make the investment, then we should stop collecting those taxes.

In 1998, the Aviation Trust Fund collected $6 billion of taxpayer money but Congress only invested $5.9 billion of it in aviation. As a result, our constituents continue to face delays and frustrations.

If we continue the current budgetary gimmickry, the cash balance in the trust fund will grow from $12 billion in 1999 to $91 billion by the year 2009. Again, if Congress will not spend these dedicated tax dollars, then we have to reduce taxes and fees collected from aviation users.

Without the investment, the FAA will continue to experience system outages. That means air traffic control will lose sight of a plane on radar. The FAA says there can be as many as 5,800 flights in the air over the U.S. at any one time. As the number of those flights in the air increase, congestion will grow. Without further investment, the safety of air travel will degrade.

Is this bill going to cut funding from other programs? No. Air 21 recaptures unspent aviation taxes that increases aviation spending by $14 billion over 4 years.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for his hard work, and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Pennsylvania (Mr. SHUSTER) and chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN). I appreciate their bipartisan leadership as we try to address the inequities that GAO has found that we are underfunding aviation infrastructure by $3 billion annually and, more disturbing, underfunding air traffic control modernization by $1 billion annually.

For years, we have had the means to eliminate this funding gap through the Airport and Airway Trust Fund, which is generated by fuel and ticket taxes. Unfortunately, surpluses have been maintained while our infrastructure continues to deteriorate. This bill greatly increases funding to modernize our aging air traffic control system and serves to increase transportation competition at airports all across the Nation.

Rural states like Maine need Air 21 to improve their air infrastructure, to ensure the safety of the traveling public and to ensure that we have the greatest amount of competition and service. In our own community, we are seeing the need of new air traffic towers and also the need for runways to be rebuilt and to be modernized as we prepare for more and more airline competition. I would like to thank the Members. I enjoyed working as a member of the subcommittee and the full committee.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today to engage the gentleman from Minnesota (Mr. OBERSTAR) in a colloquy.

First of all, I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for the hard work they put into this legislation, which authorizes the important programs ensuring safe and efficient air travel.

I would like to take this opportunity to express to the gentleman from Minnesota (Mr. OBERSTAR) my strong support for the extension of the runway at the Ohio University Airport in Athens, Ohio, from 4,200 feet to 5,600 feet. It is my understanding that the Federal Aviation Administration has already approved the airport layout design and the environmental assessment on the project will be completed at the end of this summer.

I hope that this worthy project will be a priority for the FAA in the fiscal year 2000.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, this is the very kind of project the airport improvement program is intended to nurture and to provide funding for. So I believe, as the gentleman has been such a strong advocate for this project and for this airport and for his community, that it offers significant benefits to rural southern Ohio and the FAA should be able to proceed with the funding necessary to accomplish the objectives.

Mr. STRICKLAND. Mr. Chairman, let me also say that I appreciate the understanding of the gentleman from Minnesota (Mr. OBERSTAR) of the needs of an area like rural southern Ohio.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in the 1980s the Reagan administration let antitrust enforcement in the country collapse. With that and the demise of regulation, we have seen predatory pricing, monopoly power and monopoly pricing in the airline industry.

For example, in those areas where we find real competition, as opposed to those where it is not, the price where there is no competition is often three to four times the price of where there is competition, covering the same amount of distance.

It is quite clear that airlines are taking advantage of a monopoly situation and the ability to price their rides as high as they want to when there is nobody to compete with them.

We have to have a system of regulation in our country that regulates airlines in accordance with competition and provides that people who need to travel from one place to another can do that at a fair and reasonable price.

Let me just give you one example. To fly from Ithaca, New York to Washington costs $628. If one were to fly the same distance from San Diego to San Francisco, for example, even a little bit less, what someone would pay for the lowest airfare is less than $100. It is quite clear that the system is out of control. Monopoly pricing and monopoly power has led to a system where most people in our country are being deprived of the airline service they need.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania (Mr. SHUSTER) in a colloquy. Of particular concern to me and my constituents is the need to ensure basic radar coverage for smaller airports like the one in Livermore, California, my district, which is one of the busiest general aviation airports in the state. Yet Livermore's technology is nothing more advanced than a simple pair of binoculars.

This situation is particularly problematic during periods of poor weather when the safety of both those in the air and living on the ground is of primary concern.

Mr. Chairman, I ask the committee to continue its work on promoting air safety across the country, not just at major airports but at smaller ones like at Livermore, which are desperately in need of radar coverage.

Mr. SHUSTER. Mr. Chairman, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I certainly agree with the gentlewoman completely. Indeed, this is one of the reasons why we need to free up funding in this legislation so that we can provide this kind of safety for our airports.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for his response.

I urge my colleagues to support H.R. 1000.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from West Virginia (Mr. RAHALL), the ranking member of the Subcommittee on Ground Transportation.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Chairman, I salute the gentleman from Minnesota (Mr. OBERSTAR), as well as the gentleman from Pennsylvania (Mr. SHUSTER) for the work that has gone into putting together this Air 21.

As a supporter of Air 21, I would like to point out a special feature of this legislation that will be added at a later point in today's proceedings as part of the manager's amendment.

It has been the policy of the United States to promote transportation intermodalism. While we have integrated this concept throughout our ground transportation programs, it remains somewhat alien in Federal policy toward airport development.

The amendment to be offered by the chairman today, offered shortly, includes a provision that I devised aimed at promoting transportation intermodalism under the AIP program. By facilitating projects which provide for air-to-truck, air-to-rail and air-to-transit movement of commodities and people, I believe we can enhance airport revenues and further stimulate regional economic development activities.

So for this reason, as well as the many other important merits of this legislation, I urge support of it and at the proper time urge defeat of the major amendment that will be offered today by the gentleman from Alaska (Mr. YOUNG) and the gentleman from Ohio (Mr. KASICH).

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, first of all, let me thank the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Tennessee

(Mr. DUNCAN) and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for their leadership in bringing this bill to the floor.

This is a very important bill for this country and in particular for Florida, and it is necessary in order to keep the aviation system the safest and most efficient in the world. It provides funds to expand capacity and update our airports. Orlando and members of the Orlando Aviation Authority here today will reach 30 million passengers in the next few years. Miami, the gateway to the Americas, will handle 35 million passengers and 2.9 million tons of cargo.

I also want to point out that we need to ensure that we have adequate supply of air traffic controllers in the next century. I have been visited by controllers in my district who are concerned about this issue. I have pledged to work with them on this issue. I urge all of my colleagues to support this bill, because serious aviation needs exist in all of our districts.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I am a big supporter of Air 21 as well, and I have some technical amendments to the bill but I wanted to ask a couple of questions, if I might, of our ranking member, the gentleman from Illinois (Mr. LIPINSKI).

Most recently, the mayor of the busiest airport in the world, we claim, and the Governor had lunch with the Illinois delegation. The mayor indicated that the PFC funds would not go to new runways or runway expansion at O'Hare Airport. Is that the gentleman's recollection of the conversation?

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, my recollection of the conversation is that the mayor said that he would not use PFC funds to expand any runways at O'Hare Airport. That is my recollection of what he had to say.

The mayor has said on numerous occasions he has no intentions of expanding any runways at O'Hare or adding any new runways at O'Hare.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Illinois (Mr. LIPINSKI) for that response.

One other question. Are there any of the PFC revenues, to the best of the gentleman's knowledge, being used to lengthen runways at Midway Airport?

Mr. LIPINSKI. To the best of my knowledge, this is not being done. The PFCs are not being used for any runways at Midway Airport. The PFC money is being utilized in the new terminal and in other improvements at a terminal facility.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I may, in a moment, sum up this debate, the issue is about safety, capacity, competition and guaranteeing a revenue stream, guaranteeing that the air travelers who pay the taxes for the improvements, for the safety, for the convenience, for the security at our airports will see those benefits realized in the investments from the Aviation Trust Fund that will be assured by passage of this legislation.

It will also address the issue of collisions between aircraft and other vehicles on the runway surface. We ensure that there is adequate whistleblower protection to FAA and airplane employees who reveal safety problems without fear of retribution. Cargo airlines will be required to install collision avoidance devices by December 21, 2002 to avoid incidents like the recent near collision of two cargo aircraft over Kansas.

The issue, though, in this debate comes down to the question we addressed at the outset. Will the Members of this body vote to ensure that the taxes paid by American citizens to ensure safe, secure, timely passage and competition at airports will actually be invested for that purpose? That is the issue today: Fairness and investment in America's future.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I urge my Members to support this historic legislation. The gentleman from Michigan (Mr. EHLERS) mentioned just a few moments ago about the problems of needing funding for his runway at his airport. I am told that over the next 10 years, 50 percent of all the airport runways in America are going to require rehabilitation, and that 75 percent of the large and medium hub runways will. So the needs are very clearly there.

I also have just learned, in addition to the comments I made concerning the catastrophe, the tragedy at the Little Rock Airport, that the Little Rock Airport has had a request in for a safety area arrester. However, the FAA has not been able to fund it. Just one example of a safety need that is unmet and a safety need that possibly could have made a difference.

Now, I might conclude by noting that we are about in the same position now as we were in BESTEA when we brought BESTEA to the floor last year. We had some disagreements here on the floor. We had some disagreements at that point in time with the administration. Indeed, I met with Secretary Slater last night.

□ 1430

We have agreed that we are going to have to negotiate as we go along and as this legislation moves to the Senate. So we are quite prepared to compromise in everybody's best interest. But indeed we have a broad array of support for this legislation. Why? Because this legislation is good for America.

I might share with the body some of the groups that support unlocking the Aviation Trust Fund. Consider this broad array of groups: The Airline Pilots Association; the National Governors Association; Coalition for America, Paul Weyrich, a very conservative organization; the Transportation Trade Departments of the AFL-CIO; the U.S. Chamber of Commerce; the NFIB, National Federation of Independent Businessmen.

When we can get the Chamber of Commerce, the NFIB, and the AFL-CIO to stand together, we must be doing something right.

The Aircraft Owners and Pilots Association; the Air Transport Association; the National Conference of State Legislatures; the Farm Bureau. I say to my rural friend, and of course I represent a rural area as well, the American Farm Bureau supports unlocking the Aviation Trust Fund.

The list goes on and on and on. The AAA, the American Automobile Association. A list that covers, single spaced, a whole page of very diverse groups which strongly support unlocking the Aviation Trust Fund. Why? Because it is good for America. It is the right thing to do. It is morally wrong to take aviation ticket taxes and use those ticket taxes for a general tax cut.

So we take that very small portion of the general tax cut which is coming from aviation ticket taxes, in fact, it amounts to about 1.7 percent of the overall tax cut, but that is the part attributable to the aviation ticket tax, it is only fair that it be used for aviation purposes. If we do not have the needs, the tax should be reduced and not given away to another segment of our society.

So this legislation is good for America. It has strong bipartisan support. It passed our committee 75 to 0. I urge, for the good of our country, for the good and the future of aviation in America, I urge strong support for this legislation.

I close by again saying how pleased I was to be able to announce that the Speaker of the House has said that he will come to the well and vote in favor of this legislation today.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am pleased to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I complement the gentleman's statement by assuring Members on our side that the minority leader, the gentleman from Missouri (Mr. GEPHARDT), will also be in support of this legislation.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman, and there my colleagues have it. The Speaker of the

House, our leader, the Democratic minority leader. So how much more bipartisan can we get? This is good for America. We have got the support of our top leaders, the unanimous support of our committee, once more a bipartisan product from our committee. It is good for America.

Let us rebuild our aviation system so we can move into the 21st century and retain the best aviation system the world has ever known.

Ms. NORTON. Mr. Chairman, the Aviation Investment and Reform Act for the 21st Century (AIR–21) is an urgently needed bill whose time is long overdue. Our country needs to wake up to the true meaning of the word "infrastructure" today. Those whose view of infrastructure stops with roads and bridges will find that they are more a part of the 19th century than the 21st. Further delay in passing AIR–21 is likely to leave the country with a national aviation system stalled in the past as well.

The underfunding of our air infrastructure system has become a threat to our global economic position. Neglected investment has gone on for so many years now that it amounts to disinvestment. Reports concerning the effects of underfunding are frightening. For example, the U.S. will require a 60% increase in airport infrastructure investment in the next decade simply to maintain the levels of delay tolerated in air service in this country today.

Instead of increasing productivity to keep up with exploding increases in air travel (a 50% increase in the next decade alone), airlines are racking up record delays at a cost of $2.5 billion annually and a loss in productivity to the nation of over $1 billion every year. How long can our airlines remain competitive with foreign carriers, many of them publicly subsidized, at that rate?

The needs of our aviation system are legion from top to bottom: from runways to terminals; from hiring air traffic controllers to modernizing our antiquated air traffic control system; from funding to raise safety standards at small airports to a new streamlined environmental program patterned on the TEA–21 program; from loans to help airlines buy regional jets for service to small communities to increased funding for primary airports and major hubs. Some say we cannot afford this bill. It is clear that we cannot afford the continued neglect of what was once a world class air transportation system.

Part of the delay in bringing this bill to the floor has had very little to do with the funding and budgetary provisions of AIR–21. The manipulation of slots for landings has delayed this bill and hurt the great majority of airports for which the slot concern is irrelevant. Slot manipulation has spread from National Airport in the Washington metropolitan region to three other airports. However, National Airport raises problems of the greatest magnitude because its compact land mass and short runways prevent it from ever becoming a state-of-the-art airport. The present slot rule at National Airport has been considered minimally necessary because of the unusually heavy population density near the airport, the clear safety risk, and the palpable noise intrusions. Some residents of the region justifiably complain about any new increase in slots. Even with the present slot and perimeter rule, airport noise is one of the factors that drives taxpayers to flee from the District, a city desperately trying to hold on to residents as the city emerges from a fiscal crisis. Nevertheless, Chairmen SHUSTER and DUNCAN and Ranking Members OBERSTAR and LIPINSKI deserve the appreciation of the region for resisting the greatly expanded slot rules advocated by a few in the Senate. I have strongly opposed any additional slots. However, I must express my gratitude that the leadership of the House Committee has accommodated the unique needs of the national capital area region. The compromise allows for 6 additional slots per day, and none of the additional flights may venture outside the existing 1,250-mile perimeter restriction.

The excellent, painstaking work that has gone into this bill cannot keep it from facing a long, hard road ahead. It will be difficult enough to secure sufficient funding to do the job necessary to preserve and advance our national aviation system. However, we will face a fight of special ferocity to maintain the slot compromise contained in this bill, even with the House Committee leadership firmly behind the compromise. I do not underestimate the fight ahead. It is the right fight. It is the least the people of the District of Columbia and this region deserve. I intend to make that fight.

Mr. SANDLIN. Mr. Chairman, I rise today to support H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, commonly referred to as Air 21. This legislation will improve the prospects of passenger safety for every American who flies our nation's skies. Air 21 significantly improves our nation's airport infrastructure.

The Aviation Investment and Reform Act for the 21st Century is a comprehensive reauthorization of the Federal Aviation Administration and the Airport Improvement Program. As a frequent traveler, I am continually reminded how far our aviation infrastructure has declined. I continually run into flight delays and hear more consumer complaints. I understand that much of this is due to the increasing popularity of air travel. In 1998, there were more than 643 million airline passengers in the United States. At the current rate of increased travel, in 10 years more than one billion people will use air travel annually. For that reason, we must act now. We must pass this legislation to ensure that every passenger has the peace of mind that they are safe in the air. This bill will do that by heavily improving our air traffic control system.

The air traffic control system in the United States is the most complex system in the world. The United States has more than 32,500 facilities and systems. Many of these facilities and the equipment that are used are 20 to 30 years old. The GAO estimated that the FAA would need $17 billion from 1999 through 2004 to modernize the air traffic control system. Air 21 will help address these problems by insuring stable funding to complete system upgrades throughout the country.

The most important aspect of this legislation is moving the aviation trust fund off budget. Air 21 will be largely funded through the collection of the aviation ticket tax deposited in the Aviation Trust Fund. It is important that when taxpayers pay a tax intended for a specific purpose, that we in Congress have the discipline to spend the revenue for that purpose and not use it to mask the size of the federal deficit. These funds are paid by the people who use air travel and should be spent to improve air travel. If we are not going to use the funds for that purpose, we should not be collecting them. Air 21 ensures that all Passenger Facility Charge's and other ticket taxes will go for their intended purpose—aviation infrastructure.

I urge my colleagues to join me in voting for this important legislation. Our nation's aviation infrastructure is the envy of the rest of the world. In order for it to remain as such, we must plan now for the future. For the safety of every citizen in your district who uses air travel for work or pleasure, we must pass this important legislation.

Mr. CRANE. Mr. Chairman, I rise today in strong opposition to H.R. 1000, the Aviation Investment and Reform Act of 1999, or AIR21 as it is better known. Not only does this bill permit the Passenger Facility Charge (PFC) to double, contrary to its other attempts to reduce air fares, but the measure will permit a substantial increase in flights to and from Chicago's O'Hare Airport and three other slot-controlled airports along the East Coast.

While I can appreciate the desire of smaller cities to have more airline service to and from slot-controlled airports, H.R. 1000 cavalierly discounts the legitimate concerns of residents living near those airports about increases in noise and the likelihood of an accident. Worse yet, it does so needlessly.

The district I am privileged to represent in this Congress has many such residents—hard working people, many of whom remember that the number of flight slots at Chicago's O'Hare Airport was increased by 37 just last year. That fact notwithstanding, AIR21 would either eliminate the High Density Rule (otherwise known as the slot rule) which has been in effect at O'Hare for the past 30 years or, if the Manager's Amendment prevails, phase out that rule by the year 2002. Either way, H.R. 1000 would make possible yet another increase in the number of flight operations at O'Hare, even though there is a way to address the travel needs of people in outlying areas without increasing the number of flights to and from that already crowded airport.

Mr. Chairman, people of goodwill differ as to whether flight operations at O'Hare are approaching, have reached, or are now above the optimum capacity of that airport, which is located 18 miles northwest of downtown Chicago. However, there is general agreement that flight operations will exceed the optimum level significantly in the years ahead if present trends continue. In 1998, approximately 887,000 planes flew in and out of O'Hare, up from 883,000 in 1997, and if the recently announced $1 billion addition of two new airport terminals is any indication, that figure will almost assuredly rise in the years ahead.

For those living near O'Hare, that means nearly 2,460 planes take off or land on a normal day, or at least one plane every thirty seconds from just after 6 a.m. to just before 10 p.m. Not only that, but roughly 10 percent of the total number of flights occur later in the evening or earlier in the morning. Put yourself in the shoes of those who are bombarded by the resulting noise and I think you can understand why they are saying enough is enough.

Making matters worse, the noise problem around O'Hare—which is owned by the city of Chicago rather than any of the sixteen neighboring villages—is anything but new. For years now, residents of communities up to 15 miles away have been begging for relief from the roar of airplanes flying overhead, only to have their pleas fall on seemingly deaf ears. So frequent and so loud is the noise that many people cannot get a good night's sleep, carry on an uninterrupted conversation, or make enjoyable use of their own back yards. Worse yet, none of the remedies attempted to date—such as the Night Time Tower Order instituted in January 1984 and the Fly Quiet program initiated in June 1997—has brought about the desired relief. To the contrary, during the first half of 1998, noise levels increased from 1% to 9% at 23 of 28 noise monitors located at various places around the 7,700 acres on which O'Hare International Airport is located.

For good reason, much has been made of the fact that, by the year 2000, all Stage 2 jet aircraft operating in and out of U.S. airports are to be replaced by Stage 3 airliners that are 5–10% quieter. In theory at least, completion of that transition should provide a modicum of noise relief for those who live near O'Hare Airport, as could the use of fewer but larger aircraft on routes now served by multiple flights. But, as a practical matter, that relief will never materialize if the number of landings at, and takeoffs from, O'Hare continues to rise as a result of the immediate or phased elimination of the High Density Rule. Instead, the noise reduction benefits associated with the use of quieter and perhaps bigger aircraft will be offset—or more than offset—by the numerical increase in the number of flights.

To the extent that it resulted in a diversion of flights away from O'Hare, construction of a new regional airport at Peotone, Illinois could also abate the noise problem plaguing Chicago's northwest suburbs. Conceptually, the relief this project promises could be even more pronounced than that attributable to advances in aircraft acoustics technology. But, here again, the theory is at odds with the reality. Not only is the city of Chicago opposed to the project, but so too are the major airlines serving the city. Furthermore, the FAA has taken the Peotone airport proposal off its planning list, all of which suggests tnat a new airfield at Peotone is many years away, if indeed one is ever built there at all. Meanwhile, over 400,000 people around O'Hare will be exposed to increasing levels of aircraft noise unless action is taken promptly to address their concerns.

That being the case, Mr. Chairman, permit me to suggest to my colleagues that AIR 21 is seriously misdirected, not just on PFC's, but as it relates to air service to and from Chicago's O'Hare Airport. Instead of allowing for any increase in the number of flights to and from O'Hare, what H.R. 1000 should do is impose a permanent ban on flight operations at O'Hare at the current level, or better yet at the 1997 level, and assign any additional flights destined for O'Hare to other nearby airports, two in particular. That way, extra air service could be provided to the Chicago area from smaller communities in the Midwest without compromising safety or aggravating the very serious noise problem that deserves to be addressed without further delay.

Are those two steps practical, given the fact that one of those alternative airports—75 year old Midway Airport (all 640 acres of it)—is a very busy place already? Quite simply, the answer is yes, since Midway's terminal facilities currently are in the process of being expanded and since there is another airport in Illinois, within 60 miles of O'Hare, that is not only capable of, but interested in, handling additional flights. That airport, located near an interstate highway (I–90) that also serves O'Hare, has a 10,000 foot runway (the second longest in the state), an 8,200 foot runway, a 65,000 square foot passenger terminal and considerable experience handling large jets as well as major shipments of cargo. The name of that facility, which serves the second largest city in Illinois: the Greater Rockford Airport.

Adding to its potential as an alternative to O'Hare is the fact that approximately one million residents of the Chicagoland suburbs can also be served by the Greater Rockford Airport, roughly twice the number of people likely to use the proposed airport at Peotone. Also, this under-utilized, 3,000 acre airfield could accommodate additional flights in short order and at little extra expense unlike a new airport at Peotone area, the cost of which could run from $300 million to nearly $3 billion depending upon its ultimate size.

Given Greater Rockford's existing facilities and tremendous potential, my feeling is that it and Midway can handle all the extra flights to and from O'Hare that might result from the immediate or phased elimination of the slot rule. But even if that assumption is incorrect, there are several other air terminals within 100 or so miles of Chicago—in Milwaukee, Wisconsin and Gary, Indiana for example—which could accommodate flights added for the purpose of increasing air service to smaller communities. In short, there is simply no justification for allowing an increase in the number of flight operations at O'Hare at the expense of thousands people already afflicted by excessive noise. The air service objectives of H.R. 1000 can be achieved admirably by other means.

All that being the case, I urge my colleagues to vote against AIR21 so long as it allows for a doubling of the PFC and makes possible an increase in the number of flights to and from O'Hare Airport. Instead, let us develop a less-taxing alternative, such as making increased use of the Greater Rockford Airport, that will accommodate those who wish to visit the great city of Chicago without making life even more miserable for thousands of long suffering people who reside in its northwest suburbs. They deserve a better fate.

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century. This bill is not a budget-buster, Mr. Chairman. This bill restores truth in budgeting. Just as we must maintain the integrity of the Social Security and Highway Trust Funds, so must we restore the integrity of the Aviation Trust Fund.

H.R. 1000 ensures that when my constituents fly from Omaha to their destinations, the fees they pay on their tickets and the taxes paid on the travel will go towards increasing safety on the ground and in the air, while maintaining and improving our aviation infrastructure.

The aviation industry has grown by leaps and bounds since deregulation. Air travel has grown by 27 percent since 1994 and is expected to exceed 1 billion passengers annually during the next decade.

Eppley Airfield, a regional airport located in my district in Omaha, Nebraska, is the sixth fastest growing airport in the country, serving over 3.5 million passengers a year. In order to accommodate this rapid growth, our Airport Director, Don Smithey, has developed a 10-year Master Plan, which includes a new terminal and a third runway.

AIR 21 will allow Eppley to execute this Master Plan without delay and additional expense.

As any of us who fly on a regular basis know, our airports are becoming more and more congested—patience is growing thin, while delays are increasing in number.

This bill would allow for the increased capacity desperately needed at our airports—making for fewer delays and increasing competition. It will also make it easier for smaller cities and underserved markets to attract airline service.

We have runways that need strengthening. Our air traffic control systems need upgrading. There are security measures that we must put in place to address the increasing threats of terrorism.

The General Accounting Office reports that we are underfunding airport infrastructure by $3 billion annually, and underfunding our air traffic control modernization by $1 billion annually. That is not acceptable, Mr. Chairman.

Fees and taxes on air travel were originally proposed, so that we could generate a self-sustaining fund to make these improvements and advances.

Since 1970, the flying public and the aviation community have been investing in the aviation trust fund with the understanding that the money would be returned in the form of aviation improvements.

This has not been the case. Congress has not kept its promise. For years, users of our aviation infrastructure have been paying these fees and taxes, only to watch them disappear into the general fund. Where is the fiscal integrity? Where is the truth in budgeting?

H.R. 1000 will keep our budget honest. We reinforce the Aviation Trust Fund, by ensuring that the money paid into the fund will be paid out on Aviation. It keeps the promises we made to both the flying public and the aviation community.

I urge a "yes" vote on H.R. 1000.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century.

Th New York metropolitan area air space is the busiest in the nation. While many people enjoy the benefits of frequent flights into and out of New York, my constituents are forced to endure the noise of a plane landing or taking off every 30 seconds at LaGuardia Airport, as well as the pollution and traffic congestion. During the one minute that I will be speaking on the Floor, one plane will take off, and another plane will land at LaGuardia. If the High Density rule is lifted, the sky is literally the limit for the number of take-offs and landings that can be added to an already overcrowded LaGuardia and JFK airports.

There is also a legitimate need for more flights and lower prices for airline travel to underserved markets. I am pleased that the Manager's Amendment strikes a reasonable compromise for both positions. In order to provide better service from underserved markets, regional jets will be exempt from the High Density Rule for service from LaGuardia or JFK Airports to nonhub or small hub airports, effective January 1, 2000. And, to protect those people who live, work and go to school in the areas near these airports, the High Density Rule will remain in place until January 1, 2000. And, to protect those people who live, work and go to school in the areas near these airports the high Density Rule will remain in place until January 1, 2007 for all other jet service.

I am particularly proud to have worked with other Members of the New York, New Jersey, Connecticut tri-state area, particularly, Mr. CROWLEY, Mr. MEEKS, Mr. WEINER, and Mrs. MALONEY, in addition to the diligent work of the Transportation Committee, Chairman SHUSTER, Ranking Member OBERSTAR, Chairman DUNCAN, and Ranking Member LIPINSKI. Mr. Chairman, I ask my colleagues to join us in supporting this amendment which is a win-win situation for all parties, and a major victory for the people of Queens and all of New York.

Mr. THUNE. Mr. Chairman, I rise today to speak in favor of a bill important to restoring honesty and integrity to the federal budget process. At the same time, the bill will continue to make important contributions to the future of rural and urban areas alike.

H.R. 1000, the Aviation Investment and Reform Act for the 21st Century (AIR 21), will make important and long overdue strides toward restoring the integrity of the Aviation Trust Fund. As was the case with the Highway Trust Fund, the American People have been paying use taxes into what they thought was a dedicated trust fund, reserved for maintaining and improving airport capacity and safety. Unfortunately, the federal government for years has been less than honest in this portrayal. Passengers, aviators, and the airlines have paid billions of dollars to the federal government in the form of taxes on tickets, fuel, and air freight. They have expected that these funds go to keep the infrastructure repaired and in working condition, to improve the efficiency of air travel, and most importantly to ensure the safety of air travel.

South Dakota's two busiest airports highlight this principle, painting the stark difference between investment and return. The passengers and other aviation users at Sioux Falls Regional Airport, the state's largest airport, paid approximately $8 million in aviation taxes to the federal government in fiscal year 1997; yet, the airport received only $1.3 million in Aviation Improvement Program (AIP) funds from the Federal Aviation Administration (FAA). The users of Rapid City Regional Airport paid in nearly $7 million and received $850,000 in return. While both receive other indirect contributions through the presence of FAA personnel and air traffic control operations, those contributions hardly make up for the difference between contributions to the trust and payments made to the airports.

AIR 21 would bring us closer to closing that gap. As my colleagues may be aware, the bill would triple the AIP entitlements to all airports, taking the minimum grant level from today's level of $500,000 to $1.5 million. For South Dakota, this tripling would provide $1.5 million annually for the airports serving the cities of Aberdeen, Pierre, and Watertown. For Rapid City and Sioux Falls, their entitlements would respectively rise from about $832,000 to an estimated $2.5 million and from about $1.3 million to an estimated $3.9 million. Thankfully, AIR 21 does not stop at just aiding the larger airports in South Dakota and across the nation.

The bill also includes a number of important provisions that would assist our general aviation airports, which serve rural areas and smaller communities. Perhaps the most significant contribution the bill makes directly to our general aviation (GA) airports would come in the form of a new direct entitlement grant program of GA airports. These grants would be in addition to amounts provided to the states for distribution to the various GA airports. Thirty-five of South Dakota's GA airports would be guaranteed annual funding based upon a portion of their needs as identified by the FAA.

For large and small alike, the needs are there. A recent study conducted by the General Accounting Office found that airport needs, including those eligible for spending through the AIP program and those that are not, exceed $10 billion annually.

And for small and large alike, the positive economic impact of all airports is tremendous. For my state of South Dakota alone, airports directly contribute on an annual basis $52 million to the economy; produce $105 million in retail sales and $37 million in employment earnings; create a total economic impact (excluding tax revenues) of $164 million.

With increased access to air service, one can clearly see that the economic activity would increase. It is no secret that one of the top factors businesses and companies consider is access to safe, reliable, and affordable transportation. In today's global economy, the emphasis on air transportation has become all the more important. The bill we have before us today would help communities improve their infrastructure to be able to accommodate growth and enhanced air access in order to create jobs and stay connected to markets around the nation and around the globe.

The bill also protects the existing Essential Air Service (EAS) program. The EAS program, which provides assistance to carriers to serve those communities that otherwise would not be able to sustain commercial passenger service, has had less than stable financial support in recent years. Thanks to the assistance provided by Chairman SHUSTER and Ranking Member OBERSTAR of the full committee and Chairman DUNCAN and Ranking Member LIPINSKI of the Aviation Subcommittee, I and other supporters of the program were able to ensure that the EAS program can continue to depend on at least $50 million annually to fund its activities. For the cities of Brookings and Yankton and others like them throughout the United States, the EAS program is their only air service link to the world. While deregulation of the industry may have produced benefits in the form of lower airfares for some regions of the country—particularly urban areas—smaller, more rural markets like these have seen dramatic changes in service levels. The EAS program helps ensure that when reasonable, service can remain in place.

I also want to thank the leadership of the committee for their assistance on another important provision that will impact the Watertown Municipal Airport. Because of a provision included at my request, the Watertown airport would receive an AIP entitlement in fiscal year 2000.

Enplanements at Watertown have been growing steadily in the last few years. 1997 marked the first year Watertown crossed the 10,000 passenger threshold to qualify for the AIP minimum entitlement. Unfortunately, the airport, which is served by only one carrier, is expected to miss the 10,000 passenger mark for FY 1998 by only a few boardings. This shortfall can be directly attributable to a disruption in air service caused by an air carrier labor strike. Had the strike not occurred, it is clear that Watertown would have surpassed the minimum enplanement requirement. Sec. 105 recognizes the impact of this sudden disruption and ensures this community and similarly impacted communities across the nation continue to qualify for AIP entitlement funds.

The Chairman also graciously accommodated a request I made for the Federal Aviation Administration (FAA) to conduct a study of the Part 135 aircraft industry. As my colleagues know, the on-demand charter industry is growing. For rural and urban areas, the ability of business travelers to be able to fly from one destination to another can make all the difference in the bottom line. Available and affordable charter services are a key to continued growth to a state like South Dakota that has limited commercial service.

Despite its unique characteristics, the charter industry is regulated by the FAA in the same manner that other segments of the industry are. Though there is abundant information regarding the commercial industry, we do not presently have accurate and reliable information regarding the on-demand industry. The study included in this bill will help ensure FAA has the information it needs about the industry it regulates. The decisions regulators make that impact charter operators should be based upon facts about the industry and a clear understanding of the industry. The study ordered through this legislation would add to our knowledge of this important component of the aviation industry.

The bill also proposes a number of important reforms that would help improve efficiency and competition. Among other issues, I commend the Chairman for moving a proposal forward that would improve access to Chicago O'Hare International Airport. I firmly believe that today's High Density Rule is outdated and acts only as an artificial barrier for competition for areas of the nation including South Dakota. Fortunately, AIR 21 would open access to this airport potentially for cities like Sioux Falls that might be able to provide competitive options for its travelers and profitable routes for air carriers that might not be able to access O'Hare today.

Mr. Chairman, I recently organized a series of meetings with community leaders across South Dakota to discuss air service issues.

While they generally are pleased with the level of service they have today, they also believe there is room for improvement. When I outlined to them the investment, reform, and competition provisions included in AIR 21, these business and community leaders agreed that AIR 21 represents an important step toward bringing South Dakota's communities closer to the rest of the world. I am pleased this bill is before us today and ask my colleagues to support its passage. AIR 21 will bring us closer to being honest with the tax payers of America on how their hard-earned dollars are used. It will bring us closer to allowing the free market to create access to affordable air service. It will also bring us one step closer to making the investments we need to ensure continued efficiency and safety of the traveling public.

Mr. SWEENEY, Mr. Chairman, the economy of the United States is driven by the success and expansion of our nation's businesses.

As representatives of the Federal Government, we have a responsibility to provide the infrastructure—the assets—that these businesses need to remain competitive.

Our aviation system must have the resources and the ability to move people and products quickly and cheaply to all corners of the world.

The Federal Aviation Administration estimates that the number of domestic airline passengers is expected to exceed one billion annually by the year 2010.

The General Accounting Office, in their most recent report, has projected that annual airport needs alone will equal $10 billion just to meet these demands.

Current available airport resources only equal $7 billion per year. That leaves a $3 billion annual funding gap!

Mr. Chairman, the "Aviation Investment and Reform Act for the 21st Century," or AIR–21, provides an additional $2 billion through the Airport Improvement Program plus other funding opportunities to fill that gap and meet these needs!

If we continue to follow current trends, we will exceed airport and runway capacity, and delays and congestion will increase accordingly.

Passengers are already being left stranded at airports or on tarmacs waiting to fly.

And in some cities, single airlines are dominating entire markets.

I know this because these effects are already apparent in my congressional district and throughout upstate New York.

Mr. Chairman, upstate New York has been identified as an area that needs improvement ,and has been labeled as a "pocket of pain" in the aviation system.

The lack of sufficient federal funding has rendered many airports unable to handle the increased volume of traffic

The airports that serve my district are in dire need of runway improvements, methods to enhance accessibility, machinery for snow removal, and most importantly, technology to ensure the safety of their air traffic control systems.

In addition, existing airline access rules have stifled competition and caused passengers to pay unreasonably high air fares.

AIR–21 will accomplish our goals of improving safety, fostering airline competition, and supplying those airports with increased funding to meet their individual needs.

AIR–21 also contains guaranteed funding of up to $200,000 for general aviation airports with little or no commercial service.

We must not forget the critical role that county and municipal airports play in the entire aviation system.

Mr. Chairman, I am proud of the accomplishments of this bill, and I urge all of my colleagues to vote for it.

Passage of AIR–21 would reaffirm America's commitment to investing in assets to help our economy grow and our nation prosper.

Mr. THOMPSON of California. Mr. Chairman, I am pleased to rise in support of the manager's amendment to AIR–21 and an item in that amendment that was included at my request. Specifically, I strongly support a study to be conducted by the Federal Aviation Administration to evaluate the safety of using only automated weather observation systems for flight weather information.

The Automated Surface Observing System, or ASOS, is a critical tool for observing and reporting flight weather information across the United States. Airports are ranked according to air traffic, occurrence of bad weather, distance to the next suitable airport, and other critical characteristics to assess specific needs. Most airports use the ASOS system and incorporate varying levels of human observation to augment the automatic system. However, those airports with low rankings are required to use only the ASOS system without support from human observers.

The problem at Arcata-Eureka airport in my district, and in many areas across the country, is that the ASOS is not reliable enough to ensure flight safety at those airports with rapidly changing weather conditions. Those airports may not serve the number of aircraft necessary to warrant a higher weather service level, but the ASOS system still may not meet their safety needs. If ASOS is implemented according to the current rankings, many airports that regularly encounter sudden changes in visibility or wind conditions will be operating without the benefit of an on-site human observer.

This study would require a re-evaluation of the airport weather rankings solely with regard to flight safety to guarantee reliable weather reporting at every airport nationwide. Mr. Chairman and members, I ask you to join me in supporting this amendment and improved safety at our nation's airports.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of AIR–21. I would like to commend Chairman SHUSTER, and Chairman DUNCAN and Ranking Member OBERSTAR and Ranking Member LIPINSKI for helping craft this notable piece of legislation. When we sign this bill into law, it will truly mark 1999 as the Year of Aviation. I believe this bill goes a long way toward ensuring that our U.S. aviation system will remain the best in the world as it does much to promote safe and more efficient air travel as we move into the next century.

This year 655 million passengers will travel by air. In ten years, over a billion people will fly annually. Our current system—while the best in the world—is ill-equipped to handle the increase in passengers without a major commitment to making necessary improvements. Mr. Speaker, this landmark piece of legislation does just that.

By taking the Airport and Airways Trust Fund off-budget, we are making a true commitment to improve our aviation infrastructure. The trust fund is funded by aviation ticket taxes, taxes you and I and every person who flies pay each time we purchase an airline ticket. The trust fund was established to maintain and improve our aviation system, not to manipulate the size of the federal deficit or overstate the size of the budget surplus. By taking the trust fund off-budget we will enable the trust fund surplus to be used for its intended purpose—aviation.

AIR–21 is good for airports. By providing over $19 billion for the Airport Improvement Program (AIP), we ensure that capital improvement projects at our nation's airports will go forward. In addition, the bill provides funding for small and general aviation airports that will ensure an annual entitlement. For my district, this means that St. Louis-Parks Downtown Airport in Cahokia, St. Louis Regional in Bethalto, Cairo Airport, MidAmerica Airport and Southern Illinois Airport in Carbondale can all count on a federal investment. This will help these airports to continue to implement safety improvements and projects to increase efficiency.

In parts of my district in Southern Illinois, we have limited air service. This bill will promote service to underserved markets. By improving capacity at large and small airports, the bill ensures more equitable competition in an industry where individual air carriers have market dominance over many communities. And by promoting access, the bill increases service which currently have little or no markets at all.

AIR–21 ensures that our nation's aviation system remains the safest, most reliable and most efficient system in the world. It makes unprecedented investments in airports, runways and air traffic control systems, and, it does so in a fiscally responsible manner.

Let's transform the Year of Aviation into the 21st Century of Aviation. I hope my colleagues will join me in supporting H.R. 1000.

Mr. SHAYS. Mr. Chairman. I strongly support two provisions in H.R. 1000, the Aviation Investment and Reform Act for the 21st Century—requiring Emergency Locator Transmitters (ELTs) on aircraft and conducting a study on helicopter noise—to increase the safety of air travel and decrease helicopter noise pollution.

My support for ELTs stems from a tragedy involving two Connecticut residents. On December 24, 1996 a Learjet with Pilot Johan Schwartz, 31, of Westport, Connecticut and Patrick Hayes, 30, of Clinton, Connecticut lost contact with the control tower at the Lebanon, New Hampshire Airport.

Despite efforts by the federal government, New Hampshire state and local authorities, and Connecticut authorities, a number of extremely well organized ground searches failed to locate the two gentlemen or the airplane.

Their airplane did not have an ELT, a device which could have made a difference in saving the lives of these two men and sparing their families the grief of not finding the plane. ELTs play a vital role in search efforts, where timing is so critical in any rescue mission.

Section 510 of H.R. 1000 requires ELTs on fixed-wing aircraft by January 1, 2002. This provision provides limited exemptions, including planes used for agricultural purposes, manufacturing or testing, and air exhibition events.

I am hopeful this provision will do much to increase the safety of air travel and no family will have to go through what the Schwartz and Hayes families underwent in the search for their loved ones.

I also support the helicopter noise study contained in the manager's amendment to H.R. 1000. This provision directs the Secretary of Transportation to conduct a one-year study on the effects of nonmilitary helicopter noise on individuals and develop recommendations for noise reduction.

The Secretary is required to consider the views of representatives from organizations with an interest in helicopter noise reduction and the helicopter industry.

I have been working for many years with officials at the Federal Aviation Administration (FAA) and local residents, to control noise from helicopters and fixed-wing aircraft. I understand frustration with aircraft noise. It is loud and disruptive.

Noise pollution can be overwhelming, and diminishes quality of life. Exposure to excessive noise can lead to psychological and physiological damage, including hypertension, cardiovasular problems, and sleeping disorders.

To combat noise pollution from helicopters it is imperative we understand how it is affecting individuals and how best to reduce it. That is why I support this one-year study to examine this problem.

I thank Transportation Chairman BUD SHUSTER and Aviation Subcommittees Chairman JOHN DUNCAN for their attention to ELTs and helicopter noise—important safety and quality of life provisions—in the Aviation Investment and Reform Act for the 21st Century.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 1000, the AIR 21 legislation. This legislation is clearly needed to preserve the integrity of the Aviation Trust Fund and to provide adequate funding for our nation's airports.

This Member would like to begin by commending the distinguished gentleman from Pennsylvania, [Mr. SHUSTER], the Chairman of the Transportation and Infrastructure Committee, the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Transportation Committee, the distinguished gentleman from Tennessee [Mr. DUNCAN], the Chairman of the Aviation Subcommittee, and the distinguished gentleman from Illinois [Mr. LIPINSKI], the ranking member of the Subcommittee, for their extraordinary work in developing this bill and bringing it to the Floor. This Member appreciates their diligence, persistence, and hard work.

This is an important bill for this Member's district, for the State of Nebraska, and for the nation. It addresses the country's growing aviation needs in a fiscally responsible manner. Quite simply, the bill recognizes the need to spend aviation taxes on the aviation system. During the 105th Congress we restored the trust with American drivers by ensuring that gas taxes will be spent on highway construction and maintenance. It is now time to ensure that this trust is restored with the flying public. No longer should the Aviation Trust Fund be misused and diverted.

This bill will properly take the Aviation Trust Fund off-budget and ensure that it is used for aviation. it will result in reduced flight delays, improved air safety and greater competition. The American people deserve this legislation. They deserve it because they've already paid for it.

Let's look past the distortions and misleading rhetoric and instead focus on the facts. This legislation will not jeopardize funding for other government programs. That's because the funding increases for aviation will come from the Aviation Trust Fund which has accumulated a large surplus.

This Member is concerned about growing needs at our nation's airports. While more people are flying, airport improvements are simply not keeping pace. That's because the money that passengers are paying each time they fly are accumulating in the trust fund rather than being put to use at the airports.

Unless we act now, the problems will only get worse. It is now anticipated that air travel will increase by more than 40 percent over the next ten years. This surge will place increased demands on an already overburdened aviation system. According to the General Accounting Office, we are underfunding airport infrastructure by at least $3 billion each year. Currently, the needs of smaller airports are twice as great as their funding sources. Fortunately, we have the ability to act now. We can improve the system without raising taxes or threatening the funding for other government programs or services. We must unlock the money in the Aviation Trust Fund and spend it for what it was intended.

Airports across the country and the passengers who use them will all benefit from passage of this legislation. Large airports as well as small airports will be able to modernize and expand once the Trust Fund money is released.

The increases in funding will be substantial and passengers will notice the results if we make these investments now. As an example, the Lincoln Municipal Airport in Nebraska currently receives an entitlement of about $1 million per year. Under H.R. 1000, this will increase to more than $3 million annually. Such an increase would greatly assist the airport with its planned $5 million runway project, which would replace the surface, comply with new safety requirements and provide new lighting. General aviation airports in Nebraska, in communities such as Beatrice, Falls City, Blair, Fremont, Norfolk, York, and Nebraska City, will also receive annual entitlements which will assist them with necessary projects.

Mr. Chairman, this Member urges his colleagues to support H.R. 1000. It will provide the American people with the aviation system that they have paid for the deserve.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 106-185, is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Investment and Reform Act for the 21st Century".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. AIP formula changes.
Sec. 105. Passenger facility fees.
Sec. 106. Budget submission.

Subtitle B—Airport Development

Sec. 121. Runway incursion prevention devices; emergency call boxes.
Sec. 122. Windshear detection equipment.
Sec. 123. Enhanced vision technologies.
Sec. 124. Pavement maintenance.
Sec. 125. Competition plans.
Sec. 126. Matching share.
Sec. 127. Letters of intent.
Sec. 128. Grants from small airport fund.
Sec. 129. Discretionary use of unused apportionments.
Sec. 130. Designating current and former military airports.
Sec. 131. Contract tower cost-sharing.
Sec. 132. Innovative use of airport grant funds.
Sec. 133. Aviation security program.
Sec. 134. Inherently low-emission airport vehicle pilot program.
Sec. 135. Technical amendments.
Sec. 136. Conveyances of airport property for public airports.

Subtitle C—Miscellaneous

Sec. 151. Treatment of certain facilities as airport-related projects.
Sec. 152. Terminal development costs.
Sec. 153. General facilities authority.
Sec. 154. Denial of airport access to certain air carriers.
Sec. 155. Construction of runways.
Sec. 156. Use of recycled materials.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

Sec. 201. Access to high density airports.
Sec. 202. Funding for air carrier service to airports not receiving sufficient service.
Sec. 203. Waiver of local contribution.
Sec. 204. Policy for air service to rural areas.
Sec. 205. Determination of distance from hub airport.

Subtitle B—Regional Air Service Incentive Program

Sec. 211. Establishment of regional air service incentive program.

TITLE III—FAA MANAGEMENT REFORM

Sec. 301. Air traffic control system defined.
Sec. 302. Air Traffic Control Oversight Board.

Sec. 303. Chief Operating Officer.
Sec. 304. Federal Aviation Management Advisory Council.
Sec. 305. Environmental streamlining.
Sec. 306. Clarification of regulatory approval process.
Sec. 307. Independent study of FAA costs and allocations.

TITLE IV—FAMILY ASSISTANCE

Sec. 401. Responsibilities of National Transportation Safety Board.
Sec. 402. Air carrier plans.
Sec. 403. Foreign air carrier plans.
Sec. 404. Applicability of Death on the High Seas Act.

TITLE V—SAFETY

Sec. 501. Cargo collision avoidance systems deadlines.
Sec. 502. Records of employment of pilot applicants.
Sec. 503. Whistleblower protection for FAA employees.
Sec. 504. Safety risk mitigation programs.
Sec. 505. Flight operations quality assurance rules.
Sec. 506. Small airport certification.
Sec. 507. Life-limited aircraft parts.
Sec. 508. FAA may fine unruly passengers.
Sec. 509. Report on air transportation oversight system.
Sec. 510. Airplane emergency locators.

TITLE VI—WHISTLEBLOWER PROTECTION

Sec. 601. Protection of employees providing air safety information.
Sec. 602. Civil penalty.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Duties and powers of Administrator.
Sec. 702. Public aircraft.
Sec. 703. Prohibition on release of offeror proposals.
Sec. 704. Multiyear procurement contracts.
Sec. 705. Federal Aviation Administration personnel management system.
Sec. 706. Nondiscrimination in airline travel.
Sec. 707. Joint venture agreement.
Sec. 708. Extension of war risk insurance program.
Sec. 709. General facilities and personnel authority.
Sec. 710. Implementation of article 83 bis of the Chicago Convention.
Sec. 711. Public availability of airmen records.
Sec. 712. Appeals of emergency revocations of certificates.
Sec. 713. Government and industry consortia.
Sec. 714. Passenger manifest.
Sec. 715. Cost recovery for foreign aviation services.
Sec. 716. Technical corrections to civil penalty provisions.
Sec. 717. Waiver under Airport Noise and Capacity Act.
Sec. 718. Metropolitan Washington Airport Authority.
Sec. 719. Acquisition management system.
Sec. 720. Centennial of Flight Commission.
Sec. 721. Aircraft situational display data.
Sec. 722. Elimination of backlog of equal employment opportunity complaints.
Sec. 723. Newport News, Virginia.
Sec. 724. Grant of easement, Los Angeles, California.
Sec. 725. Regulation of Alaska guide pilots.
Sec. 726. Aircraft repair and maintenance advisory panel.
Sec. 727. Operations of air taxi industry.
Sec. 728. Sense of Congress concerning completion of comprehensive national airspace redesign.
Sec. 729. Compliance with requirements.
Sec. 730. Aircraft noise levels at airports.
Sec. 731. FAA consideration of certain State proposals.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Air tour management plans for national parks.
Sec. 804. Advisory group.
Sec. 805. Reports.
Sec. 806. Exemptions.
Sec. 807. Definitions.

TITLE IX—TRUTH IN BUDGETING

Sec. 901. Short title.
Sec. 902. Budgetary treatment of Airport and Airway Trust Fund.
Sec. 903. Safeguards against deficit spending out of Airport and Airway Trust Fund.
Sec. 904. Applicability.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

Sec. 1001. Adjustment of trust fund authorizations.
Sec. 1002. Budget estimates.
Sec. 1003. Sense of Congress on fully offsetting increased aviation spending.

TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 1101. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

SEC. 4. ADMINISTRATOR DEFINED.

In this Act, the term "Administrator" means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking "shall be" the last place it appears and all that follows through the period at the end and inserting the following: "shall be—

"(1) $2,410,000,000 for fiscal year 1999;

"(2) $2,475,000,000 for fiscal year 2000;

"(3) $4,000,000,000 for fiscal year 2001;

"(4) $4,100,000,000 for fiscal year 2002;

"(5) $4,250,000,000 for fiscal year 2003; and

"(6) $4,350,000,000 for fiscal year 2004.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "After" and all that follows through "1999," and inserting "After September 30, 2004,".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Effective September 30, 1999, section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Such sums as may be necessary for fiscal year 2000.

"(2) $2,500,000,000 for fiscal year 2001.

"(3) $3,000,000,000 for each of fiscal years 2002 through 2004.".

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

"(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.".

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Effective September 30, 1999, section 106(k) is amended—

(1) by inserting "(1) IN GENERAL.—" before "There";

(2) in paragraph (1) (as designated by paragraph (1) of this subsection) by striking "the Administration" and all that follows through the period at the end and inserting the following: "the Administration—

"(A) such sums as may be necessary for fiscal year 2000;

"(B) $6,450,000,000 for fiscal year 2001;

"(C) $6,886,000,000 for fiscal year 2002;

"(D) $7,357,000,000 for fiscal year 2003; and

"(E) $7,860,000,000 for fiscal year 2004.";

(3) by adding at the end the following:

"(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) for fiscal years 2001 through 2004—

"(A) $450,000 per fiscal year may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration;

"(B) such sums as may be necessary may be used to fund an office within the Federal Aviation Administration dedicated to supporting infrastructure systems development for both general aviation and the vertical flight industry;

"(C) such sums as may be necessary may be used to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft;

"(D) such sums as may be necessary may be used to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients;

"(E) $3,000,000 per fiscal year may be used to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration;

"(F) $2,000,000 per fiscal year may be used to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with United States air carriers; except that funds under this subparagraph—

"(i) may not be used for the construction of a building or other facility; and

"(ii) may only be awarded on the basis of open competition; and

"(G) such sums as may be necessary may be used to develop or improve training programs (including model training programs and curriculum) for security screeners at airports."; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this subsection) and aligning such paragraph (1) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and inserting "GENERAL RULE: LIMITATION ON TRUST FUND AMOUNTS.—"; and

(B) in the matter preceding paragraph (1)—

(i) by striking "The amount" and inserting "Except as provided in subsection (c), the amount"; and

(ii) by striking "for each of fiscal years 1994 through 1998" and inserting "for fiscal year 2000 and each fiscal year thereafter"; and

(3) by adding at the end the following:

"(c) SPECIAL RULE FOR FISCAL YEARS 2000–2004.—

"(1) IN GENERAL.—If the amount appropriated under section 106(k) for any of fiscal years 2000 through 2004 less the amount that would be appropriated, but for this subsection, from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year is greater than the general fund cap, the amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year shall equal the amount appropriated under section 106(k) for such fiscal year less the general fund cap.

"(2) GENERAL FUND CAP DEFINED.—In this subsection, the term 'general fund cap' means that portion of the amounts appropriated for programs of the Federal Aviation Administration for fiscal year 1998 that was derived from the general fund of the Treasury.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108 is amended by striking subsection (c).

SEC. 104. AIP FORMULA CHANGES.

(a) DISCRETIONARY FUND.—Section 47115 is amended by striking subsections (g) and (h) and inserting the following:

"(g) PRIORITY FOR LETTERS OF INTENT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall fulfill intentions to obligate under section 47110(e) with amounts available in the fund established by subsection (a) and, if such amounts are not sufficient for a fiscal year, with amounts made available to carry out sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) on a pro rata basis.

"(2) PROCEDURE.—Before apportioning funds under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of each fiscal year, the Secretary shall determine the amount of funds that will be necessary to fulfill intentions to obligate under section 47110(e) in such fiscal year. If such amount is greater than the amount of funds that will be available in the fund established by subsection (a) for such fiscal year, the Secretary shall reduce the amount to be apportioned under such sections for such fiscal year on a pro rata basis by an amount equal to the difference.".

(b) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Effective October 1, 2000, section 47114(c)(1) is amended—

(A) in subparagraph (A) by striking clauses (i) through (v) and inserting the following:

"(i) $23.40 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

"(ii) $15.60 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

"(iii) $7.80 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

"(iv) $1.95 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

"(v) $1.50 for each additional passenger boarding at the airport during the prior calendar year."; and

(B) in subparagraph (B) by striking "$500,000 nor more than $22,000,000" and inserting "$1,500,000".

(2) SPECIAL RULES.—Section 47114(c)(1) is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (A), the Secretary shall apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

"(i) passenger boardings at the airport were less than 10,000 in the calendar year used to calculate the apportionment;

"(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate the apportionment; and

"(iii) the cause of the decrease in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the airport.

"(D) Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) to the sponsor of such airport.".

(c) CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking "2.5 percent" and inserting "3 percent".

(d) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Effective October 1, 2000, section 47114(d) is amended—

(1) in the subsection heading by striking "TO STATES" and inserting "FOR GENERAL AVIATION AIRPORTS";

(2) in paragraph (1) by striking "(1) In this" and inserting "(1) DEFINITIONS.—In this";

(3) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) with paragraph (2) (as amended by paragraph (2) of this subsection); and

(4) by striking paragraph (2) and inserting the following:

"(2) APPORTIONMENTS.—The Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

"(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

"(i) $200,000; or

"(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

"(B) Any remaining amount to States as follows:

"(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

"(ii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

"(iii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.".

(e) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

"(3) SPECIAL RULE.—An amount apportioned under paragraph (2) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.".

(f) USE OF STATE-APPORTIONED FUNDS FOR SYSTEM PLANNING.—Section 47114(d) is amended by adding at the end the following:

"(4) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding paragraph (2), funds made available under this subsection may be used for integrated airport system planning that encompasses 1 or more primary airports.".

(g) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—

Section 47114(d) is further amended by adding at the end the following:

"(5) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

"(A) safety will not be negatively affected; and

"(B) the life of the pavement will not be shorter than it would be if constructed using Federal Aviation Administration standards.".

(h) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1) is amended—

(1) in subparagraph (A) by striking "31 percent" each place it appears and inserting "34 percent"; and

(2) in subparagraph (B) by striking "At least" and all that follows through "sponsors of current" and inserting "At least 4 percent to sponsors of current".

(i) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Effective October 1, 2000, section 47114(e) is amended—

(1) in the subsection heading by striking "ALTERNATIVE" and inserting "SUPPLEMENTAL";

(2) in paragraph (1)—

(A) by striking "Instead of apportioning amounts for airports in Alaska under" and inserting "IN GENERAL.—Notwithstanding";

(B) by striking "those airports" and inserting "airports in Alaska"; and

(C) by inserting before the period at the end of the first sentence "and by increasing the amount so determined for each of those airports by 3 times";

(3) in paragraph (2) by inserting "AUTHORITY FOR DISCRETIONARY GRANTS.—" before "This subsection";

(4) by striking paragraph (3) and inserting the following:

"(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska."; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraph (3) (as amended by paragraph (4) of this subsection).

(j) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) AUTHORITY TO IMPOSE HIGHER FEE.—Section 40117(b) is amended by adding at the end the following:

"(4) Notwithstanding paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee in whole dollar amounts of more than $3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

"(A) that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport;

"(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103; and

"(C) that the amount to be imposed is not more than twice that which may be imposed under paragraph (1).".

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 40117(d) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of an application to impose a fee of more than $3 for a surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.".

(c) REDUCING APPORTIONMENTS.—Section 47114(f) is amended—

(1) by striking "An amount" and inserting the following:

"(1) IN GENERAL.—An amount";

(2) by striking "an amount equal to" and all that follows through the period at the end and inserting the following: "an amount equal to—

"(A) in the case of a fee of $3 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

"(B) in the case of a fee of more than $3, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section."; and

(3) by adding at the end the following:

"(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.".

SEC. 106. BUDGET SUBMISSION.

The Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the annual budget estimates of the Federal Aviation Administration, including line item justifications, at the same time the annual budget estimates are submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES; EMERGENCY CALL BOXES.

(a) POLICY.—Section 47101(a)(11) is amended by inserting "(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)" after "technology".

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking "and" at the end of paragraph (9); and

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.".

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking "and universal access systems," and inserting ", universal access systems, and emergency call boxes,"; and

(B) by inserting "and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: ", including closed circuit weather surveillance equipment".

SEC. 122. WINDSHEAR DETECTION EQUIPMENT.

Section 47102(3)(B) is further amended—

(1) by striking "and" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

"(vii) windshear detection equipment; and".

SEC. 123. ENHANCED VISION TECHNOLOGIES.

(a) STUDY.—The Administrator shall conduct a study of the feasibility of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), together with such recommendations as the Administrator considers appropriate.

(c) INCLUSION OF INSTALLATION AS AIRPORT DEVELOPMENT.—Section 47102 is amended—

(1) in paragraph (3)(B) (as amended by this Act) by adding at the end the following:

"(viii) enhanced vision technologies that are certified by the Administrator of the Federal Aviation Administration and that are intended to replace or enhance conventional landing light systems."; and

(2) by adding at the end the following:

"(21) ENHANCED VISION TECHNOLOGIES.—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infrared, and cold cathode technologies.".

(d) CERTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a schedule for deciding whether or not to certify laser guidance equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 124. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section 47102(3) is amended by adding at the end the following:

"(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator.".

SEC. 125. COMPETITION PLANS.

(a) IN GENERAL.—Section 47106 is amended by adding at the end the following:

"(f) COMPETITION PLANS.—

"(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

"(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

"(3) COVERED AIRPORT DEFINED.—In this subsection, the term 'covered airport' means a commercial service airport—

"(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

"(B) at which 1 or 2 air carriers control more than 50 percent of the passenger boardings.".

(b) CROSS REFERENCE.—Section 40117 is amended by adding at the end the following:

"(j) COMPETITION PLANS.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of enactment of this subsection.".

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;";

(3) by striking "and" at the end of paragraph (3) (as so redesignated);

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting "; and"; and

(5) by adding at the end the following:

"(5) 100 percent in fiscal year 2001 for any project—

"(A) at an airport other than a primary airport; or

"(B) at a primary airport having less than .05 percent of the total number of passenger boardings each year at all commercial service airports.".

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

"(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly."; and

(2) by striking paragraph (5) and inserting the following:

"(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.".

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—Section 47116 is amended by adding at the end the following:

"(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.".

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

"(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.".

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking "In making" and inserting the following:

"(1) CONSTRUCTION OF NEW RUNWAYS.—In making";

(2) by adding at the end the following:

"(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent."; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(j) of this Act) is amended to read as follows:

"(f) DISCRETIONARY USE OF APPORTIONMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

"(2) RESTORATION OF APPORTIONMENTS.—

"(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

"(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment, plus the number of fiscal years during which a sufficient amount was not available for the restoration.

"(3) NEWLY AVAILABLE AMOUNTS.—

"(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

"(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

"(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.".

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a) by striking "12" and inserting "12 for fiscal year 2000 and 20 for each fiscal year thereafter";

(2) by striking subsection (c) and redesignating subsections (d) through (f) as subsections (c) through (e), respectively;

(3) in subsection (c) (as so redesignated)—

(A) by striking "47117(e)(1)(E)" and inserting "47117(e)(1)(B)";

(B) by striking "5-fiscal-year periods" and inserting "periods, each not to exceed 5 fiscal years,"; and

(C) by striking "each such subsequent 5-fiscal-year period" and inserting "each such subsequent period"; and

(4) by adding at the end the following:

"(f) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least 3 of the airports designated under subsection (a) shall be general aviation airports that were former military installations closed or realigned under a section referred to in subsection (a)(1).".

(b) TERMINAL BUILDING FACILITIES.—Section 47118(d) (as redesignated by subsection (a)(2) of this section) is amended by striking "$5,000,000" and inserting "$7,000,000".

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(e) (as redesignated by subsection (a)(2) of this section) is amended—

(1) in subsection heading by striking "AND HANGARS" and inserting "HANGARS, AND AIR CARGO TERMINALS";

(2) by striking "$4,000,000" and inserting "$7,000,000"; and

(3) by inserting after "hangars" the following: "and air cargo terminals of an area that is 50,000 square feet or less".

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

"(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the 'Contract Tower Program').

"(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

"(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

"(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1 to 1 benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

"(iii) approve for participation no more than 2 facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed $1,100,000.

"(C) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

"(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administration has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

"(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .85.

"(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

"(iv) Air traffic control towers that are located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

"(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

"(vi) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

"(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

"(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed $6,000,000 per fiscal year may be used to carry out this paragraph.".

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§47135. Innovative financing techniques

"(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 25 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports.

"(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

"(c) LIMITATIONS.—

"(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

"(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

"(A) payment of interest;

"(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

"(C) flexible non-Federal matching requirements.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

"47135. Innovative financing techniques.".

SEC. 133. AVIATION SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding the following new section:

"§47136. Aviation security program

"(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

"(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

"(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation security, including aircraft physical security, access control, and passenger and baggage screening; and

"(2) provides testing and evaluation of airport security systems and technology in an operational, test bed environment.

"(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

"(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

"(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47136. Aviation security program.".

SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47137. Inherently low-emission airport vehicle pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

"(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

"(e) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

"(f) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an evaluation of the effectiveness of the pilot program.

"(g) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

"(1) the construction of infrastructure facilities necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that are labeled in accordance with section 88.312–93(c) of such title, and that are located or primarily used at public-use airports;

"(2) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles that would be used for the same purpose; or

"(3) the acquisition of technological equipment necessary for the use of vehicles described in paragraph (1).".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47137. Inherently low-emission airport vehicle pilot program.".

SEC. 135. TECHNICAL AMENDMENTS.

(a) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

"(e) CHANGE IN AIRPORT STATUS.—In the event that the status of a primary airport changes to a nonprimary airport at a time when a terminal development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.".

(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carrier in the class constitutes not more than 1 percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

"(B) passengers traveling to an airport—

"(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; and

"(ii) in a community which has a population of less than 10,000 and is not connected by a land highway to the land-connected National Highway System within a State.".

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

(a) PROJECT GRANT ASSURANCES.—Section 47107(h) is amended by inserting "(including an assurance with respect to disposal of land by an airport owner or operator under subsection (c)(2)(B) without regard to whether or not the assurance or grant was made before December 29, 1987)" after "1987".

(b) CONVEYANCES OF UNITED STATES GOVERNMENT LAND.—Section 47125(a) is amended by adding at the end the following: "The Secretary may only release an option of the United States for a reversionary interest under this subsection after providing notice and an opportunity for public comment. The Secretary shall publish in the Federal Register any decision of the Secretary to release a reversionary interest and the reasons for the decision.".

(c) REQUESTS BY PUBLIC AGENCIES.—Section 47151 is amended by adding at the end the following:

"(d) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport.".

(d) NOTICE AND PUBLIC COMMENT; PUBLICATION OF DECISIONS.—Section 47153(a) is amended—

(1) in paragraph (1) by inserting ", after providing notice and an opportunity for public comment," after "if the Secretary decides"; and

(2) by adding at the end the following:

"(3) PUBLICATION OF DECISIONS.—The Secretary shall publish in the Federal Register any decision to waive a term under paragraph (1) and the reasons for the decision.".

(e) CONSIDERATIONS.—Section 47153 is amended by adding at the end the following:

"(c) CONSIDERATIONS.—In deciding whether to waive a term required by section 47152 or add another term, the Secretary shall consider the current and future needs of the users of the airport.".

(f) REFERENCES TO GIFTS.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking "give" and inserting "convey to"; and

(ii) in paragraph (2) by striking "gift" and inserting "conveyance";

(B) in subsection (b)—

(i) by striking "giving" and inserting "conveying"; and

(ii) by striking "gift" and inserting "conveyance"; and

(C) in subsection (c)—

(i) in the subsection heading by striking "GIVEN" and inserting "CONVEYED"; and

(ii) by striking "given" and inserting "conveyed";

(2) in section 47152—

(A) in the section heading by striking "**gifts**" and inserting "**conveyances**"; and

(B) in the matter preceding paragraph (1) by striking "gift" and inserting "conveyance";

(3) in section 47153(a)(1)—

(A) by striking "gift" each place it appears and inserting "conveyance"; and

(B) by striking "given" and inserting "conveyed"; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

"47152. Terms of conveyances.".

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a)(3)(E) is amended—

(1) by striking "and" and inserting a comma; and

(2) by striking the period at the end and inserting the following: "(including structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, and building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service)), and aircraft fueling facilities adjacent to the gate.".

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;".

(b) REPAYING BORROWED MONEY.—Section 47119(a) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "0.05" and inserting "0.25"; and

(B) by striking "between January 1, 1992, and October 31, 1992," and inserting "between August 1, 1986, and September 30, 1990, or between June 1, 1991, and October 31, 1992,"; and

(2) in paragraph (1)(B) by striking "an airport development project outside the terminal area at that airport" and inserting "any needed airport development project affecting safety, security, or capacity".

(c) Nonhub Airports.—Section 47119(c) is amended by striking "0.05" and inserting "0.25".

(d) Nonprimary Commercial Service Airports.—Section 47119 is amended by adding at the end the following:

"(d) Determination of Passenger Boarding at Commercial Service Airport.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.".

SEC. 153. GENERAL FACILITIES AUTHORITY.

(a) Continuation of ILS Inventory Program.—Section 44502(a)(4)(B) is amended—

(1) by striking "each of fiscal years 1995 and 1996" and inserting "each of fiscal years 1999 through 2004"; and

(2) by inserting "under new or existing contracts" after "including acquisition".

(b) Loran-C Navigation Facilities.—Section 44502(a) is amended by adding at the end the following:

"(5) Maintenance and Upgrade of Loran-C Navigation Facilities.—The Secretary shall maintain and upgrade Loran-C navigation facilities throughout the transition period to satellite-based navigation.".

SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 44706 is amended by adding at the end the following:

"(g) Included Charter Air Transportation.—For the purposes of subsection (a)(2), a scheduled passenger operation includes charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.

"(h) Authority To Preclude Scheduled Passenger Operations.—The Administrator shall permit an airport that will be subject to certification under subsection (a)(2) to preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport notifies the Administrator, in writing, that it does not intend to obtain an airport operating certificate.".

SEC. 155. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 156. USE OF RECYCLED MATERIALS.

(a) Study.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) Contracting.—The Administrator may carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.

(d) Funding.—Of the amounts appropriated pursuant to section 106(k), not to exceed $1,500,000 in the aggregate may be used to carry out this section.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

(a) Repeal of Slot Rule for Certain Airports.—Effective March 1, 2000, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, are of no force and effect at an airport other than Ronald Reagan Washington National Airport. The Secretary of Transportation is authorized to undertake appropriate actions to effectuate an orderly termination of these requirements.

(b) Slot Exemptions for Service to Reagan National Airport.—Section 41714 is amended by striking subsections (e) and (f) and inserting the following:

"(e) Slots for Airports Not Receiving Sufficient Service.—

"(1) Exemptions.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of such title 14 between Ronald Reagan Washington National Airport and an airport that had less than 2,000,000 enplanements in the most recent year for which such enplanement data is available or between Ronald Reagan Washington National Airport and an airport that does not have nonstop transportation to Ronald Reagan Washington National Airport using such aircraft on the date on which the application for an exemption is filed.

"(2) Limitations.—

"(A) Maximum number of exemptions.—No more than 2 exemptions per hour and no more than 6 exemptions per day may be granted under this subsection for slots at Ronald Reagan Washington National Airport.

"(B) Maximum distance of flights.—An exemption may be granted under this subsection for a slot at Ronald Reagan Washington National Airport only if the flight utilizing such slot begins or ends within 1,250 miles of the Airport and a stage 3 aircraft is used for such flight.

"(3) Application.—An air carrier interested in an exemption under this subsection shall submit to the Secretary an application for such exemption. No application may be submitted to the Secretary before the last day of the 30-day period beginning on the date of the enactment of this paragraph.

"(4) Deadline for decision.—Notwithstanding any other provision of law, the Secretary shall make a decision with regard to granting an exemption under this subsection on or before the 120th day following the date of the application for the exemption. If the Secretary does not make the decision on or before such 120th day, the air carrier applying for the service may provide such service until the Secretary makes the decision or the Administrator of the Federal Aviation Administration determines that providing such service would have an adverse effect on air safety.

"(5) Period of effectiveness.—An exemption granted under this subsection shall remain in effect only while the air carrier for whom the exemption is granted continues to provide the nonstop air transportation for which the exemption is granted.

"(f) Treatment of Certain Commuter Air Carriers.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.".

(c) Conforming Amendments.—Effective March 1, 2000, section 41714 (as amended by subsection (b) of this section) is amended—

(1) by striking subsections (a), (b), (c), (g), and (i);

(2) by redesignating subsections (d), (e), (f), and (h) as subsections (a), (b), (c), and (d), respectively;

(3) in the heading for subsection (a) (as so redesignated) by striking "Special Rules for"; and

(4) by striking subsection (c) (as so redesignated) and inserting the following:

"(c) Slot Defined.—The term 'slot' means a reservation for an instrument flight rule takeoff or landing by an air carrier or an aircraft in air transportation.".

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) In General.—Section 41742(a) is amended by striking "$50,000,000" and inserting "$60,000,000".

(b) Funding for Small Community Air Service.—Section 41742(b) of title 49, United States Code, is amended to read as follows:

"(b) Funding for Small Community Air Service.—

"(1) In general.—Notwithstanding any other provision of law, from moneys credited to the account established under section 45303(a), including the funds derived from fees imposed under the authority contained in section 45301(a)—

"(A) not to exceed $50,000,000 for each fiscal year beginning after September 30, 1999, shall be used to carry out the small community air service program under this subchapter; and

"(B) not to exceed $10,000,000 for such fiscal year shall be used—

"(i) for assisting an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

"(ii) for assisting an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

"(iii) for assisting an underserved airport to implement such other measures as the Secretary of Transportation, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

"(2) Rural air safety.—Any funds that are made available by paragraph (1) for a fiscal

year and that the Secretary determines will not be obligated or expended before the last day of such fiscal year shall be available to the Administrator for use under this subchapter in improving rural air safety at airports with less than 100,000 annual boardings.

"(3) ALLOCATION OF ADDITIONAL FUNDING.—If, for a fiscal year beginning after September 30, 1999, more than $60,000,000 is made available under subsection (a) to carry out the small community air service program, ½ of the amounts in excess of $60,000,000 shall be used for the purposes specified in paragraph (1)(B), in addition to amounts made available for such purposes under paragraph (1)(B).

"(4) USE OF UNOBLIGATED AMOUNTS.—Any funds made available under paragraph (1)(A) for the small community air service program for a fiscal year that the Secretary determines will not be obligated or expended before the last day of such fiscal year shall be available for use by the Secretary for the purposes described in paragraph (1)(B).

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), of the amounts appropriated pursuant to section 106(k) for a fiscal year beginning after September 30, 2000, not to exceed $15,000,000 may be used—

"(A) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

"(B) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

"(C) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

"(6) PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—In providing assistance to airports under paragraphs (1)(B) and (5), the Administrator shall give priority to those airports for which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

"(7) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) UNDERSERVED AIRPORT.—The term 'underserved airport' means a nonhub airport or small hub airport (as such terms are defined in section 41731) that—

"(i) the Secretary determines is not receiving sufficient air carrier service; or

"(ii) has unreasonably high airfares.

"(B) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.".

(c) CONFORMING AMENDMENTS.—Chapter 417 is amended—

(1) in the heading for section 41742 by striking "**Essential**" and inserting "**Small community**";

(2) in each of subsections (a), (b), and (c) of section 41742 by striking "essential air" each place it appears and inserting "small community air"; and

(3) in the analysis for such chapter by striking the item relating to section 41742 and inserting the following:

"41742. Small community air service authorization.".

SEC. 203. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by adding at the end the following:

"Paragraph (4) shall not apply to any place for which a proposal was approved or that was designated as eligible under this section in the period beginning on October 1, 1991, and ending on December 31, 1997.".

SEC. 204. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

"(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.".

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary of Transportation shall not deny assistance with respect to a place under subchapter II of chapter 417 of title 49, United States Code, solely on the basis that the place is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

Subtitle B—Regional Air Service Incentive Program

SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

"§41761. Purpose

"The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

"§41762. Definitions

"In this subchapter, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

"(2) AIRCRAFT PURCHASE.—The term 'aircraft purchase' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

"(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term 'capital reserve subsidy amount' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq).

"(4) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

"(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

"(6) FINANCIAL OBLIGATION.—The term 'financial obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

"(7) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(8) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

"(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(10) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

"(11) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

"(12) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(13) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a civil aircraft—

"(A) powered by jet propulsion; and

"(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

"(14) SECURED LOAN.—The term 'secured loan' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

"(15) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

"(16) UNDERSERVED MARKET.—The term 'underserved market' means a passenger air transportation market (as defined by the Secretary) that—

"(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

"(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

"(C) the Secretary determines does not have sufficient air service.

"§41763. Federal credit instruments

"(a) IN GENERAL.—Subject to this section, the Secretary of Transportation may enter into agreements with 1 or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

"(b) SECURED LOANS.—

"(1) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

''(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

''(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

''(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

''(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(E) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(2) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

''(3) PREPAYMENT.—

''(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

''(c) LOAN GUARANTEES.—

''(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

''(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

''(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

''(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

''(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

''(3) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(d) LINES OF CREDIT.—

''(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—

''(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

''(ii) 1-YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

''(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

''(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

''(E) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

''(ii) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lender's behalf.

''(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(G) FEES.—The Secretary may establish fees at a level sufficient to cover all of a portion of the costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(3) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

''(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

''(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

''(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

''(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

''(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

''(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

''(i) to continue its operations as an air carrier; and

''(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

''(B) reasonable protection to the United States.

''(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

''(1) 50 percent of the cost of the aircraft purchase; or

''(2) $100,000,000 for any single obligor.

''(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

''(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

''§41764. Use of Federal facilities and assistance

''(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

''(1) with the consent of the appropriate Federal officials; and

''(2) on a reimbursable basis.

''(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

''(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31.

''§41765. Administrative expenses

''In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation

for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

“§41766. Funding.

“Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2004, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

“§41767. Termination

“(a) Authority To Issue Federal Credit Instruments.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

“(b) Continuation of Authority To Administer Program for Existing Federal Credit Instruments.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.”.

(b) Conforming Amendment.—The analysis for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.
“41761. Purpose.
“41762. Definitions.
“41763. Federal credit instruments.
“41764. Use of Federal facilities and assistance.
“41765. Administrative expenses.
“41766. Funding.
“41767. Termination.”.

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) ‘air traffic control system’ means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

“(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

“(B) laws, regulations, orders, directives, agreements, and licenses;

“(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

“(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.”.

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.

(a) Establishment.—

(1) In general.—Chapter 1 is amended by adding at the end the following:

“§113. Air Traffic Control Oversight Board

“(a) Establishment.—There is established within the Department of Transportation an ‘Air Traffic Control Oversight Board’ (in this section referred to as the ‘Oversight Board’).

“(b) Membership.—

“(1) Composition.—The Oversight Board shall be composed of 9 members, as follows:

“(A) Six members shall be individuals who are not otherwise Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

“(B) One member shall be the Secretary of Transportation or, if the Secretary so designates, the Deputy Secretary of the Transportation.

“(C) One member shall be the Administrator of the Federal Aviation Administration.

“(D) One member shall be an individual who is appointed by the President, by and with the advice and consent of the Senate, from among individuals who are the leaders of their respective unions of air traffic control system employees.

“(2) Qualifications and terms.—

“(A) Qualifications.—Members of the Oversight Board described in paragraph (1)(A) shall—

“(i) have a fiduciary responsibility to represent the public interest;

“(ii) be citizens of the United States; and

“(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in 1 or more of the following areas:

“(I) Management of large service organizations.

“(II) Customer Service.

“(III) Management of large procurements.

“(IV) Information and communications technology.

“(V) Organizational development.

“(VI) Labor relations.

At least 3 members of the Oversight Board appointed under paragraph (1)(A) should have knowledge of, or a background in, aviation. At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI) of clause (iii).

“(B) Prohibitions.—No member of the Oversight Board described in paragraph (1)(A) may—

“(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise;

“(ii) engage in another business related to aviation or aeronautics; or

“(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(C) Terms for air traffic control representatives.—A member appointed under paragraph (1)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (1)(D).

“(D) Terms for nonfederal officers or employees.—A member appointed under paragraph (1)(A) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)(A)—

“(i) 2 members shall be appointed for a term of 3 years;

“(ii) 2 members shall be appointed for a term of 4 years; and

“(iii) 2 members shall be appointed for a term of 5 years.

“(E) Reappointment.—An individual may not be appointed under paragraph (1)(A) to more than two 5-year terms on the Oversight Board.

“(F) Vacancy.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

“(3) Ethical considerations.—

“(A) Financial disclosure.—During the entire period that an individual appointed under subparagraph (A) or (D) of paragraph (1) is a member of the Oversight Board, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act, except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

“(B) Restrictions on post-employment.—For purposes of section 207(c) of title 18, an individual appointed under subparagraph (A) or (D) of paragraph (1) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Board, except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

“(C) Waiver.—At the time the President nominates an individual for appointment as a member of the Oversight Board under paragraph (1)(D), the President may waive for the term of the member any appropriate provision of chapter 11 of title 18, to the extent such waiver is necessary to allow the member to participate in the decisions of the Board while continuing to serve as a full-time Federal employee or a representative of employees. Any such waiver shall not be effective unless a written intent of waiver to exempt such member (and actual waiver language) is submitted to the Senate with the nomination of such member.

“(4) Quorum.—Five members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

“(5) Removal.—Any member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) may be removed for cause by the President.

“(6) Claims.—

“(A) In general.—A member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Oversight Board.

“(B) Effect on other law.—This paragraph shall not be construed—

“(i) to affect any other immunity or protection that may be available to a member of the Oversight Board under applicable law with respect to such transactions;

“(ii) to affect any other right or remedy against the United States under applicable law; or

“(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(c) General Responsibilities.—

“(1) Oversight.—The Oversight Board shall oversee the Federal Aviation Administration in its administration, management, conduct, direction, and supervision of the air traffic control system.

“(2) Confidentiality.—The Oversight Board shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

“(d) Specific Responsibilities.—The Oversight Board shall have the following specific responsibilities:

“(1) Strategic plans.—To review, approve, and monitor achievements under a strategic plan of the Federal Aviation Administration for the air traffic control system, including the establishment of—

“(A) a mission and objectives;

“(B) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

“(C) annual and long-range strategic plans.

“(2) Modernization and improvement.—To review and approve—

"(A) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

"(B) procurements of air traffic control equipment by the Federal Aviation Administration in excess of $100,000,000.

"(3) OPERATIONAL PLANS.—To review the operational functions of the Federal Aviation Administration, including—

"(A) plans for modernization of the air traffic control system;

"(B) plans for increasing productivity or implementing cost-saving measures; and

"(C) plans for training and education.

"(4) MANAGEMENT.—To—

"(A) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

"(B) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

"(C) review and approve the Administrator's plans for any major reorganization of the Federal Aviation Administration that would impact on the management of the air traffic control system;

"(D) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

"(E) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

"(5) BUDGET.—To—

"(A) review and approve the budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

"(B) submit such budget request to the Secretary of Transportation; and

"(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (5)(B) for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

"(e) REPORTING OF OVERTURNING OF BOARD DECISIONS.—If the Secretary or Administrator overturns a decision of the Oversight Board, the Secretary or Administrator, as appropriate shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(f) BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Oversight Board who—

"(i) appointed under subsection (b)(1)(A); or

"(ii) appointed under subsection (b)(1)(D) and is not otherwise a Federal officer or employee,

shall be compensated at a rate of $30,000 per year. All other members shall serve without compensation for such service.

"(B) CHAIRPERSON.—Notwithstanding subparagraph (A), the chairperson of the Oversight Board shall be compensated at a rate of $50,000 per year.

"(2) TRAVEL EXPENSES.—

"(A) IN GENERAL.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, to attend meetings of the Oversight Board and, with the advance approval of the chairperson of the Oversight Board, while otherwise away from their homes or regular places of business for purposes of duties as a member of the Oversight Board.

"(B) REPORT.—The Oversight Board shall include in its annual report under subsection (g)(3)(A) information with respect to the travel expenses allowed for members of the Oversight Board under this paragraph.

"(3) STAFF.—

"(A) IN GENERAL.—The chairperson of the Oversight Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties.

"(B) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairperson of the Oversight Board, a Federal agency shall detail a United States Government employee to the Oversight Board without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

"(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5.

"(g) ADMINISTRATIVE MATTERS.—

"(1) CHAIR.—

"(A) TERM.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

"(B) POWERS.—Except as otherwise provided by a majority vote of the Oversight Board, the powers of the chairperson shall include—

"(i) establishing committees;

"(ii) setting meeting places and times;

"(iii) establishing meeting agendas; and

"(iv) developing rules for the conduct of business.

"(2) MEETINGS.—The Oversight Board shall meet at least quarterly and at such other times as the chairperson determines appropriate.

"(3) REPORTS.—

"(A) ANNUAL.—The Oversight Board shall each year report with respect to the conduct of its responsibilities under this title to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(B) ADDITIONAL REPORT.—Upon a determination by the Oversight Board under subsection (c)(1) that the organization and operation of the Federal Aviation Administration's air traffic control system are not allowing the Federal Aviation Administration to carry out its mission, the Oversight Board shall report such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(C) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2004, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Oversight Board in improving the performance of the air traffic control system.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

"113. Air Traffic Control Oversight Board.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC CONTROL OVERSIGHT BOARD.—The President shall submit the initial nominations of the air traffic control oversight board to the Senate not later than 3 months after the date of enactment of this Act.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF OVERSIGHT BOARD.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Control Oversight Board.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

"(r) CHIEF OPERATING OFFICER.—

"(1) IN GENERAL.—

"(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with approval of the Air Traffic Control Oversight Board established by section 113. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

"(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

"(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

"(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

"(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

"(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Oversight Board, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

"(3) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.".

SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

"(C) 13 members representing aviation interests, appointed by—

"(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

"(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.".

(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking "by the President".

SEC. 305. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for aviation infrastructure projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project; whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of project; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with the time periods established by the Council on Environmental Quality under sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information that has been discovered that could not reasonably have been anticipated when the Federal agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed-upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed-upon extension to such time period, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 471 of title 49, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may approve a request by a State or other recipient of assistance under chapter 471 of title 49, United States Code, to provide funds made available from the Airport and Airway Trust Fund to the State or recipient for an aviation project subject to the coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(g) FEDERAL AGENCY DEFINED.—In this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 306. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking "$100,000,000" each place it appears and inserting "$250,000,000";

(2) by striking "Air Traffic Management System Performance Improvement Act of 1996" and inserting "Aviation Investment and Reform Act for the 21st Century";

(3) in subclause (I)—

(A) by inserting "substantial and" before "material"; and

(B) by inserting "or" after the semicolon at the end; and

(4) by striking subclauses (II), (III), and (IV) and inserting the following:

"(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.".

SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with 1 or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Federal Aviation Administration's cost input data, including the reliability of the Federal Aviation Administration's source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) The Federal Aviation Administration's system for tracking assets.

(iii) The Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) The Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(vi) The cost pools used by the Federal Aviation Administration and the rationale for and reliability of the bases which the Federal Aviation Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Federal Aviation Administration services or activities (called "common and fixed costs" in the Federal Aviation Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, not to exceed $1,500,000 may be used to carry out this section.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking "transportation," and inserting "transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,";

(B) by inserting after "attorney" the following: "(including any associate, agent, employee, or other representative of an attorney)"; and

(C) by striking "30th day" and inserting "45th day".

(2) ENFORCEMENT.—Section 1151 is amended by inserting "1136(g)(2)," before "or 1155(a)" each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.".

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

"(2) PASSENGER.—The term 'passenger' includes—

"(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

"(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.".

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

"(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

"(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.".

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

"(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.".

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

"(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.".

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirement of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking "Not later than 6 months after the date of the enactment of this section, each air carrier" and inserting "Each air carrier"; and

(B) in subsection (c) by striking "After the date that is 6 months after the date of the enactment of this section, the Secretary" and inserting "The Secretary".

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting ", or in providing information concerning a flight reservation," before "pursuant to a plan".

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

"(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

"(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136 of this title.".

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking "significant" and inserting "major".

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

"(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.".

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirement of the amendment made by paragraph (1).

SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 40120(a) is amended by inserting "(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))" after "United States".

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

TITLE V—SAFETY

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

(a) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, equipment be installed, on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms, that provides protection from mid-air collisions using technology that provides—

(1) cockpit based collision detection and conflict resolution guidance, including display of traffic; and

(2) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.

(b) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by subsection (a) by not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.

Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting "(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)" after "person" the first place it appears;

(2) in paragraph (1)(B)(ii) by striking "individual" the first place it appears and inserting "individual's performance as a pilot";

(3) in paragraph (14)(B) by inserting "or from a foreign government or entity that employed the individual" after "exists"; and

(4) by adding at the end the following:

"(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, a designated individual to have electronic access to a specified database containing information about such records.''.

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by inserting before the semicolon at the end the following: '', including the provisions for investigation and enforcement as provided in chapter 12 of title 5, United States Code''.

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

Section 44701 is further amended by adding at the end the following:

''(g) SAFETY RISK MANAGEMENT PROGRAM GUIDELINES.—The Administrator shall issue guidelines and encourage the development of air safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs.''.

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§44725. Life-limited aircraft parts

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

''(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

''(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

''(2) The part may be permanently marked to indicate its used life status.

''(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

''(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated when the part is retired from service.

''(5) Any other method approved by the Administrator.

''(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

''(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

''(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44725. Life-limited aircraft parts.''.

SEC. 508. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended—

(1) by redesignating section 46316 as section 46317; and

(2) by inserting after section 46315 the following:

''§46316. Interference with cabin or flight crew

''An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $25,000.''.

(b) COMPROMISE AND SETOFF.—Section 46301(f)(1)(A)(i) is amended by inserting ''46316,'' before ''or 47107(b)''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

''46316. Interference with cabin or flight crew.

''46317. General criminal penalty when specific penalty not provided.''.

SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Not later than March 1, 2000, and annually thereafter for the next 5 years, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system. At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to fully develop and implement such system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for the air transportation oversight system.

SEC. 510. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to—

''(1) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

''(5) aircraft when used in showing compliance with regulations crew training, exhibition, air racing, or market surveys;

''(6) aircraft when used in the aerial application of a substance for an agricultural purpose;

''(7) aircraft with a maximum payload capacity of more than 7,500 pounds when used in air transportation; or

''(8) aircraft capable of carrying only one individual.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall issue regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

TITLE VI—WHISTLEBLOWER PROTECTION

SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $5,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.".

SEC. 602. CIVIL PENALTY.

Section 46301(a)(1)(A) is amended by striking "subchapter II of chapter 421" and inserting "subchapter II or III of chapter 421".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking "40113(a), (c), and (d)," and all that follows through "45302–45304," and inserting "40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections".

SEC. 702. PUBLIC AIRCRAFT.

(a) RESTATEMENT OF DEFINITION OF PUBLIC AIRCRAFT WITHOUT SUBSTANTIVE CHANGE.—Section 40102(a)(38) (as redesignated by section 301 of this Act) is amended to read as follows:

"(38) 'public aircraft' means an aircraft—

"(A) used only for the United States Government, and operated under the conditions specified by section 40125(b) if owned by the Government;

"(B) owned by the United States Government, operated by any person for purposes related to crew training, equipment development, or demonstration, and operated under the conditions specified by section 40125(b);

"(C) owned and operated by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c); or

"(D) exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c).".

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

"§ 40125. Qualifications for public aircraft status

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of *persons or property for compensation or hire, but does not include the operation of an aircraft by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.*

"(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management.

"(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

"(A) operated by the armed forces or an intelligence agency of the United States Government; or

"(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

"(b) AIRCRAFT OWNED BY THE UNITED STATES.—An aircraft described in subparagraph (A) or (B) of section 40102(a)(38), if owned by the Government, qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

"(c) AIRCRAFT OWNED BY STATE AND LOCAL GOVERNMENTS.—An aircraft described in subparagraph (C) or (D) of section 40102(a)(38) qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40125. Qualifications for public aircraft status.".

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 is amended by adding at the end the following:

"(d) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

"(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.".

SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) TELECOMMUNICATIONS SERVICES.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunication services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial.".

SEC. 705. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: "The 60-day period shall not include any period during which Congress has adjourned sine die.".

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 is amended by adding at the end the following:

"(g) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment or under section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996.

"(h) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

"(i) DEFINITION.—For purposes of this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.".

(c) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.".

(d) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

"(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.".

SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.

(a) DISCRIMINATORY PRACTICES.—Section 41310(a) is amended to read as follows:

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

"(2) DISCRIMINATION AGAINST PERSONS.—An air carrier or foreign air carrier may not subject a person in foreign air transportation to discrimination on the basis of race, color, national origin, religion, or sex.".

(b) INTERSTATE AIR TRANSPORTATION.—Section 41702 is amended—

(1) by striking "An air carrier" and inserting "(a) SAFE AND ADEQUATE AIR TRANSPORTATION.—An air carrier"; and

(2) by adding at the end the following:

"(b) DISCRIMINATION AGAINST PERSONS.—An air carrier may not subject a person in interstate air transportation to discrimination on the basis of race, color, national origin, religion, or sex.".

(c) DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.—Section 41705 is amended by inserting "or foreign air carrier" after "air carrier".

(d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBITION ON DISCRIMINATION AGAINST THE HANDICAPPED.—Section 46301(a)(3) is further amended by adding at the end the following:

"(D) a violation of section 41705, relating to discrimination against handicapped individuals.".

(e) INTERNATIONAL AVIATION STANDARDS FOR ACCOMMODATING THE HANDICAPPED.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards, if appropriate, for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code share with domestic air carriers.

SEC. 707. JOINT VENTURE AGREEMENT.

Section 41716(a)(1) is amended by striking "an agreement entered into by a major air carrier" and inserting "an agreement entered into between 2 or more major air carriers".

SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking "after" and all that follows and inserting "after December 31, 2004.".

SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is further amended by adding at the end the following:

"(6) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

"(A) the improvements primarily benefit the Government;

"(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(C) the interest of the Government in the improvements is protected.".

SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

"(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

"(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

"(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; or

"(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.".

SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PUBLIC INFORMATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, date of birth, and ratings held shall be made available to the public after the 120th day following the date of enactment of the Aviation Investment and Reform Act for the 21st Century.

"(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

"(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2).".

SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CERTIFICATES.

Section 44709(e) is amended to read as follows:

"(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if a person files an appeal with the Board under section (d), the order of the Administrator is stayed.

"(2) EMERGENCIES.—If the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately, the order is effective, except that a person filing an appeal under subsection (d) may file a written petition to the Board for an emergency stay on the issues of the appeal that are related to the existence of the emergency. The Board shall have 10 days to review the materials. If any 2 members of the Board determine that sufficient grounds exist to grant a stay, an emergency stay shall be granted. If an emergency stay is granted, the Board must meet within 15 days of the granting of the stay to make a final disposition of the issues related to the existence of the emergency.

"(3) FINAL DISPOSITION OF APPEAL.—In all cases, the Board shall make a final disposition of the merits of the appeal not later than 60 days after the Administrator advises the Board of the order.".

SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

"(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees.".

SEC. 714. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Services (other than air traffic control services) provided to a foreign government or to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States."; and

(2) by adding at the end the following:

"(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.".

SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking "46302, 46303, or";

(2) in subsection (d)(7)(A) by striking "an individual" the first place it appears and inserting "a person"; and

(3) in subsection (g) by inserting "or the Administrator" after "Secretary".

SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended in the first sentence by inserting "or foreign air carrier" after "air carrier".

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL.—Section 47528 is amended—

(1) in subsection (a) by inserting "or (f)" after "(b)"; and

(2) by adding at the end the following:

"(f) AIRCRAFT MODIFICATION OR DISPOSAL.—After December 31, 1999, the Secretary may provide a procedure under which a person may operate a stage 1 or stage 2 aircraft in nonrevenue service to or from an airport in the United States in order to—

"(1) sell the aircraft outside the United States;

"(2) sell the aircraft for scrapping; or

"(3) obtain modifications to the aircraft to meet stage 3 noise levels.".

(c) LIMITED OPERATION OF CERTAIN AIRCRAFT.—Section 47528(e) is amended by adding at the end the following:

"(4) An air carrier operating stage 2 aircraft under this subsection may operate stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order to—

"(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

"(B) conduct operations within the limitations of paragraph (2)(B).".

SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHORITY.

(a) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking "2001" and inserting "2004".

(b) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

SEC. 719. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

"(c) CONTRACTS EXTENDING INTO A SUBSEQUENT FISCAL YEAR.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.".

SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—Section 4(a)(5) of the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3487) is amended by inserting ", or his designee," after "prominence".

(2) STATUS.—Section 4 of such Act (112 Stat. 3487) is amended by adding at the end the following:

"(g) STATUS.—The members of the Commission described in paragraphs (1), (3), (4), and (5) of subsection (a) shall not be considered to be officers or employees of the United States.".

(b) DUTIES.—Section 5(a)(7) of such Act (112 Stat. 3488) is amended to read as follows:

"(7) as a nonprimary purpose, publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.".

(c) CONFLICTS OF INTEREST.—Section 6 of such Act (112 Stat. 3488–3489) is amended by adding at the end the following:

"(e) CONFLICTS OF INTEREST.—At its second business meeting, the Commission shall adopt a policy to protect against possible conflicts of interest involving its members and employees. The Commission shall consult with the Office of Government Ethics in the development of such a policy and shall recognize the status accorded its members under section 4(g).".

(d) EXECUTIVE DIRECTOR.—The first sentence of section 7(a) of such Act (112 Stat. 3489) is amended by striking the period at the end and inserting the following: "or represented on the First Flight Centennial Advisory Board under subparagraphs (A) through (E) of section 12(b)(1).".

(e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) USE OF FUNDS.—Section 9(d) of such Act (112 Stat. 3490) is amended by striking the period at the end and inserting the following: ", except that the Commission may transfer any

portion of such funds that is in excess of the funds necessary to carry out such duties to any Federal agency or the National Air and Space Museum of the Smithsonian Institution to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.''.

(2) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—Section 9 of such Act (112 Stat. 3490) is amended by adding at the end the following:

''(f) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—The duties of the Commission under this section shall be carried out by the Administrator of the National Aeronautics and Space Administration, in consultation with the Commission.''.

SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 722. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2000, the Secretary of Transportation may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, $2,000,000 may be used to carry out this section.

SEC. 723. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary shall, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 724. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The City of Los Angeles Department of Airports may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation.

SEC. 725. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term ''letter of authorization'' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term ''Alaska guide pilot'' means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Secretary of Transportation—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as ''aircraft repair facilities'') located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 9 members appointed by the Secretary as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft repair facilities;

(E) 1 representative of aircraft manufacturers;

(F) 1 representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) 1 representative of regional passenger air carriers;

(2) 1 representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (c) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2001.

(h) Definitions.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.

(a) Study.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) Contents.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 728. SENSE OF CONGRESS CONCERNING COMPLETION OF COMPREHENSIVE NATIONAL AIRSPACE REDESIGN.

It is the sense of Congress that, as soon as is practicable, the Administrator should complete and begin implementation of the comprehensive national airspace redesign that is being conducted by the Administrator.

SEC. 729. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.

(a) Development of New Standards.—The Secretary of Transportation shall continue to work to develop a new standard for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) Report.—Not later than March 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "National Parks Air Tour Management Act of 1999".

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) In General.—Chapter 401 is further amended by adding at the end the following:

"§40126. Overflights of national parks

"(a) In General.—

"(1) General requirements.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any applicable air tour management plan for the park.

"(2) Application for operating authority.—

"(A) Application required.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

"(B) Competitive bidding for limited capacity parks.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the company;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) Number of operations authorized.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) Cooperation with NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(3) Exception.—

"(A) In general.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

"(B) Limit on exceptions.—Not more than 5 flights in any 30-day period over a single national park may be conducted under this paragraph.

"(4) Special rule for safety requirements.—Notwithstanding subsection (d), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

"(b) Air Tour Management Plans.—

"(1) Establishment.—

"(A) In general.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

"(B) Objective.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

"(2) Environmental determination.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

"(3) Contents.—An air tour management plan for a national park—

"(A) may limit or prohibit commercial air tour operations;

"(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

"(C) may apply to all commercial air tour operations;

"(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

"(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

"(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

"(A) hold at least one public meeting with interested parties to develop the air tour management plan;

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

"(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

"(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

"(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

"(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

"(3) the area of operation;

"(4) the frequency of flights conducted by the person offering the flight;

"(5) the route of flight;

"(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

"(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

"(8) any other factors that the Administrator considers appropriate.

"(d) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe operations of the commercial air tour;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(e) EXEMPTIONS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

"(A) the Grand Canyon National Park;

"(B) tribal lands within or abutting the Grand Canyon National Park; or

"(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

"(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat. 674–678) is no longer in effect.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

"(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

"40126. Overflights of national parks.".

SEC. 804. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) Administrative Support.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) Nonapplication of FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 805. REPORTS.

(a) Overflight Fee Report.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) Quiet Aircraft Technology Report.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 806. EXEMPTIONS.

This title shall not apply to—

(1) any unit of the National Park System located in Alaska; or

(2) any other land or water located in Alaska.

SEC. 807. DEFINITIONS.

In this title, the following definitions apply:

(1) Administrator.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) Director.—The term "Director" means the Director of the National Park Service.

TITLE IX—TRUTH IN BUDGETING

SEC. 901. SHORT TITLE.

This title may be cited as the "Truth in Budgeting Act".

SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) In General.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47138. Safeguards against deficit spending

"(a) Estimates of Unfunded Aviation Authorizations and Net Aviation Receipts.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31, and

"(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

"(b) Procedure if Excess Unfunded Aviation Authorizations.—If the Secretary of Transportation determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

"(c) Adjustment of Authorizations if Unfunded Authorizations Exceed Receipts.—

"(1) Determination of Percentage.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

"(2) Adjustment of Authorizations.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) Availability of Amounts Previously Withheld.—

"(1) Adjustment of Authorizations.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

"(2) Apportionment.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

"(3) Period of Availability.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

"(e) Reports.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

"(f) Definitions.—For purposes of this section, the following definitions apply:

"(1) Net aviation receipts.—The term 'net aviation receipts' means, with respect to any period, the excess of—

"(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

"(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

"(2) Unfunded aviation authorizations.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

"(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).".

(b) Conforming Amendment.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47138. Safeguards against deficit spending.".

SEC. 904. APPLICABILITY.

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS.

(a) In General.—Part C of subtitle VII is amended by adding at the end the following:

"CHAPTER 483—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

"Sec.
"48301. Definitions.
"48302. Adjustments to align aviation authorizations with revenues.
"48303. Adjustment to AIP program funding.
"48304. Estimated aviation income.

"§48301. Definitions

"In this chapter, the following definitions apply:

"(1) Base year.—The term 'base year' means the second fiscal year before the fiscal year for which the calculation is being made.

"(2) AIP program.—The term 'AIP program' means the programs for which amounts are made available under section 48103.

"(3) Aviation income.—The term 'aviation income' means the tax receipts credited to the Airport and Airway Trust Fund and any interest attributable to the Fund.

"§48302. Adjustment to align aviation authorizations with revenues

"(a) Authorization of Appropriations.—Beginning with fiscal year 2003, if the actual level of aviation income for the base year is greater or less than the estimated aviation income level specified in section 48304 for the base year, the amounts authorized to be appropriated (or made available) for the fiscal year under each of sections 106(k), 48101, 48102, and 48103 are adjusted as follows:

"(1) If the actual level of aviation income for the base year is greater than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is increased by an amount determined by multiplying the amount of the excess by the ratio for such section set forth in subsection (b).

"(2) If the actual level of aviation income for the base year is less than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is decreased by an amount determined by multiplying the amount of the shortfall by the ratio for such section set forth in subsection (b).

"(b) Ratio.—The ratio referred to in subsection (a) with respect to section 106(k), 48101, 48102, or 48103, as the case may be, is the ratio that—

"(1) the amount authorized to be appropriated (or made available) under such section for the fiscal year; bears to

"(2) the total sum of amounts authorized to be appropriated (or made available) under all of such sections for the fiscal year.

"(c) President's Budget.—When the President submits a budget for a fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall calculate and the budget shall report any increase or decrease in authorization levels resulting from this section.

"§48303. Adjustment to AIP program funding

"On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

"(1) the total sum of amounts authorized to be appropriated under all of sections 106(k), 48101, and 48102 for such fiscal year, including adjustments made under section 48302; exceeds

"(2) the amounts appropriated for programs funded under such sections for such fiscal year.

Any contract authority made available by this section shall be subject to an obligation limitation.

"§48304. Estimated aviation income

"For purposes of section 48302, the estimated aviation income levels are as follows:

"(1) $10,734,000,000 for fiscal year 2001.

"(2) $11,603,000,000 for fiscal year 2002.

"(3) $12,316,000,000 for fiscal year 2003.

"(4) $13,062,000,000 for fiscal year 2004.".

(b) Conforming Amendment.—The table of chapters for subtitle VII of such title is amended by inserting after the item relating to chapter 482 the following:

"483. Adjustment of Trust Fund Authorizations .... 48301".

SEC. 1002. BUDGET ESTIMATES.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title and title IX, including the amendments made by such titles.

SEC. 1003. SENSE OF CONGRESS ON FULLY OFFSETTING INCREASED AVIATION SPENDING.

It is the sense of Congress that—

(1) air passengers and other users of the air transportation system pay aviation taxes into a trust fund dedicated solely to improve the safety, security, and efficiency of the aviation system;

(2) from fiscal year 2001 to fiscal year 2004, air passengers and other users will pay more than $14.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(3) the Aviation Investment and Reform Act for the 21st Century provides $14.3 billion of aviation investment above the levels assumed in that budget resolution for such fiscal years; and

(4) this increased funding will be fully offset by recapturing unspent aviation taxes and reducing the $778 billion general tax cut assumed in that budget resolution by the appropriate amount.

TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) In General.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 2004", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century".

(b) Limitation on Expenditure Authority.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) Limitation on Transfers to Trust Fund.—

"(1) In general.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) Exception for prior obligations.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

The CHAIRMAN. No further amendments shall be in order except those printed in part B of that report. Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part B of House Report 106–185.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. Shuster:

At the end of section 102 of the bill, insert the following:

(c) Alaska National Air Space Communications System.—Section 48101 is further amended by adding at the end the following:

"(e) Alaska National Air Space Communications System.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,200,000 may be used by the Administrator for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.".

(d) Automated Surface Observation System/Automated Weather Observing System Upgrade.—Section 48101 is further amended by adding at the end the following:

"(f) Automated Surface Observation System/Automated Weather Observing System Upgrade.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.".

In the matter to be added by section 103(a)(3) of the bill as paragraph (2) of section 106(k) of title 49, United States Code, strike "and" at the end of subparagraph (F)(ii) and strike the period at the end of subparagraph (G) and insert "; and" and the following:

"(H) such sums as may be necessary for the Secretary to hire additional inspectors in order to enhance air cargo security programs.

At the end of section 103 of the bill, insert the following:

(d) Office of Airline Information.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

In section 104(h) of the bill, strike paragraph (1) and insert the following:

(1) in subparagraph (A)—

(A) by striking "31 percent" each place it appears and inserting "34 percent";

(B) in the first sentence by striking "and for carrying out" and inserting ", for carrying out"; and

(C) by striking the period at the end of the first sentence and inserting the following: ", and for noise mitigation projects approved in the environmental record of decision for an airport development project under this chapter.".

In section 122 of the bill, strike "and" the last place it appears.

In section 123(c)(1) of the bill, strike the period following "landing light systems" and insert "; and".

In section 130(a)(1) of the bill, strike "12 for fiscal year 2000" and insert "15 for fiscal year 2000".

In section 130(a) of the bill, in the matter to be added as section 47118(f) of title 49, United States Code, strike "at least 3 of the airports designated under subsection (a)" and insert "1 airport of the airports designated under subsection (a) for fiscal year 2000 and 3 airports for each fiscal year thereafter".

In section 134 of the bill, in the matter proposed to be added as section 47137 of title 49, United States Code, redesignate subsections (d) through (g) as subsections (e) through (h), respectively, and insert after subsection (c) the following:

"(d) Technical Assistance.—

"(1) In general.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not to exceed 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

"(2) Eligible consortium.—To the maximum extent practicable, a sponsor shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

At the end of subtitle B of title I of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 137. INTERMODAL CONNECTIONS.

(a) Airport Improvement Policy.—Section 47101(a)(5) is amended to read as follows:

"(5) to encourage the development of intermodal connections between airports and other transportation modes and systems to promote economic development in a way that will serve States and local communities efficiently and effectively;".

(b) Airport Development Defined.—Section 47102(3) is further amended by adding at the end the following:

"(I) constructing, reconstructing, or improving an airport, or purchasing capital equipment for an airport, for the purpose of transferring passengers, cargo, or baggage between the airport and ground transportation modes.".

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking "9 qualified" and inserting "10 qualified".

SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by this Act) is amended by adding at the end the following:

"(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220-22 published by the Federal Aviation Administration on August 21, 1998.".

(b) RULEMAKING.—The Administrator shall initiate a rulemaking proceeding to consider revisions to part 139 of title 14, Code of Federal Regulations, to improve runway safety through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

In section 153(a)(1) of the bill, strike "1999 through 2004" and insert "2000 through 2002".

At the end of subtitle C of title I of the bill add the following (and conform the table of contents of the bill accordingly):

SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

"(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Administrator may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.".

SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.

The Secretary of Transportation shall announce the making of grants with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation for the making of such grants from the Administrator.

At the end of title III of the bill, add the following:

SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: "If the Administrator does not meet a deadline specified in this subparagraph, the Administrator shall transmit to Congress notification of the missed deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.".

SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.

Section 348(b)(2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 note; 109 Stat. 460) is amended by striking the period and inserting the following: ", other than section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423); except that subsections (f) and (g) of such section 27 shall not apply to the Federal Aviation Administration's acquisition management system. Within 90 days following the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of this section and that will allow the application of the criminal, civil and administrative remedies provided. The Administrator shall have the authority to take an adverse personnel action provided in subsection (e)(3)(A)(iv) of such section 27, but shall take any such actions in accordance with the procedures contained in the Federal Aviation Administration's personnel management system.".

In the matter to be added by section 507(a) of the bill to chapter 447 of title 49, United States Code, as section 44725(b)(4) of the bill, insert "every time the part is removed from service or" after "updated".

In section 507(b)(3) of the bill, in the matter proposed to be added as section 46301(a)(3)(C) of title 49, United States Code, strike "or".

In section 508 of the bill, in the matter to be inserted as section 46316 of title 49, United States Code—

(1) insert "(a) CIVIL PENALTY.—" before "An individual"; and

(2) strike the closing quotation marks and the final period at the end of subsection (a) (as so designated) and insert the following:

"(b) BAN ON FLYING.—If the Secretary finds that an individual has interfered with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft in a way that poses an imminent threat to the safety of the aircraft or individuals aboard the aircraft, the individual may be banned by the Secretary for a period of 1 year from flying on any aircraft operated by an air carrier.

"(c) REGULATIONS.—The Secretary shall issue regulations to carry out subsection (b), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.".

At the end of title V of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

"(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

"(1) IN GENERAL.—No person shall construct or establish a landfill within 6 miles of an airport primarily served by general aviation aircraft or aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from this prohibition and the Administrator, in response to such a request, determines that the landfill would not have an adverse impact on aviation safety.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to construction or establishment of a landfill if a permit relating to construction or establishment of such landfill was issued on or before June 1, 1999.".

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is further amended by adding at the end the following:

"(D) a violation of section 41718(d), relating to limitation on construction of landfills; or".

SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE BRINGING OF HAZARDOUS SUBSTANCES ABOARD AN AIRCRAFT.

Section 46312 is amended—

(1) by striking "A person" and inserting "(a) GENERAL.—A person"; and

(2) by adding at the end the following:

"(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.".

SEC. 513. AIRPORT SAFETY NEEDS.

The Administrator shall initiate a rulemaking proceeding to consider revisions of part 139 of title 14, Code of Federal Regulations, to meet current and future airport safety needs—

(1) focusing, but not limited to, on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) taking into account the need for different requirements for airports depending on their size.

SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IMPLEMENTATION PROCEDURES.

The Administrator may not enter into any maintenance implementation procedure through a bilateral aviation safety agreement unless the Administrator determines that the participating nations are inspecting repair stations so as to ensure their compliance with the standards of the Federal Aviation Administration.

SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 516. AIRPORT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of airport dispatchers in enhancing aviation safety. The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching function, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry to develop a model program to improve the curriculum, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

In section 702(a) of the bill, in the proposed section 40102(a)(38) of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

"(E) owned by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(d).".

In section 702(b) of the bill, in the matter to be added as section 40125(a) of title 49, United States Code—

(1) in paragraph (1) after "does not include the operation of an aircraft" insert "by the armed forces for reimbursement when that reimbursement is required by Federal law or"; and

(2) in paragraph (2)—

(A) after "such as" insert "national defense, intelligence missions,"; and

(B) after "law enforcement" insert "(including transport of prisoners, detainees, and illegal aliens)".

In section 702(b) of the bill, at the end of the matter to be added as section 40125(a) of title 49, United States Code, add the following:

"(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10.

In section 702(b) of the bill, in the matter to be added as section 40125(c), strike the closing quotation marks and the final period and insert the following:

"(d) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—An aircraft described in section 40102(38)(E) qualifies as a public aircraft if—

"(1) the aircraft is operated in accordance with title 10; or

"(2) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.".

At the end of section 702 of the bill, add the following:

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

Strike section 706(c) of the bill and insert the following:

(c) DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS BY FOREIGN AIR CARRIERS.—Section 41705 is amended—

(1) by inserting "(a) GENERAL PROHIBITION.—" before "In providing"; and

(2) by adding at the end the following:

"(b) PROHIBITION APPLICABLE TO FOREIGN AIR CARRIERS.—Subject to section 40105(b), the prohibition on discrimination against an otherwise qualified individual set forth in subsection (a) shall apply to a foreign air carrier in providing foreign air transportation.".

In section 706(d) of the bill, in the matter to be added as section 46301(a)(3)(D) of title 49, United States Code, strike "(D)" and insert "(E)".

In section 711 of the bill, in the matter to be inserted as subsection (c)(1), strike "date of birth".

At the end of title VII of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the city of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the city of Cincinnati to the city of Blue Ash upon a finding that the city of Blue Ash meets all applicable requirements for sponsorship and if the city of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the city of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The proceeds from the sale approved under subsection (a) shall not be considered to be airport revenue for purposes of section 47107 and 47133 of title 49, United States Code, grant obligations of the city of Cincinnati, or regulations and policies of the Federal Aviation Administration.

SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY TO SELL.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning June 15, 1999, and ending September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or governmental entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating for the delivery of oil dispersants by air in order to disperse oil spills.

(2) COVERED AIRCRAFT AND AIRCRAFT PARTS.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

(A) excess to the needs of the Department;

(B) acceptable for commercial sale; and

(C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States, except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or governmental entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or governmental entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) REGULATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall issue regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in accordance with the conditions set forth in subsection (b),

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of other appropriate departments and agencies of the Federal Government regarding alternative uses for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary of Defense considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations issued under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Secretary of Defense's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under this section, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

"(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

"(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

"(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.".

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking "air carrier" in the first sentence and inserting "air carrier, computer reservations system firm,";

(B) by striking "subsection (c)" and inserting "subsection (c) or (g)"; and

(C) by striking "air carrier" in subparagraph (B) and inserting "air carrier or computer reservations system firm"; and

(2) in subsection (e)(1) by inserting "or a computer reservations system firm is subject when providing services with respect to airline service" before the period at the end of the first sentence.

SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.

(a) IN GENERAL.—The Administrator may make a grant to, or enter into a cooperative agreement with, a nonprofit organization for the conduct of a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress.

(b) REPORT.—Not later than 18 months after making a grant, or entering into a cooperative agreement, under subsection (a) the Administrator shall transmit a report to Congress on the results of the study.

SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

SEC. 737. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) a detailed statement listing airports that are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.".

SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary of Transportation to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation shall waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.

(a) CONTRACT FOR STUDY.—The Administrator shall contract with the National Academy of Sciences to conduct a study of the effectiveness of the automated weather forecasting systems of covered flight service stations solely with regard to providing safe and reliable airport operations.

(b) COVERED FLIGHT SERVICE STATIONS.—In this section, the term "covered flight service station" means a flight service station where automated weather observation constitutes the entire observation and no additional weather information is added by a human weather observer.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the study.

SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this section, the Administrator shall submit a report to Congress containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 742. NONMILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) CONSIDERATION OF VIEWS.—In conducting the study under this section, the Secretary shall consider the views of representatives of the helicopter industry and representatives of organizations with an interest in reducing nonmilitary helicopter noise.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

At the end of section 40126(e) to be added to chapter 401 of title 49, United States Code, by section 803(a) of the bill, insert the following:

"(3) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

In title VIII of the bill, redesignate section 806 and 807 as sections 807 and 808, respectively, and insert after section 805 the following:

SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

Strike section 202 of the bill and insert the following:

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) FUNDING FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Chapter 417 is amended by adding at the end the following:

"§ 41743. Airports not receiving sufficient service

"(a) TYPES OF ASSISTANCE.—The Secretary of Transportation may use amounts made available under this section—

"(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

"(2) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

"(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

"(b) PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—In providing assistance to airports under subsection (a), the Secretary shall give priority to those airports for which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

"(c) DEFINITIONS.—In this section, the following definitions apply:

"(1) UNDERSERVED AIRPORT.—The term 'underserved airport' means a nonhub airport or small hub airport (as such terms are defined in section 41731) that—

"(A) the Secretary determines is not receiving sufficient air carrier service; or

"(B) has unreasonably high airfares.

"(2) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.

"(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—

"(1) IN GENERAL.—The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund to provide assistance under this section. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation. Contract authority made available by this paragraph shall be subject to an obligation limitation.

"(2) AMOUNTS MADE AVAILABLE.—There shall be available to the Secretary out of the Fund not more than $25,000,000 for each of fiscal years 2000 through 2004 to incur obligations under this section. Amounts made available under this section shall remain available until expended.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

"41743. Airports not receiving sufficient service.".

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(b)(1)(E), insert ", subject to appropriations," after "the Secretary".

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(c)(3), insert ", subject to appropriations," after "the Secretary".

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(d)(2)(G), insert ", subject to appropriations," after "the Secretary".

Redesignate section 904 of the bill as section 905 and insert after section 903 of the bill the following (and conform the table of contents of the bill accordingly):

SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

Strike section 201 of the bill and insert the following:

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

(a) PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.—Section 41714 is amended by adding at the end the following:

"(j) PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.—

"(1) O'HARE AIRPORT.—The slot rule shall be of no force and effect at O'Hare International Airport—

"(A) effective March 1, 2000—

"(i) with respect to a regional jet aircraft providing air transportation between O'Hare International Airport and a small hub or nonhub airport—

"(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

"(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

"(ii) with respect to any aircraft providing foreign air transportation;

"(B) effective March 1, 2001, with respect to any aircraft operating before 2:45 post meridiem and after 8:15 post meridiem; and

"(C) effective March 1, 2002, with respect to any aircraft.

"(2) LAGUARDIA AND KENNEDY.—The slot rule shall be of no force and effect at LaGuardia Airport or John F. Kennedy International Airport—

"(A) effective March 1, 2000, with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

"(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

"(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

"(B) effective January 1, 2007, with respect to any aircraft.".

(b) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—Section 41714 is amended by striking subsections (e) and (f) and inserting the following:

"(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—

"(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

"(A) IN GENERAL.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the slot rule for Ronald Reagan Washington National Airport and O'Hare International Airport to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of title 14, Code of Federal Regulations, between the airport and a small hub or nonhub airport that the Secretary determines has (i) insufficient air carrier service to and from Reagan National Airport or O'Hare International Airport, as the case may be, or (ii) unreasonably high airfares.

"(B) NUMBER OF SLOT EXEMPTIONS TO BE GRANTED.—

"(i) REAGAN NATIONAL.—

"(I) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions from the slot rule per hour and no more than 6 exemptions from the slot rule per day may be granted under this paragraph for Ronald Reagan Washington National Airport.

"(II) MAXIMUM DISTANCE OF FLIGHTS.—An exemption from the slot rule may be granted under this paragraph for Ronald Reagan Washington National Airport only if the flight utilizing the exemption begins or ends within 1,250 miles of such airport and a stage 3 aircraft is used for such flight.

"(ii) O'HARE AIRPORT.—20 exemptions from the slot rule per day shall be granted under this paragraph for O'Hare International Airport.

"(2) SLOT EXEMPTIONS AT O'HARE FOR NEW ENTRANT AIR CARRIERS.—

"(A) IN GENERAL.—The Secretary shall grant 30 exemptions from the slot rule to enable new entrant air carriers to provide air transportation at O'Hare International Airport using stage 3 aircraft.

"(B) PRIORITY CONSIDERATION.—In granting exemptions under this paragraph, the Secretary shall give priority consideration to an application from an air carrier that, as of June 15, 1999, operated or held fewer than 20 slots at O'Hare International Airport.

"(3) INSUFFICIENT APPLICATIONS.—If, on the 180th day following the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Secretary has not granted all of the exemptions from the slot rule made available under this subsection at an airport because an insufficient number of eligible applicants have submitted applications for the exemptions, the Secretary may grant the remaining exemptions at the airport to any air carrier applying for the exemptions for the provision of any type of air transportation. An exemption granted under paragraph (1) or (2) pursuant to this paragraph may be reclaimed by the Secretary for issuance in accordance with the terms of paragraph (1) or (2), as the case may be, if subsequent applications under paragraph (1) or (2), as the case maybe, so warrant.

"(f) REQUIREMENTS RELATING TO ADDITIONAL SLOT EXEMPTIONS.—

"(1) APPLICATIONS.—An air carrier interested in obtaining an exemption from the slot rule under subsection (e) shall submit to the Secretary an application for the exemption. No application may be submitted to the Secretary under subsection (e) before the last day of the 30-day period beginning on the date of enactment of the Aviation Investment and Reform Act for the 21st Century.

"(2) PERIOD OF EFFECTIVENESS.—An exemption from the slot rule granted under subsection (e) shall remain in effect only while the air carrier for whom the exemption is granted continues to provide the air transportation for which the exemption is granted.

"(3) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions from the slot rule under subsection (e) regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.".

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 41714(h) is amended by adding at the end the following:

"(5) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

"(6) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

"(7) SLOT RULE.—The term 'slot rule' means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations.

"(8) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

"(9) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.".

(2) REGULATORY DEFINITION OF LIMITED INCUMBENT CARRIER.—The Secretary shall modify the definition of the term "limited incumbent carrier" in subpart S of part 93 of title 14, Code of Federal Regulations, to require an air carrier or commuter operator to hold or operate fewer than 20 slots (instead of 12 slots) to meet the criteria of the definition. For purposes of this section, such modification shall be treated as in effect on the date of enactment of this Act.

(d) PROHIBITION ON SLOT WITHDRAWALS.—Section 41714(b) is amended—

(1) in paragraph (2)—

(A) by inserting "at O'Hare International Airport" after "a slot"; and

(B) by striking "if the withdrawal" and all that follows before the period; and

(2) by striking paragraph (4) and inserting the following:

"(4) CONVERSION OF SLOTS.—Effective March 1, 2000, slots at O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.".

(e) CONFORMING AMENDMENTS.—Section 41714(c) is amended—

(1) by striking "SLOTS FOR NEW ENTRANTS.—" and all that follows through "If the" and inserting "SLOTS FOR NEW ENTRANTS.—If the"; and

(2) by striking paragraph (2).

(f) AMENDMENTS REFLECTING PHASEOUT OF SLOT RULE FOR CERTAIN AIRPORTS.—Effective January 1, 2007, section 41714 is amended—

(1) by striking subsections (a), (b), (c), (e), (f), (g), (h), and (i);

(2) by redesignating subsections (d) and (j) as subsections (a) and (b), respectively;

(3) in the heading for subsection (a) (as so redesignated) by striking "SPECIAL RULES FOR"; and

(4) by adding at the end the following:

"(c) DEFINITIONS.—

"(1) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

"(2) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

"(3) SLOT.—The term 'slot' means a reservation for an instrument flight rule takeoff or landing by an air carrier or an aircraft in air transportation.".

"(4) SLOT RULE.—The term 'slot rule' means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports).

"(5) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

"(6) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.".

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield half of my time for the purpose of control to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bipartisan amendment largely, with various technical corrections and noncontroversial. The most significant change is the abolition of the slot rules have been delayed to accommodate concerns of Members whose districts would be impacted by aircraft noise.

In New York, for example, the slot restrictions will be lifted in 2007. In the meantime, airlines may use regional jets without any slot limitations as long as they are flying to small hubs or nonhubs.

At Chicago, the slot restrictions will be lifted in 2002. In the meantime, exceptions from the slot rules are provided for regional jets, service to underserved communities, international service, and flights in the morning.

There are a variety of other changes, and I will summarize the most significant ones. It authorizes the FAA to hire additional inspectors for air cargo security. It authorizes funding out of the Trust Fund to pay for the aviation activities of the Department's Bureau of Transportation Statistics. This is very important: It broadens the eligibility for noise mitigation projects. We recognize the importance of noise mitigation, and we broaden that eligibility.

It increases the number of military airports eligible to receive grants under the Military Airport Program from 12 to 15. It makes the construction of intermodal connections eligible for grants under the Airport Improvement Program, another very important change.

It increases the number of States eligible to participate in the State block grant program.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would like to clarify that, without objection, the gentleman from Minnesota (Mr. OBERSTAR) may control the time otherwise reserved for opposition, which would amount to 5 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 1¾ minutes.

The manager's amendment deserves our full support. It clarifies various items and addresses issues in fuller fashion on aviation safety, security, capacity and competition than the basic bill did, and adds a few items that I think are of significant importance.

We must ensure that firefighting/rescue efforts are sufficient at Nation's airports. The manager's amendment requires FAA to review its regulations to ensure that they are adequate, for airports to have the appropriate firefighting equipment depending on the size of the airport.

In addition, we call upon the administrator to form a partnership with industry to improve the curriculum, the teaching methods and quality of persons charged with training our Nation's aviation mechanics.

We are facing a huge shortfall of qualified airframe and power plant mechanics in the near future to address the maintenance of our Nation's aircraft fleet.

The role of aircraft dispatchers should not be minimized. The FAA is directed here to review the role of dispatchers in enhancing aviation safety and determine whether those operations not using airline dispatchers now should be required to do so in the future.

We also address the issue of competition with our amendments to changes in the high density rule. These and other important provisions make the manager's amendment necessary and an improvement to the bill and deserve our support.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I just want to briefly touch on some things that the manager's amendment does.

We have attempted to clarify that if the Aviation Trust Fund is moved off budget, it is removed from the discretionary budget caps.

We have had added a provision clarifying language for the use of noise standards in the national parks overflights bill. This has been a very contentious issue, and I am glad we have been able to reach a compromise on this.

We have adjusted the slot restriction provisions to allow for regional jet exemptions early with a total phase-out for 2002 for Chicago and 2007 in New York. This will ensure that smaller airlines will have the opportunity to compete with larger airlines and open up flights to many underserved areas.

We have included the provision for the gentleman from Arkansas (Mr. HUTCHINSON) that would allow AIP funds to be spent for noise mitigation if more than 50 percent of the noise is caused by military aircraft. Currently the FAA does not allow AIP funds to be spent for noise mitigation if more than 50 percent of the noise is caused by military aircraft.

In addition, we have required that FAA notify Congress if it fails to meet its rulemaking deadlines. This is good public policy and will allow us to monitor the Agency's adherence to its stated goals.

We have also added the provision allowing for the banning of a passenger from flying if the Secretary determines that a ban is in order. Unruly passengers have become a significant issue on flights, and this provision gives the Transportation Department the ability to deal effectively with the issue.

We have increased the State Block Grant Program from 9 to 10 States on a request from the Utah delegation.

We have required that the National Academy of Sciences undertake a study on AWOS and the reliability of it when no human oversight is used. This is at the request of Mr. THOMPSON.

We have also requested that the FAA implement a mechanic training program at the request of the gentleman from Minnesota (Mr. OBERSTAR). This will ensure proper training for aircraft mechanics.

Finally, we have added a provision to direct the FAA to consider revisions to its regulations regarding airport fire and safety needs. This will ensure that airport safety needs are evaluated and updated if necessary.

In short, this amendment makes changes to the bill to try and meet some of the concerns people have voiced, and it grants many requests from Members.

Mr. Chairman, I urge support for this manager's amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I simply want to say that I support the manager's amendment totally and completely. I am very delighted that the Speaker of the House, my very good friend, the gentleman from Illinois (Speaker HASTERT), is going to support this bill. Of course, also my very good friend, the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader of the House is going to support this bill.

I also want to make mention of the fact that I think that the staff have done an outstanding job on both sides of the aisle in regards to this bill. There has been a lot of changes, a lot of improvements. A tremendous amount of work has been done by Jack Schenendorf, Dave Schaffer, Paul Feldman, and all of the members of the Subcommittee on Aviation and all of the members of the Committee on Transportation and Infrastructure. I salute them all, and I thank them all.

Once again, I say I strongly support this manager's amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in support of the manager's amendment and in strong support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), and the gentleman from Tennessee (Mr. DUNCAN) for their work on this outstanding bill.

The Aviation Investment and Reform Act for the 21st Century is a comprehensive reauthorization of the Federal Aviation Administration and the Airport Improvement Program. It seeks to address many of the problems plaguing our aviation system by making our airports and skies safer, by injecting competition into the airline industry, and by ensuring that the investment taxpayers have made in the Aviation Trust Fund is returned in the form of affordable, safe air travel.

Mr. Chairman, our Nation's aviation system, while once the envy of the world, is now beginning to show age. While we are seeing a dramatic increase in the number of air travelers taking to the skies, airport infrastructure and air traffic control modernization programs are currently being drastically underfunded.

But once again, Mr. Chairman, I again want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and others for their leadership and their accommodation to the New York delegation in the manager's amendment.

The CHAIRMAN. The gentleman from Minnesoata (Mr. OBERSTAR) has 1½ minutes remaining.

□ 1445

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume to express my appreciation to the gentleman from New York for the statement just made and for the strong support of the New York City delegation for this legislation. I believe we have accommodated their concerns in this legislation and appreciate their strong support for it.

Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 106–185.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Young of Florida:

In section 103 of the bill, strike subsection (b) and redesignate subsequent subsections accordingly.

Strike titles IX and X of the bill and conform the table of contents of the bill accordingly.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Florida (Mr. YOUNG) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time for purposes of control to the distinguished gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

On the amendment itself, Mr. Chairman, I would like to say it is supportive of the bill. We do support the bill, but we do not support section 103(b) of the bill, and the reason is very simple. We spent nearly 2 weeks here in this House trying to find ways to save $10 million here and $100 million there. And after 2 weeks, in order to stay within the budget cap set in 1997, we finally saved $150 million, in round figures. We have about $16 billion more to go to get to where we have to be to appropriate within the budget cap.

Now, what this amendment that I offer for myself and the gentleman from Ohio (Mr. KASICH) would do is to try to help us stay within that budget cap, because otherwise we are going to bust the budget. We are going to make it $3 billion a year more difficult to stay within that 1997 budget cap if we allow this bill to go with section 103(b) still in the bill. There is a penalty clause in the language relative to the aviation bill that if they would eliminate that they could solve this problem that the committee is trying to solve today with section 103(b) of the bill.

We have got to maintain fiscal discipline in this House. What we are going to see happen is, and we have all heard the talk about spending over the budget cap is going to take from Social Security, well, I want my colleagues to remember that; or spending over the budget cap is going to make it impossible to do a realistic tax cut. We need to remember that, because those same arguments will apply here with this budget-busting bill as long as it includes section 103(b) of the bill.

All this amendment does is take out that one section. It leaves everything else. We agree with most everything that was said here on the floor today. We are just trying to maintain the fiscal discipline that this House has insisted that we maintain and stay within the budget cap set in 1997 and allow this House to go forward with the appropriations bills that we must conclude before the end of this fiscal year.

As my colleagues have observed, Mr. Chairman, we have had great difficulty in getting spending bills through this House without bringing the spending amounts down to the amount that would be provided for in the budget cap. So I would hope that the House would support this amendment so that we could all support the bill. Because the items that were discussed are important. Airport safety is important. A lot of work needs to be done. But there should be a lot of work done on the fiscal responsibility of this agency. Their own Inspector General has suggested there was a tremendous amount of mismanagement and waste of the dollars put into this fund.

I would just like to make one further point before yielding. My friend, the gentleman from Alaska (Mr. YOUNG), made the comment he supported this bill. But the gentleman from Alaska has a follow-on bill that he has introduced that would take the funds for interior projects, land acquisition projects, and move them off budget into a trust fund. Once this process begins to start, the Members of this House lose control over the budget process. The Constitution provides that the House shall have control of the budget process. Moving money from the discretionary accounts to the mandatory accounts destroys the ability of this House to stay within the budget caps and to maintain control over the budget process.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 30 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield half my time to the distinguished gentleman from Minnesota (Mr. OBERSTAR), for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a bit puzzled, because my good friend from Florida, and he is my good friend, says that they really support the bill, it is just this provision that they want to knock out. Well, if we knock this provision out, there ain't no beef left in the hamburger. There is nothing there.

This is a killer amendment. This is an amendment that drives a stake into the heart of this legislation. In fact, there is no reason, should this amendment pass, for us to continue with the legislation. I shall pull the bill because there will not be anything here. There will not be any beef in order to improve our aviation system in America.

Further, my good friend talks about the budget problems. There is absolutely nothing in this legislation that affects fiscal year 2000. There is nothing at all, zero, zip, that affects the year 2000. We go out into fiscal 2001 and on out into the future. And why? Because we do not want to dip in to the Social Security surplus. We do not dip into the Social Security surplus. We only take this money from the tax cut, the $778 billion tax cut.

We are told that it is going to be quite a robbery of that $778 tax cut. Well, it is $14.3 billion of $778 million. My arithmetic tells me that is 1.8 percent of the tax cut. And it is only the money that is being paid by the aviation ticket taxes by the people that fly on our airplanes. To take that ticket tax and use it for a general tax cut is morally wrong. If we do not need the money, then we ought to reduce the ticket tax.

Even my good friend says that we have needs out there and we should address the needs. Well, we cannot have it both ways. Where is the money going to come from? It has to come from the Aviation Trust Fund. And, indeed, this amendment also, and get this, this amendment not only kills our effort with the Aviation Trust Fund, it also zeros out the general fund expenditure. So this amendment not only does not take us back to status quo, it takes us back below status quo. It means there will be less money available for aviation than there is today. The inadequate amount we spend today will be cut even further if this amendment were to pass.

We are told we need discipline. All the discipline is there and it continues. And as I said in my previous statement, one big difference between this legislation and TEA-21 last year, in TEA-21 we did mandate that the money be spent. We do not do that here.

The Committee on Appropriations has every bit the jurisdiction that they have today. They have the ability to put in obligation ceilings. They have the ability to reduce the expenditures. And so there is discipline. They have every bit as much discipline as they have today. What they do not have is the ability to take Aviation Trust Fund money and use it for other purposes.

Now, we have heard about the FAA mismanagement. There are problems at the FAA. That is the reason we have reform in this legislation. We provide for an oversight board for the FAA. But beyond that, it is the Committee on Appropriations and the Committee on Transportation and Infrastructure which has oversight jurisdiction over the FAA, and that oversight jurisdiction is unchanged. The Committee on Appropriations and the Committee on Transportation and Infrastructure will continue to have precisely the same oversight over the FAA. So nothing changes there.

For all these reasons, this amendment should be defeated. Because if it is not defeated, then we will not address the issues facing our aviation system. Indeed, when the Speaker of the House makes the extraordinary decision to come to this chamber and vote in favor of the legislation, and the distinguished Democratic leader likewise does the same, this gutting amendment will eliminate the opportunity for them to cast their vote for this legislation, which they do support. Therefore, this amendment should be overwhelmingly defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes and 40 seconds.

Mr. Chairman, I strongly support the Young amendment and urge Members to vote for it. The gentleman from Pennsylvania (Mr. SHUSTER) is wrong. This amendment does not take the beef out of the burger, this takes the pork out of the pork barrel. That is what we are trying to do.

I strongly support airport modernization. My record here over the past 30 years shows that. But I oppose this bill because of two aspects of the Shuster bill. First of all, at a time of huge budget crunches, this bill takes airport spending off budget. The result is that there will be at least $23 billion in extra spending above the amount originally planned in the budget. That money comes out of the surplus. And in my view it is wrong to take it out of the surplus before we consider all other competing needs, including Social Security, cancer research, veterans' health care, and a host of other items.

Secondly, even with the manager's amendment, this bill still provides $12 to $16 billion less room for other high-priority programs, such as education and health and veterans, and that is wrong. Airport safety is a high priority, but I do not see why we ought to insulate them from cuts and yet, in the process, force even deeper cuts in other programs.

Under the budget we have already adopted, this next year alone we will be requiring about a 19 percent across-the-board cut in all of the programs funded under the Labor, Health, Education bill. That means a $3 billion cut in National Institutes of Health; it means denying 2.5 million children access to title I; it means cutting Pell Grants by $300; it means cutting a million families out of LIHEAP; it means cutting veterans' health care benefits by 8 percent. Why should we make those cuts even deeper in order to make sure that airports wind up as the number one funding priority of the government? It makes no sense.

I want to make one other point. The gentleman from Pennsylvania (Mr. SHUSTER) complains about the trust funds not being supported. That is absolutely not true. The trust funds guarantee airports a source of revenue. The trust funds were never meant to guarantee exemptions from a spending squeeze for anybody. And if my colleagues doubt that, they should read the GAO study, which makes clear two things:

Number one, it makes clear there is no reason why operating expenses should not be funded out of the trust fund; and, secondly, it makes quite clear that these funds were never intended to be exempted from the regular appropriations process. Read Senator Norris Cotton's statements during the debate on the bill if anyone should have any doubt about that.

Now, the gentleman from Pennsylvania said that the Committee on Appropriations would continue to have regular oversight. That is nonsense. In fact, what the Shuster bill does is remove any incentive for the Committee on Appropriations to apply any fiscal discipline whatsoever to the airport account because it requires that every dollar that is cut out of operating expenses be transferred into the AIP account. That is oversight without an ability to control funds. That is meaningless oversight.

Mr. Chairman, I do not want to have any Member come to the Committee on Appropriations and squawk again about an appropriations bill being over the limit in the budget if they support the Shuster bill. That would be the height of inconsistency. If Members believe in treating programs the same, they ought not vote for this.

□ 1500

If my colleagues think airports are more important than cancer research, if they think airports are more important than veterans' health care, then by all means, vote for the bill. I do not think that is true, which is why I support the Young amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Those of the American public who may be watching this debate must be scratching their heads in astonishment and wonderment, because what they are seeing here is the epitome of inside-the-institution debate. "What are they talking about?" people must be saying to themselves. Because the average American citizen who boards an airplane knows one thing, they paid a special tax to arrive safely, to take off on time. And we are not using that tax for that purpose to the extent that the tax generate the revenue.

Here is the deal: In 1972, the Congress said to the American air traveling public, you pay a special tax debt dedicated to aviation and we, the Congress, will see that we improve aviation so that you can travel safely, secure, and get there on time. And then we came along for years and said, excuse me, but not all of that money, some that we are going to hold it back, and we held back another $6 billion not being spent for aviation purposes.

I take sharp objection to the characterization of this bill as pork. There are no individual projects designated for anyplace in America on this bill, unlike appropriations bills that come out with a little drab here and a little drab there.

The Committee on Appropriations will continue to have under the manager's amendment and under the law that will result all the authority they need to continue to impose obligation limits. That means withhold spending or not spend any at all if they choose. This is nonsense.

The argument that the Air 21 is going to hurt Social Security, baloney. The increased funding out of the tax that we reserve for aviation purposes will not touch the $700-billion surplus generated by Social Security over the next 5 years. Both the Congressional Budget Resolution and the President's budget spend a part of the surplus not generated by Social Security. Those both do.

Air 21 will spend $14 billion of the taxes we generate for aviation purposes. Do my colleagues not want to keep faith with the traveling public? There is not a member in this body who does not want his or her airport improved, better air traffic control systems, wind shear detection, microburst detection systems, runway improvements, air traffic control towers.

How do we do that? With that dedicated tax. Let us not continue to withhold it when we have a $90 billion surplus on the backs of aviation travelers in the next 10 years if we do not pass this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the issue is not whether the airport tax should be used for other purposes. It will not be, and it should not be. It is an issue of whether the general fund should continue to subsidize the airport trust fund, and it is an issue of whether or not airport spending should come before cancer research, before veterans' health care, before education, before any other priority in Government.

Obviously, it should not. And that is why we support the Young amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I rise in strong, strong support of the Young-Kasich amendment.

Discipline must be maintained in the appropriations process. Now, it is fashionable today to say that Government should be more responsible, but hard choices have to be made to turn this cliche into a reality. Today we have an opportunity to work toward that ultimate goal.

Taking the Aviation Trust Fund off budget in this way is irresponsible. My colleagues cannot have it both ways. They cannot say that they want to take the trust fund and spend it on aviation and, oh, by the way, we also want to keep all the general revenue, too. That is not fair. It is not fair to the appropriations process. It is not fair to the budgeting process. It is not fair to the American taxpayer.

Now, I am all for raising revenues from aviation facilities and from passengers and other ways to pay for aviation infrastructure. I am all for that. But I am not for doing it both ways. Because if they are one of those that want to take it off a trust fund, they ought to live within the budgetary restraints of that trust fund and not dip into the general fund paid by general tax and general taxpayers and have it both ways.

Now, I appreciate the importance of infrastructure. The gentleman from Pennsylvania and the gentleman from Minnesota have done an incredible job in building the infrastructure of this country over the years, and I appreciate what they are doing. I just disagree with them on this in this respect. I served on the Committee on Public Works and remain an avid supporter of infrastructure programs that keep the foundations of our Nation strong. But this bill and this issue goes too far and my colleagues have overstepped their bounds and they have stepped way too far out.

It does bust the spending caps, it does jeopardize Social Security in the way that it is written; and, in the long-term, it imperils tax cuts. And I say to my friend on my side of the aisle, if he wants tax cuts, he cannot vote against the Young-Kasich amendment because this does dip in our ability to allow our families to hold on to more of their hard-earned money. And absolutely none of the spending in this bill is offset.

We must shut this door today, and we must slam it shut for good.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the distinguished gentleman for his comments. I know he speaks for himself here today, he does not speak for the Republican Conference. Because the agreement was made that this would not be whip, that there would not be a Republican position on this issue. And so, I certainly respect his right to speak his own views and I salute him for doing that. But I also thank him very much for giving me the opportunity to emphasize that he is not speaking the Republican position.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH) the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, now, I know there are a lot of people in our offices watching this debate and they are hearing all this talk about the budget process and they do not have a clue what we are talking about. Let me put it to my colleagues in the simplest terms, as I understand it, and what my position is on this.

First of all, if my colleagues want to be in a position where they spend all of the trust fund money that gets collected, there is no disagreement on that. I do not know one person on this floor who says that we ought to raid that trust fund. And we would not raid that trust fund. We could put fire walls around that trust fund so all the money collected to improve the airports in America ought to be spent.

Now, it has been the tradition of the Congress to not only spend all the trust fund money but also to spend the general fund money. Well, that ought to be a decision that we make when we debate our priorities. We ought not to say not only are we going to spend all the trust fund money, but at the same time we are going to make sure that we spend general fund money. Because once we make that decision to make this the highest priority, then we have let go of our ability to establish priorities bill by bill.

And the fact is that if my colleagues are interested at all in giving mothers and fathers a little bit more money in their pocket, I mean if there is ever a time when people could understand the moral nature of tax cuts, when we look at the troubles that families are in in America today, if there is any sweeping thing the Federal Government can finally do is to let people have more money in their pocket, we ought to have that debate.

So, in my judgment, we must reject this amendment because it not only says we will spend all the money in the trust fund, but it also carves out a chunk of money out of the general fund that makes aviation the number one priority over tax cuts and over education or over health care research or over anything else.

So I would urge my colleagues to accept this amendment. And when we vote to accept this amendment, they are saying, we will not raid the trust fund and at the same time we are saying that we will decide on a case-by-case basis whether transportation ought to be funded additionally out of the general fund at the expense of the National Institutes of Health or out of the expense of tax cuts. It seems pretty simple.

So, in my judgment, if my colleagues are worried about going home and saying, we are not raiding the trust fund, they can have it, without further implications that in fact they can get at least the Republican party and those who are interested in letting mothers and fathers have more in their pocket, they can really have it both ways in this case.

So I would urge my colleagues to accept the Young-Archer-Kasich amendment, and I think they will be casting a vote that is in the best interests of their district if they have airports and if in fact they have families.

The CHAIRMAN. The Chair would inform Members that the gentleman from Florida (Mr. YOUNG) has 6 minutes remaining, the gentleman from Pennsylvania (Mr. SHUSTER) has 9½ minutes remaining, the gentleman from Wisconsin (Mr. OBEY) has 11 minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), the chairman of our subcommittee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Chairman, before I make my brief comments, I would like to engage the chairman in a brief colloquy and ask the chairman simply this: Our good friend the gentleman from Texas (Mr. DELAY) said that if this bill passes, Mr. Chairman, that there would be no money left for tax cuts. And my understanding is that there would still be over $700 billion left for tax cuts over the next 10 years or so.

What are the correct figures on that?

Mr. SHUSTER. Mr. Chairman, if the gentleman would yield, the gentleman is absolutely correct. The tax cut is $778 billion. We are talking about $14.3 billion of that, which is only the aviation ticket tax money paid in there, which leaves $764 billion for the tax cut. So the aviation ticket tax portion of that is 1.8 percent. So there will still be 98.2 percent.

Mr. DUNCAN. Mr. Chairman, reclaiming my time, I think that is a very important point. And I am glad the chairman has made it that, even if this bill passes without this amendment, there would still be over $700 billion remaining for the tax cuts that many Members of our conference want.

Mr. Chairman, I rise in opposition to this amendment. This amendment really guts this bill and would not allow us even to keep the status quo, and would certainly not allow us to meet the needs that the expanded use of our aviation system is demanding.

The FAA has many national defense functions. In addition to national defense, the FAA also provides general government services, such as safety regulation certification, and inspection. As I mentioned earlier today, everyone benefits from a good aviation system, even people who do not fly but who use goods that are transported on planes, and people who want our economy to grow and prosper and remain strong.

There is no reason why aviation users should pay for these items that benefit our country as a whole. The general fund must continue to contribute to the FAA's budget in order to pay for these very important functions.

Furthermore, this amendment would continue the practice of using the Aviation Trust Fund to mask the Federal deficit or inflate the on-budget surplus. If this amendment passes, the amount of funding available for airport improvements would be drastically reduced, possibly by as much as 55 percent. The airline passengers, shippers, and general aviation pilots are now paying about $10 billion per year into the Aviation Trust Fund, with no assurance that the money could be spent under current budget rules.

This chart shows that if historic trends continue, the balance in the trust fund will skyrocket to over $90 billion by the year 2009. Since small and medium-size communities rely most heavily on the Federal program for airport funding, they will bear the brunt of the cuts that would be imposed by this amendment.

Our constituents in these areas, in these small and medium-size areas, continue to experience the highest fares and the most diminished air service. Without the additional funding available through AIR 21, small airports will not be able to build the capacity needed to accommodate more air carriers and improve air service.

I urge opposition to this amendment.

According to a study by GAO, as much as 30% of the country is worse off today than before deregulation.

This will get worse, not better, if we do not move the Aviation Trust Fund off-budget.

If you believe that the Trust Fund should be unlocked so that aviation taxes are spent for aviation purposes—so that the trust fund is truly a trust fund—and to help your local communities, vote "No" on this amendment.

This bill does not touch any other program—it simply means aviation money is spent for aviation purposes.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, at some point I think public works has come up with a clever idea on how we solve our budget problem. We simply declare everything off budget, and then say that all restraints do not count, and we simply make some additions which are paid for by a reduction in an unpassed tax bill. It is basically what we are doing in this bill. It makes no sense.

Let us be clear about one thing. There is a surplus in the Airport Trust Fund today for one simple reason. We put over $55 billion of General Revenue Fund into the Airport Trust Fund over the years, taxes paid by people who do not travel the airlines, to subsidize the operations and the construction of airports. Maybe that is appropriate, but if it is, it should be decided within the context of overall budget discussion.

We have differing views on what should happen with the future of our budget caps. I happen to think they should be raised. Others do not think so. Some put more priority on some types of tax cuts, different size of tax cuts. But those issues have been debated and argued in totality. What we do in this bill is say that we are going to continue the raid of general revenue for airports and that building airports and the operations of the FAA is more important than anything else that we do. It is more important than housing, which is in a crisis in our State, it is more important that education, it is more important than veterans' health care, it is more important than whatever we do to deal with our educational problems in this country or whatever else my colleagues think is important, dealing with our agricultural crisis.

This bill says we are going to remove aviation, give them increased spending authority, totally out of context, to deal with what happens, be the priorities, of one particular industry, one particular group in our society and ignore the needs of the rest.

We should adopt the Young amendment, and if it is not adopted, we should defeat the bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, the question really is are we going to spend all the money out of the Aviation Trust Fund on aviation. If my colleagues think that it should be spent on aviation, as it was intended to be spent, then they should vote against this amendment.

Right now we have a $9 billion surplus in the Aviation Trust Fund. As was mentioned earlier, if we do not defeat this amendment, it is going to grow to $90 billion over the course of 10 years, money the American people have paid into the trust fund for aviation safety, capacity, overall improvement, overall development.

Now the other part of the question is is there going to be a contribution from the General Revenue Fund? Now, there should be a contribution from the General Revenue Fund because someone has to pay for the military and their use of the aviation system; governments, for their use of the aviation system; and for years 39 percent of the budget for aviation came out of the General Revenue Fund. It has been cut down recently to 32 percent. With our AIR 21 bill, it is going to be cut down to 23 percent.

So, if my colleagues believe that the military, government have an obligation to aviation, 23 percent of the overall bill that we are passing, should be a reasonable amount to come out of the General Revenue Fund, and if my colleagues believe like so many of them say, that they believe all money should be spent out of the Aviation Trust Fund, that goes into the Aviation Trust Fund for aviation, they should vote against this amendment.

Mr. Chairman, I want to say that I oppose this amendment and believe in fairness.

Mr. Chairman, I rise today in strong opposition to this amendment that will strike the general fund payment as well as the off-budget provisions from AIR 21. By unlocking the aviation trust fund and maintaining the general fund payment at the 1998 level, AIR 21 is able to significantly increase funding for aviation infrastructure needs without squeezing out funding for other federal programs. This will not be the case if this amendment passes.

Every American, whether he or she knows it or not, benefits from our national aviation system. The safe and efficient operation of a strong national aviation system allows our national economy to grow and thrive. As a result, the general fund contribution to aviation is more than justified. The general fund payment is used to fund a variety of FAA services that benefit society as a whole, such as safety regulation and certification and security activities to protect against terrorist attacks on U.S. aircraft. The general fund payment also reimburses the FAA for services it provides to military and other government aircraft that do not pay aviation taxes but still use the system.

There is no good reason to eliminate the general fund contribution to aviation. This is especially true under AIR 21 since the bill freezes the general fund contribution at 1998 levels, which results in a 23 percent average general fund share for the FAA. This is down from historic levels of 39 percent and recent levels of 32 percent.

The infrastructure needs of our national aviation system are tremendous. More and more people are flying each day but our aging air traffic control system and aging airports can hardly keep up with demand. Increased funding is needed today to make sure that our aviation system can handle increased demands tomorrow and in the future. The supporters of this amendment recognize this need for increased funding because they leave AIR 21 funding levels intact.

However, because this amendment does not take the aviation trust fund off-budget, the needed increases in aviation spending will squeeze out other discretionary federal programs under this amendment. The only way not to squeeze out other discretionary spending under this amendment would be to underfund aviation programs. This is clearly unacceptable and this is why we need AIR 21 as it is—with a modest general fund payment and off-budget provisions that will allow aviation taxes to be spent on aviation infrastructure needs but will not negatively affect other federal discretionary programs.

I urge my colleagues to oppose this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER) the very able and distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I want to commend my colleague, the gentleman from Pennsylvania (Mr. SHUSTER) for what clearly is a very good bill. The substantial increases in funding will create new terminals, gates and other airport infrastructure. This, in turn, allows additional air carriers to serve more fliers and more airports which increases competition and efficiency at our nation's airports.

What we have before us at this moment, Mr. Chairman, is a measure to make this a great bill, and it is, as it is currently written, H.R. 1000 does two things that I believe are fiscally unsound.

First, the bill takes the Aviation Trust Fund off budget which reduces accountability; second, the mandate that $3.3 billion from the general fund be spent on aviation programs every year means less tax relief for American families. This amendment will keep the Aviation Trust Fund on budget and allow Congress to make responsible annual decisions about FAA spending.

This debate is about the allocation and control of federal spending and about whether it makes sense to let the FAA run on automatic pilot. The bill spends $39 billion over the next 5 years, which is 14 billion above the baseline. By taking the Aviation Trust Fund off budget, Congress has no incentive to monitor how all that money will be spent.

I want to make sure the FAA is brought into the 21st century so that Americans continue to have the safest aviation system in the world. This amendment will allow this to happen while boosting economic growth through responsible tax relief. In our budget resolution we promised the American people tax relief that would not undermine the Social Security Trust Fund. We voted to save Social Security, provide tax relief, restore our defense capabilities and expand educational opportunities. Without adoption of this amendment, it would put aviation programs above all those priorities.

This amendment, Mr. Chairman, if it passes, the authorized funding levels in H.R. 1000 will not change. On an annual basis we will be able to provide the level of funds necessary to ensure airline safety while staying within the parameters of our budget resolution.

I urge my colleagues to support this bipartisan amendment.

Mr. OBERSTAR. Mr. Chairman I yield 1½ minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Young-Kasich amendment. This amendment would ensure a continuation of the unsatisfactory status quo in which the taxes contributed by aviation users are not spent to improve our Nation's airports and air traffic control system.

Mr. Chairman, AIR 21 seeks to unlock the Aviation Trust Fund and ensure that the investments necessary to keep our transportation system safe and efficient are made in a fiscally responsible manner without adversely affecting other discretionary programs or Social Security. Some supporters of this amendment would have us believe that AIR 21 will take funding away from Social Security. This is just not true. All of AIR 21's funding increases come from funds available outside of the Social Security part of our budget.

Mr. Chairman, based on the safety needs of our Nation's system, aviation system, the job opportunities which will be created and the fair and equitable treatment of budget issues in this bill. I strongly urge my colleagues to vote against the Kasich-Young amendment and permit our aviation taxes to be used to improve our Nation's airports and air traffic control system.

Mr. Chairman, a vote against this amendment is a vote for air traffic safety.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

Mr. Chairman, enplanements, people getting on to airplanes, rose from 514 million to 642 million passengers per year. That is an increase of 128 million people a year, 25 percent. Total Aviation Trust Fund income in 1992 was $5.9 billion, and it rose to 8.7 billion in 1998. That is an increase of over 31 percent.

Did the money go into airport infrastructure improvements? No. The Aviation Trust Fund expenditures in 1992 were 6.637 billion, and in 1998 they were 5.7 billion. That is a decrease of 14 percent.

Now in 1998 the FAA experienced 101 significant system outages, and one of them lasted for more than 5 days. I would only suggest to my colleagues, Mr. Chairman, that the 642 million people who found themselves in the air in 1998 had no higher priority than taking the Aviation Trust Fund off budget.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARCHER) the distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I am very reluctant in standing here to speak for this amendment and, in effect, against the bill.

Our budgetary concept is a flawed one, but we have to live with it, and in order to protect our twin promise for meaningful tax relief and preservation of the Social Security surplus I rise in support of the Young-Kasich amendment.

Only 2 months ago we agreed that Americans were overtaxed at the highest peace-time tax take in history, and they need relief, and we approved a budget resolution instructing the Committee on Ways and Means to provide over the next 5 years $142 billion of net tax relief to hard-working Americans. According to the CBO, the bill before us in its current form would reduce projected surpluses over the same period of time by nearly $43 billion, leaving us with roughly a hundred billion only in tax relief over the next five years.

Colleagues will hear today differing estimates on the impact of H.R. 1000 on the budget surpluses, but they need to know that those estimates are based on the assumption that the administration will lower the spending caps next year. Now I will let my colleagues be a judge of that. We are having tremendous difficulty keeping the spending caps this year, and they are already scheduled to go lower next year under current law. This assumes they will go even lower. That just will not happen.

More troubling is that this bill could eliminate entirely any net tax relief for the year 2001 and force us to renege on our promise for early tax reduction at just about the same time voters head for the election booth next year.

I believe it is imperative that our country have a modern infrastructure and safe and efficient FAA operations. I also agree with the principle that trust fund dollars should be spent for their stated purpose, and a vote for the Young-Kasich amendment does not compromise those goals.

The choice is simple. Colleagues can vote for more government spending, or they can vote to preserve tax relief for retirement, health security, strengthening families and sustaining a strong economy.

I urge the House to vote for the Young-Kasich amendment.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, the FAA estimates that passenger use of aviation infrastructure will increase by 43 percent over the next 10 years. Let me submit to my colleagues this is a public safety issue. We cannot safely increase passenger enplanements by 43 percent without making significant new investments in aviation infrastructure.

It is that simple. This bill begins to make the appropriate level of investment in our aviation infrastructure to make it safe.

Let me point out that the adoption of the Kasich amendment would place a critical environmental provision in jeopardy. We cannot afford to shortchange our investment in improving air quality, and this legislation includes provisions that will for the first time provide resources specifically to deal with the purchase of low emission vehicles at airports and air quality nonattainment areas.

□ 1530

Think how important that is.

The 10-airport, $20 million program will promote the expanded use of natural gas and electric vehicles at our Nation's airports, and I submit that is good public policy. I applaud the author, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, if we had no trust fund, we would still finance FAA through the general fund. More people flying, more exposure, more risk. The appropriators with this bill still have the control. One of the great chairman, the gentleman from Florida (Mr. YOUNG), would still have that control, and our appropriators.

The Social Security Trust Fund should be used for Social Security. The Highway Trust Fund should be used for highways. The Aviation Trust Fund should be used for aviation. If you want to cut taxes and throw that in the equation, cut taxes.

We have been using trust funds to deceive the true budget and deficit picture in this country for too long. This is a dedicated tax. It should be used for aviation. We should pass it today, this bill, and oppose this amendment. This amendment is very similar to the gutting bill in the highway transportation package. We were able to defeat it then; we should defeat it today.

Mr. OBEY. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Young amendment. I cannot believe that this Congress, let me put my words to this side, is ready to do what they may be going to do. There are 144 trust funds. We are not going to do anything for cancer research. We are not going to do anything for juvenile diabetes. We are not going to do anything for Alzheimer's disease.

Read the Concord Coalition letter. They say this bill is an assault on fiscal discipline. Spending is spending. It is this kind of spending, it is that kind of spending. Spending is spending. My colleagues are going after Medicare, they are going after Social Security, they are going after cancer research, and they are going after, as the gentleman from Texas (Mr. ARCHER) said, the tax cut.

For the integrity of our party, we have worked hard to bring about a balanced budget. Let us not slip back. I strongly urge support of the Young-Kasich amendment.

Mr. OBERSTAR. Mr. Chairman, could I inquire as to the breakdown of time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 2 minutes remaining; the gentleman from Pennsylvania (Mr. SHUSTER) has 4½ minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining; and the gentleman from Minnesota (Mr. OBERSTAR) has 7½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this extremely generous period of time.

It is an interesting debate we have before us. We have heard that if we spend the Aviation Trust Fund, funds which are collected for the safety and capacity of the aviation system, we might not be able to give generous tax cuts.

Well, let me put a situation to my colleagues. I fly a lot, sit next to people and talk a lot about safety. If you have just been caught in a microburst, and your plane is heading toward the ground, and you are crossing yourself and saying your goodbyes, you are not going to feel really good about that $78 tax cut burning a hole in your pocket, and that is because you did not have the public funds for the Doppler radar to make the system safe for all Americans.

There are only some things you can do with public dollars and with trust funds and tax dollars, and some things individuals can do for themselves. Individuals are not going to get together frequent fliers and collect money for Doppler radar for the local airport. They are going to spend the money on something else. We need that safety investment.

It is also ironic that we are hearing that somehow this is an attack on Social Security. Many of the people are standing up who just voted for the Social Security lockbox because it is a trust fund. Guess what? This is a trust fund. The money is collected for capacity and safety from flying Americans; it should be spent on those purposes.

Now, the chairman of the committee said, it is not spent on anything else; it is true, he is right. We only underspend the money, there is $9 billion in the trust fund, replace it with IOUs, and then we spend it on something else. We are not really spending it on something else because we have replaced it with IOUs. We do not make the critical investments in capacity, we do not make the critical investments in safety, we jeopardize the flying public and the future of aviation in this country all with very shortsighted budget logic. Vote against this amendment.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. DOOLITTLE), a member of the committee.

Mr. DOOLITTLE. Mr. Chairman, I regret that I am in disagreement with some colleagues that oftentimes I am in agreement with, but I think, I really think, this amendment is the wrong way to go.

Anyone who flies knows how inconvenient air travel is becoming, the tremendously long waits that people are experiencing, the crowded conditions one is in, the canceled flights that happen all of a sudden. One knows that one is having traffic control difficulty because the plane cannot land at the destination airport.

All of these things are due to the tremendous increase in congestion at our airports. There is going to be a 10 percent annual increase in passenger miles from now on each year way into the future. We have to get ahead of the game. We have to build up our infrastructure in this manner. We are only asking to spend the money that is in the trust fund to do that. This amendment not only puts it all on budget again, but cuts off the general fund support for vitally needed things like the Doppler radar and other things. For that reason and others I would strongly urge my colleagues to reject this amendment, and let us move forward on the bill.

Mr. YOUNG of Florida. Mr. Chairman, would the Chair advise us as to how much time each of us has remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 2 minutes remaining; the gentleman from Pennsylvania (Mr. SHUSTER) has 3½ minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining; and the gentleman from Minnesota (Mr. OBERSTAR) has 6 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, with all due respect to the proponents of this legislation who, I think, are pursuing a worthy goal, it is simply not true that we can afford to do this at this time. The theory says, trust funds should be trust funds. But in reality, we cannot afford this legislation. The simple fact is that we are dipping into the general fund for 30 percent of these monies. We are dipping into the general fund for $3.3 billion.

H.R. 1000 will force Congress to break both the budget caps that we agreed to with the President and to spend part of the Social Security surplus. We simply cannot afford to do that at this time. I urge my colleagues to support the Young-Kasich amendment and to pass the legislation with that amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I rise against this legislation for all of the reasons that have been given, but also because of the jeopardy that it imposes for small, quiet, rural areas of our country, those of us without a screaming Dulles Airport in our backyard. The members of this committee who represent small communities in rural areas should take a good look at this bill because it contains a number of initiatives aimed at helping small airports.

While a great deal of attention is often focused on the larger airports in big cities, the importance of airports in rural areas is increasing across our Nation. Indeed, these airports are more than a simple facility to serve the traveling public. They are becoming engines for economic development. Yet, since airline deregulation we have seen a number of serious declines in air service, while the cost of that service has increased. With AIR 21, we mean to do something about this decrease in service and increase in cost to the small airports and consumers across the Nation.

Mr. Chairman, this bill makes a great deal more funding available to these small airports to address their infrastructure needs. I urge defeat of the pending amendment.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise in opposition to the Young/Kasich amendment.

For years we have told the American tax payers that they are paying gas taxes to improve their roads and airport taxes to improve their airports. In reality, they paid gas taxes and airport taxes to pay for welfare programs, the military, the Department of Education and a variety of other programs. This is not right. TEA–21 ensured that gas taxes are again used for our roads. This bill today will do the same for our airports. If we collect a tax for a specific purpose, we should use it for that purpose. If we don't need the money for our airports, then we shouldn't collect it. If we do collect it, then it should be used for airports.

I understand that my colleague Mr. KASICH is trying to be fiscally responsible. But I think the fiscally responsible thing to do is to be honest with the American people about where their money is going. I urge my colleagues to oppose this amendment.

•

Mr. SHUSTER. Mr. Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, AIR 21 is a matter of trust with the American citizen. The citizen sees this trust fund as one which uses these excise taxes to assure aviation safety. This is the conservative way to fund programs. If we have to fund and make up for lost time with our aviation infrastructure, then we should be using every dime in that Aviation Trust Fund. If we are not going to keep faith with the American people, then close the fund and lower taxes. But do not come in here and say any funds in any trust fund can be utilized in any way. Presidents have tried to cloud their actual deficit. If we do not strengthen this trust fund, every Member will be after those funds. There will not be enough to sustain the needs for our aviation infrastructure.

Mr. Chairman, if we need expansion, we should expand that aviation tax. We should have several trust funds. We already have one and that is Social Security. We locked it up. So no President can dip into that fund to mask his deficit. We ought to have a separate Surplus Trust Fund beyond the needs of Social Security. That separate Surplus Trust Fund is the source to fund the lowering of the taxes. That would be keeping the trust fund faith with the American people.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa (Mr. BOSWELL), a pilot.

Mr. BOSWELL. Mr. Chairman, I rise in opposition of this amendment. It has been an interesting parade here this morning of all of the powers that be of this Congress to talk about this issue. Quite a list has been recorded here of things we need to do. But not from the ticket tax on the aviation fund.

Now, those of my colleagues, all of my colleagues fly, they fly a lot. They do not hear anybody complaining to them about that extra fee to fly. They want safety, they want timeliness, they want dependability. They want the air traffic control system to be upgraded. They really want things to be safe. Here is an opportunity to collect the funds for the purpose that it is intended for and use it for that purpose, and the need is great.

Some of my colleagues can give the statistics on how fast it is growing, the passenger traffic and freight traffic, and the need to modernize and extend airports like Miami all the way to California. We have got to do it. Oppose this amendment.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I repeat once again, the issue is not whether the trust fund should be spent on other purposes other than aviation; it should not. The question is whether or not the general fund should be required to subsidize the Aviation Trust Fund above and beyond the money that is spent out of the trust fund, even if that subsidization means additional reductions in cancer research, in veterans' health care, in diabetes research, in education, in Pell grants; and, in my view, it should not.

The gentleman from Pennsylvania (Mr. SHUSTER) said the AFL–CIO is for his bill, the NFIB is for it, and the Chamber of Commerce is for it. If that is true, then we have a trifecta today. All three of them are wrong. If we want to preserve budget discipline, if we want to preserve budget discipline, if we want to preserve budget balance and fairness, my colleagues will support the Young amendment, and they will oppose the Shuster amendment unless the Young amendment carries.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 5½ minutes.

Mr. SPRATT. Mr. Chairman, I join my colleague, the gentleman from Ohio (Mr. KASICH) and rise in strong support of this amendment. This amendment strikes Title IX out of the bill. Title IX takes all airport and airway trust fund receipts and all spending off-budget.

We use that word "off-budget" around here loosely. What does it mean? In this case, off-budget means that airport and aviation spending will no longer be subject to the discretionary spending caps, one of the most effective devices for controlling the budget we have ever devised around here. It will no longer be subject, it will be so privileged and protected that it will no longer be subject to sequestration if we overshoot those caps.

It also means that when aviation spending is removed from these spending caps, these caps, which already are extremely tight, will have to be ratcheted down, screwed down, and made even tighter. The discretionary spending caps will have to be lowered by at least $8 billion to $10 billion to account for what the aviation trust fund has been taking in every year.

On top of that, about $3 billion, which I will explain in a minute, is effectively carved out of the general fund.

We have had a hard enough time this year. We have only begun bringing the budget to closure under the existing caps. It is going to get even tighter in future years. It will be even harder if we lower these limits even more.

Let me explain an additional problem. When this bill was first written, its authors knew if they just took the aviation trust fund off-budget, sure, they could gain all of the trust fund spending, but they would risk losing general fund spending. It would run as much as $3.5 billion over the last several years. To protect against that loss, they tried to put firewalls around their share of the general fund pie, equal to a little over $3 billion a year.

But it was soon perceived what they were doing. They were trying to have their pie and eat it, too. So the supporters of this bill rewrote the bill. They now say it leaves the Appropriations free to decide just how much should go to the FAA every year out of general revenues.

That argument will not stand up. This bill restricts the amount of the aviation trust fund that can be spent on operations of the FAA, and requires the general fund to make up the difference.

Sure, the Committee on Appropriations can decide not to make up the difference. They can refuse to appropriate the needed funds. If they fail to put up the money, though, the FAA will fall short of what it needs to keep air traffic safe. The firewalls are, in effect, still in place.

What is wrong with taking the aviation trust funds off-budget, or any trust fund off-budget? It sets a troubling precedent. The gentleman from Virginia (Mr. WOLF) just pointed to the problem. There are 144 trust funds in the Federal budget. Supporters of these other funds are already lining up for off-budget treatment, too.

Coming on the heels of this bill will be a nuclear waste bill, with the electric utilities pushing to go off-budget. Then the Land and Water Conservation Fund, with the environmentalists pushing to go off-budget. Why do they want to go off-budget? Because the budget is finally binding; because they want to escape these strictures. The budget which they have finally brought us delivered us from a world of deficits to a world of surpluses. They want to escape the budget, no secret.

If we take this step down this slippery slope, that is exactly what it will be. We risk the balkanization of the Federal budget. On the other hand, if we have the discipline and the forbearance, if we do not dissipate the budget surpluses we see rising on the horizon, within the next 4 to 5 years there should be sufficient surpluses without social security and without any of the 140 trust fund surpluses to allow user fees and dedicated and earmarked taxes to flow through most of the trust funds and still adequately fund other needs out of the general fund.

Every year we hear we are where we are with the budget because of the steps we have taken to stiffen the budget process, the pay-go rules, the discretionary spending limits, the sequestration rules. All of these things have worked. They are complex, they are arcane, but they have worked.

Vote to keep them working. Vote for budget discipline. Vote for this bipartisan, genuinely bipartisan amendment which is offered by the gentleman from Ohio (Mr. KASICH) and me of the Committee on the Budget and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) of the Committee on Appropriations. This is the right way to go.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise as a volunteer member of the off-budget committee, as suggested by my distinguished friend and colleague, the gentleman from South Carolina (Mr. SPRATT).

Mr. Chairman, I have heard more red herrings in this debate this afternoon than I have heard in a long time on the House floor: No fiscal discipline, all restraints do not count.

Baloney. The aviation tax is a restraint. We cannot get more than the taxes provide. The general revenue limit in this bill, that is a restraint. We do not allow the general revenue funds to increase. Any increase demanded by operations is going to come out of the ticket tax fund. The Committee on Appropriations has the ability to limit obligations. That is a restraint.

Ignore the rest of the budget? Baloney. The same gang that cannot shoot straight today could not shoot straight last year. They said last year on T-21, oh, my God, the sky is falling if we pass this bill. We will not be able to do health care, we will not be able to do education, we will not be able to do all the other good things we want in this Federal budget.

Well, we are doing them. The construction crews are out there on the highways building the road improvements, building the bridge improvements that America wants and needs, making the transit improvements in America's cities they need. All we want is to do the same thing, have the same fairness with the aviation trust fund.

Will our good friends and colleagues on the Committee on Appropriations guarantee a commitment to spend out the revenues into the aviation trust fund that come in from the ticket tax every year? I did not hear any of that in the preceding debate. I did not hear any commitments to assure that the taxes and the interest thereon will be invested for the purpose for which air travelers are taxed. We did not hear any of that debate.

We heard all this stuff about the general revenues of the United States, of the Federal government. Other agencies provide safety services to the public, including the Food and Drug Administration, the Food Safety Inspection Service, the Occupational Safety and Health Administration, environmental protection. They get 80 percent of their budgets, at least, from the general fund. The FAA is going to get about 23 percent.

We are assuring that the taxes into the trust fund will go to cover the cost of general revenues.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding and raising that point.

Mr. Chairman, I am here to tell the gentleman that the Committee on Appropriations will guarantee and does guarantee by this amendment that the income from that aviation tax going into the trust fund would remain there. The interest would remain there. We have not and would not attempt to use that funding for any other purpose. I want the gentleman to be assured of that.

Mr. OBERSTAR. Reclaiming the little bit of time I have left, Mr. Chairman, I appreciate the gentleman and would be delighted if he would just include firewalls. That is all that is missing from that language. What we need to have is real firewalls.

Ultimately, Mr. Chairman, this amendment comes down to how does it affect each Member's State and each Member's airport. Here, come to this desk. Here is a glimpse of the future. Take a look at how the cuts that will result from this amendment will affect Members' airports. We can show them how that will affect their airport.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Wisconsin.

Mr. OBEY. I think there is another question that ought to be asked: How will it affect the country if we blow the budget?

Mr. OBERSTAR. It will affect the country by improving airports, increasing the efficiency of air travel, improving the national economy, keeping America the leader in the world in aviation.

Let us vote for the 21st century. Let us vote for this bill, and vote down on this amendment.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I have been informed that there is a problem in the Capitol as a result of an event that is taking place in the Rotunda right now, and that Members will not be, though it is a wonderful event taking place, Members will not be able to get here for the vote.

Therefore, in consultation with the gentleman from Florida (Chairman YOUNG), the two of us have agreed that I will make a motion in a few seconds that the committee do now rise, and it will be for about 30 minutes, I am told.

Then we will come back and the two remaining speakers on this amendment will be the gentleman from Florida (Chairman YOUNG) and myself.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply observe that this is not the first time there has been a problem in the Capitol. But I agree with the gentleman's solution.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOLF) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 57 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1655

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 4 o'clock and 55 minutes p.m.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1000.

☐ 1656

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, pending was Amendment Number 2 printed in part B of House Report

106–185 by the gentleman from Florida (Mr. YOUNG).

The gentleman from Florida (Mr. YOUNG) has 2 minutes remaining in debate, and the gentleman from Pennsylvania (Mr. SHUSTER) has 2½ minutes remaining in debate.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Young-Kasich amendment.

This amendment guarantees that aviation will get its fair share of the funding. Our amendment allows us to spend all of the aviation revenues and spend them only on authorized aviation purposes.

Since the trust fund was created in 1970, we have appropriated all of the ticket tax revenues and more. And my amendment does nothing to undermine that policy. This is a policy that is fair to the traveling public.

Our amendment deletes those parts of the bill which bust the budget and put FAA spending on autopilot. Without the amendment, AIR 21 makes already strained budget cap problems $3 billion worse each year because it guarantees a locked-in amount for general fund appropriations.

Our amendment preserves the ability of this Congress to control aviation spending and provide real tax relief for American families. This amendment is endorsed by all of the leading budget watchdog groups, including Citizens Against Government Waste, the Concord Coalition, and Americans for Tax Reform.

Also, we have been advised that because of this section 103(b), the administration is recommending a veto on the bill.

So I would suggest that it would be in all of our best interest and in the best interest of the aviation industry and the flying public and in the best interest of those who are committed to balancing the budget and preserving the surplus for Social Security and, hopefully, in the future for a tax break that we support this amendment and take out the onerous part of this bill that is a budget buster.

I would ask that our colleagues when they come to the floor to take the opportunity to read the handouts that we will have to show just exactly how this is a budget buster and to be assured that we are not taking one penny away from the monies in the trust fund that have been paid in by the traveling public, the people who fly in airlines all over this great Nation of ours.

So the concern that was expressed by my colleague the gentleman from Minnesota (Mr. OBERSTAR) earlier in the debate that that would happen is just not the case. That is guaranteed. That is protected. That is there until somebody changes the basic law. This amendment does not change that. This amendment keeps this bill from being a budget buster.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been absolutely astonished at the misinformation that has been put out during the course of this debate. People are entitled to different opinions, but they are not entitled to different facts.

Read the bill. Fact one is, this does not break the budget caps. This is funded outside of the budget through a tiny portion of the tax cut.

Fact number 2, this does not touch the Social Security surplus.

Fact number 3, this eliminates general funding.

We hear about general funding, the use of the general fund, as though this were something new. This has been a part of the aviation bill from day one.

Indeed, the very commission that we created indicated that it is proper for there to be general funding for aviation because it is in the public interest.

□ 1700

Fact No. 4: We actually freeze the level of general funding so there can be no increase in spending from the general fund, which takes pressure off the appropriators in the future.

And Fact No. 5: When my colleagues come to the floor, they should look at what this does to their airport if this passes. Primary airports will lose 67 percent of their entitlements; cargo airports will lose two-thirds of their entitlements. General aviation airports will lose all of their entitlements.

The Speaker of the House supports our legislation, the Democratic Leader supports our legislation. Indeed, the Speaker has said he will come to the floor not only supporting this legislation, but actually will vote in favor of our legislation.

So defeat this killer amendment so that we can proceed to do what is right for America and improve America's aviation system. Mr. Chairman, I urge opposition to this amendment.

The SPEAKER pro tempore (Mr. BONILLA.) The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 248, not voting 7, as follows:

[Roll No. 207]

AYES—179

Aderholt
Archer
Armey
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brown (OH)
Burr
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Clayton
Clyburn
Coburn
Condit
Conyers
Cox
Cramer
Cunningham
Davis (FL)
DeLauro
DeLay
Dickey
Dicks
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Farr
Foley
Fossella
Frelinghuysen
Gibbons
Gillmor
Goodlatte
Goss
Graham
Granger
Green (WI)
Hall (OH)
Hall (TX)
Hayworth
Hefley
Herger
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Hoyer
Hulshof
Hunter
Hyde
Istook
Jackson (IL)
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kilpatrick
Kind (WI)
Kingston
Knollenberg
Kolbe
LaFalce
Latham
Levin
Lewis (CA)
Linder
Lofgren
Lowey
Luther
McCrery
McInnis
McIntosh
McKeon
Meehan
Miller (FL)
Miller, George
Minge
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Obey
Olver
Ose
Oxley
Packard
Pastor
Pelosi
Pickering
Pitts
Porter
Portman
Price (NC)
Ramstad
Regula
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Sawyer
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Stump
Sununu
Tancredo
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weller
Weygand
Wicker
Wolf
Wu
Young (FL)

NOES—248

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Barcia
Barr
Bartlett
Bass
Bateman
Bereuter
Berkley
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burton
Buyer
Camp
Campbell
Cannon
Capps
Capuano
Carson
Chenoweth
Clay
Clement
Coble
Collins
Combest
Cook
Cooksey
Costello
Coyne
Crane
Crowley
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Doyle
Duncan
Ehlers
Engel
English
Evans
Ewing
Fattah
Filner
Fletcher
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Gordon
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Holden
Hooley
Horn
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jenkins
John
Johnson, E.B.

Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Leach
Lee
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pombo
Pomeroy
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Rivers
Ros-Lehtinen
Rothman
Rush
Sanchez
Sanders
Sandlin
Saxton
Schakowsky
Scott
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Slaughter
Smith (NJ)
Souder
Spence
Stabenow
Stark
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thune
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Waters
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—7

Boucher
Brown (CA)
Hostettler
Houghton
Jefferson
Lewis (GA)
Pryce (OH)

□ 1727

Messrs. BRADY of Texas, HILLEARY, WEXLER, FLETCHER, WELDON of Florida and Ms. MILLENDER-McDONALD changed their vote from "aye" to "no."

Messrs. DOGGETT, CLYBURN, FOSSELLA, WATT of North Carolina, MINGE, HALL of Texas, GEORGE MILLER of California and SAWYER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in Part B of House Report 106–185.

AMENDMENT NO. 3 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. JACKSON of Illinois:

In section 105(a) of the bill, at the end of the matter proposed to be added as section 40117(b)(4) of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

"(5)(A) If a passenger facility fee is being imposed (or will be imposed) at O'Hare International Airport under paragraph (1) or (4), the Secretary may authorize under this section the State of Illinois to impose a passenger facility fee of not to exceed $1.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at the Airport to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, at an airport located (or to be located) in the State if the Secretary finds that the project meets the criteria described in paragraph (4)(A).

"(B) The maximum amount of a passenger facility fee that can be imposed at O'Hare International Airport by an eligible entity under paragraph (4) shall be reduced by the amount of any passenger facility fee imposed at the airport by the State of Illinois under this paragraph.

"(C) Except as otherwise determined by the Secretary, if the State of Illinois submits an application to impose a passenger facility fee under this paragraph, the State shall be subject to the same requirements as an eligible entity submitting an application to impose a passenger facility fee under paragraph (1) or (4).

"(D) Paragraph (2) shall not apply to a passenger facility fee imposed under this paragraph.".

Strike section 105(c)(2) of the bill and insert the following:

(2) by striking "an amount equal to" and all that follows through the period at the end and inserting the following: "an amount equal to—

"(A) in the case of a fee of $3 or less, 50 percent of the projected revenues to the airport from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

"(B) in the case of a fee of more than $3, 75 percent of the projected revenues to the airport from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section."; and

The CHAIRMAN. Pursuant to House resolution 206, the gentleman from Illinois (Mr. JACKSON) and a Member opposed each will control 5 minutes.

Mr. SHUSTER. Mr. Chairman, although I am opposed to the amendment in its present form, I ask unanimous consent that the time for this amendment be increased from a total of 10 minutes to a total of 16 minutes so that the gentleman will have an extra 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Each side will, under the unanimous consent agreement, have 3 additional minutes.

The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Illinois (Mr. JACKSON) each will control 8 minutes.

The Chair recognizes the gentleman from Illinois (Mr. JACKSON).

□ 1730

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge support for an amendment that I actually am planning on withdrawing. I am proud to offer this amendment with my distinguished colleague, the gentleman from Illinois (Mr. HYDE).

Mr. Chairman, this amendment will allow the Illinois Department of Transportation to petition for 50 percent of increased PFC revenues authorized by this bill that will be earned by the Chicago Airport Authority so that PFC funds earned in Illinois will be used in a way that Congress originally intended.

The stated purpose of the Passenger Facility Act was to, and I quote, "Enhance safety or capacity of the national air transportation system, reduce noise from airports, and furnish opportunities for enhanced competition among or between the carriers."

Mr. Chairman, this amendment does not impose extra fees on travelers through Chicago. It merely allows the State of Illinois the opportunity to share in additional PFC revenues provided by Air 21 to help meet the needs of all Illinois residents and honor Congress' intent.

Authorizing a division of funds in this way between the city and the State allows for balanced growth. Appropriate use of PFCs has been an ongoing problem since they were instituted in 1990. The city of Chicago collects the $3 ticket tax to the tune of about $100 million a year, although much of this revenue stream is not being used as Congress intended; that is, to increase capacity. Instead, the city uses the PFCs in a number of ways: Number one, to finance a $1 billion facelift at O'Hare Airport that will not ensure one new flight will land at that airport.

In the district of the gentleman from Illinois (Mr. LIPINSKI) where Midway Airport is located, they are using the PFCs to finance a $7 million terminal expansion at Midway. This is Midway Airport. As Members can see, they have the longest runway, of 6,446 feet. 21st Century aircraft, 747s, 767s, and 777s, will never land, I say to the gentleman from Minnesota (Mr. OBERSTAR) at Midway Airport. The runway is too short. It has always been too short.

Therefore, the $76 million that are being used at parking lots and terminal expansion without increasing runway length or space between runways and taxiways at Midway Airport is just another example of how taxpayers and air travelers are paying resources, increased resources under Air 21, without enhancing capacity at some of our Nation's larger airports.

This is Midway Airport. This is O'Hare Airport, under its present configuration. As Members can see, O'Hare Airport, while the busiest airport in the world, is in need of several major improvements in order to increase the length of its runways so that 21st century aircraft can land at this airport.

Mr. Chairman, unless we use passenger facility charges in a way to expand runways, to lengthen runways, to lengthen the space between runways and taxiways, to take airspace more seriously and spacing between aircraft, and not just use the passenger facility charge for offsite airport projects, including the building of highways and light rail across our country, we will indeed never meet the expectations of Air 21.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. JACKSON of Illinois. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR).

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 4½ minutes.

Mr. OBERSTAR. Mr. Chairman, I, of course, rise in opposition to the amendment offered by the gentleman from Illinois (Mr. JACKSON), but I respect enormously the sincerity and integrity with which he offers this amendment. I appreciate very much his concerns about the use of PFC charges.

When in 1990, as chair of the Subcommittee on Aviation, I crafted the passenger facility charge in conjunction with my colleagues on the Republican side, then our ranking member, the gentleman from Pennsylvania, Mr. Clinger, and with then Secretary of Transportation Sam Skinner, we had in mind that the increased revenues from the PFC would be invested in taxiways, runway improvements; airside, hardside improvements.

But as it turned out over the years, airlines opposed those improvements, airport neighbors opposed major runway improvement projects, and airports turned their attention to the ground side; that is, the access for passengers to the gates and to their aircraft.

Over the years, 23 percent of the PFCs were invested in the hard side improvements and in increasing capacity for airports, increasing competition by adding gates for new competitors.

However, in the nearly decades since the PFC has been in operation, those earlier obstructions to investment in runway and taxiway improvements have been overcome. More of the PFC dollars now are being invested in competition-enhancing projects, and the need for those projects is only growing in the future. We have to give airports the ability to meet those requirements through this additional PFC.

The basic problem with gentleman's amendment, Mr. Chairman, is that it would give another level of government control over what has been a local Airport Authority power.

The prohibition in Federal law that we adjusted in 1990 with the PFC was to lift the prohibition on airport authorities to impose revenue-generating measures. That prohibition applies to the Airport Authority. We did not give such power or legal authority to State government.

The gentleman's amendment would provide that the State of Illinois, not a government authority that has responsibility directly for O'Hare, would gain control over a portion of PFCs that would be generated by O'Hare. In fact, the provision would allow the fees collected at O'Hare to be used for any airport project anywhere else within the State.

That is not appropriate. That violates the integrity of the PFC and of the concept that we initiated in 1990 with the passenger facility charge.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman would kindly respond to a question, there are no present plans, according to the gentleman from Illinois (Mr. LIPINSKI), as heard earlier by most Members who were present and those who were listening by way of C–Span, indicating that one PFC dollar, according to the mayor of the city of Chicago, will be used for new runways; that not one PFC dollar would be used to expand the 6,446-foot runway at Midway Airport.

My specific question is, since the mayor of the city of Chicago has indicated that PFC revenues will not be used to expand or lengthen runways, they are using most of the PFC revenues, if not all, as the gentleman from Illinois (Mr. LIPINSKI) said earlier, for offsite rail projects, offsite airport projects.

I am interested in gentleman's position on capacity and expanding capacity consistent with the 1991 Act.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, I would just like to say that the gentleman asked me a question earlier in regard to what Mayor Daley had to say at a meeting of the Illinois delegation. He made the statement that he would not use any of the PFC money for the extension of runways or additional runways at O'Hare Airport.

I said to the gentleman, that is what I heard him say, but that is all I agreed to. I didn't say anything about off the airport or anything like that.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the gentleman from Illinois (Mr. JACKSON) is absolutely, positively right. I was here when the proposal was made for this tax, and foolishly I believed that it was for providing funds to build a third airport, something I am for and something Chicago desperately needs, so I voted for it.

When the third airport fell through because it had to be built in Chicago or it could not be built, then the money was diverted for other purposes. It has never gone for the purpose for which it was promised and intended. That is wrong. The amendment of gentleman from Illinois (Mr. JACKSON) is right and ought to be supported.

They say, we cannot beat City Hall. We are proving it again today. I am for the amendment offered by the gentleman from Illinois (Mr. JACKSON).

Mr. SHUSTER. Mr. Chairman, I yield my remaining 4 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I thank the chairman of the full committee for yielding time to me.

Mr. Chairman, I would like to say, in regard to this particular amendment, I can certainly understand the position of the gentlemen from Illinois, Mr. JACKSON and Mr. HYDE, but I definitely disagree with them. I very strongly oppose this amendment.

Mr. Chairman, first of all, as the gentleman from Wisconsin (Mr. OBERSTAR) made mention, the law states that money collected by an airport or an airport authority is to be spent at that airport or by that airport authority.

The gentlemen from Illinois, Mr. JACKSON and Mr. HYDE, want to move the ability to spend PFC money collected at Midway or O'Hare to the State of Illinois. The State of Illinois has tried once before to do this. A Federal appellate court has turned them down and said that this would be illegal. The money must be spent at O'Hare and Midway Airport.

On top of that, though, the new outstanding Republican Governor of Illinois, Mr. George Ryan, has categorically stated privately and publicly that he wants no PFC money from Midway Airport or from O'Hare Airport to go into any other airport in the State of Illinois.

Mr. Chairman, the gentleman has a very nice blown-up picture there of Midway Airport. If the gentleman went a little bit farther west, the gentleman would even have my home in that picture. Unfortunately, the gentleman did not manage to do that.

But the gentleman did mention the fact that we are spending a lot of money on building a new terminal at Midway Airport. The gentleman said that this is not going to increase capacity. That is an error on gentleman's part. The new terminal being built on the east side of Cicero Avenue will enable us to install 12 new gates at Midway Airport. This will definitely increase the capacity at Midway Airport.

Right now Midway Airport emplanes about 1.1 million people a year. With the new terminal and the new gates and the increased availability of that facility to people all over Chicagoland, we will have a capacity of close to 8 million emplanements a year.

So I say to my good friend, the gentlemen from Illinois, Mr. JACKSON and Mr. HYDE, that I understand their amendment, but their amendment goes against everything that the PFC has gone for in the past. I ask my colleagues here today, if this comes to a vote, to strongly reject this amendment.

□ 1745

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in strong support of this amendment, an amendment which will help move forward an important project for Chicago and the south suburbs, a third airport which is badly needed.

People often say well, tell us why a third airport is needed for the city of Chicago. So I would like to list three reasons. One, of course, is, as we know, air travel is growing. Air travel is expected to triple in the next 25 years, triple to the point where we will have 90 million passengers travel through the Chicago metropolitan area.

O'Hare and Midway will only be able to accommodate 60 million. Clearly, if we are going to accommodate that growth in air travel, the tripling of air travel, we must expand our capacity. The only way to expand our capacity is a south suburban third airport.

The second reason, in a metropolitan area of 7½ million people in the Chicago metropolitan area, there are 2½ million who reside within a 45-minute radius of the proposed site near Peotone University Park, which is located in the district that I represent, the Chicago south suburbs.

A population of 2½ million people justifies an airport in Baltimore or St. Louis.

Third, when we think about the old adage that when we improve transportation we create jobs, we have to be honest and that does give us the opportunity to bring a quarter million new jobs to the Chicago metropolitan area. We can use them on the Chicago south side, the south suburbs.

A south suburban third airport has bipartisan support. I am pleased that we have the support in leadership from our new Governor George Ryan, our new Senator PETER FITZGERALD, as well as bipartisan support within the House delegation from Illinois, from the gentlemen from Illinois (Mr. JACKSON), (Mr. HYDE), (Mr. EWING), (Mr. RUSH) and myself.

It is that kind of bipartisan support that has made this a good project that is important to aviation, as well as the Chicago area.

I would also like to note that this past week the Illinois State legislature, as well as the Governor, approved $75 million by the State of Illinois to begin purchasing land and begin the process of moving forward on a south suburban third airport, and that was the key part of Governor Ryan's Illinois First Project proposal which was signed into law last week.

This amendment is important because what it does is provides a revenue string to match what the State is already doing, to move forward with the south suburban third airport. I ask for bipartisan support.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I want to commend the gentleman from Illinois (Mr. JACKSON) for this amendment. I am just sorry that the amendment will be withdrawn.

This idea, this approach, toward building a third airport in the city of Chicago is much needed. It is much needed for many reasons, as has been stated by many, many others. Let me just say that in my district, the first district of Illinois, we depend on this type of economic development engine to help create jobs in my district, jobs that have been lost over the many, many years, particularly with the closure of the U.S. steel works there in the city of Chicago.

I commend the gentleman from Illinois (Mr. JACKSON) for this amendment. I strongly support a third airport, and I believe that this House should help achieve that particular objective.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the stated purpose of the PFC Act was to, and I quote, enhance safety or capacity of the national air transportation system, reduce noise from airports and furnish opportunities for enhanced competition among or between the carriers. In theory, this is a good policy. Today, with the passage of Air 21, that passenger facility charge or ticket tax will go from $3 to $6. While I have shown my colleagues that not one dollar is going to be spent on site for this particular airport, this airport with a 6,446 foot runway, a 747 will never land at this airport, a 767 will never land at this airport, a 777 will never land at this airport, because they are spending a billion dollars creating first class waiting areas for passengers; not only at Midway Airport, but the same thing is occurring at O'Hare Airport and airports all across our country, because Air 21 fails to define the word "capacity," leaving mayors in many municipalities with the ability to spend passenger facility charges as they so choose.

Mr. Chairman, I am respectfully withdrawing this amendment, but the next amendment, which we will debate for the next hour, I look forward to supporting. I thank the ranking member for the opportunity, I thank the chairman of this committee, the gentleman from Pennsylvania (Mr. SHUSTER), for the opportunity to debate this issue.

Mr. Chairman, I ask unanimous consent to withdraw amendment No. 3.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 106–185.

AMENDMENT NO. 4 OFFERED BY MR. GRAHAM

Mr. GRAHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. GRAHAM:

Strike section 105 of the bill and redesignate section 106 of the bill as section 105. Conform the table of contents of the bill accordingly.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from South Carolina (Mr. GRAHAM), and a Member opposed, each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, a quick summary of where we are at, as I understand it and believe it to be, there are a couple of things about the bill that are long overdue. The gentleman from Pennsylvania (Mr. SHUSTER) has quite eloquently pleaded his case that the trust fund, the Aviation Trust Fund, where we collect taxes for aviation purposes, should be taken off budget and should be used for the purposes intended.

I think he used the term it was morally wrong to do otherwise. I am not so sure I would go that far but it is certainly not good business practices, and I applaud the gentleman for wanting to do that because we need to stop masking the debt, and these trust funds are in the asset column of the Federal Government in a general way and they should not be. We should not take people's tax money designated for a specific purpose and misappropriate it. The gentleman from Pennsylvania (Mr. SHUSTER) is absolutely right for doing that.

The problem that I see is that we have done far more than that. We have taken the trust fund that has, I think, an $8 billion surplus this year and projected to be $86 billion by 2008 and we have emptied it out this year or are in the process of emptying it out.

Beyond trust fund money, there are general revenue funds, and in 1997 we came up with a balanced budget agreement and we assigned a number to every function of the government that we deal with; and families and businesses do that every day. We gave this area of our Federal Government a number, and unfortunately what we have done is not only have we taken the trust fund off budget and dumped all the money out, the surpluses and otherwise, between now and 2004 the Office of Management and Budget predicts that we will be missing the mark by $21 billion. We will spend $21 billion more than we have allocated in our budget process, and that money has to come from somewhere.

My concern is, what if the economy turns down? What happens to the next worthy cause that comes to the floor of this House where a case can be made for deviating from that number? What will happen is that all the gains we have achieved in the last 4 or 5 years will go down the tubes, and we will wake up one day when the economy chills out, and we will set in place spending plans that we just do not have enough money for and we are either going to raise taxes or cut government, and I do not really see much of a desire to cut government in good times or bad.

So, unfortunately, the sum of where we are at now is that we have done one good thing and created a very bad thing and we are about to create another bad thing. Part of this bill allows for a doubling of the passenger facility charge that came into being in 1990. Ten years later we are going to double that under this bill.

The gentleman from Illinois (Mr. JACKSON) and others have made a very good case that maybe it does not work right already so taking the trust fund off budget was a good thing. Spending a lot more money than allocated under the agreement is a horrible thing that is going to catch up with all of us, and to add on top of that doubling a facility charge that we are really not so sure how it works is just unnecessary.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 20 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that 10 minutes, one-half of that time, be allocated to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member, for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment because there is a well-defined, indeed strictly defined, narrowly defined need to give the local airport authorities the flexibility to increase their passenger facility charges if they can make a case that it is necessary.

This is a very, very carefully crafted part of this legislation, because we are in agreement that airport authorities simply should not be able to willy-nilly raise the PFC, but where they can demonstrate a clear-cut need, then I believe a case can be made.

Let me say particularly to my conservative friends that those of us who are conservatives believe strongly that more and more power should be sent back home to the local area. PFCs are decisions made by the local airport authorities; either directly elected, in some cases, or appointed by the local elected officials. So we are sending back home this decision-making process.

However, we are saying that it will be subject to more vigorous Federal oversight. A PFC can be raised above the $3 level only if the FAA finds the following: That it is needed to pay for high-priority safety, security, noise reduction or capacity enhancement projects and that the project cannot be paid for by available airport improvement grants, which are very significantly increased in this bill; in the case of a building, a road project, that the airside needs of the airport will first be met.

Now, with the higher spending levels in this bill, the increased PFC will probably only be needed at the larger airports. However, it will be needed in some cases. The GAO has identified a $3 billion gap between the airport infrastructure needs and the available airport funds to meet those needs.

Now, the higher trust fund spending in this bill closes two-thirds of that gap, but the PFC increase is needed to close the remainder of that gap in some areas and ensure that the airport safety and capacity projects are fully paid for. This is not a Federal tax but it is a local charge that local governing bodies can make the decision over so the battle can be fought out back home and not made here in Washington, D.C.

So for all of those reasons, I would urge my colleagues to defeat this amendment

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation to our ranking member and to our chairman for the careful work that has been orchestrated in this bill. I rise in opposition to the GRAHAM amendment, and rise in strong support of Air 21 and especially the provision raising the passenger facility charge cap from $3 to $6.

This provision complements Air 21's prime focus to ensure that our aviation system receives the funding it needs to be safe, efficient and able to meet its needs as we enter the new millennium. All of us want to have safe planes and I do not think there is anyone here who would work for anything less than that.

Also, in my particular area, our Dallas-Fort Worth airport has been the economic beacon for that entire area. We simply do not have the dollars in any other way but to continue to try to get the assistance of this fund for the expansions and improvements that are needed.

□ 1800

By paying a price equal to the cost of a cup of coffee in a terminal, each passenger flying out of an airport can help make that airport faster, safer, and stronger. Instead of making everyone pay for these improvements, the PFCs charge only those people who use and benefit from the airport.

The PFC provision provides flexibility to airports in using the PFCs for airport expansions and improvements. The provision in AIR21 allows airports to use PFCs in the construction of gates and related areas, which is defined to include the basic shell of terminal buildings.

This will allow airports to use the PFC funds to finance expansion projects, which will increase competition and reduce congestion at our Nation's busiest airports. Further, this provision gives local officials the ability to use funds generated by local airports to build terminals at that particular airport.

This, in conjunction with Federal aviation planning, will bring us fully into the 21st century.

Raising the cap on PFCs give airports flexibility in revenue production. For example, I have the pleasure of representing part of Dallas/Fort Worth International Airport.

D/FW's customers would receive great benefits if the PFC cap were raised. The tax on aviation fuel, which is traditionally passed on to the passenger, is part of the aviation funding system. For every dollar D/FW customers pay in aviation fuel taxes, D/FW receives 11 cents in Airport Improvement Program funds.

In contrast, for every dollar in PFCs paid by D/FW customers, D/FW Airport receives 97 cents. PFCs are the most cost-effective way for airports to make improvements to benefit those who use the airport.

Mr. Chairman, PFCs make a difference. This attempt to strip the PFC provisions is short-sighted and politically motivated. I urge my colleagues to look toward the future. I urge my colleagues to look at PFCs in context and see that this minimal charge makes a world of difference. Please vote against the amendment.

Mr. GRAHAM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, as I understand the statements just made, the only thing protecting one and one's wallet is some Federal Government agency going to say no to some local government agency they regulate in terms of taxes. If that makes my colleagues feel good, then vote for this. But the consequence is that they are going to double this tax, and it is going to cost $1.425 billion a year to the consuming public.

All of these accounting gimmicks we are talking about up here are inside the Beltway. But there is only one taxpayer no matter what kind of budget one is talking about. It comes out of one wallet, and we are trying to protect people.

This bill has spent more than it should, and we are adding a tax on top of it.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, competition and capacity concerns are not new. In fact, many of the same issues were raised in 1991 when the mayor of the city of Chicago came to this House under then the leadership of the very powerful Ways and Means Chairman Dan Rostenkowski where he proposed building a third airport in the city of Chicago.

Heeding warnings from the FAA, the mayor hoped to ease overcrowding and boost competition with a new airport on Chicago's south side. At the time, the Federal Government was cutting funds for new airport construction. But then our most powerful Democratic Ways and Means chairman pushed through legislation which created a $3 passenger facility charge, and the stated purpose of that PFC was to do this, enhance safety or capacity of the national air transportation system, reduce noise from airports, and furnish opportunities for enhanced competition among or between carriers.

Now, what does that have to do with the parking lot? What does that have to do with light rail being built to and from inner-city areas to airports? It has absolutely nothing to do with them, because local mayors are using the passenger facility charge for their own purpose.

How about this? In Chicago, the mayor's third airport was never built. Yet he continues to collect a $3 passenger facility charge. Because of AIR21, he is going to get a $6 passenger facility charge, $6.

So how do we increase capacity? Here is one of the shortcomings of the bill, Mr. Chairman, it does not define capacity for the passenger facility charge to be used on site. How do most pilots define capacity? Not first-class waiting areas and red carpet rooms at airports or more beverages or more leather seats for passengers waiting to get on a flight.

They define capacity in the air, in the air, spacing between planes. That is a safety concern. They define it on the ground, the length of a runway. 747s, 767s, 777s, hey, a trend is emerging here. Aircraft are getting larger. They are not landing on little bitty runways. They need longer runways. Because their wing spans are getting wider, guess what, they also need more space between runways and taxiways. But the passenger facility charge is not being used for that purpose.

So I stand in support of the amendment of the gentleman from South Carolina (Mr. GRAHAM). I am urging you, my colleagues, to support the Graham amendment. It makes sense.

Until Congress is willing to define the passenger facility charge consistent with the 1991 intent of Congress, and that is to enhance competition amongst the carriers and capacity of our national air transportation system, that has nothing to do with the space between first class and coach on an aircraft, I say to the gentleman from Illinois (Mr. LIPINSKI). It has nothing to do with that. It has everything to do with the length of runways and space between runways.

Our FAA Administrator has just recently argued that we need 10 new airports the size of O'Hare in order to handle the capacity concerns. That is where the passenger facility charge revenue should be going, taking pressure off of existing systems as opposed to trying to find more ways to add pressure to existing systems.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, the bill and the law makes it very clear that PFCs can only be spent on airport property.

Secondly, there is an implication here that we must not trust local government, because no PFC can be increased unless it not only meets these conditions that we place upon it, but also it is something that the local government, the local airport authority decides to do. I thought we conservatives trusted local government in many cases more than we trust the Federal Government.

The last point I would make is that it is incorrect to assume that just because we increase PFCs, that airports will automatically adopt them. Indeed, today in America, with a $3 passenger facility charge, there are numerous large hub airports which do not charge PFCs, including the busiest airport in America, which is the Atlanta airport, charges zero PFC. In fact, there are seven of the largest hubs of America that charge no PFCs, and 15 of the medium-sized hubs which charge no PFCs. So the suggestion that one is just going to run out and charge PFCs simply is not supported by the facts.

Mr. Chairman, I am happy to yield 4 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, in 1998, there were 648 million passenger enplanements. So this is not some theoretical esoteric subject that most people have no knowledge of.

We all know what it is like to fly today. We all know there are tremendous problems with it, problems that are developing because of the increased usage of air transportation. It is a good thing that this is increasing, but we need to keep up with the development of our capacity in order to handle it.

In 1998, 23 percent of major air carrier flights were delayed. Everyone has experienced that kind of a delay.

Although aircraft technology continues to improve, the time to fly between several major cities has increased over the past 10 years simply due to congestion. To account for delays, airlines have increased scheduled flight times on nearly 75 percent of the 200 highest volume domestic routes.

I might add, we have all experienced that situation where we take off late because the destination airport is exercising control and will not let us take off because they have got too much traffic. We have also been in the air where we circle around and around and around waiting for the ability to land.

American Airlines, just to take one airline, has estimated that, by the year 2014, it expects delays to increase by a factor of 3, or 300 percent, bringing its hub and spoke systems to its knees. Mr. Chairman, this is not just American Airlines. This will be the case more or less to the same extent with all of the other major airlines.

So what are we going to do about it now to avoid a crisis in the future? We are going to let local airports increase the fee they charge on tickets in order to improve their airports. What is the matter with that? That is real local control. It is ridiculous to call this a tax increase, in my humble opinion.

Now, good friends like the gentleman from South Carolina (Mr. GRAHAM) and others feel differently. I respect their reasoning. I just disagree with them. When a local jurisdiction imposes a new fee, I do not call it a Federal tax.

Let me just quote, if I may, now as an illustration of what happens when we increase the fee. It does not mean automatically everybody pays a little more, because there is competition. When we allow these airports to charge those fees, they add new gates. When they add new gates, they get new airlines coming in. When new airlines come in, there is competition, and the price of the ticket drops.

Just consider what happened to take BWI, Baltimore Washington International Airport around here. They used their passenger facility charge to build those gates. Southwest Airlines moved into those gates, both in Providence and at BWI, and they commenced service between Providence and BWI.

The Department of Transportation analysis showed that the average one-way fare plummeted from $181 to $53, a drop of 71 percent. Passenger traffic for the 3-month period increased by 884 percent. So obviously the public liked it.

Mr. Chairman, a passenger is much better off paying a PFC, a passenger facilities charge, on top of a $53 fare rather than paying $181 without a PFC. So in many cases, these PFC charges actually result in a great net reduction in cost to the consumer. The consumer should support this.

For that reason, I oppose the Graham amendment and urge all of my colleagues to support the principle of local control and of competition and of improvement in our airport facilities. Oppose this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), the distinguished ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I rise today in strong opposition to the Graham amendment which will strike the provision in AIR21 that allows local airports to increase their passenger facility charge from $3 to $6. In 1990, when the PFC was established, the gentleman from Minnesota (Mr. OBERSTAR) and I worked very diligently in its behalf. We were the strongest supporters of the PFC in this House of Representatives. I today am still one of its strongest supporters.

PFCs are a critical local source of funding for airport infrastructure. Unfortunately, PFCs are the only type of local revenue that is capped by the Federal Government. I want to run that by my colleagues once again. Unfortunately, PFCs are the only type of local revenue that is capped by the Federal Government. However, just because the Federal Government sets the cap on PFCs, it does not mean that PFCs are a Federal tax and that an increase in PFCs is a Federal tax increase.

PFCs are not collected by the Federal Government, are not spent by the Federal Government, and are never deposited in the U.S. Treasury. Rather, PFCs are collected locally, spent locally, and fund important local airport projects. Unlike a Federal tax, the PFC is paid only by air passengers who use and benefit from the airport.

PFC revenues allow local airports to fund needed safety, security, capacity, competition, and noise projects that otherwise would have to wait years for Federal AIP funds or may not be eligible for AIP funds. For example, many airports throughout the Nation have used PFC revenues to build shared and common use gates which can be used by any carrier wishing to serve the airport. The additional gates which are not eligible under the AIP program have helped increase the capacity of the airports as well as help increase competition, which is very, very important today.

Because local airport authorities best know their airport and how it operates, they also know the best way to use scarce aviation funding sources. PFCs are the most often used on projects that provide tangible benefits to passengers using the airport, increasing the comfort and convenience of air travel.

It is important to note that PFCs are not just a free pot of money for local airport authorities. PFCs cannot be collected until a local airport needing funding is identified, and they must expire after a specific project is completed, and it must be planned from beginning to completion.

In addition, PFCs cannot be spent on just any airport project, but only on specific eligible airport development projects approved by the FAA.

□ 1815

Please, I ask my colleagues all to oppose this amendment.

Mr. GRAHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Chairman, increasing passenger facility charges are, in reality, increased taxes on America's airline passengers. I think it is kind of ludicrous to say they are not just because they are local. They require a Federal approval; therefore, we do control it, and it does go into the national system.

Supporters argue it is just a user fee. We are too fond of using fancy words and arguments to hide our intentions. In Texas, we call it a tax, and that is what it is. Calling this tax a facility charge is like calling airline food dinner.

This tax will just force passengers to pay more for their ticket. And any time the government takes more of our hard-earned money, that is a tax increase. It is regressive, and it will harm those who can least afford it; namely, families and small business people who use airline service to visit relatives and grow their businesses.

We continue to hear the rhetoric about how we must take steps to protect the rights of airline passengers. What better way to start than by not allowing a tax increase and letting Americans keep more of what they earn? This bill is already using up part of the surplus we were going to use for tax relief. I think it is criminal we would deny Americans the tax relief they deserve.

We must not pass another tax on the American consumer. Their burden is already too high. We should be pushing for tax relief, not tax increases.

I urge my colleagues to support the Graham amendment and stop taxing the consumers' paychecks.

Mr. GRAHAM. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of the Graham amendment. In providing both adequate and fair funding for our Nation's aviation infrastructure to carry us into the 21st century, I believe that costs to individual airline passengers must not be increased.

Under current law, local airports are authorized to collect a $3 per passenger per flight segment charge, with a maximum of $12 per round trip ticket. This legislation proposes to double this charge to $6, breaking the current $12 cap and allowing a maximum of $24 per round-trip ticket.

According to CBO, this airfare increase will cost American taxpayers, Mr. Chairman, $475 annually for each $1 increase in the passenger facility charge. If each airport decides to double their PFC, as AIR 21 proposes, this charge will ultimately cost taxpayers over $1.4 billion annually.

I believe this cost increase is both unnecessary and unfair to American airline passengers and taxpayers. Further increasing the PFC negatively impacts the growing low-fare airline industry which provides both competition and reasonably priced air transportation.

The passenger facility charge essentially functions as a tax, hitting hardest those who can least afford it, such as families, leisure travelers and those operating small businesses. As we all know, summer is a highly traveled time, when affordable air travel is vital for Americans traveling across the country to visit their family and friends.

The amendment of the gentleman from South Carolina (Mr. GRAHAM) ensures that the current $3 passenger facility charge will not be doubled to $6.

Mr. Chairman, let us remember the taxpayers and vote for the Graham amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4½ minutes.

Well, we have heard all the arguments now, or virtually all of them, but the one that keeps coming back is the PFC is a tax, it is a burden on America's airline passengers.

Well, let me just take us all back where we started with all this in 1990: 7½ million hours of delay annually, costing Americans $14 billion; need for capacity; need for access to the runways of this Nation's airports. And it was the business travelers of America, it was the Airline Passengers Association and the business traveler, now called the Business Traveler Coalition Organization, that came to my ranking member at the time, Mr. Bill Clinger, and John Paul Hammersmith, the ranking Republican on the full committee, and me, and said we need help; we are ready to support an additional charge to supplement the airport improvement program in order to build the capacity we need at the Nation's airports.

Why are the business travelers important? They are only 10 percent of the passengers, but they generate 50 percent of the revenues. And they said it is important to us to build capacity at the Nation's airports and we are ready to support a passenger facility charge. And we included it in that legislation and we passed it.

It is needed for competition. This bill requires that large and medium hubs dominated by one or two airlines have to file a competition plan before they can have their PFC approved or receive an AIP grant. Competition with the PFC has been important for one of the Nation's most progressive low-fare carriers, Southwest Airlines.

At Columbus, Southwest and Delta wound up with gates built with PFCs; Oakland, new terminal gates to be built with PFCs; Ontario, California, two new terminals with PFCs to serve Southwest Airlines; Orlando accommodated Southwest; PFC to build terminal expansion and capacity for Southwest Airlines; Tampa; and others are in the works. Southwest Airlines is one of the prime beneficiaries, as are many other carriers who did not come in and ask for but benefitted from these capacity enhancements.

Safety is critical. No airport under this legislation will be permitted to impose a PFC above $3 unless they ensure in their plan submitted to the FAA that airside safety needs are being met.

Capacity. Overall, capital development projects take 5 to 7 years to build at airports across this country. They are complex, large projects that need long lead times for design and engineering and they need a guaranteed revenue stream. The PFC provides that guaranteed revenue stream that the airports can use to improve capacity and enhance safety, provide competition, and ensure that America's travelers get to and from their destinations in the time that they require.

And, finally, this is a local initiative. No one directs or requires an airport to impose a PFC. They make that decision on their own. As one after another of my colleagues on the other side of the aisle has said, this is a good conservative issue. Conservatives support it, liberals support it, moderates support it. It passed overwhelmingly. Airports support it, airlines support it, travelers support it; and let this body support it by defeating this amendment and moving America into the 21st century.

Mr. GRAHAM. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, under current law, the local airports are authorized to collect a $3 per passenger fee. I represent one of the busy airports in the country, a medium-sized airport, which has not currently charged the fee. I realize our airport is definitely the economic engine for our community and we rely on it a lot, and it is very important to what happens in growth because we are a fast-growing area. But no matter how we cut it, this is a tax increase.

There is currently a surplus in the aviation trust account, and I just do not think it is right for Congress to be at this point placing an added burden on small businesses and families. We are talking about tax relief and we have been promising that to the American people, and I believe it is pretty hypocritical of us to come back now and implement a $3 tax increase on each airline ticket that the people in this country purchase.

Mr. Chairman, I just want to state that I will support this worthwhile amendment.

Mr. GRAHAM. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from South Carolina (Mr. GRAHAM) has 8½ minutes remaining; the gentleman from Pennsylvania (Mr. Shuster) has 1½ minutes remaining; and the gentleman from Minnesota (Mr. Oberstar) 1 minute remaining.

Mr. GRAHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. Shadegg).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, right now airline passengers face an 8 percent domestic ticket tax; they face a $12 international departure and arrival charge; they face paying taxes of 4.3 cents per gallon on domestic jet fuel; and right now they face up to a maximum of a $3, by the year 2000, domestic per-flight segment fee. This legislation raises that fee.

My colleagues, a tax increase is a tax increase is a tax increase. Fundamentally, this money is reaching into the pockets of the American people and increasing the charge on those who want to fly. Sure, our airports are economic engines and they need funds to operate, but the case that they need these funds has not yet been made. And for many people the ability to take a discounted short flight to go on their vacation is vitally important to them.

Why do we need to double this fee from $3 to $6 at this particular point in time? The National Taxpayers Union has written on this point and will score this vote, and they say there is no need for this tax increase. At a time when we should be cutting taxes for the American people, at a time when virtually everyone in this room agrees that the American people are taxed and taxed very heavily, instead of cutting taxes, we are increasing taxes. We are giving the local authorities the ability to raise the fees they already charge passengers.

Is the 8 percent domestic ticket tax not enough? Is the $12 international departure and arrival charge not enough? Is the 3.4 cent per gallon domestic jet fuel tax not enough? No, the answer is we need to increase it. Right now we will increase it from $3 to a maximum of $6 per flight segment. The cumulative rate will go from $12 per flight to $24 per flight.

We in Phoenix, Arizona lots of times like to go to San Diego, California for the weekend, and we can do that for $39. If we pass this and they add on what they might be able to add on, perhaps as much as $24 or even $12 for that flight, we will have taken a $39 ticket and raised it to $41, $49, $51, maybe even more than that.

This is a regressive tax which is not needed. I urge my colleagues to join me and support the GRAHAM amendment.

Mr. GRAHAM. Mr. Chairman, I yield myself such time as I may consume.

As we close out the debate, I think it is appropriate now to go over some of the arguments and talk about what we conservatives believe about this bill in general.

One of the arguments is that local control is better than Washington control. Count me in on that argument. But if my colleagues are going to define local control this way, count me out.

Here is what the opposition is saying. The Congress in 1990 authorized airport groups to be able to tax the consumer, and now we are going to let them double that tax 10 years later. But the only way they can do it is to have a Federal Government agency saying no to them. How many people feel good about that? Is that the type of local control we signed up for when we came to Congress; to authorize a tax at the Federal level, to be implemented at the local level with a Federal agency saying yes or no?

If my colleagues want their fingerprints on this, vote "no." If my colleagues believe taxing people to the tune of $475 million a year by raising it every dollar should be on their watch and they do not care if their fingerprints are on it, vote "yes." But that is not local control. That is bastardizing the concept of local control.

This is not a fiscally sound measure. Taking the trust fund off budget is the right thing to do, I say to the gentleman from Pennsylvania (Mr. Shuster). On that he is absolutely right. But to accomplish that good goal, we blow a hole in the budget caps and we spend $21 billion over the next 4 years that has to come from somebody else's pocket, either from the tax cuts or some other part of the government. We conservatives should stick to the budget numbers. And if we want to fix one bad part of the government, we should not create two other bad things in its wake. That is how we wake up with $5.4 trillion of debt.

It is a good thing to take it off budget; it is a bad thing to overspend in this area of the government to the tune of $21 billion. And a lousy thing to do in the name of being a conservative is tax people with a new way of taxing them; call it local when it is not and add a $3 tax when they are not administering the tax they created in 1990 in a correct fashion.

And does it affect people? Seventy-five percent of the people that get on airplanes have this tax hit them.

□ 1830

Four hundred and seventy-five million dollars for every dollar they increase. I do not know what Washington is about any longer in terms of conservative and liberal. But I know this, that they are paying taxes, that the American public, no matter what we call it, whether we call it a trust fund, whether we call it general revenue, it comes out of their pocket. That is the one thing in common.

There is one group of people sending us all this money, and we think of a million ways to spend more of it and distance ourselves from it. We busted the budget. We have emptied the trust fund. And we are going to tax people $1.4 billion and say it is somebody else's problem. Stop that.

This bill is excessive enough. Do some good for those people working real hard out there and who cannot stand to have any more money taken out of their pocket, and stop bastardizing concepts in the name of doing good.

Mr. OBERSTAR. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 1 minute remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 1½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself the remaining one minute.

Mr. Chairman, let us get this straight. No airport is required to impose a passenger facility charge. Before a passenger facility charge can be imposed by an airport, it must file a plan. That plan must, under this bill, include provisions for the safety, competition, and show how it is going to enhance capacity. That is what the passenger facility charge was intended for in the first place.

Of the Nation's 531 primary airports, 161 of them in the last 9 years have chosen not to impose a passenger facility charge. No one is required. It is a local decision.

Do my colleagues want their airport to be able to compete in the Nation's airspace? Do my colleagues want their business people to be able to compete in the market in which they are operating? Do they want their passengers to be able to have access to the airport?

If the decision is yes, then they put the PFC in and they do the things that the passengers need and they make it a public policy process. That is what this is all about.

It could not be fairer. It could not be better. It could not for better for America for now and for into the 21st century. Vote down this amendment.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose this amendment. A couple of the comments that have recently been made, I am sure inadvertently, factually are not accurate.

For example, this does not bust the budget. The funds are taken from the $788 billion tax cut. Indeed, CBO scores this as a $14.3 billion increase, all of which comes from the aviation ticket tax. But that was another debate that has already taken place, and the House has spoken overwhelmingly in support of our legislation in that regard.

This indeed is a local tax. The gentleman from Minnesota (Mr. OBERSTAR) has quite accurately described it. And it is limited, limited to safety, capacity, noise, and security.

The gentleman from California (Mr. DOOLITTLE) made an excellent point when he reminded us that PFCs enable us to build more gates at airports, and more gates mean more competition. And indeed, most significantly, where we have more competition, we see the price go down.

The example he used, of course, was the Baltimore flight, where close to $100 is saved. So a $3 PFC is really minuscule by comparison. And most importantly perhaps, this is not only a local decision, but it is a decision where many airports have chosen not to impose PFCs which they are able to impose today should they choose to do so.

Indeed, along with over a hundred airports that the gentleman from Minnesota (Mr. OBERSTAR) mentioned that do not have passenger facility charges, 46 of our hubs today do not have PFCs.

So let us let the local people make the decision so they can do what is best for their economy and their community. Vote down this amendment.

Mr. BARCIA. Mr. Chairman, I rise in opposition to this amendment because I strongly believe that the funds collected to improve our airline industry should be dedicated for their intended purpose. The legislation will ensure that future aviation taxes will be dedicated to promptly fund the capital needs of our aviation system and to provide a safe travel environment for the American people.

I believe the issue is very simple. Money collected for air improvements should be used for that purpose as they become available. We all have needs in our district. Bishop airport in Flint needs new radar, Harry Browne in Saginaw needs an instrument landing system and Wurtsmith's runway needs massive improvements. Why should these projects wait if the dollars are available?

We have all had frustrating experiences with air travel, whether it be delays for mechanical reasons or the plane is over-booked. It is because more people are using air transportation than ever before and we have been unable to keep up with consumer demands on the airline industry. This has resulted in congestion problems, flight delays and problems with air traffic control systems. It is important for the general public's safety that we support every effort to make our airports and airplanes as reliable, secure and as safe as possible. AIR–21 is a comprehensive and common-sense approach that will lead to safer travel for the flying public.

AIR–21 will provide support to airports to modernize their systems and will provide long term investments by increasing funding for the Airport Improvement Program for upkeep with the runways and other capital investments. This legislation also increases support for smaller airports who often have limited resources to keep up with technology.

By taking the trust funds off budget, we will be able to dedicate more funds to increase the safety and security of the traveling public—our constituents. I urge my colleagues to oppose this amendment and support final passage of this important bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRAHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 245, not voting 6, as follows:

[Roll No. 208]

AYES—183

Aderholt
Andrews
Archer
Armey
Ballenger
Bartlett
Barton
Bentsen
Biggert
Bliley
Blunt
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Calvert
Camp
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Crane
Cunningham
Danner
Deal
DeLay
DeMint
Doggett
Edwards
Emerson
Etheridge
Everett
Fletcher
Foley
Ford
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gibbons
Gilman
Goode
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hobson
Hoeffel
Holt
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Johnson, Sam
Jones (NC)
Kasich
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
LaTourette
Lazio
Levin
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Miller (FL)
Miller, Gary
Mink
Moore
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Obey
Ose

Packard
Pallone
Pascrell
Paul
Pickering
Pickett
Pitts
Portman
Price (NC)
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez

Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu

Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Wu
Young (FL)

NOES—245

Abercrombie
Ackerman
Allen
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Campbell
Canady
Capps
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier

Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Filner
Forbes
Fowler
Frank (MA)
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodling
Granger
Green (TX)
Green (WI)
Gutierrez
Hastings (FL)
Hastings (WA)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hunter
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Leach
Lee
Lewis (CA)
Lipinski
Lofgren
Lowey
Luther

Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Olver
Ortiz
Owens
Oxley
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pombo
Pomeroy
Porter
Quinn
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman

Sherwood
Shuster
Slaughter
Smith (NJ)
Snyder
Stabenow
Stark
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thompson (CA)

Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden

Walsh
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weygand
Wicker
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—6

Brown (CA)
Gordon

Hostettler
Houghton

Lewis (GA)
Pryce (OH)

□ 1857

Mr. CLAY, Mr. BALDACCI, Mrs. MCCARTHY of New York and Ms. CARSON changed their vote from "aye" to "no."

Mr. MOORE, Mrs. WILSON and Messrs. TERRY, ROEMER, CONDIT, BRYANT, FLETCHER, HUTCHINSON and LOBIONDO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 5 printed in Part B of House Report 106-185.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. ANDREWS:

In section 126 of the bill—

(1) insert "(a) STATE BLOCK GRANT PROGRAM AND FISCAL YEAR 2000.—" before "Section 47109(a)"; and

(2) insert at the end the following:

(b) AIRPORTS SUBJECT TO EMERGENCY RESPONSE AGREEMENTS.—Section 47109 is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsections (b) and (d)"; and

(2) by adding at the end the following:

"(d) AIRPORTS SUBJECT TO EMERGENCY RESPONSE AGREEMENTS.—If the sponsor of an airport and the Federal Emergency Management Agency or a State or local government entity, that has jurisdiction over emergency responses at the airport or in an area that includes the airport, enter into an agreement that makes the airport subject to the control of such Agency or entity during an emergency for the conduct of emergency response activities by such Agency or entity and such sponsor submits to the Secretary of Transportation a copy of such agreement, the United States Government share of allowable project costs incurred for a project at the airport while the agreement is in effect shall be 100 percent.".

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

□ 1900

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this summer and throughout the year around our country, we will unfortunately be faced with many natural disasters: forest fires, floods, other significant storms that deal a great blow to local communities. One of the key aspects of our disaster relief and disaster prevention effort is the use of airplanes in an emergency situation. Whether it is to put out fires or to airlift supplies and materiel, the use of our aircraft in a time of emergency is an essential ingredient towards solving a problem. Equally essential is the use of small airports and airfields around our country.

For example, in my area of New Jersey, there is a small airport that often serves as a point of departure for airplanes that fight forest fires in the New Jersey pinelands. It is very important that these airports remain a part of our national air system, whether it is for emergency relief or whether it is for business or personal travel.

Many of these airports are very challenged when they apply under the Airport Improvement Program because of the local match requirement. Some of the airports are run by public and municipal authorities that have a hard time raising the matching funds; others are privately owned, usually small business people, also finding it difficult to struggle to meet the matching funds.

The idea behind my amendment is that the real measurable and tangible economic value of that disaster relief be credited toward the local matched portion of the AIP grant. In other words, a small airport that is instrumental in our efforts to prevent or provide relief from disaster would be credited on a dollar-for-dollar basis for the value of the emergency service that that airport is rendering, the lost income that that airport is rendering, as a matching requirement for the AIP grant.

Mr. Chairman, I believe that this proposal makes sense from the point of view of emergency disaster relief. It is a fair measure economically for small airports, and I believe it would serve our Nation's air traffic system in a common-sense way.

I have been privileged to discuss this matter with the chairman of the committee and members of the staff, and I understand that he has expressed an interest in working with us to try to facilitate these concerns.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation.

Mr. SHUSTER. Mr. Chairman, I would concur with the gentleman. It would be my hope that we could work this out, and on that basis I understand the gentleman is prepared to withdraw the amendment, and we will see what we can do; we will certainly try to work something out.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the chairman and ranking minority Member for their willingness to work out a solution to this problem.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey.

This amendment would substantially undermine a basic concept of our airport program: that an airport receiving a federal grant should provide a local matching share of from 10 to 25 percent to demonstrate local commitment to and support of a project.

Under the amendment, any airport could escape the requirement for the local share by signing an agreement with the Federal Emergency Management Agency or a local emergency service, such as a fire department, giving that federal or local entity control over the airport in case of an emergency. We have no information available on how many airports already have these agreements. Nor do we have any indication that any response unit feels that these incentives are necessary to encourage airports to cooperate with them.

I am concerned that under this amendment large numbers of airports would enter into agreements with emergency response units to gain a waiver of the requirement of a local match for AIP grants. In the absence of a strong showing that this incentive is needed to ensure the protection of human life and safety, I do not think we should undermine the requirement for a local match for AIP funds.

I urge Members to oppose the amendment.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in part B of House Report 106–185.

AMENDMENT NO. 6 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. MORAN of Virginia:

At the end of section 201 of the bill, insert the following:

(c) MITIGATION PROGRAMS.—

(1) IN GENERAL.—Before the Secretary of Transportation may take any action under subsections (e), (f), and (j) of section 41714 of title 49, United States Code (as amended by subsections (a) and (b) of this section), that would result in additional flights to or from a high density airport (as defined in section 41714(h) of such title), the airport operator must submit to the Secretary, and the Secretary must approve, a program for mitigating aviation noise in areas surrounding the airport that would otherwise result from the additional flights.

(2) CONSULTATION AND PUBLIC NOTICE.—An operator may submit a program to the Secretary under paragraph (1) only after—

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) providing notice and an opportunity for a public hearing.

(3) CONTENTS.—A program submitted under paragraph (1) shall state the measures the operator has taken or proposes to take to mitigate aviation noise described in paragraph (1).

(4) APPROVALS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a program submitted under paragraph (1) not later than 180 days after receiving the program. The Secretary shall approve a program that—

(i) has been developed in accordance with the requirements of this subsection; and

(ii) provides satisfactory mitigation of aviation noise described in paragraph (1).

(B) DEADLINE.—A program is deemed to be approved if the Secretary does not act within the 180-day period.

(C) FLIGHT PROCEDURES.—The Secretary shall submit any part of a program related to flight procedures to control the operation of aircraft to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(5) AIRPORT NOISE OR ACCESS RESTRICTIONS.—Notwithstanding section 47524 or any other provision of law, the Secretary may approve, and an airport operator may implement, as part of a program submitted under paragraph (1) airport noise or access restrictions on the operation of any aircraft that was not originally constructed as a stage 3 aircraft.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I offer this amendment to help address one of the most contentious issues in this bill, as it affects four large metropolitan airports. For more than two decades, National, JFK, LaGuardia, and O'Hare Airports have operated with a slot reservation system. It was developed for safety reasons, to limit the number of airplanes serving these congested airports.

According to the Department of Transportation, this system is no longer necessary. The technology now in use in our air traffic control system can permit more flights at these four airports without compromising safety, apparently. Earlier this year, the Department of Transportation announced its support of a repeal of the slot reservation system.

Some may question that call to repeal the system. I do not believe, though, that adequate consideration was given to the local communities that will be inundated with increased noise as a result of more flights. These communities and the local governments that represent them have made long-term decisions on the assumption that the total number of flights would remain fixed. Congress, in fact, placed in statute the total number of flights per hour at National Airport in return for transferring the day-to-day operations to a local, regional authority that was capable of raising capital to undertake the major improvements that we have seen at National and Dulles International Airport. The local authority, the Washington Metropolitan Airport Authority and the citizens kept their part of the bargain.

If a majority of Congress is now inclined to mandate more flights at National and the other three slot-controlled airports, I think it is only fair that the local citizens should have a right to work with the airport operators on finding ways to offset the increased noise that these additional flights will inevitably bring.

So in fairness to these communities, any increase in service should be premised on providing the communities adjacent to the airports with an opportunity to revise existing noise abatement programs. The amendment that the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) and I are offering would condition new air service at these four airports on the Secretary's approval of a new airport noise reduction program that would include local public input. As part of the noise reduction program, the local airport operators can include restrictions on the use of aircraft originally built for Stage 2 compliance.

The amendment also addresses a growing concern about this potential loophole that can be exploited by some airlines to permit older, noisier Stage 2 commercial aircraft to remain in service beyond the December 31, 1999 deadline for Stage 3 compliance.

Few are aware that FAA regulations on Stage 3 compliance allow older commercial aircraft to meet those requirements simply by modifying their operational manual and reducing the plane's fuel load. Operating with a reduced weight and fuel load, these carriers can recertify old Stage 2 airplanes to meet the upper noise level range permitted under Stage 3 requirements. Thus, these older, noisier Stage 2 planes can remain in commercial use at an airport with predominantly short-haul traffic like LaGuardia and National that serve smaller communities within a defined perimeter or provide frequent short-distance shuttles to major, larger cities. As a result, these airports could receive a disproportionate share of older Stage 2 airplanes, causing a major increase in aircraft noise.

Mr. Chairman, it is not the intent of the Airport Noise and Capacity Act of 1990, which mandated this Stage 3 compliance, to allow older Stage 2 aircraft with no engine modifications to continue to use our Nation's commercial airports. We need to fix this problem, and the first place to start is at those airports that can anticipate a significant increase in noise and flights.

I think this is a reasonable amendment. I think that it finds a middle ground, and I would urge support for it.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to this amendment, and I ask unanimous consent that the ranking member of our committee, the gentleman from Minnesota (Mr. OBERSTAR), control one-half of our time, or 2½ minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) will control 2½ minutes.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

I am a bit surprised. I thought we had worked with the gentleman from Virginia to limit the number of flights at Reagan National Airport. But if we did not have an agreement there, then I accept that, and we will have to proceed accordingly.

This is a bad amendment. It is a bad amendment particularly because it would allow local airports to prohibit aircraft with hush kits, while at the very same time the U.S. Government was in a trade dispute with the Europeans over this issue. Our government argued that the Europeans had no right to ban hush-kitted aircraft, and many of these aircraft are just as quiet as Stage 3 aircraft. The airlines spent millions on hush kits with the promise that they would be able to use them. This amendment would break that promise. Indeed, this House weighed in on this trade dispute, and we passed legislation earlier this year to ban the Concorde from flying here if the Europeans banned our hush-kitted aircraft.

So it would be ironic, if not hypocritical, for us to now ban hush-kitted aircraft in our own country after the position that we have taken with the Europeans.

Mr. Chairman, I oppose this amendment, and I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment rolls back the clock on noise abatement. In 1990, this was a major issue: noise at America's airports. As chair of the Subcommittee on Aviation, I held 50 hours of hearings on this subject, along with my good friend and former Member Bill Clinger. In the end, in the legislation of that year, we crafted a requirement that all Stage 2 aircraft, 2,340 in the Nation's fleet at that time, would, by the end of this year, comply with Stage 3 requirements. We are there. By the end of this year, all aircraft in the domestic fleet will meet that requirement.. This amendment deals not with whether aircraft meet that requirement, but how they meet that requirement.

The point is that all aircraft will meet Stage 3 requirements by the end of this year. That should be sufficient. That was the standard. That was set so that we would not have each individual airport a patchwork quilt of regulations all across America; one aircraft could fly into this airport, but not into another one. That is nonsense. That is chaos.

The reason we put on a standard is that we would have all airports on the same ground. However, National Airport has a stricter requirement on its curfew. Mr. Chairman, a 757 with a Pratt & Whitney JT8D cannot land at National Airport after 10 o'clock. They have to go to Dulles. How much more does the gentleman want to do? How much more chaos do we want to put in the aviation system? When there is a storm in the Midwest and aircraft are coming in, do we inconvenience passengers because this one aircraft with that engine does not meet this airport's stringent requirements? If we do this all across America, we will again be Balkanized in our aviation system.

The point of Stage 3 was to set the standard: 288.3 decibels. Hush-kitted aircraft meet that standard. Reengineered aircraft meet that standard. It is good enough for all of America, and it ought to be good for this airport as well.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I reserve the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland (Mrs. MORELLA).

The CHAIRMAN. The gentlewoman from Maryland (Mrs. MORELLA) is recognized for 30 seconds.

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to give the gentlewoman from Maryland (Mrs. MORELLA) 1 additional minute.

The CHAIRMAN. The Chair can only recognize a unanimous consent request that would extend time equally for both sides.

Mr. SHUSTER. Mr. Chairman, it is my understanding that the time is equally divided, so if the gentleman is asking for 1 minute to be evenly divided so that the gentlewoman gets 30 seconds, plus another 30 seconds on our side, that is fine with me.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for this amendment, which I have also cosponsored with the gentlewoman from the District of Columbia (Ms. NORTON). Actually, it conditions new service at Reagan National, Kennedy, LaGuardia, and O'Hare Airports on approval of an airport noise program, developed with local input, by the Department of Transportation. The policies that are responsive to local concerns will help the aviation industry remain a good neighbor to the community it serves.

I have to tell my colleagues, there is an awful lot of noise that impacts on our community. It is a growing problem, and we have had many people who have discussed with us the fact that they cannot even entertain on their patios; cannot even do anything but lock themselves into their homes with the increasing noise.

Unlike oil spills or landfills, noise is an invisible pollutant, but the hazards are just as real. It causes stress, much the same as a traffic jam or the threat of a recession. According to experts, noise causes hearing loss, impaired health, and antisocial behavior.

□ 1915

I believe that the people of Maryland, Virginia, and the District of Columbia must have a voice in the ultimate determination of airport noise regulations. After all, these are the people whose lives will be affected for better or for worse by whatever rules are enacted.

The Federal Government should not be in the business of operating airports. The Federal Government has plenty of clout over airports through the airport trust fund and its ability to overturn local decisions.

The Moran Amendment would effectively address the concerns of the communities surrounding the high-density airports, and at the same time address the safety and economic concerns of the airport transportation system. So I urge a yes on the Moran Amendment.

Mr. SHUSTER. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. DUNCAN), a distinguished member of our subcommittee.

The CHAIRMAN. The gentleman from Tennessee (Mr. DUNCAN) is recognized for 1½ minutes.

Mr. DUNCAN. Mr. Chairman, let me simply say this, Air 21 already provides the largest ever increase in noise mitigation measures and funding. However, this amendment goes too far, and would end up eliminating service to and from many cities, and ultimately would drive up the cost of air fares all over the Nation.

Hush-kitted aircraft already meet the very strict FAA stage 3 requirements. Hush-kitted aircraft are just as quiet as any aircraft currently available. These hush kit measures have been approved by the FAA as acceptable means to meet the quieter, more restrictive stage 3 requirements.

Hush kits are manufactured in the U.S., and hush-kitted aircraft are mainly U.S. aircraft. Restricting their operation for noise operations would be at odds with the FAA's finding that this technology satisfies the very highest noise requirements. It would also adversely affect U.S. manufacturers of hush kits and the value of U.S. hushkitted planes.

Finally, in February the House passed H.R. 661, threatening sanctions against the European Union if it implemented restrictive noise measures that would adversely affect hush-kitted aircraft. It would be totally inconsistent, Mr. Chairman, for this House to threaten the Europeans if they did this, and then come in and do it ourselves for some of our domestic flights.

This measure proposed by the gentleman from Virginia (Mr. MORAN) is at odds with the spirit of H.R. 61, and would adversely affect U.S. manufacturers of hush kits and hush-kitted aircraft.

I urge defeat of this amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PORTER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 206, further proceedings on the amendment offered by the gentleman from Virginia (Mr. MORAN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 7 printed in Part B of House Report 106–185.

AMENDMENT NO. 7 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 printed in House Report 106–185 offered by Mr. Hyde:

Strike section 201 of the bill.

Redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 20 minutes, the Chair believes. The Chair is trying to determine right now what the designated time under the rule is.

If the chairman of the committee will bear with the Chair, he will have that information momentarily.

Mr. SHUSTER. I believe the gentleman from Illinois has 40 minutes under the rule, Mr. Chairman.

The CHAIRMAN. The Parliamentarian is at this time just verifying that.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that we have 20 minutes on one side and 20 on the other, if that solves the problem.

Mr. SHUSTER. If the gentleman makes that unanimous consent request, I agree with it.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The proponent and an opponent will each be recognized to control 20 minutes which the Chair is advised is consistent with the rule as submitted for printing.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment strikes section 201 of the bill and maintains current law with respect to the high-density rule. Section 201, as amended by the manager's amendment, eliminates the high-density rule for three of the four slot-controlled airports, O'Hare, LaGuardia, and JFK in New York, and modifies it for the fourth, Reagan National.

Although the manager's amendment makes that elimination somewhat slower than was contemplated under the reported bill, the bottom line is that new flights start coming right away.

Let me give some background about why I feel so strongly about this issue. Mr. Chairman, in 1968, the Federal Aviation Administration promulgated the high-density rule, or the slot rule. This was done to manage demand so that delays did not rise above unacceptable levels. That system worked well for 25 years.

In response to demands to lift the rule, Congress in 1994 required the U.S. Department of Transportation to conduct a detailed study to determine whether there was additional capacity at the high-density rule airports and whether the high-density rule should be lifted.

In May 1995, the Department of Transportation published its report in four volumes. One month later, the Department announced that based on this study, it would not change the slot limits at O'Hare or any other high-density-rule airport. This exhaustive study was released just 5 years ago. If anything has changed since then, it is that the air traffic situation at these airports has gotten worse.

Why does this matter to us? Many like to view the high-density rule as a parochial issue of importance only to Chicago, New York, and Washington. This is wildly inaccurate. The high-density rule is a safety issue and a national issue, particularly at O'Hare.

According to the FAA study I just mentioned, O'Hare's maximum safe level is 155 operations per hour. O'Hare is already operating above that level without adding one more flight. Let me repeat, O'Hare is operating above its maximum safe level today without adding one more flight. Even under the changes made by the manager's amendment, we will start adding more flights right away; as I calculated, 80 new more flights a day.

I appreciate the efforts of the gentleman from Pennsylvania (Mr. SHUSTER) in the manager's amendment to ease the pain of this change, but I cannot in good conscience support one more flight into O'Hare. By eliminating the high-density rule, by adding one more flight to O'Hare, much less 80 a day, we are courting disaster. We are shortening the odds that a crash will occur sooner or later.

But this amendment is important to Members for another reason. Eliminating the high-density rule will cause traffic backups at O'Hare. In 1995, in the study, the Department found that eliminating the high-density rule would more than double, do Members hear me, double delays for all travelers using O'Hare. Traffic backups at O'Hare invariably cause ripple effects throughout the entire air traffic system.

If Members want to spend more time sitting on airplanes stuck on the tarmac, then by all means, oppose my amendment. If Members want the air traffic system to work better and faster and safer, then they should vote for my amendment.

I have tried to talk about why this amendment is important to those who do not represent Chicago, New York, or Washington. Let me talk for a moment about the impact on my constituents.

As I have already made clear, my district is the home of O'Hare airport, one of the busiest airports in the world. I am pleased to have O'Hare in my district. It creates numerous jobs, and by facilitating commerce, it build greater wealth for all of us.

However, it also creates a substantial burden on those who live around it, all of whom are my constituents. As policymakers, we must balance the benefits against the burden. It is in that spirit I am offering this amendment.

No one wants to live in a cloud of jet exhaust fumes. The FAA and the EPA do regulate the emissions from individual aircraft, but no one takes care of the problem of accumulating emissions around O'Hare. This is already severe. O'Hare is one of the three top toxic pollutant emitters in Illinois. It emits benzene, formaldehyde, and carcinogenic polynuclear aromatic hydrocarbons. Pardon me if I resist dumping more of these pollutants into my constituents' neighborhoods, and pardon them if they do not want their children around these materials.

Eliminating the high-density rule brings more flights and more pollution. These are not the only pollutants from O'Hare. The same is true for noise.

Many airplanes are still loud. They are getting better, but they are still loud. If you live around an airport, you suffer. If you live around O'Hare, you suffer severely. Eliminating the high-density rule means more flights, more noise, and more rattling windows for my constituents. I think they deserve better, so I urge Members' support for this amendment.

Some have asked, why can I not simply accept the changes to the high-density rule embodied in the manager's amendment. Let me explain, again, I appreciate the efforts of the gentleman from Pennsylvania (Chairman SHUSTER). He has a big bill and he has to balance a lot of interests. He does a remarkably good job in balancing those interests.

However, my loyalty is to my constituents and I must put their interests first. I have already set out the reasons why they cannot accept one more slot. Even under the changes made in the manager's amendment, there will be a limited number of new slots for flights to underserved cities and new entrant carriers immediately.

Even under these changes, there will be an unlimited number of new slots on March 1, 2000, for regional jet aircraft. Even under those changes, there will be an unlimited number of new slots for all aircraft in the late afternoon and early evening on March 1, 2001. Even with the changes, there will be an unlimited number of new slots for all aircraft at all times on March 1, 2002. That is simply more than we ought to bear.

Mr. Chairman, it is not very often I come to the floor and tell my colleagues that I hope I am wrong. Today I have that sad duty. I hope that I am wrong and there will not be an airline disaster at O'Hare. I hope that I am wrong and there will not be delays. I hope that I am wrong and there will not be more pollution and more noise in my district.

Unfortunately, I fear that I am right. For that reason, I urge Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the ranking member of our committee, the gentleman from Minnesota (Mr. OBERSTAR) control one-half of the time, or 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment from my good friend, the gentleman from Illinois (Mr. HYDE). The reason I must rise in opposition to this amendment from my very good friend is because slots are an anachronism. They were first imposed in 1969 because air traffic control at that time could not handle increased traffic.

Since then, the FAA has developed a flow system that meters the air traffic so controllers can handle it. This system is being further improved. At other busy airports around the country, Atlanta, Dallas, L.A., Boston, Newark, there are no slot controls. Some of these airports are busier and more congested and just as landlocked as slot-controlled airports.

There is no reason to continue slot controls. This bill phases out the slot rules in a timely and orderly fashion. In Chicago, slots are not eliminated until 2002. In New York, 2007, except for new regional jet service.

There is no safety reason to keep the slot controls, and from the very same report that my good friend quoted from, let me quote from page 3: "Changing the high-density rule will not affect air safety. Let me say it again, changing the high-density rule will not affect air safety." So it is not a safety issue any longer.

The FAA administrator testified earlier this year, and of course the report that my good friend and I both have referred to is 4 years old, but the FAA administrator testified earlier this year that there is no safety reason for slot rules. The slot rules restrict competition and result in higher air fares by keeping out new airlines.

I totally respect my friend's position in looking at it from a local perspective for his constituents. We have to look at this from a national perspective, and from the concern and the interest of air passengers all across America.

□ 1930

The slot rules hurt small and mid-sized communities in the East and the Midwest by blocking their access to Chicago and New York.

The 1993 Presidential Commission recommended the elimination of the slot rules. In a March 1999 report, this year, not 4 years ago but this year, GAO found that the slot rules restrict competition and result in higher airfares, and all the new service allowed by the elimination of slot rules will have to be provided by the quiet stage 3 aircraft.

Indeed, stage 3 aircraft is much more quiet. One stage 2 DC–10 makes as much noise as 9 new Boeing 777s. In fact, in 1975 there were 7 million people who were exposed to 65 decibels or higher.

In 1995, that figure is down to 1.7 million, and by 2000 that figure will be down to 600,000. So very, very substantial improvements are being made in noise reduction. Indeed in Air 21, we have $612 million for noise reduction as opposed to $246 million which was in the previous bill. So we are very mindful of the issue of noise, very mindful of the issue of safety and very mindful of the issue of the high costs which are imposed when one limits access to airports such as O'Hare and other airports.

We need more competition. One of the ways to do it is by lifting the slot rules which were imposed 30 years ago in a different time. It is not realistic to expect the air traffic system to be frozen indefinitely in the face of the rising demand, especially when new service can be accommodated safely.

For all of these reasons, I must with reluctance, out of respect for my dear friend, but nevertheless vigorously, oppose this amendment.

Mr. Chairman, I reserve the balance of my time

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say to my dear friend from Pennsylvania (Mr. SHUSTER) that opposing a third airport is the way to stifle competition. God forbid we should have a third airport and open up more slots and more gates and invite other airlines in. American and United would not like that. So to say that my amendment hampers competition, no, my amendment is designed ultimately to get to a third airport which Chicago is going to have, whether we stand in the way or not, it has to have, but that is the way to eliminate competition.

Now, anybody who says air density has no connection with safety never looks out the window as the plane is circling in bad weather. Believe me, the more flights that fill the air, if one does not think that creates a safety problem then I do not know what pilots they are talking to. O'Hare has 900,000 flights a year. It is the busiest airport in the United States, and to make it more busy may satisfy the balance sheet but I do not think it answers the human equation.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Chicago, Mr. JACKSON.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary, for yielding me the time.

Mr. Chairman, I rise in strong support of the Hyde-Morella amendment to address the high-density rule at hub airports that are essentially at capacity.

It does not take a rocket scientist to understand the nature of the problem here, I would say to the ranking member and to the chairman; not a rocket scientist at all. There are 875,000 take-offs and landings at the busiest airport in the world, 875,000 per year; at Midway Airport in the city of Chicago, 175,000 take-offs and landings every year. At operational capacity, O'Hare essentially reached it 6 years ago and now there is an effort afoot by this Congress, which this amendment fortunately stops, an effort afoot to add more than 875,000 operations at O'Hare Airport every year; 875,000. The head of the FAA, Jane Garvey, has suggested that air transportation in the future, particularly in this region, will grow as much as a million additional operations at the O'Hare Airport and in the midwest region, 1 million.

Without that high-density rule, we are now trying to squeeze 1,875,000 potential operations at O'Hare Airport, an airport that is incapable of handling the kinds of operations that the gentleman from Illinois (Mr. HYDE) and I have been articulating for the last couple of hours today.

So what is the airport doing to accommodate 875,000 operations? They are now cross-landing flights at O'Hare Airport. That is not half of it; cross-landing flights at O'Hare Airport at night. The pilots' union has objected to it, saying that it is dangerous.

Most recently, maybe within the last year, year and a half or so ago, a British Airways flight was in the process of taking off, a 747 taking off on one runway, I believe it was 32 left, at O'Hare Airport; a 727 was landing. They had approval to take off and land on cross-runways at the same time, and because the British Airways pilot saw it, he hit his brakes and blew out six tires because he realized that the 727 was incapable of stopping.

We just implemented this cross-landing procedure at O'Hare Airport within the last 2 years to address the capacity problem, and so because smaller air flights are now being cancelled from rural Illinois and other parts of Illinois into O'Hare field, our effort now is to try our best to increase competition amongst the carriers by lifting the high-density rule so that smaller aircraft can arrive at O'Hare Airport. It always works in the short run, but the high-density rule was specifically put in place for safety reasons, and that is critical and it is also very, very important. In particular, because when one looks at the reality that most of these routes are not as profitable for the larger carriers, once they get the slots they end up cancelling the small aircraft to smaller rural areas in favor of larger international flights and longer distance hubs. It keeps happening at O'Hare and that is why Archer Daniels Midland no longer has access to O'Hare Airport. That is why aircraft traveling directly from Moline, Illinois no longer have access to O'Hare Airport because the larger aircraft need the slot space, and that will not happen and be addressed until we balance this growth and build a third airport.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I rise in strong opposition to the Hyde-Morella amendment that will strike section 201 access to high-density airports from H.R. 1000. I will focus today on the high-density airport of greatest interest to my friend, my colleague, the gentleman from Illinois (Mr. HYDE), and myself: Chicago O'Hare International Airport.

The high-density rule was issued by the FAA in 1968 as a temporary, I repeat a temporary, measure to reduce delays at congested airports. The high-density rule was never designed for safety purposes. I will run that by once again. The high-density rule was never designed for safety purposes. In fact, on February 11, 1999, Jane Garvey, administrator of the FAA, testified before the Subcommittee on Aviation that there are no safety reasons for the high-density rule.

In addition, facility representatives of the air traffic controllers working in O'Hare's tower wrote that the controllers support the elimination of the high-density rule and agree that O'Hare, and I quote, is capable of handling an increase in traffic without adversely affecting safety. Therefore, contrary to what others want us to believe, eliminating the high-density rule will in no way affect air safety.

In fact, the FAA has sophisticated air traffic control programs and procedures in place to provide for safety.

For example, the FAA's central flow control system limits air traffic to operational safety levels based on the capacity of runways and airports, and it is implemented independently of the limits of the high-density rule. Air traffic controllers will continue to apply these programs and procedures for providing safety, regardless of whether the high-density rule is in place or not. Simply put, the FAA will never put more planes in the air than the system could adequately handle, and eliminating the high-density rule is not going to change that fact. There are no safety reasons for the high-density rule.

In addition, the high-density rule is no longer needed for its intended purpose of reducing delays and congestion. In fact, as a result of air traffic control improvements, congestion-related delays at O'Hare have decreased approximately 40 percent over the last decade as operations have increased. Unfortunately, O'Hare cannot fully benefit from all the improvements that enhance capacity and reduce delays. Although O'Hare could easily and efficiently handle an increase in air traffic, it cannot because of the artificial constraints of the high-density rule. In other words, the high-density rule does not reflect the capacity of O'Hare Airport but, rather, unnecessarily limits the capacity of the airport.

As for the issue of noise, which I know my colleague from Illinois is very concerned about, the high-density rule does not really serve as a noise mitigation tool. In fact, one effect of the high-density rule has been to increase operations between 6:45 a.m. and after 9:15 p.m., the hours the slot rule is in effect, because aircraft do not need slots to operate at these times.

Elimination of the high-density rule will actually reduce noise at night and in the early morning hours because airlines will have more scheduling flexibility to operate during the day.

More importantly, in 2002 when the high-density rule is eliminated, only the quieter stage 3 aircraft will be able to serve O'Hare Airport. A 1995 study of the high-density rule by the Department of Transportation found that the removal of the high-density rule at O'Hare, in conjunction with the mandated phase-out of noisier stage 2 aircraft by the year 2000, would shrink the number of people adversely impacted by noise near O'Hare from 112,349 in 1995 to 20,820 in 2005, a net decrease of 91,529.

This is also supported by the City of Chicago's projected noise contour for O'Hare in the year 2000.

It is clear that there is no real reason to keep the high-density rule in place. However, eliminating the high-density rule will provide immediate and substantial benefits. Today, very few new entrant carriers are able to serve O'Hare because it is extremely costly to either buy a slot or go through the political process of obtaining a slot exemption. Lifting the high-density rule will create new opportunities for new entrant airlines. This will increase competition and lower fares for consumers. Without slots, carriers will also have the scheduling flexibility to serve more destinations. In fact, carriers may be more inclined to serve small- and medium-sized communities because they will no longer have to worry about using their precious few slots on the most profitable routes. Eliminating the high-density rule allows all airlines, big or small, new or old, to serve O'Hare Airport, giving consumers more choice, lower fares, and greater convenience.

I urge my colleagues to oppose the Hyde/Morella amendment. The Committee has already conceded to significant changes to Section 201, including delaying the elimination of the high-density rule at Chicago O'Hare to the year 2002. Let O'Hare Airport operate safely and efficiently like every other slot-free airport in the nation by opposing this amendment.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of our subcommittee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. This amendment would continue the practice of unnecessarily limiting the number of flights to and from O'Hare, Kennedy, LaGuardia, and Reagan National Airports.

This is an anticonsumer amendment, an anticompetition, anti-free enterprise amendment.

The slot rule has unfairly prevented new service by new entrant carriers at these airports. New entrants are unable to secure enough slots during desirable peak periods to provide viable service.

Furthermore, established air carriers are discouraged from serving small communities since it is most profitable to allocate their precious slots to routes that carry the most passengers.

In some cases, airlines use the slot rule to protect their market dominance. At LaGuardia, carriers use smaller prop planes in jet slots to meet their usage requirements. This prevents the FAA from revoking their slots and giving them to competitors.

According to the DOT study that has been mentioned already here, the elimination of the slots will reduce airfare and encourage new service. Consumer benefits would total at least $1.3 billion annually.

□ 1945

According to this study, airfares on flights through LaGuardia, Reagan National, and O'Hare would drop an average of 5 percent. This amendment, however, will go in the opposite direction, lead to higher fares, less service, and lose the $1.3 billion in consumer benefits the DOT study found are possible.

The DOT found that the airports in New York and Chicago could easily accommodate many new flights every day. Planes, Mr. Chairman, are much quieter now than 30 years ago when slots were first imposed. Small and medium-sized communities would benefit most from these additional flights, receiving the access they need to these major markets.

Contrary to some claims, lifting the restrictions will not adversely affect safety. The FAA has assured us on this. In fact, the administration's own FAA reauthorization bill also contained provisions to eliminate slot restrictions.

Many large airlines do not use all of their slots that they presently have, and lifting slot restrictions would, I think, not lead to any noticeable increase in the actual number of flights. I oppose this amendment.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to correct a statement I made previously. I indicated previously that we had allocated $612 million for noise abatement. That was what was in our original bill. However, when we had to scale back the cost of the bill to conform with our agreement with the Speaker. One of the figures that was reduced was that, and it was reduced to $406 million. That is the accurate figure. It still is nearly twice as much as the previous legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 7 minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Illinois for yielding me the time.

Mr. Chairman, I rise in strong support of the Hyde-Morella amendment which would strike the provisions in the bill that would eliminate the slot rule, the limitations on take-offs and landings at O'Hare, LaGuardia and Kennedy Airports, and would add six flights to Reagan National Airport.

I urge my colleagues not to tamper with the slot rule at our Nation's high-density airports. In 1968, the slot rule was established as a solution from traffic congestion and delays at five high-density airports. Since that time, only Newark Airport has eliminated the slot rule, and Newark now has one of the highest rates of delays in the country.

Eliminating the slot rule at Kennedy, LaGuardia, and O'Hare and adding flights to National means the traffic congestion will increase at these airports. Passengers will be the ones to suffer the frustrating delays.

Over the years, the slot rule has evolved into a noise issue and a quality of life issue for citizens who live in the vicinity of the high-density airports. The existing slot rule at Reagan National Airport was a compact among Federal, local and airport officials. Its establishment by the Federal Aviation Administration was in response to the many appeals of citizens and local elected officials for relief from airport noise. Its preservation is essential to the promises that were made during the development of legislation, providing for the transfer of National and Dulles Airports from FAA control to the Metropolitan Washington Airports Authority.

Any attempts to alter the slot rule would be a breach of the good faith agreement between the FAA and the local community. Changes in the slot rule would destroy years of hard work by citizens, Members of Congress, the Washington regional government, and airport officials to provide genuine relief to the surrounding communities that are impacted by airport noise.

Limiting flights in and out of airports is an effective way to cut down on airport noise. I happened to notice in the CONGRESSIONAL RECORD that another bill, the National Parks Overflights Act, would manage and limit commercial air tour flights over and around national parks. The rationale behind this measure is that visitors to our national parks deserve a safe and quality visitor experience. 'Natural quiet,' or the ambient sounds of the environment without the intrusion of manmade noise, is a highly valued resource for visitors to our national parks. As commercial air tour flights increase, their noise also increases, and this increase in noise could hinder the opportunity for visitors on the ground to enjoy the natural quiet of the park.

In many ways, the District of Columbia is like a national park. Millions of tourists flock here each year to visit the monuments, the White House, the Smithsonian, and the Capitol. Anyone who has spent a solemn moment in front of the Vietnam Memorial knows that their solemnity is constantly interrupted by noisy overflights. The District is our Nation's Capitol, and we have every responsibility to protect the quiet and safety of our visitors who want to savor the history of our national city in a peaceful setting.

What about safety? According to pilots, Reagan National is not the easiest place to land a jumbo jet full of passengers. Even the most seasoned pilots admit it is hard to maneuver over a densely populated area and four major bridges while avoiding the White House airspace and all five of the Pentagon's rooflines.

Last year, I repeatedly pressed the FAA to respond expeditiously to the rash of radar outages that plagued the National Airport just after the opening of its new terminal. Recently, I was informed by the FAA that they are having trouble with their radar computer replacement system called STARS, and, consequently, they are going to install an interim software system until STARS is ready.

According to Richard Swauger, national technology coordinator of the National Air Traffic Controllers Association, that interim software system is slower. Does it make sense to add more flights at the high-density airports when the FAA's new, but slower, interim system will most likely increase delays for airline passengers?

Well, additional flights at our high-density airports will increase delays. I think it will impair safety and increase noise. The rules governing the use of the high-density airport should be left to the purview of the local authorities and the surrounding local jurisdictions, not the U.S. Congress and the Federal Government. Only 1.2 percent of the Nation's air travelers use Reagan National Airport. It is highly doubtful that the added slots, which has only one runway and is in the center of a densely populated area, will increase competition and create lower prices.

So I certainly urge my colleagues to vote yes on the Hyde-Morella amendment.

Mr. OBERSTAR. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining. The gentleman from Illinois (Mr. HYDE) has 3 minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 3½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Let me set the stage for this issue. We have a national aviation system, not a collection of individual airports around America. We have a national integrated system of airports. Aviation depends on all of them functioning together. They are linked by the FAA with the full control center out at Herndon so that at times of stress, as we had yesterday, when there are weather patterns moving around the country, that central flow control can coordinate among all those airports and prevent aircraft from congregating in areas where they may be exposed to unacceptable levels of weather and, therefore, delays and possible accidents.

We have large hubs, medium hubs, small hubs, general aviation airports, reliever airports. The 29 large hubs in America account for 67 percent of all passenger boardings in this country. O'Hare is the largest of the hubs. It is not just the largest, it is the largest in the world, the largest airport, the most important airport in the world.

Without O'Hare, small towns like Des Moines, Iowa, find their business community drying up. If they cannot get into O'Hare, they cannot conduct business. Small towns like Duluth, Minnesota, need access to O'Hare Airport. We have to be able to access our business community to that marketplace.

Why is O'Hare important? Because Chicago is the hub of mid-America, agriculture, business, jobs, exports. Within 300 miles of O'Hare are 40 percent of all of America's exports. Within 500 miles of O'Hare is 45 percent of the Nation's agriculture. To be competitive in the Nation's and the world's marketplace, one needs access to O'Hare.

Eight years ago, I worked with my dear friend for whom I have enormous respect for the courage and leadership that he has taken on the right to life issue, and we made right to less noise an issue. We have got this country on a downward spiral on noise. From 7½ million people 9 years ago, or 8 years ago, exposed to unacceptable levels of noise, we will be down to 115,000 all over America; 115,000 total. That is all. We have got all aircraft in the Nation's fleet down to Stage 3.

Now, what about this high density rule? It was imposed because FAA in the 1960s could not manage the traffic. Today they have the air traffic control tools to manage that traffic. I have met several times with the career professional chief of air traffic control at the O'Hare TRACON; that is the terminal radar control facility which manages approach control.

"We will never allow safety to be compromised," he said. "We will hold to the 100 per hour arrival rate. We can do better throughout the day. We can distribute those aircraft throughout the day on a better basis and accommodate more communities, but we will never allow safety to be compromised."

That is the real issue here. Secretary Slater has said the high density rule was never designed for safety purposes. Administrator Garvey of the FAA, says, "There are no safety reasons for continuing to maintain the high density rule. There are no competitive reasons for maintaining the high density. We will increase competition without necessarily increasing unacceptable levels of noise," as the gentleman rightly is concerned about, but we will increase competition.

Why should airlines that received free the right to serve O'Hare, LaGuardia, Kennedy, National Airport, received that free, have been permitted to convert a public good into a private right with value that they can now sell for as much as a million dollars apiece for arrival and departure? That is unacceptable.

If I had my way, we would eliminate the high density as of the enactment of this legislation, but we are accommodating people all across this country, accommodating various interests and various concerns and doing it in a fair way.

This amendment is unnecessary. It is unwise. It is counter to competition, counter to fairness, and counter to those people who wish to be protected from noise. We should defeat this amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Illinois for allowing me this opportunity to speak on this measure.

Mr. Chairman, I rise in strong support of this measure, and I also would like to compliment the gentlewoman from Maryland (Mrs. MORELLA) for her leadership as well.

This is not just about competition. This is not just about economic interests. This is also about people and neighborhoods and livability. It is about noise.

One of the issues that I want to talk about is the increased level of noise associated with increased flights. Lest my colleagues think this is an all-Illinois battle, I hasten to add that Reagan National Airport impacts the citizens of my district along the Potomac in Maryland. We are already in negotiations with the FAA over the noise problem affecting my constituents.

Now, we understand that we have to have flights, and we understand that commerce must continue, but it seems to me that there ought to be a reasonable balance and a fair consideration given to the concerns of Joe Citizen. What the citizens are saying is that they cannot enjoy their homes because of frequent flights. They cannot enjoy their homes because of cracked walls due to airport noise. They cannot enjoy their homes when their furniture and their artifacts rattle across the dining room table.

What they are saying to us is we need to control the increase of air flights coming into their community. That is what this amendment does. It enables us to consider the interests of the average citizen as we determine our national policy.

Reagan National Airport is unique. Unlike many airports that are far outside the city limits, those of us in Congress, of course, know Reagan National Airport is practically in Washington. That is how we make our flights home, those of us who have to leave. That means that it impacts a lot of communities. To add additional flights to this airport is particularly onerous because it affects citizens of the District, citizens from northern Virginia, citizens in Maryland, and it affects them in an unfair way that is not necessary.

We have a reasonable balance under the existing law. We ought to maintain that and continue to work to take into consideration the interests of Joe Citizen.

□ 2000

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

My colleagues, when the good Lord makes more airspace over O'Hare Field, then we can have more flights in there. But when there are more flights, we use up the space, we use up the air, we use up the ground, and there is not any more.

We are already the busiest airport in the world. We get some pretty bad weather in Chicago, and by stuffing or shoveling more flights into O'Hare, we create lots of problems for my constituents and for everybody that is flying around the country, because those backups and delays are going to radiate and ripple out.

I ask my colleagues to consider safety, to consider noise, to consider pollution, and to consider the status quo, which is serving us well, until we build more airports and more capacity. We are not doing that now and we should not add more flights.

Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time, and I would simply say, in closing, that I have enormous respect for my friend from Illinois. I understand he is representing well his constituency. But on our committee we must take the view of what is best for the entire Nation, and on that basis we must oppose the amendment of my good friend, the gentleman from Illinois (Mr. HYDE). I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All debate time on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was rejected.

AMENDMENT NO. 6 OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN).

Mr. PORTER. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on the Moran amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The demand for a recorded vote is withdrawn.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, pursuant to House Resolution 206, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 316, noes 110, not voting 9, as follows:

[Roll No. 209]

AYES—316

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Bryant
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hooley
Horn
Hunter
Hutchinson
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Vitter
Walden
Walsh
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Young (AK)

NOES—110

Aderholt
Archer
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Bentsen
Boehner
Bonilla
Boyd
Brown (OH)
Burr
Callahan
Castle
Chabot
Chenoweth
Clyburn
Coburn
Cox
Crane
Davis (FL)
DeLay
Doggett
Edwards
Emerson
Everett
Farr
Foley
Frelinghuysen
Gibbons
Goss
Graham
Hall (TX)
Hayworth
Herger
Hobson
Hoeffel
Hoyer
Hulshof
Hyde
Inslee
Istook
Jackson (IL)
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kilpatrick
Kingston
Knollenberg
Kolbe
Largent
Lowey
Luther
McInnis
McIntosh
Meehan
Miller (FL)
Miller, George
Minge
Moran (VA)
Morella
Myrick
Nethercutt
Obey
Olver
Packard
Pastor
Paul
Pelosi
Pitts
Porter
Portman
Ramstad
Regula
Riley
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sabo
Salmon
Sanford
Scarborough
Sensenbrenner
Sessions
Shadegg
Shays
Smith (WA)
Snyder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Taylor (NC)
Thornberry
Thurman
Tiahrt
Toomey
Visclosky
Wamp
Waters
Watt (NC)
Weller
Wexler
Wolf
Wynn

NOT VOTING—9

Brady (TX)
Brown (CA)
Gordon
Hostettler
Houghton
Lewis (GA)
Pryce (OH)
Radanovich
Young (FL)

□ 2028

Messrs. GEORGE MILLER of California, LUTHER, EVERETT, and Mrs. LOWEY changed their vote from "aye" to "no."

Messrs. PICKERING, McKEON, FLETCHER, and Ms. GRANGER changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 209, I was unavoidably detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1000, the bill just considered.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that the enrolling clerk be authorized to make technical and conforming changes in the engrossment of H.R. 1000, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on Thursday, June 10, I missed 12 votes because I was unavoidably detained in my district.

Had I been present, I would have voted "no" on rollcall 192, 193, 194, 195, 196, 197, 198, 199, 200 and 201, and "aye" on rollcall 202, and "no" on rollcall 203.

Yesterday, on June 14, I was detained by weather when landing at Washington National Airport.

I would have voted "aye" on rollcall 204.

□ 2030

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. HAYES) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the House of Representatives, I hereby designate Martha C. Morrison, Deputy Clerk, in addition to Gerasimos C. Vans, Assistant to the Clerk, and Daniel J. Strodel, Assistant to the Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 106th Congress or until modified by me.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARMY SANCTIONING WICCA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, in recent weeks we have learned that the United States military recognizes witchcraft as a religion. Witchcraft, or wicca, as it is often called, professes no belief in the Christian concept of God.

While I find this fact disturbing in itself, it was on my drive back to Washington yesterday that my attention was called to something that I find much more upsetting. The Washington Post ran an article on June 8 on the military's religious tolerance. It points out that the Army chaplains' handbook lists religious choices open to soldiers that include wicca, black Judaism and the Church of Satan. While I might not agree that such belief systems ought to be recognized or ought to be encouraged by the United States military, I accept the diversity of thought and opinion. What I cannot understand is what the article reports, that Army Chaplain John Walton, who served at Fort Hood for 5½ years was admonished for mentioning Jesus in his sermons.

According to the article, in the interests of maintaining religious tolerance on base, Walton was allegedly sent to sensitivity training where he was asked to refrain from mentioning the name of Christ so that he would not offend others; this, at an Army base that officially sanctioned the practice of witchcraft years ago.

Mr. Speaker, I hope what I read is not true. If it is, I am incensed. America is a Nation of many faiths, but to ask that a Christian chaplain deny Christ by asking him or her to drop His name from their sermons is like asking them to reject the essential nature of their beliefs. Doing so would stray from the religious principles this great Nation was founded upon.

Mr. Speaker, it was Thomas Jefferson who called the Bible the cornerstone of liberty and our country's first President, George Washington, said, and I quote: "It is impossible rightly to govern the world without God and the Bible."

Those same ideals apply to the men and women who defend and protect this country. Our Nation's soldiers risk their lives for my colleagues and for me and for this country. Those who choose to practice Christianity deserve the right to hear Jesus' name spoken by their chaplains.

Mr. Speaker, I am a man of strong religious convictions. My faith is an extremely important part of my life, and I respect others' right to practice their beliefs. But if the United States military begins removing fundamental tenets of the Christian faith this great Nation was founded upon, it is clear that we have gone too far in our effort not to upset.

Mr. Speaker, the instructions given to our military chaplains to offend no one can be easily viewed as religious bigotry to those with deeply-rooted beliefs.

Perhaps this anti-religious attitude is simply reflective of the times. Just weeks ago, the Washington Post featured a front-page article about a Calvert County, Maryland high school graduation ceremony in which students ignored a school ban on prayer and recited the Lord's prayer.

The reporter called the students a defiant group, as if to imply that the peaceful inclusion of God in the ceremony caused harm, but it received front page coverage simply because one young graduating student took offense at the prayer and left the building.

Mr. Speaker, have we become so sensitive to being insensitive that we can no longer say what we think or question other ideas? It is our diversity of opinion and diversity of culture that makes this country great. But if we continue down a path of religious intolerance from banning our Nation's students from praying in school, or asking our United States Christian ministers from uttering the name Jesus, we as a Nation accomplish nothing.

For that reason I have called upon Defense Secretary William Cohen to provide me with an explanation of how and why the military goes about training its chaplains to suppress such fundamental religious beliefs.

In the words of William McKinley, and I quote, "The great essential to our happiness and prosperity is that we adhere to the principles upon which this government was established and insist upon the faithful observance."

Mr. Speaker, this Nation was founded on Judeo-Christian principles. When we start forcibly suppressing those beliefs and principles, we threaten the very foundation and strength of this country, and if this trend continues, America is in deep trouble.

MIAMI RIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the Miami River project must be a major priority when Congress acts on the energy, water and appropriations bill later this year. At long last. The Miami River appears headed for a long overdue clean-up and revitalization. For the first time, a broad-based coalition of community leaders, business interests, and officials at the Federal, State, and local levels have united to work for this goal which is vitally important for both the future of our growing trade with our neighbors to the south as well as for preserving a waterway which is a key part of our ecosystem.

I am working with members of the south Florida congressional delegation, with the Miami River Commission and the Miami River Marine Group to ensure that the Miami River is a top funding priority in the energy and water appropriations bill later this year.

Recently the prospects of a Miami River clean-up brightened considerably after the U.S. Army Corps of Engineers announced that it would pick up the majority of the costs of disposing contaminated sediments from the River. This new policy came after a meeting with Corps officials, with representatives from my office and Senator BOB GRAHAM's office, and the Miami River Commission managing director, David Miller. This decision will allow the 4-year phase dredging project proposed by the Miami River Commission to become a reality.

Under this plan the Federal Government would pay 47 million of the total cost of the 64 million required to dredge the River. The first step in funding this plan will be the approval of a $5 million initial Federal appropriations in the energy appropriations bill. These are important economic and environmental reasons which have led us to this broad-based effort to clean up the Miami River.

The initial effort at the Federal level was begun by my predecessor, the late Claude Pepper, who placed the original language for the Miami River in the bill in 1986 and helped pass the original feasibility study of the Miami River in 1972. This resulted in the Army Corps of Engineers 1990 recommendations for navigational maintenance dredging of the River. The Miami River needs to be dredged because, after years of neglect, it has become the most polluted River in our State.

This problem originated in the 1930s when the River was dredged as a Federal navigation channel. Recent studies of bottom sediments of the River have uncovered a 65-year history of pollution from a wide variety of sources.

South Florida's post-war growth created over 69 square miles of mainly industrialized urban land areas which have loaded the River with pollutants via storm water systems. Numerous studies by the U.S. Army Corps of Engineers and State and local agencies all confirm that the Miami River has the most contaminated sediments in Florida and that only dredging can remove this pollution.

The need for prompt action to dredge the River is reinforced by its role as the major part of Biscayne Bay. The bay is one of the most significant water bodies in the United States, providing recreational and economic opportunities for over 2 million south Florida residents and supporting a great variety of marine life. Continued delay in dredging the River will permit the sediment to pollute this important water preserve. Failure to dredge could prevent the Miami River from becoming a major contributor to international trade and economic growth in south Florida.

As Florida's fifth largest port, the Miami River helps cargo carriers serve over 83 ports in the Caribbean and Latin America, and I urge my colleagues to support this inclusion in the bill later this year.

COMMUNITIES CAN NATIONAL AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I am proud to announce that Goldsboro, located in the First Congressional District of North Carolina, was named 1 of 5 communities chosen from a national search to be awarded the Community of Excellence Award by Communities Can, a national coalition of communities.

Communities Can is a growing national network of communities dedicated to serving all children and their families, including those who are at risk or with special needs. Goldsboro has demonstrated many abilities in an effort to foster collaboration and cooperation among the many public and private programs that can serve and support young children and families. They have shown diligence and a serious level of involvement with designing and implementing programs that have proven beneficial to families.

Over the years this community has demonstrated an inclusive approach to serving children with special needs and an innovative spirit in utilizing the complex public program to meet the specific needs of their families.

For all of these reasons Goldsboro, North Carolina was chosen from among 48 nominees by members of the Communities Can Team at the Georgetown University Child Development Center for Child Health and Mental Health Policy.

There are several key aspects to the kind of quality, service, and support for young children and families in this community essential to making things work. For instance, in Goldsboro there is one pediatric practice that provides a true medical home for almost every child in the county. They attend to children with or without insurance, although a generous SCHIP program in North Carolina has made arrangements so that very few children in the community are without coverage.

Further, Wayne Action Group of Economic Solvency, which is the community action group and Head Start grantee in town, serves as an umbrella for a good number of family and child service efforts.

In addition, a local hospital foundation funds a person who is responsible for community organization/grant writing to assist with the implementation of ideas from the community planning efforts.

Mr. Speaker, this is the kind of comprehensive collaboration of efforts that completes a full circle enabling children and families to effectively identify and remedy the many problems that exist and need to be addressed. I am privileged and proud to represent a community with such dedication to its children and families.

Congratulations to Goldsboro, North Carolina. I wish them much future success.

□ 2045

OLDER AMERICANS ACT

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Chairman, 1999 has been designated the International Year of Older Persons. The year marks a time to reflect upon the contributions of our seniors and assess our efforts to secure their continued health and well-being. During this year, we honor those who contribute to our communities as grandparents, parents, workers, volunteers, and as role models. They are the keepers of our traditions and the teachers of our values. While honoring these heroes this year, we must also work to support them where help is needed. This means looking to the future and ensuring the strength of our programs that serve our elders.

The next century is anticipated to be a golden age for seniors, with life expectancy increasing and predictions that older persons will outnumber children for the first time in our history. America's seniors are more physically and mentally fit than ever before. Yet with these positive changes, we can anticipate a greater burden for our health care system.

One way of preparing for the future is to renew the Older Americans Act, which has not been reauthorized since 1995. Since that time, our Nation's seniors and the programs established to serve them have faced an uncertain future. Because these programs help our seniors to remain active, healthy and part of their communities, I have asked the House leadership to make it a priority for passage this year.

The Older Americans Act has been a special program for over 34 years. Using a small slice of the Federal budget, the Older Americans Act has provided hot meals, legal assistance, employment for seniors and services for the home-bound. I have seen firsthand how these programs assist and benefit seniors in my home State of Kansas.

Kansas seniors have given a lifetime of service. Renewing these programs that preserve their well-being allows us to give back a little to those who have made our country what it is today.

We take pride in celebrating older Americans who demonstrate new horizons for what is thought impossible for older persons. Both Bob Dole and John

Glenn are these types of heroes who continue to defy limitations and inspire others to play leading roles in their communities. However, there are other, lesser-known older Americans who have been important to their own communities and now make use of the services of the Older Americans Act. The least we can do is to assist those who have given all they can and want to continue to live healthy and active lives.

Long life is a gift we treasure, and along with this gift comes a responsibility. Renewing the Older Americans Act is responsible action that provides security for the next century and will foster longer, healthier, and more productive lives for all Americans.

AMERICAN AGRICULTURE IS IN CRISIS AND NEEDS HELP NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, this past week it was announced that North Carolina farmers' earnings had dropped by $1 billion in 1998 over 1997. I was astounded when I read the article. But similar problems are being experienced all over America by our farmers. The farm crisis in America should be a concern for every American.

I have said many times that the people in this country must realize that food does not just come from the grocery store or from the supermarket. It comes from the blood, sweat, and tears and hard work of some of the hardest-working, God-fearing people in this country, and their families work hard. We cannot stand by and allow the farmers of this country to go out of business and let our farms be turned into strip malls and parking lots.

Whether it is the wheat farmer in the Midwest, the cotton farmer in Texas, the vegetable farmer in Florida, or the tobacco farmer in North Carolina, farmers help build this country, and they deserve to have us stand by them in times of crisis. If we do not, we will pay the price through the devastation of our rural communities and higher prices at the grocery store ultimately.

I am committed to working with Congress to find solutions that will restore profitability to agriculture in America and allow mothers and fathers to pass on this honored professional farming to their sons and daughters, because a lot of young people in this country are getting out of the profession because they cannot make a living. We must restore the farm safety net in this Nation before more farmers and their families fall through the cracks.

Mr. Speaker, the bumper crop of wheat last year and again this year that is now being harvested and is being seen in many parts of the country are suffering from some of the lowest prices in recent years. Farmers are finding out that they cannot produce themselves into prosperity with the low prices we are having. In some parts of the country, some farmers are already reeling from drought. This Congress must do something before it is too late for our farmers and their families.

We must start by reforming crop insurance, breaking down trade barriers, providing greater access to low-interest loans and credit for new and struggling producers, and provide support to farmers in times of dramatically low commodity prices like we are seeing now, all commodity prices. However, the first thing we need to do is to realize, and my colleagues in this Congress need to understand, that American agriculture is in a crisis, and it requires action now.

Just last week this Congress passed an agriculture bill at a time of crisis in agriculture, and what did it do? It cut $102 million out of it. That is how we care about farmers. I want my colleagues to know I voted against it, because I think it was the wrong thing to do at the wrong time. North Carolina farmers and the North Carolina economy cannot afford another loss like we had in 1998, and I am going to continue to call on my colleagues in this body to stand up and be counted, because the farmers of this country cannot be allowed to go broke. Another $1 billion loss over last year's economy would put most farmers out of business.

Mr. Speaker, I want to share just a few comments out of an article in the Wilson paper this week. It talked about a farmer who was harvesting his wheat. He had the best wheat harvest he has had in years on winter wheat. He had reduced his production from 200 acres to 160 acres. For the folks in the Midwest, that might not sound like a lot of wheat. In North Carolina it is a considerable crop. He planted wheat because all of the other commodities were so low, and he could double-crop and put in soybeans behind it. Well, when he put it in for market this past week, it was $2.15 a bushel. A loaf of bread is about $1.65 a loaf, so I can tell you who is making the money, and it is not the guy who is producing the wheat, it is someone in between.

Here is what he had to say. He said, all of the other commodities were also down other than wheat, but we had to plant something, and wheat was a good crop to plant when one wants to double-crop and plant behind it. He was fortunate. Even in the drought times we are now feeling in North Carolina, he got three-tenths of an inch of rain on Sunday and is now planting soybeans behind the wheat. Anyone that knows anything about agriculture knows that if it is dry and you get three-tenths of water, that will settle the dust maybe, but not much more.

My friends, we have to pay attention to American agriculture if we want to continue to eat and have the farmers continue to produce.

ENVIRONMENTAL JUSTICE SHOULD INCLUDE JUSTICE FOR ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, in Washington there are a lot of well-intentioned policies that are often misguided and often result in unintended consequences. There are those who claim they want to unite the country and bring people together, but in reality, the policies in and of themselves divide people. I will give my colleagues a perfect illustration of what I am talking about.

There is a doctrine that has recently been the goo-goo of so many folks here in Washington across the country called environmental justice. Now, according to the proponents of this doctrine, there are actions that have been taken by governments, local, State or otherwise, that disproportionately affect minority communities. The problem here is happening and occurring right in my community in Staten Island. I will give an example.

We have the country's largest landfill. All of the garbage generated in New York City right now, about 9,000 tons per day, ends up in Staten Island. Staten Island happens to be a community that is 80 percent white. So what happened several months ago as we stepped up our efforts to close the landfill on Staten Island? The EPA and the White House Counsel on Environmental Quality and about 60 other officials marched in New York City, not to look at the landfill, but to look at transfer stations in the south Bronx. Their reasoning is that the south Bronx has a problem, but where the disconnect is and what these proponents of things like environmental justice seem to forget is that if there is a health problem or if there is a problem that adversely affects one person, it does not matter if the person is white, African-American, Latino, Chinese-American; if it is bad for one, it is bad for everybody.

So as they parade these 60 officials through New York, they do not even come across the bridge to Staten Island. So how is it logical that we can have a transfer station problem in the south Bronx where the garbage is transient, and we do not have a problem with an open, unpermitted garbage dump that is about 160 feet high right now of rotting garbage? And what is the response? Well, you do not have a remedy under environmental justice because you are not in a minority community. That, folks, is not American.

This Nation is about equal opportunity, and, by God, if there is a problem in the south Bronx with the transfer stations, if there are young children or there are families that are adversely affected by what is occurring there, then somebody needs to fix it. I am not saying that because whether it is black or white or Latino, but you cannot look me in the eye and tell me that the same should not apply to a community that happens to be 80 percent white. Because I say to my colleagues, and the folks who may be listening and the folks at the White House and the folks at EPA, the folks who are espousing this doctrine across the country, we have a lot of African-Americans who live around the landfill, we have a lot of Latino-Americans, a lot of Chinese-Americans, and they are just as adversely affected by the odor and stench of the landfill.

I would hope they would open their eyes to what this country is all about. They talk about environmental justice. This country is about justice for all. I hope they wake up and see the light. The people of Staten Island have been adversely affected by this; they have been adversely affected by the decisions that they are making on a daily basis, and as we asked today, the reason why I am standing here today is when we asked for parity, when we asked for quality, when we asked for the same level, if not less, than what they did for the south Bronx, we were told "no." That is not justice, environmental or otherwise.

CHILD SAFETY LOCK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, tonight I stand with members of the Women's Caucus to urge this House to vote on sensible and purposeful gun control legislation.

Mr. Speaker, these last few months have been a sobering experience for us in this country with the rash of gun-related deaths of our children. However, I had long known that the acts of youth violence that permeate our schools and communities were real in my district. This is why I introduced the Child Safety Lock Act in the 105th Congress because of the ravishing gun violence in my district. We must provide safe havens and an environment for our children that will be conducive to their well-being and safe from fear.

I have reintroduced this bill in the 106th Congress because it was not the climate at that time for gun legislation, as it is now. It is time, Mr. Speaker, for us to act now, or we will continue to see a repeat of Littleton. No one wants that.

My Child Safety Lock Act defines what a locking device is and provides for locking devices and warnings on handguns and penalties related to locking devices. It also establishes general authority for the Secretary of the Treasury to prescribe regulations on governing trigger locks.

□ 2100

It allows the Secretary of the Treasury to issue an order and/or inspections regarding a trigger lock device which is in violation of the law. However, the debate cannot just be solely on handgun control.

It must be on education, as well. This is why I take 2 percent of the firearms tax revenue and use it for public education on the safe storage and use of firearms.

In addition to the child safety lock, Mr. Speaker, last year I introduced the PAAT Act, which prohibits the shipment and delivery of alcohol to minors through the mail and over the Internet. This bill requires senders and/or shippers placing packages for shipment in interstate commerce that contain any alcoholic beverages to place a label on the package in accordance with regulations prescribed by the Secretary.

It requires that packages containing alcoholic beverages of any kind be accompanied by documentation showing the full legal name and address of the sender and shipper. It also requires age verification prior to shipment, and an adult's signature upon delivery. It levies fines to senders and shippers violating the provisions of this act.

These amendments, Mr. Speaker, will protect our children, our most precious resource, and will help to create a safe haven and a conducive environment for them. They deserve just that.

Mr. Speaker, I urge the House to pass very sensible gun legislation. We must have the courage to stand firm and avoid the continued senseless bloodshed and loss of lives of our children around the country. A sensible gun bill and amendments can protect our children, and in doing so, we are protecting our future.

ONLY A MORAL SOCIETY WILL MAKE OUR CITIZENS AND THEIR GUNS LESS VIOLENT

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, we will this week fully debate the issue of school violence. If we had remained a constitutional republic, this debate would not be going on. I sincerely believe this kind of violence would be greatly reduced, and for the violence that did occur, it would be dealt with as a local and school issue. Responding emotionally with feel-good legislation in the Congress serves no worthwhile purpose, but makes the politician feel like he is doing something beneficial.

In dealing with the problem of violence, there is a large group here in the Congress quite willing to attack the first amendment while defending the second. Likewise, there is a strong contingency here for attacking the second amendment while defending the first.

My question is this: Why can we not consistently defend both? Instead, we see plans being laid to appease everyone and satisfy no one. This will be done in the name of curbing violence by undermining first amendment rights and picking away at second amendment rights.

Instead of protecting the first and second amendment, we are likely in the name of conciliation to diminish the protections afforded us by both the first and second amendment. It does not make a lot of sense.

Curbing free expression, even that which is violent and profane, is un-American and cannot solve our school problem. Likewise, gun laws do not work, and more of them only attack the liberties of law-abiding citizens. Before the first Federal gun law in 1934, there was a lot less gun violence, and guns were readily accessible to everyone. However, let me remind my colleagues, under the Constitution, gun regulations and crime control are supposed to be State issues.

There are no authentic anti-gun proponents in this debate. The only argument is who gets the guns, the people or the Federal bureaucrats. Proponents of more gun laws want to transfer the guns to the 80,000 and growing Federal Government officials who make up the national police force.

The argument made by these proponents of gun control is that freedom is best protected by the people not owning guns in that more BATF and other agency members should have them and become more pervasive in our society.

It is disingenuous by either side to imply that those who disagree with them are unconcerned about violence. Everyone wants less violence. Deciding on the cause of the hostile environment in our public schools is the key to solving this problem.

A few points I would like to make.

Number one, private schools are much safer than public schools.

Number two, public school violence has increased since the Federal government took over the public school system.

Number three, discipline is difficult due to the rules, regulations, and threats of lawsuits as a consequence of Federal Government involvement in public education.

Number four, reading about violence throughout history has not been a cause of violence.

Number five, lack of gun laws has not been a cause of violence.

Number six, the government's practice of using violence to achieve social goals condones its use. All government welfare is based on the threat of government violence.

Number seven, Star Wars technology, casually displayed on our TV screens showing the blowing up of bridges, trains, sewer plants, and embassies all in the name of humanitarianism glibly sanctions violence as a proper tool for bringing about change.

Number eight, the Federal government's role in Waco and the burning alive of innocent children in the name of doing good sends a confused message to our youth.

Number nine, government's role in defending and even paying to kill a half-born child cannot but send a powerful message to our young people that all life is cheap, both that of the victims and the perpetrators of violence.

More gun laws expanding the role of the Federal government in our daily lives while further undermining the first and second amendment will not curb the violence. Understanding the proper constitutional role for government and preventing the government itself from using illegal force to mold society and police the world would go a long way in helping to diminish the violence.

Ultimately, though, only a moral society, with the family its key element, will make the citizens and the government less violent.

TRIBUTE TO FORMER CONGRESSMAN RICHARD RAY FROM THE THIRD DISTRICT OF GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS. Mr. Speaker, I rise today to pay tribute to former Congressman Richard Ray, representative of Georgia's Third District from 1983 to 1992.

Congressman Ray died on May 29 of this year and was laid to rest in Perry, Georgia, the town he loved and served for over four decades. He is survived by his wife, two sons, a daughter, and three grandchildren.

My colleagues who had the privilege of serving with Congressman Richard Ray may offer many stories of his accomplishments and his tenacious spirit, but I have a unique perspective of the legacy of Richard Ray. That is his service in Congress, because I had the difficult task of following directly in his footsteps as representative of the Third District.

I learned quickly that Richard Ray had truly been a public servant. His constituents knew him personally, and felt free to call upon him for assistance. He was personally involved with every town and city in the district, and visited each one regularly.

As far as the people of the Third District were concerned, Richard Ray had set a high standard for a congressional service, and I count it a privilege to continue that tradition.

Richard Belmont Ray was born in Fort Valley, Georgia, and grew up working the family farm with his father and brothers and sisters. His only lengthy venture outside the state of Georgia as a young man was during his service in the Navy toward the end of World War II.

That service gave him his first glimpse of the world outside his home State, although I am sure it never occurred to young sailor on board the U.S.S. *Rowan* that the next time he visited Japan he would be an influential member of the Committee on Armed Services of the House of Representatives.

After completing his service, Richard Ray returned home to Georgia and married Barbara Giles of Byron, Georgia, the woman who worked with him to build a business, a home, and a family over the next five decades.

Richard began public service when he was building a small business in Perry, Georgia. His early service as a city councilman and as mayor ingrained in him the importance of working directly with the people he represented.

Senator Sam Nunn recognized the value of Richard Ray and his focus on constituents and local issues, and appointed him Chief of Staff in 1972.

When Congressman Jack Brinkley announced his retirement in 1982, Richard ran and was elected Congressman to the Third District of Georgia. He brought to this position years of political experience, a humble attitude, and a determination to make a difference in the lives of his constituents.

The new Congressman had three primary goals: To establish effective services, stop deficit spending by the Federal government, and ensure that the U.S. military regained its status as the greatest fighting force in the world.

He committed himself to these goals with a focus and energy that was uniquely Richard Ray's. Working 7 days a week, usually more than 12 hours a day, Richard accomplished more in his 10 years of service than many Congressmen do in several decades.

Mr. Speaker, I cannot begin to list all of Richard's accomplishments in Congress, but I want to submit for the RECORD a few that have special meaning for the people of the Third District of Georgia.

Richard Ray was a man who valued integrity, hard work, family, and his Lord, above all else. Mr. Speaker, Congressman Richard Ray will be greatly missed.

Mr. Speaker, Richard Ray's strong desire to stay directly in touch with the people of the Third District led him to develop a series of Advisory Committees and regular meetings that would allow a time for questions and exchange of information. In the early 1980's, Richard was breaking new ground by establishing a regular series of meetings to be held in the Third District to commemorate Black History Month. Although controversial at first, the Third District Black History Month breakfast and meetings grew and expanded over the years, eventually taking on a life of their own and raising thousands of dollars for the Pettigrew Scholarship Fund at Ft. Valley State College and the House of Mercy, a homeless shelter in Columbus, GA. This tradition continues to this day, and I am proud to take part in this annual event begun by Congressman Ray.

His service on the House Armed Services Committee was one of the high points of Richard's career. He was committed both to a strong defense and to a good quality of life for the soldiers, sailors, and airmen who serve our country. Richard's approach to committee work was to immerse himself in the details of an issue, studying it intently, talking with representatives of all sides, and then analyzing all factors before making a decision. He was never quick to make a judgement on a defense issue or to use his position to seek headlines. So, when he did get involved in an issue, his colleagues knew that Richard had thought it through and that his position had merit.

Many of the issues he took on for the committee were not glamorous, but they were critical and the committee chairmen always knew that Richard could be relied on to work hard behind the scenes to solve a problem. And, they knew that if Richard got involved in an issue, he would win in the end. Richard Ray never let go of a problem until he had solved it. Perhaps one of the most striking examples of his tenacity occurred when Richard learned that U.S. airbases in Europe did not have adequate air defense systems. The reasons for this deficiency were many and since it was a joint Army/Air Force program, the path for resolution of the problem was not clear. But, for Richard Ray, the problem had to be solved and he turned his energy to identifying and then enacting a solution. Quickly Army and Air Force representatives learned not to show up at a hearing unless they could answer questions on air base defense. When Richard became convinced that the solutions to the problem were coming too slow, he took decisive action to focus attention on this critical deficiency—he simply passed an amendment stopping production of the Air Force's prize fighter unless sufficient resources were put to air base defense. Thanks to his efforts, a program of adequate defenses was established for U.S. airbases. We saw the legacy of Richard Ray's work when our forces went to the Persian Gulf and used air defense systems effectively. The quiet yet constant persistence of this man ensured that our nation's forces could protect themselves from air attack with air defense missiles.

Richard Ray was asked to chair the first Defense Environmental Restoration Panel in 1987. He served as chairman of the panel until he left office in 1992. Under his leadership, U.S. and foreign bases began cleaning up decades of environmental contamination and began implementing new environmentally-conscious practices and procedures. Richard helped to chart the U.S. through a difficult time as the implementation of new environmental regulations and laws threatened to completely shut down the U.S. military. With his commitment both to a strong military and to a clean environment, Richard was able to help the military chart a path through the evolving environmental laws that allowed for compliance, yet did not prohibit readiness and training.

Richard had many other legislative accomplishments during his ten years in Congress but few were as meaningful to him as establishing the Jimmy Carter National Historic Site in Plains, Georgia. Working with the National Park Service, former President and Mrs. Carter, and the citizens of Plains, Richard Ray enacted legislation establishing both a permanent tribute to President Carter and a historic site presenting a comprehensive look at the rural south during the first half of the twentieth century.

Mr. Speaker, I also ask to have reprinted in the RECORD this selection chosen by Barbara Ray as a tribute to her husband. It is truly a fitting remembrance of his life—for he was a man who valued integrity, hard work, family and his Lord above all else.

MY CREED

I do not choose to be a common man. It is my right to be uncommon—if I can.

I seek opportunity—not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and to succeed.

I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the stale calm of Utopia. I will not trade freedom for beneficence nor my dignity for a handout.

I will never cower before any monster nor bend to any threat. It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefit of my creations and to face the world boldly and say: This I have done.

All this is what it means to be an American.

H.R. 1000, THE AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes

ENVIRONMENTAL ISSUES IN SOUTH DAKOTA

Mr. THUNE. Mr. Speaker, I would like to just briefly harken back to something my friend, the gentleman from New York (Mr. FOSSELLA) said earlier about environmental justice, because we are dealing with a number of environmental issues that are very important in my State of South Dakota.

In the beautiful Black Hills, we have this little pest called the pine beetle which, if not managed effectively, will destroy thousands of acres of forest in the Black Hills. The Clinton-Gore administration recently revoked a previously-agreed upon order that would have allowed the Forest Service to manage the problem. That is crazy.

I want to talk about another thing. We have another little pest called the prairie dog which, if Members can believe this, is scheduled to go on the endangered species list.

Ranchers have been trying for generations to eradicate prairie dogs because they destroy the grass where ranchers allow cattle to graze. This, too, is crazy. I do not know what bureaucrats in Washington know about prairie dogs. These are issues that the people who live off the land are trying to manage. They are good conservationists.

We are dealing with another one right now having to do with wetlands regulations, trying to bring some common sense, some sense of balance, to these issues, and consistently we run into resistance from this administration, proving once again that common sense I think is in very rare supply in this city and in this administration.

What I would like to do this evening, Mr. Speaker, is talk, if I might briefly, about something that is a very positive development from my State, which we passed today. That is H.R. 1000, the Aviation Investment and Reform Act for the 21st Century. It will make important and long overdue strides towards restoring the integrity of the aviation trust fund.

As was the case with the Highway Trust Fund, the American people have been paying use taxes into what they thought was a dedicated trust fund reserved for maintaining and improving airport safety and capacity. Unfortunately, like in a lot of other areas, the Federal government for years has been less than honest in the way they have handled this fund. Passengers, aviators, and the airlines have paid billions of dollars to the Federal government in the form of taxes on tickets, fuel, and air freight.

They have expected these funds will go to keep the infrastructure repaired and in working condition, and to improve the efficiency of air travel, and most importantly, to ensure the safety of air travel. South Dakota's two busiest airports highlight this principle, painting the stark difference between the investment and the return.

The passengers and other aviation users in Sioux Falls Regional Airport, the State's largest airport, paid approximately $8 million in aviation taxes to the Federal government in 1997. Yet the airport received only $1.3 million in aviation improvement funds from the FAA.

Users of the Rapid City Regional Airport paid in nearly $7 million and received $850,000 in return. While both receive other indirect contributions through the presence of FAA personnel and air traffic control operations, these contributions hardly make up for the difference between contributions to the trust and payments made to the airports.

Air 21 would attempt to bring us closer to closing that gap. As my colleagues were probably aware, the bill would triple the airport improvement program entitlements to all airports, taking the minimum grant level from today's level of 500,000 to 1.5 million.

For South Dakota, this tripling would provide $1.5 million annually for the airports serving the cities of Aberdeen, Pierre, and Watertown. For Rapid City and Sioux Falls, their entitlements respectively rise from about $832,000 to an estimated $2.5 million for Rapid City and from about $1.3 million to an estimated $3.9 million for the city of Sioux Falls.

Thankfully, Air 21 does not just stop at aiding the larger airports in South Dakota and across this Nation. The bill also includes a number of important provisions that would assist our general aviation airports, those airports which serve rural areas and smaller communities.

Perhaps the most significant contribution the bill makes directly to our general aviation airports would come in the form of a new direct entitlement grant program for general aviation airports.

□ 2115

These grants would be in addition to the amounts provided for the States for distribution to various general aviation airports. With increased access to air service, one can clearly see that economic activity would increase.

It is no secret that one of the top factors businesses and companies consider is access to safe, reliable and affordable transportation. The bill proposes a number of important reforms that would help improve deficiency in competition. Among other issues, I commend the chairman for moving a proposal forward that would improve access to Chicago O'Hare International Airport. I firmly believe that today's high density rule is outdated and acts only as an artificial barrier for competition for areas of the nation, including South Dakota.

Fortunately, Air 21 would open access to this airport potentially for cities like Sioux Falls that might be able to provide competitive options for its travelers and profitable routes for air carriers that might not be able to access O'Hare today.

Mr. Speaker, I recently organized a series of meetings with community leaders across South Dakota to discuss air service issues. While they are generally pleased with the level of service they have today, they also believe there is room for improvement. Air 21 will bring needed improvement and see that the hard earned dollars of America's taxpayers are used for the purpose for which they were intended.

THE SCOURGE OF ILLEGAL DRUGS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor again tonight to talk about a subject that I feel I have a particularly important responsibility on and that is the question of the problem of illegal drugs and its impact upon our society.

I try in these weekly talks to my colleagues in the Congress to stress some of the problems that illegal narcotics have created for this Congress, and for our American society and for millions and millions of American families who have been ravaged by illegal drugs with their loved ones.

So tonight I am going to talk about, again, the impact of illegal narcotics on our society and families.

I want to talk a little bit about the history of the drug war. I always think that is important. No matter how many times I have told the story of how we got into this situation with a record number of deaths and abuse, drug abuse, among our teenagers and hard drug overdoses among our young people at record levels, it is amazing how many people really are not listening to the problem that we have in this Nation.

Additionally, I would like to talk a little bit about a hearing that we plan to conduct tomorrow and hearings in the future. I have the privilege and honor of serving as the Chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. Tomorrow our subcommittee will launch on a series of hearings dealing with drug legalization, decriminalization and also looking at alternatives for harm reduction, which seem to be sort of the popular rage.

We are going to attempt, through those hearings, series of hearings, to bring more public light on those issues that are getting so much attention right now. Then I plan to talk a little bit about some studies, one in particular in New York, that debunks some of the myths about people who are incarcerated, or part of our criminal justice system, because of drug offenses.

An interesting New York study I thought I would share with the House of Representatives tonight and talk a little bit more about some of the problems we have had with extraditing individuals from Mexico and talk about the source of most of the hard drugs coming in to the United States, which is through Mexico.

Mexico does not produce all of these drugs but certainly is the transit point, and I would like to bring the House and other interested individuals up to date on what is taking place in Mexico; again with the problems we have incurred in getting their cooperation and our effort to combat trafficking and production of illegal narcotics.

Finally, I would like to talk a little bit about what we are doing in a positive vein to deal with this very serious problem that has affected my community and, as I said, millions of American families, and what this new majority is doing since we have inherited the responsibility to govern, to legislate and to create a new drug policy in a void really where we had no policy.

So those are some of the objectives tonight. Again, I want to go over the situation because unless we have some tragedy, an airplane crash, a Columbine, some explosion, some tremendous loss of life in one instantaneous CNN-covered event, it seems that the American people and the Congress do not pay much attention.

What we have here is the slow death of thousands and thousands every month, more and more Americans dying, due to drug-related causes. Right now the hard statistics are last year over 14,000 Americans lost their lives as a direct result of drug-related causes. Most of those are overdoses.

Really, what I find very interesting in just the last 8 months of assuming this responsibility, one would think we would have hard figures on all the people that die as a result of illegal narcotics, and we really do not. We are finding that many of the suicides, some of the murders, many of the other deaths that we read about, traffic accidents, are not counted in the statistics. I am told that we could easily approach 20,000-plus per year that are dying truly as a result of drug-related deaths in this country.

Since the beginning of this administration, we have had over 100,000 deaths. So put that in perspective and now the problem of drug-related deaths has affected millions and millions of American families.

I would venture to say if we talked to school children, if we talked to families across the country, almost every one of them can tell a story of someone they know, if not a relative a friend, who has had a young person, in particular young people are afflicted by this problem, die of a drug-related cause.

So it is a silent but deadly, devastating rage and epidemic across our Nation; not only in the sheer numbers of people that have been lost but the impact on so much of our American society; on the medical system; on our judicial system; health care; on society's responsibility to help families that have lost a wage earner who is afflicted by drug dependency, who is incarcerated in our legal system. So, again, this has had a very damaging effect and it has many consequences.

Let me read a few statistics, if I may, and cite them, about the problems that are occurring. For example, in 1995 almost 532,000 drug-related emergencies occurred nationwide. In 1995, the retail value of the illicit drug business totalled $49 billion. It is estimated that the problem of illegal drugs now approaches a quarter of a trillion dollars every year. That is taking into account all the direct costs, the indirect costs, incarceration, the judicial system, hospitalization, social costs, disruption in our society, lost productivity. There are incredible costs and an incredible price tag to us as a nation.

Additionally, in Congress, and I only have a tiny bit of responsibility in the House of Representatives, and that is to oversee some of our drug budget, which is proposed by the administration, that totals about $17.9 billion in direct dollars that we can identify, another part of this expensive price tag that we face.

According to the 1997 National Household Survey on Drug Abuse, 77 million Americans, that is 35.6 percent of all Americans age 12 and older, reported some use of an illicit drug at least once during their lifetime; 11.2 percent reported use during the past year, and 6.4 percent reported use in the last month before the survey was conducted. This is our most recent survey that shows, again, the impact of illegal narcotics on our society; and again almost 36 percent of all Americans over age 12 have been involved with illegal narcotics.

According to the 1998 monitoring of the future study, and this is a study conducted every year, 54 percent of high school seniors reported use of an illegal drug at least once in their lives. So we passed the halfway mark. We see, again, the statistics in deaths. We see the statistics in addiction. We see the problems that we have with our young people and we have just under 55; 54 percent of all of our high school seniors reported use of an illegal drug at least once in their lives.

What is interesting is we conducted at least half a dozen hearings on the various subjects about drug abuse in the past few months, and one hearing that we held additionally in an area of responsibility was one hearing that addressed the problem of violence in our schools, and that certainly has been a topic of conversation in the Congress and throughout the country since the Columbine incident.

It is interesting to note, and we had principals, we had psychologists, we had law enforcement people, but almost every one of them who testified in our subcommittee hearing said that one of the major problems that we have and at the root of violence in our schools is drug abuse and substance abuse. This was repeated over and over.

It is interesting, when we talk about control of weapons and explosives that we do not address the question of control of substances that really lead to some of the problems that we have seen, and that is violence in our schools. It is sad that, again, we address sort of the periphery in Congress.

We do not go to the root of the problems.

In these hearings we heard time after time from expert after expert that illegal narcotics are at the root of violence in our schools and in the communities. So this is, again, the startling statistic that we have passed the halfway mark with our high school seniors. At least close to 55 percent have used illegal narcotics. Forty-one percent reported the use, in this study, of an illegal drug within the past year. That is 41 percent of our high school seniors now have reported the use of an illegal drug within the past school year.

Nearly 26 percent reported the use of an illegal drug within the past month, and this is the latest study and report that we have showing, again, some startling statistics about the use of illegal narcotics among our young people.

Today I had an opportunity to meet with several different representatives, of different organizations involved in combatting illegal narcotics. One of the individuals that I had the pleasure of discussing this subject with was Mr. Ron Brooks. Mr. Brooks is the President of the National Narcotics Officers Association and he is really on the frontline with many of the other narcotics officers across this country who from day to day sometimes risk their lives and deal on the street and in our communities with the problem of illegal narcotics.

□ 2130

What is incredible is Mr. Brooks, again president of the National Narcotics Officers Association, said that methamphetamines are becoming a national epidemic in this country. We have discussed the situation that we find ourselves in with methamphetamines, commonly called meth.

We have conducted also our subcommittee hearings in several locations in Florida and Atlanta and Washington, and we heard reports from United States attorneys, from police chiefs, from border patrol officers, from law enforcement officials across this Nation in surprising locales.

We had a law enforcement officer from the heart of the country in Iowa testify. We had information from Minnesota where one would not think that there would be much of a methamphetamine problem; Georgia, Texas, and the list goes on and on. Mr. Brooks, and we had representatives from California talking today about the meth epidemic in that State. So we have another, in addition to heroin epidemic, which we have experienced in Florida, we have in many parts of our land a methamphetamine epidemic that really needs attention.

Let me describe a little bit about meth and what it is and the problem that we face. Methamphetamine is a highly addictive drug that can be manufactured by using products commercially available anywhere in the United States. Methamphetamine is by far the most prevalent synthetic controlled substance which is clandestinely manufactured in the United States today.

In 1997, it was estimated that 5.3 million Americans, that is 2½ percent of our population, had already tried methamphetamines in their lifetime, up significantly from a 1994 estimate of 1.8 million Americans.

The meth problem, as I said, is epidemic. Not only can it be manufactured by commercially available products that are available in the United States, we found an interesting side note here; and that is that most of the methamphetamine and some of the chemicals that are used in its processing come from Mexico.

It was startling to find officials from Minnesota, from Iowa, from Texas, and other States who actually traced the methamphetamines back to Mexico, an incredible trail, an incredible tale of this deadly substance coming across our borders, and again far flung into communities we would never expect that now are experiencing epidemics of methamphetamine use and abuse.

All of this, of course, has a toll on the Congress and the American taxpayer. I cited some of the toll in dollars and cents and lost lives. One of the big problems that we have is that we have people incarcerated in our prisons, in our local jails across this Nation.

It is also interesting to note when we conduct these hearings and we have sheriffs, like we had our local sheriffs testify, and I am very privileged in central Florida to have several outstanding sheriffs, Sheriff Bob Fogel of Volusia County, who has had an incredible reputation of going after drug dealers, taking a lot of heat for his aggressiveness in going after them, but done a tremendous job in directing resources of our community in Volusia County in central Florida to go after those dealing in illegal narcotics.

Sheriff Don Eslinger of Seminole County. These counties are between Orlando and Daytona Beach that I represent. Don Eslinger has just done a magnificent job, not only as sheriff and chief law enforcement of our major county in my district, but also in heading up a high-intensity drug traffic area, getting that off the ground, which we designated 2 years ago.

That is interesting because, under Federal law, we can designate a community as a high-intensity drug traffic area and bring in Federal resources; and that has been done repeatedly. Sometimes I would like to make the whole United States a high-intensity drug traffic area. That would be a great goal. It would be a great objective if we could do that.

But right now we are limited, because we have limited resources to pick those areas that have been disproportionately impacted and that can justify additional Federal resources designating them as a high-intensity drug traffic area, then providing resources to the local community to deal with that problem.

That is what we have done in Central Florida. Legislatively, I was able to achieve that with the help of Senator GRAHAM, with the help of other colleagues in central Florida. We did get central Florida, the corridor from Daytona Beach over to the Tampa west coast, designated as a high-intensity drug traffic area with $1 million in initial contributions from the Federal Government to go to beef up these activities. This past year, we added $2.5 million.

What is really fabulous is we have seen results. The headlines of the papers just in the last week trumpeted some of the success that we have had. Don Eslinger helped lead that effort, our sheriff, and the individual who helped us start our high-intensity drug traffic area. So Don Eslinger also testified before our hearings.

He told our subcommittee, in hearings in central Florida that we conducted, in fact, right out of the box when I took over this responsibility of chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, in those hearings, Don testified that, in fact, 70 to 80 percent of those incarcerated and that he has arrested are there because of drug-related offenses, an incredible statistic.

We find that, if we look at our Federal prisons and other penitentiaries and jails across the country in similar testimony, we see that 60 to 70 percent of those that are behind bars in this country are there because, again, drug offenses. Now we are approaching 2 million. We have 1.8 million incarcerated in jails. Just imagine what this country would be like if we could eliminate 60 to 70 percent of the crime, 60 to 70 percent of those incarcerated, how we could use those resources. Imagine the tremendous waste of human beings' life to have them sitting behind bars because they have committed a felony and drug offense.

The statistics, again, are just startling about use by those in prison. A recent survey that we had submitted to us, our subcommittee, said that overall 82 percent of all jailed inmates in 1996 had used an illegal drug—up 78 percent from 1989. We had, again, a huge increase in those in prison who were there because of a drug-related crime.

We also find that a large, large percentage, 82 percent of all jail and inmates, had used illegal narcotics. Eighty-one percent of individuals selling drugs test positive at the time of arrest, including 56 percent for cocaine and 13 percent for heroin.

This is interesting because we have people who are selling and involved in trafficking of narcotics are also drug users and involved in the hard drugs of heroin and cocaine.

A study by the Parent Resource and Information on Drug Report, which is called PRIDE, reported recently of high school students who reported having carried guns to school, 31 percent use cocaine compared to 2 percent of the students who had never carried guns to school. The same relationship was found among junior high school students. Nineteen percent of gang members reported cocaine use, compared to 2 percent among use who were not in gangs.

So it is interesting that not only our prisons, those involved in felonies, involved with illegal narcotics, that even those young people who cause the disruption in our schools by bringing weapons into schools are involved with the hard narcotics and at the statistic level that we cited in this report. These are, again, some of the problems we face with incarceration.

I wanted to talk for a minute, since tomorrow's topic of discussion before our subcommittee will be the question of pros and cons of drug legalization, decriminalization, and harm reduction. Tomorrow, again, is just the first in a series of hearings that we will be holding to address these issues.

We will hear administration policy and pleas that we are going to lead off with our Drug Czar Barry McCaffrey, who has helped the new majority in Congress restart the war on drugs. I know he does not like that term, and I could see why, because this administration, before he assumed the responsibility of the Chief Executive Officer and Director of our Office of National Drug Control Policy, before he came on board, we basically had a vacuum. We had a closing down of the war on drugs. General McCaffrey has helped restart that.

We will also hear, in addition to the Chief National Drug Enforcement Officer that controls our national policy, our Drug Czar, Dr. Alan Leshner, Director of the National Institute on Drug Abuse, and hear what the National Institute on Drug Abuse feels about legalization, decriminalization, and how we should approach harm reduction.

Then we will hear from the Deputy Administrator of our Drug Enforcement Administration, Mr. Donnie Marshall. It is sad, as I said, that we recently learned of the retirement this summer, pending retirement, of Tom Constantine. I cannot sing enough praises of Mr. Constantine. He has been the Administrator of the Drug Enforcement Administration. He has sometimes taken up positions that are difficult with an administration that has not always been willing to cooperate, but he has done so with great integrity, with great honesty, gained the trust of almost every Member of Congress and certainly their respect.

Tomorrow we will hear from Donnie Marshall, his deputy, and see how the administration feels about these proposals again to liberalize and legalize and decriminalize some of our drug laws.

I am pleased also that we will have Jim McDonough. Jim McDonough was a deputy in the National Drug Czar's Office and has moved on to direct Florida's effort under the able leadership of our new Governor Jeb Bush, who, right from the beginning, found one of the best individuals in the country to come to Florida and help us with the mounting problem that we have had there.

Jim McDonough is no stranger to the Office of Drug Control Policy. As I said, he was a deputy there, admirably served, and now is serving us in Florida; and we will hear his opinion from the State level. I am pleased to welcome him at our hearing.

□ 2145

Then we will also hear from Mr. Scott Elders, a senior policy analyst with the Drug Foundation. And then we are going to hear from Robert L. Maginnis, who is the Senior Director of the Family Research Council. And Mr. David Boaz, Executive Vice President of the Cato Institute. And Mr. Ira Glasser, Executive Director of the American Civil Liberties Union.

This is only our first hearing on this subject. We intend to look at the medical use of marijuana. We intend to look at some of the programs across the country that have dealt with decriminalization; some of the efforts in Arizona and others that have been touted recently.

As sort of a prelude to that hearing, I tried to assemble some of the most recent reports relating to decriminalization. One of the interesting things in my position is many people come to me asking why we do not look at not incarcerating people for drug use. They think drug use is something personal. If someone wants to get stoned or someone wants to walk around in a cloud, it does not do any harm. These people are sitting in our prisons. This is a waste of taxpayer money. And most of the people in prison, they would have us believe, they are first-time users or have not committed a serious offense, only personal use and possession of illegal narcotics.

One of the most recent studies which I obtained a copy of is Narrow Pathways to Prison, and it is entitled "The Selective Incarceration of Repeat Drug Offenders in the State of New York." This is the most recent report that I found. Rather thorough. It was produced by Catherine Lapp, the Director of Criminal Justice, in April. Just released in the last month or two. And I thought I would try to debunk a few of the myths about some of the things that have been said; that, again, these are first-time offenders; that these are people who only had personal use of some illegal substance and have done no harm.

Let me just read from this report, and, again, a pretty factual and well documented report, about what they found. "Advocates seeking to reduce or eliminate incarceration of drug offenders often focus their concerns on the following two types of offenders. First, incarcerated drug offenders with no prior felony arrest histories; and, second, incarcerated drug offenders whose only prior felony arrest, and perhaps convictions, involved drug offenses. This report helps to eliminate the circumstances underlying the incarceration of those two groups of offenders. It reveals that the vast majority of these offenders never receive prison sentences. And most of those who are sentenced to prison have failed to abide by conditions of community supervision." An interesting finding.

Now, there are two parts to this report, and I will just read the summaries and then the conclusion.

Part one. And it is entitled "Drug Offenders With No Prior Felony Arrests or Conviction."

Few felony drug arrestees without prior felony histories receive prison sentences in New York State. As shown in one of their charts, fewer than 10 percent of disposed felony drug arrestees without a prior felony arrest or conviction are sentenced to prison. The other 90 percent are diverted from the criminal justice system prior to conviction or sanctioned locally. These data suggest that the criminal justice system is very selective in its use of prison for first-time offenders.

So this is New York. It is one very comprehensive study, just completed a few months ago, and its conclusion is that these first-time offenders are not going into prison.

There is a second part to this study which is quite interesting, and the title of the second part is "Drug Offenders Whose Only Prior Felony History, Arrest or Conviction Involves Drug Offenses." Now we are going to look at those who have had a history of felony arrests which involved drug offenses, and this is the second part and second conclusion.

Most suspects who are arrested for felony-level drug crimes, and whose prior felony histories are limited to drug crimes, do not receive prison sentences in New York State. As shown in one of the charts they provide, approximately 70 percent of the disposed felony arrests are either diverted from the criminal justice system prior to conviction or sanctioned locally. Again, the data indicates a very selective use of prison even when the arrestee has a prior drug felony arrest history.

So these folks that are sitting in our prisons are not one-time users, they are not first-time users. And the conclusion of this report is quite interesting. Again, I thought I would provide verbatim the conclusion that was reached in this New York study.

This report provides an accurate and objective insight into the manner in which New York State's criminal justice system adjudicates persons charged with drug offenses. Contrary to images portrayed by Rockefeller Drug Law Reform Advocates, the drug offenders serving time in our State prison system today are committed to prison because of their repeated criminal behavior, leaving judges with few options short of prison. In the past decade, numerous alternatives to prison and prison diversion programs have been implemented to target non-violent drug abusing offenders in an effort to reduce unnecessary reliance on prison and reduce recidivism among this category of offenders. The programs range from merit time to shock incarceration, detab, and the Willard Drug Treatment Program.

Our subcommittee intends to look at some of these diversion programs in future hearings and future investigations. These programs and others have yielded promising results. However, as this report clearly demonstrates, when offenders continue to flaunt the system and fail to abide by the conditions of their release, the court must take swift action and impose appropriate sentences of imprisonment in order to protect society and break the cycle of crime.

This is a very interesting report, and I will make that a part of the record of our hearing tomorrow as we discuss in one of the rare times that I can recall that Congress has addressed the question of drug legalization, decriminalization. A very interesting factual report, and it blows away some of the myths about who is in prison, who is behind bars, and what brought them to prison.

Tonight, again, in addition to talking about the hearings that we have held and the hearings we are going to hold tomorrow, I want to repeat a little bit of the history of how we got ourselves into this situation. I do not mean to beat a dead horse, but, again, it is amazing how many people do not know the story of really this administration and this President's direct efforts to close down the war on drugs in 1993.

When they gained control, from 1993, of the House of Representatives, of the other body, the United States Senate, and of the White House, the first thing they did was dismantle the drug czar's office. Most of the people that were cut from the White House staff were cut from the staff of the drug czar's office, which has been part of the Executive Office of the President.

What was sad, and I sat on the then-Committee on Government Reform and Oversight, and had been on the Committee on Government Operations prior to that, is this administration completely ignored national drug policy for 2 years. For 2 years, when I came as a freshman in 1993, I repeatedly made requests of the chairman, of the Committee on Government Operations that was responsible for drug policy oversight, for hearings.

Repeatedly we requested that there be some oversight of what was happening as they dismantled the war on drugs, as they took the military out of the war on drugs, as they cut the Coast Guard budget in half in the war on drugs, as they began a systematic dismantling of the source country program, which was stopping illegal narcotics most cost-effectively in the few nations and areas where those illegal narcotics are produced.

I called for and others signed letters. In fact, at one point I believe we had over 130 Members, Republican and Democrat, who asked for hearings and policy review of what was going on with the destruction, dismantling and ending of the war on drugs by this administration. During that entire time there was one hearing, which was approximately 1 hour, where they had the drug czar, Lee Brown.

Lee Brown, and I say this with protection of immunity on the floor of the House of Representatives, was probably the worst public official in the history of not only this administration but for every administration of this century. He did more to oversee the dismantling and destruction of a policy that had proven effective to deal with illegal narcotics than any other human being on the face of the map of the United States. And he came and testified, I will never forget, in a hearing that lasted less than an hour, I think the record would prove, talking about that. And that was only after nearly a disruption of the entire committee process to get one hearing in 2 years on national drug policy as this so-called drug czar oversaw that effort.

The results are incredible. Because from taking the war on drugs apart and dismantling that, hiring a Surgeon General who said "Just say maybe," from sending the wrong message, "If I had it to do over again, I'd inhale," all of these things added up to where, today, we have, since 1993, an 875 percent increase in heroin use by our teenagers.

My colleagues heard the statistics on methamphetamines, the statistics on the death and destruction, particularly among our young people. This has had very devastating results, and it was due to a very concentrated effort by a few people and a majority that took control of this Congress from 1993 to 1995.

What is amazing, too, is that we have known, and I have repeated this on the floor of the House, we have known the source of most of the illegal narcotics. We know that cocaine was produced in only three countries, and 90 percent of it, until this administration took control, 90 percent of all the coca in the world that came into the United States was produced in Peru and Bolivia. Now, in 6 years, they managed to shift that production to, today, to Colombia. And I will talk in a minute about how we got into the situation with Colombia now becoming the major producer of cocaine, also through a direct policy of this administration, which was to stop all resources, assistance, aid, ammunition, helicopters, anything they could stop getting to Colombia and the Colombian National Police to deal with the narcotics production and trafficking problem. That was a direct policy of this administration that failed to deal with that problem.

□ 2200

The good news was that the House of Representatives and the other body went into the hands of the other party. And let me say that I had the honor and privilege of serving under the gentleman from Illinois (Mr. HASTERT), now the Speaker of the House of Representatives, when he took on the responsibility under the leadership of the new majority to put the war on drugs and begin to effectively reassemble what had been started by the Reagan and Bush administration, again a real war on drugs.

The first thing that the gentleman from Illinois (Mr. HASTERT) did was to work with Bolivian and Peruvian officials to aid their effort and restart the source country programs for eradicating cost-effectively drugs at their source.

Again, I cited that most of the cocaine produced in the world and coming into the United States in 1993 to 1995 was from Peru and Bolivia. So the gentleman from Illinois (Mr. HASTERT) went to the source. I went with him. We went out into the fields. We met with the national officials, the Presidents, and they restarted those efforts.

Through that effort, in the last 2, 3 years, those two countries, Peru and Bolivia, through the leadership of Hugo Bonzer, the President of Bolivia, through the leadership of Mr. Fujimori, the President of Peru, they have cut the production of coca in half, 50 percent. And they have plans in the next 2 years to try to eliminate the production.

The only problem is, while we were making progress there and asking the administration to get assistance to Colombia, which was becoming a new source of the cultivation of coca, this administration blocked all of those efforts, and we saw and we have seen in the last few years Colombia, again through a direct policy we can relate to this administration, become the number one producer of cocaine and coca, the base of cocaine, in the world.

What is absolutely startling is from 1993 to 1995, if we go back and look at Colombia, there was almost no production, zero, almost nada, zip, production of heroin from Colombia. Most of it came in from Southeast Asia, a little bit from Mexico. This administration, again through its direct policies, has made Colombia the number one producer.

Colombia is known for its beautiful flowers that are imported around the world and a natural place to start growing poppies, and they did because this administration stopped the resources from getting to Colombia and to the national police.

Only in the last year or two has this new majority been able to appropriate over the wishes of this administration and also even see the delivery in the last few months of equipment, ammunition, resources, helicopters to the Republic of Colombia to combat those illegal narcotics that are being grown and shipped and transhipped through Colombia.

So we know Colombia is the number one source. We know what the problem has been. And I think we have effectively dealt with it with, again, this new majority in Congress initiative, not with any help of the administration.

Then the second area that we know there has been incredible volumes of hard narcotics coming into the United States, of course, is Mexico. The situation with Mexico gets even worse. Last week in Mexico we had the death of one of the stars of Mexico who was brutally machine-gunned downed on the streets of Mexico and come to find out even the hard-core Mexicans were shocked by this death. I believe it was in open daylight in Mexico, and come to find out it is a drug-related death, and this individual was involved with illegal substances and was gunned down, probably by traffickers. We will know more about that.

The news, as I said, gets even worse about Mexico. Mexico, in a report that I just was briefed on this afternoon, it appears, and this will be in the media in the coming days, it appears that both the former President Salinas and his brother had some direct involvement in one of the, I believe, religious leaders in that country, who is also a candidate, he was brutally slain. And there are reports now from reliable sources that because this individual had that information, the former President and his brother wanted him rubbed out, and that even the military was involved in this action to gun down and murder an outstanding religious and potential political figure of Mexico.

The news, as I said, gets even worse. This past week, Tim Golden reported in the New York Times, and he does an excellent job revealing and investigating what is going on with Mexico, which is involved up to its eyeballs and at every level with corruption, with illegal narcotics dealing, Tim Golden revealed that the secretary to the current President Zedillo, Mr. Sines, has managed to avoid a thorough investigation. Even our officials have turned their backs on seeing that Mr. Sines is properly investigated, highest assistant to the President of Mexico.

There are some very, very serious allegations of his involvement with illegal narcotics trafficking and activity and corruption in that country that should be investigated fairly and honestly and not swept under the table by U.S. officials or by Mexican officials.

The news about Mexico gets even worse. As I reported, we conducted a hearing on Mexico, and, in fact, several hearings on Mexico, and found evidence and testimony was given by one of our former Customs officials of a general attempting to launder $1.1 billion in illegal narcotics profits through legitimate U.S. sources.

So again, it is a very sad situation. We fail to have the cooperation of Mexico in trafficking. And again, a majority of illegal narcotics, even those produced in Colombia, are transited through Mexico and enter the United States. They enter Mexico. They enter Florida. They enter the entire United States.

We have provided through the trade benefits we have given to Mexico free and open commercial borders, and we have asked very little in return. We have just asked Mexico to cooperate in seizing heroin and in seizing cocaine and seizing methamphetamines. And what does the report show? In fact, it shows that in 1998, rather than seizing more illegal hard narcotics, the Mexicans are seizing less. Opium and heroin seizures in 1998 versus 1997 were down 56 percent. Cocaine seizures by Mexican officials over that same period were down 35 percent.

So rather than help us in seizing illegal narcotics, instead of helping the United States, who has been a good ally, assisting Mexico in very difficult financial times, we underwrote the Mexican financial institutions and their currency, we opened our trade to Mexican commercial activities, and instead of cooperation, we actually have a lesser level of cooperation.

And this administration has consistently certified Mexico. This Congress some 2 years ago plus passed a resolution asking Mexico to cooperate to pass a maritime agreement and enter into a maritime agreement so that we could seize drugs on the open waters. To date they have not signed a maritime agreement.

We asked Mexico to extradite major drug traffickers, Mexican nationals. To date not one major Mexican national has been extradited. When we introduced just in the past few days a bill in Congress, myself and the gentleman from Florida (Mr. McCOLLUM) and others, legislation that will go after the U.S. assets and other assets of major drug kingpins, we finally got the extradition of one Mr. Martin, a United States national who we had requested extradition on.

We have requested over 275 extradition requests of the Mexicans over the past decades or less. There are over 40 major drug traffickers whose extradition we have requested. To date not one Mexican national has been extradited.

What is really sad is the major producers, the major traffickers in methamphetamines were the Amezcua brothers. And recently, to kick sand in our face, to really slap the United States, Mexican judicial officials threw out the charges on two of the Amezcua brothers, and they, in fact, still have not been extradited to the United States. Indicted in the United States, requests for extradition, and again over 40 major drug traffickers, Mexican nationals, not one extradited to the United States.

Also we requested radar in the South to stop the trafficking coming up through Central and South America, and that has not been done by the Mexicans. We have asked that our DEA agents, after we had the murder of one of our agents some years ago, that they be armed to be able to protect themselves. And we have a very limited number of DEA agents because Mexico has limited the number of agents. And we still to this date have not had cooperation in allowing our agents to defend themselves.

So we see a situation that is very critical in the United States; incredible numbers of death, the effect on our young people, the cost to our society, the cost to this Congress, the cost to mothers and fathers and brothers and sisters who have lost loved ones. We have seen a close-down of the war on drugs in 1993 and 1995 and a restarting by this new majority where we put the resources back in. We started the source country programs, the interdiction. We brought the military and the Coast Guard back into the effort, a real effort.

This new majority also passed a 190-million-plus program, unprecedented, to start dealing with demand reduction, educating our young people. And that money is matched by private sector donations, very cost-effective. So we have taken some steps. We do not want to take a step backward.

Tomorrow we will hear about drug legalization, decriminalization, and harm reduction from those leaders of the administration. It is my hope again to continue this effort before the House of Representatives, before the Congress, because it is the most important social question, the most important criminal justice question, the most important societal question facing the

American people and our Congress again in great cost in lives and money. And we will be back.

So tonight, as I conclude, I thank those who have listened, Mr. Speaker, and who are willing to take up arms and efforts in combatting illegal narcotics. I thank my colleagues for their attention. And I promise, as General MacArthur said, I shall return and will continue to bring this topic before the Congress and the American people.

NAVAL CONFRONTATION BETWEEN SOUTH KOREA AND NORTH KOREA

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this evening to speak of a challenge and a threat that has not diminished, but indeed has grown more apparent with each passing day.

Indeed, Mr. Speaker, as this legislative day began during morning hour, I came to the well of this House to discuss disturbing reports that appeared on the international news wires and in various publications and in the electronic media earlier today concerning trouble in yet another dangerous location in this world, news that there had, in fact, been a naval confrontation between South Korea and the outlaw nation we know as North Korea.

I was astounded, Mr. Speaker, to hear a spokesman for our government recount the action this morning by saying, well, typically when there has been a confrontation at sea between two vessels involving North and South Korea, the North Koreans in the past have chosen to not engage in any way, and we do not know why the North Koreans chose to engage in this particular instance.

Mr. Speaker, I was surprised at that expression of amazement on the part of one of our government spokesmen, because it has become readily, painfully, dangerously apparent that the outlaw nation of North Korea, short as it is on food for its people, confronting of famine, depleted as it is from any notion of freedom, ruled by a despot, but ironically empowered as it is by the proliferation of nuclear technologies, all these factors come together to show us why North Korea as an outlaw nation is no shrinking violet on the international scene.

Indeed, Mr. Speaker, as we catalogue the state of affairs confronting our national security, and as we are mindful of our constitutional duty to provide for the common defense, there are some disturbing realities: A bipartisan commission of this House exposing the unauthorized, unlawful transfers of technology to Communist China; subsequent reports and investigations indicate that the Chinese theft of our nuclear secrets and that the espionage is ongoing; coupled with the proliferation to other nations; the nuclear genie out of the bottle; the sharing of technologies with Pakistan; and the aforementioned rise of North Korea also through the sharing of information.

□ 2215

But more disturbing, Mr. Speaker, than the espionage, if that is possible, is, once again, the tragic dereliction of duties that this administration has engaged in, and perhaps that is a term that works at cross-purposes for what I want to discuss tonight.

Mr. Speaker, I can recall in the days following my election to this institution, prior to being sworn in to the 104th Congress, I had occasion to meet with the now former Secretary of Defense, William Perry. Secretary Perry was an apostle of a notion of strategic partnership, constructive engagement, and ultimately, the transfer of technology to North Korea. I was disturbed as a private citizen, reading even then in the early days of this administration that it was the intent of this administration to share nuclear technologies, albeit ostensibly for power and peaceful purposes, with the outlaw Nation of North Korea, the insistence of this administration to give the North Koreans a pair of nuclear reactors. My question of the Secretary that morning is a question that every American should ask: Why indeed would our Nation be so willing to give nuclear technology to the North Koreans? The upshot of the response from then Secretary of Defense Perry was that I was new to government and I really ought to get a briefing.

I subsequently saw former United Nations Ambassador Jeanne Kirkpatrick at another seminar for new Members of Congress, and she concurred with my analysis that no further briefing was necessary, that it did not take a great deal of expertise, nor a list of academic credentials a mile long, or even the length of my arm, to ascertain if someone has turned on the eye of the stove, it is not a good idea to place your hand there because you will be burned. That rather simple observation perhaps does not do justice to the threat that confronts us now in North Korea where this administration continued, Mr. Speaker, in what I believe to be incredibly dangerous, breathtakingly naive, in an almost indescribably irresponsible action, insisting upon giving the North Koreans nuclear technology, and ultimately giving the North Koreans two nuclear reactors.

Mr. Speaker, I came to this House several weeks ago to report a story that has appeared in some quarters in our free press, but strangely, the major publications, Newsweek, cable news networks, broadcast networks have not followed up on the story, which is the subsequent fate of the two nuclear reactors given by the United States to the outlaw Nation of North Korea. U.N. inspectors finally were granted access to North Korea, finally got a chance to check on those two reactors, and Mr. Speaker, one reactor had its core intact, but the core of the second reactor was missing. Even more disturbing, the report in the Washington Times went on to state that a State Department official who accompanied U.N. inspectors on this visit to North Korea was called in front of congressional committees, and that State Department official was instructed by higher-ups at the State Department, Mr. Speaker, not to inform the Congress of the United States and its committees of jurisdiction of the missing reactor core.

Some years ago, Mr. Speaker, John F. Kennedy as a private citizen wrote an historical account of what transpired in England in the days prior to the outbreak of World War II, or at least British involvement in that war. The title of the book was Why England Slept. At this hour, in this place, for compelling reasons we might also ask, can this constitutional republic fall into a slumber? Can the health of our economy somehow obscure the clear and present dangers presented by those who oppose us overseas? Can defining deviancy down, to use the phrase first popularized by the senior Senator from New York State, can defining the presidency down, can defining State craft and foreign policy down, to a method of spin control somehow obscure the clear and present dangers we confront? That is the situation we must face as a constitutional republic in the closing years of the 20th century.

There are many pundits, many who willingly engage in what has been popularized as a spin cycle in this town, many who believe that State craft is now a matter of stage craft; that it is how one manages the public relations of embarrassing disclosures, how one feigns inattention in the wake of incredible derelictions of duty, how one somehow laughs off the stunning revelations that either through naivete or conscious, deliberate actions, those charged with defending our Constitution, providing for the common defense, and those at the very highest levels of our government have turned a deaf ear and a blind eye to incredible abuses, or worse, Mr. Speaker, have actively engaged in some of those abuses.

Mr. Speaker, I have observed before that at times, our Capitol city appears to be somehow transported part and parcel into an Allen Drury novel come to life. The accusations are so disturbing, the findings so compelling, the threats so real that it is as if we engage in a collective form of deception to avoid them.

Mr. Speaker, I would call to my colleagues' attention and, by extension, to those who may join us a work pending by Bill Gertz, the defense of national security reporter for the Washington Times. Mr. Speaker, the book is accurately, sadly entitled, Betrayal. For whether through naivete or a distorted sense of self-interest, our secrets, our defense capabilities, our national security has been betrayed.

Perhaps because the findings are so disturbing, we choose to avert our eyes. It is true that through American history there have been good and great leaders; there have also been, quite frankly, Mr. Speaker, our share of scalawags and scoundrels, but nevertheless, Mr. Speaker, we have seen elected constitutional officers willingly and, by some descriptions gladly, share sensitive information or create conditions in which sensitive information can be shared with foreign powers whose goals and aims are diametrically opposed to the national interests of the United States.

□ 2230

That is the sad juncture at which we find ourselves in this late part of the 20th century.

It is unbelievable, in one sense, and sadly, as the reports continue to emanate of nuclear proliferation, as the instability infects Korea once again, as the Russian republic acts provocatively now during peacekeeping operations at Pristina, as Chinese leaders continue to act cavalierly, indeed, with the spectacle in 1995 of a Chinese leader basically threatening the United States, saying, with reference to what was transpiring on Taiwan, oh, we don't believe that you value Taiwan more than you value Los Angeles, with that type of threat we must act.

For if there are those who, for whatever reason, fail to take their oaths of office seriously, fail to understand the almost reflexive, what I believe to be almost instinctive need and desire to provide for the common defense, if there are those who, for whatever reasons, find themselves incapable of that action, we must move ahead and provide that leadership in this Congress, and provide those policies which in fact provide for our common defense.

Bill Gertz, in his work "Betrayal," not only offers accounts of an incredible dereliction of duty, but also offers solutions that he believes and I believe, Mr. Speaker, our constitutional republic must seek in the days and years ahead if we are to protect every American family, if we are indeed to provide for our common defense.

I read now in part from Bill Gertz's work, "Betrayal."

The first area is leadership. "The United States must find and place in key position leaders who have two fundamental characteristics: Honesty and courage. The fact that no single senior U.S. official, with one possible exception . . . resigned to protest the national security policies of this president has revealed a crisis in leadership at all levels of government and the military. Military leaders should abandon the "business mentality" imposed on them by this administration's corporate-government axis. Instead, leaders must be found who do and say what is right, not merely what their superiors want to hear. The military must instill in its leaders a renewed spirit of "attack and win", not the vague, flabby corporate concepts of dominance and conflict prevention and peacetime activities that are common today."

Secondly, Bill Gertz suggests missile defense. Again quoting from his work, "The greatest strategic threat to the United States is not instability in southern Europe, Saddam Hussein's Iraq, or even international terrorism. It is the danger of long-range strategic missiles. Unless this most serious danger is handled, the military and civilian national security bureaucracy will have no incentive to tackle" those other problems.

"Military power: For America to continue acting as a force for positive change, U.S. military capabilities—naval, airborne, spaceborne, and ground-based —must be strengthened and missions refined and limited to being used when vital American interests are at stake.

"Business and foreign policy: The United States has to end this Administration's mercantilism by separating the too-close ties between government and the private business sector. The focus on free trade should be continued, but it cannot come before protecting U.S. national security interests.

When it comes to China, "America must treat China as a rival for power and not as a strategic partner. Dismissing current and future threats posed by China is dangerous and could lead to devastating miscalculation and war. The 1995 threat," I mentioned prior to reading this text, "The 1995 threat by" a Communist Chinese general "to use nuclear weapons against Los Angeles if the United States came to the military defense of Taiwan should be taken as a clear warning of things to come."

With reference to Russia, "The United States must promote true democratic reform in Russia with economic incentives for opening up a true free market economy. But with that carrot should be the stick of harsh sanctions for selling weapons of mass destruction to rogue States.

"Defense and foreign policy make for serious business."

Mr. Speaker, I would define that in even starker fashion: Defense and foreign policy make for national survival in the nuclear age.

Mr. Speaker, it gives me no glee to speak of these things, but I am mindful, even when confronted with what at once seemed to be insurmountable problems and difficulties, it has been the strength of the people in our constitutional republic, the reverence for our laws, the reverence for our Constitution, the resolute nature of our people, once informed, to stand together and work to correct the problems; Mr. Speaker, it is in that spirit that I come to the floor tonight to elaborate on these prescriptions to remedy the current sad state of affairs in foreign affairs and national security that confronts us.

At long last, Mr. Speaker, after insistence from day one when I joined this House and the new commonsense majority emerged in the 104th Congress, at long last, in the wake of revelations that the Chinese communists had stolen our secrets, we were finally able to achieve a bipartisan consensus on the need for strategic military defense.

How sad it was to soon discover that the President took a very legalistic interpretation of that stated goal by the Congress of the United States when he sought, through back channels, to reassure the Chinese government that no actions to establish a strategic missile defense system would really be taken on his watch. Amazing and stupefying though it may be, there were accounts that the President reached out through back channels to do exactly that.

So this Congress again reaffirmed and put in even stronger language the need to establish a national missile defense.

Mr. Speaker, one cannot help but notice the paradox confronting this administration and the American people in terms of national security when our president, during his term in office, has committed more American troops in more venues of peacekeeping than anyone else, and indeed, all his predecessors put together in the post World War II era, and yet, paradoxically, resources for our national defense have continued to dwindle. Real spending for national defense has been cut in essence some 16 percent.

To put a face or a human element on what seems to be dry numbers, understand that we are keeping those who wear the uniforms of our country proudly to defend our interests, we are keeping those folks on the front lines for longer periods of time with less ammunition, with less force replacement, asking them to do more with less, asking them to change the essential role of their missions as constituted by the Constitution of the United States and by the time-honored traditions of what our military has existed for, and we basically have strung our military out and not adequately paid, fed, clothed, or equipped the members of our military.

That is why, again, this House has moved to make those tough decisions to appropriate such funds as necessary to counteract the dereliction of duty by those who, for whatever reason, naivete or a notion of a socialist utopia, believe that all our secrets should be shared; or more sinister still, Mr. Speaker, that there was political gain, and indeed, there were campaign contributions that awaited them if they would turn a blind eye and avoid any domestic embarrassment while seeking political advantage.

When it comes to business and foreign policy, and our disposition vis-a-vis China or the former Soviet Union, now the Russian republic, Mr. Speaker, I would call to mind the words of that great and good man, our Supreme Allied Commander in Europe during World War II and the 34th president of the United States, Dwight David Eisenhower, who warned us in his farewell address of the threats to our constitutional republic from the military-industrial complex.

There is no doubting the dedication of Eisenhower as a warrior and then as our Commander in Chief. There is no doubting his devotion to the military he helped command. But what Ike was warning us about we see the conditions and the symptoms of today, for we see a situation in which business interests and indeed allegiance to the corporation it would seem for many sadly usurps allegiance to one's Nation.

I think of the disturbing reports of the bipartisan Cox committee, how Hughes Electronics deliberately sought to circumvent the law, working with administration.

As we saw, a change in the evaluation of technological transfers as that authority was transferred from the State and Defense Departments to the Department of Commerce, more business-friendly; as we saw the unique political interactions that worked there; as we saw the aggressive attitudes of the Hughes CEO at the time, C. Michael Armstrong; as we saw the provocative actions at Loral missile defense, and Bernard Schwartz, who ironically was the number one contributor to Democrat campaigns in the 1996 cycle, how those two firms in fact supplied the Chinese communists with technology that has improved the guidance systems of the Chinese nuclear missiles, and how this is no longer a remote threat.

Mr. Speaker, everyone within the sound of my voice in the continental United States and, indeed, in Alaska and Hawaii, and in other American possessions in the Pacific, the sad fact tonight, Mr. Speaker, every one of us is vulnerable to a missile attack from Communist China.

Words and statements have consequences. I can recall a night a few years ago when the President of the United States entered this Chamber for a Joint Session of Congress and spoke from the podium behind me here. The President on that evening boasted that on that particular night, no longer were our children targeted by foreign nuclear missiles. Mr. Speaker, I believe we can forgive the American people if they have grown calloused and cynical to those breathtakingly incorrect observations offered by one who constitutionally must provide for our common defense as Commander in Chief. Again, to be diplomatic, I suppose the President was sorely mistaken.

At any rate, whatever the interpretation, events have overtaken us and we stand at a crossroads.

□ 2245

Will we protect the American nation? Will we act in our national interest? Will we rebuild and revitalize our military, taking seriously our constitutional charge to provide for the common defense? Will we adopt a trade policy that is realistic, that is built not on dreams and desires and esoteric wishes but a trade policy predicated on the harsh realities that we confront? Will we distinguish between widgets and weapons? Will we understand the difference between consumer goods and technologies that can threaten our own people?

We must stand ready to protect the American people, even if we wish this burden to be passed to others because of the cynical nature of the spin cycle, because of the personal comfort it might provide, because of the temptation of false reassurance to those who seek solace in the Dow Jones Industrial Average rather than stark realities of the threats we face.

We cannot turn our backs. Again, it gives me no glee to speak of these things, but we must. It is our duty, as Americans, and this transcends political philosophy or partisan stripe. Indeed, we are our strongest, Mr. Speaker, when we approach problems and meet challenges head on, not as Republicans or as Democrats but as Americans, and that is the task at hand.

However, to understand the best way to address and offer solutions to the threats we confront, we should also stand ready to understand the full extent of the problems presented.

The allegations are that Wen Ho Lee, a Chinese scientist, gave unfettered access to communist China of our most crucial nuclear technology and know-how, the legacy codes that in layman's parlance offer the width and breadth of our knowledge of how to defend our Nation from nuclear attack, the technological advancements that we had that most defense observers believe at least gave us a generation separating us in sophistication from the communist Chinese. Those technological advantages were gone with the stroke of a computer key and the downloading of that sensitive information into unsecured computers.

In the fullness of time, we understand that it has been demonstrated that the Chinese pilfered that knowledge, but more disturbingly, Mr. Speaker, is the knowledge that on an unsecured computer basically open season existed. We do not know the full extent of just who may have pilfered that know-how and knowledge, and so the threat is there.

There were those, Mr. Speaker, who sadly were engaged in, at the very least, derelictions of duty. Our colleague, the gentleman from Pennsylvania (Mr. WELDON) has been a leader in calling for the establishment of a national missile defense. The gentleman from Pennsylvania (Mr. WELDON) on his web site, as well as on my web site, has chronicled the relationships and the time lines of those ostensibly in the service of our government who at the same time either for political considerations or other concerns chose to turn a blind eye, those who through naivete or other motivations chose to open our national labs and invite unfettered access to those who may not have the national interest of the United States at heart, and we as a people need to understand the full implications and the possible consequences of such actions.

Mr. Speaker, in the days ahead I look forward to working with my colleagues in this body in a bipartisan fashion to address these very genuine concerns to rebuild our national defense and to provide for our national security. After all, Mr. Speaker, when we raised our right hands to take the oath of office to uphold and defend the Constitution of the United States from all enemies, foreign and domestic, we were not paying lip service to this document.

It is true that in today's body politic there are those who would take the Constitution of the United States and put it on a shelf to gather dust, to be offered lip service from time to time in a sanctimonious, pseudo-patriotic fashion, but when one raises their right hand to take an oath, it is not an oath of political convenience. It is an oath of personal conviction.

Accordingly, Mr. Speaker, I call on all of our colleagues to join us, people of goodwill who may have legitimate disagreements but who understand, whatever the temporary political embarrassments, our very national survival depends on a sober, rational reassessment of how we provide for the common defense and how we ultimately provide family security for our constitutional republic through our national security.

Mr. Speaker, I do not know if anyone else engages in that annual rite known as spring training, or spring cleaning, and pardon me for the Freudian slip but in the great State of Arizona we also nave many major league baseball teams who join us for that annual rite known as spring training, but in this instance I was away from the ball park and instead ensconced in my garage at the behest of my life's partner, my dear bride, involved in spring cleaning.

In going through my belongings, I found something that I regard as a treasure. It is a textbook of American history written in 1889, published in 1890 by the American Book Company of Cincinnati. Mr. Speaker, what is compelling about this work is that my home State of Arizona literally does not appear in the text of this history until the next to last page. As one takes that book and reads through it, they cannot help but realize that over a century has passed. Indeed, Mr. Speaker, the book was written almost a quarter century prior to the Arizona territory becoming the 48th state. One reads the words of that book and they are acutely aware that they were written before a President Roosevelt of either major party, before what was called the war to end all wars, World War I, before a Great Depression, before World War II, before a space race, before a so-called war on poverty, before men on the moon, before an Information Age, before a nuclear age.

As one reads those words, one cannot help but wonder what will those who follow 100 years from now say of us? Will they say that sadly in a cynical age they succumbed to a cult of celebrity and personality that led them to owe their allegiance not to the Constitution but to the opinion cycle of the media; that they chose to focus on a false prosperity and security that was offered by economic indicators while ignoring the clear and present dangers that confronted them? Or will they instead say that despite the rhetoric of revolution and reinvention, Americans in the late 20th Century and early 21st Century engaged in restoration, to rally around their constitution, to take into account legitimate political and philosophical differences of people of goodwill but at the same time responded, mindful of their constitutional obligations, whether a citizen or an elected official, to provide for the common defense, to ensure our liberties for ourselves and our posterity?

Mr. Speaker, I pray that it is the latter that our descendants will remember us by. For, I dare say, Mr. Speaker, if we fail to follow that latter course of action there may be no opportunity for any reflection on the former.

So in the best spirit of what makes us Americans, Mr. Speaker, let us unite to deal clearly, calmly but rationally and rapidly to the threats that confront us. Let us do so not out of weakness, not out of embarrassment but out of the most basic goals and highest ideals that those who have gone before have presented to us.

Mr. Speaker, it is in that spirit that I come to the well of this House tonight with entreaties to the Almighty to continue to bless this constitutional republic and those so fortunate to live in it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10:58 p.m.), the House stood in recess subject to the call of the Chair.

□ 0049

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 12 o'clock and 49 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999; AND REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2122, MANDATORY GUN SHOW BACKGROUND CHECK ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–186) on the resolution (H. Res. 209) providing for consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, and for consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 659, THE PATRIOT ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–187) on the resolution (H. Res. 210) providing for consideration of the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THANKS TO STAFF

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, I first would like to express my appreciation on behalf of the Committee on Rules to all the staff here, and to express my appreciation to the staff of the Committee on Rules for the long hours that they have put in. I would also like to say that in 9 hours we will be beginning a very interesting and rigorous debate on the issues that the reading clerk has just provided for us.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, on June 22.

Mr. BILIRAKIS, for 5 minutes, on June 22.

Mr. FOSSELLA, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 14, 1999:

H.R. 435. To make miscellaneous and technical changes to various trade laws, and for other purposes.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes a.m.), the House adjourned until today Wednesday, June 16, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2603. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule—Programs to Help Develop Foreign Markets for Agricultural Commodities (Foreign Market Development Cooperator Program) (RIN: 0551–AA26) received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2604. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuel and Fuel Additives: Modification of Compliance Baseline [AMS–FRL 6354–5] (RIN: 2060–AI29) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2605. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins [AD-FRL-6355-5] (RIN: 2060-AH47) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2606. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH118-1a; FRL-6353-2] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2607. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; El Dorado County Air Pollution Control District [CA 211-0127c; FRL-6356-1] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2608. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, Siskiyou County Air Pollution Control District, and Bay Area Air Quality Management District [CA 011-0146; FRL 6353-1] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2609. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Enhanced Inspection and Maintenance Program Network Effectiveness Demonstration [PA 122-4086; FRL-6355-2] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2610. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Service Contracting—Avoiding Improper Personal Services Relationships [FRL-6353-9] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2611. A letter from the Director, Office of Regulatory Management Information, Environmental Protection Agency, transmitting the Agency's final rule—Adequacy of State Permit Programs Under RCRA Subtitle D [FRL-6354-7] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2612. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Solid Waste Programs; Management Guidelines for Beverage Containers; Removal of Obsolete Guidelines [FRL-6362-4] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2613. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 077-1077; FRL-6361-9] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2614. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regional Haze Regulations [Docket No. A-95-38] [FRL-6353-4] (RIN: 2060-AF32) received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2615. A letter from the Chairman, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revision of Fee Schedules; 100% Fee Recovery, FY 1999 (RIN: 3150-AG08) received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2616. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water (EPA Method 1631, Revision B); Final Rule [FRL-6354-3] (RIN: 2040-AD07) received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Charitable Split-Dollar Insurance Transactions [Notice 99-36] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 106-74, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 209. Resolution providing for consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, and for consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes (Rept. 106-186). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 210. Resolution providing for consideration of the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Resolution at Valley Forge National Historical Park, and for other purpose (Rept. 106-187). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 434. Referral to the Committee on Ways and Means and Banking and Financial Services extended for a period ending not later than June 16, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WOOLSEY:

H.R. 2202. A bill to authorize the Secretary of the Interior to make grants to promote the voluntary protection of certain lands in portions of Marin and Sonoma Counties, California, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 2203. A bill to eliminate corporate welfare; to the Committee on Ways and Means, and in addition to the Committees on Resources, Agriculture, Commerce, Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS:

H.R. 2204. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Commerce, and in addition to the Committees on International Relations, Banking and Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. Hunter, Mrs. Bono, and Mr. Reyes):

H.R. 2205. A bill to amend section 4723 of the Balanced Budget Act of 1997 to assure that the additional funds provided for State emergency health services furnished to undocumented aliens are used to reimburse hospitals and their related providers that treat undocumented aliens and to increase the funds so available for fiscal years 2000 and 2001; to the Committee on Commerce.

By Mr. GORDON (for himself, Mr. Bryant, and Mr. Clement):

H.R. 2206. A bill to extend the period for beneficiaries of certain deceased members of the uniformed services to apply for a death gratuity under the Servicemembers' Group Life Insurance policy of such members; to the Committee on Veterans' Affairs.

By Mr. HAYWORTH:

H.R. 2207. A bill to suspend temporarily the duty on a certain fluorinated compound; to the Committee on Ways and Means.

H.R. 2208. A bill to suspend temporarily the duty on a certain light absorbing photo dye; to the Committee on Ways and Means.

H.R. 2209. A bill to suspend temporarily the duty on filter blue green photo dye; to the Committee on Ways and Means.

H.R. 2210. A bill to suspend temporarily the duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

H.R. 2211. A bill to suspend temporarily the duty on 4,4'-Difluorobenzophenone; to the Committee on Ways and Means.

H.R. 2212. A bill to suspend temporarily the duty on a certain fluorinated compound; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 2213. A bill to allow an exception from making formal entry for a vessel required to anchor at Belle Isle Anchorage, Port of Detroit, Michigan, while awaiting the availablity of cargo or for the purpose of taking on a pilot or awaiting pilot services, prior to proceeding to the Port of Toledo, Ohio; to the Committee on Ways and Means.

H.R. 2214. A bill to suspend temporarily the duty on the chemical DiTMP; to the Committee on Ways and Means.

H.R. 2215. A bill to suspend temporarily the duty on the chemical EBP; to the Committee on Ways and Means.

H.R. 2216. A bill to suspend temporarily the duty on the chemical HPA; to the Committee on Ways and Means.

H.R. 2217. A bill to suspend temporarily the duty on the chemical APE; to the Committee on Ways and Means.

H.R. 2218. A bill to suspend temporarily the duty on the chemical TMPDE; to the Committee on Ways and Means.

H.R. 2219. A bill to suspend temporarily the duty on the chemical TMPME; to the Committee on Ways and Means.

By Mr. LEWIS of California:

H.R. 2220. A bill to suspend temporarily the duty on tungsten concentrates; to the Committee on Ways and Means.

By Mr. McINTOSH:

H.R. 2221. A bill to prohibit the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change until the Senate gives its advice and consent to ratification of the Kyoto Protocal, and to clarify the authority of Federal agencies with respect to the regulation of emissions of carbon dioxide; to the Committee on Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. McGovern, Ms. Pelosi, Mr. Hinchey, Mrs. Tauscher, Mr. Meehan, Mr. Tierney, Mr. Kennedy of Rhode Island, Mr. Brown of Ohio, Ms. DeLauro, Mr. Stark, Ms. Rivers, Mr. Moore, Mr. Bonior, Mr. Luther, Mr. Gutierrez, Ms. Schakowsky, Mr. Vento, Ms. Slaughter, and Ms. Eshoo):

H.R. 2222. A bill to establish fair market value pricing of Federal natural assets, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 2223. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to State and local educational agencies to pay such agencies for one-half of the salary of a teacher who uses approved sabbatical leave to pursue a course of study that will improve his or her classroom teaching; to the Committee on Education and the Workforce.

H.R. 2224. A bill to express the sense of Congress regarding the need to carefully review proposed changes to the governance structure of the Civil Air Patrol before any such change is implemented and to require studies by the Comptroller General and the Inspector General of the Department of Defense regarding Civil Air Patrol management and operations; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING:

H.R. 2225. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration, and for other purposes; to the Committee on Agriculture.

By Mr. ROHRABACHER:

H.R. 2226. A bill to amend the Immigration and Nationality Act to specify that imprisonment for reentering the United States after removal subsequent to a conviction for a felony shall be under circumstances that stress strenuous work and sparse living conditions, if the alien is convicted of another felony after the reentry; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 2227. A bill to amend the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and the Public Health Service Act to permit extension of COBRA continuation coverage for individuals age 55 or older; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. Brown of Ohio, Mr. Gephardt, Mr. Rangel, Mr. Dingell, Mr. Barrett of Wisconsin, Ms. Berkley, Mr. Bonior, Mr. Borski, Mr. Brady of Pennsylvania, Mrs. Capps, Mr. Capuano, Mr. Cardin, Mrs. Christensen, Mrs. Clayton, Mr. Coyne, Mr. Crowley, Mr. Cummings, Ms. DeLauro, Mr. Deutsch, Mr. Dixon, Mr. Engel, Mr. Faleomavaega, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hoeffel, Mr. Hoyer, Mr. Jefferson, Mr. Kanjorski, Ms. Kaptur, Ms. Kilpatrick, Mr. Kleczka, Mr. Kucinich, Mr. LaFalce, Mr. Lantos, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mr. McDermott, Mr. McGovern, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Mr. Matsui, Mr. Meehan, Mr. Menendez, Mr. George Miller of California, Mr. Moakley, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Pallone, Mr. Pascrell, Ms. Pelosi, Mr. Rahall, Mr. Romero-Barcelo, Mr. Rush, Mr. Sanders, Mr. Serrano, Mr. Shows, Ms. Slaughter, Mr. Stupak, Mr. Tierney, Mr. Towns, Mr. Udall of New Mexico, Mr. Underwood, Mr. Waxman, Mr. Weiner, Mr. Weygand, Mr. Wise, Ms. Woolsey, and Mr. Wu):

H.R. 2228. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premimums and anti-fraud provisions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2229. A bill to amend titles XI and XVIII of the Social Security Act to combat waste, fraud, and abuse in the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2230. A bill to amend title XVIII of the Social Security Act to prohibit the inclusion in the adjusted community rate for Medicare+Choice plans of costs that would be unallowable under Medicare principles or the Federal Acquisition Regulation; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2231. A bill to amend section 107 of the Housing and Community Development Act of 1974 to authorize the Secretary of Housing and Urban Development to make grants from community development block grant amounts to the City of Youngstown, Ohio, for the construction of a community center and the renovation of a sports complex in such city; to the Committee on Banking and Financial Services.

By Ms. WATERS (for herself, Mr. Frank of Massachusetts, Ms. Lee, and Ms. Schakowsky):

H.R. 2232. A bill to provide bilateral and multilateral debt relief to countries in sub-Saharan Africa; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma:

H.R. 2233. A bill to provide relief from Federal tax liability arising from the settlement of claims brought by African American farmers against the Department of Agriculture for discrimination in farm credit and benefit programs and to exclude amounts received under such settlement from means-based determinations under programs funding in whole or in part with Federal funds; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. Tauzin, Mr. Clement, Mr. Bachus, Mr. Bentsen, and Mr. Sanford):

H. Con. Res. 133. Concurrent resolution recognizing the severity of the disease of colon cancer, the preventable nature of the disease, and the need for education in the areas of prevention and early detection, and for other purposes; to the Committee on Commerce.

By Mr. PITTS:

H. Res. 207. A resolution expressing the sense of the House of Representatives with regard to community renewal through community- and faith-based organizations; to the Committee on Education and the Workforce.

By Ms. BROWN of Florida (for herself and Mr. Evans):

H. Res. 208. A resolution calling on the National Cemetery Administration of the Department of Veterans Affairs to provide veterans reasonable access to burial in national cemeteries; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

111. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 21 memorializing the President, the Congress, and

the Secretary of Defense to establish new Joint Cross-Service Groups this year to study issues of power projection and deployment, joint training, joint operations, and other total force considerations; to the Committee on Armed Services.

112. Also, a memorial of the Legislature of the State of Alaska, relative to SCS CSHJR 12(FIN) memorializing the Congress to enact and the President to sign legislation to prohibit any federal claim against money obtained by settlement of state tobacco litigation; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TANNER introduced a bill (H.R. 2234) to provide for the reliquidation of certain entries of printing cartridges; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. COYNE.

H.R. 65: Mr. RODRIGUEZ.

H.R. 116: Mr. PICKETT and Mr. BOSWELL.

H.R. 218: Mr. PAUL and Mr. OSE.

H.R. 248: Mr. LARGENT and Mr. McINTOSH.

H.R. 303: Mr. RODRIGUEZ, Mr. PICKETT, and Mr. RAMSTAD.

H.R. 306: Mr. GILCHREST, Mr. CLYBURN, and Mr. GARY MILLER of California.

H.R. 315: Mr. DEUTSCH.

H.R. 347: Mr. LaHOOD.

H.R. 353: Mr. KILDEE, Mr. MENENDEZ, Mr. BACHUS, Mrs. JONES of Ohio, Mr. CAMP, Mr. SABO, and Mr. MALONEY of Connecticut.

H.R. 360: Mr. GOODLATTE and Mr. TRAFICANT.

H.R. 362: Mr. CRAMER.

H.R. 363: Mr. DICKS.

H.R. 382: Mr. RUSH, and Ms. KILPATRICK.

H.R. 383: Mr. BORSKI.

H.R. 430: Mr. SMITH of Michigan.

H.R. 453: Mr. GREEN of Texas, Mr. WELDON of Pennsylvania, Mr. CAPUANO, Mr. WEINER, Mr. COLLINS, Mrs. MORELLA, Mr. NADLER, Mr. EVANS, Mr. RAHALL, Mrs. JOHNSON of Connecticut, Mr. STARK, Mr. NEAL of Massachusetts, Mr. BERMAN, Mr. ENGLISH, Mr. LANTOS, Mr. PASCRELL, Mr. BONIOR, Mr. OLVER, Mr. WHITFIELD, Mr. LEACH, and Mr. COOK.

H.R. 516: Mr. WICKER.

H.R. 518: Mr. WICKER.

H.R. 541: Mr. HASTINGS of Florida and Ms. SANCHEZ.

H.R. 611: Mr. TANCREDO.

H.R. 648: Mr. PICKERING.

H.R. 653: Mr. CAMPBELL.

H.R. 670: Mr. ABERCROMBIE, Mr. LaHOOD, Mr. SESSIONS, and Mr. BOUCHER.

H.R. 731: Ms. RIVERS, Mr. NADLER, Ms. PELOSI, Mr. CAPUANO, Mr. PAYNE, Mr. RAHALL, and Mr. LANTOS.

H.R. 776: Mr. WEINER, Ms. McCARTHY of Missouri, Mr. DAVIS of Illinois, and Ms. BALDWIN.

H.R. 783: Mr. ROEMER, Mr. STARK, and Mr. CRAMER.

H.R. 827: Mr. DeFAZIO, Mr. HALL of Ohio, and Mr. RAHALL.

H.R. 834: Mr. COYNE.

H.R. 837: Mr. BISHOP.

H.R. 859: Mr. FOLEY.

H.R. 860: Mr. CLEMENT and Mr. CRAMER.

H.R. 895: Mr. SABO and Mr. FARR of California.

H.R. 922: Mr. HILLIARD and Mr. HOBSON.

H.R. 933: Ms. DeLAURO and Mr. WEXLER.

H.R. 953: Ms. BERKLEY, Mr. WATT of North Carolina, Ms. PELOSI, Mr. FALEOMAVAEGA, Mr. CLAY, Mr. DIXON, Mr. FATTAH, Mr. MALONEY of Connecticut, Mr. SHAYS, Mrs. ROUKEMA, and Ms. ESHOO.

H.R. 961: Mr. BURTON of Indiana, Ms. PELOSI, Mr. CALVERT, Mr. RANGEL, and Mr. GUTIERREZ.

H.R. 963: Mr. BONIOR and Mr. MARTINEZ.

H.R. 986: Mr. McCOLLUM.

H.R. 997: Mr. SPRATT, Mr. BARCIA, Mr. GOODLATTE, Mr. LANTOS, Mr. WELLER, Mr. WU, Mr. BECERRA, and Mr. PETERSON of Pennsylvania.

H.R. 1032: Mr. BONILLA and Mr. GOODLATTE.

H.R. 1046: Mr. BACHUS.

H.R. 1063: Mr. MINGE.

H.R. 1071: Mr. DOOLEY of California, Ms. McCARTHY of Missouri, and Mr. VENTO.

H.R. 1080: Mr. COYNE.

H.R. 1083: Mr. POMBO, Mr. TAYLOR of North Carolina, and Mr. SCHAFFER.

H.R. 1102: Ms. ROS-LEHTINEN, Ms. KAPTUR, Mr. WEINER, Mr. BOSWELL, and Mr. ANDREWS.

H.R. 1111: Mr. GOODE, Mr. SISISKY, and Mr. ENGEL.

H.R. 1116: Mr. HOSTETTLER.

H.R. 1129: Ms. VELÁZQUEZ, Mr. BOUCHER, and Mr. ENGEL.

H.R. 1130: Mr. PALLONE.

H.R. 1168: Mr. TURNER and Mr. GALLEGLY.

H.R. 1177: Mr. TANCREDO.

H.R. 1194: Mr. WAMP, Ms. VELÁZQUEZ, and Mr. GARY MILLER of California.

H.R. 1196: Mr. HINCHEY.

H.R. 1216: Mr. WEINER, Mr. BROWN of Ohio, Mr. LUCAS of Kentucky, and Mr. DIXON.

H.R. 1248: Mr. CALVERT.

H.R. 1256: Mr. GRAHAM, Mr. HOSTETTLER, and Mr. BLUNT.

H.R. 1281: Mr. NORWOOD.

H.R. 1296: Mr. ISAKSON.

H.R. 1300: Mr. CUMMINGS, Mr. BATEMAN, and Mr. DUNCAN.

H.R. 1317: Mr. SHAW.

H.R. 1325: Mr. KOLBE, Mr. GREENWOOD, Mr. FATTAH, and Mr. LEWIS of Kentucky.

H.R. 1342: Mr. WU and Ms. NORTON.

H.R. 1357: Mr. TIAHRT and Ms. McKINNEY.

H.R. 1358: Mr. SHOWS.

H.R. 1413: Mr. GREEN of Texas, Mr. RODRIGUEZ, and Mr. SMITH of Texas.

H.R. 1445: Mr. BLAGOJEVICH.

H.R. 1456: Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. BALDACCI, and Ms. DeLAURO.

H.R. 1462: Mr. EVANS.

H.R. 1475. Mr. RAMSTAD.

H.R. 1476: Mr. BUYER.

H.R. 1484: Mr. BALDACCI and Mr. REYES.

H.R. 1495: Mr. VENTO and Mr. LARSON.

H.R. 1496: Mr. HOEKSTRA, Mr. SCHAFFER, and Ms. McCARTHY of Missouri.

H.R. 1504: Mr. PICKETT, Mr. SHOWS, Mr. McHUGH, Mr. CASTLE, Mr. CALVERT, and Mr. CUNNINGHAM.

H.R. 1507: Mr. STUMP and Mrs. CUBIN.

H.R. 1525: Mr. HOEFFEL, Mrs. MINK of Hawaii, Mr. BRADY of Pennsylvania, Mr. PALLONE, Mr. ABERCROMBIE, and Mr. RUSH.

H.R. 1540: Mr. CAMPBELL.

H.R. 1603: Mr. BUYER, Mr. REYES, and Mrs. MINK of Hawaii.

H.R. 1606: Mr. GONZALEZ and Mr. NEAL of Massachusetts.

H.R. 1614: Ms. MILLENDER-McDONALD.

H.R. 1620: Mr. BRADY of Texas, Mr. PITTS, and Mr. McCOLLUM.

H.R. 1622: Mr. MEEHAN, Mr. WEINER, and Mr. LARSON.

H.R. 1649: Mr. STEARNS.

H.R. 1661: Mr. ACKERMAN.

H.R. 1671: Ms. McKINNEY.

H.R. 1675: Mr. NADLER.

H.R. 1687: Mr. BAKER.

H.R. 1689: Mr. McCOLLUM.

H.R. 1702: Ms. NORTON.

H.R. 1750: Mr. TIERNEY.

H.R. 1778: Mr. GOSS, Mrs. FOWLER, Mr. LINDER, Mr. SCHAFFER, Mr. CHAMBLISS, and Mr. McINNIS.

H.R. 1795: Mr. BALDACCI, Mr. LANTOS, Mr. DAVIS of Florida, and Mr. THOMPSON of California.

H.R. 1812: Ms. WOOLSEY.

H.R. 1841: Mr. LaFALCE and Mr. BERMAN.

H.R. 1842: Mr. CHAMBLISS and Mr. CUNNINGHAM.

H.R. 1849: Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KAPTUR.

H.R. 1863: Mr. BLUMENAUER.

H.R. 1871: Ms. KAPTUR, Mr. CUMMINGS, Mr. ENGLISH, and Ms. NORTON.

H.R. 1886: Mr. SHOWS, Mr. McHUGH, Mrs. THURMAN, and Mr. FOLEY.

H.R. 1895: Mr. BENTSEN.

H.R. 1929: Ms. WOOLSEY.

H.R. 1932: Mr. TAUZIN, Mr. CLYBURN, Ms. ROS-LEHTINEN, Mr. HINOJOSA, Mr. JOHN, Mr. REYES, Ms. SANCHEZ, Mr. SMITH of Washington, Mr. OWENS, Mr. BOYD, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. RAHALL, and Mr. HYDE.

H.R. 1977: Mr. GUTIERREZ and Mr. FOLEY.

H.R. 1979: Mr. CHAMBLISS.

H.R. 1993: Mr. PHELPS.

H.R. 1995: Mr. DREIER, Mr. GARY MILLER of California, Mr. TALENT, Mr. DEAL of Georgia, Mr. DeMINT, Mr. BAKER, Mr. HORN, Mr. DICKEY, Mr. GREEN of Wisconsin, Mr. FOSSELLA, Mr. BOEHNER, Mr. CALVERT, Mr. HOSTETTLER, and Mr. SHIMKUS.

H.R. 2030: Mr. CRANE.

H.R. 2031: Mr. BLAGOJEVICH, Mr. GREEN of Texas, Mr. BARRETT of Wisconsin, Ms. KILPATRICK, Mr. BACHUS, Mr. SHOWS, Mr. KLECZKA, Mr. DUNCAN, Mr. GOODE, Mr. LUCAS of Kentucky, Mr. PICKETT, and Mr. STUMP.

H.R. 2067: Mr. GILMAN and Mr. BARRETT of Wisconsin.

H.R. 2081: Mr. KUCINICH, Mr. EVANS, Mr. BONIOR, Mr. McGOVERN, Mr. HILL of Indiana, Mr. WEINER, and Ms. NORTON.

H.R. 2088: Mr. CANADY of Florida.

H.R. 2120: Mr. BENTSEN, Mr. ABERCROMBIE, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CAPUANO, Mrs. CAPPS, Mr. CONYERS, Mr. DeFAZIO, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. HILLIARD, Mr. HOLT, Mr. INSLEE, Ms. KILPATRICK, Mrs. MALONEY of New York, Mr. MATSUI, Mr. McDERMOTT, Mrs. MEEK OF FLORIDA, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OLVER, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SMITH of Washington, Mr. STARK, Mrs. TAUSCHER, and Mrs. THURMAN.

H.R. 2125: Mr. GREEN of Texas.

H.R. 2128: Mr. LAMPSON, Mr. FOLEY, Mr. REYES, Mr. FROST, Mr. ORTIZ, Mr. HINOJOSA, and Mr. SANDLIN.

H.R. 2162: Mr. EHLERS.

H.J. Res. 46: Mr. TOWNS, Mr. BOEHLERT, Mr. FOLEY, Ms. BERKLEY, Mr. LIPINSKI, Mr. SHAYS, Mr. HOBSON, and Mr. ENGEL.

H.J. Res. 47: Mr. ENGEL.

H.J. Res. 55: Mr. HAYWORTH and Mr. STUMP.

H.J. Res. 57: Mr. BONIOR, Mr. STARK, and Mr. SCARBOROUGH.

H.J. Res. 58: Ms. SANCHEZ and Mr. SMITH of New Jersey.

H. Con. Res. 30: Mr. CHABOT and Mr. WALDEN of Oregon.

H. Con. Res. 34: Mr. WAXMAN.

H. Con. Res. 75: Mr. SMITH of New Jersey, Mr. FARR of California, Mr. MEEKS of New

York, Mr. Owens, Mr. McNulty, Mrs. Clayton, Mr. Hilliard, Mr. Gephardt, and Ms. McKinney.

H. Con. Res. 77: Ms. Ros-Lehtinen and Mr. Weiner.

H. Con. Res. 94: Mr. Tiahrt.

H. Con. Res. 117: Mr. Saxton, Mr. Shows, Mrs. Maloney of New York, Mr. Crowley, Mrs. Morella, Ms. Ros-Lehtinen, Mr. Berman, Mr. LaTourette, Mr. Pallone, Mr. Forbes, Mr. Shays, Mr. DeLay, Mr. Sherman, Mr. Ackerman, Mr. Deal of Georgia, Mr. Engel, Mr. Lantos, Ms. Schakowsky, and Mr. Salmon.

H. Con. Res. 120: Mr. Traficant, Mr. Turner, Mr. Bishop, Mr. Sherman, Mr. Stupak, Mr. Gallegly, Mr. Oxley, Mr. Thompson of California, and Mr. Engel.

H. Con. Res. 124: Mr. Herger, Ms. Lofgren, Mr. Ose, and Mr. Davis of Illinois.

H. Con. Res. 130: Mr. Ackerman.

H. Res. 62: Ms. Norton.

H. Res. 187: Mr. McGovern, Mr. Ballenger, Ms. Norton, Ms. McKinney, Mrs. Kelly, Mr. Gutierrez, and Mrs. Morella.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 659

Offered by Mr. Greenwood

Amendment No. 1: Page 10, after line 3, strike "and".

Page 10, after line 3, insert the following new paragraph:

(6) authorize the Society to accept on loan private collections of American Revolutionary War-era artifacts for exhibit at the museum and to provide for assessment and authenticity evaluations of such collections; and

Page 10, line 4, strike "(6)" and insert "(7)".

H.R. 1501

Offered By Mr. Roemer

Amendment No. 4: At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(P) programs that provide support for Drug Abuse Resistance Education (D.A.R.E.) officers and education programs.".

H.R. 1501

Offered by Mr. Roemer

Amendment No. 5: At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(P) programs that provide for improved security at schools and on school grounds, including the placement and use of metal detectors and other deterrent measures.".

EXTENSIONS OF REMARKS

DRUG COVERAGE MEANS EXTRA COST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial pointing out the need for realistic premiums to cover the additional cost that would result from including prescription drugs under Medicare coverage which appeared in the Norfolk (Nebraska) Daily News, on June 11, 1999.

[From the Norfolk Daily News, June 11, 1999]

DRUG COVERAGE MEANS EXTRA COST

PRESIDENT HAS A PLAN FOR INCLUDING PRESCRIPTIONS UNDER MEDICARE PROGRAM

President Clinton believes he has a plan for including prescription drugs under Medicare coverage that is superior to the one suggested by the co-chairmen of his 17-member advisory commission. The latter plan advanced by Sen. John Breux, D–La., and Rep. Bill Thomas, R–Calif., would provide the elderly participants under Medicare with a fixed amount for purchasing either a public or private health plan, which could include expenses for prescription drugs.

That had the advantage of simplicity, but a political disadvantage of not providing opportunity for presidents and members of Congress to get credit for periodic improvement of all kinds of health care benefits.

The Clinton plan, promised to be presented in detail later this month, proposes drug coverage for Medicare beneficiaries through the payment of an extra premium. It was predicted as being as low as $10 a month and certainly less than $25 a month.

In either event, it would be relatively cheap coverage, and appealing to those now covered by this government program whereby Social Security beneficiaries pay a $45.50 premium for health insurance. Inclusion of drugs in the program will boost costs, though White House advisers claim they will be offset by reducing hospital admissions and nursing homes, and reduce the need for home health care. The question is: Who will pay?

Today's wage-earners should not be saddled with extra payroll taxes to provide this new coverage; neither should employers who are partners in paying the payroll taxes.

The problems with future solvency for the systems that provide Social Security retirement and Medicare arise from a political inability to fix benefit limits. Any expansion of benefits—especially for prescription drugs—must be accompanied by a sound program by which those who are served share the extra expense.

Using a federal surplus—which accumulates because Americans are already taxed too heavily—to expand government benefits is a politically devious way to resolve solvency problems of a program already destined for insolvency on its present path.

Better coverage will cost more; and those costs ought to be paid largely through realistic premiums for those who wish and can afford the extras.

INTRODUCTION OF THE MEDICARE EARLY ACCESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. STARK. Mr. Speaker, as this Congress debates Medicare reform, we need to ask ourselves what kind of reform do we want? Is Medicare a program that has worked for our nation's seniors? Is it something we should build upon or is it something we should tear down and start over?

I stand here today with 80 of my colleagues to say that Medicare is a program that works and that can and should be improved. In that vein, we are introducing the Medicare Early Access Act, legislation that was first introduced in the last Congress with the support of President Clinton. Rather than raise the eligibility age of Medicare like some in this Congress would seek to do, this bill would expand access to Medicare's purchasing power to certain individuals below age 65.

The Medicare Early Access Act is self-financed, through enrollees' premiums; it is not a publicly financed program. It simply would enable eligible individuals to harness Medicare's clout in the marketplace to get much more affordable health coverage than they are able to purchase in the private sector market that currently exists.

The bill would provide a very vulnerable population (age 55–64) with three new options to obtain health insurance:

Individuals 62–65 years old with no access to health insurance could buy into Medicare by paying a base premium (about $300 a month) during those pre-Medicare eligibility years and a deferred premium (per month, about $16 for each year of participation in the early access program) during their post-65 Medicare enrollment. The deferred premium is designed to reimburse the early access program for the extra costs for the sicker than average enrollees. It would be payable out of the enrollee's Social Security check between the ages of 65–85.

Individuals 55–62 years old who have been laid off and have no access to health insurance, as well as their spouse, could buy into Medicare by paying a monthly premium (about $400 a month). There would be no deferred premium. Certain eligibility requirements would apply.

Retirees aged 55 or older whose employer-sponsored coverage is terminated could buy into their employer's health insurance for active workers at 125 percent of the group rate. This would be a COBRA expansion, with no relationship to Medicare.

Through these changes, the Medicare Early Access Act would provide health insurance for some 400,000 people at a vulnerable point in their lives when the current health care marketplace is leaving them out. These are not people whom the current health care marketplace is scrambling to cover. Insurance companies don't want them and we are increasingly seeing employers drop coverage as well. It is time for the federal government to step forward and solve the problem of diminishing access for early retirees and workers who simply cannot buy adequate insurance in the private market.

In addition, the Medicare Early Access Act has only a small start-up cost that is fully financed through companion legislation to curb waste, fraud and abuse in Medicare that I am concurrently introducing today. In this way, we will expand coverage options to people between the ages of 55 and 64 at no cost to the American taxpayer.

The Medicare Early Access Act isn't the total solution for people age 55–64 who lack access to health insurance coverage. However, if passed, it would make available health insurance options for these individuals at much less than the cost of what is available today. This is a meaningful step forward in expanding health insurance coverage to a segment of our population that is quickly losing coverage in the private sector. It is a solution that has no cost to the federal government. The Medicare Early Access Act is legislation that we should be able to agree upon and to enact so that people age 55–64 have a viable option for health insurance coverage.

A more detailed summary of the Medicare Early Access Act follows:

MEDICARE EARLY ACCESS ACT OF 1999
SUMMARY

TITLE: HELP FOR PEOPLE AGED 62 TO 65

Sixty-two to sixty-five year olds without health insurance may buy into Medicare by paying monthly premiums and repaying any extra costs to Medicare through deferred premiums between ages 65 to 85.

Starting July, 2000, the full range of Medicare benefits (Part A & B and Medicare+Choice plans) may be bought by an individual between 62–65 who has earned enough quarters of coverage to be eligible for Medicare at age 65 and who has no health insurance under a public plan or a group plan. (The individual does not need to have exhausted any employer COBRA eligibility).

A person may continue to buy-into Medicare even if they subsequently become eligible for an employer group health plan or public plan. Individuals move into regular Medicare at age 65.

Financing: Enrollees must pay premiums. Premiums are divided into two parts:

(1) Base Premiums of about $300 a month payable during months of enrollment between 62 to 65, which will be adjusted for inflation and will vary a little by differences in the cost of health care in various geographic regions, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(2) Deferred Premiums which will be payable between age 65–85, and which are initially estimated to be about $16 per month for each year or part of a year that a person chooses to enroll between age 62–65. For example, if one enrolls for only two years, the Deferred Premium will be roughly $32/month [2 x $16] between age 65–85. The Deferred Premium will be paid like the current Part B premium, i.e., out of one's Social Security check.

Note, the Base Premium will be adjusted from year to year to reflect changing costs (and individuals will be told that number each year before they choose to enroll), but the 20 year Deferred Premium will not change from the dollar figure that the beneficiary is told when they first enroll between 62–65—they will be able to count on a specific dollar deferred payment figure.

The Base Premium equals the premium that would be necessary to cover all costs if all 62–65 year olds enrolled in the program. The Deferred Premium repays Medicare for the fact that not all will enroll, but that many sicker than average people are likely to voluntarily enroll. The Deferred Premiums ensure that the program is eventually fully financed over roughly 20 years. Savings from the anti-fraud proposals (introduced separately) finance the start-up of the program and protect the existing Medicare program against any loss (see Title IV).

TITLE II: HELP FOR 55 TO 62 YEAR OLDS WHO LOSE THEIR JOBS

55–62 year olds who are eligible for unemployment insurance (and their uninsured spouses) may buy into Medicare through a premium.

The full range of Medicare benefits may be bought by an individual between 55–62 who:

(1) has earned enough quarters of coverage to be eligible for Medicare at age 65,

(2) is eligible for unemployment insurance,

(3) before lay-off had a year-plus of employment-based health insurance, and

(4) because of the unemployment no longer has such coverage or eligibility for COBRA coverage.

A worker's spouse who meets the above conditions (except for UI eligibility) and is younger than 62 may also buy-in (even if younger than 55).

The worker and spouse must terminate buy-in if they become eligible for other types of insurance, but if the conditions listed above reoccur, they are eligible to buy-in again. At age 62 they must terminate and can convert to the Title I program. Non-payment of premiums is also cause for termination.

There is a single monthly premium roughly equal to $400 that will be adjusted for inflation. It must be paid during the time of buy-in; there is no Deferred Premium. This premium is set to recover base costs plus some of the costs created by the likely enrollment of sicker than average people. The rest of the costs to Medicare are repaid by the anti-fraud provisions (see Title IV).

TITLE III: HELP FOR WORKERS 55+ WHOSE RETIREE BENEFITS ARE TERMINATED

Workers age 55+ whose retirement health insurance is terminated by their employer may buy into their employer's health insurance for active workers at 125% of the group rate (this is an extension of COBRA health continuation coverage—not a Medicare Program).

This title is an expansion of the COBRA health continuation benefits program. If a worker and dependents have relied on a company retiree health benefit plan, and that protection is terminated or substantially slashed during his or her retirement, but the company continues a health plan for its active workers, then the retiree may buy-into the company's group health plan at 125% of cost.

TITLE IV: FINANCING

Titles I & II of the Early Access to Medicare Act are totally financed. Title III is not a Medicare or public program.

The existing Medicare program is protected by placing these programs in their own trust fund. The Medicare Trustees will monitor the program to ensure that it is self-financing and does not in any way burden the existing Medicare program.

Most of the cost is paid by the enrollees' premiums.

Payment of Start Up Costs: While the Deferred Premiums are being collected and for any costs not covered by premiums, a package of Medicare anti-fraud, waste, and abuse provisions has been introduced as a separate bill, the Medicare Fraud and Overpayment Act of 1999. This bill provides for a number of reforms, including:

(1) improvements in the Medicare Secondary Payment provisions,

(2) a reduction in Medicare's reimbursement for the drug EPO used with kidney dialysis so that Medicare is not paying much more than the dialysis centers are buying the drug for;

(3) Medicare payment for pharmaceuticals, biologicals, or parenteral nutrients on the basis of actual acquisition cost rather than the average wholesale price which is often far above the price at which the drug can really be purchased,

(4) setting quality standards for the partial hospitalization mental health benefit, so as to week out unqualified, abusive providers, and

(5) allowing Medicare to get a volume discount by contracting with Centers of Excellence for high volumes of complex operations at hospitals which have better than average outcomes.

TRIBUTE TO THE 1999 NOKOMIS HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate the 1999 Nokomis High School Girls Basketball team for winning the Illinois Class "A" State Title for the second straight year.

The team members are Jessica Aherin, Dee Eck, Bernadette Marty, Ashlee Keller, Va'Nicia Waterman, Lora Ruppert, Lyndsay Stauder, Heather Swanson Hayes, Janice Spears, Bonnie Meiners, Carrie Eisenbarth, Rochelle Detmers, Kassie Engelhart, Emily Heck, Jessie Hough, manager Tisha Morris and Head Coach Maury Hough.

I congratulate these young athletes and the people who were there to support them throughout this memorable season. The teamwork needed for this victory was not only seen on the court, but through the support and love of families and friends of the Nokomis High Girls Basketball team.

A TRIBUTE TO PATRICK KOSKE-McBRIDE AND IRENE SORENSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine achievement of Patrick Koske-McBride, an eighth grade student from Home Street Middle School in Bishop, CA. Patrick was a recent competitor in the National History Day Competition (June 13-17) at the University of Maryland. The competition involved students from across the United States who submitted projects on this year's theme: "Science, Technology, Invention in History"

Patrick qualified for the national competition by first winning California State History Day competitions at the county and state levels. His essay, "Evolution, an Idea of Change: How Darwin's Theory of Evolution Impacted Our World," investigated Darwin's life, his writings and the impact those writings have had on science, religion and society.

Patrick's outstanding accomplishments were undoubtedly guided by the leadership of his teacher, Mrs. Irene Sorenson. Irene is a past winner of the Richard Farrell Award from the National History Day as the 1996 Teacher of Merit. Also in 1995, 1996 and 1998, Irene has sent students to the national competition. Clearly, the dedication of young students like Patrick, and the guidance of teachers like Irene Sorenson, make our public school system the finest in the world.

Mr. Speaker, I ask that you join me and our colleagues in recognizing Patrick Koske-McBride for his fine accomplishment. To say the least, his fine work is admired by all of us. I'd also like to commend Irene Sorenson for her fine leadership and her devotion to such remarkable educational standards. Students like Patrick and instructors like Irene set a fine example for us all and it is only appropriate that the House pay tribute to them both today.

ELIZABETH BURKE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. COYNE. Mr. Speaker, I rise today to recognize Ms. Elizabeth Burke, one of my constituents who has been chosen as one of the Robert Wood Johnson Community Health Leaders for 1999.

Each year, the Robert Wood Johnson Community Health Leadership Program recognizes ten individuals as Community Health Leaders for their efforts to provide better health care to communities which have historically been underserved. Community Health Leaders each receive $5,000 personal stipends as well as $95,000 in program support to finance their continued efforts to improve public health in their communities.

Ms. Burke will be recognized for her efforts to provide a comprehensive response to victims of domestic violence in the Greater Pittsburgh metropolitan area. Ms. Burke has worked as the Medical and Domestic Violence Advocate of the Women's Center and Shelter of Greater Pittsburgh to ensure that women who have been abused receive the medical care, prevention assistance, and other services that they need to end violent domestic situations.

Mr. Speaker, I commend Ms. Burke for her efforts in this important cause, and I congratulate her on her selection as one of the Robert Wood Johnson Community Health Leaders for 1999.

A HALLMARK OF A GREAT PERSON IN THEIR GENEROSITY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today we honor a truly great Alaskan: Mrs. Maxine Whitney. Mrs. Whitney is a long time Fairbanks, Alaska resident who, with her husband, Jesse, and their construction companies, helped develop and build the infrastructure of modern day Alaska. While pursuing a very active business life, Mrs. Whitney collected what was reportedly the world's largest private collection of Native Alaskan art and artifacts. As with many, her avocation became a vocation and she purchased a small private museum. Mrs. Whitney successfully ran the Eskimo Museum in Fairbanks for almost 20 years, from 1969 until the late 1980's. Throughout her 50 plus years in Alaska, Mrs. Whitney traveled extensively in rural Alaska gaining a deep understanding and appreciation of Native peoples and cultures. Her museum and collection shows intimate knowledge of Native Alaskan prehistory, history, and the importance of the Native contribution to Alaskan society.

Mrs. Whitney has provided a legacy for all Alaskans and for all Americans. Maxine Whitney recently donated this world-renowned collection to Prince William Sound Community College in Valdez, Alaska, part of the University of Alaska system. The collection is known as the Jesse & Maxine Whitney Collection and is the nucleus of the Prince William Sound Community College—Alaska Cultural Center. This multi-million dollar donation will provide opportunities for people to learn about past and present Native Alaskan cultures and the natural history of Alaska. In donating the Whitney Collection, Mrs. Whitney has provided an educational gem for all who visit and view the collection.

This gift should be celebrated and Mrs. Whitney commended for her extreme generosity to the State of Alaska and the USA. Her legacy will enhance the knowledge and appreciation of Native cultures across the country. It is people like Maxine Whitney, patrons of the arts and education, philanthropists, who enrich our lives with their precious gifts. Mrs. Whitney, thank you.

TRIBUTE TO BIRCHWOOD SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to offer my sincerest congratulations to the students of Birchwood School in Cleveland, OH who won at the local and state levels of the National History Day competition. These students are now competing at the national level.

National History Day is a program for students to study and learn about historical issues, ideas, and events. It is a program that allows students to academically excel and gain intellectual growth throughout the year. During the year students develop critical thinking and problem solving skills. The theme for 1999 is "Science, Technology, Invention in History: Impact, Influence, Change." After analyzing and interpreting their information on the topic, the students then present their findings in papers, exhibits, performances and media presentations that are evaluated by historians and educators.

The following 15 students placed in the top two spots at the state competition and are participating in the national competition this week. They either worked individually or in groups: Patrick Costilow, Henna Gn, Nancy Brubaker, Jacob Stofan, Katie Tropp, Elyse Meena, Grace Hsieh, Christy Kufahi, Joanna West, Benjamin Wong, Samuel Chai, Imran Farooqi, Paul Ibrahim, Joseph Grabo, Richard Yurko.

These students have dedicated a substantial portion of their time on their projects. It was an intense year for the students at Birchwood School, but their hard work and motivation have paid off. They placed at the top at local and state awards and are now on their way to winning the nationals.

I would like to express my congratulations to the 15 students at Birchwood School for their achievements at local and state level competitons and I wish them luck in the national competition. Birchwood School should be proud of the 15 students for their accomplishments. I urge my colleagues to join me in congratulating all those involved for a job well done.

PERSONAL EXPLANATION

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. SMITH of Michigan. Mr. Speaker, on rolcall No. 204, my plane was delayed due to bad weather. Had I been present, I would have voted "yes."

JESUS C. TOVES, 1998 NCIS CIVILIAN EMPLOYEE OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. UNDERWOOD. Mr. Speaker, I am pleased to speak about a deserving individual who has been named the Naval Criminal Investigative Service's 1998 Civilian Employee of the Year. Over 40 Resident Agencies, falling under 13 NCIS field offices, nominate individuals who have distinguished themselves as among the very best in their performance and character as candidates for this annual award. The headquarters here in Washington, DC, makes the final selection. Therefore, it gives me great pleasure to announce that this year's NCIS Civilian Employee of the Year, Jesus S. Toves—a contemporary of mine and a former high school classmate.

Jess, as he is better known, was born on Guam on December 12, 1945. A product of the island's public school system, he is a member of the John F. Kennedy High School Class of 1965. After graduation, Jess enlisted in the United States Air Force. His outstanding performance while stationed at Okinawa, the Philippines, Las Vegas, California, and Thailand, earned him various awards including the Air Force Meritorious Service Medal, the Air Force Commendation Medal, and the Air Force Achievement Medal. After serving for twenty-five years, he retired with the rank of Master Sergeant.

In 1992, Jess joined the NCIS as an investigative assistant. His Air Force service proved to be a great asset to him and the NCIS. Jess exceeded all expectations and he became an integral part of office operations. During a time of high turnover within the Special Agents Corps on Guam, Jess almost single-handedly kept continuity in the office's administrative functions.

The Naval Criminal Investigative Service is a worldwide Federal law enforcement organization composed of civilians charged to "protect and serve" the Navy and the Marine Corps through a number of law enforcement and counter intelligence services. The Agency's Civilian of the Year Award is the highest honor bestowed upon an NCIS employee who is not a special agent. This is why this award is so special and this is why I am very proud of Jess.

I join his wife, Carmen, and his five daughters in applauding his accomplishments. Congratulations, Jess Toves, for having been chosen 1998 NCIS Civilian of the Year.

ROSA PARKS CONGRESSIONAL GOLD MEDAL

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. WYNN. Mr. Speaker, I am proud and honored to be a part of this effort to award the Congressional Gold Medal to Ms. Rosa Parks.

Ms. Parks is a hero to the Nation because of a simple act of defiance. She refused to give up her bus seat in the "colored" section to a white passenger after a long day at work on December 1, 1955. At that time, segregated institutions were accepted as the way of life in Montgomery, AL, and throughout the South. Yet, this day was different. The weary Ms. Parks, on her way home from a department store where she was employed as an assistant tailor, decided that her rights as a human being—in this case the right to rest her tired feet—were the same as anybody else's, regardless of her color.

Ms. Parks probably did not consider her actions extraordinary. After being arrested and then being released on bail, Rosa Parks agreed to allow her attorney to use her case as the focus for a struggle against the system of segregation. In December of 1956—just 1 year later—the Supreme Court ruled the segregation of buses in Montgomery, AL, unlawful. Through her single act of civil disobedience, Rosa Parks triggered a monumental movement in America for both civil and human rights.

Because of her personal conviction, Rosa Parks is a true hero, not a glamorized figure on a pedestal that our society often promotes, but just an ordinary citizen with extraordinary courage. She serves as a living example to us all that someone has to take a stand for what is right, even if it means taking the risk of being inconvenienced. I am particularly pleased that we are honoring her, not posthumously, but while she still can "smell her roses."

EXPRESSING CONGRATULATIONS TO ROSA PARKS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today we honor Rosa Parks for her heroic acts that helped change race relations forever in this country. She lit a fire under the civil rights movement when on December 1, 1955 she bravely refused to give up her seat on a bus to a white man. Many other people were instrumental in the struggle, but her act of defiance of an unjust segregation law visibly rallied people together and helped change our nation.

Congress is awarding Mrs. Parks a Gold Medal because we are proud that she stood up for what was right and set in motion the chain of events which ultimately led to the Civil Rights Act of 1964 which ensured that all black Americans had the right to equal treatment under the law with white Americans.

We are proud that her arrest rallied people against segregation in a year-long bus boycott in Montgomery, Alabama that finally ended when the Supreme Court ruled that segregation of transportation was illegal.

Several years ago in Richmond, Calif., in my congressional district, I had the privilege to join with the Richmond NAACP to honor Rosa Parks at its annual dinner. She passed on her powerful story to younger generations of Americans who are working every day to achieve racial justice America.

This medal we bestow upon Mrs. Parks sends an important message not just about the history of the civil rights movement but about the struggles that our society faces today. The Gold Medal for Rosa Parks, I hope, is a message to all Americans to have the courage of your convictions and to stand up—or to sit down, whichever may be more appropriate—for what you believe is right. As Mrs. Parks wrote in her memoir, "our mistreatment was just not right, and I was sick of it."

More than forty years after Mrs. Parks' arrest, despite significant improvements, racial divisions are still strong. They show up in all elements of society and are still reflected in the huge gaps between blacks and white in income and employment, in health and in educational achievement. Progress is being made, to be sure, but it is slow. These gaps should be intolerable to all Americans, not just to those who must suffer their consequences. Most recently, many of my colleagues here have also correctly denounced the practice of profiling, where police officers stop black motorists for no other reason than they fit the profile that the police have decided fits that of a criminal. Profiling is being challenged as violation of these motorists civil rights and this practice should indeed be brought to an abrupt halt.

As we thank Rosa Parks and honor her with a Congressional medal, we must also dedicate ourselves to carry out her dream of a just and tolerant society. Her bold action inspired thousands of Americans to join together to demand change. It should still inspire us to make our society a more just and humane place.

Many people have commemorated the courageous action of Rosa Parks, including the popular and very talented group, The Nevill Brothers, who wrote a tribute to her. I could not agree with them more when they sing.

Thank you Miss Rosa
You were the spark
That started our freedom movement,
Thank you Sister Rosa Parks.

INTRODUCTION OF HEALTH INSURANCE FOR AMERICANS ACT OF 1999: LEGISLATION TO PROVIDE REFUNDABLE TAX CREDITS FOR THE PURCHASE OF HEALTH INSURANCE THROUGH A FEHBP-TYPE POOLING ARRANGEMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. STARK. Mr. Speaker, the biggest social problem facing America today is that one in six of our fellow citizens have no health insurance and are all too often unable to afford health care.

About 44 million Americans have no health insurance. Despite the unprecedented good economic times, the number of uninsured is rising about 100,000 a month. It is unimaginable what will happen if and when the economy slows and turns down. One health research group, the National Coalition on Health Care, has estimated that with rising health insurance costs and an economic downturn, the number of uninsured in the year 2009 would be about 61.4 million.

The level of un-insurance among some groups is even higher. For example, in California it is estimated that nearly 40% of the Hispanic community is uninsured.

An article by Robert Kuttner in the January 14, 1999 New England Journal of Medicine entitled "The American Health Care System," describes the problem well: "The most prominent feature of American health insurance coverage is its slow erosion, even as the government seeks to plug the gaps in coverage through such new programs as Medicare+Choice, the Health Insurance Portability and Accountability Act (HIPAA), expansions of state Medicaid programs, and the $24 billion Children's Health Insurance Program of 1997. Despite these efforts, the proportion of Americans without insurance increased from 14.2% in 1995 to 15.3% in 1996 and to 16.1% in 1997, when 43.4 million people were uninsured. Not as well appreciated is the fact that the number of people who are under-insured, and thus must either pay out of pocket or forgo medical care, is growing even faster."

Does it matter whether people have health insurance? Of course it does. No health insurance all too often means important health care foregone, with a minor sickness turning into a major, expensive illness, or a warning sign ignored until it is fatal. Lack of insurance is a major cause of personal bankruptcy. It has forced us to develop a crazy, Rube Goldberg system of cross-subsidies to keep the 'safety net' hospital providers afloat.

Mr. Speaker, what is wrong with us? No other modern, industrialized nation fails to insure all its people. I don't believe we are incompetent, but our failure to provide basic health insurance to all our citizens is a national disgrace.

Personally, I would like to see all Americans have health insurance through an expansion of Medicare to everyone. I am also a co-sponsor of Rep. MCDERMOTT's single payer type program, which is modeled on Canada's success in insuring all its people for about 30% less than we spend to insure only 84% of our citizens.

But these efforts are not likely to succeed in an conservative Congress or in a closely-divided Congress.

Therefore, yesterday I introduced legislation, H.R. 2185, to try another approach—a refundable tax credit approach—which I believe can be made to work and which is similar to a number of bills recently introduced by various Republican members.

Unfortunately, many of these earlier tax credit bills don't work. They either throw money at people who already have health insurance (e.g., 100% tax deductions for health insurance for small employers), provide a pitiful amount of money that wouldn't buy a fig leaf of a policy (e.g., a $500 credit bill), or if they do provide enough money, waste it by providing no 'pool' or 'wholesale' market and forcing people into the retail market where insurance companies take 20–30% off the top, refuse to insure the sick, and raise rates on older people so that the credit is woefully inadequate.

The failures in these bills can be addressed. I think my proposal solves many of these problems. The idea of a tax credit approach to ending the national disgrace of un-insurance is a new one, however, and we desperately need a series of detailed, thoughtful hearings to design a program that will provide real help and not waste scarce resources on middlemen.

The Health Insurance for Americans Act I introduced:

Provides in 2001 and thereafter a refundable tax credit of $1200 per adult, $600 per child, and $3600 total per family. These amounts are adjusted for inflation at the same rate that the Federal government's plan for its employees (FEHBP) increases.

The credit is available to everyone who is not participating in a subsidized health plan or eligible for Medicare.

The credit may only be used to buy "qualified" health insurance, which is defined to be private insurance sold through a new HHS Office of Health Insurance (OHI) in the same general manner that Federal employees "buy" health insurance through the Office of Personnel Management.

Any insurer who wants to sell to Federal workers through FEHBP must also offer to sell one or more policies through OHI. OHI will hold an annual open enrollment period (similar to FEHBP's fall open enrollment) and insurers must sell a policy similar to that which they offer to Federal workers (but may also offer a zero premium policy), for which there is no pre-existing condition exclusion or waiting period, for which the premium and quality may be negotiated between the carrier and OHI, and which must be community-rated (i.e., it won't rise in price as individuals age).

Mr. Speaker, a refundable tax credit sounds like an easy idea, but as in all things in America's $1.1 trillion health care system, there are some serious problems that have to be addressed.

The major problems with a refundable credit are:

(1) How to get the money to the uninsured in advance, so that the uninsured, who tend to be lower income, can buy a policy without waiting for a refundable credit?

(2) How to make sure that the credit is spent on health insurance and there is no tax fraud?

I solve both of these problems through credit advances to insurers administered through OHI.

(3) How to limit the credit to those who are uninsured, and avoid encouraging employers and those buying private insurance on their own from substituting the credit for their current coverage?

By limiting the size of the credit, most people who have insurance through the workplace or are participating in public programs will want to continue with their current coverage. The credit is adequate to ensure a good health insurance plan, but most workers and employers will want to continue with the current system.

Having said this, there is no question that this credit is likely to erode gradually the employer-based system. It is hard to see employers wanting to offer new employees a health plan, when they can use this new public plan. Indeed, it is likely that an employer will say, "I will pay you more in salary if you will go use the tax credit program."

But is this bad? The employer-based health insurance system is an historical accident of wage controls during World War II where in lieu of higher wages, people were able to get health insurance as a fringe benefit. This system is collapsing. No one today would ever design from scratch such a system where your family's health care depended on where you worked. It is, frankly, probably good that this system would gradually erode—if there is something to replace it. The Health Insurance for Americans Act provides that replacement. To the extent that workers have better health care through their employer, the employer can continue to provide increased pay for the purchase of "supplemental" or "wrap-around" health benefits and can even help arrange such additional policies for their workers—and both workers and employers come out ahead.

The bill I am introducing does not force an overnight revolution in the employer-provided system. But the current system is dying, and my bill provides a transition to a new system in which employees will have individual choice of a wide range of insurers (instead of today's reality, where most employees are offered one plan and only one plan).

(4) How to make the credit effective by allowing the individual to buy "wholesale" or at group rates, rather than "retail" or individual rates?

(5) How to make sure that individual who most need health insurance—those who have been sick—are able to use the credit to obtain affordable insurance?

(6) How to minimize the problem created when the healthiest individuals take their credit and buy policies which are "good" for them (e.g., Medical Savings Accounts), but "bad" for society because they leave the sicker in a smaller, more expensive insurance pool (that is, how do we keep the insurance pool as large as possible and avoid segmentation and an 'insurance death' spiral)?

Again, the OHI/FEHBP idea largely solves these 3 problems, by giving individuals a forum where they can comparison shop for a variety of plans that meet the standards of the OHI and achieve efficiencies of scale and reduced overhead.

These questions are the single biggest problem facing the refundable credit proposal. Even if we are able to 'pool' the individuals, will insurers offer an affordable policy to a group which they may fear will have a disproportionate number of very sick individuals?

We may need to develop a national risk pool 'outlet' to take the expensive risks and subsidize them in a separate pool, so that the cost of premiums for most of the people using OHI is affordable. Another alternative, and probably the one that makes the most sense for society, is to mandate that individuals participate in the OHI pool (if they don't have similar levels of insurance elsewhere). Only by getting everyone to participate can we ensure a decent price by spreading the risk. The danger that young, healthy individuals will ignore (forego) the tax credit program may be serious enough that it will cause insurers to price the OHI policies too high, thus starting an insurance "death spiral" as healthier people refuse to participate and rates start rising to cover the costs of the shrinking pool of sicker-than-average individuals.

As I said earlier, the different Republican tax credit proposals fail to deal with these key questions and problems. But their bills have helped focus us on this national crisis. Through hearings and studies, I hope we can find ways to ensure that these technical—but very important questions—are addressed.

There is one key, monstrous question left: how to pay for the refundable credit so we may end the national disgrace of 44 million uninsured?

I have not addressed this issue in the bill, but am willing to offer a number of options. I would like to see the temporary budget surpluses used to start this program—but those surpluses are temporary and we need a permanent financing source.

The problem of the uninsured is largely due to the fact that many business refuse or are unable to provide health insurance to their workers. The fairest way to finance this program would be a tax on businesses which do not provide an equivalent amount of insurance to their workers. Such a tax, of course, would slow the tendency of this program to encourage businesses to drop coverage. Since many small businesses could not afford the tax, we will need to subsidize them.

Another approach would be to apply the next minimum wage increase to the payment of health insurance premiums by those firms which do not offer insurance. A 50 cent per hour minimum wage increase dedicated to health insurance would pay most of an individual's premium.

Other financing sources could be a provider and insurer surtax, since these groups will no longer need to be subsidize the uninsured and will be receiving tens of billions in additional income. Finally, to end the national disgrace of un-insurance, a small national sales or VAT tax would be in order.

Again, Mr. Speaker, I have said that the earlier tax credit proposals have serious structural problems. The biggest problem they have is not saying how they will pay for their plans. Until Members talk about financing, all of these plans are sound and fury, signifying nothing.

These tax credit bills are obviously expensive, but so is the cost of 1 in 6 Americans being uninsured. In deaths, increased disability and morbidity, and more expensive use of emergency rooms, American society pays for the uninsured. If we could end the national disgrace of un-insurance, we would save billions in improved productivity, reduced provider costs, bad debt, personal bankruptcy, and disproportionate share hospital payments.

Mr. Speaker, it is time for America to join the rest of the civilized world and provide health insurance for all its citizens.

REMEMBERING SYLVIA WURF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. NADLER. Mr. Speaker, recently Brooklyn lost one of its most outstanding citizens, Sylvia Wurf. Sylvia worked for our former colleague, Representative Stephen J. Solarz, in his Coney Island District Office, in what is now the Eighth Congressional District. Sylvia Wurf was a remarkable public servant whose efforts on behalf of average citizens was legendary and an inspiration.

Steve Solarz, who knew her for many years, memorialized Sylvia, and I commend his moving eulogy to my colleagues' attention.

SYLVIA WURF: A GREAT LADY

Sylvia Wurf was an extraordinary woman—brilliant, tenacious, caring—but also ornary, cantankerous, exasperating.

She was a memorable person who, in a triumph of will and determination, not only fulfilled her potential as a human being, but made a difference in the lives of thousands of people who turned to her for assistance.

She may well have been the best Congressional case worker in the history of the Republic.

As I thought of Sylvia these last few days, I recalled the colloquy of Hotspur and Glendower in Shakespeare's Henry IV, when Hotspur says, "I can summon spirits from the vast and murky deep", and Glendower replies, "Why so can I. So can any man, but will they come when you dost call them?"

In Sylvia's case, the answer was, "yes". She could summon spirits, and they did come when she called them.

I used to say, "If I were ever in some remote part of the world and were kidnapped and thrown into a dungeon of slime, and I were given the chance to make one phone call, it would be to Sylvia. Where others would throw up their hands in despair, she would get on the phone and go to work.

Woe to the feckless bureaucrat whom Sylvia nagged until she got what she wanted. Pity the poor Ambassadors whom she awoke at 3:00 a.m. (their time) to assist someone with a visa problem. Weep for the Fortune 500 CEO, like the President of AT&T, whom she routed in his idyllic country home one summer Sunday to get an unlisted phone number.

The flip side of the coin was that she could be impossible, even insulting, not just to government bureaucrats, but even with constituents.

My favorite story about Sylvia was the one in which a constituent came up to see Sylvia, sat down at her desk, and said, "I'm Mrs. Schwartz." Sylvia replied, "I'm Mrs. Wurf." "You're Mrs. Wurf", the woman said, "I'm so surprised. You sounded so much younger on the phone." Realizing immediately that she had made a mistake, Mrs. Schwartz said, "Oh, what a stupid thing for me to say." "Don't worry, Mrs. Schwartz", said Sylvia. "I deal with stupid people all day long. Why should you be any different?"

It was, I am told on occasions like this, in our old Kings Highway office where everyone sat in one large room, that someone on the staff would hold up a sign saying, "Another Satisfied Customer".

Sylvia broke every rule in the book. There were innumerable occasions when I considered letting her go—but there were three reasons why I never did.

First, because working in the office gave meaning and purpose to her existence. And I could never bring myself to deprive her of the opportunity it afforded her to live a successful and satisfying life.

Second, and more importantly, because she was the Mark McGwire of Congressional case workers. If she struck out a lot—she also hit more home runs than anyone else. She was, in a very real sense, the most valuable case worker in the Congressional league.

But third, and most importantly, because she was a genuine inspiration.

I have always felt that nothing is more admirable than when an individual triumphs over adversity. And Sylvia, more so than anyone I ever knew personally, triumphed over adversity. I often used to think of how many other Sylvias there must be who never had the chance to do with their lives what Sylvia did with hers. And I never ceased to take pride from the incredulous reaction of so many of the people who asked for her assistance, but who never met her, when I told them she was legally blind.

About 15 years ago, at the funeral of Congressman Phil Burton, shortly after he had re-drawn the map of the California Congressional districts which guaranteed a Democratic majority in the California Congressional delegation for a decade, then Mayor Diane Feinstein of San Francisco said, "If Phil is where I think he is, he's already redrawing the map of heaven."

Well, if Sylvia is where I think she is, she is already doing case work on behalf of the Lord for those in the lower reaches who want to join her in the more deluxe atmosphere upstairs. And you know what. She's getting some of them in!

SPEAKER HASTERT SPEECH TO THE PARLIAMENT OF LITHUANIA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to enter the following transcript of Speaker HASTERT's speech to the parliament of Lithuania into the House RECORD. I believe that it sends a great message of the commonalties between America and Lithuania. It also demonstrates why we must show concern for the events that occur outside the United States.

WASHINGTON, D.C.—House Speaker J. Dennis Hastert (R–Ill.) today released the following text of his speech to the Lithuania Parliament on March 30, 1999:

Mr. Chairman, Members of the Seimas, distinguished guests: Let me thank you for this great honor of addressing this assembly. I have traveled far to be here today—but not nearly as far as you have traveled over the last ten years.

Outside this building I was shown the barricades manned by those who stood their ground and defended this very Parliament. We in the United States Congress try to do our duty each day—to protect freedom and promote democracy. But for almost 200 years, we have not had to defend our Capitol Building from attack.

Of course, we know the stories of our founders who met in Philadelphia and swore their lives and property to defend our new democracy. That is why the pictures of your courageous stand for freedom—flashed across the world—reminded us in the Congress of our own beginnings. It drove home the fact that freedom at times must be defended with our very lives.

Professor Landsbergis, your courageous stand for liberty served as an inspiration to all Americans. The American people continue to be inspired by your successful efforts to create a stable democracy in order to provide a better way of life for Lithuania's children.

As you may know, I am from the state of Illinois, which is the home of the great city of Chicago. I think you all have heard of the city of Chicago. We are pleased President Adamkus was able to spend some of his life in Chicago. He contributed much to our country, and we are grateful for those contributions. But his heart was always here in Lithuania, with your struggle for freedom.

Illinois is also the home of two of my political heroes: Abraham Lincoln and Ronald Reagan. Abraham Lincoln is best known to history for ending the barbaric practice of slavery in the United States. It was Abraham Lincoln who said: "Government of the people, by the people and for the people shall not perish from the earth." By working hard to create a stable and secure democracy, the Lithuanian people prove that truth.

History will record that Ronald Reagan challenged the 20th century version of slavery. It was Ronald Reagan who said: "Mr. Gorbachev, tear down this wall." That eloquent statement, coupled by the hard work of Eastern Europeans yearning to be free, helped end Soviet aggression and created a new and bigger Europe. It is this new Europe that I want to talk to you about today.

The new Europe has a profound relationship with the United States. Part of that relationship comes from our cultural ties. In no small measure, Europe helped build America with the contributions of its people, whether they be Irish or Polish or German or Italian, or Lithuanian. An American ambassador once said to the Soviet premier: "When we talk about human rights behind the Iron Curtain, we are not interfering in your internal affairs. We are talking about family matters." Practically every family here has family in America.

In fact, close to one million Americans identify themselves as Lithuanian Americans. One of those Lithuanian Americans is Illinois Congressman John Shimkus, Chairman of the House Baltic Caucus, and a member of our delegation here today.

The American people stood by Lithuania in its times of trouble. They will stand by Lithuania in its times of prosperity. The new Europe is built on mutual trust, not mutual hatred. It is build on democracy, not totalitarianism. It is built on trade, not protectionism. It is build on the free exchange of ideas, not the narrow bounds of nationalism. It appeals to the better nature of mankind, not to the darker side of evil.

America's special relationship with the new Europe also comes from strategic considerations. This strategic relationship can partly be seen though the prism of NATO. NATO was founded as an organization dedicated to protecting its members from attack. It must not lose sight of its important mission: to defend its members. Lithuania is a strongly ally in the Partnership for Peace program. I support its membership—full membership—in NATO.

I want to congratulate you on your defense budget, soon to reach two percent of Gross Domestic Product. Your commitment to building a strong defense can only help your case as you seek to become a full strategic partner. As a legislator who is working on his nation's budget, I know how difficult those choices can be. But you have made the right choice to fund the military and to improve the living conditions of its personnel.

A great threat to the new Europe is the current instability in the Balkans. The Milosevic regime is evil and free nations should confront evil wherever it occurs. We have a duty to say no to ruthless dictators, to draw the lines where evil knows no bounds.

We had a debate in the House of Representatives about the virtues of America's involvement in the Balkans conflict. Many of my colleagues in the House had reservations about American involvement in that region. But now that the United States is involved—let there be no mistake—no one should doubt the resolve of the American people as we work to bring justice to the Kosovo region.

The reports we have from Kosovo are deeply disturbing. If it is true that Serbia is attempting to wipe out Kosovar Albanians, those Serbs will be brought to justice. The democratic nations of Europe, and the United States as their partners in NATO, should not sit idly by when genocide is carried out in Europe. Defending freedom means defending defenseless people.

The new Europe must be on the front lines when it comes to fighting injustice. One way to achieve this goal is to become bigger. A bigger European Union is a better European Union. I believe it should stretch eastward to include the emerging democracies of Eastern Europe.

It is better for the United States for trade and security reasons. And it is better for the people of Europe who want to move to a more secure and prosperous future. We in the Congress support Lithuania's bid to become a full member of the European Union. By becoming a full member, Lithuania has a better opportunity to develop its export capabilities and its free market system. I want to congratulate Lithuania for becoming a model of regional stability. You have excellent relations with Poland, and your cooperation with your Nordic and Baltic neighbors is vitally important.

We also appreciate your efforts to find common ground with Russia and with your help in Kaliningrad. And we know how hard you are working to develop a positive relationship with Belarus.

Let me conclude by saluting you, the people of Lithuania. You have given much to the United States. You have given us athletes who star in basketball and hockey. You have given us politicians who help us in the United States Congress. And you have given us hundreds of thousands of unheralded, hardworking citizens who help make up the intricate tapestry that is America.

Someone once asked President Reagan whether he thought we were living in a time without heroes. He replied by saying that those who fear we have no heroes: "just don't know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter—and they are on both sides of that counter. They are entrepreneurs—with faith in themselves and faith in an idea—who create new jobs, new wealth and opportunity. They are individuals and families whose taxes support the government, and whose voluntary gifts support church, charity, culture, art and education. Their patriotism is quite but deep. Their values sustain our national life."

Many of these every day American heroes call Lithuania their ancestral homeland. Let me say a final word about Lithuania's heroes. Later today, our delegation will visit the KGB museum. We will go there to pay our respects to those who suffered and died in the hands of an evil and brutal occupation.

President Lincoln, when he dedicated the cemetery at Gettysburg, said that mere words could not dedicate nor consecrate the sacrifices of brave men who defend liberty. Likewise, there is nothing that we—who have not experienced such a place, can do to honor it. Those who suffered in that building in defense of freedom have already made it hallowed ground. But we can remember—and we can educate future generations, and by so doing ensure that such a place will never be build again.

America is a better place because of Lithuania. And I hope that Lithuania is a freer and a stronger democracy because of the efforts of the American people.

May God bless the people of Lithuania like He has blessed the people of the United States.

CONGRATULATING ARROWHEAD CREDIT UNION ON ITS 50TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

HON. RON PACKARD

OF CALIFORNIA

HON. KEN CALVERT

OF CALIFORNIA

HON. MARY BONO

OF CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. BROWN of California. Mr. Speaker, on June 12, 1999, the Inland Empire Congressional Delegation resolved to congratulate Arrowhead Credit Union on its 50th anniversary. Therefore, we are inserting into the RECORD a copy of the resolution.

RESOLUTION

CONGRATULATING ARROWHEAD CREDIT UNION ON ITS 50TH ANNIVERSARY

Whereas Arrowhead Credit Union, based in San Bernardino, California, is one of the leading financial institutions of the Inland Empire region of California and one of the finest state-chartered credit unions in the United States;

Whereas Arrowhead Credit Union, owned by its members, is dedicated to serving their best interests, to providing value relative to cost, and to earning their trust and confidence by operating in an ethical and financially sound manner;

Whereas Arrowhead Credit Union, which turned 50 years old on April 19, 1999, is ranked among the top 100 state-chartered credit unions in the United States by serving a membership of more than 74,000;

Whereas the Inland Empire community is pleased to join Arrowhead Credit Union in celebrating its 50th anniversary at the Ontario Convention Center on June 12, 1999: Now, therefore, be it

Resolved on this day of June 12, 1999, by the undersigned members of the Inland Empire Congressional Delegation that the Delegation, on behalf of the people of the Inland Empire,

(1) congratulates Arrowhead Credit Union on its 50th anniversary and wishes it continued success in the years to come;

(2) commends Arrowhead Credit Union for its outstanding contributions to the people of the Inland Empire through its reliable, friendly, low cost financial services; and

(3) inserts a copy of this resolution into the Congressional Record in commemoration of the 50th anniversary of Arrowhead Credit Union.

RECOGNIZING DR. HARVEY P. HANLEN

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. PETERSON of Pennsylvania. Mr. Speaker, I would like to take this opportunity to recognize a distinguished constituent of Pennsylvania's 5th Congressional District. On June 26, 1999, Dr. Harvey P. Hanlen of State College will be sworn is as the 78th president of the American Optometric Association during AOA's annual Congress in San Antonio, TX.

Dr. Hanlen is a graduate of the Pennsylvania College of Optometry and Fellow of the American Academy of Optometry. Throughout his career, Dr. Hanlen has been dedicated to the profession of optometry at the local, state, and national levels. He is past president of the Mid-Counties Optometric society and the Pennsylvania Optometric Association. In 1987, he was named Pennsylvania's Optometrist of the Year as well as the Pennsylvania College of Optometry's Alumnus of the Year. Dr. Hanlen has served the AOA as a member of the board of trustees, as secretary-treasurer, vice-president, and president-elect.

In addition to his professional achievements, Dr. Hanlen has been active in civic duties. He has been on the board of directors of the Jewish Community Council of State College. He also served as campaign chairman for the Centre County United Way.

Dr. Harvey Hanlen has distinguished himself as an outstanding leader in his profession and his community. I am pleased to join his many friends and colleagues in congratulating him on becoming the new president of the American Optometric Association.

PERSONAL EXPLANATION

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. HAYWORTH. Mr. Speaker, yesterday, June 14, 1999, I was unavoidably detained and missed rollcall vote 204, passage of H.R. 1400, the Bond Price Competition Improvement Act of 1999. Had I been present, I would have voted "aye."

HONORING THE 50-YEAR ANNIVERSARY OF THE BLACKMAN BARBECUE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. GORDON. Mr. Speaker, I rise today to honor a valued tradition known as the Blackman Community Barbecue, which on Friday, June 25, 1999, will celebrate its 50th birthday.

For half a century, folks in the Blackman community of Rutherford County, TN, have been conducting this event to raise money for worthy causes while promoting the community's unique history, spirit and traditions. Begun by the still active Blackman Community Club, the annual event is held on a 2-acre site surrounded by the breathtaking beauty of the Tennessee countryside.

Residents and visitors alike flock in droves to this renowned event to sample tasty barbecue, homemade ice cream and generous helpings of southern hospitality. Anyone who has ever attended one of these barbecues knows firsthand the affection Blackman residents show their community and fellow man. I hope the next 50 Blackman Barbecues are as rewarding and successful as the first 50.

I congratulate each and every resident in the Blackman community for an event steeped in sincere respect for wholesome family values and traditions. And although there are many Blackman residents responsible for the success and longevity of the barbecue, the following have contributed and are still contributing immensely to the popular fund-raiser: D.H. McDonald and his wife, Frances; Donald McDonald; Lorrain Hunt; Mildred Hays; Kathy Wright; Elizabeth Smith; and John L. Batey.

HONORING TEMPLE KOL AMI ON ITS 25TH ANNIVERSARY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in honor of Temple Kol Ami in Plantation, Florida, on the occasion of its 25th Anniversary. It is a pleasure for me to have the opportunity to celebrate the congregation's longstanding commitment and outstanding service to the Broward County community.

For the past quarter century, Plantation has witnessed the steady growth of Temple Kol Ami within the Jewish community. From its humble start of just a few members in 1975, the Temple has flourished into a congregation of over eleven hundred families. With this dramatic growth of its membership, Temple Kol Ami responded to the demand for new space with various additions over the years including a new sanctuary and the recent dedication of the Elizabeth Shoshanna Harr Education Center. This extensive expansion of the organization is a testament to the Temple's strong community involvement and outreach efforts.

Over the course of the past 25 years, Temple Kol Ami has consistently maintained sharp focus on the needs of the congregation. Throughout these years of amazing development, the Temple has continued to serve its members and community while upholding the customs of Jewish life within the traditions of Reform Judaism. While upholding a tradition of excellence in spirituality, the Temple has also made the teaching of Judaism a top priority through the establishment of an Early Childhood Program, a Religious School, Adult Education Programs, and a Day School.

Mr. Speaker, Temple Kol Ami has spent the last twenty five years demonstrating its strong commitment to the spiritual well-being and Jewish education of its congregation while maintaining an excellent standard of community involvement. I am extremely proud to celebrate this anniversary with the members of Temple Kol Ami, for their devotion to the Jewish faith and contributions to the surrounding community are truly evident during this glorious time of reflection upon their 25 years of success.

RENEWAL WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. PACKARD. Mr. Speaker, this week is "Renewal Week" and I would like to express my strong support for the efforts of the Renewal Alliance. The Renewal Alliance is a bicameral group of Republican Senators and Representatives dedicated to civic and legislative efforts to reduce poverty in America.

This week, my colleagues on the Renewal Alliance and I will highlight the important role of institutions such as the family, neighborhoods, schools, houses of worship, and charitable organizations. The concept behind this is to strengthen communities and serve the poorest among us. In other words, it's a matter of neighbors helping neighbors.

I am personally concerned about the continued moral decline in our nation. We need to get back to the basics. This can be done by emphasizing values and personal responsibility over hands-outs, which will instill diligence, self-help, and accountability to our society. These are the qualities that make good workers and prosperous Americans.

Mr. Speaker, we can accomplish so much more when we work together and build partnerships between citizens and community-based organizations. I applaud my fellow members of the Renewal Alliance for their selfless dedication to their communities and I encourage those who are not members of the Renewal Alliance to get involved and make a difference.

INTRODUCTION OF FRAUD AND REIMBURSEMENT REFORM PROVISIONS TO FUND FULLY THE MEDICARE EARLY ACCESS ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. STARK. Mr. Speaker, today, a number of House members are introducing the Medicare Early Access Act of 1999 to help people between 55 and 65 years of age obtain affordable health insurance.

The proposal is almost fully funded over time through a requirement that beneficiaries pay for their own coverage. But there is an initial start-up cost to the program, and a temporary subsidy is necessary to mitigate "adverse selection" costs attributable to the fact that sicker-than-average individuals who are desperate for health insurance may sign up in disproportionate numbers for the program.

To ensure that Medicare's trust funds are not hurt by this new program, I am introducing a package of anti-fraud and administrative improvement provisions that will raise more than enough money to fund the start-up of the Medicare Early Access Act. These provisions are changes that we ought to be making anyway to strengthen the program, and I am pleased that they fund this important new expansion of health insurance.

Over the long run, enactment of these provisions will help reduce Medicare's long-term financial problems.

Below is a brief description of the provisions. The bill will:

Pay for covered Medicare drugs on the basis of actual acquisition cost instead of the artificially high level of average wholesale price minus 5%, which was established by the Balanced Budget Act of 1997;

Lower Medicare payments for Epogen from $10 to $9 per 1,000 units. Epogen is now Medicare's most expensive drug, and taxpayers pay more than 80% of the cost;

Reform Medicare's partial hospitalization benefit. In a recent audit, the HHS Inspector General found Medicare payments for partial hospitalization services had a 90% error rate;

Improve the accuracy of Medicare's secondary payer provisions to require health plans and employers to provide insurance data on covered enrollees;

Allow Medicare to get a volume discount by contracting with HHS-designated "Centers of Excellence" for complex operations at hospitals that have better-than-average outcomes.

TRIBUTE TO ALHAMBRA, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to join the community of Alhambra, Illinois in celebrating its 150th birthday. A celebration of the sesquicentennial is being held June 18 through 20.

The history of the community will come to life with the festivities. Co-chairpersons Deb Reckman and Joe Dauderman invite the public to join in on the weekend of activities to celebrate the long, colorful history of the town.

I commend the citizens of Alhambra for celebrating their rich history and ancestor heritage during this celebration. It is important to remember pioneer families such as those of James Farris, Robert Aldrich, William Hoxsey and Wiliam Pitman whom first rode across Illinois to settle along Silver Creek. These festivities will help the citizens of today gain a greater understanding and respect for their city's past.

The Alhambra banners say "Moving Forward Into the Next Century." I as well as community of Alhambra are looking forward to that to seeing Alhambra continue on its path into the next century and wish them the best of luck in achieving great things.

STATEMENT OF INTRODUCTION OF THE PUBLIC RESOURCES DEBT REDUCTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, Today I am introducing the Public Resources Debt Reduction Act to eliminate many wasteful and environmentally destructive subsidies. My bill would save taxpayers hundreds of billions of dollars per year and end environmentally harmful practices that have continued for too long under antiquated laws.

The array of subsidies for mining, timber, irrigation and other industries that use natural resources belonging to the America people is truly astounding. Multinational mining companies take gold and silver from public land without paying the public a dime of the value. Each year the taxpayers ante up millions to build roads into previously pristine areas of the National Forests so that timber companies can cut down the trees. Irrigators will pay back less than half of the cost of dams and water projects constructed for their benefit—and that repayment takes 50 years with no interest charges.

These direct subsidies are only the beginning of the support we give to natural resource developers. On top of the discount rates for use of the public's resources, each of these industries also receives other benefits, from tax breaks to farm payments.

While these corporations profit handsomely from the public's resources, they often create environmental damage that the public finds itself paying to repair. Abandoned mines litter the West. Unstable clear-cuts in the forests have produced dangerous mudslides this year, as well as damaging wildlife habitat and harming fishing streams. Dams and diversions for irrigation destroy river reaches and wetlands while interfering with annual salmon migration.

Why should the industries that despoil our environment continue to receive heavy subsidies from the American people? Why should these "corporate welfare" benefits remain sacrosanct when we have eliminated welfare support for many poor people?

The answer, of course, is that these subsidies should not remain in place. We cannot pass up this opportunity to eliminate wasteful spending, decrease the deficit and simultaneously reduce environmental damage.

That is why, along with 19 original cosponsors, I have introduced the Public Resources Debt Reduction Act. This measure, which was supported by nearly 60 co-sponsors in the last Congress, would reduce the flagrant waste of billions of dollars in taxpayer money on free minerals, cheap timber, subsidized water and other benefits for those who use our natural resources.

The provisions of this bill (some of which have previously been adopted by the House of Representatives or House Committees) include:

Requiring a fair return for oil and gas leases, grazing leases, and utility rights of way.

Establishing that fees for using federal resources recover all the costs of making those resources available, with a separate provision eliminating timber sales at prices that do not cover administrative costs and overhead.

Halting the give-away of hardrock minerals and sales of mineral lands for next to nothing.

Charging full costs for federal water used to irrigate surplus crops.

Moving receipts from federal timber sales back "on budget."

Mandating annual budget reporting of the cost of natural resource subsidies

The special deals and subsidies given to natural resource development on public lands are relics of another time, a time when the West was young and natural resources were seen as the best incentive to settle the land. Now the West has long been settled, and we can no longer afford the environmental destruction or the loss to the Treasury resulting from nineteenth century development policies. In the twenty-first century, industry must be required to pay a fair price for using public resources.

TRIBUTE TO JODY HALL-ESSER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute today to Mrs. Jody Hall-Esser, Chief Administrative Officer for the city of Culver City, California. On July 9, 1999, Mrs. Hall-Esser, will retire from city government capping a distinguished career spanning a quarter of a century in public service to her community. To honor Jody for her many years of exemplary service to the citizens of Culver City, a celebration in her honor will be held at the Culver City City Hall on Wednesday, July 7. As one who has worked closely with this extraordinary and selfless public servant for many years, and who possesses first-hand knowledge of her outstanding service to our community, I am pleased to have this opportunity to publicly recognize and commend her before my colleagues here today.

Jody has served in many capacities since joining the Culver City government in 1971. She was initially hired as the first Director of the Culver City Senior Citizens Center, a position she held for a few years before leaving to work in the private sector. In 1976 she returned to the city as the first Housing Manager in the Community Development Department, where she spent the next three years designing and executing Culver City's rent subsidy and residential rehabilitation loan and grant programs. She also is credited with implementing the construction of the city's first rental housing development for the low-income elderly citizens of Culver City.

In 1979 Jody was named Community Development Director and Assistant Executive Director of the Culver City Redevelopment Agency. For more than a decade, she headed the city agency tasked with Planning, Engineering, Redevelopment, Housing and Grants operations. Among her many accomplishments were establishment of the Landlord-Tenant Mediation Board; the Art in Public Places Program; and the Historic Preservation Program.

Jody was appointed Chief Administrative Officer and Executive Director of the Redevelopment Agency in 1991. For the past nine years, her many responsibilities have included implementing public policy mandates promulgated by the Culver City City Council, as well as managing the city's human, financial, and material resources. She has compiled an impressive and enviable record of accomplishments, despite seeing the city through a period of civil unrest, a major earthquake, damage caused by torrential rains, and a severe economic recession. While just one of these occurrence would test the tolerance of most individuals—not Jody Hall-Esser. She merely redoubled her efforts to ensure that the residents of Culver City received the necessary local, state, and federal resources they needed to remain afloat.

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. WALDEN. Mr. Speaker, I regret that I was not present for yesterday's recorded vote on the passage of H.R. 1400, the Bond Price Competition Improvement Act of 1999, due to unavoidable weather delays in air travel and traffic congestion returning from the airport. Had I been present for this rollcall vote, I would have voted "yea." I request that the RECORD reflect this position.

HEALTH INSURANCE ASSISTANCE FOR THOSE 55 AND OLDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. STARK. Mr. Speaker, in the 104th and 105th Congresses, I introduced legislation to provide assistance in obtaining health insurance to those 55 and older. Today I rise again to introduce legislation that will help many individuals who find themselves without health insurance as they enter the later stage of their lives.

The COBRA Extension Act for 55-to-65 Year Olds extends the COBRA health continuation program to cover more individuals between age 55 and when they become eligible for Medicare at age 65. Under current law, individuals can keep COBRA coverage for 18 to 36 months, depending on the circumstances. That means that a person can be laid off from his or her job, receive 18 months of COBRA, and then find him or herself running out of COBRA coverage at age 55 with only limited, and expensive, places to turn for other health coverage.

One option available to these people is to find an individual health plan in the private market, but the cost of doing so is extremely prohibitive. Rates and availability of coverage in the individual market vary widely, with a person's health, age, and other factors being taken into account. For those in their 50's and 60's, there are large disadvantages and huge expenses in trying to obtain individual coverage since most insurance premiums rise sharply with age or pre-existing conditions.

For example, in the San Francisco market, Blue Cross of California offers a basic, barebones in-hospital plan with a high deductible in the range of $2,000. For a couple under age 29, the cost is $99 per month. But the cost soars to $389 for a couple between 60 and 64. This is an outrageous fourfold increase in insurance rates for the older couple—and it is by no means a comprehensive policy.

Group health insurance is much less expensive than individual policy insurance, and that is why the current COBRA benefit is so vital and useful. The difference in annual cost for obtaining group versus individual health insurance can easily be several thousand dollars.

Under current COBRA rules, people age 55 and over who are reaching the end of their COBRA coverage and who cannot afford to enter the private market face the prospect of being without health coverage for up to 10 years—until the time they are eligible for Medicare. At that late point in their careers, the task of finding a new job with employer based health coverage can be close to impossible. Some people, such as widows receiving coverage through their late spouse's employer, may need to re-enter the workforce for the first time in years.

Unfortunately, many near-elderly individuals have faced this situation in the recent past. Increasingly during the 1990s, losing one's job due to downsizing and lay-offs has created a gap in health insurance coverage for individuals over age 55. More near-elderly individuals may face the frightening reality of this situation as the number of people between the ages of 55 to 65 nearly doubles, from 23 million today to 42 million by the year 2020.

There exist numerous examples that help demonstrate the significance of the situation to older workers:

At AT&T, 34,000 jobs had to be cut in 1997. This is down from the original prediction of a cut of 40,000 jobs, but still a significant number. Workers were to receive a lump sum payment based on years of service, up to one year of paid health benefits and cash to cover tuition costs or to start a new business—but what happens to health coverage after one year?

Two giant New York City banks, Chase Manhattan and Chemical recently combined and 12,000 jobs from the combined banks were subsequently cut.

Last year, Massachusetts-based Polaroid reduced its workforce by seven percent, cutting over 2,400 jobs.

In December 1998, Citicorp announced it was slashing 10,400 jobs, six percent of its total workforce.

All in all, over 625,000 jobs were eliminated in 1998.

When the near-elderly lose their jobs in this manner, too often the unfortunate consequence is that they and their spouses also lose their health insurance coverage.

In order to assist these individuals over age 55 in maintaining health coverage, and provide an option for them that is better than entering the individual market, my bill modifies the current COBRA law by extending COBRA coverage until the age of Medicare eligibility for individuals who are age 55 or older at the time that their COBRA coverage would expire under current law.

Under this formulation, the maximum coverage available would be 13 years—a spouse who begins her 36 months of coverage at age 52 would then begin coverage under this bill at age 55 and be guaranteed health coverage until the point she becomes eligible for Medicare.

In order to compensate employers for the cost of this new COBRA continuation coverage, my bill calls for age-55+ enrollees receiving an extension of their COBRA benefits to pay 125 percent of the group rate policy (compared to 102 percent for most current COBRA eligible individuals and 150 percent for disabled COBRA enrollees). This provision recognizes the fact that this age group is more expensive to insure and compensates business accordingly.

I realize that the cost of paying one's share of a group insurance policy will still be too much of a burden for a number of Americans. Many of them will be forced into the uncertain mercies of State Medicaid policies. But for many others, this bill will provide an important bridge to age 65 when they will be eligible for Medicare.

While we are taking other steps to resolve this burgeoning problem, this step is crucial to any long-term resolution. As greater numbers of baby-boomers enter their mid-to-late 50s, it becomes even more apparent that we need to act now. We cannot allow our early retirees and their spouses to be left without this important option for health coverage. I look forward to working with my colleagues to enact the COBRA Extension Act for 55 to 65 Year Olds.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Wednesday, June 9, 1999, I was unable to cast a vote on the House Journal, because I was involved in an important meeting to bring the E-rate program to the nation's school children. Had I been present I would have voted "aye."

HONORING JUANITA CLEGGETT HOLLAND

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. KILDEE. Mr. Speaker, thank you for giving me this opportunity to rise before you today to honor a woman who has accomplished much in the name of education. On June 17, friends, colleagues, and family will gather to pay tribute to Mrs. Juanita Cleggett Holland of Flint, Michigan, who is retiring from the Flint Community Schools after 34 years of dedicated service to the community.

For nearly four decades, thousands of young people have had their lives enriched due to the influence of Juanita Holland. A graduate of Tennessee State University and the University of Michigan, Juanita entered the Flint School District in 1965, as a teacher at Kennedy School. After 3 years, she went on to Emerson Junior High, and moved from Emerson to Northern Senior High in 1976, where she remained until 1982. A certified social worker, Juanita realized her talents could be used in other ways within the education world, and as a result, became a crisis social worker for the Flint School District, where she was assigned six different schools. From there, she became a social worker for Neithercut School and McKinley Middle School, where she had been assigned until now.

In addition to being a State of Michigan certified social worker, Juanita displays superior credentials by her affiliation with the Academy of Certified Social Workers, and her status as a Board Certified Diplomate. Juanita also has a long history of community involvement as well. She is extremely active in her Church, and also her sorority, Delta Sigma Theta, Inc. She has worked with or served on the boards for such groups and organizations as the Sirna Center, the Tall Pine Council of the Boy Scouts of America, and the Dort-Oak Park Neighborhood House. She has most served on the board for the Michigan Family Independence Agency since 1992, and has served as board chairperson since 1997.

In efforts to improve the quality of education for Flint's children, Juanita has been at the forefront of projects designed to enhance discussion on outcome based education, school improvement, community service, and group work.

Mr. Speaker, in my former role as a teacher, and my current role as Member of Congress, it has been my duty to promote and enhance human dignity and the quality of life. I am grateful that there are people like Juanita Holland who have worked arduously to make my task easier. I ask my colleagues in the 106th Congress to join me in wishing her the best in her retirement.

INTRODUCTION OF THE SMALL BUSINESS, FAMILY FARMS, AND CONSTITUTIONAL PROTECTION ACT

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. McINTOSH. Mr. Speaker, today, I rise to introduce the Small Business, Family Farms, and Constitutional Protection Act, a bill to prevent Federal agencies from implementing the UN global warming treaty, the Kyoto Protocol, prior to its ratification by the Senate.

Ever since October 1997, the Clinton Administration has called for enactment of a program commonly known as "credit for early action" or "early action crediting" as part of its global warming policy. Early action crediting is fundamentally a strategy to jump-start implementation of the non-ratified Kyoto Protocol and build a pro-Kyoto business constituency.

Enactment of an early action credit program would effectively repudiate the July 1997 Byrd-Hagel resolution (which passed the Senate by a vote of 95–0), fuel pro-Kyoto business lobbying, and penalize companies—including most small businesses and family farms—that do not jump on the global warming bandwagon.

Today, therefore, I am introducing legislation to block further Administration efforts to advocate, develop, or implement an early action credit program.

What is wrong with early action crediting? First, early action crediting would reward companies for doing today what they would later be compelled to do under a ratified Kyoto Protocol. It is a form of implementation without ratification.

Second, and more mischievously, early action crediting would turn scores of major companies into a pro-Kyoto business lobby. The program would create credits potentially worth millions of dollars but which would have no actual cash value unless the Kyoto Protocol, or a comparable domestic regulatory program, were ratified or adopted. Thus, participating companies would acquire financial motives to support ratification.

Third, although touted as "voluntary" and "win-win," early action crediting is subtly coercive and would create a zero-sum game in which small business can only lose. Every credit awarded to early reducers would draw down the pool of emission credits available to all other U.S. companies in the Kyoto Protocol compliance period. Thus, if the Kyoto Protocol were ratified, companies that did not "volunteer" for early action would not merely forego benefits, they would be penalized—hit with extra compliance burdens. They would be forced either to make deeper emission reductions than the Protocol itself would require, or to purchase emission credits at prices higher than would otherwise prevail.

Since early action crediting programs penalize those who do not "volunteer," it is worth asking who the non-participants are likely to be. The answer should be obvious. Most small businesses and family farms lack the discretionary capital, technical expertise, and legal sophistication required to play in the early credit game. Most do not have the wherewithal to hire special accountants and engineers to monitor and reduce carbon emissions. Most do not have environmental compliance departments ready and able to negotiate early action agreements with Federal agencies. However, under the Kyoto Protocol, small businesses would have to pay higher energy costs and many would have to reduce their use of fossil fuels. So, while making the Kyoto Protocol more likely to be ratified, early action crediting would also make the treaty more costly to small business.

Unfortunately, the mischief doesn't stop there. Since early reducers would be rewarded at the expense of those who do not participate, many businesses that would otherwise never dream of "volunteering" may be constrained to do so for purely defensive reasons. Companies that see no particular benefit in early reductions may "volunteer" just so they do not get stuck in the shallow end of the credit pool in the Kyoto Protocol compliance period. This dynamic is exactly what pro-Kyoto partisans desire, as it would build up a large mass of companies holding costly paper assets that are completely valueless unless the Protocol is ratified.

Proponents claim that early action crediting is not linked to the Kyoto Protocol because the credits could be used to offset emission reduction obligations under a domestic program to regulate greenhouse gases. But, recall that the Senate, in the July 1997 Byrd-Hagel Resolution, voted to reject any agreement that, like the Kyoto Protocol, exempts three-quarters of the world's nations from binding commitments. If the Senate preemptively rejected the treaty because it is not "truly global," what is the likelihood Congress would some day enact a unilateral greenhouse gas reduction program that applies to U.S. companies alone? There is no change of that happening. The word "early" in "early action crediting" means just one thing—earlier than the Kyoto Protocol compliance period.

Proponents also claim that early action crediting is an "insurance policy" needed to protect companies that have already invested in emissions reductions from paying twice under the Kyoto Protocol or a domestic regulatory program. Now, let's leave aside the question of whether Congress should "insure" companies that decide, for their own reasons, to implement a treaty the Senate has not ratified. The relevant question is whether, absent a crediting program, companies that act early to reduce emissions would be penalized under a future climate treaty.

Again, the answer should be obvious. If the Kyoto Protocol is ever ratified, it will be because the policy makers and companies now promoting early action crediting lead the charge. The pro-Kyoto coalition will ensure that any implementing legislation associated with the Protocol recognizes the emissions reductions companies have already made, certified, and duly reported. To contend otherwise is to suppose that the pro-Kyoto lobby would implement the Protocol in a way that inflicts maximum pain on its corporate base. Unless early action proponents sincerely believe that "we have met the enemy, and it is us," the "insurance" argument makes no sense.

Let's also be clear about one thing. Early action crediting is not needed to enable companies to undertake, or the Federal Government to record, voluntary reductions of greenhouse gas emissions. Current law already provides a voluntary program for reporting such reductions. Established by section 1605(b) of the 1992 Energy Policy Act, the existing program is highly efficient, flexible, and accessible to everybody, from large utilities supplying electric power to families planting trees. Unlike early action crediting, the 1605(b) program is in no way linked to the Kyoto Protocol, does not create cash incentives in support of ratification, and does not promote the interests of large corporations at the expense of small business or consumers.

Mr. Speaker, the bill I am introducing today would protect small business, family farms, and the U.S. Constitution in the following ways. First, it prohibits Federal agencies form advocating, developing, or implementing an early action credit program until and unless the Senate ratifies the Kyoto Protocol. Second, it makes permanent the 1999 VA–HUD Appropriations Act restriction against backdoor regulatory implementation of Kyoto Protocol. Third, it prohibits Federal agencies from regulating carbon dioxide—the principal gas covered by the Kyoto Protocol—without new and specific legislation by Congress.

Who should support the Small Business, Family Farms, and Constitutional Protection Act? Every Member of Congress who believes the small businesses and family farms should not be forced to incur additional burdens under a future global warming treaty. Every Member who believes that Federal agencies should not implement a treaty that has not been ratified. And every Member who believes that Congress should not artificially boost the fortunes of the pro-Kyoto lobby.

The Constitution established a clear process for enacting international treaties into law. The President signs the treaty and submits it to the Senate for its advice and consent. The treaty becomes law only if two-thirds of the Senators vote in favor of ratification. My bill will help safeguard the integrity of this constitutional process.

TRIBUTE TO SCHULER'S RESTAURANT & PUB ON THEIR 90TH ANNIVERSARY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Schuler's Restaurant & Pub of Marshall, Michigan on 90 years of tradition in hospitality and fine dining.

Schuler's heritage is a testament to the entrepreneurial spirit of the restaurant's founder, Albert Schuler. Through four generations of family ownership, Schuler's has maintained an impeccable reputation for its unforgettable fare, impeccable service, and casually elegant atmosphere. Albert's first restaurant quickly became a popular local gathering spot. His son Win Schuler expanded the business and it became the place to go for fine dining for my family and thousands of other families in Michigan, Ohio and Indiana. Win's son and current President and Chairman, Hans Schuler states "We are able to celebrate Schuler's 90 year tradition of hospitability and fine dining because of our evolving vision for the restaurant and our ongoing investment in its future."

As a cornerstone of historic Marshall, Michigan, the City of Hospitality, Schuler's 505 seat restaurant features exquisite old world ambiance with its trademark wood beams' containing quotes from pundits such as Shakespear, Voltaire, and Mark Twain. Schuler's serves over a quarter of a million people a year, and serves more than 1,600 people alone on its busiest day, Mother's Day. Because of Marshall's location, it has often been called, the "Crossroads of the Big Ten Conference", and has served famous college coaches such as Ara Parshegian, Bo Schembechler and George Perles, to name a few. As such, Schuler's has created a reputation that reaches well beyond their immediate community, yet never losing sight of their service to their community.

Throughout the next six months, Schuler's will honor their tremendous milestone by offering several events that will give them the opportunity to share their accomplishments with everyone in the community. These events include a monthly celebrity bartender, a complimentary dinner to anyone celebrating a birthday in their 90's, and a 20% discount to those families who dine with three generations present.

I am inspired by the great entrepreneurial legacy and commitment to the values that Schuler's has been founded upon, its long history, and its family ownership. Congratulations Schuler's for 90 years of business and much continued success for many years to come.

COMMENDING THE GOVERNMENT OF TAIWAN ON THEIR $300 MILLION AID PACKAGE TO THE KOSOVO REFUGEES

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. WYNN. Mr. Speaker, I rise today to applaud The Republic of China on Taiwan for generously offering $300 million in humanitarian aid to the Kosovo refugees. President Lee Teng-hui's considerate offer is representative of Taiwan's commitment to protecting and promoting human rights and fulfilling its responsibilities as a member of the international community.

The Republic of China on Taiwan is faced with Chinese Communist aggression on a daily basis and experiences first hand the threat of aggression. Through their aid contribution to the Kosovo refugees, the Republic of China on Taiwan serves as an example to the international community that with generosity and kindness toward their fellow human beings, peace can be achieved worldwide. The $300 million aid package includes emergency support for food, shelters, medical care, and education, as well as short term job training for some Kosovar refugees in Taiwan. Moreover, Taiwan has sponsored a humanitarian mission to the refugee camps in the Balkans in which Kosovars were supplied with essential relief items.

This aid package certainly comes at an opportune time. As the Serb troops begin their pullout, many stranded refugees in the Kosovo mountains are in dire need of food, clothing and shelter. This assistance will contribute directly to their needs and will be critical in the uphill battle of rebuilding their homes.

Mr. Speaker, I urge my colleagues to join me in commending the Taiwan government for its efforts to promote peace in the Balkans and assist in the safe return of nearly one million Kosovars to their homeland.

CENTRAL EUROPEAN UNIVERSITY—AN INSTITUTION DEDICATED TO EDUCATION, OPENNESS, AND ENLIGHTENMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. LANTOS. Mr. Speaker, I would like to invite my colleagues to join me in recognizing the achievements of Central European University (CEU), one of the newest and most significant forces for intellectual and economic progress in Eastern Europe. As I learned during a recent visit to the University, CEU's growth and influence are making an important contribution to the future of Hungary, the Czech Republic, and the other young democracies to the east of the Danube River.

Ten years ago, as nearly half a century of Soviet domination crumbled across the expanse of Central and Eastern Europe, a small collection of concerned intellectuals met in Dubrovnik in the former Yugoslavia to discuss the future of liberal education and that region. After decades of censorship and suppression at the whim of communist governments, they hoped to create a new center of academic freedom for citizens of all ideological and ethnic backgrounds. The labors of these far-sighted men and women led to the birth of Central European University, which has rapidly developed into one of Europe's leading centers of higher education.

Central European University, which claimed 100 students in its first year of existence (1991), now has an enrollment of 660 students from over 35 countries. CEU's faculty also reflects this diversity, featuring 60 professors from 26 countries and a host of prestigious visiting educators from top-level institutions throughout Europe and North America. These leading scholars help to foster an environment free of the political and philosophical rigidity of Eastern Europe's communist past, allowing young minds to flourish.

CEU's remarkable renaissance can be attributed principally to the generosity of George Soros, a Hungarian immigrant who came to the United States as a refuge from Nazism. He has become one of America's most successful and respected financial leaders, and he has donated hundreds of millions of dollars to important social and economic causes around the world. The Open Society Institute, founded by Soros to promote freedom in Central and Eastern Europe and the former Soviet Union, has immeasurably advanced the social and political climate in the newly free countries in this region. The Central European University is one of many pro-education, pro-openness, and pro-liberty projects funded by George Soros since the collapse of the Soviet Empire. Mr. Speaker, I invite all of my colleagues to join me commending this outstanding philanthropist for all he has done to further these vital objectives during the past decade.

Mr. Speaker, last March I had the opportunity to attend the Central European University's conference entitled "Between Past and Future". This gathering featured a wealth of insight opinions from leaders including former anti-communist dissident and current Budapest Mayor Gabor Demszky, Czech Deputy Foreign Minister and human rights activist Martin Palous, and numerous other authorities on the future of Central and Easter Europe. Respected media figures—among them New York times journalist R.W. Apple, Time magazine political correspondent James Carney, and NBC news correspondent Claire Shipman—also participated. The conference addressed some of the region's most pressing issues, ranging from ethnic nationalism to political stability in Hungary, Poland, the Czech Republic, Slovakia, Romania, Bulgaria, Slovenia, Macedonia, and other countries in the area. The presentations and discussions greatly impressed me, as did CEU's wisdom in organizing this excellent event.

It is my hope that Central European University will serve as a role model for intellectual openness and academic excellence throughout all of the nations formerly dominated by the Soviet Union. I am confident that the CEU will help to mold a new generation of citizens encumbered by the social and cultural restrictions forced upon their parents and grandparents, young leaders who are intellectually and ideologically prepared to build new societies atop the moral foundation on liberty and freedom that we Americans has cherished for centuries.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the wonderful accomplishments and unlimited promise of Central European University.

RICHARD URRUTIA ACHIEVES THE AMERICAN DREAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize and pay tribute to Mr. Richard Urrutia of Pueblo, Colorado, who after 39 years of work for Pepsi-Cola Bottling Company, has announced his retirement. Because of his tremendous work ethic, his drive, and dedication, Mr. Urrutia has proven that one can achieve the American Dream.

After graduating from Central High School in 1958, Mr. Urrutia was offered a job as a janitor at the R.C. Cola plant. Upon accepting the position, Richard began his uphill climb. Through hard work and determination he eventually became the General Manager of Pepsi-Cola Bottling Company.

Mr. Urrutia grew fond of many Pueblo organizations through his interaction with various groups as a delivery-truck driver. Dear to his heart are the YMCA and its camp near San Isabel where for many years he delivered beverages. Even though he is retiring, Richard Urrutia has no intention of slowing down and plans to stay involved in the Pueblo community. I know he hopes that the next generation of youth in Pueblo will have the opportunities to achieve the success he had, and he will undoubtedly contribute his time to ensuring a bright future for the younger citizens of Pueblo.

Today, as Mr. Richard Urrutia opens the page on a new chapter in his life, I would like to offer my gratitude for the example he has set and for the inspiration which he provides. It is clear that Pueblo has benefited greatly from his honest work ethic and desire to help others succeed. I would like to congratulate Mr. Urrutia on a job well done, and wish him the best of luck in all of his future endeavors.

CRISIS IN KOSOVO (ITEM NO. 9) REMARKS BY RICK NEWMAN, SENIOR EDITOR FOR U.S. NEWS AND WORLD REPORT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. KUCINICH. Mr. Speaker, on May 20, 1999, I joined with Rep. CYNTHIA A. MCKINNEY, Rep. BARBARA LEE, Rep. JOHN CONYERS and Rep. PETER DEFAZIO in hosting the fourth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, medication, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Rick Newman, Senior Editor covering defense for US News and World Report. He began covering military affairs in 1995, and to date has reported on a wide spectrum of defense issues from overseas operations to the future of military technology. He was awarded the Gerald R. Ford Prize for Distinguished Defense Reporting for his work in 1996. Mr. Newman graduated from Boston College in 1988 with B.A.s in English literature and economics.

Mr. Newman relates his first-hand experience with the treatment of journalists by the military during periods of wartime. He discusses the key lessons that he believes the military has learned over the years about how to advance their propaganda by manipulating public opinion through a willing press corps. Following these remarks is an article by Mr. Newman about how NATO bombings have pulverized Yugosavian targets and caused widespread suffering in the civilian population.

PRESENTATION BY RICK NEWMAN OF U.S. NEWS AND WORLD REPORT

One formula for starting a story is to begin with some anecdote that illustrates a larger point you want to get across. That's how I'm going to start today, with an anecdotal lead.

I'm the defense reporter for US News; my job is to cover the military, down to the soldiers who fight in the field, the airmen who fly the planes, and so on. About three or four months ago I had made arrangements with the army to "imbed," as they say, with any army troops who got involved in some kind of campaign in Kosovo, whether that be peacekeeping which it looked like at the time, or whatever. They said "Roger that," (that's what they say in the army) and everything looked like it was in order. I told them that I wanted to get a good "imbedding" slot with the command part of this group. That means I would deploy with them, I would basically live with them. I would be one of them in a way, except I wouldn't carry a weapon, and I'd see what they do from their perspective.

So this was all going along fine, and Task Force Hawk, this group of helicopters, gets deployed to Albania. They call me up and say, "Are you ready to deploy? You're going to be in the hip pocket of the commander for this thing. You're going to be able to see how he runs this show." And I said, "That sounds great." I eventually got my way over to Europe, told them what day I was going to show up. I had to go down to Fifth Headquarters in Heidelberg, Germany, get outfitted with "mop gear," which is the chemical weapons protection stuff that goes from head to toe. They gave me a Kevlar helmet and a flack vest; I made a reservation to fly into Albania the next day and join up with them.

That night I got a call from the public affairs guy with Task Force Hawk in Albania. He said, "Just want to check in with you, Rick, and I just want to advise you of something. The commanders here, someone pointed out to them a story that you wrote about indicted war criminals in Bosnia last year and military efforts to track down some of those people. And this was a story that revealed some details about secret operations and so on, and the guy said, 'Having seen that story they just don't feel they can trust you anymore, and you're no longer welcome to embed with the command element of Task Force Hawk.'" So I said, "That's wonderful news. Thank you very much. I'll head back home."

That's about how the first 4 to 5 weeks of this war went, in terms of relations between the press and the military. The press was largely kept outside the gates, outside the fence, looking in, trying to figure out what was going on, not getting a lot of information on what was going on, very sparse statements coming out. In the last four weeks or so that has improved. NATO and the Pentagon have been releasing more information, and I've had some better opportunities personally to cover some of the people who are actually fighting this war, to find out how they do it, what they think about it, and so on. But this is a problematic war in terms of coverage by the press. There is tension in all wars between the military and the press that's trying to cover them. I think it's worse in this case.

The war is not going well. Clearly it's not going well. You don't have to be a genius to see that the stated aims of the people who launched this are not being achieved, and on the military side there are rules designed to limit access by the press even more than usual. For instance, General Clark, who's the four-star general in Europe running this thing, instituted essentially a gag rule on all of his subordinate commanders. They have been forbidden to talk to the press—absolutely forbidden, on the record or not—and you can imagine the sort of effect that has had down the chain for people who are not technically commanders or subordinate commanders. They technically could talk but they don't want to risk stepping outside that rule. So this has been a very difficult war to cover, in terms of just finding out what is going on. I think we are getting more information about what is going on because, ironically, official Serb TV is broadcasting it and that gives us some material to go back and pry information we otherwise wouldn't be getting out of these people.

For me this boils down to what I am going to call "three lessons learned." This is what they do in the military after something is over or while it is going on: they figure out what the lessons learned are. So I am just going to go through three here.

First lesson learned for me is that no news is bad news. If the Pentagon is not telling you what's happening in an operation, it's probably because what's happening is not good or does not appear to be favorable to the Pentagon. I believe this was the case for the first four weeks, when they would not say anything about how many sorties they were flying, what kinds of weapons they were using, what they were doing, what they were accomplishing. The fact is that they were accomplishing almost nothing. It was one of the weakest starts to an actual war in recent times, and that was reflected in the fact that not much was happening. On the other side it was a demonstrable failure, because all these ethnic Albanians were being flushed out of Kosovo.

Second lesson learned is that the body count mentality is alive and well, only these days we're not counting bodies, we're counting targets. We get this rundown of targets at the Pentagon every day. They'll say, for example: "Last night we struck eighteen target sets, there were 96 dimpies (a particular aim point on a target), today we've flown such and such sorties." This all seems to beg the question of how this is relevant to the objective of the war. We've heard more about these counts that supposedly demonstrate success than we have about how this war is actually doing in accomplishing the goals stated by President Clinton and others at the outset. That's something to watch out for. I think the press has been somewhat gullible in this.

My third lesson learned is that the spokesmen for this war, the spinmeisters, are in many cases smarter than the press. I think the propaganda campaign has been very successful. I think the Pentagon and NATO have managed to find slow news days to get their message across. I think they have distracted attention on a regular basis from the observable fact that this war is not accomplishing what it is supposed to accomplish. I'll run down a list of a few things here. One of my pet peeves has been the headlines that say "NATO Intensifies Air War." We see this headline almost every week. Technically you could drop one additional bomb per day and you'd be intensifying the air war, which is nearly what has been happening. I think that this is less intense than any air war any member of the air force can recall. That's the nature of this graduated campaign.

I'll also mention briefly some of the claims from the podium at the Pentagon and the podium at NATO headquarters about atrocities. These are interesting standards for reporting this sort of thing. I'm thinking, for instance, of the rape camps. When Ken Bacon, the Pentagon spokesman, first mentioned the rape camps he was pressed about the source of the information, and it turned out the source was one person, probably an indirect source, and probably a member of the KLA. I don't think that that's the standard the Pentagon usually applies, and I know that if we apply that standard in journalism we get criticized for having low standards. That seems to be the standard these days. Another example is the Secretary of Defense saying, "We have reports that up to a hundred thousand ethnic Albanians may have been murdered." I seriously doubt they have evidence that a hundred thousand have been murdered. I think they have evidence that something less than ten thousand have been murdered.

We'll see how this gets sorted out when this war is over. The last thing that has kind of bothered me is everything that the press has been making out of various weapons systems. First it was the A-10, the low flying attack plane. We were just waiting for the A-10 to get into the action back around week two or week three. This is the thing that flies low under certain circumstances that don't exist in Yugoslavia yet. It flies low and can blow up dozens of tanks on a pass with its thirty-millimeter gun. The New York Times had a picture of the A-10s being deployed to Italy. The A-10 hasn't done anything of the sort, as anyone who has been associated with this campaign could have told you and did tell some of us from the very beginning. We're running these stories, we're sort of being urged, or certainly not discouraged, to run these stories, because it sounds like a wonder weapon is in the offing here, and Milosevic had better back down. The Apache helicopters are another example of this. There have been questions about how and when those are going to be used. From the day it was announced they were going, they have been held out as a big wonder weapon.

I'll just end with the thought that when this is over, we in the press are going to do a lot of post-mortem analysis of how this campaign went. I think there's also a case to be made that there should be a lot of post-mortem analysis of how the press handled this war.

Making War From 15,000 Ft.—A War of Half Measures Runs Short on Targets and Political Support

(By Richard J. Newman)

If a rising unemployment rate is any indication of how a war is going, then NATO ought to be pleased. According to Serbian government estimates, nearly half a million Yugoslavs, many employed in factories shattered by NATO bombs, have lost their jobs since the airstrikes began in March. Other privations are setting in. Serbia last week cut civilian gasoline rations in half, to about 2.5 gallons per car each month.

Yet as NATO's bombing of Yugoslavia enters its sixth week, it is in Washington that the will to fight seems wobbly. The House of Representatives last week voted exactly half for, and half against, a simple show of support for the air war. Another vote barred President Clinton from sending ground troops into Kosovo without congressional approval. Before Operation Desert Storm against Iraq in 1991, by contrast, Congress voted 302 to 230 to authorize all forms of military action.

The home front. Publicly, President Clinton shrugged off the no-confidence votes. But morale at the White House is in a "downward spiral," according to one official there. And the war is just starting to hit home in America. The roughly 2,000 reservists now packing their bags are just a fraction of the 33,000 that the Pentagon could call up—for an air campaign that President Clinton indicated could last into July.

A decisive turn in the war certainly would sway some doubters. Yet details emerging on the conduct of Operation Allied Force reveal a campaign that seems as halfhearted as the political support in Washington. The intensity of the effort—gauged by "sortie rates" and other measures—is lower than that of any other U.S. air operation in recent history. Severe restraints on what NATO can bomb continue to frustrate war planners; even Great Britain, America's staunchest ally in the campaign, has vetoed targets sought by military commanders. And only in the last week has NATO started arranging basing rights and making other crucial preparations for 300 additional aircraft requested in early April. "The air war is going badly," says Michael O'Hanlon of the Brookings Institution in a study released last week. "The urgency of changing the war's strategy is . . . great."

NATO officials disagree, and point to strains within Yugoslavia as evidence that their deliberate approach is getting somewhere. Last week a flamboyant Yugoslav deputy prime minister, Vuk Draskovic, demanded on television that Slobodan Milosevic "stop lying" to the Serbian people. His candor promptly got him fired. Twenty-seven other prominent Belgrade intellectuals signed an open letter urging Milosevic (and NATO) to end hostilities. British officials reported that five retired Yugoslav generals were under house arrest—apparently for opposing Milosevic's tactics—and that hundreds of conscripts were deserting the Yugoslav Army each week.

A surge in travel to Moscow could be a further sign that Milosevic, and NATO, are looking to cut a deal. Both Strobe Talbott, the U.S. deputy secretary of state, and United Nations Secretary General Kofi Annan conferred last week with Victor Chernomyrdin, Russia's former prime minister and now its mediator in the Balkans. Chernomyrdin then jetted off to Belgrade. The attention heartened Kremlin officials, who hope that Russia will have a role not just as a "postman" delivering messages but as a "middleman" trusted by the Serbs and heeded by NATO.

Languor. Yet Belgrade continues to defy NATO's air war, which has been portrayed as intense but by important measures is actually rather languorous. The sortie rate—the number of flights flown per plane, per day—is less than 0.5, according to NATO officials and an independent analysis by Anthony Cordesman of the Center for Strategic and International Studies. That means each NATO jet flies on average just once every two days. By comparison, the sortie rate was about 1.25 during the Persian Gulf war and about 2.0 during Operation Deliberate Force, the bombing of Bosnia that helped to bring Milosevic to the bargaining table in 1995. Both of these campaigns also opened with severe bombardments. Retired Air Force Maj. Gen. Charles Link says the Kosovo campaign should have started the same way: "In the first two nights we should have taken out the targets we took out over the next 21 days." He maintains that NATO jets based in Italy—closer to their targets than most aircraft were during the gulf war—ought to be good for at least two sorties per day.

That would let NATO bomb many more targets—except that approved targets appear to be in short supply. NATO officials say that Lt. Gen. Michael Short, commander of all the NATO air forces in the campaign, has argued that he does not need the 300 extra aircraft requested by Gen. Wesley Clark, the NATO commander. "The air view is, just open up the target list," says one NATO official.

Clark and others insist they have done that, by bombing one of Milosevic's mansions, an increasing number of government buildings in Belgrade, and TV towers used to broadcast Yugoslav propaganda. NATO aircraft recently have been flying a total of nearly 700 sorties per day, about 400 more than in the opening days of the war. Attacks against Serbian forces in Kosovo have more than tripled. Concussions now shake Belgrade nightly. And 26 fuel-tanker planes are on their way, along with 10 additional B-52 bombers configured to drop conventional "dumb" bombs.

Yet this intensification of the bombing comes after most of Kosovo's ethnic Albanians have been driven from their homes, and there is skepticism even at the Pentagon that airstrikes alone will ever force Serbian troops out of Kosovo and let the Albanians return to their homes. NATO's strategy essentially has been to starve Serbian forces of fuel and supplies by attacking bridges, roads, and other supply lines, petroleum reserves, and storage sites. There is little doubt those attacks have hurt. All of the major roads from Serbia proper into Kosovo have been bombed, and at least 30 highway and railroad bridges throughout the country have been knocked down. NATO has destroyed all of Yugoslavia's oil-refining capability, and the alliance is preparing this week to begin enforcing a naval embargo against tankers bringing oil into ports in Montenegro, the smaller of Yugoslavia's two republics.

Gassed up. But without NATO ground troops to challenge them, it may be many months before Serbian forces in Kosovo actually cease to function. O'Hanlon argues that given months of warning that NATO air attacks could come, Serbian troops probably have hidden reserves of fuel inside Kosovo. And they are helping themselves to fuel stocks left behind by fleeing Albanians. NATO reports indicate that fuel shortages are causing mobility problems in some units—but that won't force those units out of Kosovo. And "long before any Serbian forces starve in Kosovo," says O'Hanlon, "huge numbers of ethnic Albanians will have starved first." Beyond that, Milosevic has been adding to his forces in Kosovo despite troubles with transportation. Clark himself acknowledged last week that Yugoslavia has been "bringing in reinforcements continually."

The ultimate battle, then, is not of guns but of wills. The natural advantage would seem to lie with NATO, which must only tolerate political discomfort, while Serbs have to watch their economy being pulverized one bomb at a time. Yet NATO's very caution, meant to keep the politicians on board, already bears the marks of a military failure. And as Congress showed last week, that's hard for any politician to support.

PERSONAL EXPLANATION

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. HILLEARY. Mr. Speaker, due to my attendance at a military funeral, I was unable to record my vote for several measures considered in the U.S. House of Representatives on Thursday, June 10. Had I been present, I would have cast my votes as follows:

Rollcall No. 185: Aye.
Rollcall No. 186: Aye.
Rollcall No. 187: Aye.
Rollcall No. 188: Aye.
Rollcall No. 189: No.
Rollcall No. 190: Aye.
Rollcall No. 191: Aye.
Rollcall No. 192: No.
Rollcall No. 193: No.

Rollcall No. 194: Yea.
Rollcall No. 195: Aye.
Rollcall No. 196: Aye.
Rollcall No. 197: Aye.
Rollcall No. 198: Aye.
Rollcall No. 199: Aye.
Rollcall No. 200: No.
Rollcall No. 201: No.
Rollcall No. 202: Nay.
Rollcall No. 203: Yea.

Further, due to the cancellation of my flight, I was unavoidably detained away from the Capitol yesterday, June 14. Had I been present, I would have voted "yea" on rollcall No. 204.

TAIWANESE AMERICAN HERITAGE WEEK

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. WU. Mr. Speaker, I rise today to pay tribute to Taiwanese-Americans across the country. After 50 years of a strong and mutually beneficial U.S.-Taiwan relationship, the Taiwanese-American community continues to be the bedrock of that relationship.

There are more than one-half million Taiwanese-Americans across the United States. From science and education, to politics, Taiwanese-Americans have made profound contributions to the strength and diversity of this great nation.

This year also marks the 20th Anniversary of the Taiwan Relations Act, which links the United States and Taiwan in friendship and cooperation. Since 1987, the Taiwanese people have possessed the right to select their own leaders, practice their religions, and speak freely. Taiwan is vibrant and democratic. The people of Taiwan and the United States share a bond in their adherence to the principles of freedom, democracy, and human rights. That bond is made stronger each day by the Taiwanese-American community here in the United States.

Today, as the first U.S. Congressman born in Taiwan, I am proud to pay tribute to the contribution and commitment Taiwanese-Americans have made to the United States.

RESTORE THE TRUST WITH AMERICA'S AVIATION PASSENGERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the June 8, 1999, Norfolk (Nebraska) Daily News. The editorial expresses support for the AIR 21 legislation and emphasizes the need to preserve the Aviation Trust Fund for its intended purposes.

[From the Norfolk (Nebraska) Daily News, June 8, 1999]

AIR TRUST FUNDS NEED PROTECTION—AVIATION INVESTMENT ACT WOULD PRESERVE SANCTITY OF TAXES PAID BY PASSENGERS

Battles have been waged at the state and federal levels over whether gasoline tax receipts going into highway trust funds should be preserved exclusively for road construction and maintenance work. Some politicians would prefer that the funds be available, when necessary, to pay for other needed projects.

The sanctity of the highway trust funds has always been promoted in this space. Now, the same must be true for the federal aviation trust fund.

Although they may not realize it, every time a person buys a plane ticket, he also pays a tax. The money received goes into the federal aviation trust fund, which is a pot of money earmarked to fix airports, runways and other essential parts of aviation infrastructure.

This year, according to the U.S. Chamber of Commerce, the trust fund is expected to collect about $11 billion. Left untouched, it would increase to about $63 billion in a few years.

But there are those who don't want to leave it untouched. That's why the Aviation Investment and Reform Act for the 21st Century has been introduced and likely will be voted on in Congress sometime in the next few weeks. If passed and signed into law, it would preserve the trust fund for aviation infrastructure purposes only. No diverting of funds would be allowed.

The U.S. Chamber is right when it says that passage of the act is not only the fair thing to do, but also the right thing to do.

It's fair because it would be a breach of faith to use those airline tax funds for other purposes. It's right because aviation infrastructure in the United States is deteriorating because of high usage. Neglecting to meet the current and future needs of the aviation system will only result in increased airline delays and compromised safety.

Domestic air travel has grown by 27 percent to 655 million passengers annually in the past five years. Within the next 10 years, the number of passengers served is expected to surpass 1 billion annually. The nation's runways will require rehabilitation to keep up with that demand. There also is a need to improve air traffic control systems.

Congress should do the right and fair thing and pass the Aviation Investment and Reform Act for the 21st Century. Leave those aviation trust funds alone.

TRIBUTE TO ERNESTO MUÑOZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Ernesto Muñoz, an outstanding individual who has dedicated his life to public service and education. His memory was honored on June 11 during the dedication of the Ernesto Muñoz Auditorium at PS 48.

Born on November 25, 1943, in Bayamon, Puerto Rico, to Rosario Muñoz and Susana Garcia, Ernesto was one of five girls and two boys. He moved to the Bronx in 1953.

Ernesto attended New York City Public Schools, graduating from P.S. 123 as Valedictorian and Samuel Gompers High School for Technical Studies as a member of the National Honor Society. He received a scholarship to Baruch College of the City University of New York. He is also a graduate of Bronx Community College. Ernesto was a Licensed Real Estate broker and Vice President for Milchman Enterprises Company, Inc. in the Bronx.

Mr. Speaker, Ernesto was very active in the Hunts Point community in my congressional district. From 1980 to the time of his passing, he was President of the Spofford Avenue Housing Development Fund Corporation and Chairman of the Board of Lapeninsula Community Organization, Inc. He was also a member of the Hunts Point Task Force from 1990 to 1992 and the Bronx Borough President's Citizen Advisory Committee on Resource Recovery from 1990 to 1991. In addition, he was a very active member of Community School Board District 8. He was a Board Member from 1989 until 1996; during this time, he served as President (1991–92), Vice President (1992–93) and Treasurer (1989–91).

Ernesto married Ramona Santiago on June 6, 1964 at St. John's Church in the Bronx and made their home in the Hunts Point section of the Bronx. They had four children, Eric, Rebecca, Beatriz and Wedalis, and six grandchildren, Michael, Cynthia, Marissa, Carlos, Jr., Christian and David, Jr.

Ernesto inspired me and many other young people from the Bronx. He had a remarkable passion for life, tenacity to accomplish what he set out to do, great courage and sensitivity. He passed away unexpectedly on September 10, 1998. His untimely passing has left a void not only in his family and community, but by all those whose lives he has touched.

Mr. Speaker, on June 11, PS 48 honored his memory during the dedication of the Ernesto Muñoz auditorium. What a fitting tribute.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Ernesto Muñoz and in wishing PS 48 continued success.

EVELYN ABELSON: POINT OF LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. OWENS. Mr. Speaker, I rise to congratulate an extraordinary community activist, social worker, safety net administrator, and public policy strategist. From micro issues involving school practices, neighborhood priorities, and area action plans to macro policy concerns and visions for improvements in City, State and Federal benefits programs, she has accumulated an inspiring record of achievements. On the occasion of her retirement I am honored to salute Evelyn Abelson as a Point-of-Light for our community and for all Americans.

A native of Pittsburgh, Pennsylvania, Ms. Abelson came to Brooklyn with impressive training as a Social Worker and significant political experience. Her compassion for the poor and the powerless is great; and her passion for organizing people for their own empowerment is equally remarkable.

Always the professional competence of Evelyn Abelson is thoroughly blended with her personal dedication and integrity. As Director of a Mental Health Program in Brownsville, a community composed primarily of low-income housing developments, she changed the lives of many individuals; however, her work with families and groups had a widespread and lasting impact on the entire community. The Abelson lectures on family relationships attracted a large grassroots audience.

Through her work with individuals and the general community Ms. Abelson established a base of trust which made her a very influential and productive force in the embryonic Brownsville anti-poverty program. Evelyn convened the Brownsville Professional Group composed of a cross-section of professionals who worked in the community. The blue-print for the Brownsville Community Action Plan was launched when this group convened a body of local leaders who formed the Brownsville Community Council.

Mr. Speaker, as a local Branch Librarian of the Brooklyn Public Library and later as a Library Community Coordinator, I worked with Ms. Abelson to develop the Brownsville Total Action Plan which began with the election of a Board of Directors for the Brownsville Community Council. For that first election and for many others Ms. Abelson was a one woman Election Commission whose results were never challenged.

Ms. Abelson later established a Community Mental Health Clinic in Brownsville. While her professional work expanded and provided greater support for many more families, she continued in her role as a guiding community activist and policy advisor. In my changing careers from Library Community Coordinator, to Brownsville Community Council Executive Director, to Commissioner of the New York City Community Action Program to New York State Senator and finally to the United States Congress I have steadfastly relied on Evelyn Abelson's unique ability to maintain one open ear for the voice of the people on the bottom while the other ear listened and interpreted the sweep of local, national and international developments.

For this rare mixture of personal warmth, abiding compassion and generosity, as well as a penetrating mind anchored by experience and wisdom, it is appropriate that we honor Evelyn Abelson as a great American Point-of-Light.

IKE SKELTON: A MAN OF VISION, A MAN OF COMPASSION, A MAN OF THE WORLD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. FARR of California. Mr. Speaker, I was honored recently to have our friend and colleague, IKE SKELTON, visit my district in California. This gentleman, the Ranking Democrat on the House Armed Services Committee, is known to all of us as a man of intensity but earnestness, a man of determination but flexibility, a man of integrity above all else.

Congressman SKELTON was visiting the Naval Postgraduate School in Monterey, the Navy's premier school for advanced technical, engineering, and strategic education. He was there to address the student body of the challenges they face as military leaders in an increasingly complex geopolitical world community. While at the school, he was presented with an Honorary Degree of Doctor of Military Sciences.

I was so impressed with the lecture Mr. SKELTON presented and the citation by the NPS Provost, Richard Elster, of Mr. SKELTON'S achievements, I feel compelled to share them with this body. I urge everyone to take the time to read these remarks and consider their meaning, especially as we struggle here with foreign affairs and military and defense questions in a troubled world.

Remarks Accompanying Award of Degree of Doctor of Military Sciences to the Honorable Ike Skelton

(Made by NPS Provost, Richard Elster)

Under the authority vested by law and with the concurrence of the Secretary of the Navy and the Chief of Naval Operations, the Naval Postgraduate School is pleased to award the Degree of Doctor of Military Sciences to the Honorable Ike Skelton, Representative of the Fourth District of the State of Missouri to the Congress of the United States.

Representative Skelton understands the relationship between the nation's security and the maintenance of strong, robust armed forces. He has consistently, and effectively, used every means at his disposal to ensure that the national security policy of the United States recognizes the preeminent role of the armed forces and that the Congress provides resources to the Department of Defense and the military departments accordingly.

Representative Skelton's regard for the military extends far beyond national security imperatives to genuine, heart-felt concern for the well being of every man and woman in uniform. He understands the fundamental relationship between maintaining the most powerful Armed Forces the world has ever known and the education, training, talent, and morale of the individuals who comprise those forces. As Chairman of the Military Personnel and Forces Subcommittee of the House Armed Services Committee, he systematically advanced initiatives to improve the quality of life and opportunities of military personnel. He supported military pay increases and sought to secure acceptance of the principle that military compensation should be comparable to that of the private sector. He oversaw improvements in military health care and attempted to secure a uniform benefit for all eligible personnel, both active duty and retired. In addition, he offered the amendment that repealed the combat exclusion for women on Navy ships.

Representative Skelton has also demonstrated that a true friend of the armed forces will recognize problems and insist that they be corrected even in the face of strong objections from the civilian and military leadership of the Department of Defense. In the early 1980s, he became convinced that the structure of the Joint Chiefs of Staff and combatant commands was fundamentally flawed. He was one of a handful of legislators who drafted the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Consequently, history will record that he was instrumental in framing one of the three most significant laws relating to national security since the American Revolution.

As chairman of the Panel on Military Education, Representative Skelton contributed immeasurably to improvements in professional military education. His panel found that the officer corps needs more military strategists and that every officer should understand strategy. An avid student of history, Representative Skelton insisted that staff and war colleges strengthen and expand the study of military history and other subjects related to the development of strategic thinking. Under his leadership, the Panel also effected curriculum changes that greatly enhanced joint military education and raised the academic standards of the schools.

Representative Skelton continues to exercise great influence over the direction of military education. He has recognized the compelling need for the officer corps to be capable of meeting the challenges resulting from the myriad technological changes that are altering the way wars will be fought in the future. In early 1998, he called upon the Naval Postgraduate School to develop a new paradigm for professional military education, one that would integrate technical and traditional subjects into a single coherent professional military education course of studies.

Representative Skelton has made other significant contributions to national security too numerous to detail. Years before the current crisis, he urged that additional attention and resources be devoted to recruiting. He has consistently advocated better utilization of the reserve components. He has advanced original proposals for modifying the force structure of the services to meet the challenges of the post-Cold War period.

In summary, Representative Skelton has made seminal contributions to military affairs in the latter quarter of the Twentieth Century. He epitomizes the ideal linkage that should exist between Americans and their Armed Forces in a democratic republic animated by a strong tradition of civilian control of the military.

It is an honor to award an honorary doctorate to an American of such singular distinction. Congratulations Mr. Skelton.

Remarks of Rep. Ike Skelton, Naval Postgraduate School, April 19, 1999, Monterey, California

Today, I want to talk to you about the role of Congress in carrying out its Constitutional mandate with respect to the armed forces. Many people do not know that the Constitution—in Article I, Section 8—gives Congress the power "To raise and support armies, . . ." and "To provide and maintain a navy,". Fewer still know that Article I, Section 8, further gives Congress the power "To make rules for the government and regulation of the land and naval forces;". Article II of the Constitution designates the President as "commander in chief of the army and navy . . .", but no specific authority is granted. Many in the Department of Defense, both military and civilian, are often uncomfortable with what they regard as "Congressional interference" in national security affairs. But the system works—the Constitution make Congress the link between the American people and the military whose mission it is to protect them. And, thus, it helps ensure that there is public support for the military.

Let me give you the history of two areas, which will show you the system working at its best—The Goldwater-Nichols Department of Defense Reorganization Act of 1986, and Professional Military Education, commonly known as PME. These two areas are of professional interest to you, and as some of you may know, I was directly involved in Congressional efforts in both of these areas.

GOLDWATER-NICHOLS

Around the time I began my service in Congress—the late 1970's and early 1980's—the U.S. military experienced a long series of substandard operational performances, including a number of failures and some disasters: Vietnam, Pueblo, Mayaguez, Desert One, Beirut, and Grenada.

In the wake of these events, it became clear to a number of Members of Congress, including me, that something was wrong and that a solution needed to be found. I began meeting with our military leaders, both active and retired, to discuss the state of our military and determine what Congress could do to help fix the problems. Indeed, it was not just a question of Congress wanting to help fix the problems. As I mentioned earlier, it was our responsibility under the Constitution to fix the problems.

Among those I met with was a fellow Missourian, General Maxwell Taylor, the Commanding General of the 101st Airborne Division at Normandy, and a former Chairman of the Joint Chiefs of Staff. Well in his 80's by the time I talked to him, but still every inch a soldier, General Taylor shared with me the perspectives he had gained in his long, illustrious military career, both in combat and staff assignments. It was General Taylor who first raised with me the issue or reorganization of the Joint Chiefs of Staff as critical to solving the problems in our armed forces.

When other distinguished military leaders and thinkers raised this same concern, I decided that the issue of Joint Chiefs of Staff reorganization needed some attention. So, I introduced legislation to abolish the Joint Chiefs of Staff. Needless to say, that bill was going nowhere, but it did get people's attention, and it did help start the debate on the need for reform.

More importantly, I got involved with this issue on the House Armed Services Committee, working with other Members and Staff who had an interest in this area. Former Congressman Dick White of Texas had held a series of often sparsely attended hearings on the subject, along with a House Armed Services Committee staffer who I like to refer to as a national treasure—Archie Barrett, a retired Air Force Colonel who had published a study on Defense Reorganization. The contributions of this outstanding American in this area are immeasurable. I am very pleased that Archie is with us today because if any of you have tough questions, he can answer them. When Congressman White retired, I inherited Archie and the issue.

As you might expect, many of the senior civilian and military leaders of the Department of Defense were opposed to any reform or reorganization of the Joint Chiefs of Staff, including Defense Secretary Weinberger, General John Vessey, the Chairman of the Joint Chiefs, and indeed every member of the Joint Chiefs. If you know your history, you will not be surprised to learn that the Navy was especially opposed. Then Secretary of the Navy John Lehman called me an "arm chair strategist" in a Washington Post op-ed article. He didn't mean it as a compliment. Then Vice Admiral Frank Kelso lectured me like a school boy when I visited Norfolk. "You don't know what you are doing," he told me.

We did have some strong support from within the active and retired military, however, including General David Jones, the former Chairman of the Joint Chiefs of Staff, General Shy Meyer, the former Army Chief of Staff, and Admiral Harry Train, former CINCLANT. There were even some within the Navy with opposing views. After Admiral Kelso's lecture, his boss, Admiral Lee Baggett, the CINCLANT, pulled me aside and privately told me, "you are doing the right thing."

Here are some of the problems that Congress discovered during our hearings on the Joint Chiefs of Staff:

The joint, or force employment, side of the DOD structure was weak and often ineffective. On the other hand, the service, or input, side of DOD was so strong that it regularly stepped beyond its mission of organizing, training, and equipping forces. The services tended to dominate the joint side, often to achieve parochial interests.

The Joint Chiefs of Staff, a committee, was collectively the principal military adviser to the President, the National Security Council, and the Secretary of Defense. The Service Chiefs were often unable to fulfill their dual-hat responsibilities. Decisions on the most fundamental national security issues were watered down or not given at all. It was General Taylor who testified that the Joint Chiefs often failed to answer the mail because the Chiefs could not resolve inter-service disputes.

The Chairman of the Joint Chiefs was only a spokesman for the Joint Chiefs of Staff Committee. If the Committee could not speak, or could only render watered-down pronouncements based on the lowest common denominator of agreement, the Chairman could only be an ineffective spokesman. One former National Security Adviser to the President stated that on a number of occasions he had witnessed the JCS Chairman unable to provide advice to the National Security Council on the most fundamental military issues of the day because the JCS had failed to develop collective advice. At other times, because the JCS Committee valued unanimity, the advice was so bland that it was of little value. One former Secretary of Defense stated that JCS advice was less than useless.

The Joint Staff was largely composed of non-competitive officers, often on their first staff tour. It was a dead-end assignment. The Joint Staff served the Chiefs collectively, and it was smothered with a thousand procedures that subordinated it to service positions. For example, every word of every Joint Staff paper—the source of formal JCS advice—had to be approved by every service before it could be submitted to the JCS for its consideration.

The Unified Commanders (the CINCS)—the Commanders of U.S. forces in the field on whom the nation would depend for its survival in case of hostilities—were tied down like Gulliver by constraints contained in JCS-issued directives.

The CINCS had few of the authorities you would expect a commander to possess:

They could not hire or fire their subordinate commanders or staffs.

They lacked Court Martial authority.

They could not employ their forces as they saw fit to accomplish their mission. Rather, they were required to employ forces only in accordance with service doctrine.

They did not control ammunition, food supplies, and the myriad other materials needed to conduct campaigns. Each service had its own line of supply.

Their authority over their subordinate service component commanders was very tenuous—the component commanders' principal loyalty was to their service.

Let's look at how these problems in the organization of the JCS before 1986 contributed to some of the failed missions I mentioned earlier:

In Vietnam, there were at least two land chains of command and four air chains of command reaching from the Pentagon to forces in the theater.

Desert One—the disastrous 1980 attempt to rescue hostages held by Iran—was conducted by forces of all four services. Those forces met for the first time during the operation, had never exercised as a joint team, and were led by multiple commanders responding to multiple chains of command.

In the terrorist bombing of the Marine barracks in Beirut, the serpentine chain of command wound through six layers of command, including officers from every service, before it reached the ill-fated Colonel commanding the Marine contingent on the ground—the Secretary of Defense; the CINC at Mons, Belgium; DCINC at Stuttgart, Germany; CINCNAVEUR with headquarters in both London and Naples; Sixth Fleet Commander in the Mediterranean; and the Naval Task Force commander off the coast of Lebanon.

The tragic Beirut bombing, with 241 U.S. casualties, was the event that really convinced many Members that Congress needed to find out what was wrong within the Department of Defense, and to take steps to correct the problems. The late Congressman Bill Nichols, a highly respected Member from Alabama, was especially galvanized by Beirut. Congressmen Hopkins, Aspin, and Kasich, as well as Senators Goldwater, Cohen, Nunn, and Levin, were also deeply involved in the legislation that eventually was named the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

You know the major provisions of the Act, so I will not go over them in detail. However, allow me to summarize the Act's effect:

Now, the JCS Chairman, not the Committee, is the principal military advisor, a role exemplified by General Colin Powell during Just Cause and the Persian Gulf War.

Now, the Joint Staff reports to the Chairman. It is composed of talented and qualified officers, and it is possibly the most powerful staff in the Department of Defense.

Now, the CINCS posses the requisite command authorities, as was so amply demonstrated by General Schwartzkopf in the Gulf War.

Of course, Goldwater-Nichols was not the sole cause of reversing the negative trend in operational performance since 1986. It is worth noting, however, that the U.S. Armed Forces have experienced fourteen years of outstanding success in conducting contingency operations since that year. Of particular note are Operation Just Cause in Panama and, Operations Desert Shield and Desert Storm, as I mentioned previously.

Finally, it is important to point out that it was not the goal of Goldwater-Nichols to weaken the services. To the contrary, Goldwater-Nichols was intended to push them firmly back into their legislatively assigned roles—organizing, training, and equipping forces to carry out the missions assigned to the CINCs. I do not know if Goldwater-Nichols has fully accomplished this objective, but it has made a difference.

PROFESSIONAL MILITARY EDUCATION

During 1988 and 1989, I was Chairman of the Panel on Military Education of the House Armed Services Committee. I have a confession to make—I did not want to get involved in studying Professional Military Education. I thought nothing could be more boring. Archie Barrett had to use his considerable powers of persuasion to convince that this area needed to be studied. I am glad that he was successful. The subject matter was fascinating, and I believe the work of the Panel was productive.

The Panel was formed because the House Armed Services Committee perceived little or no effort by DOD to comply with a key provision of the Goldwater-Nichols Act. That provision required DOD to examine the professional military education schools and make changes where necessary to ensure that officers were being prepared to participate with other services in joint operations and to serve in joint assignments.

The Panel visited every staff college, and every war college. We held a hearing at most of them, as well as hearings in Washington. After more than a year, we issued a comprehensive 200-page report that contained roughly 100 recommendations for changes in military education.

At this point, I had planned to discuss each of these 100 recommendations in detail. However, I know you all want to get home for dinner tonight, so I will only outline in brief what we found in regard to Navy PME.

First, the good news: We found that the Naval War College was hands-down the best service war college.

Next, the bad news: Naval officers attended at most only one year of professional military education whereas the other services took pains to ensure that their most competitive officers received two years. As a consequence, the intermediate PME course at Newport was almost an identical twin of other. I suggested that the Navy consider providing intermediate Professional Military Education at the Naval Postgraduate School. Moreover, in light of the pressing need for the officer corps of the future to be able to grasp the potential of new technologies to change the way wars are fought, and to understand how to employ technologically advanced weapons and equipment, I wrote the Chief of Naval Operations suggesting that an intermediate PME curriculum at the Naval Postgraduate School, "could interweave the technological lessons that abound throughout military history with an appreciation of what technology offers today and a perspective of the future challenges facing officers in the post-industrial era."

Recently, I learned that the Navy is planning to offer its intermediate course at the Naval Postgraduate School starting later this year. This is a giant step in the right direction, and I am pleased that the Navy, at least in part, is taking my suggestion seriously. Eventually, I would really like to see the Naval Postgraduate School, in partnership with the Naval War College, be allowed to develop a genuine intermediate PME curriculum that uniquely integrates studies intended to increase technological literacy of the student officers with traditional PME.

CONCLUSION

Let me conclude by giving you a charge: Make the Armed Forces a better institution as a consequence of your service. During your careers, I urge you continuously to examine your consequence of your service. During your careers, I urge you continuously to examine your service, the joint military elements, and the Department of Defense from a detached, objective perspective. As you progress in rank, use your influence to rectify flaws where you find them. Many, perhaps most, of the problems discovered by Congress in the organization of the Joint Chiefs of Staff and in Professional Military Education had been identified in studies as far back as the 1950's. If DOD had acted—if senior civilian and military leaders had initiated needed changes—legislation would not have been required. Change was opposed by those who wanted to preserve narrow parochial interests. The result of that opposition to change was, as mentioned before—Vietnam, Desert One, Beirut, Grenada. Do not allow your service, the joint military elements, or the Department of Defense to repeat the mistakes of the past during your watch.

The best way to avoid repeating the mistakes of the past is to commit to a lifelong study of military history. Consider how General Schwartzkopf used the lessons of history in at least three instances in his successful Desert Storm campaign:

First, the thorough 40-day air campaign which preceded the ground war recalls the failure to conduct adequate bombardment at the island of Tarawa in November of 1943. The price paid for that failure at Tarawa was heavy Marine Corps casualties. In the Gulf War, the ability of Iraqi forces to offer opposition to our forces was severely reduced.

Second, consider the successful feint carried out by the 1st Cavalry Division prior to the actual start of the ground war. This recalls Montgomery's strategy at the Battle of the Marinth Line in North Africa against the German Afrika Corps. This action led up to the decisive battle at El Alamein.

Third, by utilizing a leftward flanking movement when he launched the ground war, General Schwartzkopf was taking a page from the book of Robert E. Lee and Stonewall Jackson at the Battle of Chancellorsville. As you will recall, Jackson's forces conducted a brilliant flanking maneuver and completely surprised Union forces under General Joseph Hooker, in the May 1963 battle.

Thank you for the opportunity to address you today. God bless you, and I wish you all in your careers.

THE CROP INSURANCE EQUITY ACT OF 1999—COMPANION LEGISLATION TO S. 1108

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. PICKERING. Mr. Speaker, I am pleased to have the opportunity today to introduce companion legislation to S. 1108, the Crop Insurance Equity Act of 1999, introduced by Senators COCHRAN and LINCOLN on May 24, 1999.

This legislation will effectively function to reform the problems farmers across the nation have encountered with the current infeasible federal crop insurance program. Participants in the federal crop insurance program will find that this legislation benefits farmers nationwide, not simply farmers in one region of the country.

The Crop Insurance Equity Act of 1999 requires that the Federal Crop Insurance Corporation re-evaluate current rating methods and processes used in rating crop insurance rates by September 30, 2000. In doing this, the rates paid by many farmers may be reduced through these new procedures. However, if it is found that through this reassessment rates would increase for farmers in certain geographic areas, the current rating system is to remain in place. In restructuring these rates, FCIC will begin its reassessment with those commodities with the lowest participation rate of buy-up coverage plans.

Currently, farmers who buy the highest levels of buy-up coverage receive the lowest levels of government premium subsidy. This is a direct link to the low percentage of farmers who purchase buy-up coverage in my state. The Crop Insurance Equity Act of 1999 will equalize all levels of buy-up coverage ensuring that all farmers, no matter what level of buy-up coverage they purchase, will receive equal assistance from the federal government in their purchase of buy-up coverage.

This legislation will further work to make federal crop insurance more appealing by establishing a system of discounts and other policy options from which farmers may choose. Farmers who effectively manage farm risk through good management practices which reduce the risk of an insurable loss will receive discounts toward premiums on their insurance coverage. In doing so, the federal crop insurance program will work in a manner like other forms of insurance. If a driver has a good driving record, he or she should justly pay premiums that reflect such. In the same manner, under this legislation, farmers who rarely file insurable losses will receive premium discounts under the pilot program established by this bill.

All farmers will benefit from the reform set by the Crop Insurance Equity Act of 1999 as this legislation raises the basic coverage level for catastrophic coverage, the lowest unit of crop insurance protection. Currently, this basic level of protection is completely free to the farmer and covers 50% of the grower's average production history at 55% of market price. This legislation will increase that basic coverage level to 60% of the farmer's average production history at 70% of the market price. Doing so will offer am ore feasible safety net to the producer should a loss be incurred.

Mr. Speaker, farmers in my home state of Mississippi assert that one of the primary problems faced by the current crop insurance program is that it is sometimes abused and exploited by farmers who seek to swindle the federal government at the expense of fellow producers. The Crop Insurance Equity Act of 1999 will reduce insurance fraud through imposing stiffer penalties for anyone, including insurance companies, agents, and producers, who participate in fraudulent activities.

This legislation will also protect new farmers or farmers who rent new land or decide to produce new crops by assigning them a fair yield until they are able to generate sufficient actual production data. In addition, farmers who encounter multiple year disasters will be protected by being assigned a yield equal to eighty-five percent of the county transition yield for nay year in which the farmer's yield falls below that eighty-five percent level.

The Crop Insurance Equity Act of 1999 reforms the Federal Crop Insurance Corporation Board of Directors to include more farmers from different regions of the United States and creates an office to work with private insurance companies who develop new crop insurance products. The legislation goes further by reducing the amount of excessive underwriting gains received by these insurance companies.

Mr. Speaker, our agricultural producers are demanding a more feasible and more affordable federal crop insurance program. I believe that this crop insurance legislation is a sound and fair proposal which can be supported by producers from all regions of the nation.

TRIBUTE TO MS. ASHLY HUNTER AND MS. LAURA JANE AMODEI ON THEIR PARTICIPATION IN THE INTERNATIONAL SPECIAL OLYMPICS

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. MASCARA. Mr. Speaker, I would like to honor two special constituents in my district who are the epitome of strength, determination, and selflessness, Ms. Ashly Hunter and Ms. Laura Jane Amodei.

I am proud to announce that Ashly Hunter will compete in swimming when the International Special Olympics convenes June 26 through July 4 in Raleigh/Durham, NC, where she will swim the 25-meter breaststroke and the 50-meter backstroke. This is a dream for her that has been 20 years in the making.

Many people helped Ashly make her dream come true. In addition to her parents, Ashly's coach, Ms. Laura Jane Amodei, is also paramount to Ashly's success. Ms. Amodei has also been selected as an alternate coach to this year's games after dedicating over 20 years to the Special Olympics as a coach for the Mon Valley Swimming team of Washington Valley. Those who know Ms. Amodei and those fortunate enough to have been coached by her say she inspires her athletes to achieve maximum individual performance. Indeed, Ms. Amodei has enabled Ashly to master the very backstroke and breast stroke techniques that won her the right to compete in this year's games. It is this dedication and selflessness of special Americans such as Ms. Laura Jane Amodei that should inspire all of us to be the best citizens we can be.

Ms. Hunter won the right to compete in the International Games after a series of local, regional, and State victories, where she compiled an amazing 101 victories, including 56 gold, 31 silver, and 14 bronze. She will become the first Mon Valley resident to attend the International Special Olympics after competing for 15 years in the Washington County Special Olympics.

Whether Ashly is cheering the California University Vulcans basketball team on to victory, exploring her love of music and dance, or bike riding with her parents, who she inspired to become certified aquatic coaches, Ashly's love of life and people burns brightly. Her grit serves as testament to the joy and wonder of life to those around her. Needless to say, we, in the 20th District of Pennsylvania, are extremely proud of Ms. Hunter's fine accomplishments and the person she inspires us to be.

Mr. Speaker, I know the entire House of Representatives joins me in saluting the hard work and dedication of Ms. Ashly Hunter and Ms. Laura Jane Amodei and wishing them the best of luck at this year's International Special Olympics.

SALUTE TO POLICE CHIEF JOSEPH SAMUELS, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Ms. LEE. Mr. Speaker, I rise in honor today to salute Police Chief Joseph Samuels, Jr., the first African-American Chief of Police in the City of Oakland.

Police Chief Samuels joined the Oakland Police Department in 1974 after working for a Finance Corporation as a Branch Manager. He rose through the ranks of the Police Department to the position of Captain where he spent three years in the Patrol Division. He later served in the investigative and support units of the Department.

In October, 1991, he was appointed Chief of Police of the City of Fresno in California. He has continued his civic involvement and is a member of the Board of Directors of the Oakland Boys and Girls Club, the Oakland Jazz Alliance, the Alameda County Chapters of the American Cancer Society and the American Red Cross.

During his tenure as Oakland's Chief of Police, part one felonies were reduced by 23.3%, homicides were reduced by 54.4% and violent crimes fell by 23.2%. Citizen complaints against Police Department personnel also decreased by 44% during Chief Samuels' tenure.

Chief Samuels' other accomplishments include securing over $30 million in state and federal grants to expand the Department's personnel and community outreach. Chief Samuels also established nine citizen community oriented boards.

Chief Samuels' professional affiliations include membership in the International Association of Chiefs of Police, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the California Peace Officers Association, the California Police Chiefs Association, and the Alameda County Chiefs of Police and Sheriff's Association.

Chief Samuels has made a positive and profound impact on the lives of many individuals and organizations throughout the City of Oakland and I know that the community is more safe as a consequence of his leadership.

I proudly join his many friends and colleagues in thanking and saluting him on his years of service to the community and his commitment to law enforcement.

TRIBUTE TO THE INTERNATIONAL AFRICAN ARTS FESTIVAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. TOWNS. Mr. Speaker, the International African Arts Festival, formally known as the African Street Festival, has been a cultural institution providing a venue for African-inspired culture to the Brooklyn community for 28 years. Started in 1971 as a graduation ceremony for the Uhuru Sasa School, the festival grew into a major event attracting international attention. Held each summer during the July 4th weekend, the festival features an African marketplace of over 200 vendors providing unique arts, crafts, foods, and goods from all over the world. The marketplace is the backdrop for continuous entertainment on two stages. The festival has hosted award winning and internationally recognized entertainers and recording artists.

In 28 years, the festival has grown into a major event for the Brooklyn community. Attracting over 50,000 visitors each year, the International African Arts Festival continuous to grow and dig its roots deeper into the community. Among the festivals many featured events are the talent search, "Ankh" awards ceremony, living legends awards, special showcases for seniors, a parade down Fulton street, scholarship presentations, African marketplace, and world-class entertainment.

Tens of thousands of people visit the festival every year just to shop for the diverse, rare items that have become the trademark of the marketplace at the International African Arts festival. The people of New York know that they can come to the festival to find the latest in paintings, sculptures, jewelry, furniture, and goods of every kind. The shopping atmosphere creates an economic boom attracting entrepreneurs and aiding in local, small business development. The economic benefits of the festival also results from the hundreds of jobs created by the festival.

The International African Arts Festival creates an environment of unity for the Brooklyn community. The world-class entertainment showcased at the festival represents the diversity of the African Diaspora. Audiences can expect to witness captivating performances by artists from Africa, America, the Caribbean, and Latin America on any one day. This atmosphere is further enhanced by vendors who sell delicious international foods. The friendliness of other participants and the warm feeling it fosters, under a bright sunny sky, completes the experience of Brooklyn's own International African Arts Festival.

MS. PAM HUNT IS HONORED BY THE U.S. DEPARTMENT OF AGRICULTURE AS THE NATIONAL ELDERLY HOUSING MANAGER OF THE YEAR

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. DELAHUNT. Mr. Speaker, today, on Capitol Hill, Ms. Pam Hunt of Pine Oaks Village in Harwich, MA, was honored by the U.S. Department of Agriculture as the National Elderly Housing Manager of the Year. I would like to ask my House and Senate colleagues to join in honoring her exemplary efforts to provide a safe, community-based environment for the older residents of Pine Oaks Village.

Ms. Hunt was recognized not only for ensuring that the daily needs of her residents are met, but also for her dedication in making Pine Oaks Village the place its residents call home.

She has helped secure a Federal grant to enhance social services at Pine Oaks Village, encouraged residents to develop and direct their own programs, such as art shows, gardening, bridge, and quilting, organized holiday parties, and produced a monthly newsletter for her residents. Ms. Hunt makes consistent strides to improve the quality of life of her elderly residents.

Here in Congress, we are debating Social Security and Medicare reform, reauthorization of the Older Americans Act and other important issues affecting our Nation's senior citizens. It is comforting to know that while the needs of seniors are often overlooked by some—they are not forgotten at Pine Oaks Village.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 204, I missed the vote due to weather-related problems.

Had I been present, I would have voted "yes."

A TRIBUTE TO WENDY RASO OF PUEBLO COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the dedication, hard work, and great achievements of Wendy Raso, of Pueblo, Colorado. Her efforts, in conjunction with the March of Dimes, to improve the health of babies and to prevent birth defects and infant mortality and membership in national nursing organization, have contributed to her selection as a recipient of a $5,000 national nursing scholarship.

Ms. Raso has devoted eight years of work at the Pueblo Community Health Center while pursuing graduate studies at the University of Colorado Health Sciences Center. As a perinatal case manager, she focuses her time on the health of an infant before birth. Wendy's desire to better the lives of unborn children is the reason why she promotes healthy lifestyles for her patients.

Ms. Raso is hopeful that her award will call attention of Colorado's fifth-highest of low birth-weight rate in the nation. Through her work and achievements she is optimistic that Colorado can improve its birth weight ranking. Ms. Raso's determination and dedication to improving the health of unborn children have led her to pursue graduate work in Denver in order to achieve certification as a midwife.

Mr. Speaker, I would like to thank Ms. Wendy Raso for helping to ensure the health and future of Colorado's newest citizens. Individuals such as Ms. Raso who give so much time and energy to bettering the lives of others are to be commended. I would also like to congratulate Wendy Raso on being chosen as a recipient of the national nursing scholarship, and I would like to wish her the best of luck as she continues to pursue her education and service to others.

INTRODUCTION OF HOUSE RESOLUTION 208 CALLING FOR VETERANS CEMETERY PLANNING JUNE 15, 1999

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Ms. BROWN of Florida. Mr. Speaker, today I am introducing, together with Mr. Evans, the Ranking Democrat on the Veterans' Affairs Committee as an original cosponsor, House Resolution——that would reaffirm the commitment of the United States to the men and women who have honorably served this Nation in the Armed Forces to provide reasonable access to burial in a national or State veterans cemetery. Our Resolution also would call on the National Cemetery Administration of the Department of Veterans Affairs, vested with the responsibility of providing a final resting place for America's heroes, to commence without delay the planning for the construction of new national cemeteries and other activities to provide America's veterans reasonable access to burial in a veterans cemetery.

I am appalled at the Department of Veterans Affairs' less-than-inspired goal for performing its mission "to honor veterans with a final resting place and lasting memorials to commemorate their service to our Nation."

Currently, nearly one-third of United States veterans do not have the option of being buried in a national or State veterans cemetery located within a reasonable distance of their residence—being 75 miles, as determined by the VA's National Cemetery Administration. Shockingly, the National Cemetery Administration, as its fiscal year 2000 performance plan program objective, will try to provide only 80 percent of United States veterans with a burial option within a reasonable distance of their residence.

Mr. Speaker, a National Cemetery Administration goal, which does not provide 20 percent of United States veterans with a burial option within a reasonable distance of their residence, is not acceptable to me nor should it be to this House.

By VA's own statistics, the demand for cemetery space will rise sharply in the near future, with burials increasing 42 percent from 1995 to 2010, and annual veteran deaths reaching 620,000 in the year 2008. However, for some inadequately explained reason, the VA's Fiscal Year 2000 proposed budget failed to request funding for even the planning of any new national cemeteries.

Last week I joined with Chairman Stump and Ranking Member Evans of the Veterans' Affairs Committee as an original cosponsor of H.R. 2040, the "Veterans' Cemeteries Assessment Act of 1999". That bill would require VA to contract for an independent study on improvements to veterans' cemeteries. Among other things, the study would assess the number of additional national cemeteries required for the interment and memorialization of veterans who die after 2010.

Mr. Speaker, my home State of Florida has the oldest veterans' population of any state. By VA's estimate, there will be nearly 25,000 veteran deaths in the greater Miami area in FY 2000, and by the year 2010, the annual death rate in South Florida will be nearly 26,000. Unfortunately, the nearest veterans cemetery is 250 miles away. It is for that reason, on April 29, I introduced H.R. 1628 to require the Secretary of Veterans Affairs to establish a national cemetery in the Miami, Florida, metropolitan area to serve the needs of veterans and their families.

I would note for my colleagues that in both 1987 and 1994, the Miami area was designated by congressionally mandated reports as one of the top geographic areas in the United States in which need for burial space for veterans is greatest. Yet, as late as August 1998, VA's strategic planning through the year 2010 indicated nothing more than a willingness to continue evaluating the needs of nearly 800,000 veterans in the Miami/Ft. Lauderdale primary and secondary service area. Mr. Speaker, that is over 54 percent of the estimated State veteran population and 3.3 percent of the total U.S. veteran population.

The burial space needs of veterans are approaching a crisis stage in Florida; but Florida is not alone. According to testimony received at a recent hearing of the Veterans' Affairs Subcommittee on Oversight and Investigations, of which I am the Ranking Democrat, ninety percent of eligible veterans are not—I repeat, are not—buried in a national or state veterans cemetery. Such hallowed grounds are simply located too far from their home and family.

Mr. Speaker, standing on the threshold of a new century as we are, it is our obligation as Members of the 106th Congress to again affirm America's long and solemn commitment to her veterans—past, present, and future—that they and their families will be provided an appropriate resting place of honor, and that the Department of Veterans Affairs will fully carry out its responsibilities to that end.

SENATE—*Wednesday, June 16, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, help us to see our work here in Government as our divine calling and mission. Whatever we are called to do today, we want to do our very best for Your glory. Our desire is not just to do different things but to do some of the same old things differently: with freedom, joy, and excellence. Give us new delight for matters of drudgery, new patience for people who are difficult, new zest for unfinished details. Be our lifeline in the pressures of deadlines, our rejuvenation in routines, and our endurance whenever we feel enervated. May we spend more time talking to You about issues than we do talking to others about issues. So may our communion with You give us such deep convictions that we will have the high courage to defend them. Spirit of the living God, fall afresh on us so that we may serve You with renewed dedication today. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will begin now 10 minutes of debate on S. 1205, the military appropriations construction bill, followed by 20 minutes of debate on S. 331, the work incentives legislation. Votes on passage of those two bills will begin at approximately 10:45. Following those votes, the Senate will begin debate on the motion to invoke cloture on the House-passed Social Security lockbox legislation for 1 hour, with that vote to begin after all time has expired or been yielded back.

It is expected that the Senate will complete the energy and water appropriations bill during today's session of the Senate as well as resume consideration of H.R. 1664 regarding the steel, oil, and gas revolving loan.

I presume the vote on the Social Security lockbox legislation will occur around 12:30 or so. So we have two votes then, at approximately 10:45 and another one at 12:30, and then we probably will have at least one more, maybe two, with regard to the energy and water appropriations bill, and then we will go back to the oil and gas revolving fund.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leadership time is reserved.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1205 which the clerk will report.

The legislative assistant clerk read as follows:

A bill (S. 1205) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided in the usual form with an additional 5 minutes for the Senator from Arizona, Mr. MCCAIN.

The distinguished Senator from Montana is recognized.

Mr. BURNS. Mr. President, I will have to ask some of the staff but I think Mr. MCCAIN will not be present to make his statement this morning. I will make mine, and then we will work that out later.

I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 2000. The bill reflects a bipartisan approach that the ranking member, Senator MURRAY of the State of Washington, and I have tried to maintain regarding military construction and this subcommittee.

This isn't the first year we have put this bill together. We are getting to be old hands at it. But I want to say personally it is a pleasure to work with the Senator and her staff. It seems as if we have a lot of luck in working out some of the problems some people would run into before we ever get the bill to the floor. So those problems are taken care of. I appreciate the attitude and manner in which we have worked together on this bill.

This bill was reported out of the full Appropriations Committee on June 10 by a unanimous vote of 28 to nothing. The bill recommended by the full Committee on Appropriations is $8,273,820,000.

The administration submitted the fiscal year 2000 military construction budget with all of the military construction and family housing projects incrementally funded over a 2-year period. We are finding that some of that is working and some of it is not, and we will probably be looking at this in a different light in another year.

To have proceeded in this manner would have demonstrated a poor financial stewardship on the part of the Senate and placed the Department's 2000 military construction program in great jeopardy. That is the reason we are taking a look at it. The subcommittee rejected that recommendation and provided full funding for all of the construction projects.

Accordingly, the bill is $2.8 billion over the budget request, but the bill is still $176 million less than what was appropriated just a year ago. However, more important, the legislation reflects a reduction of $1.7 billion from just 3 years ago.

We have sought to recommend a balanced bill to the Senate. We believe it addresses key military construction requirements for readiness, family housing, barracks, quality of life, and of course we do not want to forget our Guard and our Reserve components.

This bill honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition.

Also, I am pleased to report to the Senate that the bill is within the committee's 302(b) budget allocations for both budget authority and outlays.

This bill has some points I want to mention. We have added $485 million above the budget request to provide better and more modern family housing for our service personnel and their families.

Just less than a month ago, we opened a new housing unit at Malmstrom Air Force Base in Montana. I said at that time, and I still mean it, there is no better way to send a strong message to our fighting men and women than to provide them with good housing in a good atmosphere and the greatest way we can say we care.

On another quality of life measure, we added substantially to the budget request for barracks construction projects, some $587 million for 47 projects throughout the United States and overseas.

I say right now to the American people, we have American troops deployed in over 70 countries around the world.

This funding will provide single service members a more favorable living environment wherever they are stationed.

The committee also fully funds the budget request of $245 million for funding 25 environmental compliance projects.

We also addressed the shortfalls that continue to plague our reserve components.

I continue to be greatly alarmed that the Department of Defense takes no responsibility for ensuring that our reserve components have adequate facilities.

Their lack of disregard for the total force concept very much concerns me and a number of our colleagues.

This comes at a time when our country is so heavily dependent on the Guard and Reserve to maintain our presence around the world.

For example, the President's budget requested funding of only $77 million for all of the Reserve components and the National Guard.

Recognizing this chronic shortfall, we have again lent support by adding $560 million to these accounts.

In each case, the funds will help satisfy essential mission, quality of life or readiness requirements.

We fully funded the budget request for the base realignment and closure account by providing $706 million to continue the ongoing brac process.

All of the projects that we have recommended were thoroughly screened to ensure that they meet a series of defensible criteria and that they were authorized in the defense authorization bill.

We will work very closely with the Senate Armed Services Committee, as we put together a conference package for military construction.

There are many other issues that I could speak about at this time. I urge the Members of the Senate to support this bill and move it forward expeditiously.

I yield the floor for the ranking member.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

Mr. President, I am very pleased to join my colleague, Chairman BURNS, in recommending the fiscal year 2000 military construction bill to the Senate for approval.

I begin by thanking him and his staff for being so great to work with. He is right, we are old hands but not that old; and it is great to work with him.

This bill, which was reported with the unanimous approval of the Senate Appropriations Committee last week, bears little resemblance to the spending structure proposed by the administration last winter. The administration, in what I consider to be a misguided effort to free up more money for defense spending, proposed a buy-now, pay-later military construction bill. The subcommittee carefully analyzed the administration's plan. We had numerous briefings as well as two subcommittee hearings. Our conclusion was that split funding not only would set a dangerous precedent but also would jeopardize the integrity of the entire military construction program.

At the recommendation of the Military Construction Subcommittee, the Appropriations Committee wisely rejected the administration's proposal for incremental funding. With the help of our chairman and ranking member, Senator STEVENS and Senator BYRD, we were able to fully fund our Military Construction Program. Moreover, we were able to surmount the woefully inadequate amounts of funding that the administration sought to spread over the full 2-year construction program. In the end, we increased construction funding for active duty components by $278 million over the administration's total request, and for reserve components by nearly $388 million over the request.

We achieved these increases by judicious reductions in other accounts, such as the base realignment and closure account, without jeopardizing the pace of ongoing work. Senator BURNS and his staff deserve a great deal of credit for the thoughtful and careful approach that they took in the drafting of this bill. As always, they have worked hard to produce a balanced, bipartisan product that takes into account both the concerns of the Senate and the needs of the military.

In particular, they have done a superb job of continuing to shine the spotlight on the quality of life projects that are so important to our men and women in uniform, and to their families. At a time when military enlistment and retention are in free fall, and the services cannot hope to match the financial incentives of the private sector, quality of life issues are magnified in importance. They do not diminish the importance of readiness projects, but they are a factor in recruiting and retaining our military personnel.

Within the budget constraints that we are all forced to operate this year, this bill attempts to meet the most urgent and most timely of the military construction projects available. All of the major construction projects that we have funded have been authorized. In addition, we have ensured adequate funding for family housing and barracks construction, and we have suggested that the Department of Defense revisit the issue of housing privatization to determine if it is a workable solution to our military housing needs.

Even so, this bill is $176 million below the military construction bill enacted last year. This continues the recent, and troubling, downward spiral in military construction investment. During a year in which the Congress has made great strides toward addressing the need to enhance defense readiness and military personnel spending, it is disappointing—and in my opinion, shortsighted—to see defense infrastructure needs struggling to keep pace.

This is an extremely important bill for our Nation and our military forces. I again commend Senator BURNS and his staff for their excellent work in producing the bill, and I urge the Senate to approve it.

Mr. McCAIN. Mr. President, as United States military forces deploy into war-torn Kosovo for another protracted, costly stay of indeterminate duration and of considerable potential risk, I am left wondering why, with all of the readiness and modernization problems that are well-established matters of record, we felt compelled to add over $6 million in this bill for a new Visiting Officers Quarters at Niagara Falls. Is this really the message we want to send to our military personnel and to the American taxpayer. I think not.

The propensity of members of Congress to devote enormous time and energy to adding items to spending bills for primarily parochial considerations remains one of our most serious weaknesses. The implications for national defense, however, are no laughing matter. Those of us who serve on the Armed Services Committee have heard a great deal of testimony from the Joint Chiefs of Staff, as well as from regional and functional commanders in chief, of the impact extraordinarily high operational tempos are having on both near- and long-term military readiness. And we hear it directly from troops in the field. They are tired; repeated deployments and declining quality of life has taken a toll. A vicious cycle has emerged wherein the impact of high deployment rates and shrinking force structure are exacerbated by the flight of skilled personnel out of the service as a result of those trends.

So I have to wonder why, given the scale of the problems documented, we are adding $12 million to the budget for new visitors quarters at Dover Air Force Base, $12 million for a Regional Training Institute in Hawaii, $3 million for a Marine Corps Reserve Center in Louisiana, $8.9 million for a C-130J simulator facility in Mississippi, $8 million for the Red Butte Dam in Utah, and $15 million for an Armed Forces Reserve Center in Oregon. None of these projects—none of them—were requested by the Department of Defense, and none of them are on the services' Unfunded Priority Lists. Unrequested projects totaling $985 million—almost $1 billion—was added to this bill, on top of the $5 billion in member-adds included in the defense appropriations bill passed last week.

I have asked rhetorically on the floor of the Senate many times when we are going to stop this destructive and irresponsible practice of adding projects to the defense budget primarily for parochial reasons. I have yet to receive an answer. Certainly, the practice has neither stopped nor slowed. The last minute insertion in the defense appropriations bill of $220 million for four F–15 fighters not requested by the Air Force solely for the purpose of appeasing hometown constituencies was one of the more disgraceful acts I've witnessed since, well, since we went through the same exercise last year. The total in unrequested items between the defense and military construction appropriations bills is almost $6 billion. That is serious money.

As American pilots continue to patrol the skies over Iraq, maintain a tenuous peace in Bosnia, and proceed into uncharted terrain in Kosovo, we would do well to consider the ramifications of our actions. I'm under no illusions, however, that such contemplation will occur. It is apparently, and sadly, not in our nature.

Mr. President, I ask unanimous consent that the accompanying list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MILCON appropriations adds for FY 00

[In millions of dollars]

ALABAMA	
Maxwell AFB: Off. Transient Student Dormitory	10.6
Anniston AD: Ammo Demilitarization Facility	7.0
Redstone Arsenal: Unit Training Equip. Site	8.9
Dannelly Field: Med. Training & Dining Facility	6.0
ALASKA	
Fort Wainwright: Ammo Surveillance Facility	2.3
Fort Wainwright: MOUT Collective Trng. Facility	17.0
Elmendorf AFB: Alter Roadway, Davis Highway	9.5
ARKANSAS	
Pine Bluff Arsenal: Chemical Defense Qual. Facility	18.0
Pine Bluff Arsenal: Ammo. Demilitarization Facility	61.8
CALIFORNIA	
Fresno ANG: Ops Training and Dining Facility	9.1
COLORADO	
Pueblo AD: Ammo. Demilitarization Facility	11.8
CONNECTICUT	
West Hartford: ADAL Reserve Center	17.525
Orange ANG: Air Control Squadron Complex	11.0
DELAWARE	
Dover AFB: Visitor's Quarters	12.0
Smyrna: Readiness Center	4.381
FLORIDA	
Pensacola: Readiness Center	4.628
GEORGIA	
Fort Stewart: Contingency Logistics Facility	19.0
NAS Atlanta: BEQ–A	5.43
HAWAII	
Bellows AFS: Regional Training Institute	12.105
IDAHO	
Gowen Field: Fuel Cell & Corrosion Control Hgr	2.3
INDIANA	
Newport AD: Ammo. Demilitarization Facility	61.2
Fort Wayne: Med. Training & Dining Facility	7.2
IOWA	
Sioux City IAP: Vehicle Maintenance Facility	3.6
KANSAS	
Fort Riley: Whole Barracks Renovation	27.0
KENTUCKY	
Fort Campbell: Vehicle Maintenance Facility	17.0
Blue Grass AD: Ammo. Demilitarization Facility	11.8
Blue Grass AD: Ammo. Demilitarization Support	11.0
LOUISIANA	
Fort Polk: Organization Maintenance Shop	4.309
Lafayette: Marine Corps Reserve Center	3.33
NAS Belle Chase: Ammunition Storage Igloo	1.35
MARYLAND	
Andrews AFB: Squadron Operations Facility	9.9
Aberdeen P.G.: Ammo. Demilitarization Facility	66.6
MASSACHUSETTS	
Hansen AFB: Acquisition Man. Fac. Renovation	16.0
MICHIGAN	
Camp Grayling: Air Ground Range Support Facility	5.8
MINNESOTA	
Camp Ripley: Combined Support Maintenance Shop	10.368
MISSISSIPPI	
Columbus AFB: Add to T–1A Hangar	2.6
Keesler AFB: C–130J Simulator Facility	8.9
Miss. Army Ammo Pl.: Land/Water Ranges	3.3
Camp Shelby: Multi-purpose Range	14.9
Vicksburg: Readiness Center	5.914
Jackson Airport: C–17 Simulator Building	3.6
MISSOURI	
Rosencrans Mem APT: Upgrade Aircraft Parking Apron	9.0
MONTANA	
Malmstrom AFB: Dormitory	11.6
Great Falls IAP: Base Supply Complex	1.4
NEVADA	
Hawthorne Army Dep.: Container Repair Facility	1.7
Nellis AFB: Land Acquisition	11.6
NEW HAMPSHIRE	
Portsmouth: Waterfront Crane	3.850
Pearl Trade Part ANG: Upgrade KC–135 Parking Apron	9.6
NEW JERSEY	
Fort Monmouth: Barracks Improvement	11.8
NEW MEXICO	
Kirtland AFB: Composite Support Complex	9.7
Cannon AFB: Control Tower	4.0
Cannon AFB: Repair Runway #2204	8.1
NEW YORK	
Niagara Falls: Visiting Officer's Quarters	6.3
NORTH CAROLINA	
Fort Bragg: Upgrade Barracks D-Area	14.4
NORTH DAKOTA	
Grand Forks AFB: Parking Apron Extension	9.5
OHIO	
Wright Patterson: Convert to Physical Fitness Ctr.	4.6
Columbus AFB: Reserve Center Addition	3.541
Springfield: Complex	1.77
OKLAHOMA	
Tinker AFB: Repair and Upgrade Runway	11.0
Vance AFB: Upgrade Center Runway	12.6
Tulsa IAP: Composite Support Complex	10.8
OREGON	
Umatilla DA: Ammo. Demilitarization Facility	35.9
Salem: Armed Forces Reserve Center	15.255
PENNSYLVANIA	
NFPC Philadelphia: Casting Pits Modification	13.320
NAS Willow Grove: Ground Equipment Shop	0.6
Johnstown ANG: Air Traffic Control Facility	6.2
RHODE ISLAND	
Quonset: Maintenance Hangar and Shops	16.5
SOUTH CAROLINA	
McEntire ANG: Replace Control Tower	8.0
SOUTH DAKOTA	
Ellsworth AFB: Education/library Center	10.2
TENNESSEE	
Henderson: Organization Maintenance Shop	1.976
TEXAS	
Dyess AFB: Child Development Center	5.4
Lackland AFB: F–16 Squadron Ops Flight Complex	9.7
UTAH	
Salt Lake: Red Butte Dam	8.0
Salt Lake City IAP: Upgrade Aircraft Main. Complex	9.7
VERMONT	
Northfield: Multi-purpose Training Facility	8.652

MILCON appropriations adds for FY 00—Continued

[In millions of dollars]

VIRGINIA	
Fort Pickett: Multi-purpose Training Range	13.5
WASHINGTON	
Fairchild AFB: Flight Line Support Facility	9.1
Fairchild AFB: Composite Support Complex	9.8
WEST VIRGINIA	
Eleanor: Maintenance Complex	18.521
Eleanor: Readiness Center	9.583
Total	985

Mr. DOMENICI. Mr. President, the pending Military Construction Appropriations bill provides $8.3 billion in new budget authority and $2.5 billion in new outlays for Military Construction and Family Housing programs and other purposes for the Department of Defense for fiscal year 2000.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 2000 program total $8.8 billion.

Compared to 1999 appropriations, this bill is $385 million lower in budget authority, and it is $622 million lower in outlays.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's allocation.

The bill provides an important and necessary increase in budget authority above the President's request for 2000. Most of the $2.8 billion increase fully funds projects that the President's request only partially funded. Because the bill supports appropriate full funding budgeting practices and because it funds highly important quality of life programs for our armed services, I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1205, MILITARY CONSTRUCTION APPROPRIATIONS, 2000, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

Category	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	8,274			8,274
Outlays	8,789			8,789
Senate 302(b) allocation:				
Budget authority	8,274			8,274
Outlays	8,789			8,789
1999 level:				
Budget authority	8,659			8,659
Outlays	9,411			9,411
President's request:				
Budget authority	5,438			5,438
Outlays	8,921			8,921
House-passed bill:				
Budget authority				
Outlays				
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority				
Outlays				
1999 level:				
Budget authority	(385)			(385)
Outlays	(622)			(622)
President's request:				
Budget authority	2,836			2,836
Outlays	(132)			(132)
House-passed bill:				
Budget authority	8,274			8,274
Outlays	8,789			8,789

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. Prepared by SBC Majority Staff, 06/14/99.

Mr. HUTCHINSON. Mr. President, I rise today to express my strong support for the speedy passage of S. 1205, the fiscal year 2000 military construction appropriations bill. I compliment both Chairman BURNS and the ranking member, Senator Murray, for their excellent work in producing a bill that won the unanimous endorsement of the subcommittee. I am sure the bill will receive a similar degree of support from the entire Senate. I must also commend Senators BURNS and MURRAY for rejecting the President's premature and irresponsible attempt to incrementally fund these essential projects. The Congress must continue to send this President the clear and consistent message that his fiscal negligence toward our Armed Forces will not be tolerated.

I would like to take a moment to highlight two of the four important military construction projects for Arkansas included in this bill. The first is an $8.7 million project for Little Rock Air Force Base. This project is comprised of three new facilities, and the renovation of a fourth, that will greatly enhance the mission capabilities of the 189th Airlift Wing, Arkansas National Guard. The new Communications, Vehicle Maintenance and Civil Engineering/Medical Services facilities along with the renovated Aircraft Support building will stand as visible reminders of the Federal Government's commitment of Little Rock Air Force Base's bright future as an essential component of our nation's security.

The other military construction project I would like to highlight is one that the Subcommittee wisely added to the President's insufficient proposal. I am speaking about the inclusion of an $18 million Chemical Defense Quality Evaluation Facility to be constructed at the Pine Bluff Arsenal.

Pine Bluff Arsenal presently serves as the Department of Defense's primary maintenance and certification facility for chemical and biological defense equipment such as gas masks for our soldiers and air filters for M-1 tanks. The Department of Defense describes the present facility as:

> operating at maximum capacity, beyond levels consistent with good laboratory practice, with no space for [expansion].

According to the Department of Defense:

> if this project is not provided, inadequate . . . stockpile surveillance testing will continue, with an undefined chance that defective, deteriorated or damaged protective equipment or components could be accepted or retained in stock for issue. This risk directly endangers the worker in a toxic chemical environment or the soldier facing toxic chemicals in a combat situation. [DOD] cannot ensure reliability of [chemical and biological] equipment without . . . a suitable test facility.

The construction of this new Chemical Defense Quality Evaluation Facility will reaffirm that defense against Weapons of Mass Destruction remains a national priority, and that the Pine Bluff Arsenal remains at the forefront of America's efforts in that endeavor.

I will finish by again complimenting the subcommittee for its efforts in producing this legislation, and urge my colleagues to vote for its quick adoption.

Mr. BINGAMAN. Mr. President, I rise to state my concern about a provision in the Military Construction Appropriations Bill for Fiscal Year 2000 that the Senate is considering today. I am very concerned about the potential effects of Section 129 of the bill relating to the chemical weapons demilitarization program planned for the Bluegrass Army Depot.

My concern, simply stated, is that Section 129 could delay the chemical demilitarization process beyond the deadline for destroying all our chemical weapons under the Chemical Weapons Convention (CWC). This provision, which would levy additional requirements before demilitarization work can begin at the depot, could prevent the United States from complying with its obligations under the CWC.

The Administration shares my concern and strongly opposes this provision of S. 1205. In fact, their opposition is stated in the first item listed in the Statement of Administration Policy regarding this bill. Here's what the Administration has to say about this matter:

> The Administration strongly opposes Section 129, which would require the demonstration of six alternative technologies to chemical weapons incineration before construction of the Chemical Demilitarization facility at Bluegrass, Kentucky could begin. Prompt construction of the Bluegrass site is critical to ensuring U.S. compliance with the deadline for chemical weapons destruction agreed to under the Chemical Weapons Convention. The Department of Defense has

demonstrated three alternative technologies, one more than required by P.L. 104-208, the Omnibus Consolidated Appropriations Act of 1997. This provision would delay construction of the Bluegrass site by at least one year, resulting in a breach of the Chemical Weapons Convention deadline.

The President of the United States signed the Chemical Weapons Convention and the Senate provided its advice and consent to ratification of that treaty. The treaty is now in force and the United States is a party to it, so we are bound by its terms and requirements. I am very disturbed and dismayed that the United States is not in compliance with this treaty, a situation that could worsen if legislation such as contained in Section 129 is enacted into law.

I remind my fellow Senators that the United States has still not gathered and declared information regarding U.S. industrial chemical facilities that is required by the treaty. In addition, the U.S. has not complied with treaty provisions governing inspections of military facilities authorizing the use of treaty-approved inspection equipment. Finally, the implementing legislation for the CWC contains provisions that are antithetical to treaty provisions. Should the President exercise the option approved in the implementing legislation to refuse a challenge inspection, such action would directly contravene both the intent and the letter of the treaty that entered into force. I urge my fellow Senators to be aware of these problems and to support efforts to resolve them so that the United States can become compliant with its international treaty obligations and assume the leadership needed in order to make this treaty effective.

One of the central requirements of the Chemical Weapons Convention is that parties must destroy their chemical weapons stockpile within 10 years of the date of entry into force of the treaty. That means that the United States must destroy all its chemical weapons by April 29, 2007. I am concerned that Section 129 of this bill would prevent the United States from meeting its legal obligation to destroy all its chemical weapons before this deadline. I believe it would be both unwise and unnecessary to enact legislation that would have the effect of preventing the United States from meeting one of its treaty obligations.

To be specific, Section 129 would prevent the obligation or expenditure of any funds made available by the Military Construction Appropriations Act or any other Act for the purpose relating to construction of a facility at Bluegrass Army Depot in Kentucky for demilitarization of chemical weapons until the Secretary of Defense reports to the Congress on the results of evaluating six alternative technologies to the current baseline incineration process for destroying chemical weapons.

While this may sound quite reasonable, it poses a problem that I want to highlight. It would effectively delay the chemical demilitarization process at Bluegrass to the point that we would likely not be able to meet the Chemical Weapons Convention. This is because it would add a new requirement to demonstrate and evaluate three additional alternative destruction technologies, and for the Secretary of Defense to report to the Congress on those additional technologies before any demilitarization construction funding could be used at the Bluegrass Depot.

There are currently three alternative technologies being considered by the Defense Department under the Assembled Chemical Weapons Assessment (ACWA) program. This program was established in law several years ago, but the law required the Department to evaluate at least two alternative technologies—not six. Section 129 would add the requirement to evaluate four additional technologies which will take additional time and money. That will result in a one-year delay in starting the chemical demilitarization process at Bluegrass which would prevent the U.S. from destroying all the chemical weapons there before the CWC deadline.

I note that the Armed Services Committee, of which I am a member, has no provision in the Defense Authorization Bill for Fiscal Year 2000 that places any restriction on the chemical demilitarization program. In fact, the Subcommittee on Emerging Threats and Capabilities, on which I serve as the Ranking Member, included report language that emphasizes the importance of meeting our CWC Treaty obligation to destroy all of our chemical weapons by the treaty deadline. Moreover, the Defense Authorization bill which passed the Senate on May 27, 1999, fully funds the Defense Department's request for funds for the chemical demilitarization program.

I do not believe that it is the intent of this provision or of its sponsors to prevent the United States from meeting its treaty obligations under the Chemical Weapons Convention, or to force the U.S. to violate the treaty. Therefore, I urge my fellow Senators during the forthcoming conference on the Military Construction Appropriations bill to support modifications to Section 129 so that the bill will not have this unintended effect. I'm certain that my colleagues agree that it is essential for the Senate to take all actions necessary to ensure that we uphold our treaty obligations just as we would demand of other states. Modification of Section 129 would constitute such an action.

Mr. McCONNELL. Mr. President, I rise today in support of S. 1205, the Military Construction Appropriations bill. I congratulate Chairman BURNS and the ranking member, Senator MURRAY, for crafting a spending bill which addresses the critical priorities of America's soldiers in a prudent and effective manner.

This year's Administration submission made the task of the Committee more difficult than at any time since I have been a member of the Senate Appropriations Committee. By suggesting that Congress incrementally fund all military construction programs, the Administration charted a course for failure and left Senators BURNS and MURRAY to clean up the mess. They have done so admirably and I am proud to support their efforts.

While I strongly support the entire bill before the Senate today, I would like to take just a moment of the Senate's time to explain a particular section of the bill. Section 129 of this measure was included at my request and deals with the construction of chemical demilitarization facilities at the Bluegrass Army Depot in Kentucky. Specifically, this provision would prohibit such construction until the Secretary of Defense reports on the completed demonstration of 6 alternatives to baseline incineration as a means of destroying America's chemical weapons stockpile.

I think it is important to state first what this amendment does not do. This language will have no impact on any proposed funding in the FY00 military construction bill. The reason is that the prohibition on spending for construction at Bluegrass Army Depot applies only to facilities which are technology specific. This means that construction for buildings which will be necessary regardless of the method of destruction employed at Bluegrass is permitted. This allows for progress on necessary components for eventual demilitarization activities such as administrative facilities, but prohibits construction of the actual treatment facility to be deployed in Kentucky until the Secretary certifies that demonstration of the six alternatives is complete.

It is also not my intent to delay or avoid destruction of the stockpile in Kentucky. My sole purpose is to ensure that when the weapons stored in Kentucky are destroyed only the safest most effective method is utilized. Once the Secretary certifies that all six alternative technologies have been demonstrated—and this can occur in the very near future—technology specific efforts at Bluegrass may begin. I supported ratification of the Chemical Weapons Convention and believe that the United States should do everything it can to meet the April 2007 deadline. The language contained in Section 129 should have no adverse impact on the U.S. being able to satisfy its Chemical Weapons Convention obligations.

Now that I have offered an explanation as to what this language will not do, let me describe what I hope it will accomplish. Quite simply, this is a continuation of my efforts to push the military to recognize that public safety should be the top priority as America eliminates its chemical weapons in compliance with the CWC. The Army's selection of incineration as their preferred technology dates all the way back to 1982—almost 20 years ago. It is unreasonable, and in fact irresponsible, to assume that there have been no technological advancements since that time which could lead to improved methods of disposal. Only ten years ago few would have predicted the dynamic nature of the Internet would provide Americans instant access to information around the globe. Given that example, why has the department chosen to ignore potential strides in chemical weapons destruction? Why then has the safety of those Americans who live near chemical weapons destruction sites taken a back seat to fiscal and calendar concerns?

In an effort to force the Department to consider the possibility of alternatives to incineration, I offered and the Senate accepted an amendment to the FY97 Defense Appropriations bill which established the Assembled Chemical Weapons Assessment program. As I previously stated, this program identified a total of six technologies as suitable for demonstration. Unfortunately the Department has chosen to fund only three. As a result of the Department's decision to not fully test each technology, much of the good will established by the program has eroded. Continued DOD intransigence will lead to well deserved skepticism regarding the eventual report issued by ACWA. The citizens who are counting on the federal government's honest assessment of how to proceed deserve the security of knowing that all viable options were appropriately considered.

I have outlined the hypocrisy of the Department's argument in a floor statement I made on June 8, 1999, and so I will not repeat myself at this point. Regardless of the Department's contention that funding for further testing is limited, I believe the interests of public safety far outweigh any limited fiscal concerns. This is not a case of one Senator screaming that the "sky is falling." Rather, this is an effort to hold the Department of Defense accountable for what should have always been its first priority—the safety of potentially impacted citizens. I will continue to press for full testing and accountability.

I thank my colleagues and urge their support for the Military Construction bill.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 331, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Work Incentives Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 101. Expanding State options under the medicaid program for workers with disabilities.
Sec. 102. Continuation of medicare coverage for working individuals with disabilities.
Sec. 103. Grants to develop and establish State infrastructures to support working individuals with disabilities.
Sec. 104. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 201. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 211. Work activity standard as a basis for review of an individual's disabled status.
Sec. 212. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 221. Work incentives outreach program.
Sec. 222. State grants for work incentives assistance to disabled beneficiaries.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Permanent extension of disability insurance program demonstration project authority.
Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.
Sec. 402. Treatment of prisoners.
Sec. 403. Revocation by members of the clergy of exemption from Social Security coverage.
Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
Sec. 405. Authorization for State to permit annual wage reports.

TITLE V—REVENUE

Sec. 501. Modification to foreign tax credit carryback and carryover periods.
Sec. 502. Limitation on use of non-accrual experience method of accounting.
Sec. 503. Extension of Internal Revenue Service user fees.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS

WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking "or" at the end;

(B) in subclause (XIV), by adding "or" at the end; and

(C) by adding at the end the following:

"(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;".

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking "or" at the end;

(ii) in subclause (XV), by adding "or" at the end; and

(iii) by adding at the end the following:

"(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);".

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

"(A) is at least 16, but less than 65, years of age;

"(B) is employed (as defined in paragraph (2));

"(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

"(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

"(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

"(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

"(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.".

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking "or" at the end;

(ii) in clause (xi), by adding "or" at the end; and

(iii) by inserting after clause (xi), the following:

"(xii) employed individuals with a medically improved disability (as defined in subsection (v)),".

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking "The State plan" and inserting "Subject to subsection (g), the State plan"; and

(B) by adding at the end the following:

"(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii), a State may (in a uniform manner for individuals described in either such subclause)—

"(1) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

"(2) require payment of 100 percent of such premiums in the case of such an individual who has income that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved.".

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting "; or"; and

(B) by inserting after such paragraph the following:

"(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)" after "1902(a)(10)(A)(ii)(X),".

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting "1902(a)(10)(A)(ii)(XIII)," before "1902(a)(10)(A)(ii)(XV)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting ", except as provided in subsection (j)" after "but not in excess of 24 such months"; and

(B) by adding at the end the following:

"(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

"(1) for months occurring during the 10-year period beginning with the first month that begins after the date of enactment of this subsection; and

"(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 10-year period and would continue (but for such 24-month limitation) to be so entitled.".

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i–2a(a)(2)(C)) is amended—

(A) by striking "solely"; and

(B) by inserting "or the expiration of the last month of the 10-year period described in section 226(j)" before the semicolon.

(b) GAO REPORT.—Not later than 8 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426); and

(2) recommends whether that subsection should continue to be applied beyond the 10-year period described in the subsection.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN INDIVIDUALS.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term "personal assistance services" means a range of services,

provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term "worker with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be "employed" if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $70,000,000;

(II) for fiscal year 2001, $73,000,000;

(III) for fiscal year 2002, $77,000,000; and

(IV) for fiscal year 2003, $80,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000; or

(ii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(e) STATE DEFINED.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

"TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

"SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and

which is willing to provide such services to the beneficiary.

"(b) TICKET SYSTEM.—

"(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

"(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

"(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

"(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

"(c) STATE PARTICIPATION.—

"(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

"(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

"(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

"(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

"(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

"(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

"(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

"(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

"(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

"(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

"(ii) any other conditions that may be required by such regulations.

"(C) REGULATIONS.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

"(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

"(d) RESPONSIBILITIES OF THE COMMISSIONER.—

"(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

"(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

"(A) measures for ease of access by beneficiaries to services; and

"(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

"(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

"(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

"(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

"(4) SELECTION OF EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

"(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

"(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

"(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

"(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

"(e) PROGRAM MANAGERS.—

"(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

"(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

"(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make

such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

"(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

"(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

"(f) EMPLOYMENT NETWORKS.—

"(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

"(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

"(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

"(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

"(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

"(A) serve prescribed service areas; and

"(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

"(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

"(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

"(g) INDIVIDUAL WORK PLANS.—

"(1) REQUIREMENTS.—Each employment network shall—

"(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

"(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

"(C) ensure that each individual work plan includes at least—

"(i) a statement of the vocational goal developed with the beneficiary;

"(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

"(iii) a statement of any terms and conditions related to the provision of such services and supports; and

"(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

"(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

"(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

"(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

"(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

"(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

"(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

"(2) OUTCOME PAYMENT SYSTEM.—

"(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

"(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

"(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

"(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

"(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

"(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

"(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

"(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

"(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

"(4) DEFINITIONS.—In this subsection:

"(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

"(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

"(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

"(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

"(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

"(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

"(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

"(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

"(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

"(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

"(j) ALLOCATION OF COSTS.—

"(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

"(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(k) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

"(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

"(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

"(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

"(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.

"(m) REAUTHORIZATION OF PROGRAM.—

"(1) IN GENERAL.—The Program established under this section shall terminate on the date that is 5 years after the date that the Commissioner commences implementation of the Program.

"(2) ASSURANCE OF OUTCOME PAYMENT PERIOD.—Notwithstanding paragraph (1)—

"(A) any individual who has initiated a work plan in accordance with subsection (g) may use services provided under the Program in accordance with this section; and

"(B) any employment network that provides services to such an individual shall receive payments for such services,

during the individual's outcome payment period (as defined in paragraph (4)(B) of subsection (h), including any alteration of such period in accordance with paragraph (5) of that subsection).".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

"(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 16, and

"(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.".

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in

subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the "Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) Membership.—

(A) Number and appointment.—The Panel shall be composed of 12 members appointed by the Commissioner of Social Security in consultation with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(B) Representation.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least 7 members of the Panel shall be individuals with disabilities or representatives of individuals with disabilities, except that, of those 7 members, at least 5 members shall be current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) Terms.—

(i) In general.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) Terms of initial appointees.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) 6 of the members appointed under subparagraph (A) shall be appointed for a term of 2 years; and

(II) 6 of the members appointed under subparagraph (A) shall be appointed for a term of 4 years.

(iii) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) Basic pay.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) Travel expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) Quorum.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) Chairperson.—The Chairperson of the Panel shall be designated by the Commissioner. The term of office of the Chairperson shall be 4 years.

(H) Meetings.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) Director and staff of panel; experts and consultants.—

(A) Director.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) Staff.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) Experts and consultants.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) Staff of federal agencies.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) Powers of panel.—

(A) Hearings and sessions.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) Powers of members and agents.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) Mails.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) Reports.—

(A) Interim reports.—The Panel shall submit to the President and Congress interim reports at least annually.

(B) Final report.—The Panel shall transmit a final report to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) Termination.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) Allocation of costs.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

"(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

"(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

"(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

"(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

"(2) An individual to which paragraph (1) applies shall continue to be subject to—

"(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

"(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.".

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI Benefits.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"Reinstatement of Entitlement

"(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

"(II) such entitlement terminated due to the performance of substantial gainful activity;

"(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

"(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

"(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

"(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

"(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

"(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

"(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

"(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

"(i) The month in which the individual dies.

"(ii) The month in which the individual attains retirement age.

"(iii) The third month following the month in which the individual's disability ceases.

"(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

"(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

"(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

"(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

"(II) the fifth month following the month described in clause (i);

"(III) the month in which the individual performs substantial gainful activity; or

"(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).".

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

"Reinstatement of Eligibility on the Basis of Blindness or Disability

"(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

"(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

"(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

"(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

"(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

"(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

"(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

"(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

"(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

"(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

"(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

"(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

"(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

"(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

"(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

"(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93-66.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting ", or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.".

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting "(other than pursuant to a request for reinstatement under subsection (p))" after "eligible".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

"WORK INCENTIVES OUTREACH PROGRAM

"SEC. 1149. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

"(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

"(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

"(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

"(i) preparing and disseminating information explaining such programs; and

"(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

"(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

"(i) disabled beneficiaries;

"(ii) benefit applicants under titles II and XVI; and

"(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

"(D) provide—

"(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

"(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

"(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

"(b) CONDITIONS.—

"(1) SELECTION OF ENTITIES.—

"(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

"(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

"(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

"(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

"(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

"(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

"(II) The State agency administering the State program funded under part A of title IV.

"(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

"(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

"(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

"(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

"(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

"(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

"(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

"(B) LIMITATIONS.—

"(i) PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

"(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

"(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(c) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).".

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

"STATE GRANTS FOR WORK INCENTIVES
ASSISTANCE TO DISABLED BENEFICIARIES

"SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

"(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

"(1) information and advice about obtaining vocational rehabilitation and employment services; and

"(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

"(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(d) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

"(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

"(i) $100,000; or

"(ii) 1/3 of 1 percent of the amount available for payments under this section; and

"(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

"(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

"(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

"(f) FUNDING.—

"(1) ALLOCATION OF PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(B) LIMITATION.—Payments under this section shall not exceed $7,000,000 for fiscal year 2000, and such sums as may be necessary for any fiscal year thereafter.

"(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

"(g) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).".

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

"DEMONSTRATION PROJECT AUTHORITY

"SEC. 234. (a) AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

"(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

"(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

"(C) implementing sliding scale benefit offsets using variations in—

"(i) the amount of the offset as a proportion of earned income;

"(ii) the duration of the offset period; and

"(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

"(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

"(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

"(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

"(d) REPORTS.—

"(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

"(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.".

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking "section 505(a) of the Social Security Disability Amendments of 1980" and inserting "section 234".

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(2) by adding at the end the following:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.".

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS

AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

"(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.".

(2) CONFORMING AMENDMENT TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by adding "or" at the end; and

(C) by adding at the end the following:

"(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B), is amended by striking "(I) The provisions" and all that follows through "(II)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking "clause (ii)" and inserting "clauses (ii) and (iii)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking "title XVI" and inserting "title II or XVI".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers" .

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

TITLE V—REVENUE

SEC. 501. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 502. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 503. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	*Average Fee*
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination	*$275*
Chief counsel ruling	*$200.*

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2006."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

AMENDMENT NO. 671

(Purpose: To provide a complete substitute)

The PRESIDING OFFICER. The clerk will report the Roth amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 671.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted."):

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 671) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes equally divided in the usual form.

Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I said yesterday, "The time has come." And, now finally it has. I said yesterday, "Our friends with disabilities have waited patiently." I say today, They are more than patient. They are saints with tolerance for congressional schedules. Everyone here—everyone in the White House, everyone in the other body, and because of e-mail, everyone in the country—knows I am referring to our pending consideration of landmark legislation, S. 331, the Work Incentives Improvement Act of 1999.

When I came to Congress in January 1975, one of my legislative priorities was providing access to the American dream for people with disabilities.

Well, today, after 3 long years, endless hours of discussion and drafting, and redrafting, we are about to remove the biggest remaining barrier to the American dream for individuals with disabilities—access to health care if they work. What we are about to do was long in coming. It is so important.

During the process that got us to this point, I have learned a great deal. I suspect the same holds true for the 77 other cosponsors of this bill. People with disabilities want to work, and will work, if given access to health care. This bill does just that—it gives workers with disabilities access to appropriate health care—health care that is not readily available or affordable from the private sector.

People with disabilities want to work, and will work, if given access to job training and job placement assistance. This bill does just that—it gives individuals with disabilities training and help securing a job.

The work Incentives Improvement Act empowers people with disabilities to control the quality of their lives, to pay State and Federal taxes, to return the investment that society has made in them, and most of all, the bill empowers them so they can go to work.

I thank my bipartisan original cosponsors Senators KENNEDY, ROTH, and MOYNIHAN who, with me, created a sound piece of legislation to address this real problem for millions of Americans with disabilities. Their commitment represents the best of what the Senate can accomplish when sound policy is placed above partisanship and beyond who gets credit.

I also thank the additional, original 35 cosponsors of this bill and the subsequent 42 cosponsors who represent a total of over three quarters of this body, perhaps a Senate record on health care legislation.

Over the last two weeks the majority leader has been the driving force that urged us to work out policy differences that were delaying floor consideration. We did so through good faith efforts that broadened support for the bill and reduced its overall modest cost.

In particular, I want to recognize Senators NICKLES, BUNNING and GRAMM for their willingness to reach consensus with us on policy without compromising the integrity of the legislation, thus, allowing S. 331 to move forward.

I especially give a heartfelt thanks to people with disabilities who worked with us, trusted us to do the right thing. With their support, encouragement, and energy we have done the right thing.

Yesterday the President asked us to give him a bill by July 4th, or at least July 26th, the 9th anniversary of the Americans With Disabilities Act. We can. We should, with 100 votes.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time does each side have?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes 6 seconds remaining. The Senator from Massachusetts has 10 minutes.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, today, we will pass landmark legislation to open the workplace doors for disabled people in communities across this country. At long last, once this measure is enacted into law, large numbers of people with disabilities will have the opportunity to fulfill their hopes and dreams of living independent and productive lives.

A decade ago, when we enacted the Americans With Disabilities Act, we promised our disabled fellow citizens a new and better life in which disability would no longer end the American dream. Too often, for too many Americans, that promise has been unfulfilled. The Work Incentives Improvement Act will dramatically strengthen the fulfillment of that promise.

We know that millions of disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so, and the nation is denied their talents and their contributions to our communities.

Current laws are an anachronism. Modern medicine and modern technology are making it easier than ever before for disabled persons to have productive lives and careers. Yet current laws are often a greater obstacle to that goal than the disability itself. It's ridiculous that we punish disabled persons who dare to take a job by penalizing them financially, by taking away their health insurance lifeline, and by placing these unfair obstacles in their path.

The Work Incentives Improvement Act removes these unfair barriers to work that face so many Americans with disabilities:

It makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It gives people with disabilities greater access to the services they need to become successfully employed.

It phases out the loss of cash benefits as income rises, instead of the unfair sudden cut-off that workers with disabilities face today.

It places work incentive planners in communities, rather than in bureaucracies, to help workers with disabilities learn how to obtain the employment services and support they need.

Eliminating these barriers to work will help large numbers of disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the golden door of opportunity to all Americans, and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill is a declaration of independence that can make the American dream come true.

We must banish the patronizing mind-set that disabled people are unable. In fact, they have enormous talent, and America cannot afford to waste an ounce of it.

Today's action is dedicated to the 54 million disabled American men and women who want to work and are able to work, but who face unfair penalties under current law if they take jobs and go to work. It is dedicated to the 12 million children and their families who will now have the chance to dream of a future of work and prosperity, and not government handouts.

Our goal is to remove the unconscionable barriers they face, and free up the enterprise, creativity, and contribution of these Americans. Now, when we say "equal opportunity for all," it will be clear that we mean all.

No one in America should lose their medical coverage, which can mean the difference between life and death—if they go to work. No one in this country should have to choose between buying a decent meal and buying the medication they need.

The Work Incentives Improvement Act will remove these unfair barriers and continue to make health insurance available and affordable to people with disabilities.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They see every day that our current job programs are failing people with disabilities; and forcing them and their families into poverty.

We have worked together for many months to develop effective ways to right these wrongs. To all of those who have done so much, I say thank you for helping us to reach this long-awaited day. This bill truly represents legislation of the people, by the people and for the people.

Nearly a year ago, President Clinton signed an executive order to increase employment and health care coverage for people with disabilities. Today, with strong bipartisan support, the Senate is demonstrating its commitment to our fellow disabled citizens.

I especially commend Senator JEFFORDS, Senator ROTH, and Senator MOYNIHAN for their indispensable leadership on this landmark legislation. I also commend the many Senate staff members whose skilled assistance contributed so much to this achievement—Jennifer Baxendale and Alec Vachon of Senator ROTH'S staff, Kristin Testa and John Resnick of Senator MOYNIHAN'S staff, Chris Crowley, Jim Downing, and Pat Morrissey of Senator JEFFORDS' staff, and Michael Myers and Connie Garner of my own staff.

For far too long, disabled Americans have been left out and left behind. Today, we are taking long overdue action to correct the injustice they have unfairly suffered.

Mr. JEFFORDS. Mr. President, I see Senator ROTH is on the floor. I control the time. I yield to him 5 minutes.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, this is an important day for millions of Americans with disabilities—a day that presents the Senate with an opportunity to build on the legacy of the Americans With Disabilities Act. Today, we have a chance to help disabled Americans move toward independence.

Despite the success of the Americans With Disabilities Act, there are still serious obstacles facing too many people with disabilities—obstacles that stand in the way of employment.

Senators JEFFORDS, MOYNIHAN, KENNEDY, and I want to change that. Accordingly, in January we introduced S. 331, the Work Incentives Improvement Act of 1999.

This legislation has a simple objective—to help people with disabilities go to work if they want to go to work, without fear of losing their health insurance lifeline.

S. 331 has been one of my top priorities this year, and support for the bill has been widespread. Mr. President, a total of 78 Senators now sponsor S. 331. Let me say that again—78 Senators have signed on to S. 331. That would be a remarkable total for any bill, let alone a health care proposal.

S. 331 is necessary because the unemployment rate among working-age adults with severe disabilities is nearly 75 percent. Many of these individuals want to work. S. 331 will allow disabled individuals to work without losing access to health insurance coverage.

Mr. President, we can no longer afford to deny millions of talented Americans the opportunity to contribute in the work force.

More than 300 national groups agree that it is time to act, including organizations representing veterans, people with disabilities, health care providers, and insurers.

This bill is about helping disabled Americans work—if that is what they want to do. It's about helping people reach their potential. It is not about big government—it's about getting government out of the way of individual commitment and creativity.

And this bill isn't about a distinct and separate group of disabled individuals. It is about all of us. Realistically, we are all just one tragedy away from confronting disability in our own families.

Unfortunately, we cannot prevent all disabilities. But we can prevent making disabled individuals choose between health care and employment. Today, we can take a step toward making that goal a reality.

Before we vote, I would be remiss if I did not thank Senator JEFFORDS and Senator KENNEDY for their longstanding commitment to this important legislation. In addition, my particular thanks go to Senator MOYNIHAN for all of his assistance in moving the bill through the Finance Committee.

As I close, I would like to ask all my colleagues to join with me in voting for S. 331. By passing the Work Incentives Improvement Act today, we can help unleash the creativity and enthusiasm of millions of Americans with disabilities ready and eager to work.

Mr. President, I ask for the yeas and nays on S. 331.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, will the Senator add me as a cosponsor?

Mr. ROTH. Yes.

Mr. MOYNIHAN. Mr. President, our revered chairman of the Finance Committee has been characteristically generous in thanking the associates who have joined him in this matter.

I will take just a moment—I know he would wish me to do so—to call attention to the fact that it is our former colleague, our beloved former colleague, Bob Dole, who first proposed this matter. It was 1986. He introduced the Employment Opportunities for Disabled Americans Act to allow supplementary security income beneficiaries to continue to receive Medicaid when they return to work.

As the chairman of our committee said, this has enabled people to go to work who are disabled but not unwilling.

In a hearing before our committee on this bill, Senator Dole said:

> This is about people going to work. It is about dignity and opportunity and all the things we talk about when we talk about being an American.

I think this accounts, sir, for the overwhelming support in this body.

With that thought, and again my thanks to the chairman, I yield the floor.

I have a snippet of time that Senator KENNEDY may wish to use.

The PRESIDING OFFICER. The Senator has 1 minute 43 seconds.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for the program and for their support.

Yesterday when the President was here, he indicated he would like to have this legislation on his desk by the Fourth of July. This really is a declaration of independence for the disabled. He mentioned if we were not able to meet that time limit, we ought to do it the 26th of July which will be the ninth anniversary for the Americans With Disabilities Act.

I think either date will be entirely appropriate for the celebration in this country of the Fourth of July. I can't think of a better Fourth of July for millions of our fellow Americans than the successful signing into law of this legislation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I thank the Senator from New York for bringing up the role that former Senator Bob Dole played in this whole process. It was his leadership and his constant reminder to me of the need to continue to go forward that I took on that role and now feel so good that tomorrow we are at the point of succeeding.

I thank the disability community. I have never seen such an effort as that provided by those in the disability community of this country to make sure we did not forget our role and our goal.

I also thank Pat Morrisey of my staff who has been an incredible workhorse on this matter. She has done a tremendous job in keeping me on the right track.

This is the final great step in assuring that the disabled community of our country has reached the goal from which they have been precluded by the mobility to get health care—to be fully reentered into life.

I yield back the remainder of my time.

The PRESIDING OFFICER. The committee substitute, as amended, is agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent for 5 minutes to speak on the bill that is pending, given the role that I played in reaching this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I think some explanation is due of how we came to be where we are and the circumstances under which this bill is being considered.

When the bill was reported from the Finance Committee, it was funded by changing the Tax Code in a way that would have produced additional revenues—by conventional definition, that would be a tax increase.

I felt at a time where we find it virtually impossible to control discretionary spending, at a time where in the same day—as was the case yesterday—we vote to secure in a lockbox the surplus that is coming from Social Security and then an hour later we vote to break the lockbox open and spend $270 million of Social Security money to subsidize loans to the steel industry, it was a very bad precedent to set at this point in this legislative session where we are coming closer and closer to blowing the top out of discretionary spending in the Federal Government to create a brand new entitlement, no matter how meritorious, and do it by raising taxes.

As a result, we had a series of objections to efforts to bring this bill to a vote. Many of those efforts were in the waning hours of various periods of the session before we adjourned for recesses. I have insisted on one fundamental thing which is now embodied in the unanimous-consent request that we have used to bring this bill to the floor; that is, that it be paid for, and that it be paid for by cutting another entitlement program; that it not be paid for by raising taxes.

Now, I have no objection to the bill itself. In fact, I congratulate Senator JEFFORDS. I congratulate the distinguished chairman of the Finance Committee, Senator ROTH. I congratulate the ranking member, Senator MOYNIHAN, not only for putting together a good bill but being willing to go back and refine that bill to deal with legitimate concerns that were raised, and produce a situation where I assume this bill will pass unanimously.

My objection has never been to the bill itself because the policy embodied in the legislation itself is meritorious. The problem is, there are many meritorious proposals that can be made. At a time when we cannot seem to control discretionary spending, if we start in our first new entitlement program of this session to fund it by raising taxes, I think we create a precedent that could be very harmful to the economy and could ultimately drive up interest rates and threaten the recovery.

So, what we have done is ensure that there is no tax increase or any revenue measure in this bill. We have a unanimous-consent agreement that this bill cannot come back to the Senate in this or any other bill unless it is paid for by cutting another entitlement program. So the one thing we can be guaranteed is, in meeting the goals of this meritorious bill, what we are going to be required to do is do what families would have to do if they came up with a good thing to spend money on, and that is we have to go back and find another entitlement that is less meritorious, and we are going to have to find money from one of those other entitlements to fund this bill. I think that is the right way to do it.

I thank my colleagues for their patience. I know the bill is supported by a lot of people, and they should, because these are people with disabilities who are trying to work.

It has not been easy to stand in the way of this bill. I thought the cause was an important one. I am very happy with the final product. I urge my colleagues to vote for the bill. I assume it will get 100 votes, and I think we are doing it the right way.

I yield the floor.

Mr. HATCH. Mr. President, I commend Senators JEFFORDS, ROTH, KENNEDY, and MOYNIHAN for going the extra mile to work out the provisions of this legislation. I am sure it was not easy; dealing with Medicaid and SSDI never is.

As a veteran of many negotiations and collaborations with on disability issues, I see this legislation as a fine example of progressive policy that does not also beget more bureaucracy and irresponsible spending. I do not believe that improving life for those with disabilities and maintaining fiscal responsibility have to be mutually exclusive goals if we take the time to do it right.

That is why I appreciated the modifications made in this bill prior to its reintroduction early this spring. I know my colleagues on the Finance Committee and my former colleagues on the Health and Education Committee worked very hard to accomplish this goal, and I think that, by and large, they have succeeded. They can be proud to have produced a bill with such solid bipartisan support. I might mention that Pat Morrissey of Senator JEFFORDS' staff was particularly responsive to my earlier questions and concerns.

I would also like to acknowledge the helpful input I received from my own Utah Advisory Committee on Disability Policy. While this measure was particularly important to a number of the committee's individual members, I want to note for the record that the entire committee endorsed it and urged my support for the bill. I am pleased to be able to demonstrate that support today with an "aye" vote.

Mr. GRASSLEY. Mr. President, I rise today in support of legislation sponsored by Senators JEFFORDS, KENNEDY, ROTH and MOYNIHAN. I commend my colleagues for their dedication to improving the way federal programs serve persons with disabilities. Continuing my support for this effort from last Congress, I became an original co-sponsor this year of S. 331, the Work Incentives Improvement Act of 1999.

This bill addresses one of the great tragedies of our disability system. The tragedy is forcing many people with disabilities to choose between working and maintaining access to health care. The intent of our system was never to demoralize Americans who are ready, willing and able to work. It is critical that we overturn today's policies of disincentives toward work and replace them with thoughtful, targeted incentives that will enable many individuals with disabilities to return to work.

By removing barriers to necessary health care, the Work Incentives Improvement Act gives the disabled population the green light to join the work force. It is smart public policy that will help alleviate the tight labor market, increase the tax base for the Social Security trust fund and address employer concerns. Many employers are wary of adding a high-cost employee to their company's insurance pool.

Most of all, this bill is the right thing to do. By providing disabled workers a better opportunity to earn a living, this bill reinforces our nation's strong work ethic. Earning one's own way in the world helps foster personal responsibility and self-esteem.

Over the years I have heard from Iowans who have been forced to leave the work force because of a disability. More than 40,000 Iowans receive federal disability benefits, but fewer than 20 percent of these Iowans hold a job. Most are discouraged form seeking employment because of the fear of losing critical health benefits covered by Medicare and Medicaid.

For example, Tim Clancy of Iowa City has his Bachelor of Arts from the University of Iowa. He is an active individual and participates in a number of city and county government activities. Tim lives with cerebral palsy and relies on personal assistants for morning and evening help. Recently, he became employed by Target in Coralville, Iowa, but does not have health insurance through his employer. After he completes his trial work period and extended period of eligibility, he will lose his health insurance. The Work Incentives Act would allow Tim—and many others—to continue receiving the same health coverage as he has now.

I look forward to the passage of this legislation. It will unlock the doors to employment for thousands of invaluable citizens.

Mr. BIDEN. Mr. President, I am delighted that the Senate has agreed to pass S. 331, the Work Incentives Improvement Act of 1999, and I am proud to be a cosponsor of this important legislation.

This bill helps maintain the autonomy and self-worth of some of our most vulnerable citizens, the disabled, by removing barriers that prevent them from returning to work. Disabled citizens in Delaware and elsewhere almost uniformly state that their most important goal is to return to work, not only for the income but for the need to be productive. However, because our laws currently put many obstacles in the way of disabled individuals who want to return to work, they often discover that they are better off financially and medically if they remain unemployed.

The Work Incentives Improvement Act helps tear down some of these perverse provisions of law that block the disabled from achieving their goal of becoming productive, taxpaying citizens. First, and probably most important to the disabled, this bill helps them maintain appropriate health insurance through extensions and expansions of the Medicare and Medicaid programs. Most employer-sponsored insurance does not provide the specific types of coverage that the disabled need to enable them to return to work.

Second, the Work Incentives Improvement Act helps the disabled obtain appropriate employment and vocational rehabilitation services through the Ticket To Work and Self-Sufficiency program, which extends access to such services provided by the private sector.

Finally, this bill continues the demonstration project that allows the disabled who return to work to keep a portion of their cash payments as their work income increases; currently, the abrupt loss of these payments when income reaches a specific threshhold has been a severe disincentive for the disabled to return to work.

Mr. President, I am honored to be a cosponsor of this important legislation that helps restore the disabled citizens of Delaware and throughout the United States to their rightful places as equal participants in our society, and I applaud its passage by the Senate.

Mr. MACK. Mr. President, I rise today to speak on behalf of the Work Incentives Improvement Act of 1999. This bill was introduced by Senator JEFFORDS and co-sponsored by 77 members. The primary purpose of this legislation is to expand the availability of health care coverage under the Social Security Act for working individuals with disabilities. This bill establishes a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to make available meaningful work opportunities for the disabled.

Some months ago, in Florida, I met a woman who does not have the use of her arms. This woman is an accomplished artist who uses her feet to create beautiful works of art. She spoke with me about the difficulty she has had over the years obtaining health insurance for routine medical care and asked me to support this bill. It is with her in mind and the many other talented, hard-working disabled Americans that I support this act which will make it possible for them to obtain health coverage and lead productive working lives.

This bill allows states to offer Medicaid coverage to workers with disabilities beyond what is currently available to them under the Balanced Budget Act of 1997. It creates two new optional eligibility categories and allows states to offer buy-ins for the working disabled so that they can maintain health care coverage, work, and have as much independence as their disability allows. One option permits states to offer a Medicaid buy-in to people with disabilities who work and have an earned income above 250% of poverty with specified levels for assets, resources and unearned income set by the state in which they reside. This is important to many of the disabled who have income or assets that exceed the current level and have an earned income that has exceeded $500 per month during the past year. The state can and should impose a sliding scale of cost-sharing of the premium, up to 100% of the premium, based on the income of the individual. This will allow many of the disabled who simply cannot get health insurance because they have income or assets above a certain level, to obtain health coverage. With the passage of this legislation, a person with disabilities who may be an artist, computer programmer or run a telephone answering service can now be successful at work and have no fear of being unable to obtain health coverage.

The second option allows states that elect to participate in the first option to also cover people who have a severe impairment but can lose eligibility for Supplemental Security Income or Social Security Disability Insurance because of medical improvement. In certain cases, the only reason a person improves is because they receive medical treatment. This bill prevents a person from losing their health care coverage when their health improves due to medical treatment. The state can allow this type of person to buy into the state Medicaid program at a premium set by the state. This is a blessing to persons with disabling conditions which are amenable to treatment such as rheumatoid arthritis, Crohn's disease, depression, or sickle cell anemia. It allows people who can work to work and receive treatment for what may be a chronic disease and have no fear of losing their health coverage.

An additional benefit of this bill provides for the continuation of Medicare coverage for working individuals with disabilities. An extended period of eligibility will allow people who receive Social Security Disability Insurance (SSDI) to continue to receive Part A Medicare coverage without payment for up to six years after returning to work. At present, disabled people may receive Medicare coverage for nine months followed by 36 months of extended eligibility but after that, they have to pay the Part A premium in full. Often, people returning to work following a period of coverage by SSDI, work part time so they are ineligible for health insurance or they cannot obtain insurance through their employer or from the private market. This bill would permit them to receive Part A coverage and have coverage they could not otherwise obtain.

I join with my colleagues in support of this legislation to help the disabled help themselves.

Mr. DODD. Mr President, I rise today to lend my strong support to important legislation that will enable millions of individuals with disabilities to achieve greater independence and financial security. The Work Incentives Improvement Act of 1999 offers Americans with disabilities the opportunity to achieve greater independence and financial security without the threat of losing the important protections provided by health insurance coverage.

Mr. President, currently more than 75 percent of all individuals with disabilities are unemployed. Further, less than one-half of one percent of the 7.5 million persons receiving federal disability payments go to work each year. Yet a 1999 Harris Survey determined that 74 percent of Americans with disabilities want to work. However, many individuals with disabilities who work face the significant loss of their health insurance coverage as they surpass certain earning limits. This loss of health coverage often presents an understandable deterrent to employment for many individuals with disabilities. While the great majority of Americans with disabilities would like to work, few can afford to lose the protection provided by their health insurance coverage. Forcing individuals with disabilities to choose between work and health insurance coverage presents a difficult choice no one should be forced to make.

S. 331 would provide incentives for persons with disabilities to return to work without losing their access to health insurance. This legislation removes barriers for disabled individuals seeking to find meaningful employment by allowing this vulnerable segment of our population to retain health insurance coverage. By removing the disincentive to work that the loss of health insurance presents to individuals with disabilities, S. 331 opens the door to greater freedom and increased earning for millions of Americans.

Mr. President, I am extremely heartened by the strong support the Work Incentives Improvement Act of 1999 has received. In support of this important legislation are the Consortium for Citizens with Disabilities, the ARC, Easter Seals, the National Alliance for the Mentally Ill, the Paralyzed Veterans of America, the United Cerebral Palsy Association, and the National Education Association. Additionally, more than three-fourths of the Members of the United States Senate presently cosponsor S. 331.

Finally, Mr. President, I would like to commend Senators JEFFORDS, KENNEDY, ROTH, and MOYNIHAN for the important role they each played in developing the Work Incentives Improvement Act of 1999. Through their tireless efforts, S. 331 will greatly expand the opportunities afforded individuals with disabilities as they enter the workforce and I look forward to its enactment.

Mr. BAYH. Mr. President today I rise as a co-sponsor of the Work Incentives Improvement Act, a bipartisan bill that removes the disincentives currently hindering those people with disabilities who wish to enter the workforce. We all owe our thanks to Senators MOYNIHAN, ROTH, and KENNEDY for their leadership on this bill.

When people want to work the federal government should not stand in their way. When people want to be productive members of our society, taxpaying citizens, the federal government should not stand in their way. Currently, 72% of Americans with disabilities want to work. However, nearly 75% of persons with disabilities are unemployed. We are sending the wrong message right now. The current set of rules make it more economically beneficial for someone with a disability to stay at home than to enter the workforce. There needs to be a transition period put in place to assist those with disabilities before we expect them to become financially independant. We do this with other programs and it is about time we apply such logic to this sector of our community. By passing this bill, if only 1% of the currently disabled Americans become fully employed, the federal savings in disability benefits would total $3.5 billion over the lifetime of the beneficiaries. Once again, investing in people creates a great rate of return.

In Indiana there are 348,000 people between the ages of 16 and 64 who have a disability. I have heard numerous stories from Hoosiers with disabilities who want to work and are able to work. They have told me how work will mean more than a paycheck for them. It is an opportunity for them to be a productive and contributing member of the community, work towards self-sufficiency, and most importantly, to have a sense of pride in being needed.

Let me tell you about Bob Neal, an employee of the Indianapolis Police Department. He is 42 years old and doesn't want to give up his job even though it would be much easier for him financially if he did. Bob has muscular dystrophy. When asked why he is still working he said "I just figure if I stay home I'll get fatter than I am and get lazy and die earlier. I look forward to working. You gotta have a little pride somewhere. That is why I stay here, because of these people, I could go back to Illinois and never work again, but these people, they know me here."

Bob's story displays the problem with the current predicament in which most people with disabilities find themselves. This bill will address situations similar to that of Bob Neal. It will provide access to health coverage and provide employment assistance while creating incentives to work. It is important to allow Medicare coverage for people with disabilities while they are working so their health can continue to improve. It is no surprise this bill has such overwhelming support from both sides of the aisle.

Today, I will vote in support of this bill with pride for those who take advantage of this newly created opportunity. I urge my colleagues to vote in support of this bill and send the message that people with disabilities will no longer need to chose between working and remaining healthy.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2000

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on S. 1205, which the clerk will read a third time.

The bill was read the third time.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The PRESIDING OFFICER (Mr. HUTCHINSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Feingold
McCain

NOT VOTING—1

Harkin

The bill (S. 1205) was passed, as follows:

S. 1205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2000, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,067,422,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed $86,414 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $884,883,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed $66,581,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $783,710,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed $32,764,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $770,690,000, to remain available until September 30, 2004: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $38,664,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $226,734,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $238,545,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $105,817,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $31,475,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts,

$35,864,000, to remain available until September 30, 2004.

North Atlantic Treaty Organization Security Investment Program

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $100,000,000, to remain available until expended.

Family Housing, Army

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $60,900,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, $1,098,080,000; in all $1,158,980,000.

Family Housing, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $298,354,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, $895,070,000; in all $1,193,424,000.

Family Housing, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $335,034,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, $821,892,000; in all $1,156,926,000.

Family Housing, Defense-wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $50,000, to remain available until September 30, 2004; for Operation and Maintenance, $41,440,000; in all $41,490,000.

Family Housing Revitalization Transfer Fund

(INCLUDING TRANSFER OF FUND)

Notwithstanding any other provision of law, for expenses related to improvements to existing family housing; $25,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to family housing accounts, within this title: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same period, as the appropriation to which transferred: *Provided further*, That the funds shall not be transferred to the Department of Defense Family Housing Improvement Fund.

Department of Defense Family Housing Improvement Fund

For the Department of Defense Family Housing Improvement Fund, $25,000,000, to remain available until expended, as the sole source of funds for planning, administrative, and oversight costs incurred by the Housing Revitalization Support Office relating to military family housing initiatives undertaken pursuant to 10 U.S.C. 2883, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

Base Realignment and Closure Account, Part IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $705,911,000, to remain available until expended: *Provided*, That not more than $426,036,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs or to provide support for non-NATO countries.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. None of the funds appropriated in this Act or any other Acts may be used for repair and maintenance of any flag and general officer quarters in excess of $25,000 without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 125. With the exception of budget authority for "North Atlantic Treaty Organization Security Investment Program", "Family Housing, Army" for operation and maintenance, "Family Housing, Navy and Marine Corps" for operation and maintenance, "Family Housing, Air Force" for operation and maintenance and "Family Housing, Defense-Wide" for operation and maintenance, each amount of budget authority for the fiscal year ending September 30, 2000, provided in this Act, is hereby reduced by five per centum: *Provided*, That such reduction shall be applied ratably to each account, program, activity, and project provided for in this Act.

SEC. 126. Not later than April 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report examining the adequacy of special education facilities and services available to the dependent children of uniformed personnel stationed in the United States. The report shall identify the following:

(1) The schools on military installations in the United States that are operated by the Department of Defense, other entities of the Federal government, or local school districts.

(2) School districts in the United States that have experienced an increase in enrollment of 20 percent or more in the past five years resulting from base realignments or consolidations.

(3) The impact of increased special education requirements on student populations, student-teacher ratios, and financial requirements in school districts supporting installations designated by the military departments as compassionate assignment posts.

(4) The adequacy of special education services and facilities for dependent children of uniformed personnel within the United States, particularly at compassionate assignment posts.

(5) Corrective measures that are needed to adequately support the special education needs of military families, including such improvements as the renovation of existing schools or the construction of new schools.

(6) An estimate of the cost of needed improvements, and a recommended source of funding within the Department of Defense.

SEC. 127. The first proviso under the heading "MILITARY CONSTRUCTION TRANSFER FUND" in chapter 6 of title II of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) is amended by inserting "and to the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code" after "to military construction accounts".

SEC. 128. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out conveyance of land at the former Fort Sheridan, Illinois, unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the 1996 Defense Authorization Act (division B of Public Law 104–106; 110 Stat. 573).

(b) The land referred to in paragraph (a) is a parcel of real property, including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the 1996 Defense Authorization Act and has not been conveyed pursuant to that authority as to the date of enactment of this Act.

SEC. 129. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for any purpose relating to the construction at Bluegrass Army Depot, Kentucky, of any facility employing a specific technology for the demilitarization of assembled chemical munitions until the date on which the Secretary of Defense submits to the Committees on Appropriations of the Senate and House of Representatives a report on the results of the completed demonstration of the six alternatives to baseline incineration for the destruction of chemical agents and munitions as identified by the Program Evaluation Team of the Assembled Chemical Weapons Assessment program.

(b) In order to provide funding for the completion of the demonstration of alternatives referred to in subsection (a), the Secretary shall utilize the authority in section 8127 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2333) in accordance with the provisions of that section.

This Act may be cited as the "Military Construction Appropriations Act, 2000".

Mrs. MURRAY. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on S. 331, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Harkin

The bill (S. 331), as amended, was passed, as follows:

S. 331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Work Incentives Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 101. Expanding State options under the medicaid program for workers with disabilities.
Sec. 102. Continuation of medicare coverage for working individuals with disabilities.
Sec. 103. Grants to develop and establish State infrastructures to support working individuals with disabilities.
Sec. 104. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.
Sec. 105. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 201. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 211. Work activity standard as a basis for review of an individual's disabled status.
Sec. 212. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 221. Work incentives outreach program.
Sec. 222. State grants for work incentives assistance to disabled beneficiaries.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Permanent extension of disability insurance program demonstration project authority.
Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.
Sec. 402. Treatment of prisoners.
Sec. 403. Revocation by members of the clergy of exemption from Social Security coverage.
Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
Sec. 405. Authorization for State to permit annual wage reports.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking "or" at the end;

(B) in subclause (XIV), by adding "or" at the end; and

(C) by adding at the end the following:

"(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;".

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking "or" at the end;

(ii) in subclause (XV), by adding "or" at the end; and

(iii) by adding at the end the following:

"(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);".

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

"(A) is at least 16, but less than 65, years of age;

"(B) is employed (as defined in paragraph (2));

"(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

"(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

"(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

"(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

"(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.".

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking "or" at the end;

(ii) in clause (xi), by adding "or" at the end; and

(iii) by inserting after clause (xi), the following:

"(xii) employed individuals with a medically improved disability (as defined in subsection (v)),".

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking "The State plan" and inserting "Subject to subsection (g), the State plan"; and

(B) by adding at the end the following:

"(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

"(1) a State may (in a uniform manner for individuals described in either such subclause)—

"(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

"(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

"(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds $75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).".

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting "; or"; and

(B) by inserting after such paragraph the following:

"(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)" after "1902(a)(10)(A)(ii)(X),".

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting "1902(a)(10)(A)(ii)(XIII)," before "1902(a)(10)(A)(ii)(XV)".

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting ", except as provided in subsection (j)" after "but not in excess of 24 such months"; and

(B) by adding at the end the following:

"(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

"(1) for months occurring during the 6-year period beginning with the first month that begins after the date of enactment of this subsection; and

"(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 6-year period and would continue (but for such 24-month limitation) to be so entitled.".

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i–2a(a)(2)(C)) is amended—

(A) by striking "solely"; and

(B) by inserting "or the expiration of the last month of the 6-year period described in section 226(j)" before the semicolon.

(b) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426);

(2) examines the necessity and effectiveness of providing the continuation of medicare coverage under that subsection to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act);

(3) examines the viability of providing the continuation of medicare coverage under that subsection based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the interrelation between the use of the continuation of medicare coverage under that subsection and the use of private health insurance coverage by individuals during the 6-year period; and

(5) recommends whether that subsection should continue to be applied beyond the 6-year period described in the subsection.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN INDIVIDUALS.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term "personal assistance services" means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term "worker with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be "employed" if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $72,000,000;

(II) for fiscal year 2001, $74,000,000;

(III) for fiscal year 2002, $78,000,000; and

(IV) for fiscal year 2003, $81,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) except as provided in clause (ii), the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed $5,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(f) STATE DEFINED.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 105. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting "or paragraph (6)" after "this paragraph"; and

(2) by adding at the end the following new paragraph:

"(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105-306; 112 Stat. 2928)) the following:

"TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

"SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to the beneficiary.

"(b) TICKET SYSTEM.—

"(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

"(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

"(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

"(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

"(c) STATE PARTICIPATION.—

"(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

"(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

"(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

"(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

"(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

"(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

"(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

"(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

"(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

"(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

"(ii) any other conditions that may be required by such regulations.

"(C) REGULATIONS.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

"(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

"(d) RESPONSIBILITIES OF THE COMMISSIONER.—

"(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

"(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

"(A) measures for ease of access by beneficiaries to services; and

"(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

"(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

"(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

"(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

"(4) SELECTION OF EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

"(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

"(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

"(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

"(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

"(e) PROGRAM MANAGERS.—

"(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

"(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

"(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

"(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

"(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

"(f) EMPLOYMENT NETWORKS.—

"(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

"(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

"(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

"(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

"(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

"(A) serve prescribed service areas; and

"(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

"(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

"(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

"(g) INDIVIDUAL WORK PLANS.—

"(1) REQUIREMENTS.—Each employment network shall—

"(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

"(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

"(C) ensure that each individual work plan includes at least—

"(i) a statement of the vocational goal developed with the beneficiary;

"(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

"(iii) a statement of any terms and conditions related to the provision of such services and supports; and

"(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

"(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

"(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

"(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

"(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

"(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

"(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

"(2) OUTCOME PAYMENT SYSTEM.—

"(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

"(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

"(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

"(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

"(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

"(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

"(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

"(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

"(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

"(4) DEFINITIONS.—In this subsection:

"(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

"(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

"(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

"(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

"(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

"(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

"(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

"(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

"(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

"(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

"(j) ALLOCATION OF COSTS.—

"(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

"(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(k) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

"(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

"(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

"(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

"(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

"(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 16, and

"(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.".

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) Extent of State's right of first refusal in advance of full implementation of amendments in such State.—

(A) In general.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals, shall apply in such State.

(B) Existing agreements.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) Specific Regulations Required.—

(1) In general.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) Specific matters to be included in regulations.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) Work Incentives Advisory Panel.—

(1) Establishment.—There is established within the Social Security Administration a panel to be known as the "Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) Duties of panel.—It shall be the duty of the Panel to—

(A) advise the President, Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) Membership.—

(A) Number and appointment.—The Panel shall be composed of 12 members appointed as follows:

(i) 4 members appointed by the President.

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Ways and Means of the House of Representatives.

(iii) 2 members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives.

(iv) 2 members appointed by the Majority Leader of the Senate, in consultation with the chairman of the Committee on Finance of the Senate.

(v) 2 members appointed by the Minority Leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) Representation.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least one-half of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) Terms.—

(i) In general.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) Terms of initial appointees.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) one-half of the members appointed under each clause of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under each such clause shall be appointed for a term of 4 years.

(iii) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) Basic pay.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) Travel expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) Quorum.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) Chairperson.—The Chairperson of the Panel shall be designated by the President.

The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit directly to the President and Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report directly to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) ALLOCATION OF COSTS.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

"(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

"(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

"(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

"(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

"(2) An individual to which paragraph (1) applies shall continue to be subject to—

"(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

"(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.".

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"Reinstatement of Entitlement

"(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

"(II) such entitlement terminated due to the performance of substantial gainful activity;

"(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

"(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

"(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

"(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

"(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

"(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

"(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

"(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

"(i) The month in which the individual dies.

"(ii) The month in which the individual attains retirement age.

"(iii) The third month following the month in which the individual's disability ceases.

"(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

"(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

"(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

"(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

"(II) the fifth month following the month described in clause (i);

"(III) the month in which the individual performs substantial gainful activity; or

"(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).".

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

"Reinstatement of Eligibility on the Basis of Blindness or Disability

"(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

"(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

"(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

"(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

"(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

"(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

"(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

"(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

"(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

"(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

"(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

"(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

"(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

"(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

"(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

"(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93-66.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting ", or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.".

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting "(other than pursuant to a request for reinstatement under subsection (p))" after "eligible".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

"WORK INCENTIVES OUTREACH PROGRAM

"SEC. 1149. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

"(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

"(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

"(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

"(i) preparing and disseminating information explaining such programs; and

"(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

"(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

"(i) disabled beneficiaries;

"(ii) benefit applicants under titles II and XVI; and

"(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

"(D) provide—

"(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

"(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

"(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

"(b) CONDITIONS.—

"(1) SELECTION OF ENTITIES.—

"(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

"(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

"(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

"(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

"(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

"(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

"(II) The State agency administering the State program funded under part A of title IV.

"(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

"(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

"(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

"(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

"(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

"(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

"(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

"(B) LIMITATION PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

"(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

"(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(c) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of fiscal years 2000 through 2004.".

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

"STATE GRANTS FOR WORK INCENTIVES
ASSISTANCE TO DISABLED BENEFICIARIES

"SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

"(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

"(1) information and advice about obtaining vocational rehabilitation and employment services; and

"(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

"(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(d) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

"(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

"(i) $100,000; or

"(ii) ⅓ of 1 percent of the amount available for payments under this section; and

"(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

"(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

"(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

"(f) FUNDING.—

"(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

"(g) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2000 through 2004.".

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

"DEMONSTRATION PROJECT AUTHORITY

"SEC. 234. (a) AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

"(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

"(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

"(C) implementing sliding scale benefit offsets using variations in—

"(i) the amount of the offset as a proportion of earned income;

"(ii) the duration of the offset period; and

"(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

"(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

"(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

"(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

"(d) REPORTS.—

"(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

"(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.".

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking "section 505(a) of the Social Security Disability Amendments of 1980" and inserting "section 234".

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(2) by adding at the end the following:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.".

(b) Correction to Effective Date of Provisions Concerning Representative Payees and Treatment Referrals of Social Security Beneficiaries Who Are Drug Addicts and Alcoholics.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

"(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).".

(c) Effective Dates.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) Implementation of Prohibition Against Payment of Title II Benefits to Prisoners.—

(1) In general.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.".

(2) Conforming amendment to the privacy act.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by adding "or" at the end; and

(C) by adding at the end the following:

"(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));".

(3) Effective date.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) Elimination of Title II Requirement That Confinement Stem From Crime Punishable by Imprisonment for More Than 1 Year.—

(1) In general.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) Effective date.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) Conforming Title XVI Amendments.—

(1) Fifty percent reduction in title xvi payment in case involving comparable title ii payment.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) Expansion of categories of institutions eligible to enter into agreements with the commissioner.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) Elimination of overly broad exemption.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B), is amended by striking "(I) The provisions" and all that follows through "(II)".

(4) Effective date.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) Continued Denial of Benefits to Sex Offenders Remaining Confined to Public Institutions Upon Completion of Prison Term.—

(1) In general.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) Conforming amendment.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking "clause (ii)" and inserting "clauses (ii) and (iii)".

(3) Effective date.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) In General.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking "title XVI" and inserting "title II or XVI".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate equally divided prior to the vote on the cloture motion on H.R. 1259.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, let me begin debate on this cloture motion today and take up to 10 minutes. I hope I won't need to use all of that, as there are other speakers on our side.

We are here now after having, on three occasions, failed to obtain cloture on a Senate bill to try to lock away the Social Security trust fund moneys and prevent them from being spent on other Federal Government expenditures. The Democrats have filibustered the lockbox for 58 days. This is significant, because an additional $304 million of new Social Security surplus funds are added to the trust fund virtually every day.

In my judgment, we should be husbanding these surpluses carefully to provide for future Social Security benefits and to make necessary reforms as easily and seamlessly as possible. But because of this filibuster, $17.6 billion of these future Social Security benefits have been placed at risk of being spent on other non-Social Security programs. This is the equivalent of taking away the annual Social Security benefits for 1.6 million American seniors.

Mr. President, today we are attempting a new approach having thrice failed to be able to obtain cloture on a Senate amendment to a budget reform act bill. We are today voting on a different version of the lockbox, one that passed the House of Representatives overwhelmingly, and, in my judgment, would therefore seem to be a piece of legislation that we could have overwhelming bipartisan consensus on in the Senate. The question is, Will we do so?

All I can say to my colleagues is that in Michigan, seniors surely hope that we will do so—that we will vote cloture, that we will pass the lockbox, and that we will protect their Social Security benefits.

Let me introduce you to Gus and Doris Bionchini of Warren, MI. They have been kind enough to come out to Washington this week to help ensure that Social Security lockbox is passed. They have been receiving Social Security for over 10 years and tell me that Social Security is very important to them, as it is to so many Americans, and that they pay most of their bills, especially food and utilities, with their benefits.

Gus and Doris tell me that they can't understand why anyone would want to spend their future Social Security benefits on new Government spending, and that they think it is time and imperative Congress pass a law which stipulates that we should not spend a dime of their Social Security dollars on anything other than Social Security. They believe seniors should have a voice.

Let me introduce you to someone else, Mr. Joe Wagner, a 70-year-old from Kentwood, MI, a new Social Security recipient, but someone who already finds himself nearly entirely dependent upon his benefits to pay his bills to meet his everyday needs. He said that he strongly supports the original lockbox bill that I introduced with Senators ASHCROFT and DOMENICI and others. He also knows that the President has proposed spending over $30 billion of the Social Security surplus every year. He thinks that is wrong, and I agree with him.

Then we have another person for you to meet, Eleanor Happle. Eleanor is a 74-year-old widow who is very active for her age and who enjoys spending time with friends and volunteering at the hospital. She supplements her Social Security benefits by working in an assisted-living facility. I know that she agrees with us that the Social Security surplus should be protected.

Finally, here is Vic and Joanne Machuta in front of their home in East Grand Rapids, MI, where they have lived for 20 years. They have been married for 54 years. They have three children. Vic is 73 years old and worked as a police officer for over 35 years. Joanne is also 73 and worked for a bank as well as for Central Michigan University. They have been receiving Social Security for 10 years and believe that the surplus should be used for Social Security as opposed to other Government spending. They also believe that legislation which would make it more difficult for Government to spend their Social Security is a good idea.

Now we find ourselves with a new version of the lockbox. It is a looser version, I admit. But we still find the same old foot dragging which we have been suffering through for 58 days.

H.R. 1259, the House lockbox legislation, passed the House on May 26 by a vote of 416 to 12—416 for this lockbox proposal in the House, and only 12 against it. But still we are here, of course, to vote on cloture to end broad, uncontrolled debate on this subject. I don't understand that.

It seems to me that when the House votes this overwhelmingly clearly this is a version which is a bipartisan consensus, and we should get down to the business of protecting Social Security dollars.

That is what at least this Senator thinks. That is what my constituents such as Gus, Doris, Joe, and Eleanor think.

I hope today that we will finally have 60 votes for us to consider in a carefully crafted fashion a lockbox proposal that would enjoy bipartisan support. This one certainly does. It did in the House. I believe it will in the Senate. I hope that today we can finally obtain cloture, move forward, and pass this legislation quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, I listened carefully to my friend and colleague from Michigan. I am inclined to agree with him on a couple of things; that is, that people really want their Social Security protected. That is what they are thinking about. That is what they are looking at.

I rise now to oppose the motion to invoke cloture on the House-passed Social Security bill lockbox legislation, because it doesn't protect Social Security as it is commonly believed.

I want the public to know that this isn't an internal debate about some arcane process. We are talking about whether or not Social Security is going to be stronger as a result of this tactical approach to preparing perhaps for a nice tax cut in the future.

When we talk about the filibuster, sometimes the public doesn't quite understand. A filibuster can be an appropriate delay. If I think something is wrong, if someone on the other side of the aisle thinks something is wrong, they have a right to defend their point of view standing on this floor for as long as they have the energy and the time is available. So cloture isn't a simple thing. It is designed to cut off other people's opinion. It is designed to give the majority a chance to roll over the minority and perhaps what the public really wants.

I want to say right from the beginning that I strongly support enactment of a Social Security lockbox. In fact, we want to pass a lockbox that not only protects Social Security, but for many people, while they worry about Social Security, Medicare, which is high on their list of concerns because Social Security will be there but Medicare, conceivably if it is not protected and made more solvent, may not be there.

Ask anybody what their primary concerns are once they get past their Medicare family needs, and they will tell you that it is health care. There is a crying need for reliability in health care systems across this country. People are worried that they will lose out in one place and not be able to get it in another place. They are worried about having a condition where that is ruled out for them—a long-term disease.

Medicare has to be protected as well. We want a lockbox that has an impenetrable lock, not one that includes all kinds of loopholes that will leave these programs largely unprotected. That is the thing we have to keep in mind; that is, what is the ultimate outcome?

The bill before us now is an improvement over the version that we considered yesterday. But unlike that legislation, the one that was considered yesterday, the House-passed bill, does not pose a risk of Government default. So there is a slight measure of more security there. Therefore, it doesn't pose the same kind of threat to Social Security benefits. However, the House-passed bill still desperately needs improvement. Most importantly, the bill's lack of protection for Medicare is a primary part.

In addition, the bill lacks an adequate enforcement mechanism. It relies solely on 60-vote points of order.

Again, I don't like to get into process discussions when the public has a chance to evaluate. Why should there be 60 votes necessary to change it? In almost every other situation we rely on the majority to take care of it with 51 votes. It doesn't back up these 60-vote points of order, across-the-board spending cuts should Congress raid these surpluses in the future.

In addition, the legislation before us includes a troubling loophole that would allow Congress to raid surpluses by simply designating legislation as "Social Security reform" or "Medicare reform." But it is not what you really get when you look at the title of these programs, because under Social Security reform it is conceivable that some could favor a major tax cut for wealthy people, and say: Listen. They are going to be paying more into the fund as a result of earning more as a result of a more buoyant economy. They could say that is Social Security reform. But, aha, really what we want to do is give a good fat tax cut to people who do not need it.

There is no definition of what constitutes Social Security or Medicare reform. We want to do that. But this obscure definition permits hanky-panky all over the place.

This could allow Congress to raid surpluses for new privatization schemes, no matter how risky, or even tax cuts—big tax cuts.

Democrats want to strengthen this bill to make it better. But we are being denied an opportunity in the process by the majority. They are saying that 45 Democrats representing any number of States, any number of people—if we just take the States of California and New York, we have a significant part of the population in this country.

However, the majority is saying: We will not let you offer any amendments; we have decided we have the majority, and we are locking you out. That is the real lockbox.

It is not right. That is not the proper way to operate. It is not the way the Senate is supposed to function—not permit the offering of amendments? What are they afraid of? Let the public hear the debate. Let the public look at the amendments. Maybe we will help them pass a bill we also can agree to. Right now, they are afraid to let the public in. The public doesn't have a right to know, as far as they are concerned.

For too long now, the majority has engaged in a concerted effort to deny rights to Democratic Senators. They have repeatedly tried to eliminate our rights. The once rare tactic of filling up the amendment tree—again, another arcane term that blocks out any other amendments—has now become standard operating procedure.

The majority thinks they have a right to dictate how many and which amendments. They are asking to see our amendments before we can offer them. That is unheard of in the process as structured in the Senate.

Compounding matters, cloture is no longer being used as a tool to end debate. It is being used as a tool to prevent debate. The majority leader, in his technical right, has filed a cloture motion on this bill before either side even has an opportunity to make an opening statement. That, too, is unheard of. We used to have debate, and one side or the other would finally say: Listen, they are delaying; they are filibustering, and we want to shut off debate.

Now what happens, as soon as the bill is filed, a cloture motion is filed that says the minority or those who are in opposition will not even have a right to speak.

The majority is even going further in limiting the period known as morning business, when we can talk about things that are on our agenda. Eliminate that right?

I hope the American public will understand what this mission is; that is, not to give the public what they want but to give them what the Republicans want.

This effort to restrict minority rights is not appropriate. It is not the way the Senate is supposed to operate. We Democrats are not going to put up with it much longer. There is no reason this Senate cannot approve a Social Security and Medicare lockbox and do it very soon. We are willing to work toward a unanimous consent agreement to limit amendments. Debate on these amendments should not take very long.

However, we cannot accept being entirely locked out of the legislative process. We will not tolerate being denied an opportunity to make this Social Security lockbox truly a lockbox, a safe deposit box, one that can't be opened casually, that protects both Social Security and Medicare in a meaningful way.

The majority understands, if they continue to function this way, we will not get a Social Security and Medicare lockbox enacted into law. It is as simple as that. Perhaps they don't want to live under this lockbox but would like to talk about it, hoping they do not have to pass the test of reality. Maybe they just want an issue to talk about. That is why they are following procedures guaranteed to produce gridlock and not results. I hope that is not true.

I look at actions. I see them speaking louder than words. There is every indication the Republican leadership is not trying seriously to produce a bill that can win bipartisan support.

I call on my colleagues to oppose cloture, to oppose cutting off debate. I urge my colleagues in the majority to change their mind, rethink it, talk to this side about it, allow this bill to be considered privately or openly, with a full opportunity for debate and for amendments.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. LAUTENBERG. I yield to the Senator from North Dakota up to 7 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, for the fourth time the Senate is being asked to vote on a so-called lockbox without being given the opportunity to consider amendments.

What is the majority afraid of? Why aren't they willing to vote on amendments? That is the way we do business in the Senate. Somebody makes a legislative offering, and then Members have a chance to amend and a chance to vote to decide what is the best policy for this country.

I have believed for a very long time and I have fought repeatedly in the Budget Committee, in the Finance Committee, and on the floor of the Senate to stop the raid on Social Security surpluses. I see our friends on the other side all of a sudden become defenders of Social Security.

Some Members have not forgotten. Sometimes our friends on the other side of the aisle think we have amnesia, but we remember the repeated attempts on the other side to amend the Constitution of the United States with a so-called balanced budget amendment that would have looted and raided Social Security to achieve balance. We remember very well.

It was done in 1994; it was done in 1995; it was done in 1996; it was done in 1997; and here is the language. This language makes clear that the definition of a balanced budget was all the receipts of the Federal Government and all the expenditures of the Federal Government, including Social Security. Then they were going to call that a balanced budget. That is what they were doing in 1994, 1995, 1996, and 1997—an absolute raid on the Social Security trust funds and trying to put that in the Constitution of the United States.

All of a sudden, they are defenders of Social Security. I welcome the transformation. I welcome them coming over to our side and agreeing now that we ought to protect Social Security. But why won't they allow amendments? What are they afraid of? Are they afraid to vote? I think they are. I think they are afraid to vote. I think they are afraid to vote because we have an amendment that provides a lockbox for Social Security, one that is defended against what can happen out here on the floor—unlike the amendment being offered now. It is defended by sequestration. Their amendment has no such defense.

I think they are afraid to vote on an alternative because we not only protect Social Security but Medicare.

Looking at the Republican "broken safe," we try to look inside and find out what is there. What we find is that there is not one single additional penny for Medicare in the Republican lockbox. No, Medicare is left out of the equation.

Senator LAUTENBERG and I believe Medicare ought to be protected with Social Security. We ought to have a lockbox to protect both. We ought to have procedures that defend them, not create enormous loopholes that can be used to again loot Social Security and not protect Medicare.

The fact is, the amendment we want to offer that they will not let this side consider is an amendment that provides $698 billion for Medicare over the next 15 years; the Republican plan provides nothing, zero, not one penny. That is why they don't want to vote. They don't want to vote because they don't want to protect Social Security and Medicare.

It is fascinating what a difference a year makes. Just 1 year ago we had a debate in the Budget Committee of the Senate. Here is what the Republicans were saying then. This is Senator PETE DOMENICI, the chairman of the Senate Budget Committee:

> Mr. President, this is a very simple proposition. . . . We suggested, as Republicans, that Social Security and Medicare are the two most important American programs to save, reform, and make available into the next century. . . . I believe the issue is very simple—very simple: Do you want a budget that begins to help with Medicare, or do you want a budget that says not one nickel for Medicare; let's take care of that later with money from somewhere else.

Senator DOMENICI was right then. They don't want to consider the amendment that would do exactly what he is talking about—protect Social Security and Medicare. They want to forget the position they were taking just a year ago.

Here is another member, a senior Republican member of the Budget Committee. He said 1 year ago:

> But the fundamental strength of it is, whether they are democrats or republicans who have got together in these dark corners of very bright rooms and said, what would we do if we had a half a trillion dollars to spend? . . . the obvious answer that cries out is Medicare. . . . I think it is logical. People understood the President on save Social Security first and I think they will understand save Medicare first. . . .
>
> Medicare is in crisis. We want to save Medicare first.

It is 1 year later now. All of a sudden those brave words are forgotten and our friends on the other side want to prevent us from even considering an amendment that would do what they were advocating a year ago, save Social Security first and save Medicare first. Now they want to forget Medicare. Now they do not want to provide an additional dime for Medicare, even though it is endangered in a more immediate way than is Social Security.

One more quote from the chairman of the Budget Committee:

> Let me tell you for every argument made around this table today about saving Social Security, you can now put it in the bank that the problems associated with fixing Medicare are bigger than the problems fixing Social Security, bigger in dollars, more difficult in terms of the kind of reform necessary, and frankly, I am for saving Social Security. But it is most interesting that there are some who want to abandon Medicare . . . when it is the most precarious program we have got.

The reason I believe our colleagues on the other side do not want any amendments is because they do not want to vote on an amendment that Senator LAUTENBERG and I are prepared to offer that would save Social Security first, every penny, and save Medicare as well. They do not want to vote.

That is not the way the Senate ought to operate. That is not what we should do here.

Let me conclude by saying the amendment we have would save $3.3 billion in debt reduction; the Republican plan, $2.6 billion. Our plan is superior. We ought to have a chance to vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ABRAHAM. Mr. President, I will just make one brief statement and then I will yield to the Senator from Wyoming. I do want to remind my colleagues that in the last efforts to secure cloture before the Senate, it was cloture on my amendment to another bill. We just wanted a vote on our Social Security lockbox. If we had gotten that vote, and it had passed, the amendments that are being discussed today would have been in order to be brought.

So the notion we had previously denied anybody the opportunity to have any amendments is not accurate. That opportunity would have been presented. All we wanted was a chance to have a vote on this lockbox. That was in the previous effort, on the Senate version.

Now we are dealing with a House bill, and it is different in this context, but the impression created that somehow before there would have been no opportunity to present alternatives would not have been the case had we had a chance to vote on our amendment.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. ABRAHAM. I am going to yield on my time to the Senator from Wyoming, who has been waiting. I will be happy to if we have an opportunity, but I do want to yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Michigan for bringing this subject, his amendment, to the floor. We are talking about lockbox legislation. We are talking about Social Security, which is the bottom line. Lockbox is simply the first step to accomplish that. We have had in our agenda this year: Social Security, tax reform, education, and security for this country. These are the things we have been talking about and will, indeed, continue to talk about.

The two Senators from the other side of the aisle have spoken about excuses for not going forward with this bill. I can hardly understand it. They talk about amendments. They have 22 or 25 amendments designed to keep us from voting on the bill. That is why we are not doing amendments. We decided to move forward with something designed to ensure that Social Security surplus funds will be reserved for Social Security alone. There are lots of things involved, of course, in addition to Social Security. That is, if you like smaller government, if you like tax relief, if you would like to limit the amount of spending, then this is the way to do that and hold the spending to those funds that do not come from Social Security. So this helps us retain our commitment to smaller and more efficient government.

One only has to look at last year's omnibus appropriations to see this legislation is necessary, where $20 billion in nonemergency spending was taken from Social Security last year. The same thing will happen again unless we make a move to do something about it. Unfortunately, the Democrats have decided to filibuster this bill and not let it happen. Apparently they support these ideas of raiding Social Security for their big government agenda. I understand that. The President's budget raids the Social Security funds to the tune of $158 billion. That is where we are, absent this kind of movement.

We are, of course, dealing with everything from lockbox to fundamental Social Security reforms. Everybody knows the system is not sound; by 2014, Social Security begins to run a deficit. Obviously, there are a number of demographics that bring that about—the declining number of workers, their increased longevity, and the impending retirement of the baby boomers. There are three solutions to the problem: One is to raise taxes on Social Security, one is to reduce benefits of Social Security—neither of which is acceptable to most of us—and the third is to provide an increased rate of return on the investments we have.

I am not for raising taxes. There are better ways to do that. I certainly want, however, to do something with Social Security which will allow a certain part of those funds to be put in private accounts to be invested in the private sector to increase the returns so we strengthen Social Security. We cannot do that unless we set aside these funds.

I am amazed at the opposition to this. The President has been talking for 2 years and all he said was: Save Social Security; no plan, no effort, no movement.

Now we have a chance to take the first steps to do something. We have a plan that works to move us to save Social Security, and what do we have? Opposition by filibuster. It is amazing to me. I guess it is simply a defense of spending more for large government. I do not want to do that. Americans work hard for their money. They ought to have a say in how it is spent. Therefore, I urge we move forward with the first step in doing something about Social Security.

I yield the floor.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. THOMAS. No. We have used our time. I return it back to the Senator from Michigan.

Mr. LAUTENBERG. No questions, no speeches.

Mr. THOMAS. We can on the Senator's time.

Mr. LAUTENBERG. I will take 1 minute, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I say, I wonder whether our friends on the other side know they filled up the amendment tree as soon as they laid down yesterday's bill. What are they talking about when they say you can offer amendments, when they closed it? They know very well. This chicanery should not get past the public, I will tell you that.

Why should we not spend a little time? Filibuster? We have a half-hour available. I want the American public to know they think that is enough time to discuss Social Security and Medicare. That is what the public has to know. Not cut off the filibuster—what kind of filibuster is this? That is not even an pinkie-size filibuster.

That, I think, is important for the RECORD to reflect.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will respond to the Senator from New Jersey. The Senator from New Jersey knows if we get cloture on this bill, germane amendments would be allowed. So if what he is concerned about is Social Security and debating Social Security, germane Social Security amendments will be available. What will not be available are spurious amendments to make political points that have nothing to do with Social Security, such as what is being discussed by the Senator from North Dakota who wants to take non-Social Security money, non-Medicare money, and create a lockbox of general fund revenues for Medicare.

As the Senator from New Jersey knows, that has nothing to do with Social Security. It has nothing to do with lockboxing Social Security. It has nothing to do with lockboxing the Medicare trust fund. It is a tangential amendment aimed at making political points, having nothing to do with Social Security, as are the bulk, from my understanding, of the other amendments.

So in sincerity, I say to the Senator from New Jersey, if he really is concerned about Social Security and having an honest debate about Social Security and the amendments thereto, vote for cloture because he will have ample opportunity to have a plethora of amendments that deal with the issue of Social Security and the lockbox thereon.

So the demagoguery we have heard that somehow we are precluding debate on the most vital issue of the day is false. We are, in fact, providing a forum for a limited and narrow and focused discussion, absent political demagoguery, to talk just about Social Security.

So, if the Senator is truly concerned with the issue of Social Security and the preeminence of it as a policy issue, then he has the opportunity before him right now to vote for cloture so we can focus the agenda and the discussion on that very issue.

Second, I want to respond to the Senator from North Dakota who I think has offered a very reasonable concept, although I am not sure his charts follow through with that concept. The Senator from North Dakota suggested that we need to lockbox Medicare and suggested there were $650-some-odd billion to be lockboxed for Medicare. I do not know where he comes up with $650-odd billion that is in the Medicare fund surplus in the future. In fact, between the years 2000 and 2009, the net surplus in the Medicare trust fund is $14 billion. In the next 5 years the surplus will be $53 billion, but then it goes negative, from 2006 to 2009 $39 billion.

I am willing right now to coauthor a bill with the Senator from North Dakota to put a lockbox on the Medicare trust fund similar to the Social Security trust fund. But that is not what the Senator from North Dakota is saying. He would lead you to believe that is what he is saying, that we need a similar lockbox for Medicare as we have for Social Security.

Remember, the Social Security lockbox said Social Security money must be used for Social Security. A similar Medicare lockbox would be very simple: Medicare taxes must be used for Medicare.

Is that what the Senator from North Dakota has asked for? No, he has not. What the Senator from North Dakota said is all of the surplus in the future—the non-Medicare surplus, the non-Social Security surplus, the general fund surplus—has to be used for Medicare. That is what the Senator from North Dakota did. That is not what he told us, but that is what he did.

Why does he want to do that? Because he wants to take the general fund surplus—which many believe, if we have more money in the general fund than we need, we should provide tax relief to those who overpaid—and use it for Medicare.

I believe in the integrity of the Medicare program and the integrity of the Social Security program. They are funded specifically by taxes and spent within that trust fund. That is how we should fix Medicare, and that is how we should fix Social Security. We should not be borrowing from other areas any more than on the general Government side we should not be borrowing from Social Security and Medicare. It is honesty in budgeting. What happened a few minutes ago on the floor was not exactly the most forthright explanation of budgeting in this area.

What we are proposing is very simple. We have a surplus in Social Security, and if we do not lock it up and create hurdles for spending that money, there will be those, incredibly enough, who will use that money for other things such as, oh, wonderful things, including tax cuts. There may be some who want—I do not want to do tax cuts with Social Security money; I will not do tax cuts with Social Security money. You will not find any tax cut I will not vote for. I will vote for all of them, but I will not use Social Security money.

It puts constraints on us on this side of the aisle who would love to see tax cuts but will not use Social Security, contrary to what the Senator from New Jersey just said. You cannot use it for tax cuts and spending increases. That is all we say.

Let's make a downpayment on Social Security reform by not spending the money. It is as simple as that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. How much time do we have on our side, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes 21 seconds.

Mr. LAUTENBERG. I yield 4 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of S. 605, as amended.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 605

At the end of the bill, insert the following:

TITLE II—SOCIAL SECURITY FISCAL PROTECTION ACT OF 1999

SECTION 201. SHORT TITLE.

This title may be cited as the "Social Security Fiscal Protection Act of 1999".

SEC. 202. OFF BUDGET STATUS OF SOCIAL SECURITY TRUST FUNDS.

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 203. EXCLUSION OF RECEIPTS AND DISBURSEMENTS FROM SURPLUS AND DEFICIT TOTALS.

The receipts and disbursements of the old-age, survivors, and disability insurance program established under title II of the Social Security Act and the revenues under sections 86, 1401, 3101, and 3111 of the Internal Revenue Code of 1986 related to such program shall not be included in any surplus or deficit totals required under the Congressional Budget Act of 1974 or chapter 11 of title 31, United States Code.

SEC. 204. CONFORMITY OF OFFICIAL STATEMENTS TO BUDGETARY REQUIREMENTS.

Any official statement issued by the Office of Management and Budget or by the Congressional Budget Office of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices, shall exclude all receipts and disbursements under the old-age, survivors, and disability insurance program under title II of the Social Security Act and the related provisions of the Internal Revenue Code of 1986 (including the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund).

SEC. 205. REPOSITORY REQUIREMENT.

Notwithstanding any other provision of law, the Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in an amount equal to the redemption value of all obligations issued each month that begins after October 1, 1999 to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month. This section shall not be construed to require the Secretary of the Treasury to maintain an amount equal to the total social security trust fund balance as of October 1, 1999.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Republican Policy Committee talking points on S. 605 dated June 15.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RPC TALKING POINTS ON S. 605—HOLLINGS AMENDMENT TO SOCIAL SECURITY LOCKBOX

S. 605, a bill by Senator Hollings, which may be offered as an amendment to the Social Security lockbox bill, states in part: ". . . The Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month."

The Mechanics: In short, the Hollings Amendment would require the federal government to come up with cash equal to the amount of the Social Security trust fund balance—an amount which at the end of this fiscal year (FY 1999) is estimated by the Congressional Budget Office to be $857 billion.

The amendment would require an $857 billion payment on October 1, 1999. This money presumably would have to be borrowed—thus driving up interest rates to incredible levels—since that amount could not be raised through taxation in the next three months.

In addition, over the next 10 years (2000–2009), CBO estimates Social Security will run a surplus of $1.78 trillion. And so, the costs of this proposal are enormous.

The Costs: The desire to stockpile hard currency is more than just problematic—it is costly in both direct and indirect economic costs.

If this money were not used to pay down the public debt, the federal government would incur a cost of $467.8 billion over 10 years in lost debt service savings.

This stockpiling concept would also have implications for monetary policy. Without the Federal Reserve re-liquidating (i.e., issuing an equivalent quantity of money), the American economy (and thereby the world's) would come under severe deflationary financial pressure—slower economic growth. Of course, when the Social Security funds reentered circulation, the effect would be just the opposite—inflationary pressure from an over-supply of money.

In short, the Hollings amendment would not only have enormous costs for the federal budget, but for the American and world economy as well.

Mr. HOLLINGS. Mr. President, this blasphemy—and it is blasphemy—has to stop. The Republican Party fought Social Security. They cut all the benefits back in 1986, but still they do not learn. That is how they lost the Senate at that time. Now they have been trying to privatize and get rid of Social Security.

This is just another charade. The Senator from New Jersey is correct, we cannot offer an amendment, for the simple reason that when they laid their bill down, they filled up the tree, and, under that premise, you cannot offer an amendment.

My amendment, S. 605, would be relevant to this piece of legislation. It has been referred to the Budget Committee. You cannot make it more relevant than having it referred to that committee. S. 605 creates a true lockbox. We worked it out with Ken Apfel and the Social Security Administration where we pay an equal amount of those securities back into the Social Security trust fund.

What does the Republican policy committee say? They take the entire debt. Mr. President, I had no idea that the Republicans would admit to the fact that there is nothing in the lockbox. Actually, at the end of this fiscal year, by the end of September—this is June—we will owe Social Security $857 billion. Read the policy committee statement. They say:

> . . . the end of this fiscal year . . . is estimated by the Congressional Budget Office to be $857 billion.

They finally admit there is nothing in the lockbox. The intent of HOLLINGS in S. 605, and others who have cosponsored it, is to put some money in the lockbox; namely, the annual surpluses. I have juxtaposed the language in my legislation but I can tell you, you can see their intent by this Republican policy committee statement.

The 1994 Pension Reform Act says you cannot pay off your debt with pension funds. But they have been doing that, and their particular bill continues to pay down the debt with the pension funds. They have tried to do that under the ruse that it would be terrible by calling it, what? They call it stockpiling hard currency, and it is going to wreck the world economy.

I wish everybody would read the talking points of the Republican Policy Committee and this nonsense they have afoot. There is not any question that they intend to spend the money. They have one sentence in here:

> In addition, over the next 10 years . . . CBO estimates Social Security will run a surplus of $1.78 trillion. And so, the costs of this proposal are enormous.

Substitute the word "savings" for the word "costs." The savings to Social Security will be enormous if we pass S. 605. But their intent is that there be nothing in the lockbox.

The Senator from Michigan sits down there with his senior citizen picture. I am a senior citizen. I am not worried. STROM is not worried. We are going to get our money. It is the young baby boomer generation that the Greenspan Commission said set aside for—actually section 21 of the Greenspan Commission report—that should be worried. The law, section 13301 of the Budget Act, says to do exactly that. But they continue to put this shabby act on the other side of the aisle like they have a lockbox and they are trying to save Social Security Trust Fund monies, when they know full well there is nothing in the lockbox. The Republican Policy Committee said they are guaranteeing that nothing is ever going to be in that lockbox.

The PRESIDING OFFICER. Who yields time?

Mr. ABRAHAM. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. ASHCROFT. I thank the Chair.

Mr. President, I rise in support of the motion to invoke cloture on the Herger Social Security safe deposit box. This legislation will create a much-needed mechanism to protect Social Security surpluses from being spent on non-Social Security items.

We need this legislation because, despite his promises to save Social Security and to protect Social Security, the President keeps forwarding budgets which would take a massive bite out of Social Security.

We need this legislation. For example, under President Clinton's proposed budget, $158 billion from the fiscal year 2000 to 2004 budget will be diverted from debt reduction—which is getting the obligations of the country down so we can honor the responsibilities we have to Social Security—it will be diverted by the President, $158 billion, toward more spending. According to the Senate Budget Committee, that would represent 21 percent of the Social Security surplus over that period. In fiscal year 2000 itself, that represents $40 billion, or 30 percent of the surplus.

While President Clinton has been proposing that we spend the Social Security surplus, this Congress has been working to protect Social Security.

In March, I introduced S. 502, the Protect Social Security Benefits Act. This legislation, which the Herger legislation before us follows—very similar—called for the establishment of a point of order that would prevent the House and Senate from passing or even debating bills that would spend money from the Social Security trust fund for anything other than Social Security benefits or reducing our debt so that we have a better capacity to pay for Social Security.

In April, we passed a budget resolution that does not spend a dime out of the Social Security surplus. In addition to protecting the Social Security surplus, the budget resolution sticks to the spending caps from the 1997 balanced budget agreement. It cuts taxes and it increases spending on education and defense within those limits. That is the way we ought to operate in terms of protecting Social Security and setting priorities.

Folks may not understand the entirety of what it means to have a point of order. It simply means when a person proposes spending that would require us to invade the surplus of Social Security in order to cover the spending, a point of order can be raised and that proposal will be ruled out of order. In other words, when someone proposes invading Social Security, the Chair can say that is out of order, and we cannot debate it, let alone discuss it. We cannot vote on it unless we change the rules of the engagement, unless we set aside the rules. I do not think Members of this body are going to say we want something so bad that we are going to invade the retirement of Americans in order to get it. Not only is the point of order established, but it is a 60-vote point of order, meaning you have to have an overwhelming majority of the Congress in order to make sure that is done.

I believe this is the kind of durable, workable protection for the Social Security surplus that will make sure we do not continue what we have done for the last 20 years; and that is, to pretend that that money is available for spending on social programs, the normal operation of Government. We, as a result of that, boosted Government spending monumentally by acting as if the Social Security surplus was merely available for ordinary spending. It should not be. It should be protected. The Social Security surplus, therefore, should be the subject of the point of order called for in this measure upon which we will vote shortly.

This vote is all about protecting Social Security surpluses. It is a vote about making sure that the surpluses are not used to pay for new budget deficits or operations in the rest of Government.

The vote supporting the Herger plan should be bipartisan and unanimous. Think about what the vote was in the House of Representatives. In the House of Representatives, this vote was 416 to 12—416 to 12. That is an overwhelming endorsement. During the debate on the budget resolution, the Senate voted 99 to 0 in support of legislation to protect Social Security.

We are calling on every Senator to vote with us to pass the legislation implementing this unanimous resolution.

As I said, in addition, the House recently passed the Herger bill, 416-12. There is no reason that the Senators on the other side of the aisle should not join with us on this vote to protect Social Security.

I want to commend Congressman HERGER for his hard work in bringing the bill to the floor and obtaining such an overwhelming vote in favor of protecting Social Security. I hope that we can do the same on the Senate side and put this bill on the President's desk immediately.

We need to pass this bill because we need to implement procedures to protect Social Security now.

Social Security is scheduled to go bankrupt in 2034. Starting in 2014, Social Security will begin spending more than it collects in taxes.

Despite this impending crisis, over the next 5 years, President Clinton's budget proposes spending $158 billion of the Social Security surpluses on non-Social Security programs. We need to stop this kind of raid on Social Security.

We need to protect Social Security now for the 1 million Missourians who receive Social Security benefits, for their children, and for their grandchildren.

This provision will help do that, by making sure that Social Security funds do not go for anything other than Social Security.

Under this provision, Congress will no longer routinely pass budgets that use Social Security funds to balance the budget. A congressional budget that uses Social Security funds to balance the budget will be subject to a point of order, and cannot be passed, or even considered, unless 60 Senators vote to override the point of order.

One of the most important lessons a parent teaches a child is to be responsible—responsible for his or her conduct and responsible for his or her money. America needs to be responsible with the people's money.

The Herger bill, like the original Ashcroft point of order, will show the American people that we are being responsible, by protecting the Social Security system from irresponsible Government spending.

Americans, including the 1 million Missourians who receive Social Security benefits, want Social Security protected. This bill does what America wants, and what every Senator has said they want to do.

I urge my colleagues to join in support of this bill.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Does the Senator from Massachusetts want 3 minutes?

Mr. KENNEDY. Three minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, this is another case where the seniors and the young people of this country ought to look beyond the words to the real meaning of the program. We will have an opportunity to debate a Patients' Bill of Rights in the next few days, I hope. But we will have what is effectively a "Patients' Bill of Wrongs." It will be introduced by our good friends on the other side of the aisle as a "Patients' Bill of Rights", but it does not provide the protection.

And here we have another example of this, where we have an illusion that we are protecting Social Security. They say it, but they do not mean it, because the legislation effectively denies it. In reality, this Republican "lockbox" does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. In fact, it would do just the reverse. The sponsors of the legislation deliberately designed their "lockbox" with a "trapdoor." Their plan would allow Social Security payroll taxes to be used instead to finance unspecified "reform" plans. This loophole opens the door to risky tax cut schemes that would finance private retirement accounts at the expense of Social Security's guaranteed benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts in the future.

As has been pointed out by my good friends from New Jersey, South Carolina, and others here, this loophole undermines the protection of these resources that should be allocated to protect our senior citizens.

No matter how many times those on the other side say that this really does give them the insurance and that it really does provide the protection, as has been pointed out by speaker after speaker after speaker, it fails to meet the fundamental and basic test. Because of the "trapdoor," the Republican "lockbox" fails to provide protections for our senior citizens. It does not deserve the support of the Members of this body.

This Republican "lockbox" is an illusion. It gives only the appearance of protecting Social Security. In reality, it does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. It would, in fact, do just the reverse. The sponsors of the legislation deliberately designed their "lockbox" with a "trapdoor". It would allow payroll tax dollars that belong to Social Security to be spent instead of risky privatization schemes.

It is time to look behind the rhetoric of the proponents of the "lockbox." Their statements convey the impression that they have taken a major step toward protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their proposal would not provide even one additional dollar to pay benefits to future retirees. Nor would it extend the solvency of the Trust Fund by even one more day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. At best, that is all their so-called "lockbox" would do.

By contrast, the administration's proposed budget would contribute 2.8 trillion new dollars of the surplus to Social Security over the next fifteen years. By doing so, the President's budget would extend the life of the Trust Fund by more than a generation, to beyond 2050.

There is a fundamental difference between the parties over what to do with the savings which will result from using the surplus for debt reduction. The Federal Government will realize enormous savings from paying down the debt. As a result, billions of dollars that would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt service savings should be used to strengthen Social Security. I wholeheartedly agree. But the Republicans refuse to commit these savings to the Social Security Trust Fund. They are short-changing Social Security, while pretending to save it.

Currently, the Federal Government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next fifteen years, we can reduce the debt service cost to just 2 cents of every budget dollar by 2014; and to zero by 2018. Sensible fiscal management now will produce enormous savings to the government in future years. Since it was payroll tax revenues which make the debt reduction possible, those savings should in turn be used to strengthen Social Security.

That is what President Clinton rightly proposed in his budget. His plan would provide an additional $2.8 trillion to Social Security, most of it debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan. But Republican Member of Congress oppose it.

Not only does the Republican plan fail to provide any new resources to fund Social Security benefits for future retirees, it does not even effectively guarantee that existing payroll tax revenues will be used to pay Social Security benefits. They have deliberately built a trapdoor in their "lockdoor." Their plan would allow Social Security payroll taxes to be used instead to finance unspecified "reform" plans. This loophole opens the door to risky tax cut schemes that would finance private retirement accounts at the expense of Social Security's guaranteed benefits. If these dollars are expended on private accounts, there will be nothing left for debt reduction, and no new resources to fund future Social Security benefits. Such a privatization plan could actually make Social Security's financial picture far worse then it is today, necessitating deep benefit cuts in the future.

A genuine lockbox would prevent any such diversion of funds. A genuine lockbox would guarantee that those payroll tax dollars would be in the Trust Fund when needed to pay benefits to future recipients. The Republican "lockbox" does just the opposite. It actually invites a raid on the Social Security Trust Fund.

Repubican retirement security "reform" could be nothing more than tax cuts to subsidize private accounts disproportionately benefitting their wealthy friends. Pacing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy.

Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than fifty percent of their annual income. without it, half the nation's elderly would fall below the poverty line.

To our Republican colleagues, I say: "If you are unwilling to strengthen Social Security, at last do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits."

While this "lockbox" provides no genuine protection for Social Security, it provides no protection at all for Medicare.

The Republicans are so indifferent to senior citizens' health care that they have refused to reserve any of the surplus exclusively for Medicare. They call this legislation the "Social Security and Medicare Safe Deposit Box Act," but in fact they do nothing to financially strengthen Medicare. Rather than providing a dedicated stream of available on-budget revenue to Medicare, their proposal pits Medicare against Social Security in a competition for funds that belong to the Social Security Trust Fund. We all know that the dollars in the Social Security Trust Fund are not even sufficient to meet Social Security's obligations after 2034. There clearly are no extra funds available in Social Security to help Medicare. Their plan will do nothing to ease the financial crisis confronting Medicare. The Republican proposal for Medicare is a sham—and they know it.

By contrast, Democrats have proposed to devote 40 percent of the on-budget surplus to Medicare. Those new dollars would come entirely from the on-budget portion of the surplus. The Republicans have adamantly refused to provide any additional funds for Medicare. Instead, they propose to spend the entire on-budget surplus on tax cuts disproportionately benefitting the wealthiest Americans.

According to the most recent projections of the Medicare Trustees, if we do not provide additional resources, keeping Medicare solvent for the next 25 years will require benefit cuts of almost 11 percent—massive cuts of hundreds of billions of dollars. Keeping it solvent for 50 years will require cuts of 25 percent.

The conference agreement passed by House and Senate Republicans earmarks the money that should be used for Medicare for tax cuts. Eight-hundred billion dollars are earmarked for tax cuts—and not a penny for Medicare. The top priority for the American people is to protect both Social Security and Medicare. But this misguided budget puts Medicare and Social Security last, not first.

Democrats oppose this "lockbox" because we want real protection for Social Security and Medicare. Our proposal says: save Social Security and Medicare first, before the surpluses earned by American workers are squandered on new tax breaks or new spending. It says: extend the solvency of the Medicare Trust Fund, by assuring that some of the bounty of our booming economy is used to preserve, protect, and improve Medicare.

Our proposal does not say no to tax cuts. Substantial amounts would still be available for targeted tax relief. It does not say no to new spending on important national priorities. But it does say that protecting Medicare should be as high a national priority for the Congress as it is for the American people.

Every senior citizen knows—and their children and grandchildren know, too—that the elderly cannot afford cuts in Medicare. They are already stretched to the limit—and often beyond the limit—to purchase the health care they need. Because of gaps in Medicare and rising health costs, Medicare now covers only about 50 percent of the health bills of senior citizens. On average, senior citizens spend 19 percent of their limited incomes to purchase the health care they need—almost as large a proportion as they had to pay before Medicare was enacted a generation ago. By 2025, if we do nothing, that proportion will have risen to 29 percent. Too often, even with today's Medicare benefits, senior citizens have to choose between putting food on the table, paying the rent, or purchasing the health care they need. This problem demands our attention.

Those on the other side of the aisle have tried to conceal their own indifference to Medicare behind a cloud of obfuscation. They say their plan does not cut Medicare. That may be true in a narrow, legalistic sense—but it is fundamentally false and misleading. Between now and 2025, Medicare has a shortfall of almost $1 trillion. If we do nothing to address that shortfall, we are imposing almost $1 trillion in Medicare cuts, just as surely as if we directly legislated those cuts. No amount of rhetoric can conceal this fundamental fact. The authors of the Republican budget resolution had a choice to make between tax breaks for the wealthy and saving Medicare—and they chose to slash Medicare.

I urge my colleagues, on both sides of the aisle, to establish genuine lockboxes for both Social Security and Medicare. H.R. 1259 creates only the illusion of protecting these two landmark programs. It provides inadequate protection for Social Security and no protection at all for Medicare. We can do better than this.

I thank the Senator from New Jersey and yield back my remaining time to him.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. FITZGERALD. Thank you, Mr. President.

I will speak for a moment on this issue which has been of great concern to me. As many of you know, I come from a banking background. Bankers manage trust funds. I come from a business background where businesses, as you know, manage their employees' pension funds.

Congress has passed laws that make it illegal for any business man or woman in the private sector to reach into an employee's pension fund, take the money out, and spend it on some other program.

A few years back Congress passed laws making it illegal for State and local governments to plunder the pension funds of their employees. But during all this time, where Congress has put these laws on the books and made it illegal in the private sector and at the State and local government level to plunder pension funds, we have gone on and on in Washington taking all the money that goes into the Social Security trust fund, taking every dime of it out, and spending it on some other program.

As a result, as I speak now on the Senate floor, there is no money in the Social Security trust fund. All of it has been taken out and spent on other programs. They have put meaningless, nonmarketable, nonnegotiable securities in the Social Security trust fund, securities that have no economic value because they cannot be sold to raise cash.

Right now our Government is building up, theoretically, surpluses in the Social Security trust fund, but they are taking all that money out and spending it. So when we actually need it to pay benefits, beginning in the year 2014, there will be no money there. No matter what the balance of those bogus IOUs is in the Social Security trust fund, in the year 2014—whether that balance is $1 trillion or $5 trillion—they are of no assistance in paying benefits to those who depend on Social Security. The country will either have to raise taxes or cut benefits to make up for the shortfall that is anticipated after the year 2014.

This legislation is basic, decent common sense. We should not allow Congress to continue frittering away the Social Security trust fund. I urge all my colleagues to support it and end this outrageous practice of plundering the Social Security trust fund, to the detriment of our Nation's seniors and those who will be desiring to live on Social Security benefits in the next century.

Mr. LAUTENBERG. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I thank Senator LAUTENBERG for his leadership. What he did in the gun debate is expose that the other side had a sham bill which they said would promote sensible gun laws. He exposed that. He put forward the Lautenberg amendment, which eventually passed, that did something about the safety of our children.

He is doing it again today. He is ready to offer a real amendment to help our seniors, and he is not able to do it.

Let's face it—the Republicans admit it—Medicare is not included in their lockbox. The Senator from Pennsylvania, Mr. SANTORUM, accuses us of political demagoguery for pointing this out. To me, that is extraordinary. Because we want to offer an amendment to include Medicare in the lockbox, we are practicing political demagoguery.

Let's ask the average senior citizen if they need their Medicare. There is a beautiful picture of a beautiful couple next to our friend from Michigan. If they were sitting on this floor, I think he would lean over to her and say: Honey, I didn't know they were leaving out Medicare.

Let me tell you why. Because if you leave out Medicare, even if you do save Social Security—and that is not a fact in evidence in this lockbox; there are so many loopholes in it—and all of a sudden seniors have to pay $300 a month more for their Medicare, maybe even more, that will eat up their Social Security.

Medicare and Social Security are the twin pillars of the safety net for our retired people. Before Medicare, 50 percent of our seniors had no health insurance.

Put Medicare into the lockbox. Give us a chance. Vote down cloture. Let's have a debate that is worthy of this body.

Mr. ABRAHAM. Will the Chair tell us how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes 5 seconds, and the Senator from New Jersey has 2 minutes 14 seconds.

Mr. ABRAHAM. Mr. President, I will speak briefly.

I have to admit to a certain amount of confusion over the arguments about this debate from the other side. When we had what we termed to be a tough lockbox—and we believe it was, the Senate bill—we were told it was too tough. The Secretary of the Treasury sent a letter saying it should be vetoed; it is too tough, puts too many constraints on the Government.

Now we are using the House bill, which virtually every Member of both parties in the House voted for, and it is accused of being too easy, too loose, too many loopholes. I have a hard time figuring out what it will take to be a satisfactory lockbox.

If you look at the money that comes to the Federal Government and divide it into two categories, you have one category which is the money that goes into Social Security, on which we run a surplus, and all the rest of the money that comes to Washington. It seems to me there is a consensus on all sides that the money that goes into Social Security ought to not be spent on anything except Social Security. It seems to me we could pass that bill, and we could provide the seniors, who I have introduced to us today, with the security that all their Social Security money will be used for Social Security.

There is no consensus as to what to do with all the rest of the money that comes to Washington. That is why we have appropriations committees. That is why we have reconciliation bills. That is why we have annual budget debates.

It does seem to me a little bit odd, if everybody is in agreement that we ought to keep the Social Security revenues for Social Security, that we can't pass that bill but instead we have to have countless other debates going on about a variety of other spending priorities. Can't we at least agree that the Social Security money that comes for Social Security ought to be spent on Social Security?

To me, Mr. President, that is self-evident. All this other discussion increasingly must be an effort to thwart a debate on what to do with the Social Security surplus. To me, that debate ought to be simple. It ought to be used for Social Security.

Mr. President, I yield the floor. If you have any other speakers, we wanted to have the——

Mr. LAUTENBERG. The last word?

Mr. ABRAHAM. If you have somebody else who wants to speak, then we will go.

Mr. LAUTENBERG. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes 14 seconds. The Senator from Michigan has 3 minutes 40 seconds.

Mr. LAUTENBERG. Mr. President, we are in the final minutes of this debate. I wonder whether could we get unanimous consent to extend this debate by 10 minutes equally divided.

Mr. DOMENICI. It has been suggested that we not extend it.

Mr. GRAHAM. Mr. President, I strongly support measures that will create a financially solvent Social Security system for current and future beneficiaries.

I am pleased that the Senate is debating this issue, since the Trustees predict that in 2034 the current Social Security system will no longer be solvent.

However, the proposed lockbox in this legislation is not the way to make Social Security financially solvent for our children and our grandchildren.

The proposed lockbox reminds one of the 1980s—real efforts at fiscal discipline were ignored in favor for catchy slogans and irrelevant procedural changes.

As Congress fiddled, our budget burned. During the 1980s and early 1990s, the national debt quadrupled and the annual deficit reached almost $300 billion in 1992.

If we are going to create a lockbox, the Senate needs to develop one without any holes.

Unfortunately, the lockbox in the current proposal has several large holes.

It allows Social Security Surplus to be used for Social Security and Medicare Reform.

For instance, Social Security reform can mean different things.

Some of them do not mean achieving solvency of the Social Security system.

Social Security reform could mean creating individual retirement accounts.

Let's not allow the surplus out of the lockbox until we have "reform" that ensures solvency.

If I had been allowed, I would have offered an amendment that would use the Social Security surpluses to pay off the debt held by the public.

Only this action will truly ensure that the Social Security surplus is used to create a stronger economy.

Paying down the debt would lower long term interest rates.

Lower interest rates make it less expensive for the American public to borrow money.

The low cost of borrowing would encourage the American public to get loans that they could invest in new business ventures and in education.

The new economic activity and increased labor productivity derived from these activities will lead to increased economic growth.

More economic growth leads to increased FICA tax revenue which gives the Social Security Trust Fund more income and extends solvency.

This lockbox proposal that we are considering has numerous other holes.

The proposal focuses on securing the bank that will hold the Social Security surplus.

However, it does not secure the train that takes the money to the bank.

Jesse James, the famous American outlaw, used to rob banks and trains.

Like any good outlaw, he would steal money where it was easiest to do so.

If the bank was too secure to rob, he would rob the train that brought the money to the bank.

Congress' abuses of its emergency spending powers are similar to robbing the train that brings the Social Security surplus to bank.

The 1990 budget agreement specifically outlined a binding, multi-year deficit-reduction plan, along with a web of procedural controls to restrain federal spending.

That included rules on instances when Congress could escape those spending restraints to pay for emergency needs.

Unfortunately, this emergency safety valve is increasingly used to evade fiscal discipline.

What Washington believes to be a true "emergency" is decidedly different than what the average person probably thinks.

In the waning hours of last fall's budget negotiations, we passed a $532 billion omnibus appropriations bill.

Included in that bill was $21.4 billion in so-called "emergency" spending.

Without the emergency designation, Congress would have been required to offset each expenditure under the "pay-as-you-go" rule that is critical to maintaining fiscal discipline and balance.

Let's consider the numbers.

In 1998, the Social Security surplus was $99 billion.

$27 billion of that surplus was used to cover a deficit in the Federal operating budget.

An additional $3 billion was used to pay for emergency outlays.

All of a sudden, the $99 billion Social Security surplus was reduced to $69 billion.

In 1999, we are projecting a $127 billion Social Security surplus.

But we have spent another $12.6 billion for emergencies, reducing that surplus to $98 billion.

And even though we have not yet reached the 2000 fiscal year, we already know that emergency spending expenditures will reduce that year's Social Security surplus by $10 billion.

Our repetitive misuse of the emergency process continues to erode the Social Security Trust Fund.

Senator SNOWE of Maine and I have introduced legislation that would establish permanent safeguards to protect the surplus from questionable "emergency" uses.

Specifically, our legislation would do the following:

1. Create a 60-vote point of order that prevents non-emergency items from being included in emergency spending bills.

This will ensure that non-emergency items are subject to careful scrutiny.

2. Create a 60-vote point of order that will allow members to challenge the validity of items that are redesignated as "emergencies."

3. Require a 60-vote supermajority in the Senate for the passage of any bill that contains emergency spending.

This will serve as a "safety value" to ensure that there is strong support for a bill containing emergency spending even if neither of the proceeding points of order were exercised for any reason.

Mr. President, as we adjust to the welcome reality of budget surpluses—after decades of annual deficits and burgeoning additions to the national debt—we must never forget how easily this valuable asset can be squandered.

For too long, the Federal Government treated the budget like a credit card with an unlimited spending limit.

If our hard-won surpluses are going to be preserved, we have to prevent the abuse of emergency spending from taking over the budgetary process.

Too many instances of misuse will enlarge the hard task of identifying true emergencies and injure the credibility and original purpose of "emergency" spending.

Just as private citizens are warned against falsely dialing 911, Congress should be restrained from misusing its emergency spending powers. The next door wide open to raids on the surplus will be the one that passes on more debt—and a less secure Social Security system—to our children and grandchildren.

Mr. President, a "lockbox" is a good idea. But we can make this one stronger. We can control "emergency spending" so there will be money to put in the lockbox for future generations.

Mr. ENZI. Mr. President, I rise in support of the lockbox legislation being considered by the Senate. The Senate has tried to bring this important issue to a vote and begin changing the way people think about budget surpluses. Our House colleagues have passed their lockbox legislation and now it is up to the Senate to finish the job.

The source of the surplus is a rising inflow of Social Security payroll taxes. Under the current budget rules, this revenue is treated like revenue from any other source—it is put into the general fund and then spent. The lockbox would capture the difference between the inflows to the Social Security trust fund and the payment of benefits to current retirees—reserving it for the Social Security program only.

This debate is not only about preserving Social Security, but the entire concept of a balanced budget. In 1997, Congress passed the first balanced budget since 1969. We now have a surplus of $134 billion for fiscal year 1999 and forecasts show a combined surplus totaling $1.8 trillion over the next ten years. That gives Congress the opportunity to work on long term solutions to the fast approaching insolvency of the Social Security and Medicare programs. There are only 28 years remaining before Social Security is forecast to go broke. Medicare will be bankrupt in less than half that time. We must ensure that we capture as much of the surplus as possible to give Congress the ability to develop a new Social Security program that is actuarially sound for Baby Boomers.

Without the balanced budget, there would be no surplus to save. That goes for the spending caps, too. Without spending caps, there would have been no enforcement mechanism to prevent Congress from increasing the deficit. The spending caps were the tool that Congress used to ensure a surplus. The lockbox is another tool for fiscal discipline—like the spending caps—that will help ensure that the Social Security surplus is used for its stated purpose.

The Social Security surplus is not "found money." It is money that will provide income for retired Americans. The Administration that said it wanted to preserve every penny of the surplus for Social Security has decided that saving the program means spending $1.8 trillion on unrelated programs. Congress rejected the President's attempt to spend the surplus and double the national debt in the process. We must not spend money that is already earmarked for future Social Security beneficiaries. As an accountant, I have a hard time reconciling the President's plan to what I know about accounting. He wants to spend the same money he is claiming to save. You can't have it both ways—either you spend it or you save it. The lockbox saves it. Otherwise, the President forces us to spend it.

The lockbox legislation prohibits spending the surplus on anything but Social Security by requiring a 60 vote point of order against any legislation that spends the surplus. The legislation would also combine the lock with a second provision—the requirement that debt held by the public also decline by the same amount the Social Security surplus increases. That would save the Federal government about $230 billion a year in interest over the next 30 years. That is $230 billion that is available for national defense or even education. If we do nothing, the government will pay over $10 trillion dollars in interest over the next thirty years. The lockbox would help cut the national debt and ensure that future generations are not liable for the fiscal irresponsibility of past generations. It is the national debt that could become a significant roadblock to the economic security of the Baby Boomers. What will the children of baby boomers do when they have to spend all the U.S. tax revenues on Social Security and know that they will never see a penny of it. Would they revolt? Would they end Social Security? This is a reactionary generation coming up, what will their reaction be? The debt reduction provision of the lockbox legislation is the type of farsighted leadership that has been missing in years past. It is also this provision that has earned a veto threat from the President for that reason. It would prevent the President from increasing the national debt as well as the size and scope of government.

The Social Security lockbox will protect the Social Security surplus from wasteful spending and ensure that the money will be there to fulfill future obligations. Just as corporations are prohibited from spending their pension funds on regular business expenses, Congress should have the same restrictions on the Social Security surplus. If company executives handled pension funds like the current use of Social Security the executives would be in jail! The temptation to go back to the old tax and spending ways is too great if Congress has access to a growing pot of money. Congress must not go back to the old spending rules. Just because we have a surplus does not mean that the battle has been won. It means that we must continue to be watchful and ensure that the surplus continues to grow.

Last night, both Houses of Congress took up legislation that would spend the surplus on programs other than Social Security. The House of Representatives passed legislation that would spend $14.3 billion more than budgeted for airports. The Senate had a procedural vote to allow the consideration of legislation to give loans to the steel industry and small oil and gas producers. That money comes right out of the surplus. It is this type of action that the lockbox is designed to prevent.

The lockbox's time has come. Congress must not continue to pay lip service to the concept of preserving the Social Security surplus. We must take the bold steps necessary to ensure that the program is around for the long term. We must not use long term funds to satisfy short term wishes. I encourage my colleagues to vote in favor of this commitment.

Mr. LAUTENBERG. In the final minutes of the debate, I hope we can clear the air so that everybody understands what we are talking about.

There are these kinds of random accusations about demagoguing this issue, et cetera. We are not demagoguing the issue. It is very simple. We ought to be able to discuss it on the floor of the Senate without having the amendment tree filled up so you can't offer amendments, without having cloture offered the minute the bill is introduced, so that there is a lame suggestion there is a filibuster going on when there is no time, 1 hour equally divided—that is a filibuster? That is not a man-size filibuster at all. We have had filibusters that have taken 20 hours. So that is not a filibuster. It is all an excuse to lock out other opinion, controverting what is being presented to us.

Yesterday our good friend from Michigan said that we refused to let that bill go forward, that the Secretary of the Treasury said that we could go into default. That is what he said. We hear these descriptions that are ignored on the other side. We heard our friend from Illinois say that Social Security has these meaningless instruments to protect the trust fund. Meaningless? All they have is the full faith and credit of the United States. If any of you have any money, it says on there "full faith and credit," consider it meaningless, even if you have a lot of it.

This is a nonsense kind of discussion. What they are saying is there is nothing to increase Social Security's solvency being offered. Whatever surplus there is in Social Security stays with Social Security. We agree with that.

We want to take the non-Social Security surplus and use 40 percent of that to preserve Medicare. That is what we want to do. Our friends do not want to let us do that. They do not want to have the debate, and they do not want the American public to have their Medicare protected.

That is not where they are; they are at protecting it for tax cuts or other uses they find appropriate, not for what the American people want.

I assume that we are out of time, Mr. President?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ABRAHAM. Mr. President, I yield the remainder of our time to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, I commend Senator KENNEDY, because he offered an amendment. It is pending. I join him in that amendment. That amendment is germane, and it takes care of the entire argument about there being a loophole, because it takes the loophole out.

We didn't put the loophole in. The House did. The loophole is that the Social Security trust fund should be used only for Social Security. The House said it should also be used for Medicare.

Now, the good Senator from New Jersey is saying there are no amendments possible. This amendment could be called up after cloture, and it would take that part of it out and would leave it just for Social Security.

Now, senior citizens are hearing an argument that says we ought to protect both Medicare and Social Security in a proposal that is trying to take the Social Security fund and keep it for the future for senior citizens. One at a time, let's get it done. What is wrong with the other side of the aisle coming forth and debating keeping the Social Security trust fund for Social Security, not divert over and talk about Medicare, which is in committee being debated as to getting a bipartisan bill out of committee? We ought to wait for that to occur before we start talking about Medicare with Social Security.

Finally, the idea that this won't work and the notion that Senator DOMENICI in the past has said: Let's first pay off Medicare's responsibility, let me clear that up.

We were talking then about a huge cigarette tax. That is not before us. The cigarette tax was going to be spent by the President and by many on both sides of the aisle, to which I said: Before we do that, we ought to set it aside to see if Medicare needs it. That was a brand new tax.

Plain and simple, if the Democrats will cooperate, which they are not going to, we will bring before the Senate and have a debate: Do you want to put 100 percent of the Social Security trust fund aside and use it only for Social Security, or do you want to save 62 percent, as the President says, for Social Security? Incidentally, to the credit of Democrats in our committee, not a single one of them voted for the President's budget, not a single one. They voted for little pieces. Even they didn't think the President's ideas were correct. Frankly, from our standpoint, we stand ready, and we say to the American senior citizens: Put the blame where it belongs.

They didn't let us vote on a tough lockbox because it was too tough. We fixed it up to accommodate the Secretary; still too tough. The other side says: You can't get it done. Now we have one that is not as good, but significant, and now they say they want to take care of Medicare also.

We ought to get our priorities straight. We are debating a trust fund in the Senate for Social Security money. If they want to offer amendments to change that in some way, even after cloture, they can vote on those amendments. I repeat, Senator KENNEDY has handled it right. He put in an amendment already. That amendment says Social Security trust funds should only be used for Social Security. It takes Medicare out of the House bill. That is a good way to approach this legislation—not to stand up and say Republicans aren't doing anything. As a matter of fact, we came up with the toughest lockbox you could imagine. But we heard that it is too tough, too hard on future Americans, to hard on our debt, so we changed it some. Then the excuse was: We are not ready to vote on that; we need more amendments.

I think the American senior citizens know what we are trying to do. I hope they know what the Democrats are trying to do.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Several Senators addressed the Chair.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask that Sean McClusky, Curtis Rubinas, Dennis Tamargo, and Zachary Bennett of my staff be afforded floor privileges for the consideration of this legislation.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, once again, the Senate has the opportunity to do something meaningful for the American people; that is, to protect and strengthen both Social Security and Medicare for generations to come. I fear we may lose that opportunity in just a few moments.

Repeatedly, we have seen lost opportunities as we have debated this lockbox issue now for several months. Rather than allowing Senators to exercise their rights and offer amendments to improve a given piece of legislation, many of our Republican colleagues have opted for a take-it-or-leave-it approach. The losers in each instance are the American people. They know this behavior produces gridlock and partisanship and fails to address the problems and concerns faced by American families around the country. Yet, this is precisely the course the majority has chosen to follow on yesterday's so-called lockbox bill and again on today's version.

In both instances, our Republican colleagues have resorted to procedural tactics to deny Senators the right to offer even a single amendment.

The right to amend is a fundamental part of the legislative process and is particularly important given the nature of the bills before us yesterday and today. Both of these bills have flaws that, if addressed, could quickly lead to final passage of both. Neither the Abraham bill we considered yesterday, nor the House-passed bill we will soon be voting on, sets aside a single dollar for Medicare—not a dollar, not a dime. Nothing.

Democrats believe we should protect and strengthen both Social Security and Medicare. Republicans—at least some of them—can't seem to bring themselves to do anything to address the Medicare issue. Given a choice between Medicare and tax cuts, or just tax cuts, our Republican colleagues are choosing just tax cuts every time.

This position is particularly troubling given the state of Medicare's finances and the size of the projected on-budget, non-Social Security surpluses. According to OMB, we will have an on-budget surplus of $1.7 trillion over the next 15 years.

According to Medicare's actuaries, the Medicare trust fund is likely to go bankrupt in 2015—at the very time when large numbers of the baby boomer generation reach retirement age.

Large non-Social Security surpluses are within our reach while large problems are looming in Medicare. It seems only natural that we would try to set aside a portion of the $1.7 trillion in on-budget surpluses to help protect and reform Medicare. This is precisely the approach taken by Democrats in our alternative: pay down the debt and set aside resources for Social Security and Medicare as well.

If you look at the comments made by Republicans last year, you would think that they would join us now in our pursuit to protect both of these important programs. Just last year on this floor, Republican after Republican took the opportunity to tell us about the importance of saving Medicare.

Quoting one Republican Senator:

> What would we do if we had half a trillion dollars to spend? The obvious answer that cries out is Medicare. I think it is logical. People understand the President on "save Social Security first," and I think they will understand "save Medicare first." Medicare is in crisis. We want to save Medicare first.

So says a Republican colleague just last year.

These words, in various forms, were spoken by a number of our Republican colleagues. The only thing that has changed since then is the size of the non-Social Security surplus; it has grown considerably in the intervening period. Despite their words from last year and forecasts this year showing even larger surpluses—$1.7 trillion over the next 15 years—Republicans now resist setting aside a single dollar for Medicare.

Equally disturbing about the so-called Social Security lockbox is that it does not even truly protect Social Security.

Rather than lock away Social Security trust funds for Social Security benefits, the Republican bill allows Social Security funds to be tapped for anything they decide to call "Social Security or Medicare reform." Be careful of that word "reform" because under their proposal Social Security trust funds could be spent to privatize the program or, believe it or not, even to fund tax cuts. Not surprisingly, given this gaping loophole, the Washington Post described the latest Republican lockbox proposal as follows:

> This is phony legislation . . . . its purpose is to protect the politicians, not the program; and most of it is merely a showy restatement of the status quo. This is legislation whose main intent is to deceive and whose main effects could well be harmful.

So states the Washington Post.

Given the Republicans' so-called Social Security lockbox doesn't really lock anything away, one could easily conclude that the Post's characterization of the lockbox as "phony" is, if anything, too generous.

The lockbox proposal proposed by our colleagues on the Republican side is a collapsible box that could ultimately end the Social Security system as we know it today.

Very clearly, Democrats have long supported the idea of protecting Social Security, and we stand ready to work with our colleagues on the other side of the aisle today as well. But both the Senate and House bills need improvement. The Republicans have set up procedures to deny us the opportunity to make improvements. We are prepared to work with the majority when they decide to proceed in a bipartisan fashion and put good policy ahead of what they evidently perceive to be better politics.

That time has not come today, and I ask my colleagues, for that reason, to oppose the cloture motion.

I yield the floor.

Mr. ABRAHAM. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield myself time under leader time to conclude the debate. I realize we had notified Members we would be having a vote around 12:30, so I will not use the full 10 minutes. I will just use a portion of it.

I want to begin by commending and thanking Senator ABRAHAM and Senator DOMENICI for their leadership in this area. As always, Senator DOMENICI pays very close attention to how we proceed on the budget and what happens with the people's money. He is a very good custodian of the people's money, and he has provided real leadership in this area; and Senator ABRAHAM has been persistent.

What we are trying to do is very simple. It doesn't need a lot of explanation. We have the good fortune after many years of having not only a balanced budget but having a surplus. But an important factor is that the surplus is caused or provided by the FICA tax. It is Social Security revenue that comes in that gives us this surplus. The question is, What are we going to do with it?

There are a lot of really innovative, thoughtful Members in this and the other body who will surely come up with a variety of ways and say, well, this is an emergency, or that is an emergency, or we need to add more money here, or we need a tax cut somewhere else. Social Security taxes should go for Social Security, and only for Social Security—not for any other brilliant idea we may have. We need some way to lock that in.

I have talked to young people about this. I talked to my mother. Bless her heart. She is 86 years of age and is living in an assisted care facility, and is very dependent on Social Security. I have talked to people from Montana to Pennsylvania, and Missouri. It is overwhelming. People say: You mean, it doesn't already exist this way? You mean that money has been being used or could be used for somebody else? The answer is, it can be, unless we have some procedure, some way to put it in a lockbox.

Senator DOMENICI and Senator ABRAHAM had a tighter lockbox, one that would really be hard to get out of, and it would include the President in the lockbox. We ought to do it that way. But the Senate has indicated three times it does not want to do that. The House has passed overwhelmingly—I think with 415 votes, bipartisan votes—this procedure, this procedure that would allow or require a super vote of 60 votes in the Senate to use these funds for anything else.

That is all we are trying to do—just say that Social Security tax money should go for Social Security; that people support this overwhelmingly, probably at least in the 80 percentile.

As far as amendments, I would be glad to try to work to consider other amendments. I have asked for, and I presume we will be receiving, a copy of one amendment, at least, that Senator DASCHLE has discussed.

But the problem is, this is really simple. It is not complicated. We shouldn't be getting off into all kinds of other areas, which are very important. But Medicare should be dealt with as Medicare. We should have broad Medicare reform—not starting to piecemeal it or trying to attach it to Social Security.

That is why we want a clear vote. We want a straight vote. It is a simple procedure. Everybody can understand it. And we can move on and deal with other issues.

I urge my colleagues to vote for cloture. Let's get this done. Let's move on. We will have other opportunities to deal with other issues. It is something that is long overdue, and it is only the first step. The next step should be a tighter lockbox, and the next step beyond that should be not just more spending for Medicare but genuine, broad Medicare reform.

But, for now, let's protect Social Security. Let's vote for cloture, and let's pass this procedure.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

Trent Lott, Spencer Abraham, Rick Santorum, Gordon Smith of Oregon, Mike Crapo, John H. Chafee, Judd Gregg, Larry E. Craig, Rod Grams, Connie Mack, Frank Murkowski, John Warner, Slade Gorton, Fred Thompson, Michael B. Enzi, and Paul Coverdell.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 1259, an act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgeting enforcement mechanisms, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "no."

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays result—yeas 55, nays 44, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Harkin

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes.

The Senator from Maine.

Ms. COLLINS. I thank the Chair. Mr. President, I will be speaking off the time allocated to the Republican side. For the information of my colleagues who are waiting to speak, I do not anticipate taking more than 10 minutes.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1225 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

JUSTICE FOR WORKERS AT AVONDALE SHIPYARD

Mr. WELLSTONE. Mr. President, I rise today in solidarity with the workers at Avondale Shipyard in Louisiana, who exactly 6 years ago exercised their democratic right to form a union and bargain collectively.

They voted for a union because that was the only way they knew to improve their working conditions, conditions that include more worker fatalities than any other shipyard in the country, massive safety and health violations, and the lowest pay in the shipbuilding industry.

Unfortunately, Avondale and its CEO, Albert Bossier, have refused to recognize the union Avondale workers voted for back in 1993. For 6 years the shipyard and its CEO have refused to even enter into negotiations. According to a federal administrative law judge, Avondale management has orchestrated an "outrageous and pervasive" union-busting campaign in flagrant violation of this country's labor laws, illegally firing and harassing employees who support the union.

I met with some of the Avondale workers several weeks ago when they were here in Washington. What they told me was deeply disturbing. They told me about unsafe working conditions that make them fear for their lives every day they are on the job. They told me that job safety was the number one reason why they voted to join a union back in 1993. And they told me that Avondale continues to harass and intimidate workers suspected of supporting the union.

In fact, it appears that one of those workers, Tom Gainey, was harassed when he got back to Louisiana. Avondale gave him a three-day suspension for the high crime of improperly disposing of crawfish remains from his lunch.

The Avondale workers also told me that they are starting to lose all faith in our labor laws. For 6 years Avondale has gotten away with thumbing its nose at the National Labor Relations

Board, the NLRB. The Avondale workers said they are starting to think there is no point in expecting justice from the Board or the courts. And given what they have been through, I think it is hard to disagree.

> In February 1998, a Federal administrative law judge found Avondale guilty of "egregious misconduct," of illegally punishing dozens of employees simply because they supported the Avondale union. The judge, David Evans, found that Avondale CEO Albert Bossier had "orchestrated" an anti-union campaign that was notable for the "outrageous and pervasive number and nature of unfair labor practices."

In fact, Judge Evans found Avondale guilty of over 100 unfair labor practices. Specifically, Avondale had illegally fired 28 pro-union workers, suspended 5 others, issued 18 warning notices, denied benefits to 8 employees, and assigned "onerous" work to 8 others.

Judge Evans also found that, during public hearings in the Avondale case, Avondale's Electrical Department Superintendent, a general foreman, and two foremen had all committed perjury. He further found that perjury by one of the foremen appears to have been suborned, and he implied that Avondale and its counsel were responsible.

Avondale's intimidation of its employees was so outrageous, so pervasive, and so systematic that Judge Evans came down with a highly unusual ruling. He ordered CEO Albert Bossier to call a meeting with Avondale workers and personally read a statement listing all of the company's violations of the law and pledging to stop such illegal practices. Judge Evans further ordered Mr. Bossier to mail a similar confession to workers at their homes.

Finally, Judge Evans fined Avondale $3 million and ordered the shipyard to reinstate 28 workers who had been illegally fired for union activities. Pretty remarkable.

What is even more remarkable is that Avondale still hasn't paid its fine, still hasn't rehired those 28 workers, and still hasn't made any apology. Why not? Because instead of complying with Judge Evans' order, Avondale chose to challenge the NLRB in court.

Judge Evans' ruling concerned Avondale's unfair labor practices during and after the 1993 election campaign. A second trial was held this past winter on charges of unfair labor practices during the mid-1990s. Now the NLRB has filed charges against Avondale for unfair labor practices since 1998, and a third trial on those charges is scheduled to begin later this year.

This has been one of the longest and most heavily litigated unionization disputes in the history of the NLRB. After workers voted for the union in June 1993, Avondale immediately filed objections with the Board. But in 1995 an NLRB hearing officer upheld the election, and in April 1997 the Board certified the Metal Trades Council as the union for Avondale workers, once and for all rejecting Avondale's claims of ballot fraud.

At this point, you might think Avondale had no choice but to begin negotiations with the union. But they didn't. Avondale still refused to recognize the union or conduct any negotiations. So in October 1997 the NLRB ordered Avondale to begin bargaining immediately. Instead, Avondale decided to challenge the NLRB's decision in the Fifth Circuit Court of Appeals, and has succeeded in delaying the process for another two years, at least.

Safety problems at Avondale were the central issue in the 1993 election campaign. "We all know of people who have been hurt or killed at the yard," says Tom Gainey, the Avondale worker who was harassed after visiting Congressional offices several weeks ago. "That's one of the main reasons we came together in a union in the first place."

Avondale has the highest death rate of any major shipyard. According to federal records, 12 Avondale workers died in accidents from 1982 to 1994. Between 1974 and 1995, Avondale reported 27 worker deaths. The New Orleans Metal Trades Council counts 35 work-related deaths during that period. One Avondale worker has died every year, on average, for the past thirty years.

It doesn't have to be that way. Avondale's fatality rate is twice as high as the next most dangerous shipyards. And it's more than twice as high as its larger competitors, Ingalls Shipyard and Newport News.

Avondale workers have died in various ways, many from falling or from being crushed by huge pieces of metal. Avondale workers have fallen from scaffolds, been struck by falling ship parts, been crushed by weights dropped by cranes, and have fallen through uncovered manholes.

Avondale's safety problems are so bad that it recently got slapped with the second largest OSHA fine ever issued against a U.S. shipbuilder. OSHA fined Avondale $537,000 for 473 unsafe hazards in the workplace. OSHA found that 266 of these violations—more than half—were "willful" violations. In other words, they were hazards Avondale knew about and had refused to fix.

Most of these violations were for precisely the kind of hazards that account for Avondale's unusually high fatality rate. These 266 "willful" violations involved hazards that can lead to fatal falls, and three of the seven workers who died at Avondale between 1990 and 1995 died from falls. Didn't Avondale learn anything from these tragedies?

OSHA found 107 "willful" violations for failure to provide adequate railings on scaffolding. 51 willful violations for unsafe rope rails. 30 willful violations for improperly anchored fall protection devices. 25 willful violations for inadequate guard rails on high platforms. And 27 willful violations for inadequate training in the use of fall protection.

OSHA also found 206 "serious" violations for many of the same kind of hazards. "Serious" violations are ones Avondale knew about—or should of known about—that pose a substantial danger of death or serious injury.

This is what Labor Secretary Alexis Herman had to say about Avondale's safety problems: "I am deeply concerned about the conditions OSHA found at Avondale. Falls are a leading cause of on-the-job fatalities, and Avondale has put its workers at risk of falls up to 90 feet. The stiff penalties are warranted. Workers should not have to risk their lives for their livelihood."

OSHA Assistant Secretary Charles Jeffress said, "Three Avondale workers have fallen to their deaths, one each in 1984, 1993, and 1994. This inspection revealed that conditions related to these fatalities continued to exist at the shipyard. This continued disregard for their employees' safety is unacceptable."

And what was Avondale's response? True to form, Avondale appealed the OSHA fines. Avondale claimed that many of the violations were the result of employee sabotage. Avondale also tried to argue that the OSHA inspector was biased. In response, the head of OSHA observed that "it's very unusual for a company to accuse its own employees of sabotage, and it's very unusual for a company to attack the objectivity of OSHA inspectors."

OSHA had found many of the same problems back in 1994, the last time it conducted a comprehensive inspection of Avondale. In 1994 OSHA cited Avondale 61 times for 81 violations, with a fine of $80,000 that was later settled for $16,000.

There may be more fines to come. The OSHA inspection team will soon finish its review of Avondale's safety and medical records. This review was delayed last October when Avondale launched yet another legal battle to prevent OSHA from obtaining complete access to its records.

One of the Avondale workers who visited my office several weeks ago was there during the OSHA inspection, and told me how it happened. OSHA tried to inspect Avondale's Occupational Injuries and Illness logs. But Avondale refused complete access and, according to OSHA, "attempted to place unnecessary controls over the movements of the investigative team and their contact with employees."

When OSHA issued a subpoena for the logs, Avondale stopped all cooperation with OSHA and told the inspectors to leave the premises. OSHA had to go to New Orleans district court to get an order enforcing the subpoena.

The other main issue in the 1993 election campaign was pay and compensation. Avondale workers have long been the worst paid in the shipbuilding industry. They have the lowest average wage of any of the five major private shipyards. According to a survey conducted by the AFL–CIO, Avondale workers make 29 percent less than workers at other private contractors for the Navy, and 48 percent less than workers at the nation's federal shipyards. One Avondale mechanic, Mike Boudreaux, says, "It's a sweatshop with such low wages."

By way of comparison, look at Ingalls Shipyard, down the river in Pascagoula, Mississippi. The average pay at Ingalls is higher than the top pay at Avondale. Or look at wages in nearby New Orleans for plumbers, pipe fitters, and steam fitters. Their average wage is higher than the top pay at Avondale.

Avondale is also known for its inadequate pension plan. There are Avondale retirees with 30 years' experience who retire with $300 per month. And workers complain that they can't afford Avondale's family health insurance, which costs $2,000 per year. Avondale workers pay more for health care every week than Ingalls workers pay every month.

Unlike other shipyards, Avondale has had a hard time attracting workers, and inferior working conditions certainly have a lot to do with it. Avondale has responded to this labor shortage by using prison labor and importing workers from other countries. It imported a group of Scottish and English workers who were so appalled at the working conditions and low pay that they quit after three days. Nearby Ingalls shipyard, by contrast, has never had to import foreign workers on visas.

So why does Avondale pay so little? Because times are tough? Hardly. Avondale CEO Alfred Bossier has been doing quite well, thank you. In 1998, Mr. Bossier's base salary and bonuses totaled $1,012,410, up more than 20 percent from the previous year. His benefits increased to $17,884, up 73 percent from the previous year. And he got 45,000 shares of stock options, worth up to $1,927,791. The grand total comes to about $3 million.

Meanwhile, the average hourly production worker at Avondale earns less than $10 an hour—or around $20,000 per year. So Al Bossier brings home about 150 times the salary of the average hourly worker.

The obvious question is how can Avondale get away with such appalling behavior? How can it be so brazen? The answer is depressing. Avondale gets away with it because our labor laws are filled with loopholes. Avondale gets away with it because the decks are stacked against workers who want to improve their working conditions by bargaining collectively.

Avondale gets away with it because they have enough money to tie up the courts, knowing full well that organizing drives can fizzle out in the five or six or seven years that highly-paid company lawyers can drag out the process. When asked how Avondale gets away with it, one worker laughed and said, "This is America. It's money that talks."

There's one other reason why Avondale gets away with it, and this is something I find especially troubling. They get away with it because American taxpayers are footing the bill. The Navy and the Coast Guard are effectively subsidizing Avondale's illegal union-busting campaign. Avondale gets about 80 percent of its contracts from the Navy for building and repairing ships. If it weren't for the United States Navy, Avondale probably wouldn't exist. This poster child for bad corporate citizenship is brought to you courtesy of the American taxpayer.

This is a classic case of the left hand not knowing what the right hand is doing. On the one hand, the NLRB and OSHA find Avondale in flagrant violation of the law. On the other hand, the Navy keeps rewarding Avondale with more contracts. Avondale has gotten $3.2 billion in contracts from the Navy since 1993, when the shipyard first refused to bargain collectively with its workers.

To add insult to injury, Avondale is billing the Navy for its illegal union-busting. The Navy agreed to pick up the tab for anti-union meetings held on company time in 1993. Nearly every day for three months leading up to the union election, Avondale management called workers into anti-union meetings. Then they billed the Navy for at least 15,216 hours spent by workers at those meetings.

Some of these meetings were the same ones where Avondale illegally harassed and intimidated workers, according to Judge Evans. Yet the Defense Contractor Auditing Agency, DCAA, approved Avondale's billing as indirect spending for shipbuilding. And Avondale billed the Navy $5.4 million between 1993 and 1998 for legal fees incurred in its NLRB litigation.

When the Navy looks the other way as one of its main contractors engages in flagrant lawbreaking, it sends a message. When the Navy keeps awarding contracts to Avondale, when it pays Avondale for time spent in anti-union meetings where workers are harassed and intimidated, when it pays for the legal costs of fighting Avondale's workers, it sends a message. It sends the message that this kind of behavior by Avondale is okay.

When Avondale continues to beat out other shipyards for huge defense contracts, that sends a message too. It sends a message that this is the way you compete in America today. You compete by violating your workers' rights to free speech and free assembly. You compete by illegally firing and harassing your workers. You compete by keeping your employees from bettering their working conditions through collective bargaining.

And that message is not lost on other companies. They see what Avondale is getting away with, and they draw the obvious conclusions. The AFL–CIO's state director pointed to another Louisiana company that initially refused to recognize the union its workers had elected. "Part of it is they're following Bossier's lead," she said. "After all, the guy's been at it for five years [now six] and he still gets all the contracts he wants."

Under federal regulations, the Navy is required to exercise oversight over the $3.2 billion in contracts it has awarded to Avondale. And the Navy can only award contracts to "responsible contractors." The contracting officer has to make an affirmative finding that a contractor is responsible. Part of the definition of a "responsible contractor" is having a "satisfactory record of integrity and business ethics." So the Navy has to affirmatively determine that Avondale has a satisfactory record of integrity and business ethics.

Well, what exactly would qualify as an unsatisfactory record? Judge Evans ruled that Avondale management had orchestrated an "outrageous and pervasive" union-busting campaign consisting of over 100 violations of labor law and the illegal firing of 28 employees. OSHA has found 473 safety violations—266 of them willful—and fined Avondale $537,000, the second largest fine in U.S. shipbuilding history.

The AFL–CIO has asked the Navy to investigate Avondale's business practices, as a first step to determining what steps should be taken. That doesn't sound so unreasonable to me. In fact, it seems to me that the Navy ought to be concerned when its contracts come in late, as they have at Avondale. It ought to be concerned when a contractor's working conditions are so bad that it suffers from labor shortages.

And it seems to me the Navy ought to investigate whether a company found to have orchestrated an "outrageous and pervasive" campaign to violate labor laws is a responsible contractor. Or whether a shipyard found to have willfully violated health and safety laws 266 times is a responsible contractor.

The Navy says it cannot take sides in a labor dispute. But nobody is asking them to do that. The problem is that they already appear to have taken sides. When the Navy finances Avondale's union-busting campaign, when it pays legal fees for Avondale's court challenges, when it certifies Avondale as a responsible contractor with a satisfactory record of integrity and business ethics, and when it rewards Avondale with Navy contracts, the Navy appears to be taking sides.

What has happened at Avondale should give us all pause. The NLRB's general counsel acknowledges that the Avondale case exposes the many problems with the system, caused in part by budget cuts and procedural delays. "It's hard to take issue with the notion that it's frustrating that an election that took place five years ago [now six] still hasn't come to a conclusion. It's something we're looking at as an example of the process not being what it should be."

Indeed, the Avondale case exposes glaring loopholes in our labor laws that make it next to impossible for workers to form a union and bargain collectively. In fact, this case provides us with a roadmap for putting a stop to rampant abuses of our labor laws.

First of all, we need to restore cuts in the NLRB's budget so that defendants with deep pockets can't delay the process for years and years. But beyond that, we need to improve our labor laws so we can put a stop to abuses of the kind we've seen in the Avondale case.

We need to install unions quickly after they win an election, the same way we allow elected officials to take office pending challenges to their election. Why should workers be treated any differently than politicians?

In addition, we need to strengthen penalties against unfair labor practices such as the illegal firing of union organizers and sympathizers. And we need to ensure that organizers have equal access to workers during election campaigns, so that companies like Avondale are not able to intimidate their employees and monopolize the election debate.

Senator KENNEDY and I have introduced legislation that would do exactly that. Our bill—S. 654, the Right to Organize Act of 1999—would provide for mandatory mediation and binding arbitration, if necessary, after a union is certified. It would provide for treble damages and a private right of action when the NLRB finds that an employers has illegally fired its workers for union activity. And it would give organizers equal access to employees during a union election campaign.

The Avondale case sends a message to other companies and to workers everywhere, and it's the exact opposite of the message we should be sending. We should be sending a message that corporations are citizens of their community and need to obey the law and respect the rights of their fellow citizens. We should be sending a message that corporations who live off taxpayer money, especially, have an obligation to be good corporate citizens.

Avondale is making a mockery of U.S. labor laws and of the democratic right to organize. Instead of rewarding and financing the illegal labor practices of employers such as Avondale, I believe we should shine a light on these abuses and put a stop to them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

THE CALLING OF THE BANKROLL

Mr. FEINGOLD. Mr. President, in 1906, Wisconsin sent a new Senator to Washington, and this body and this Government have never been the same since.

From the moment he arrived, delivering powerful orations on the floor of this Chamber and taking on the most powerful interests in this country and all around the world, he became the stuff of legend. Of course, I am talking here about Robert M. La Follette, Sr., who was destined to become one of the greatest Senators in the history of this distinguished body. It is fitting that his portrait now hangs in the Senate reception room outside of this Chamber, along with just four other legendary Senators: Daniel Webster, Henry Clay, John C. Calhoun, and Robert Taft.

When he came to this body, La Follette was already known as an insurgent, and his arrival made more than a few of his colleagues nervous, including, of course, the Senate's leadership. At the time, because this was prior to the ratification of the 17th amendment in 1913, Senators were still appointed by State legislatures, and La Follette himself had been appointed to fill the office after he served as Governor of Wisconsin for 5 years.

By and large, however, the Senate of the early 1900s was dominated by the powerful economic interests of the day: the railroads, the steel companies, and the oil companies, and others.

Senator La Follette did not disappoint those in his State and across the country who looked to him to champion the interests of consumers, taxpayers, and citizens against those entrenched economic forces. The Senate in those days, if you can imagine this, had an unwritten rule that freshman Senators were not supposed to make floor speeches.

La Follette broke that rule in April of 1906. He gave a speech that lasted several days and covered 148 pages of the CONGRESSIONAL RECORD. Speaking on the most important legislation of the year, the Hepburn Act regulating railroads, La Follette discussed the power of the railroad monopolies and declared:

> At no time in the history of any nation has it been so difficult to withstand those forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body.

So La Follette offered amendments to try to make railroad regulation more responsive to consumer interests. His amendments lost, of course, but that was part of the plan. That summer he went on a speaking tour across the country. He described his efforts to change the Hepburn Act. And then he did something extraordinary and unprecedented: He read the rollcall on his amendments name by name. This "calling of the roll" became a trademark of La Follette's speeches. Its effect on audiences was powerful. You see, at the time Senators' actual votes on legislation were not as well known publicly as they are today. And then when Americans found out that their Senators were voting against their interests, they were shocked and they were angry.

The New York Times reported the following:

> The devastation created by La Follette last summer and in the early fall was much greater than had been supposed. He carried senatorial discourtesy so far that he has actually imperiled the reelection of some of the gentlemen who hazed him last winter.

La Follette's calling of the roll was part of an effort to expose corporate and political corruption. His view was that powerful economic interests controlled the Senate, preventing it from acting in the public interest. Then, in 1907, just a year after La Follette had come to the Senate, the Congress finally acted on legislation that had been under consideration since an investigation a few years earlier of insurance industry contributions to the political parties. That legislation, the Tillman Act, banned corporations from making political contributions in connection with Federal elections.

Today, over 90 years later, obviously much has changed in the Senate and in the country. For one thing, the votes of Senators are available almost instantly on the Internet and published regularly in the newspapers. Come election time, political ads remind voters regularly about our voting records. La Follette's idea that the public should know how its representatives have voted and it should hold those representatives accountable for their votes is well accepted in our modern political life.

The power of corporate and other interests in the Senate is still too strong. The nearly century-old prohibition on corporate political contributions is now a mere fig leaf made meaningless by the growth of soft money. Today, corporations, unions and wealthy individuals give unlimited—I repeat, unlimited—contributions of soft money to the political parties. While, technically, corporations still do not contribute directly to individual campaigns, they might as well be. Individual Members of Congress get on the phone and raise soft money for their parties, and that money is in turn targeted at congressional races. Some Members have set up so-called leadership PACs to accept soft money for use in their own political endeavors. Soft money has, once again, given corporations the kind of influence over this Congress that La Follette railed against on this very floor.

Since I have come to the Senate, I have noticed that we talk about the money that funds our campaigns and the influence on policy only a few times a year. That is when we are debating actual campaign finance legislation. It is almost as if the influence of campaign money on our business here is an abstract proposition, relevant only when we debate changing the way campaigns are financed. But we all know that the power of money in this body is much more pervasive and, I would say, insidious than that.

We know, if we are honest with ourselves, that campaign contributions are involved in virtually everything that this body does. Campaign money is the 800-pound gorilla in this Chamber every day that nobody talks about but that cannot be ignored. All around us and all across the country, people notice the gorilla. Studies come out on a weekly basis from a variety of research organizations and groups that lobby for campaign finance reform that show what we all know: The agenda of the Congress seems to be influenced by campaign money. But in our debates here, we are silent about that influence, and how it corrodes our system of government.

Mr. President, we can allow that silence no longer. In the tradition of my illustrious predecessor Senator La Follette, I am inaugurating a modern version of the Calling of the Roll. I will call it the "Calling of the Bankroll."

I don't expect to be listing votes or specific contributions to specific Senators, but I will be providing vital information, both to my colleagues and the public, as to how much money special interests are donating overall to candidates and political parties. I'll be providing a context for evaluating our debates on legislation, and I'll be doing it right here on this floor, and in the CONGRESSIONAL RECORD, for the convenience of the public and my colleagues.

I plan to Call the Bankroll from time to time here on the floor of this Senate as we debate significant legislation and at least until this body passes a campaign finance reform bill. This body can no longer ignore the 800 pound gorilla. I'm going to point him out sometimes when I speak on a bill, because I think we in the Senate need to face this issue head on. We cannot just pull our head out of the sand to discuss the influence of money on the legislative process once a year when we take up a campaign finance bill.

I am sure my colleagues are familiar with the old adage that is attributed to Otto von Bismark: "If you like laws and sausages, you should never watch either one being made." Well, we might not like to admit that campaign contributions are an ingredient of our legislation, but we know that they are. And the public knows too, although they might not know the details.

But it's those details which help the public see the big—and disturbing—picture of the influence of wealthy interests on our legislation.

It's time to illustrate clearly how our flawed campaign finance system, which corrupts our democracy, also affects our daily lives. The public has a right to this information—it has a right to know how the special interests have worked to influence legislation, and how that influence has had an impact on everything from defense spending to the Y2K problem, and just about everything in between.

I think this information should be part of our public debate on important legislation, and that's why I will Call the Bankroll from this floor. In fact I've already started to do this over the past few weeks on several occasions. For example, when we considered the Emergency Supplemental Appropriations bill, which included a rider to delay the implementation of new mining regulations, I called attention to the more than $29 million the mining industry contributed to congressional campaigns during the last three election cycles, and the $10.6 million the industry made in soft money contributions during the same period. During our debate over the Juvenile Justice bill, I noted the $1.6 million the NRA gave in PAC money in the last election cycle, and the $146,000 in PAC money Handgun Control gave during the same period. Just last month, when I argued for my amendment to the Department of Defense authorization bill concerning the Super Hornet, I included information about the more than $10 million in PAC and soft money contributions the defense industry made in the last cycle. I also pointed out during the debate on Y2K legislation that the computer and electronics industry gave close to $6 million in PAC and soft money in 1997 and 1998, while the Association of Trial Lawyers of America gave $2.8 million.

We have many difficult and important bills to work on this year, Mr. President: bankruptcy reform, financial modernization when it comes back from conference, a patients' bill of rights, and all of our spending bills. It won't be difficult, indeed it will be easy, to find examples in each of those areas of huge campaign contributions coming from industries and groups that are affected by our work. The bankruptcy reform bill itself is a prime example: The members of the National Consumer Bankruptcy Coalition—an industry lobbying group made up of the major credit card companies, and associations representing the nation's big banks and retailers—gave nearly $4.5 million in contributions to parties and candidates in the last election cycle.

The public deserves to know about this, Mr. President. It deserves to know about the campaign contributions these interests are giving us and our political parties at fundraisers—fundraisers that sometimes take place the night before or the night after we vote on bills that affect them.

Now Mr. President, I do not have any pride of authorship here, nor do I plan to lay out the whole picture of campaign contributions that might be relevant to our discussion of a bill. To the contrary, I encourage my colleagues to join this debate. And in particular I want to recognize the effort of my friend the Senator from South Carolina, who on Tuesday came to this floor during the closing debate on the Y2K bill, calling his own roll of the high tech companies that have made campaign contributions to this Congress.

If any of my colleagues feel that the contributions of a different industry or interest group should be highlighted, I encourage them to add that information to their remarks in this chamber. I will also welcome any corrections or additions that my colleagues might wish to provide. Nor do I believe that organizations that may have supported me should be exempt from the Calling of the Bankroll. Providing information about the contributions of any group or interest is welcome, and, more than that, it is critical to the purpose of this effort.

This information should be in the RECORD, and all Senators should be aware that these facts are in the RECORD as they decide how to cast their votes. It is time that the 800-pound gorilla of campaign money be made a part of our debate on legislation.

I look forward to the day when the Calling of the Bankroll will no longer be necessary; when this body has adopted bipartisan campaign finance reform legislation to ban soft money and to restore the vitality of the law banning corporate contributions to federal elections that was enacted in 1907, the year after Robert La Follette of Wisconsin came to the Senate.

Let me close with another quote from Senator La Follette's inaugural speech on the floor of the Senate. He was responding to the argument that public sentiment had been whipped into an unreasonable hysteria over the question of whether the railroads controlled the Congress. His words seem quite apt to me as a response to those who argue on this floor that we really have no campaign finance problem in this country—and that the media and the groups that support reform exaggerate the impact of money on the legislative process. He said:

> [I]t does not lie in the power of any or all of the magazines of the country or of the press, great as it is, to destroy, without justification, the confidence of the people in the American Congress. . . . It rests solely with

> the United States Senate to fix and maintain its own reputation for fidelity to public trust. It will be judged by the record. It can not repose in security upon its exalted position and the glorious heritage of its traditions. It is worse than folly to feel, or to profess to feel, indifferent with respect to public judgment. If public confidence is wanting in Congress, it is not of hasty growth, it is not the product of 'jaundiced journalism.' It is the result of years of disappointment and defeat.

Mr. President, the Senate must respect the public judgment and fix its reputation for fidelity to the public trust. It must let the solid bipartisan majority of this body that supports reform, work its will and pass a campaign finance reform bill this year. Until it does, Mr. President, I plan to Call the Bankroll. I'm going to acknowledge the 800 pound gorilla in this chamber, and I'm going to ask my colleagues to do the same. And then I'm going to see if we can't agree that it's time to show him the door.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Minnesota.

SUPPORT FOR CALLING THE BANKROLL

Mr. WELLSTONE. Mr. President, I would be proud, I say to my colleague, Senator FEINGOLD, to be his first recruit in calling the bankroll. I think it is extremely important. I also want to say, being a Senator from the Midwest, that we talk about the fighting La Follette, and we have a fighting RUSS FEINGOLD from the State of Wisconsin, who I think is the Bob La Follette of this Senate. I thank him for his focus on what I believe is a core issue.

Mr. President, how much time do we have on our side in morning business?

The PRESIDING OFFICER. Four minutes.

Mr. WELLSTONE. Might I ask, so that I know, if I suggest the absence of a quorum, does that time burn off on our part?

The PRESIDING OFFICER. The Senator has to get unanimous consent that the quorum call not be counted against you.

PATIENT PROTECTION ACT

Mr. WELLSTONE. Mr. President, I will take a couple of minutes, actually, to speak on our time. I want to make a connection between what my colleague from Wisconsin, Senator FEINGOLD, was saying about the mix of money and politics and all the ways in which big money undercuts representative democracy. I want to make a connection to a piece of legislation that we are trying to get out here on the floor, which is the Patient Protection Act. I say to my colleague from Wisconsin, who is calling the payroll, one of the things I want to do is maybe just come to the floor and present some data about contributions that come from parties on all sides of this question. But from my point of view, you have a health insurance industry that sort of really basically has made the effort to keep universal health care coverage and, for that matter, basic protection of patients, consumer protection, off of the agenda. I think it is our responsibility to put it back on the agenda.

I think we have reached a point in our country where the pendulum has swung too far in the direction of increasingly "corporatized" medicine, and it has become corporatized, bureaucratized. You have basically a few large insurance companies that own and control the majority of the managed care plans and, as a result of that, the consumers and the patients wonder where we fit in.

There are a series of Senators on the Democratic side—I certainly hope there will be an equal number on the Republican side—that are committed to bringing patient protection legislation to the floor. Some of my colleagues, such as Senators DURBIN, KENNEDY, I think BOXER, and certainly Senator DASCHLE have introduced a bill, and we were all speaking about this last night. We want to talk about ways in which there can be sensible consumer protection.

That is really what the issue is: Making sure our caregivers—our doctors and our nurses—are able to make decisions about the care we need as opposed to having the insurance industry decide; making sure you have a medicine that is not a monopoly medicine with the bottom line as the only line; making sure people don't find themselves, as employers shift from one plan to another, no longer able to take their child to a trusted family doctor; making sure families with children with illnesses are able to have access to the kind of specialty care that is the best care for their children; making sure there is an ombudsman program available so that advocates who are there, to whom people can go, do know what their rights are; making sure that when we have an external review process of the kind of decisions that are made, people have a place to make an appeal and they know the decision will be a fair decision—making sure, in other words, that we are able to obtain the best care for our families.

As I travel around Minnesota—and around the country, for that matter—I find it astounding the number of people, the number of families, that fall between the cracks. The number of people—even if you are old enough for Medicare, it is not comprehensive. Seniors from Minnesota can't afford the prescription drug costs. It does nothing about catastrophic expenses at the end of your life. If you are ill and you have to be in a nursing home, almost everything you make is basically going to be taken away; there will be nothing left.

That is one of the things that strikes terror in the hearts of elderly people—or people aren't poor enough for medical assistance, which is by no means comprehensive enough; or people aren't lucky enough to be working for an employer that can provide them with good coverage.

To boot, what happens right now is that people who have the coverage find that with this medicine that we have, it is just going so far in the direction of becoming a bottom-line medicine that consumers are basically left in the dust.

We want to have some sensible protection for consumers. We want to bring it to the floor of the Senate. And we want to have a debate on this legislation.

The majority party—the Republican Party—leadership has taken to the situation that they want to be able to sign off on amendments we introduce. But that is not the way it works. It not a question of some Senators telling other Senators what amendments are the right amendments to introduce. We should have the full-scale debate. We should be able to come out here with amendments. We should be able to come out here with amendments that provide consumers with more rights to make sure that people have access to the care they need; to make sure the decisions are made by qualified providers; to make sure the bottom line is not the only line; to make sure this is not an insensitive medical system; to make sure that people do not go without the kind of care they need. We want to do that.

We are committed to making this fight, and, if necessary, I think what you are going to see happen over the next week and beyond is that we are going to, one way or another, have a debate about this critically important issue.

As long as I am talking about health care, I would like to say also that I think the other central issue is the way in which the insurance industry is taking universal health care coverage off the table. We need to put it back on the table. I can't think of an issue that is more important to families in our country.

Mr. President, might I ask how much time we have left?

The PRESIDING OFFICER. The Senator has exceeded his time.

Mr. WELLSTONE. I thank the Presiding Officer for his patience. I ask unanimous consent, without anybody on the floor, that I be allowed an additional 10 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is a real pleasure, because one of the problems we have had out here on the floor of the Senate is not enough time to be able to focus on issues that are terribly important, that we really believe ought to be part of this debate and part of the discussion.

As long as I see the Chair, the Senator from Ohio, presiding, I would like to thank him for what I think is really his focus, or at least part of his work, which is the importance of what we do in making sure that, even before kindergarten, we do well by our children.

I would really like to say before the Senate that I hope we will get back soon to a focus on the family issue. I don't think it is all, I say to the Presiding Officer, Government policy. But I do think it is a combination of public sector and private sector and community volunteer work. It should be a marriage made in Heaven, where we really bring people together and we as a nation achieve the following goal. To me, this is the most important goal. I think this should be the central goal of the public policy of the Senate and the House of Representatives. I think this is where the Federal Government can matter, where we can be a real player: It is pre-K.

We ought to make it our goal that every child prekindergarten—she knows the alphabet, he knows colors and shapes and sizes; she knows how to spell her name; he knows his telephone number; and each and every one of them has been read to live; and each and every one of the children in our country comes to kindergarten and has that readiness to learn—they have, I say to the Presiding Officer, that spark of learning that he saw as Governor when he visited elementary school; they have that.

There are just too many children who, by kindergarten, are way behind, and they fall further behind, and then they run into difficulty.

I just want to say I really am disappointed that, in spite of all the studies, in spite of all the reports, in spite of a White House conference, in spite of all of the media coverage—and to a certain extent there is a part of me with some anger that says maybe in spite of the hype—that we have not centered our attention on what it is we could do here in the Senate and in the House of Representatives to enrich the lives of children in our country, to make sure that somehow we can renew our national vow of equal opportunity for every child. From my point of view, I think there is probably no more important focus.

If I were to think about the kind of issues we talk about all the time—solvency for Social Security; where are we going to be as a nation in 1050? Are we going to have a productive, high-moral, skilled workforce? What about Medicare expenses? How do we reduce violence in our communities, violence in homes, violence in schools, violence out in the neighborhood?—each and every time, I make the argument, the most important thing we could do would be to make an investment in the health and skills and intellect and character of our children. To me, that would start with pre-K.

The tragedy of it all—it is a tragedy because we are talking about people's lives—is we have not focused on that agenda at all. We don't even have but about 50 percent of the kids who qualify for Head Start receiving assistance; and, if it is early Head Start, pre-3-year-olds. I think it is naive. It is just a couple of percentage points. I don't think it is even 10 percent. If you move beyond low-income and you look at working families, we are lucky if 20 percent of the families that could use some assistance, some investment that would help them find good child care for their children, get any assistance at all. And then, if you move beyond that and you talk about the wages of child care workers, who do the most important work, it is deplorable the kind of wages we pay.

On the floor of the Senate, I argue that this ought to be our priority. I argue that it doesn't—it cannot make us comfortable that at the same time the economy is humming along, we have about one out of every four children under the age of three growing up poor, and about one out of every two children of color under the age of three growing up poor in our country. We ought to make that a big part of our agenda—children's education, health care coverage, patient protection rights, universal health care coverage.

Finally, I will finish by going back to what Senator FEINGOLD said.

I will make sure he is not lonely and out here alone. I will help him call that bankroll, because we ought to put reform right at the top of our agenda.

We ought to talk about the mix of money and politics. We ought to talk about the ways in which big money dominates politics. We ought to understand the fact that the reason people have become disillusioned with politics is not because they don't care about the issues that are important to their lives. People care deeply and desperately about being able to earn a decent living, giving their children the care they deserve and need, about livable communities, and about being able to do well by their kids. People care about all those issues and more. They care deeply and desperately.

However, they also believe that their concerns are of little concern in the Nation's Capitol, where politics is so dominated by the big money, by the investors, by the givers, by the heavy hitters. They believe if you pay, you play; and if you don't pay, you don't play.

We ought to make reform and the way money has turned elections into auctions and severely undercutting representative democracy, where each and every man and woman should count as one and no more than one—that is not the case—we ought to make that the central issue.

I heard Senators FEINGOLD, DURBIN, BOXER, KENNEDY and Senator DASCHLE speaking. We intend to bring these issues to the floor, along with one other issue that is near and dear to my heart: That is what has now become an economic tragedy—family farmers are being driven off the land. When will they get a fair price? When will they have a fair and open market? When do we take action against the conglomerates that basically dominate the market? When do we take antitrust action?

I heard my colleague talking about Senator LaFollette. When do we take on the economic interests? When will we be there on the side of children, on the side of education, on the side of decent health care, on the side of reform, on the side of working people, on the side of producers?

We ought to be there. All these issues are interrelated. These are the issues that we will insist be part of the agenda of this Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Missouri.

SMALL BUSINESS COMMITTEE'S E-COMMERCE FORUM

Mr. BOND. Mr. President, over the past several weeks, much of the discussion and debate in the Senate has focused on high technology and its impact on our everyday lives, particularly with regard to its pivotal role in our economy. We heard about the potential problems related to Y2K computer failures and the need to guard against unreasonable liability in the event that Main Street small businesses, through no fault of their own, become the targets of frivolous lawsuits. In short, we have been preoccupied with the dawn of the 21st century and what we can do to help sustain the robust economic growth that has been fueled by as many remarkable breakthroughs in computer technologies and computer-related services as we could possibly imagine.

Last Thursday, a new reality dawned when I saw a copy of a study on electronic commerce, or e-commerce as business conducted over the Internet is known. Many Members got a jolt from the story entitled "Net's Economic Impact Zooms." A study shows $301 billion was generated in revenue in 1998, and it produced 1.2 million jobs. The findings were reported in the USA Today and were drawn from a study conducted by the Center for Research and Electronic Commerce at the University of Texas and Cisco Systems.

Frankly, I, too, was shocked but in good company because the figures exceeded the wildest expectations of the experts. To add a little more perspective from that study, consider that from 1995 to 1998 the new Internet economy grew 174 percent, compared to the 3.8 percent growth in the world economy as a whole. The Internet economy alone ranked among the top 20 economies worldwide. More importantly, this awe-inspiring growth, packed into just a few short-years, stands almost toe to toe with the economic horsepower generated by the Industrial Revolution.

The onslaught of e-commerce and the Internet puts us in the same position as the snail who was run over by a turtle. When interviewed about it, he said: It all happened so fast I never saw it coming.

We are working hard to see if we can work with small businesses to help them see it coming. E-commerce is leading a new business revolution, from Wall Street to Main Street. In my view, there simply is no more potent force at work in the economy with the equal potential to propel nearly every business into the 21st century.

As chairman of the Senate Committee on Small Business, it is my pleasure to work with my colleagues on both sides of the aisle to take care of and to be concerned about whether small, independent, family-owned, and home-based businesses are adequately prepared to be full partners in the remarkable growth potential that the Internet economy holds.

Some folks may assume that the rapid development of new technologies has given Main Street America the tools to compete more effectively, but the unanswered question is whether the technologies readily available to small businesses are truly up to the challenge.

Yesterday, in the Senate Committee on Small Business, we held a forum entitled "e-commerce: Barriers and Opportunities for Small Business." We had a blue-chip panel of experts in high-tech computer and software companies and business leaders representing over 20 trade groups to identify and target barriers keeping Main Street businesses from expanding into e-commerce.

We were joined by several of the companies that are leading the charge in pushing back the rise of the Internet economy, including an Internet service provider from my home State of Missouri, Primary Network of St. Louis.

It was an exciting and informative session considering the potential growth e-commerce will undoubtedly spark for many years to come. One of the participating companies, CyberCash, unveiled new research specifically for yesterday's forum projecting e-commerce business will generate another million jobs over the next 2 years. Those are conservative estimates.

Another study from the firm, Cyber Dialogue, shows that many small businesses are already taking advantage of e-commerce-based markets. That study says over 427,000 small businesses added web sites and sold $19 billion worth of products and services over the Internet in the last 12 months, a 67-percent increase since early 1998.

Unfortunately, not all the news was good. According to the American City Business Journals and the Network of City Business Journals, only 10 percent of small businesses have a web site today and only 32 percent have access to the Internet. That suggests both a disconnect and, at the same time, an incredible opportunity for Main Street America and for the suppliers of the equipment and services.

What is more, we were reminded that for many small businesses you have to be prepared to deal with a 24-hour-a-day, 7-day-a-week business. Some small businesses have difficulty raising the capital and acquiring the knowledge to survive in such a dynamic business area. Research has shown that even major companies have been slow to realize the potential, and many are now working hard to regain market shares they lost.

Today, thanks to the cutting-edge expertise and the information provided at yesterday's forum, we are a little wiser about the Internet economy. We know that e-commerce can be economic TNT. I think Congress has a duty to make sure that as many independent, family-owned and home-based businesses as possible are not at risk of being left behind in this worldwide business revolution.

I am deeply grateful to the occupant of the Chair. His subcommittee of the Senate Committee on Appropriations has approved a $1 million earmark we asked for to allow the Small Business Administration's Office of Advocacy to begin a study of the potential of e-commerce for small business. We are going to ask the Office of Advocacy to develop a web site to help small businesses who want to do business with the Federal Government.

Make no mistake, the Internet economy is a train that has already left the station and it is picking up speed by the minute. I look forward to working with my colleagues, both in the committee and in this broader body, to help Main Street America climb on board.

I look forward to pursuing this effort. We are outlining just a few steps we will take on the Senate Committee on Small Business. We welcome ideas, participation and suggestions from other colleagues. We invite all Members of the Senate to join in making sure that the smallest businesses in the United States have access to this tremendous engine of economic growth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ELECTRONIC COMMERCE

Mr. SANTORUM. Mr. President, I compliment the Senator from Missouri for his excellent work on the Small Business Committee in a very important area—the dramatic growth in electronic commerce and the ability of small businesses to participate in that. We hear so much about the family farm and the small business community being in jeopardy. As we transition in this economy, to have a chairman of the Small Business Committee who is on top of that and working to integrate the advances in electronic commerce with our small business community, and to make those advances available to them is very important. I congratulate him on that, and Senator MACK and Senator BENNETT of the Joint Economic Committee for a series of hearings this week in the area of technology and its impact and continued potential impact on our country and on our economy and the world economy.

These are the things, frankly, we do not do enough of around here, looking at the future to see how we can adjust our public policy to alleviate not just what the problems are or what the problems were that have been with us but how, through innovation, we can form the future to alleviate those problems.

So I am very pleased we are focusing in on the future as opposed to just dealing with the current important problems; not looking through the rear-view mirror instead of looking in front at the opportunities ahead us.

THE ENERGY AND WATER APPROPRIATIONS BILL

MR. SANTORUM. Mr. President, I rise to thank the chairman of the Energy and Water Subcommittee on Appropriations, Senator DOMENICI, for agreeing to an amendment I offered to restore $25 million of money for the Lackawanna River levee raising project in Lackawanna County, near Scranton, PA. That is a critical project to the people in Greenridge and the Albright Avenue sections of Scranton, who have suffered immeasurable loss in prior floods, which is a chronic problem in the Lackawanna River area. All of Lackawanna and the counties in northeastern Pennsylvania have had terrible problems with flooding. This is a critical project and one I have to commend Congressman Joseph McDade for his work, before he left here, in getting that money.

I just cannot tell you how much I appreciate Senator DOMENICI's willingness to restore that money into this bill so we can tell the people up in Scranton that money will be there, that money is there to raise the levee, to prevent the damage that could be caused by future high waters on the Lackawanna River.

I know it was a very difficult thing for Senator DOMENICI to do. I again want to tell him how much I appreciate his willingness to do that. I know Senator SPECTER was on the floor here a couple of days ago expressing a similar concern, so I think I can speak for Senator SPECTER. We are both very grateful the Senator has agreed to restore that money so we can tell the people up in Scranton that money will be there, the levee will be built, and there will be money in the pipeline and it will be available whenever that money is needed to raise that levee.

THE SOCIAL SECURITY LOCKBOX

Mr. SANTORUM. Mr. President, finally I want to comment on the vote we just had on the lockbox. I have to say I am puzzled and disappointed at the unanimous opposition by Senate Democrats to a proposal that passed with 416 votes in the House. Obviously, almost every House Democrat—all but 12—voted in favor of this measure, a measure which obviously has broad bipartisan support and, as many have stated in the House and the Senate, one that is a first step toward dealing with the long-term problems of Social Security.

The first step is very simple. We have a surplus. Do not spend it on things other than Social Security; save it for Social Security. We are eventually going to have to do Social Security reform. We are going to have to strengthen it and save it for future generations. It runs out of money in the next 15 years, so we are going to have to do something. We have surpluses building up which are now just being borrowed by the Government and spent on other things. We have had that happen for the past 20 years.

We are now in a unique position. We are close to an on-budget surplus. We are not quite there, but we are very close to an on-budget surplus, non-Social Security surplus. So we have the Social Security money which will go to save Social Security by reducing the Federal debt unless we spend it. In a sense, all this lockbox does is say: Don't spend the money. Don't come up with new ideas and new ways to spend Social Security.

We are not asking anybody to cut anything. That is one of the most remarkable things about it. We are not asking the other side to cut money to make sure the money is there for Social Security. All we are saying is don't spend more. That is why it received bipartisan support in the House.

We hear so much talk on both sides of the aisle about how we have to save Social Security first, how Social Security is the highest priority, how we have to make sure money is there for future generations. In fact, in the budget vote just a couple of months ago, we had a 100-to-nothing or 99-to-nothing vote that we need to save Social Security; we are not going to spend that money in the trust fund. That was just a sense of the Senate. In other words, the first had no binding effect in law.

Now the mechanism comes along that says if we are going to pass a bill that is going to spend Social Security surpluses, we have to have a separate vote where we have to stand up before the clerk and say: Yes, I will spend the Social Security surplus on this.

There is no such vote that has to be cast right now. This will set up a point of order where every Member of the Senate has to say to the people back home: I want to spend Social Security money on this, because I think it is more important than Social Security. That is all this point of order does.

There are points of order out there on spending, but there is nothing clear. There are points of order whereby you can challenge something if it breaks the budget point of order or this and that, and people run out and say it is really not Social Security. You can dance around it. You can spin it back home. There are lots of folks very good at spinning. The wonderful thing about this provision is you cannot spin it. It is what it is. It is a vote that says we will spend the Social Security surplus on this. That will have, I believe, the greatest impact—in this body and the other body, and in particular the other end of Pennsylvania Avenue, the President—on controlling our willingness to raid the Social Security trust fund for the demands of spending today. Or, for that matter, the demands of tax cuts today. I want to add, it is not just a governor on those, principally on the other side, who want to spend more. It is also a governor on those on this side who want to cut more taxes.

As I said before, there is no tax cut I will not vote for, just about. But I am not going to do it out of the Social Security surplus. We will do it out of the general fund where the taxes are paid in. If people are paying in too much in the general fund, give them a tax cut, if we can. I will vote for it. If we can cut spending in the general fund to pay for a tax cut, I will vote for it. But I will not fund a tax cut out of Social Security funds, and that is what this says.

While on the first vote on cloture many Democrats will vote no as a matter of principle, I am hopeful they will understand this is a bill that has consensus, that can be signed, that can put real restraints on our ability and the President's ability to spend the Social Security surplus and, hopefully, we will reach a point where we can have bipartisan consensus on this, because Social Security is simply too important to continue to play political games.

I think what we have seen here is all the rhetoric says: Yes, we agree; yes, we agree. But when it comes down to casting the vote, what we have is this spurious argument, "You are not letting us amend it," which I find is quite remarkable because, if you look at the amendments, they have virtually nothing to do with Social Security.

In fact, I have not seen all the amendments, but those I have been made aware of have absolutely nothing to do with Social Security. They all have to do with what we do with the general fund surplus, and that is the non-Social Security, non-Medicare surplus.

We have on a bill, which is focused on Social Security, on how we save Social Security, an attempt to bring in a whole lot of other issues to clog up this issue, to bog it down, and, in my mind, to try to destroy any chance of this ever becoming law.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. SANTORUM. I will be happy to yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I was listening to the Senator from Pennsylvania as I was coming through the Chamber. I want to propound a question.

I do not think there is much disagreement in this Chamber as to whether anybody ought to put their mitts on the Social Security funds. Those are dedicated taxes that go into a trust fund and should only be used for Social Security. I must say, several years ago, we had an incredible debate in this Chamber on amending the Constitution. It was the case that those who wanted to amend the Constitution to require a balanced budget were saying, put in the Constitution a provision that puts the Social Security funds, along with all other operating revenues of the Federal Government, into the same pot. Many of us were very upset about that and stood on the floor day after day saying that was the wrong thing to do; you ought not put them in the same pot.

Mr. SANTORUM. I will respond to that. It is a far different thing to put a Government program—and I do not know of any Government program that exists, with maybe the exception of defense, but defense has changed over time—in the Constitution of the United States and say we are going to set up this Federal program that must be, in a sense, left alone when future Congresses, as I certainly hope will occur, will be making adjustments to that program.

In fact, 200 years from now, who knows what this country is going to look like. It may, in fact, want to do something completely different than what we have in mind today. I think that was the concern of a lot of us. If we were going to start enshrining Government programs in the Constitution, that is a fairly dangerous precedent, and I think a lot of us had real concerns about that.

At the same time, there was broad sympathy that we do need during this time of surplus, because it is not going to be forever that the Social Security surpluses will be there, as the Senator knows because, again, things change—for this time period, we can lock this away and do it by legislation, in this case a point of order.

As the Senator knows, 15 years from now, that provision in the Constitution would work almost in some respects against Social Security because they would be running a deficit. As the economics of Social Security change, enshrining that in the Constitution I do not think is in the best interest of Social Security. Here we can react to what is a surplus situation and make sure that it is protected from raids.

What will happen in the future is that it will be a deficit situation, and there may be a different dynamic that goes on with respect to that, which I do not think the Constitution would provide for.

The PRESIDING OFFICER. The leader's time has expired.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

The Senate resumed consideration of the bill

Pending:

Domenici amendment No. 628, of a technical nature.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, in a couple minutes, we will be in a position where, after a few remarks, Senator JEFFORDS has one remaining issue.

There is a package of amendments, which is already at the desk. This unanimous consent request has been checked with the minority and is satisfactory with them.

AMENDMENTS NOS. 637, 638, 639, 661, 643, 630, AND 633, EN BLOC

Mr. DOMENICI. Mr. President, there are a number of amendments that have been cleared on both sides. I ask unanimous consent that the following amendments be considered en bloc: Nos. 637, 638, 639, 661, 643, 630, and 633. I further ask unanimous consent that the amendments be agreed to and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 637, 638, 639, 661, 643, 630, and 633), en bloc, were agreed to, as follows:

AMENDMENT NO. 637

(Purpose: To provide funds for development of technologies for control of zebra mussels and other aquatic nuisance species)

On page 8, lines 7 and 8, strike "facilities:" and insert "facilities, and of which $1,500,000 shall be available for development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities:".

AMENDMENT NO. 638

On page 8, line 12, insert the following before the period: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial".

AMENDMENT NO. 639

(Purpose: To make a technical correction providing construction funds for the Site Operations Center at the Idaho National Engineering and Environmental Laboratory)

Title III, Department of Energy, Defense Environmental Restoration and Waste Management, on page 26, line 2 insert the following before the period: "*Provided*, That of the amount provided for site completion, $1,306,000 shall be for project 00–D–400, CFA Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho".

AMENDMENT NO. 661

(Purpose: To clarify usage of Drought Emergency Assistance funds)

At the end of Title II, insert the following new section: SEC. . Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in compliance with existing state laws and administered under state water priority allocation. Such leases may be entered into with an option to purchase, provided that such purchase is approved by the state in which the purchase takes place and the purchase does not cause economic harm within the state in which the purchase is made.

AMENDMENT NO. 643

At the appropriate place add the following: "*Provided further*, That the Secretary of the Interior may provide $2,865,000 from funds appropriated herein for environmental restoration at Fort Kearny, Nebraska."

AMENDMENT NO. 630

(Purpose: To strike the rescission of appropriations for the Hackensack Meadowlands flood control project, New Jersey)

On page 37, strike lines 20 and 21.

AMENDMENT NO. 633

(Purpose: To strike the rescission of appropriations for the Lackawanna River project, Scranton, Pennsylvania)

On page 37, strike lines 25 and 26.

AMENDMENTS NOS. 629, 631, 634, 642, 645, AND 646, AS AMENDED, EN BLOC

Mr. DOMENICI. Mr. President, I further ask unanimous consent that six second-degree amendments, which are at the desk, to amendments Nos. 629, 631, 634, 642, 645, and 646 be considered agreed to; that the first-degree amendments be agreed to, as amended; and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 629

(Purpose: To make funds available for the University of Missouri research reactor project)

On page 22, line 7, before the period at the end insert ", of which $100,000 shall be used for the University of Missouri research reactor project".

AMENDMENT NO. 672 TO AMENDMENT NO. 629

(Purpose: A second degree amendment to the Bond amendment numbered 629)

On line 2, strike ", of which $8,100,000" and insert: ", of which $3,000,000 shall be used for Boston College research in high temperature superconductivity and of which $5,000,000".

AMENDMENT NO. 631

(Purpose: To provide funding for the Minnish Waterfront Park project, Passaic River, New Jersey)

On page 4, between lines 12 and 13, insert the following: "Minnish Waterfront Park project, Passaic River, New Jersey, $4,000,000;".

AMENDMENT NO. 673 TO AMENDMENT NO. 631

(Purpose: A second degree amendment to the Torricelli amendment numbered 631)

On line 4, strike "$4,000,000" and insert: "$1,500,000".

AMENDMENT NO. 634

(Purpose: To provide funding for water quality enhancement)

On page 4, line 20, strike "$4,400,000:" and insert "$4,400,000; and Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration."

AMENDMENT NO. 674 TO AMENDMENT NO. 634

(Purpose: A second degree amendment to the Abraham amendment numbered 634)

Strike: "Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration."

And insert: "Lake St. Clair, Metro Beach, Michigan, section 206 project, $100,000:".

AMENDMENT NO. 642

On page 8, line 16, strike all that follows "expended:" to the end of line 24.

AMENDMENT NO. 675 TO AMENDMENT NO. 642

(Purpose: A second degree amendment to the Boxer amendment numbered 642)

Strike "line 16, strike all that follows 'expended:' to the end of line 24.", and insert the following: "line 23, strike all that follows 'tions' through 'Act' on line 24.".

AMENDMENT NO. 645

(Purpose: To make a technical correction with respect to a Corps of Engineers project in the State of North Dakota)

On page 5, lines 19 through 21, strike "shall not provide funding for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, unless" and insert "may use funding previously appropriated to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless".

AMENDMENT NO 676 TO AMENDMENT NO. 645

(Purpose: A second degree amendment to amendment numbered 645 offered by Mr. Dorgan and Mr. Conrad)

On line 4 strike: "may use funding previously appropriated", and insert: "may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245".

AMENDMENT NO. 646

(Purpose: To prohibit the inclusion of costs of breaching or removing a dam that is part of the Federal Columbia River Power System within rates charged by the Bonneville Power Administration)

On page 33, between lines 2 and 3, insert the following:

SEC. 3 . PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

"(n) PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.—Notwithstanding any other provision of this section, rates established under this section shall not include any costs to undertake the removal of breaching of any dam that is part of the Federal Columbia River Power System.".

AMENDMENT NO. 677 TO AMENDMENT NO. 646

(Purpose: A second degree amendment to the Gorton amendment number 646)

Strike line 2 and all thereafter, and insert the following:

SEC. 3 . LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, in accordance with established fish funding principles, under this section shall recover costs for protection, mitigation and enhancement of fish, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other act, not to exceed such amounts the Administrator forecasts will be expended during the period for which such rates are established.".

AMENDMENTS NOS. 678, 679, 680, AND 681, EN BLOC

Mr. DOMENICI. Mr. President, I finally ask unanimous consent that four additional first-degree amendments, which are at the desk, be considered agreed to and that the motions to reconsider be laid upon the table, all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 678, 679, 680, 681) were agreed to, as follows:

AMENDMENT NO. 678

(Purpose: To provide for continued funding of wildlife habitat mitigation for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota)

On page 13, between lines 15 and 16, insert the following:

SEC. 1 . CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) IN GENERAL.—The Secretary of the Army shall continue to fund wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota at levels previously funded through the Pick-Sloan operations and maintenance account.

(b) CONTRACTS.—With $3,000,000 made available under the heading "CONSTRUCTION, GENERAL", the Secretary of the Army shall fund activities authorized under title VI of division C of Public Law 105–277 (112 Stat. 2681–660 through contracts with the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota.

AMENDMENT NO. 679

(Purpose: To provide funds for the Lake Andes-Wagner/Marty II demonstration program)

On page 15, line 1, after "expended," insert "of which $150,000 shall be available for the Lake Andes-Wagner/Marty II demonstration program authorized by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat. 4677),".

AMENDMENT NO. 680

(Purpose: To appropriate funding for flood control project in Glendive, Montana)

On page 2, between line 20 and 21 insert the following after the colon: "Yellowstone River at Glendive, Montana Study, $150,000; and".

AMENDMENT NO. 681

On page 3, line 14, strike "$1,113,227,000" and insert "$1,086,586,000".

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The next amendment in order, as I understand, is the Jeffords amendment; is that true?

The PRESIDING OFFICER. The Chair advises the Senator from Nevada that it will take unanimous consent to set aside amendment No. 628.

Mr. DOMENICI. We have a technical amendment that stands in the way?

The PRESIDING OFFICER. Amendment No. 628 is pending.

Mr. DOMENICI. Is that not the amendment that the Senator from New Mexico put in as a technical amendment early on?

Mr. President, I ask unanimous consent that we go to that amendment and that it be considered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 628.

The amendment (No. 628) was agreed to.

Mr. DOMENICI. I thank the Chair.

Mr. REID. Mr. President, I ask unanimous consent that at the time Senator JEFFORDS comes to the Chamber, I be recognized on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, while we wait for Senator JEFFORDS, who has a very important matter to bring before the Senate, let me thank the many Senators who have cooperated in an effort to get this bill passed. We still have the issue that Senator JEFFORDS will raise before the Senate, but I suggest, in a bill that is about $600 million less than the President requested with reference to the nondefense part of this bill, we have done a pretty good job of covering most of the projects in this country that are needed, that the Corps of Engineers and the Bureau of Reclamation talk about and a number of projects in the sovereign States that our Senators, from both sides of the aisle, represent.

We have done our best. We were not able to fund everything, nor were we able to fund at full dollar, and we had to reduce funding for the ongoing projects substantially in the flood line of money and projects that the Corps of Engineers has going for it.

We understand that the allocations for this subcommittee, which is made up with a significant amount of defense money and a lesser amount of nondefense money, have been allocated in the House in a manner that is about $1.6 billion less than this bill. We do not know how that can ever be worked out in conference, so we are very hopeful that before the House is finished, they will do some of the things that have been done in the Senate to alleviate the pressure on committees such as the energy and water subcommittee and others.

We have no assurance of that, but obviously everything is in place so that when this is passed today, if it is passed, we will be on a path to be ready for the House bill when they send it over and immediately go to conference. We will be ready to do that at the beck and call of the House to try to get this bill done at the earliest possible time.

I will await the arrival of the distinguished Senator from Vermont, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the senior Senator from New Mexico, that I appreciate his hard work on this measure. This has been very difficult. As he has pointed out, we do not have the money we had last year. To meet all the demands on this very important subcommittee has been very difficult.

We have harbors that need to be dredged. We have water projects that are ongoing which are important to prevent flooding and to allow people to develop commerce in various parts of the country. We have been unable to do all that was required to be done under this bill, but we have done our best.

I extend my appreciation to those Members on this side with whom we have had to work on these amendments. It has been very difficult. There has been some give-and-take on both sides.

Senator DOMENICI and I have worked together now on three different bills, and each year it seems that it gets more difficult.

But for our relationship, this bill would even be more difficult.

I also say what the Senator has said but perhaps in a different way. From this side of the aisle they must hear the message in the other body that we need at least this much money to do a bill. For the other body to come in and say that we are going to cut even more than is cut here means we are not going to get a bill. This has been cut to the bear bones. We cannot go any deeper.

Senator SCHUMER from New York has done an outstanding job in advocating things he thinks the State of New York deserves in this legislation. We have been able to meet many of the things he has suggested and advocated—in fact, most everything. I had a longtime relationship with his predecessor, who was an extremely strong advocate for the State of New York. Senator SCHUMER certainly stepped into those shoes and has been as strong an advocate as Senator MOYNIHAN.

The one thing we were unable to do for the State of New York dealt with the Community Assistance and Worker Transition Program, and that was at the Brookhaven National Laboratory. Interestingly, yesterday, the one meeting I was able to have off the floor was with Assistant Secretary Dan Reicher. The reason I say "interestingly" is because this is the program he works with in the Department of Energy, the Worker Transition Program.

In this bill, there is money for that program. We are ratcheting this down every year. In our bill, we have $30 million for that program. Senator SCHUMER thought there should be an earmark for Brookhaven National Laboratory. We thought that was inappropriate. It had not been done in the past; we could not do it on this bill.

I have indicated to the Senator from New York that we will work in conference to see if there can be something done. But more important, the Senator from New York must know that Assistant Secretary Reicher said Brookhaven was a prime candidate for that.

In short, I believe this can be done administratively and will not require legislation. So if, in fact, the people of Brookhaven are laid off permanently—and it has not been determined yet whether they are going to be laid off permanently—Secretary Reicher indicated there was a real strong possibility they would fit right into the Community Assistance and Worker Transition Program that has been able in the past to cover people at Savannah River in South Carolina, Oak Ridge National Laboratory in Tennessee, the Pinellas Nuclear Facility in Florida, and the Nevada Test Site in Nevada.

So Brookhaven National Laboratory has many of those same conditions and problems. We are going to work very hard to make sure we do what we can to protect those workers at the Brookhaven National Laboratory.

If the reactor at Brookhaven is decommissioned, and the workers have left because of a loss of confidence, or other reasons, the lab certainly will lose its efficiency in its mission. If the reactor is restarted, the decontamination team will need transition assistance.

The simple expedient of providing some assistance now, I believe, will avoid the waste and needless suffering. In short, we are going to do what we can, both from a legislative standpoint, but more importantly from an administrative standpoint, to take care of those problems. So I appreciate, I say to the manager of this bill, the cooperation of the Senator from New York.

Mr. DOMENICI. Mr. President, I state here for the RECORD my sincere appreciation and thanks to Senator REID, the ranking minority member, and his staff—all of them. This is a complicated bill involving everything from the deepest military needs in terms of research, in terms of development, maintenance, safekeeping of all of our nuclear weapons at our nuclear laboratories around the country, the maintenance of all the other laboratories that DOE runs, to water, inland waterways and barges and seaports and flood prevention. Many Members have an active interest. We have had to work very hard to do what we think is a reasonably good job under the circumstances.

I also say to the distinguished junior Senator from New York, with reference to Brookhaven, I am totally familiar with the situation at Brookhaven. I worked on it for 2 years in a row when they had some problems up there. We worked with the administration and the Department. Clearly, if they qualify for the Worker Transition Program, we ought to be able to handle it administratively. The Department ought to be able to do that.

I say to Senator REID, I will be there helping wherever I can. I am very grateful we did not have to have a vote on this issue, because I think we would have had to object to it. I think it is much better that it be handled administratively. If they are entitled to it, they will get it because the program is already there.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We have been told the Senator from Vermont will be here in a matter of a couple minutes. While we are waiting for the Senator to come, I want to just build upon some of the things the senior Senator from New Mexico talked about.

This bill, I am confident, is one of the most complicated bills in the entire 13 Appropriations subcommittees. It deals with the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, atomic energy, defense activities, the Power Marketing Administrations, the Federal Energy Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and the Tennessee Valley Authority. I think I have covered most all of them.

But this bill deals with a myriad of very difficult problems. We find each year the requests—which are valid requests—from Members trying to protect interests in their State get bigger because the problems become more complex. It has made it most difficult, because the numbers we are allowed to work with are going down all the time.

Not only do we deal with problems in the continental United States, but, of course, our two newest States, Alaska and Hawaii. We also deal with problems in American Samoa, Puerto Rico, and the U.S. Virgin Islands. This is very difficult as it relates to the Corps of Engineers.

The construction account for the Corps of Engineers deals with problems that are all over this part of the world. We even deal with problems that some say have gone on too long. The fact of the matter is that sometimes when we are not able to give the full amount of the money in a given year, then the projects take more money. We may start out with a program that costs $100, and if you spread that out over, instead of 1 year, 3 years, it winds up costing more than $100. Those are some of the problems we have faced in this bill.

The Bureau of Reclamation was first authorized in 1902. The Bureau of Reclamation manages, develops, and protects water reclamation projects in arid and semiarid areas in 17 of the Western States. The first ever Bureau of Reclamation project in the history of the United States was in arid Nevada. It was called the Newlands project, named after a Congressman from Nevada named Francis Newlands, who later became a Senator. It was going to make the desert blossom like a rose; and it did. It diverted water from the Truckee River. It created some very difficult problems. In this bill we are working on it. Even though it was 96 years ago that the first act took place, we are still trying to correct some of the problems that were created. The Bureau of Reclamation provides in this bill over $600 million to handle water and related resources accounts. It is something that has been made more interesting as a result of something I talked about when the bill came up on Monday, and that is the CALFED project.

This is a huge project. It is a program that the private sector has invested in, the State of California has invested in, and local government in California has invested in, along with the Federal Government. This project, the Bay Delta in California, CALFED project, deals with two-thirds of the water, the potable water, the water they drink in the State of California—a difficult project. It is something that is extremely important to a State that has 35 million people in it. Yet we have projects from the Bureau of Reclamation to some of our smallest States and populations, but we have to work with this multitude of problems with less money. And we keep going down, as I said.

The Department of Energy, a large part of this bill: We deal there with energy programs, nondefense environmental management, uranium enrichment and decontamination, decommissioning funds; we deal with science programs, atomic energy, defense activities, which take up a large amount of money in this bill; and we have to do this to support the safety and reliability of our nuclear stockpile. This program is becoming even more important with the emphasis that has been focused on our nuclear programs as a result of the China problem dealing with the supposed theft, the alleged theft, the spying that has taken place in one of our laboratories, and maybe more than one of our laboratories.

Power marketing administrations: We have had to work money there to see what we can do to maintain that very important program.

The Federal Energy Regulatory Commission is part of our responsibilities.

We have also had for many years the responsibility of a program established in 1965 called the Appalachian Regional Commission. This is a regional economic development agency. This program, which has been going on for some 44 years, receives over $70 million in this bill, which is important for a large part of the United States. The amount of money we have been asked to increase for this program has been very difficult to come by. There have been the increased construction costs of the Richie County Dam, and the cost has gone up because of delays due to a legal challenge over some problems in the Fourth Circuit. This caused our bill to be required to spend more money.

The Nuclear Regulatory Commission: This bill provides $465.4 million. There are some offsetting revenues that we reduced the amount we need to put in this bill.

For each of these entities, everything we do is vitally important. Each dollar we do not put in is something less that they can do that certainly is required.

Nuclear Waste Technical Review Board: This is a board which reviews what happens with this very important issue of nuclear waste. Just this morning, the full committee, authorizing committee, chaired by the junior Senator from Alaska, reported out a very important nuclear waste bill. Part of what happens with nuclear waste has to be reviewed by the Nuclear Waste Technical Review Board. We fund that program.

One of the programs that has been ongoing for many, many years, back in the days of the Depression, is the Tennessee Valley Authority. Under this bill, they receive some $7 million.

We have a lot to do in this bill. It seems it becomes more complicated each year because of the cut in moneys that we receive. We have worked very hard, as the Senator from New Mexico has indicated, trying to resolve most of these amendments. We have been able to do it with the cooperation of Senators on both sides of the aisle.

AMENDMENT NO. 648

(Purpose: To increase funding for energy supply, research, and development activities relating to renewable energy sources, with an offset)

Mr. REID. Mr. President, I make a point of order that amendment No. 648, offered by Senator JEFFORDS, violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The amendment is not pending. The Senator would have to call for the amendment.

Mr. REID. I believe that was already done with a unanimous consent request.

Mr. JEFFORDS. Mr. President, as far as I know, my amendment has not been called up.

Mr. REID. That is what the Chair just said.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I ask that amendment No. 648 be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:.

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. ALLARD, Mr. ROTH, Mr. WYDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KERRY, Mr. SCHUMER, and Mr. KENNEDY, proposes an amendment numbered 648.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is the reading of the amendment.

The amendment shall be read to completion until consent is granted to dispense with the reading.

The clerk will report.

The legislative clerk read as follows:

On page 20. strike lines 21 through 24 and insert "$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $70,000,000 shall be derived from accounts for which this Act makes funds available for unnecessary Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomass/biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).".

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a point of order that amendment No. 648 offered by Senator JEFFORDS violates section 302(f) of the Budget Act which prohibits consideration of legislation that exceeds the committee's allocation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, in the long tradition of the Senate, I ask unanimous consent that I be allowed to amend the amendment by deleting the word "unnecessary" as it first appears in the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. There is objection.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, because we were in a quorum call, I wanted to point out to my colleagues that a group of us, just moments ago, held a press conference discussing the issue——

The PRESIDING OFFICER. The rules require unanimous consent for the Senator to proceed at this point because a point of order has been made against the pending amendment.

Mr. DURBIN. Mr. President, under the rules of the Senate, does the Senator object to having to identify himself?

The PRESIDING OFFICER. The Chair would ask, object to what?

Mr. DURBIN. The Senator who objects to the unanimous-consent request.

The PRESIDING OFFICER. It is a matter of order in the Senate not to proceed when there is a pending point of order.

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection to what?

Mr. DOMENICI. What is the request?

The PRESIDING OFFICER. Would the Senator from North Dakota state his request.

Mr. DORGAN. I asked consent to be recognized. My understanding is we were in a quorum call. I asked consent to be recognized for the purpose of discussing a press conference we just held on the Patients' Bill of Rights. Because we were in a quorum call and not conducting other Senate business, I wanted to have a few minutes to discuss that subject. So I ask unanimous consent to be able to do so.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. There is objection.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is withdrawn.

Mr. JEFFORDS. Mr. President, at this time, I would like to take the floor to discuss the amendment that I have just withdrawn. I do so with some reluctance, but denying a Senator the right to amend his own amendment is such a rare situation—if not unprecedented—that I think it is only fair and appropriate for those of us who have worked long and hard on this amendment and know they have sufficient votes to pass it, as modified, to have the opportunity to at least discuss and to let this body know what they are being prevented from doing by virtue of this rare use of the rules.

Mr. REID. Will the Senator yield for a question?

Mr. JEFFORDS. I yield for a question.

Mr. REID. I want to state to the Senator that as one of the managers of this bill, I think the content of his amendment is very good. I think he has had a record of looking out for programs like solar and renewable energy. I have a personal commitment to work with the Senator from Vermont and the senior Senator from New Mexico as this matter goes to conference to see how well we can do in regard to the matters he has put before the Senate.

In short, my statement is in the form of a reverse question. I want the Senator to understand that certainly there was nothing personal in regard to exercising my rights under the rule. In fact, it is one of the more difficult things I have done in my time here. The Senator from Vermont offered something that I think needs to be spoken about. He has done it before very eloquently, and we will do the best we can from the time that this bill leaves this body until it gets to conference, keeping this amendment in mind.

Mr. DOMENICI. Will the Senator yield?

Mr. DORGAN. Will the Senator yield?

Mr. DOMENICI. Without losing your right to the floor.

Mr. JEFFORDS. Yes.

Mr. DOMENICI. I have no objection to the Senator from Vermont debating and discussing the issue, as he sees it. I would just like to ask, in the interest of moving things along—there are no other amendments. Everything is finished on the bill—I wonder how long the Senator from Vermont would like to discuss it. Is it possible that he might tell us?

Mr. JEFFORDS. I cannot give the Senator anything but a guesstimate because I have many supporters of this amendment who may or may not desire to speak. But I have no intention of trying to filibuster this bill.

Mr. DOMENICI. I didn't say that.

Mr. JEFFORDS. I understand. I just wanted to make it clear. But what I do want to have everyone understand is that this modification of the amendment is by taking one word out in order to meet a requirement of the budget. The budget requirement may or may not be valid, but once you get it, there is not much you can do about it. The whole disagreement here is with respect to the one word "unnecessary," which we want to delete, because by using that word we inadvertently created a budget point of order. Because as far as the Budget Committee is concerned, there is never any unnecessary use of the airplane, or travel by the Department of Energy, even though they spent some $250 million traveling where and why and who I do not know, which was more than enough, with a reasonable cut in the use of their airplanes, to fund a very important amendment dealing with more emphasis on renewable resources.

I would like to, certainly for a question, yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me just propound a question. But before I do, let me state to the Senator from Vermont that I am a cosponsor of what he is trying to do. I think what he is trying to do is very important.

I regret that we found this parliamentary situation that created a point of order. I don't quite know how one gets out of this at this point. I regret that the Senator felt that he had to withdraw the amendment, but I think what he and I and others are trying to do makes a lot of sense in terms of investment for this country and investment in the future with alternative energy resources. It is very important, especially because some of the programs show such great promise for our country's future.

I regret that we are not able to proceed with his amendment. I think the offset is appropriate. I think the amendment would advance this country's energy interests. I know because of the press of time that folks want to move forward. I will not say more except to say that I appreciate the leadership of the Senator from Vermont on this. I hope this is not the end of it. I hope that perhaps by this process by committees in the Senate and in the House we can find a way to do what the Senator and I and so many others want to do.

Mr. JEFFORDS. Mr. President, I would be happy to yield to the Senator from Delaware without giving up my right to the floor.

Mr. ROTH. Mr. President, I want to congratulate my colleague for the leadership that he has provided in this renewable energy program.

I strongly believe that renewable energy technology represents our best hope for reducing air pollution, creating jobs, and decreasing our reliance on imported oil and finite supplies of fossil fuel. These programs promise to supply economically competitive and commercially viable exports. I believe that the nation should be looking toward clean, alternative forms of energy, not taking a step backward by cutting funding for these important programs.

Indeed this is a sentiment shared by a majority of the American people. Public support for renewable energy programs is strong. For the fifth year in a row, a national poll has revealed that Americans believe renewable energy along with energy efficiency should be the highest energy research and development priority.

My own State of Delaware has a long tradition in solar energy. In 1972, the University of Delaware established one of the first photovoltaic laboratories in the nation, the Institute for Energy Conversion, which has been instrumental in developing photovoltaic technology. Delaware's major solar energy manufacturer, Astro Power, has become the largest U.S.-owned photovoltaic company and has doubled its work force since 1997.

While the solar energy industry might have evolved in some form on its own, federal investment has accelerated the transition from the laboratory bench to commercial markets by leveraging private sector efforts. This collaboration has already accrued valuable economic benefits to the nation. Solar energy companies—like Astro Power—have already created thousands of jobs and helped to reduce our trade deficit through exports. My state has demonstrated that solar energy technology can be an economically competitive and commercially viable energy alternative.

International markets for solar energy systems are virtually exploding, due to several key market trends. Most notably, solar energy is already one of the lowest cost options available to developing countries that cannot afford to build large, expensive centralized power generation facilities with elaborate distribution systems.

The governments of Japan, Germany, and Australia are investing heavily in aggressive technology and market development in partnership with their own solar energy industries. Until recently, Japan and Germany held the lead in world market share for photovoltaics; the United States has only recently recaptured international market dominance.

Cutting funding for these technologies would have a chilling effect on the U.S. industry's ability to compete on an international scale in these billion-dollar markets of today and tomorrow. The employment potential of renewables represents a minimum of 15,000 new jobs this decade with nearly 120,000 the next decade.

It is imperative that this Senate support renewable energy technologies and be a partner to an energy future that addresses our economic needs in an environmentally acceptable manner. My state has done and will continue to do its part. I hope my colleagues in the Senate will look to the future and do their part in securing a safe and reliable energy future by supporting this amendment.

Again, I want to congratulate my distinguished colleague for his leadership on this most important matter.

Mr. JEFFORDS. Mr. President, I certainly thank my good friend from Delaware who has been out front on this issue for many years. I appreciate his efforts in this area.

The amendment that Senator ROTH and I desire to offer today is about priorities. I think we all agree that increased domestic energy production should be a priority. We agree that a lower balance of payments should be a priority. We agree that helping farmers, ranchers and rural communities is a priority. We agree that standing up for U.S. companies selling U.S. manufacturing energy technologies in overseas markets is a priority. We cheer the increased job markets in every State in this Nation. We support the small companies across the Nation that are working to capture the booming global energy market, and we would make it a priority to promote clean air. The bill does not do that in its present form.

The bill before us further whittles away our Nation's efforts to wean itself from foreign oil. It erodes our efforts to develop technology that increases domestic energy production. It ends commitments made to small energy companies that depend on Federal assistance to enter the giant global energy market. It reduces our efforts to make major advancements in energy development. It reduces our commitment to energy that is affordable, that is clean, and, most importantly, that is made in America.

The administration requested a 16-percent increase in renewable funding—from $384 million to $446 million. More than half of the Senate—54 Senators—signed a letter in support of this $62 million increase. The committee did not request an increase in the renewable budget. It did not even hold at a renewable budget level. The committee cut the budget by $13 million. There is a $92 million shortfall between the committee mark and the amount requested by more than one-half of the Senate.

A vote for this amendment is a vote for five things, if we are allowed to present it.

It is a vote for national security.

It is a vote for small businesses across the United States that produce clean, renewable energy.

It is a vote for farmers and ranchers in rural communities across America.

It is a vote to help American business grab onto a chunk of that rapidly growing export market for renewable products.

And a vote for this amendment is a vote for cleaner air for our children.

I am going to address each of these reasons why my colleagues should support this bill in turn.

First of all, we have charts that allow you to understand better what we are discussing.

This is a vote about national security. It is about making our Nation's future secure by securing our energy future.

The U.S. trade deficit has scored as its No. 1 contributor imported foreign oil, which has reached record levels.

Foreign oil imports constituted 55 percent of consumption early this year and is expected to reach more than 70 percent by the year 2020. At that time, most of the world's oil—over 64 percent—is expected to come from potentially unstable Persian Gulf nations. These imports account for over $60 billion, or 36 percent of the U.S. trade deficit. These are U.S. dollars being shipped overseas to the Middle East which could be put to better use at home.

The defense leaders of our Nation agree that increasing dependence on foreign oil has serious implications for our national and energy security. They agree that investing in renewable energy is an invaluable insurance policy to enhance our national and energy security.

Lee Butler agrees. He is the former commander of the Strategic Air Command and strategic air planner for Operation Desert Storm. Robert McFarlane agrees. Robert McFarlane was National Security Adviser under former President Ronald Reagan. Thomas Moorer agrees. Thomas Moorer is former Chairman of the Joint Chiefs of Staff. James Woolsey agrees. James Woolsey is a former Director of the CIA. In a recent letter to Members of Congress, these national security leaders support the administration's budget request for renewable energy.

Reading from my first chart, the national security leader said:

> Current conflicts in the Middle East and the Balkans and our stressed defense capability only reinforce our earlier concerns that our increasing dependence on imported oil has serious implications for national and energy security. Wars and terrorism strongly highlight the benefits of obtaining domestic, dispersed renewable energy systems and efficiency. . . .
>
> Now is clearly the time to increase our coverage under this valuable insurance policy for our security—the availability of renewable resources and improvements in energy efficiency. Such a commitment will not only enhance national and energy security, but also bring with it global leadership, environmental and economic benefits, new industry and high quality jobs.

PRIVILEGE OF THE FLOOR

I ask unanimous consent David Hunter of my staff be granted privilege of the floor during the pendency of the energy and water appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, no crisis can stop the sun from shining, the wind from blowing, or the Earth from producing geothermal heat.

Let's review some alternatives we have and how they can be utilized. Geysers Geothermal Power Plant in California is an example of the sort of energy savings we can gain through "made in America" geothermal energy.

American soil holds a natural resource available throughout much of this country: Geysers produce the energy equivalent of over 250 million barrels of oil and currently provide electricity for over 1 million people. Geysers Geothermal Power Plant in California is an example.

The next chart shows renewable generation by each State, indicating how much renewable energy is produced in every State in the United States. I think all Senators ought to take that into consideration. We are hurting small businesses located in every State in the United States. Every Senator in the United States is a stakeholder in this debate. These States have a substantial energy generation capacity. Much is not utilized, and much more is available. It is very extensive, according to the chart.

The next chart shows the top 20 States for wind energy. There is a lot of wind around this place especially, but also around the rest of the country. This chart shows the top 20 States for wind energy potential. Although most of the wind potential generated today has occurred in California, many States have much greater wind potential. The top 20 States for wind energy potential are: North Dakota, Texas, Kansas, South Dakota, Montana, Nebraska, Wyoming, Oklahoma, Minnesota, Iowa, Colorado, New Mexico, Idaho, Michigan, New York, Illinois, California, Wisconsin, Maine, and Missouri. The American Midwest is the Saudi Arabia of wind energy. North Dakota alone can produce 36 percent of all U.S. electric power needs. New Mexico could produce 10 percent of U.S. electric power needs. The oil wells in Saudi Arabia will eventually run dry. The wind in North Dakota will supply indefinitely a steady source of power.

Next is a map of localities with geothermal energy. Like the sun shining on American soil and the wind blowing over it, geothermal energy is a great American resource. It is good for the environment, good for the country, and good for business. This chart shows bountiful geothermal energy supplies, especially on the west coast.

I have a series of pictures of renewable energy projects across the country. They demonstrate that a vote for renewable energy is a vote for ranchers, farmers, and small communities all across America.

This chart shows the North State Power Wind Farm in Minnesota. The wind facility has pumped over $125 million into the local economy and provides an extra source of income for local farmers in Lake Benton, MN.

Farmers make money through royalty payments for the wind turbines on their lands. They continue to farm their lands and make additional money for the wind that blows above it. This shows municipal utility wind turbines in Traverse City, MI. Note the corn growing. This wind turbine provides clean, renewable, locally produced wind energy for the people of Traverse City, MI.

The next chart shows Culberson Wind Plant in Texas. This wind facility is the largest energy producer in Culberson County. It provides $400,000 annually in tax revenues to Culberson County hospitals and schools. That is 10 percent of the county's property tax base. It also provides $100,000 to the Texas public school fund.

It is not just wind energy that is helpful in small communities. Photovoltaic helps ranchers and farmers. This is a cattle rancher with a photovoltaic-powered well in Idaho. This Idaho rancher powers his home and pumps well water for his cattle under a photovoltaic program offered by Idaho Power Company.

This chart shows Kotzebue Electric Association Village Power Project in Kotzebue, AK. The projects will reduce emissions from diesel plants and reduce fuel transport and costs to the villagers.

Next is Ontario Hydro Village Power Project. There is a large market for export of U.S. wind turbines to northern communities in Alaska, Canada, and Russia. This turbine was built in Vermont and exported to Ontario, Canada. In the last 10 years, photovoltaic sales have more than quadrupled. In developing countries, demand has increased because it is attractive to isolated communities that are distant from the power plant and because they have small electric requirements.

Although America is still a leader in developing renewable energy technologies, this lead may slip if we lower our renewable research and development funding. Europe and Japan continue to subsidize their renewable industry, putting U.S.-based companies at a severe disadvantage.

For example, Japan, Germany, and Denmark use tied aid, offer financing, and provide export promotion for their domestic industries, and our industries have to compete with that. It is very difficult to do. But because of its success and the fact that we have advantages, they have been able to survive, with great difficulty, without having that assistance from loans. This is not the time to lose our lead or to cut funding out of this important industry.

There is one final reason why my colleagues should overwhelmingly support this amendment. A vote on this amendment is also a vote for the environment.

Consider this chart showing children playing in front of a windmill in Iowa's Spirit Lake district. The wind turbine generates power for the school. It is emission free, completely natural. Few us of us want to have our children play under smokestacks or near oil fields or uranium enrichment plants. Few of us want our children to fight wars in the Middle East over oil. But we are all happy to have our children playing in the wind and the sun.

Next is a geothermal powerplant in Dixie Valley, NV. This plant, which produces electricity for 100,000 people, produces no emissions and 1 to 5 percent as much SO_X and CO_2 as a coal-fired plant of the same size.

Mr. REID. Will the Senator yield?

It is a beautiful place, isn't it? It is very close to the Fallon Naval Air Training Center, which is the premier fighter training center for the Navy pilots. That is where they train to land on carriers. Some of their training can be watched from this powerplant.

Mr. JEFFORDS. We should have more of them. I wish the Senator would support my amendment, and we could really help the State.

Mr. REID. I also say to my friend, a number of the programs he has talked about are at places I have been, for example, the wind energy plant in California. These are places I have been. I watched these windmills. It is very exciting.

I finalize my question to the Senator. The Senator is aware that last year's bill we reported out of this subcommittee was less than what we reported out this year. Is the Senator aware of that? The bill we reported out of this subcommittee last year was less than what we reported out this year. I can assure the Senator that is accurate. It was only with the supplemental that this number came up larger than the number that we gave this year. The number, including the supplemental, was $12 million more than what we recommended this year, but about $50 million less than what the subcommittee approved last year.

Mr. JEFFORDS. I point out that it was because of my amendment, which was adopted last year. I appreciate the Senator being aware of that. I wish we would take the same approach this year and adopt this amendment, and then we will make sure we have a much better prospect for the future.

Mr. REID. As I said to the Senator when he first began, he has done excellent work here, and we appreciate it very much.

I will ask the Senator another question. We have had a number of Senators come to the floor. There are one or two Senators who want to speak on this. Would the Senator have any objection to having a final vote on this, and when it is over people can talk on this issue for as long as they desire?

Mr. JEFFORDS. A vote on my amendment? I have no problem with that.

Mr. REID. I am sorry; I did not hear the Senator.

Mr. JEFFORDS. Have a final vote on my amendment, yes, I would like that.

Mr. REID. Of course, the only thing in order is final passage, so the answer to my question is no.

Mr. JEFFORDS. If you are saying without my amendment being voted on? You are saying we will vote your amendment and then we can go to final vote? That would be fine with me.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. JEFFORDS. I am happy to yield.

Mr. DOMENICI. I am fully aware of the genuine interest the Senator has in this and his enthusiasm and his hard work. But I wonder if he might permit me to speak for 2 minutes and yield right back to him.

Mr. JEFFORDS. I will do that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I just want to share with my fellow Senators the reality of what has happened to solar energy in this bill. First of all, in the Senate bill, for everything in this bill that is nondefense, there is a reduction of 7 percent. That means that for all of the things we do in water, in the Corps of Engineers, and all the other things, there is a 7 percent reduction. If we were to adopt this amendment, we would be taking this piece of the budget and increasing it 7 percent, thus giving it a 14 percent preferential treatment over the rest of the nondefense items in this bill.

All we are doing in this bill is reducing from $365.9 million, reducing it by $12 million, which is less than a 3 percent reduction, which means this is already favored by way of prioritizing by about 5 percent better than the other nondefense accounts here. So we can talk all afternoon and into the night about how great renewables are; we can all agree; but that is not the issue. The issue is, should we add $70 million when we have had to reduce everything else that is nondefense by the huge amounts I have just described? I do not think we need to.

Most of the things the Senator is discussing we will continue to do, and some that are in the pipeline ready to get done will get done because we are going to fund this at $353.9 million. That is not peanuts. Most of the solar things we want to do as a nation will get done.

As long as everybody knows, we are not trying to be arbitrary. We thought we were very fair in the treatment of renewables in this bill. It was not enough. We had to add $70 million more with an amendment that was out of order because it added to the amount we had to spend in our allocation, which means it breaks the budget.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. I yield for the purposes of debate, control of the floor, to my great friend from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I thank the Senator from Vermont for yielding to me. I am not going to take a lot of time.

I want to recognize the leadership and fine work he has done in fighting to get this to the floor of the Senate. I am obviously disappointed, as he is, in the fact we are not going to have a vote on this. But I do have some charts and, like my colleague, will talk about the importance of renewable energy, particularly in the context of wind energy, geothermal, and solar energy.

The Senator's State, like the State of Colorado, has done a considerable amount in this area. It is important to the State of Colorado. In fact, we have a research laboratory in Colorado just to address things we are talking about on the floor.

I just wanted to recognize in a public way the Senator's contribution and effort in trying to move forward with renewable energy. It has been a pleasure to be associated with my colleague on this amendment.

I thank my colleague, the Senator from Vermont, for once again standing firm in his commitment to renewable energy. I concur with the Senator from Vermont and would like to share my thoughts on the importance of funding the Department of Energy's renewables budget.

While the record clearly shows that I am a dedicated fiscal conservative, I also see the importance of spending a little now, to save a lot more later. By investing in the research and development of these energy sources today, we are saving taxpayers billions of dollars tomorrow in costs associated with much more than energy. Mr. President, it is not an exaggeration to say that our future as a nation and a community depends in part on the decisions we make today when it comes to energy matters. In this modern day of technological boom, energy literally runs the world in which we live. From the cars we drive to the homes we live in, without affordable, accessible sources of energy, we open ourselves up to dangers that we simply cannot allow to happen.

In their paper titled The New Petroleum from the January/February 1999 issue of the publication Foreign Affairs, my colleague from Indiana, Senator LUGAR, and former CIA Director James Woolsey argue the importance of increasing our use of alternative energy sources, in this case, biofuels. They appropriately note that, "New demand for oil will be filled largely by the Middle East, meaning a transfer of more than $1 trillion over the next 15 years to the unstable states of the Persian Gulf alone—on top of the $90 billion they received in 1996." As a member of the Senate Armed Services Committee, and Select Committee on Intelligence, I hear first-hand about foreign nations that are working to use energy sources to neutralize. I would hope that the rest of my colleagues share my concerns about sending $1 trillion over the next 15 years to rogue nations in the Middle East who are developing weapons of mass destruction as we speak, with an intent to harm American interests. We must be firm in our decision to develop accessible, affordable and dependable sources of energy here at home—our security may depend on it.

The environmental benefits of renewable energy are also well noted and do not need too much repeating. Not only are renewable sources of energy beneficial to our national security, but they reduce, and in fact help to eliminate harmful greenhouse gas emissions. Wind, solar, geothermal, biomass, photovoltaic and other renewable energies have few if any harmful by-products. It is simply good policy to do all we can to effectively harness and utilize the natural, clean, re-usable sources of energy that are abundantly all around us.

I would like to illustrate a few Colorado-specific points if I may.

The Solar Energy Research Facility at the Department of Energy's National Renewable Energy Laboratory (NREL) in Golden, Colorado houses over 200 scientists and engineers. This building was designed to use energy efficient and renewable energy technologies—like the photovoltaic panels seen here—and reduce costs by 30% from the federal standard. Much of the Department's funding that was cut by the Committee goes to this vital facility in my state.

NREL is on the cutting edge in bringing renewable energy technologies out of the laboratory and into the mainstream of American business and society. Recognizing that America has rivals in many Asian and European nations in investing in the development of these technologies, NREL deserves credit for many wonderful accomplishments.

Wind power use in Colorado is becoming increasingly popular. If you've ever spent any time along the foothills of the Rocky Mountains, you know that the wind can whip down from the mountains quite fast. That wind can be easily harnessed for energy. Public Service Company of Colorado operates several wind powering facilities, one of which is in Northern Colorado on the Wyoming border in Ponnequin. Expansions of many wind facilities in Colorado are taking place as we speak. In many Northern Colorado communities, demand for wind energy has risen so dramatically that the Platte River Power Authority of Ft. Collins is planning to more than triple the installed capacity of its wind farm just across the border in Medicine Bow, Wyoming. Residents in this area can look forward to making a positive contribution to the environment.

The current levelized cost of wind energy is between 4 and 6 cents per kilowatt-hour, with a goal approaching 2.5 cents by 2010. According to NREL, the cost of this technology has already decreased by more than 80% since the early 1980's due to continued cost-shared R&D partnerships between industry and DOE.

The developable, windy land in just 5 western states could produce electricity equivalent to the annual demand of the contiguous 48 states. Total worldwide wind energy generating capacity now exceeding the 10,000 megawatt point with expectations of 100,000 megawatts by 2020. Thanks to continued research and development, the industry has grown from being California-based to having wind sites in 18 states.

Photovoltaic water pumping systems are being used on hundreds of ranches and farms across the U.S. to bring power to remote locations—like in some parts of Colorado—that would otherwise cost tens of thousands of dollars in extending existing power lines. In locations where solar resources are not bountiful, other renewable technologies, like wind energy, can be used in a similar fashion.

This is an application of renewable energy that interests me greatly. For those farmers who live in remote areas, renewable energy systems also offer distinct advantages in agricultural applications where power lines are subject to failure due to flooding, icing or other seasonal changes. These energy technologies also make sense where electrical needs are relatively small or are seasonal.

In conclusion, I want to reiterate my belief that investing in research and development of renewable energies is a win-win solution in every sense. Jobs are created, taxpayer money is saved, our national security is enhanced and the environment is protected. The future of our security and prosperity depends on the commitments we make today.

Mr. BINGAMAN. Mr. President, renewable energy is a win-win. Renewable technologies such as wind, solar, geothermal, and biomass are domestic and clean. Many renewable applications are especially suited to remote rural locations where construction of electric transmission facilities are prohibitively expensive. The federal government has had a very successful program installing 122 photovoltaic systems in place of diesel generators at remote locations of the National Park Service, Forest Service and BLM. (Chart) These systems produce electric power without any noise or emissions. Photovoltaics are also well-suited for use on remote areas of Indian Reservations.

Collaboration between the National Labs and U.S. industry has made huge strides in photovoltaic efficiency and cost-competitiveness. The cost of photovoltaic systems have declined 10 fold since 1980. Ongoing work in system reliability and long-term performance is crucial to continued development of U.S. leadership in this area. The Department of Energy's proposed budget is barely 40% of what Japan and half of what Germany spend on photovoltaic research.

Another important technology is concentrating solar power, where the sun's energy is first converted to heat then used to generate electricity in a conventional generator. The federal research program, centered at Sandia, has been a true success. Further work in advanced trough technology and dish based systems, which can be dispatched into the electricity grid, promise to dramatically lower costs. Based on World Bank estimates of capacity installation for these technologies, up to $12 billion in sales of U.S.-manufactured products and up to 13,000 new jobs could be created by U.S. industry by 2010.

Since the 1980's the cost of wind power has declined 80% (from 25 cents to 4.5 cents per kilowatt hour.) With the necessary support, the cost of wind will be down to 3 cents per kilowatt hour or lower within five years. This amendment will fund U.S.-based turbine certification, international consensus standards, wind mapping to assist in targeting key areas, and support to industry on solving near term problems. The export opportunities for U.S. industry are large, but the U.S. must compete against the highly subsidized European manufacturers.

The opportunities for economic development of geothermal power in the U.S. west are vast. The Department of Energy has an initiative underway to cut the cost of drilling for geothermal resources by 25% within the next two years. Geothermal, especially using non-drinking water sources and treated wastewater, can become an important energy source for arid states. This research with commercial development could result in development of 30,000 jobs in the U.S. and open up significant international marketing opportunities for U.S. manufacturers.

The research programs funded by this amendment are making important contributions to the ongoing restructuring of the electric utility industry. For example, many experts believe the future of electric power generation will be in the form of small, so-called "distributed" generation technologies. Smaller power plants offer advantages in terms of improved efficiency and reliability as well as reduced environmental impacts. Solar, wind, geothermal, biomass and other generating technologies such as fuel cells and microturbines are all likely approaches to distributed generation. The Energy Committee will hold an oversight hearing on distributed generation next week. Finally, research in this bill is also helping assure the continued security and reliability of the nation's high-tension transmission grid. Sandia Labs in New Mexico is a key partner in DOE's transmission research program.

I think it is critical to maintain our momentum in renewable energy research. The proposed budget cuts in the bill are unfortunate and unnecessary. I am pleased to support the amendment and I thank Senator JEFFORDS for his efforts.

Mr. LEAHY. Mr. President, I have the pleasure of joining Senator JEFFORDS to rise in support of the renewable energy programs within the Energy and Water Appropriations bill. First, let me thank Senators DOMENICI and REID for their hard work to put together a balanced appropriations bill under very difficult budget constraints. I know both of these Senators support the renewable energy programs at Department of Energy and would have liked to come closer to the President's requested funding level. However, as with all the appropriations bills, this year has forced all of us to make difficult choices.

I am supporting the Jeffords amendment because I firmly believe that developing new solar and renewable energy sources is absolutely critical to reducing our reliance on imported fossil fuels and addressing climate change. Anyone who had the pleasure of spending some of this spring in the Northeast will tell you that although we all appreciated the glorious 85 degree days, it was unusual. After about a week, Vermonters really began to wonder about the strange weather. This is only a harbinger of things to come if we do not aggressively address the greenhouse gases that contribute to climate change.

The solar and renewable energy programs will help our nation find alternative energy sources and help our states and industry start using them. We need to invest more funding to develop renewable energy technology and to bring this technology into the mainstream. Coming from Vermont, I have already seen how this technology can be used. During the nuclear freeze movement of the 1980s, Vermonters adopted a saying: "As Vermont goes, so goes the nation." I hope that our state can provide similar leadership to set the nation on a path in the new millennium to promote the development and use of renewable energy.

From the Green Mountain Power wind farm in Searsburg to the McNeil biomass gasifier in Burlington, Vermont is developing and using renewable energy sources. These large projects are being looked at as models for how public-private partnerships can spur growth in our renewable energy sectors. Vermont is also leading the nation in developed small, community-based renewable energy projects. Many

Vermont communities have shifted away from fossil energy sources to biomass, building small wood-fired systems. Biomass is now being used in Vermont schools, low-income housing projects, state office buildings and mills.

Vermont is also taking this technology overseas. I am proud to say that several Vermont renewable energy businesses have created niche markets for their technology all around the world. Just a few weeks ago, Prime Minister Tony Blair turned on the lights at a school that had just installed a small wind turbine built by a Vermont company. Another Vermont company has developed solar panels that are being used by individual homes in many developing countries where there is no central energy source.

When Vermont and the nation consider what the next millennium will look like the most important question to be asked is what do we want to pass on to the next generation?

I want my grandson to be able to hike through the Green Mountains and see the same majestic forests and mountain peaks as I did. I want him to be able to fish in Lake Champlain without having to worry about what heavy metals are in it. If my grandchildren are going to enjoy these experiences, our nation has to reduce our reliance on fossil fuels and increase our use of renewable energy. The Jeffords amendment will ensure that the successes of the solar and renewable energy programs at Department of Energy are replicated to help our nation meet this goal.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. WELLSTONE addressed the Chair.

Mr. JEFFORDS. Mr. President, let me first ask unanimous consent to add 13 additional original cosponsors to my amendment. These are: Mr. ALLARD, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. GRASSLEY, Ms. COLLINS, Mrs. BOXER, Mr. CLELAND, Mr. ROTH, Mr. HARKIN, Mr. KERRY, Mr. BINGAMAN, Mr. LEVIN, Mr. BRYAN, Ms. SNOWE, Mr. WYDEN, Mr. DASCHLE, Mr. SCHUMER, Mr. HAGEL, Mrs. MURRAY, Mr. CHAFEE, and Mr. WELLSTONE.

I yield, reserving my right to the floor, to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, the names will be added as cosponsors.

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the unanimous consent request applies to the amendment that has been withdrawn; is that right?

The PRESIDING OFFICER. Does the Senator from Vermont desire to withdraw the amendment?

Mr. REID. It has already been withdrawn. The unanimous consent request to add cosponsors applies to the amendment that has been withdrawn.

Mr. JEFFORDS. It applies to the amendment I had pending on the list. I guess that is the best way to describe it.

Mr. REID. The amendment has been withdrawn; is that right?

The PRESIDING OFFICER. The Senator is correct, the amendment has been withdrawn.

Mr. REID. I have no objection to the cosponsors being added to the amendment that has been withdrawn.

The PRESIDING OFFICER. Without objection, the cosponsors will be added, and, without objection, the Senator may yield the floor to the Senator from Minnesota, as he reserves his right to the floor.

Mr. WELLSTONE. Mr. President, rather than having to put it in the form of a question, I appreciate the way my colleague made the UC request.

I come to the floor in complete support of what Senator JEFFORDS is trying to do. One can look at it in a couple of different ways. One can look at it in terms of the numbers in the here and now, but, frankly, as I look at this picture over a period of time, I do not think we have done near what we should by way of investment in renewable energy. That is what my colleague from Vermont is saying.

I come from a cold weather State at the other end of the pipeline, and when we import barrels of oil and Mcfs of natural gas, we export dollars and yet we are rich in resources—wind, solar, safe energy.

My colleague is right on the mark. I thank him for his leadership. We should be making much more of an investment in this area. It is on sound ground from the point of view of the environment. It leads us down the path of smaller business economic development, technologies that are more compatible with communities, more homegrown economies, more capital investment locally. I thank my colleague for his work and tell him what he has been trying to do is important. He is right on the mark, and I add my support to his effort.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. Mr. President, I will continue with my presentation of the merits of this amendment. I have no intention of holding up this body any longer than necessary; necessary meaning this preemptive strike is designed to make us accomplish our goals.

The next chart is the Westinghouse power connection's biomass gasification facility in Hawaii. This demonstrates the potential to convert agricultural waste—sugarcane in this case—into electricity.

I have another chart to demonstrate the power of all of these generating plants. This one is at BC International Corporation, biomass ethanol plant in Jennings, LA. This plant will be retrofitted to produce ethanol from sugarcane bagasse and rice waste.

That completes my charts. I hope my colleagues have been impressed with what we could have done if we were not prohibited.

Let me conclude by reminding everyone we are proposing to add $70 million through our amendment to the Department of Energy's solar, wind, and renewable budget. Federal support for renewable energy research and development has been a major success story in the United States. Costs have declined, reliability has improved, and a growing domestic industry has been born. More work still needs to be done in applied research and development to bring down the cost of the production even further.

This is a tremendous opportunity for this Nation which will help us reduce our trade deficits. The need for renewable R&D is not a partisan issue:

> We must encourage environmentally responsible development of all U.S. energy resources, including renewable energy. Renewable energy does reduce demand upon our other finite natural resources. It enhances our energy security, and clearly, it protects the environment.

This was President Bush, September 1991.

MOTION TO RECOMMIT

Mr. President, I move to recommit the bill to the Appropriations Committee, and further, that the committee report the bill forthwith, with the following amendment. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. JEFFORDS] moves to recommit the bill S. 1186 to the Committee on Appropriations with instructions to report back forthwith, with an amendment numbered 682.

The amendment is as follows:

> On page 20, strike lines 21 through 24 and insert "$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $75,000,000 shall be derived from accounts for which this Act makes funds available for Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomased biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall

be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).".

Mr. REID. I object.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. REID. I object and call for the regular——

The PRESIDING OFFICER. The Senator from Nevada has objected. Under the unanimous consent agreement, the only amendments in order are those that have been filed.

Mr. JEFFORDS. Mr. President, I do not believe that the order includes a motion to recommit with an amendment. I ask for clarification in that respect.

Mr. REID. I submit to the Chair that it includes all amendments.

The PRESIDING OFFICER. The Senator from Vermont is advised that the instructions that all amendments must be filed applies even to amendments that would be included within a motion with instructions to recommit.

Mr. JEFFORDS. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. The appeal is debatable. Is there debate on the appeal?

Mr. JEFFORDS. Mr. President, I hope Members understand that this amendment would be perfectly appropriate to make this bill a more useful document. I understand the strong desires of some not to have this amendment apply, but it is an amendment which has over 50 cosponsors. It is only appropriate that this body have the right to exercise their will on a vote which will let them modify this bill in a manner which they think will make it more appropriate.

I urge all Members, especially the 50 cosponsors, to join with me on appealing the ruling of the Chair to allow this amendment to be placed upon the bill. It is only appropriate considering that the only problem we had was the one word "unnecessary" which made it subject to a point of order because the CBO ruled that the word "unnecessary" would prevent the funding and, therefore, would not be appropriate.

I believe very strongly we ought to have an opportunity for the majority of this Senate to express their will on this bill. Therefore, I am appealing the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, first of all, I reiterate what the chairman of the subcommittee has said, the manager of this bill. It is not as if we have not done everything we can to make sure that solar renewables are taken care of. There has been a 3-percent cut in solar and renewables. Others had a 9-percent cut. We have treated this, in effect, more fairly than anything else.

I also say to my friends, when this bill left this body last year, it had less money in it than the bill has this year. It was only because of what took place in the so-called summit after the committees completed all their work, the negotiation with the President, that the bill was plused up to $365 million. This is not chicken feed. This is $354 million for solar renewables.

Also, we in Nevada understand solar energy. At the Nevada Test Site, which we hear so much about in this Chamber, there could be enough energy produced by Sun at the Nevada Test Site to take care of all the energy needs of this country. The fact is, it is very difficult to get from here to there.

We are spending huge amounts of money—not enough; and I recognize that. Everybody wants to come and spend more money. I would like to spend more money. My friend from Vermont voted for the budget. I did not vote for the budget. I wish we had more money here. I think the budget we are being asked to work under is ridiculous. We cannot do what needs to be done for this country. My friend from Vermont voted for the budget. I did not.

So I say that we have to understand that if this goes back to the committee, we are going to have significant difficulties getting to the point where we are today. If we are going to move these bills along, it would seem to me the majority should help us move them along. This is one of the easier bills, some say. Based on this, I am not too sure.

I am a supporter of alternate energy sources. We have a solar energy program in the State of Nevada that we are very proud of. It is one of the best in the country. I have been to the one at Barstow. It produces 200 megawatts of electricity. It is by far the largest plant in the world. It is 100 times larger than the second largest plant, which is a small plant. Technology is allowing us to move forward but not very rapidly.

In this bill for solar building technology research there is $2 million; for photovoltaic energy systems there is $64 million; for biomass/biofuels transportation there is $38 million. For wind energy systems there is $34 million in this bill.

In the bill there is money for solar program support, the renewable energy production incentive, international solar programs, national renewable energy laboratory construction, and geothermal funding.

The State of Nevada has more geothermal potential than any State in this Union. It would be very beneficial for us to have more money. It would help the State of Nevada. We cut solar renewables 3 percent. We cut other nondefense programs almost 10 percent. We have been more fair to this entity than any of the others.

So I move to table the appeal and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. I withhold.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent to speak for 2 minutes.

Mr. JEFFORDS. Mr. President, I did not hear the request.

The PRESIDING OFFICER. The Senator requested to speak for 2 minutes.

Mr. JEFFORDS. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Thank you.

Fellow Senators, I suggest to you, the Chair has ruled that what the Senator seeks to do is out of order. We did establish right after we started this bill that amendments had to be filed at the desk so everybody could look at them. As you look at that sequence of things, a motion to send this back to committee with instructions was out of order; so those who want the Senator to win could not have won anyway. Now he wants to just send it back to committee. The Chair has once again ruled that is out of order.

How far do we have to go? As a matter of fact, we have already taken care of renewables better than almost any other nondomestic piece of this budget. We have reduced, by 24 percent, items such as cleanup, nondefense cleanup, in this country because we do not have enough money this year. We are $600 million short. We have only reduced this function by 2.8 percent. We reduce the Corps of Engineers by 8 percent, the Bureau of Reclamation by 3 percent. The total nondefense has been reduced by 7 percent.

We have prioritized well. As a matter of fact, if this amendment passes, we will be giving renewables a 14-percent priority over the rest of the nondefense programs of this country which, on average, have been cut 7 percent, because this would ask to increase it by 7. I believe it should be tabled. I hope we will do that expeditiously. I thank Senator REID for his attentiveness and his stick-to-itiveness on this. I believe we have treated renewables fairly.

I yield the floor.

The PRESIDING OFFICER. The Senator's motion to table has been withheld to this point.

Mr. REID. I move to table the appeal and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the appeal of the ruling of the Chair. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "no."

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Bunning
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Edwards
Enzi
Frist
Gorton
Graham
Gramm
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Lincoln
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reid
Robb
Roberts
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich

NAYS—39

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Bryan
Chafee
Cleland
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Grams
Grassley
Gregg
Hagel
Jeffords
Johnson
Kennedy
Kerry
Leahy
Levin
Lieberman
Lugar
Murray
Reed
Rockefeller
Roth
Schumer
Smith (OR)
Snowe
Warner
Wellstone
Wyden

NOT VOTING—1

Harkin

The motion was agreed to.

The PRESIDING OFFICER. The decision of the Chair stands.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I regret that I cannot support S. 1186, the FY 2000 Energy and Water Appropriations bill. I cannot support this bill because its funding for renewable energy falls far short of what we need in this country as we head into the 21st Century. The funding level provided in this bill, $353.9 million, doesn't come close to meeting the Administration's budget request. S. 1186 has $92 million less for renewables than the Administration requested. This represents a cut from last year's final appropriated level of about $12 million.

This is a very difficult vote for me because S. 1186 includes funding for some very important projects and programs. There are two projects that I believe are particularly important, the Marshall Flood Control Project and the Stillwater Levee. The Marshall Flood Control Project has been under consideration since the early 1970s and was authorized under the 1986 and 1988 Water Resources Development Act (WRDA). The FY 1999 Energy and Water Appropriations bill included $1.5 million for this project, and the Army Corps was able to reprogram an additional $700,000. FY 2000 funding will make it possible for a significant portion of the Stage Two work to be completed during this year's construction season.

The Stillwater Levee is another worthy project funded in this bill. Although the levee survived last year's high waters, it is in urgent need of repairs. The levee will protect downtown Stillwater, which includes over 60 sites on the National Register of Historic Sites.

It is especially unfortunate that we failed to take advantage of the opportunity we had to improve this bill. Senator JEFFORDS proposed an amendment that would have increased funding for solar and geothermal energy by $70 million, and we did not even get an up-or-down vote on his amendment. I think it was an important amendment, and I was proud to be an original cosponsor. I very much appreciate the leadership of my friend from Vermont on this issue.

As we near the millenium, I believe we need a far stronger commitment to a renewable energy future, not the $12 million cut for renewable energy in this bill. For too long, we have allowed our economy to remain hostage to oil, much of it imported. We should all recognize that our addiction to fossil fuels is not sustainable. We fight wars in part over oil, which we then use to pollute our skies, while providing tax breaks to large oil companies. Petroleum has helped us to achieve a very high standard of living in the western world, and oil will continue to be a major part of our economy. Indeed, oil is the central nervous system of the western world's economy. But we have been in need of surgery for years now.

In the past, we have risen to the challenge when faced with a visible crisis and rising prices. Can we do it again without long gas lines and with stable prices? I say we can. Indeed, while many see only a future of constraints, I see a future with opportunities.

After all, what will it take to stop overloading Mother Nature? Higher efficiency and more reliance on cleaner fuels. And what will that lead to? Manufacturing enterprises with the lowest operating costs in the world. Households that generate electricity from rooftop solar arrays. Farmers who harvest an additional "crop"—the winds that blow over their fields. City streets inhabited by quiet and pollution-free electric vehicles.

That is a future the American people surely can rally behind. Now is the time to rally all Americans behind that vision of the future. But unfortunately, this bill fails to do that. In fact, I believe it is a step in the wrong direction, and for that reason I am voting against it.

Mrs. MURRAY. Mr. President, included in the manager's package is an amendment designed to insert the United States Congress into the Bonneville Power Administration's rate setting process. I believe it is unnecessary and potentially counterproductive. Thus, I do not support it and will work to see it stricken in conference.

The BPA next month hopes to initiate the rate case to establish the cost of BPA power and set parameters for funding salmon recovery on the Columbia and Snake Rivers. As currently formulated, the rates established will fund projected fish and wildlife costs through customer rates. The process is working and this amendment could potentially jeopardize it.

I, along with other Democratic members of the Northwest delegation, recently sent a letter to Vice President GORE to reiterate our support for the so-called "fish funding principles" agreed to by the Administration and BPA. We sent this letter in response to a staff memo initiated by the National Marine FIsheries Service and the Environmental Protection Agency, recommending BPA charge its customers higher rates so it could establish a "slush fund" to pay the enormous cost of removing or breeching the four lower Snake River dams. As my colleagues know, there has been no decision that these dams should be removed and therefore there is no need to begin saving for such a controversial plan. Our letter firmly opposed collecting money from ratepayers for costs that may or may not be incurred in the future. Specifically, we opposed "prepayment of speculative future costs, particularly if those costs are contingent upon congressional action."

There is no movement afoot by the Administration or BPA to establish such a slush fund. So, there is not a problem to solve regarding slush funds for dam removal.

However, we do have a problem to solve: saving our wild salmon. We are committed as a region and as a nation to doing so. These skirmishes over staff memos and rumors simply divide us and divert our attention from the real problems we must solve; the real creative solutions we must fund; the real consensus we must forge. I fear an unintended consequence of this amendment may be to reduce our region's ability to solve this problem on its own.

So, Mr. President, this amendment is not helpful. That said, I know I do not have the votes to prevent its inclusion in this bill and thus have worked with Senator GORTON to modify it to make it more acceptable. The amendment now will apply only to this fiscal year, instead of continuing in perpetuity. In addition, the BPA Administration now must set rates with the "fish funding principles" agreed to by the Administration and BPA in mind.

Let me conclude by reiterating that we have a process working to set rates for BPA customers, which I firmly believe will achieve the vital goal of helping us save fish, and will allow full public and stakeholder involvement. This amendment is unnecessary and diversionary. I look forward to working with Senator GORTON and the Administration to get this language dropped from the bill in conference committee.

Mr. GORTON. Mr. President, no large group of citizens should be required to pay in advance for a project that they oppose, that will have an adverse impact on their lives and livelihoods, and that will almost certainly never be authorized. But that is exactly what has recently been proposed by certain officials of the Clinton Administration.

A discussion paper was recently published by these officials suggesting that the Bonneville Power Administration (BPA) add significantly to its power charges to its customers in its impending rate case. The purpose of these added charges is to provide a slush fund for the removal of four Federal dams from the Snake River, if that removal is ever authorized or ordered. It is only fair to add that the Clinton Administration has stated that the paper does not now reflect Administration policy, but it has nevertheless raised fears that the Administration might some day try to order such a removal without asking Congress either for the authority or the money to do so.

This amendment will prevent such an end run. It does not prevent BPA from including fish recovery costs in its rate structure for the next five years, even in greater amounts than the $435 million per year current limit. It will, however, prevent an additional surcharge for possible dam removal. That project, if it should be proposed, should require Congressional authorization, and a debate over funding sources, only as and when this or any later Administration makes such a recommendation.

Mr. LEAHY. Mr. President I would like to engage the Chairman in a colloquy. First, let me thank the Senator from New Mexico for his diligence in balancing funding for the wide variety of programs within the Energy and Water Appropriations bill under very difficult budget constraints. Under these constraints, you were able to fund the biomass programs at $72 million. However, one very important program to the Northeast has not been funded. The Northeast Regional Biomass Program has helped my State make significant steps to develop and market the use of wood as an energy source. It is now being used in Vermont schools, low-income housing projects, State office buildings and mills. Without support from the Northeast Regional Biomass Program, Vermont will not be able to build on these successes. Although funding is not included in the Senate bill for this program, the Department of Energy should be given the flexibility to continue support for some of these projects.

Mr. DOMENICI. As you mentioned, this appropriations bill was allocated $439 million less than the Fiscal Year 1999 enacted level. Although there are many programs I would have liked to continue, this funding level cannot accommodate all of them. However, I recognize the good projects being undertaken by the regional biomass programs and would encourage the Department of Energy its support for those programs within the overall biomass budget.

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Department of Energy to support state efforts to expand the use of small biomass projects that promote the use of wood energy as a renewable resource.

Mr. President, I would like to engage the Chairman in a colloquy. As more and more states deregulate their own energy industries, environmentally preferable electric power is one of the markets developing first. One sector that has garnered specific questions about its impact on the environment is hydropower. Consumers need a credible means to determine which hydropower facilities are environmentally preferable. Mr. Chairman, you have partially addressed this situation already by including funding within the Department of Energy's hydropower account to develop "fish friendly" turbines. I believe facilities that use this and other new technology should receive recognition for their efforts. Hydropower facilities that are operated to avoid and reduce their environmental impact should also receive recognition.

Mr. DOMENICI. I agree with the Senator and encourage the Department of Energy to support a voluntary certification program that will distinguish low impact hydropower from other hydropower. Such a certification program would also help develop new markets for "green power."

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Department of Energy to support this type of certification program.

HEMISPHERIC CENTER FOR ENVIRONMENTAL TECHNOLOGY (HCET)

Mr. MACK. Mr. President, I want to engage the distinguished Senator from new Mexico and the distinguished Senator from Nevada, managers of the pending bill, in a colloquy.

Mr. DOMENICI. I will be pleased to respond to the distinguished Senator from Florida, Senator MACK.

Mr. REID. I echo the sentiments of my colleague, Senator DOMENICI, and will be happy to respond to the distinguished Senator from Florida.

Mr. MACK. I thank the Senator.

Florida International University in my State of Florida has done a truly remarkable job of working with the Department of Energy in carrying out critically important environmental research and development of deactivation and decommissioning environmental technologies. More specifically, FIU's Hemispheric Center for Environmental Technology (HCET) has a proud history of partnering with DOE through its Environmental Management program to form a true 'center of excellence' in these areas and the President's fiscal year 2000 budget request for the EM program assumes full funding for continuation of this impressive partnership.

Mr. GRAHAM. Will the senator yield?

Mr. MACK. I yield to my colleague from Florida.

Senator GRAHAM. I echo the comments of the Senator from Florida about the FIU Hemispheric Center for Environmental Technology and reinforce the importance of the FIU Center in assisting the Department of Energy in deactivation and decommissioning of some of the most strategically important DOE sites in the Nation, including Fernald, Chicago, Albuquerque, Richland, and Oak Ridge facilities. I am proud of the role that HCET plays in these efforts.

Mr. MACK. I thank my colleague from Florida. It is my understanding that the President's budget contains sufficient funding ($5,000,000) to fully fund the current working agreement between Florida International University and the Department of Energy. Is that the Chairman's understanding?

Mr. DOMENICI. The Senator is correct.

Mr. MACK. I thank the Chairman. I specifically request that, as the distinguished senior Senator from New Mexico and the chairman of the Energy and Water Development Subcommittee continues to shepherd this legislation through the Senate and conference with the House, he would make every possible effort to provide the full budget request for the DOE's Environmental Management program and protect the full funding contained therein for the DOE-Florida International University partnership.

Mr. GRAHAM. I strongly endorse the recommendation of my colleague from Florida and hope that the distinguished Chairman and Ranking Member of the Subcommittee, Senator REID, will approve the full budget request in the final bill that is sent to the White House for approval. This is a program that is important to us and to our State.

Mr. REID. I thank both Senators from Florida, and you have my commitment that I will do whatever I can to include sufficient funding for the Environmental Management program at DOE to allow for the full $5,000,000 for the Florida International University-DOE initiative.

Mr. DOMENICI. I offer my commitment as well that I will work with Senator REID and the other members of the Subcommittee to do whatever I can to include sufficient funding for the Environmental Management program at DOE to allow for the full $5,000,000 for the Florida International University-DOE initiative.

Mr. MACK. I thank the distinguished Senators from New Mexico and Nevada for their commitment and leadership on this important legislation.

Mr. GRAHAM. I, too, thank the distinguished Senators from New Mexico and Nevada for their support in this most important matter.

INTERNATIONAL RADIOECOLOGY LABORATORY

Mr. COVERDELL. Mr. President, I bring to the attention of the chairman, other members of the Appropriations Committee, and the Senate—the International Radioecology Laboratory, commonly referred to as IRL, in Slavutych, Ukraine—which was dedicated last month by the U.S. Department of Energy. The IRL was established in July, 1998 by an agreement between the governments of the United States and the Ukraine to facilitate the critical research being conducted near the Chernobyl nuclear site on the long-term health and environmental effects of the world's worst nuclear accident. Construction of the IRL will be completed by fall, 1999. The IRL is managed by the Savannah River Ecology Laboratory, also known as SREL, of the University of Georgia and funded through cooperative agreements by the Department of Energy.

Led by Dr. Ron Chesser of SREL, highly integrated research scientists from the University of Georgia, Texas Tech, Texas A & M, the Illinois State Museum, Purdue University, Colorado State University, Ukraine and Russia have been involved in cooperative research in the Chernobyl region since 1992. These efforts have significant importance regarding the long-term risks in the Chernobyl area itself, but also for predicting the environmental consequences of future radioactive releases.

The new IRL will serve as the primary facility from which radioecology research activities are directed and will be the central point for collaboration among scientists worldwide concerned with the effects of environmental radiation.

The Savannah River Ecology Laboratory has proposed a new 5-year research initiative at the IRL to be administered through the Office of International Nuclear Safety Cooperation Program at the Department of Energy. This ambitious research project would carry out the goals of the United States-Ukraine 1998 agreement to: (1) understand the effects of the pollution from the Chernobyl disaster on forms of life; (2) provide data needed to make wise decisions concerning environmental and human health risks and the effectiveness of clean-up activities; and (3) develop strategic plans for the potential of future radiation releases. I am disappointed that this new initiative was not specifically funded in the FY 2000 Energy and Water Appropriations bill approved by the Committee and I would urge the Chairman to do all he can to find the necessary funds for this important project when the FY 2000 Energy and Water Appropriations bill goes to conference.

Mr. DOMENICI. I appreciate the concern of the Senior Senator from Georgia. I share his point of view regarding the importance of this new joint United States-Ukraine facility and the vital research being conducted on the aftermath of the Chernobyl accident. While you know how tight our budget is, I assure you that when this bill goes to conference we will make every effort to locate additional funds within DOE to allocate for programs like this and will attempt to find additional funding for DOE programs.

NAME CHANGE FOR TERMINATION COSTS PROGRAM

Mr. CRAIG. Mr. President, I rise to engage in a colloquy with my colleague from New Mexico, the bill manager, regarding the need to change the name of one of the programs in the Department of Energy's appropriations. Within the Energy Supply account, there is an account called "Nuclear Energy." Within the nuclear energy account, there is a program called "Termination Costs."

For some time, the name "Termination Costs" has caused considerable confusion. In fact, in the past the Department of Energy has submitted its budget request for this program using a different name. They called it the "Facilities" program and the Senate last year even appropriated funding using the name "Facilities" but the name change was dropped in conference.

The name "Termination Costs" is not an accurate depiction of the activities occurring under this program. I will quote from the Department of Energy's fiscal year 2000 budget request. The following items are listed as the program mission for the Termination Costs Program. (1) Ensuring the cost-effective, environmentally-compliant operation of Office of Nuclear Energy, Science and Technology sites and facilities; (2) Maintaining the physical and technical infrastructure necessary to support research and technology development by U.S. and overseas researchers; (3) Demonstrating the acceptability of electrometallurgical technology for preparing DOE spent nuclear fuel for ultimate disposal; and (4) Placing unneeded facilities in industrially safe and environmentally compliant conditions for low-cost, long-term surveillance.

With the possible exception of the last item, No. 4, these important mission priorities do not fit the heading of "termination."

Again, quoting from the Department of Energy's budget submittal, the stated program goal for the Termination Costs Program is, "To contribute to the nation's nuclear science and technology infrastructure through the development of innovative technologies for spent fuel storage and disposal and the effective management of active and surplus nuclear research facilities." I think this is an enduring mission for DOE and therefore the moniker "Termination Costs" is misleading.

Mr. DOMENICI. Will my colleague from Idaho yield?

Mr. CRAIG. I yield to my colleague.

Mr. DOMENICI. Mr. President, listening to the statements of the Senator from Idaho, I share his conviction that the name "Termination Costs" appears to be inadequate to describe the activities carried out under this program. This is consistent with the position the Senate took last year. I commit to work with my colleague to see that the name is changed to "Facilities" as requested by both my colleague and by DOE in the past.

Mr. CRAIG. I thank my colleague from New Mexico for his assistance in this matter.

DOE CLEAN-UP AT FERNALD

Mr. DEWINE. Mr. President, the Fernald site in Cincinnati, OH, has done a truly remarkable job of working with the Department of Energy in carrying out critically important environmental clean-up and restoration missions. More specifically, the clean-up at Fernald has garnered broad-based stakeholder support and is moving along ahead of schedule. More important, the Fernald site has pioneered the accelerated 10 year clean-up plan, which will save taxpayers several billion dollars. All of this has been accomplished while managing the site at or below the Department's appropriated budget for the project. I see the distinguished Chairman of the Energy and Water Subcommittee on the floor and wanted to be sure he is aware of the efforts underway at Fernald.

Mr. DOMENICI. I thank the Senator from Ohio for his comments. I am aware and certainly do appreciate the efficiency and budget-wise efforts of the clean-up achievements at the Fernald site.

Mr. DEWINE. I thank the Chairman of the Subcommittee. Does the Chairman agree that to further the proceedings, the Department of Energy should support the accelerated clean-up plan in place?

Mr. DOMENICI. I agree with the Senator from Ohio. The subcommittee recognizes the support of the Cincinnati community and regulators. The Department of Energy should take all steps necessary to keep the accelerated cleanup at Fernald on schedule, and the Subcommittee will continue to work with the senior Senator from Ohio to monitor this effort.

Mr. DEWINE. I thank my friend and distinguished colleague from New Mexico for his leadership on this important issue to the citizens of Cincinnati.

BUREAU OF RECLAMATION DAM SAFETY RESEARCH

Mr. BENNETT. Mr. President, Utah has at least 30 dams that currently do not meet current safety standards. Most of these dams were built more than 30 years ago by either the Bureau of Reclamation, the Soil Conservation Service or the state for a variety of purposes such as flood control, irrigation or municipal purposes or for wildlife enhancement. As these dams have aged, safety concerns have increased. We now find ourselves facing tremendous and expensive safety issues.

Earlier this year, I requested additional funding for research related to monitoring and manipulating subsurface flows which affect Bureau dams. It is my hope that this research could be utilized to help address dam safety across the West. Unfortunately, given the committee allocation, it was not possible to provide increased funding this year.

I know that the Bureau is seeking to conduct more extensive research to determine the possibility of manipulating subsurface flows and the effects on dam safety. Utah State University's Water Research Lab has been identified as a leader in this effort. I also requested funding to be directed toward the Dam Breach Modeling program which would research additional modeling of dam failure scenarios. This research would include water tracking technologies to monitor internal movement of water through dams, and allow the Bureau to explore applying this technology to specific Western dams.

The technology would provide the Dam Safety program with additional tools to gather information on internal conditions and analyze dam integrity and make predictions on possible impacts from floods, earthquakes and similar events. It is anticipated that after a testing period, assistance could be made available to federal and state dam safety officials in assessment programs.

Utah, New Mexico, Idaho and almost all western states have potentially serious dam safety problems. New technologies could provide information to identify high risk areas and define the critical flows and leaks that threaten a structure.

As a member of the subcommittee, I certainly understand the pressures on the chairman because of the budget limitations and personally know that he has done everything he can to meet the enormous and competing demands. I hope that should additional funds become available down the road, the Committee would consider these requests at some funding level.

Mr. DOMENICI. I concur with the Senator on the importance of developing and testing dam safety technologies. However, since funding levels for the Bureau are $95 million below the budget request, there are numerous projects of merit which must go unfunded this year. I wish this were not the case, but I would be happy to work with the Senator should additional resources become available and conference conditions allow the Committee to consider this matter.

MAINTENANCE DREDGING PROJECTS

Mr. GREGG. Mr. President, I rise to clarify points regarding the Army Corps of Engineers maintenance dredging projects in the State of New Hampshire.

Maintenance dredging of Little Harbor, in Portsmouth, remains a top priority for the State of New Hampshire and is important to regional and recreational commercial boating users who continue to operate with navigational safety hazards. Environmental mitigation matters associated with the federal project have been addressed by an interagency task force. Proposed dredging, dredged material disposal, and mitigation arrangements are currently being addressed by the Army Corps of Engineers in an Environmental Assessment.

Piscataqua River shoaling remains a top priority for the State of New Hampshire. Shoaling has occurred in the major shipping lane at Portsmouth Harbor. Last year 6 million tons of cargo, mostly petroleum products, passed through the Piscataqua River. It is imperative for navigational and environmental safety that the shipping lane be cleared at the earliest possible opportunity. The Army Corps of Engineers is currently developing an Environmental Impact Study.

Sagamore Creek is also a priority for the State of New Hampshire. Maintenance dredging of Sagamore Creek is important to the New Hampshire Commercial Fishing Industry as it functions as a transit channel and is the back channel to Little Harbor. Appropriated funds would allow the Army Corps of Engineers to conduct required hydrographic and material testing to initiative project. Sagamore Creek is being abandoned by the New Hampshire Commercial Fishing Fleet due to lack of clearance and navigational safety concerns.

I respectfully ask the distinguished chairman to consider the importance of these projects as this bill develops and to help the Corps in addressing these pressing priorities which are so important in my state.

Mr. DOMENICI. I appreciate the Senator from New Hampshire bringing these important projects to my attention. I understand, from recent communications with the Army Corps of Engineers, that work may being on these projects as soon as possible, consistent with necessary approvals and funding. I look forward to working together to identify ways in conference by which we might be able to advance these projects.

BROOKHAVEN NATIONAL LABORATORY

Mr. SCHUMER. Mr. President, with the threat of a permanent shutdown of the High Flux Beam Reactor at Brookhaven National Laboratory, the employees who operate the reactor have asked to be reinstated under The Department of Energy Worker and Community Transition Program. This office provides funding for separation benefits, outplacement assistance, and training. Brookhaven and Argonne National Labs in Idaho were removed from the program in 1997, making their employees ineligible for those benefits.

I thank Senator REID for committing to pursue adding this provision during the conference committee negotiations on Energy and Water Appropriations for Fiscal Year 2000. This program is crucial to ensure future employment of the workforce at Brookhaven National Laboratory.

Mr. REID. I am pleased to help the Senator from New York.

Mr. SCHUMER. I thank the Chair.

GEORGIA ENERGY AND WATER PROJECTS

Mr. COVERDELL. Mr. President, as the chairman knows, several projects from the great state of Georgia found funding in the Committee's appropriations report now before us. I applaud the attention and support provided by the Subcommittee to fund these important activities. In particular, I speak of the funding for Brunswick and Savannah Harbor maintenance and the Army Corps of Engineers' investigations of Brunswick Harbor and the Savannah Harbor Expansion. The Brunswick and Savannah Harbor expansion projects found earlier authorization in the Water Resources Development Act of 1999 (WRDA) which recently passed the Senate.

Mr. DOMENICI. The subcommittee understands the importance of harbor maintenance and deepening to Savannah and Brunswick. I also appreciate the work of the Senator from Georgia.

Mr. COVERDELL. In addition, the subcommittee's continued funding of other worthy projects in Georgia, the New Savannah Bluff Lock and Dam, is appreciated. I look forward to working with you and the Subcommittee on other Georgia priorities.

Mr. DOMENICI. The subcommittee agrees that these projects after undergoing the intense scrutiny of the Congressional process for a number of years continue to prove their worth. I look forward to continuing to work on behalf of these and other priorities for Georgia.

Mr. COVERDELL. I thank the Senator for the opportunity to engage in this colloquy and for your support of these very worthwhile projects.

Mr. DOMENICI. Mr. President, I submit for the RECORD the official Budget Committee scoring of the pending bill—S. 1168, the Energy and Water Development Appropriations bill for FY 2000.

The scoring of the bill reflects an amendment I offered at the beginning of this debate to correct an inadvertent error in the bill as reported to the Senate. With this correction of a clerical error, the bill provides $21.3 billion in new budget authority (BA) and $13.3 billion in new outlays to support the programs of the Department of Energy, the U.S. Army Corps of Engineers, and the Bureau of Reclamation, and related federal agencies. The bill provides the bulk of funding for the Department of Energy, including Atomic Energy Defense Activities and civilian energy research and development (R&D) other than fossil energy R&D and energy conservation programs.

When outlays from prior-year budget authority and other completed actions are taken into account, the pending bill totals $21.3 billion in BA and $20.9 billion in outlays for FY 2000. The bill is $2 million in BA below the Subcommittee's 302(b) allocation, and at the 302(b) allocation for outlays.

The Senate bill is $0.1 billion in BA and $0.5 billion in outlays above the 1999 level. The bill is $0.3 billion in both BA and outlays below the President's budget request for FY 2000.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the FY 2000 Energy and Water Development Appropriations bill be printed in the RECORD.

I urge the adoption of the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1168, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISON—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purposes	Crime	Mandatory	Total
SENATE-REPORTED BILL: [1]				
Budget authority	21,278			21,278
Outlays	20,868			20,868
Senate 302(b) allocation:				
Budget authority	21,280			21,280
Outlays	20,868			20,868
1999 Level:				
Budget authority	21,177			21,177
Outlays	20,366			20,366
President's request:				
Budget authority	21,557			21,557
Outlays	21,172			21,172
House-passed bill:				
Budget authority				
Outlays				
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	(2)			(2)
Outlays				
1999 Level:				
Budget authority	101			101
Outlays	502			502
President's request:				
Budget authority	(279)			(279)
Outlays	(304)			(304)
House-passed bill:				
Budget authority	21,278			21,278
Outlays	20,868			20,868

[1] Reflects floor amendment on SEPA reducing BA by $11 million and outlays by $9 million.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. DOMENICI. Mr. President, I rise to discuss an amendment specifically focused on encouraging small business partnership interactions with the Department of Energy's national laboratories and other facilities associated with Defense Activities.

Congress has frequently encouraged the national laboratories and facilities of the Department of Energy to craft partnerships that are supportive of their mission interests. Congress has emphasized that all program funding at these institutions can be used for mission-supportive partnerships.

Through industrial interactions, the best practices from industry, from improved technologies to improved operations, can be infused into Department missions. These interactions also provide opportunities for U.S. industry to benefit from technologies developed in support of the Department's mission areas, with a corresponding impact on the competitive position of our nation.

In past years, Congress has identified large amounts of funding, over $200 million per year, to encourage formation of these partnerships. There is less need for these funds for industrial interactions today, since the labs and facilities should have learned how to optimally use these partnerships. However, the reduction in funding for industrial interactions does not imply that Congress is less supportive of them, it only indicates the expectations that the Department's programs should be able to continue to use these partnerships without line item funding.

One specific class of industrial interactions, however, requires continued attention and specific funding from Congress. This involves interactions with small businesses. Small businesses are a primary engine of U.S. economy. They frequently represent the greatest degree of innovation in their approaches. Their focus on innovation makes them a particularly important partner for the labs and facilities, yet their small size and less developed business operations make interactions with the large Departmental facilities difficult.

In addition, each of the labs and facilities needs a supportive small business community surrounding them, one that can provide needed technical services as well as provide an economic climate that assists in recruitment and retention of the specialized personnel required at these facilities.

For these reasons, we need a focused small business initiative to encourage interactions with this vital community. These partnership interactions can take many forms, from very formal cooperative research and development agreements to less formal technology assistance. They should be justified either on a mission relevance or regional economic development basis.

Four these reasons, Mr. President, this amendment creates a Small Business Initiative within Defense Activities for $10 million. With this Initiative, this vital class of interactions will be encouraged.

Mr. President, I also wish to speak about an amendment to add $10 million for a specific area of civilian research and development. This area involves assessment of accelerator transmutation of waste technology that may be able to significantly reduce the radioactivity and radio-toxicity of certain isotopes found in spent nuclear fuel.

Accelerator transmutation of waste or ATW may enable the nation to consider alternative strategies for spent nuclear fuel at some future point in time. Our present plan involves no options, it involves only the disposition of spent fuel in a permanent underground geologic repository. Yet that spent fuel still has most of its energy potential.

Depending on future generation's needs for energy, the availability of cost effective technologies for generation of electricity, and whatever limitations on power plant emissions may be in place, the nation may want to reexamine the advisability of continuing the current path for spent fuel. Transmutation technologies could enable energy recovery, along with significant reduction in the toxicity of the resulting final waste. However, while transmutation is technically feasible, much research and development will be required to determine its economic implications.

There is intense international interest in transmutation—from France, Japan, and Russia as examples. This is an excellent subject for international collaboration, and may lead to additional cooperation in the entire area of spent fuel management. The U.S. needs to have a sufficiently strong program to participate in such an international program, and ideally to exert a degree of leadership on the directions of international spent fuel programs.

For these reasons, Mr. President, this amendment adds $10 million to the civilian research and development funding line within the nuclear energy programs.

Mr. McCAIN. Mr. President, the bill we are considering today, the energy and water appropriations bill, is fundamental to our nation's energy and defense related activities, and takes care of vitally important water resources infrastructure needs. Unfortunately, this bill diverts from its intended purpose by including a multitude of additional, unrequested earmarks to the tune of $531 million.

This amount is substantially less than the earmarks included in the FY'99 appropriations bill and I commend my colleagues on the Appropriations Committee for their hard work in putting this bill together. In fact, this year's recommendation is about 60 percent lower than the earmarks included in last year's appropriation bill. My optimism was raised upon reading the committee report which states that the Committee is "reducing the number of projects with lower priority benefits." Unfortunately, while the Committee attempts to be more fiscally responsible, there is a continuing focus on parochial, special interest concerns.

Funding is provided in this bill for projects where it is very difficult to ascertain their overall importance to the security and infrastructure of our nation.

Let me highlight a few examples:

$3,000,000 is provided for an ethanol pilot plant at Southern Illinois University;

$300,000 is provided to the Vermont Agriculture Methane project;

$400,000 is included for aquatic weed control at Lake Champlain in Vermont, and,

$100,000 in additional funding for mosquito control activities in North Dakota.

How are these activities connected to the vital energy and water resource needs of our nation? Why are these projects higher in priority than other flood control, water conservation or renewable energy projects? These are the type of funding improprieties that make a mockery of our budget process.

Various projects are provided with additional funding at levels higher than requested by the Administration. The stated reasons include the desire to finish some projects in a reasonable timeframe. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the Administration's request, which is responsible for carrying out these projects, and the views of the Appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Another $92 million above the budget request is earmarked in additional funding for regional power authorities. I fail to understand why we continue to spend millions of federal dollars at a time when power authorities are increasingly operating independent of federal assistance. Even the Bonneville Power Administration, one of these power entities, is self-financed and operates without substantial federal assistance.

We must stop this practice of wasteful spending. It is unconscionable to repeatedly ask the taxpayers to foot the bill for these biased actions. We must work harder to focus our limited resources on those areas of greatest need nationwide, not political clout.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need. Indeed, I commend my colleagues for not including any projects which are unauthorized. However, there are still too many cases of erroneous earmarks for projects that we have no way of knowing whether, at best, all or part of this $531 million should have been spent on different projects with greater need or, at worst, should not have been spent at all.

I will support passage of this bill, but let me state for the RECORD that this is not the honorable way to carry out our fiscal responsibilities.

Mr. President, I ask unanimous consent that this list of objectionable provisions in S. 1186 and its accompanying Senate report be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN S. 1186 FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS BILL

BILL LANGUAGE

Department of Defense, Army Corps of Engineers

General investigations

Earmark of $226,000 for the Great Egg Harbor Inlet to Townsend's Inlet, New Jersey

General construction

Earmark of $2,200,000 to Norco Bluffs, California

Earmark of $3,000,000 to Indianapolis Central Waterfront, Indiana

Earmark of $1,000,000 to Ohio River Flood Protection, Indiana

Earmark of $800,000 to Jackson County, Mississippi

Earmark of $17,000,000 to Virginia Beach, Virginia (Hurricane Protection)

An additional $4,400,000 to Upper Mingo County (including Mingo County tributaries),

Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia

Earmark of $2,000,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, is directed to construct bluff stabilization measures at authorized locations for Natchez Bluff, Mississippi

Earmark of $200,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate a Detailed Project Report for the Dickenson County, Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River West Virginia, Virginia and Kentucky, project

An additional $35,630,000 above the budget request to flood control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

POWER MARKETING ADMINISTRATIONS

$39,594,000 restored to the Southeastern Power Administration above the budget request.

An additional $60,000 above budget request for operation and maintenance at Southwestern Power Administration.

INDEPENDENT AGENCIES

An additional $5,000,000 above the budget request is provided for the Appalachian Regional Commission

An amount of $25,000,000 above the budget request is provided for the Denali Commission

General provisions

Language which stipulates all equipment and products purchased with funds made available in this Act should be American-made.

REPORT LANGUAGE

Department of Defense, Army Corps of Engineers

General Investigations

Earmark of $100,000 to the Barrow Coastal Storm Damage Reduction, AK.

Earmark of $100,000 to Chandalrr River Watershed, AK.

Earmark of $100,000 to Gastineau Channel, Juneau, AK.

Earmark of $100,000 to Skagway Harbor, AK.

Earmark of $150,000 to Rio De Flag, Flagstaff, AZ.

Earmark of $250,000 to North Little Rock, Dark Hollow, AR.

Earmark of $250,000 to Llagas Creek, CA.

An additional $450,000 to Tule River, CA.

An additional $450,000 to Yuba River Basin, CA.

Earmark of $250,000 to Bethany Beach, South Bethany, DE.

Earmark of $100,000 to Lake Worth Inlet, Palm Beach County, FL.

Earmark of $100,000 to Mile Point, Jacksonville, FL.

An additional $170,000 to Metro Atlanta Watershed, GA.

Earmark of $100,000 to Kawaihae Deep Draft Harbor, HI.

Earmark of $100,000 to Kootenai River at Bonners Ferry, ID.

Earmark of $100,000 to Little Wood River, ID.

Earmark of $100,000 to Mississinewa River, Marion, IN.

Earmark of $100,000 to Calcasieu River Basin, LA.

Earmark of $500,000 to Louisiana Coastal Area, LA.

Earmark of $100,000 to St. Bernard Parish, LA.

Earmark of $100,000 to Detroit River Environmental Dredging, MI.

Earmark of $400,000 to Sault Ste. Marie, MI.

An additional $400,000 to Lower Las Vegas Wash Wetlands, NV.

An additional $75,000 to Truckee Meadows, NV.

Earmark of $200,000 to North Las Cruces, NM.

Earmark of $100,000 to Lower Roanoke River, NC and VA.

Earmark of $300,000 to Corpus Christi Ship Channel, Laquinta Channel, TX.

Earmark of $200,000 to Gulf Intracoastal Waterway Modification, TX.

Earmark of $100,000 to John H. Kerr, VA and NC.

Earmark of $100,000 to Lower Rappahannock River Basin, VA.

Earmark of $500,000 to Lower Mud River, WV.

Earmark of $400,000 to Island Creek, Logan, WV.

Earmark of $100,000 to Wheeling Waterfront, WV.

Language which directs the Corps of Engineers' to work with the city of Laurel, MT to provide appropriate assistance to ensure reliability in the city's Yellowstone River water source.

Construction

An additional $1,200,000 to Cook Inlet, AK.

An additional $900,000 to St. Paul Harbor, AK.

An additional $13,000,000 to Montgomery Point Lock and Dam, AR.

An additional $8,000,000 to Los Angeles County Drainage Area, CA.

Earmark of $500,000 to Fort Pierce Beach, FL.

Earmark of $500,000 to Lake Worth Sand Transfer Plant, FL.

An additional $2,000,000 to Chicago Shoreline, IL.

An additional $10,000,000 to Olmstead Locks and Dam, Ohio River, IL and KY.

An additional $2,000,000 to Kentucky Lock and Dam, Tennessee River, KY.

An additional $2,000,000 to Inner Harbor Navigation Canal Lock, LA.

An additional $5,000,000 to Lake Pontchartrain and Vicinity, LA.

An additional $1,000,000 to West Bank Vicinity of New Orleans, LA.

An additional $2,500,000 to Poplar Island, MD.

Earmark of $250,000 to Clinton River, MI Spillway.

Earmark of $100,000 to Lake Michigan Center.

Earmark of $1,100,000 to St. Croix River, Stillwater, MN.

An additional $5,000,000 to Blue River Channel, Kansas City, MO.

An additional $1,000,000 to Missouri National Recreational River, NE and SD.

An additional $8,900,000 to Tropicana and Flamingo Washes, NV.

Earmark of $250,000 to Passaic River, Minish Waterfront Park, NJ.

Earmark of $750,000 to New York Harbor Collection and Removal of Drift, NY & NJ.

An additional $4,000,000 to West Columbus, OH.

An additional $90,000 to the Lower Columbia River Basin Bank Protection, OR and WA.

An additional $10,000,000 to Locks and Dams 2, 3 and 4, Monongahela River, PA.

An additional $1,000,000 to Cheyenne River Sioux Tribe, Lower Brule Sioux, SD.

Earmark of $1,000,000 to James River Restoration, SD.

Earmark of $1,000,000 to Black Fox, Murfree Springs, and Oakland Wetlands, TN.

Earmark of $1,000,000 to Tennessee River, Hamilton County, TN.

Earmark of $800,000 to Greenbrier River Basin, WV.

Earmark of $1,000,000 to Lafarge Lake, Kickapoo River, WI.

Earmark of $400,000 for aquatic weed control at Lake Champlain in Vermont.

An additional $960,000 for various earmarks under Section 107, Small Navigation Projects.

An additional $5,675,000 for various earmarks under Section 205, Small flood control projects.

An additional $1,760,000 for various earmarks under Section 206, Aquatic ecosystem restoration.

An additional $1,500,000 for various earmarks under Section 1135, Projects Modifications for improvement of the environment.

An additional $12,500,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

An additional $500,000 to St. Francis Basin, Arkansas and Missouri.

An additional $2,000,000 for the Louisiana State Penitentiary Levee, Louisiana.

An additional $500,000 for Backwater Pump, Mississippi.

An additional $585,000 for the Big Sunflower River, Mississippi.

An additional $5,000,000 for Demonstration Erosion Control, Mississippi.

An additional $2,000,000 for the St. Johns Bayou and New Madrid Floodway, Missouri.

An additional $2,764,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

An additional $1,500,000 for the St. Francis River Basin, Arkansas and Missouri.

An additional $2,250,000 for the Atchafalaya Basin, Louisiana.

An additional $1,000,000 for Arkabutla Lake, Missouri.

An additional $1,000,000 for End Lake, Missouri.

An additional $1,000,000 for Grenada Lake, Mississippi.

An additional $1,000,000 for Sardis Lake, Mississippi.

An additional $31,000 for Tributaries, Mississippi.

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL

An additional $2,000,000 for Mobile Harbor, Alabama.

Earmark of $1,000,000 for Lowell Creek Tunnel (Seward), Arkansas.

An additional $1,500,000 for Mississippi River between Missouri River and Minneapolis, Illinois, Indiana, Minnesota, Missouri.

An additional $525,000 for John Redmond Dam and Reservoir, Kansas.

An additional $2,000,000 for Red River Waterway, Mississippi River to Shreveport, Louisiana.

Earmark of $250,000 for Missouri National River.

An additional $35,000 for Little River Harbor, New Hampshire.

Earmark of $20,000 for Portsmouth Harbor, Piscataqua River, New Hampshire.

An additional $1,500,000 for Delaware River, Philadelphia to the Sea, New Jersey, Pennsylvania and Delaware.

Earmark of $800,000 for Upper Rio Grande Water Operations Model.

An additional $100,000 for Garrison Dam, Lake Sakakawea, North Dakota.

An additional $500,000 for Oologah Lake, Oklahoma.

An additional $2,300,000 for Columbia and Lower Willamette River Below Vancouver, Washington and Portland.

An additional $50,000 for Port Orford, Oregon.

Earmark $400,000 for Corpus Christi Ship Channel, Barge Lanes, Texas.

An additional $1,140,000 for Burlington Harbor Breakwater, Vermont.

An additional $3,000,000 for Grays Harbor and Chehalis River, Washington.

Language which directs the Army Corps of Engineers to address maintenance at Humboldt; Harbor, CA; additional maintenance dredging of the Intracoastal Waterway in South Carolina; from Georgetown to Little River, and from Port Royal to Little River; dredging at the entrance; channel at Murrells Inlet, SC; additional dredging for the Lower Winyah Bay and Gorge in Georgetown Harbor, SC.

Bureau of Reclamation—Water and related resources

Earmark of $5,000,000 for Headgate Rock Hydroelectric Project.

An additional $1,500,000 for Central Valley Project: Sacramento River Division.

Earmark of $250,000 for Fort Hall Indian Reservation.

Earmark of $4,000,000 for Fort Peck Rural Water System, Montana.

Earmark of $2,000,000 for Lake Mead and Las Vegas Wash.

Earmark of $1,500,000 for Newlands Water Right Fund.

Earmark of $800,000 for Truckee River Operation Agreement.

Earmark of $400,000 for Walker River Basin Project.

An additional $2,000,000 for Middle Rio Grande Project.

Earmark of $300,000 for Navajo-Gallup Water Supply Project.

Earmark of $750,000 for Santa Fe Water Reclamation and Reuse.

Earmark of $250,000 for Ute Reservoir Pipeline Project.

An additional $2,000,000 for Garrison Diversion Unit, P-SMBP.

Earmark of $400,000 for Tumalo Irrigation District, Bend Feed Canal, Oregon.

An additional $2,000,000 for Mid-Dakota Rural Water Project.

Earmark of $600,000 for Tooele Wastewater Reuse Project.

Department of Energy

Earmark of $1,000,000 is for the continuation of biomass research at the Energy and Environmental Research Center.

Earmark of $5,000,000 for the McNeil biomass plant in Burlington, Vermont.

Earmark of $300,000 for the Vermont Agriculture Methane project.

Earmark of $2,000,000 for the continued research in environmental and renewable resource technologies by the Michigan Biotechnology Institute.

Earmark of $500,000 for the University of Louisville to research the commercial viability of refinery construction for the production of P-series fuels.

No less than $3,000,000 for the ethanol pilot plant at Southern Illinois University at Edwardsville.

Earmark of $250,000 for the investigation of simultaneous production of carbon dioxide and hydrogen at the natural gas reforming facility in Nevada.

Earmark of $350,000 for the Montana Trade Port Authority in Billings, Montana.

Earmark of $250,000 for the gasification of Iowa switchgrass and its use in fuel cells.

Earmark of $1,000,000 to complete the 4 megawatt Sitka, Alaska project.

Earmark of $1,700,000 for the Power Creek hydroelectric project.

Earmark of $1,000,000 for the Kotzebue wind project.

Earmark of $300,000 for the Old Harbor hydroelectric project.

Earmark of $1,000,000 for a demonstration associated with the planned upgrade of the

Nevada Test Site power substations of distributed power generation technologies.

Earmark of $3,000,000 for the University of Nevada at Reno Earthquake Engineering Facility.

An additional $35,000,000 to initiate a new strategy (which includes $5,000,000 for activities at Lawrence Livermore National Laboratory, $10,000,000 for Los Alamos National Laboratory, and $20,000,000 for work at Sandia National Laboratory).

An addition $15,0000,000 for the Nevada Test Site.

An addition $15,000,000 for future requirements at the Kansas City Plant compatible with the Advanced Development and Production Technologies [ADAPT] program and Enhanced Surveillance program.

An additional $10,000,000 for core stockpile management weapon activities to support work load requirements at the Pantex plant in Amarillo, Texas.

An additional $10,000,000 to address funding shortfalls in meeting environmental restoration Tri-Party Agreement compliance deadlines, and to accelerate interim safe storage of reactors along the Columbia River.

An additional $10,000,000 for spent fuel activities related to the Idaho Settlement Agreement with the Department of Energy.

An additional $30,000,000 for tank cleanup activities at the Hanford Site, WA.

An additional $20,000,000 to Rocky Flats site, CO.

Total amounts of earmarks: $531,124,000.

Mr. CRAIG. Mr. President, I rise to explain my amendment to S. 1186, a bill making appropriations for certain Department of Energy programs. Among these programs is the radioactive waste management program which is responsible for developing a nuclear waste repository at Yucca Mountain, in Nevada.

This repository will, if successfully completed, one day hold the spent nuclear fuel from all of this country's commercial nuclear power plants, in addition to defense high-level radioactive waste left-over from the development of nuclear weapons.

It has been 12 years since passage of the Nuclear Waste Policy Act Amendments of 1987, and I believe the Department of Energy's Yucca Mountain program is in serious trouble. In 1983, the Department of Energy signed contracts with every one of this country's nuclear power generators saying that the government would start taking their spent fuel for disposal in January of 1998.

Because of the Government's failure to meet that deadline, a number of utility companies, in conjunction with many State governments, are suing the Federal Government for failure to fulfill its contractual commitments. Many of these utilities are being forced, because of the Government's failure, to construct additional storage capacity at their sites. Many of these companies are seeking monetary damages from the Government.

Inheriting this situation from his predecessors at the Department of Energy, Secretary Richardson laid a proposal before the nuclear utilities last year. Secretary Richardson told the utilities that if they would agree to drop all future claims against the government, the Department of Energy would be willing to pay the utilities for their on site storage costs and that DOE would "take title"—meaning DOE would take over ownership and all liability—for the spent nuclear fuel and store it at the nuclear power plants for an indefinite period of time.

It is safe to say—since this administration opposes my interim storage legislation—that we can expect spent nuclear fuel under their scenario to be stored at reactors until at least the year 2015, because that is when the repository is expected to open—at the earliest.

The amendment I offer today speaks to the heart of this issue. To be blunt, I think it is irresponsible to create some 80 new federal interim storage sites for spent fuel scattered around this country. And I think the Administration compounds their neglect of this crisis by depleting the funds collected for development of the permanent solution—the Nuclear Waste Fund, created by law in 1982—by dispersing these funds back out to the same utilities who paid them in the first place, only now they are being used as a "band-aid" to pay to store fuel at reactors.

Very simply put, my amendment prohibits the Department of Energy from using funds appropriated from the Nuclear Waste Fund for the purpose of settling lawsuits or paying judgments arising out of the failure of the federal government to accept spent nuclear fuel from commercial utilities.

Money in the Nuclear Waste Fund has been collected to pay for a permanent solution to our nuclear waste problem. Mr. President, I don't think we should be squandering these funds on band-aid schemes. My amendment prohibits this from happening.

Mr. DOMENICI. Will my colleague from Idaho yield for a question?

Mr. CRAIG. I yield to my colleague.

Mr. DOMENICI. Mr. President, I share the concerns of the Senator from Idaho. However, it is not clear to me that the Department of Energy currently has the authority to use appropriated funds from the Nuclear Waste Fund for the purpose—on site storage at nuclear power plants—that is of concern to the Senator from Idaho. As I interpret current law, there exists no statutory provision allowing the Department of Energy to fund on-site storage. If that were the case, would my colleague from Idaho still feel the need to offer his amendment?

Mr. CRAIG. Mr. President, with my colleague's comment regarding the lack of current Department of Energy authority to use the Nuclear Waste Fund in the way I am concerned, I will reconsider offering my amendment at this time. I thank the Chair and my colleague from New Mexico.

Mr. FEINGOLD. Mr. President, I wanted to make a few remarks with regard to the FY 2000 Energy and Water Appropriations legislation. First, let me state that I am pleased that this bill takes strides to significantly reduce, in the name of fiscal soundness, appropriations for two programs about which I have been concerned for quite some time—the non-power programs of the Tennessee Valley Authority (TVA) and the Animas La-Plata project by the Bureau of Reclamation. I intend to support this appropriations bill this year.

For the past few Congresses, I have argued that the non-power programs of the TVA should be seriously scrutinized and reduced appropriately. I have introduced legislation which would put TVA on a glidepath toward eliminating federal funding for the non-power programs. The former Senator from Alabama (Mr. **HEFLIN**) and I personally met with TVA to discuss this legislation and the appropriate length of time for a federal fund phase-out. In the last two appropriations cycles, I have written to the appropriations committee asking them to reduce TVA non-power appropriations, and in the FY99 appropriations bill the funds for TVA were reduced significantly to a third of the more than $150 million that TVA received when I began raising this issue in the 104th Congress. My voice in the Senate on this issue is echoed by a number of members of the House Appropriations Committee who zeroed out funds for TVA non-power programs in the House-version of the FY99 Energy and Water Appropriations legislation.

I am pleased that this resounding call for scrutiny of these programs is leading to real results. In FY99 the TVA received $50 million dollars, with $7 million of that total specifically for the Land Between the Lakes (LBL) Recreation Area. This appropriations legislation virtually eliminates appropriations for TVA non-power programs, retaining only $7 million in flat funding for LBL. The TVA non-power activities for which we have previously provided funds include providing recreational programs, making economic development grants to communities, and promoting public use of TVA land and water resources. I understand the Committee's concerns that the management of the LBL is a federal responsibility. I believe that the Committee has acted appropriately in this matter. In fulfilling this function, which is federal, the Committee has provided resources specifically for LBL but not for the other non-power programs. In the future, Congress needs to evaluate whether other federal land management agencies, such as the Interior Department, might be able to manage this area, but this is the right step at this time.

I believe it is appropriate for the Senate to significantly reduce funds for TVA's appropriated programs because there are lingering concerns, brought to light in a 1993 Congressional Budget Office (CBO) report, that non-power program funds subsidize activities that should be paid for by non-federal interests. In its 1993 report, CBO focused on two programs: the TVA Stewardship Program and the Environmental Research Center, which no longer receives federal funds. Stewardship activities historically received the largest share of TVA's appropriated funds. The funds are used for dam repair and maintenance activities. According to 1995 testimony provided by TVA before the House Subcommittee on Energy and Water Appropriations, when TVA repairs a dam it pays 70%, on average, of repair costs with appropriated dollars and covers the remaining 30% with funds collected from electricity ratepayers. This practice of charging a portion of dam repair costs to the taxpayer, CBO highlighted, amounts to a significant subsidy. If TVA were a private utility, and it made modifications to a dam or performed routine dredging, the ratepayers would pay for all of the costs associated with that activity. I think that removing appropriations for this program largely ends concerns about taxpayer subsidization of the dam repair and maintenance program.

I am also pleased that this legislation contains a $1 million reduction from the Budget Request for the Animas La-Plata project. In this bill, the project receives a total of $2 million for FY 2000. As my colleagues know, I have long been active in raising Senate awareness about the financial costs of moving forward with development and construction of the full-scale version of the Animas-La Plata project. I do not want the federal government to proceed with construction of the full-scale project while the Department of the Interior continues its discussion about alternatives to that project.

As my colleagues will recall from the debate on an amendment I offered to the FY 98 Energy and Water Appropriations legislation on this matter, the currently authorized Animas-La Plata project is a $754 million dollar water development project planned for southwest Colorado and northwest New Mexico, with federal taxpayers slated to pay more than 65% of the costs. I am glad that we are not proceeding on this project full steam ahead, and I am pleased to see that the Appropriators recognize that on-going alternatives discussions can proceed without a large infusion of new resources.

Despite these gains in reducing funds for some questionable programs, the bill contains some shifts in program funding about which I am concerned. Particularly troubling is the reduction in the President's proposed increase in the renewable energy budget. The bill provides $261 million more for the DOE defense activities than requested by the Administration, but reduces the request for solar and renewable energy programs by $92.1 million. I believe that it is important for the federal government to make appropriate investment in solar and renewable technology, particularly in light of our efforts to restructure the electricity system and meet our overall energy efficiency goals. I would hope that we could find a way to shift resources within this legislation to make it possible to fulfill the Administration's request.

Overall, Mr. President, I am pleased that this bill can meet our requirements under the budget caps by reducing unnecessary spending. I yield the floor.

Mr. REID. Mr. President, as in recent years, the energy and water Appropriation bill has been faced with dilemmas about funding the diverse activities within its jurisdiction. For example, last year, the budget request for the Corps of Engineers was significantly decreased and in this subcommittee we had the challenge of keeping the Corps of Engineers viable and focused. Clearly this year's appropriation bill was just as dramatic—since for the first time in over twenty years the Corps of Engineers funding is reduced below the enacted bill's level. Despite the problems, there are many positives to this particular appropriation which the Chairman and I pointed out in opening statements.

Additionally, we have worked hard to find ways to accommodate our colleagues with their amendments. I believe that the responsibility of a Senator is not simply to listen to the bureaucrats who plan ways to spend the appropriations, but to request those amendments the Senator sees as necessary for his or her constituents. While Members may not be satisfied with every aspect or the resolution of every request, the chairman and I have made a conscientious effort to work with those amendments.

I recommend this bill to my colleagues for the vital functions across the nation that are funded through these appropriations. I recognize the difficult work done by the subcommittee staff and their efforts in preparing this bill and responding to the members of the Senate. So I commend the diligence of Alex Flint, David Gwaltney, Gregory Daines, Lashawnda Leftwich, Elizabeth Blevins, Sue Fry, a detail from the Corps of Engineers, and Bob Perret, a congressional fellow, in my office.

Mr. DOMENICI. Mr. President, we are ready to go to final passage. We need 2 minutes, and then we will call for third reading. Senator HUTCHISON wanted 2 minutes. I ask that she be granted 2 minutes, and then we will proceed.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Mexico for allowing me 2 minutes. I was introducing a judicial candidate and was not able to come earlier.

I thank the Senator from New Mexico, the chairman of the committee, for the great help he has given to many of us who particularly have strong water needs in our States.

I particularly want to mention the Port of Houston. The Port of Houston is the second largest port in the Nation, and it is the largest in foreign tonnage. It is the largest container port. We have the largest petrochemical complex in the entire world.

It is very important that our port be competitive. This bill will fully fund the dredging of that port, which is the last port in America that has not gone under 40 feet. This will take us to 45.

It is a very important bill.

I think both Senator DOMENICI and Senator LEAHY have done a great job on this bill, but particularly I appreciate the support for this great Port of Houston and the efforts that were made to continue this dredging project that will help us in trade and help us remain competitive in the world market.

I yield the floor.

Mr. DOMENICI. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DOMENICI. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator form Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings

Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—2

Jeffords
Wellstone

NOT VOTING—1

Harkin

(The bill will be printed in a future edition of the RECORD.)

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—S. 1059

The PRESIDING OFFICER. The Senate, having received S. 1059, disagrees with the House amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. SESSIONS) appointed Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, and Mr. REED conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT AGREEMENT—S. 1206

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate considers S. 1206, the legislative branch appropriations bill, immediately following the reporting of the bill by the clerk, I be recognized to offer a managers' amendment, and the time on the amendment and the bill be limited to 20 minutes equally divided, with no amendments in order to the managers' amendment.

I further ask unanimous consent that following the adoption of the managers' amendment, the bill be immediately advanced to third reading, and the Senate proceed to the House companion bill.

I further ask unanimous consent that H.R. 1905 be amended as follows: On page 2, after line 1, insert the text of S. 1206, as amended, beginning on page 2, line 2, over to and including line 7 on page 10; beginning on page 11, line 13, over to and including line 18 on page 18 be struck and the text of S. 1206, as amended, beginning on page 10, line 8, over to and including line 22 on page 16 be inserted in lieu thereof; and beginning on page 18, line 23, over to and including line 6 on page 40 be struck and the text of S. 1206, as amended, beginning on line 23, page 16 over to and including line 23 on page 38 be inserted in lieu thereof.

I further ask unanimous consent that upon passage of the House bill, S. 1206, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Mr. BENNETT. Mr. President, I now call up S. 1206.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1206) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand that the senior Senator from California, Mrs. FEINSTEIN, is on her way to the floor. I will wait until she is here to express to the entire Senate my appreciation for her assistance as the ranking member of the Legislative Branch Subcommittee of Appropriations.

I have been delighted to have the opportunity to work with her on this legislation and I will make that clear when she arrives. I understand she is in another committee meeting, and in the pattern of the Senate, finds herself torn between two equally important responsibilities. That is a situation with which we are all familiar.

I will, for the information of Senators, point out that the legislative branch bill provides $1.68 billion in budget authority, exclusive of House items, for fiscal year 2000. This is $114 million or 6.4 percent less than the fiscal 1999 level. It represents $105 million or a 5.9-percent decrease from the President's budget request. So in this time of difficulty, we are coming in below last year's spending and below where the President recommended.

There are increases in the bill, of course. There always will be in an appropriations bill. You cut some places, and you increase others. The majority of the increases in the bill account for cost-of-living adjustments only, and they are estimated at 4.4 percent across the board.

The Senate portion of the bill increases funding for the Senate by only 3 percent above the fiscal 1999 level, which is less than the 4.4-percent COLA adjustment. So while the Senate portion of the bill is going up, it is going up less than the mandatory COLA that is required by law.

The bill funds 79 percent of the budget request of the Architect of the Capitol. Of the funds provided, 73 percent will fund operations, with the other 27 percent to fund Capitol projects.

I have always been one who has insisted on funding Capitol projects. As a businessman, I know that sometimes the most expensive savings you can achieve are savings that you take in the name of maintenance deferral. As things begin to deteriorate around the Capitol, it is tempting to say we can put it off for another year and look good in the short term. All you do when you do that is raise your costs in the long term. So throughout my tenure on the Legislative Branch Subcommittee and particularly my tenure as the chairman of that subcommittee, I have always been a champion of funding the Capitol projects and funding the maintenance projects to their fullest level, believing that in the long run that saves money.

Why then am I standing here today and saying that we are not going to do that in this bill, and we are not giving the Architect of the Capitol the funds that were requested? Well, there are several reasons for that. I think it is worth an explanation.

The subcommittee did not fund the Architect's request for $28 million for Capitol dome renovations. I have been in the Capitol dome with the Architect of the Capitol, and I have seen firsthand how desperately in need of renovation it is. However, the full scope of the project will be determined during the paint removal process which is currently underway. The paint removal process is not expected to be completed until next summer. Therefore, I think it prudent for us to delete the funds from this bill until we have the completion of that process and have the information available to us that will come as a result. That is why we do not recommend proceeding until the full scope of the project has been determined. That is where a large part of the savings that we referred to have come from.

I see the Senator from California has arrived. I wish to make public acknowledgment of the great contribution she has made to the Legislative Branch Subcommittee. This is her first assignment on the subcommittee as its ranking member, and I have found her not only delightful and cooperative to deal with but, perhaps even more appreciated, fully engaged. It is one thing to have a colleague who is nice to deal with but who never shows up and never pays any attention to any of the issues. The Senator from California not only shows up but comes with her homework having been done, a full agenda of her own, and complete understanding of the issues. I appreciate very much the opportunity I have had of working with her and welcome her to the subcommittee and to this particular bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the subcommittee, Senator BENNETT, and commend him for the fair and responsible bill that has been put together. This is my first year as the ranking member of the Legislative Branch Subcommittee, and I have found Senator BENNETT to be very open and willing to discuss issues. His leadership on our subcommittee is carried out in the best bipartisan spirit.

Mr. BENNETT. Mr. President, I thank the Senator and appreciate her comments.

Mrs. FEINSTEIN. Mr. President, as the distinguished subcommittee chairman, Senator BENNETT, just outlined for the Senate, the fiscal year 2000 legislative branch appropriation bill was reported out of the full Appropriations Committee on Thursday, June 10, 1999, by a vote of 28–0. As reported by the committee, the bill, which totals $1,679,010,000 in budget authority, exclusive of House items, is $113,962,000, or 6.4 percent, below last year's enacted level and $104,529,000, or 5.9 percent, below the President's request. For Senate items only, the subcommittee recommends a total of $489,406,000—a reduction of $28,187,000, or 5.4 percent, from the President's request.

For the Capitol Police, the subcommittee recommends a total of $88.7 million for salaries and general expenses. This is an increase of $5.8 million, or 6.8 percent, over last year's enacted level. I commend the agency for soliciting a management review which was conducted by an outside consulting firm. Since that time, the Capitol Police has been very aggressive in addressing the management deficiencies outlined in that report. First, they provided the subcommittee with a departmental response which addressed the findings of the review, and they are currently in the process of developing a strategic planning process which will provide for a systematic approach to organizational enhancements and professional growth for the future. In this regard, this bill contains the funding required for improvements to information technology and transfers this responsibilities from the Senate Sergeant at Arms to the Capitol Police. This action was recommended in the management review report. The bill also provides for cost-of-living and comparability increases for the men and women of the United States Capitol Police.

For the General Accounting Office, the subcommittee recommends a funding level of $382.3 million, which is $4.8 million below the budget request, but is almost $10 million above what the House is proposing. The level proposed by the subcommittee will permit the GAO to maintain the current level of 3,275 FTEs, which is what the Comptroller requested for Fiscal Year 2000 and it will also provide adequate funds for them to meet their mandatory requirements.

Mr. President, I also want to take a minute, as I did during our full committee markup, to talk about the Senate Employees Child Care Center. As Members may be aware, the groundbreaking for the child care center began in the fall of 1996, and the center was to be completed in the fall of 1997. Here we are in June of 1999, and the center remains incomplete. I have encouraged the Architect of the Capital to raise the priority of this project and bring this problem-plagued project to completion by the current targeted date of September 1, 1999. This new center will expand the quality of child care services available to the staff who help us.

Again, Mr. President, I want to personally thank the chairman of the subcommittee, Senator BENNETT, for the courtesies he has extended to me. He is, indeed, a most thoughtful and gracious chairman—a real gentleman—who has made my first year on the subcommittee a most pleasant one.

If I may, Mr. President, I extend my very sincere thanks to Mary Dewald and Christine Ciccone of the staff for their excellent work on this bill. It has been very special, and we are blessed with wonderful staff.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from California and particularly thank her for remembering the staff. We stand here before the television cameras, but we take credit for the work they do. I appreciate her doing that.

AMENDMENTS NOS. 683 AND 684, EN BLOC

Mr. BENNETT. Mr. President, I now send to the desk a managers' amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments en bloc numbered 683 and 684.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 683

(Purpose: To amend chapter 89 of title 5, United States Code, to modify service requirements relating to creditable service with congressional campaign committees)

On page 38, insert between lines 21 and 22 the following:

SEC. 313. CREDITABLE SERVICE WITH CONGRESSIONAL CAMPAIGN COMMITTEES.

Section 8332(m)(1)(A) of title 5, United States Code, is amended to read as follows:

"(A) such employee has at least 4 years and 6 months of service on such committees as of December 12, 1980; and".

AMENDMENT NO. 684

(Purpose: To further restrict legislative post-employment lobbying by Members and senior staffers)

At the appropriate place in the bill, insert the following:

SEC. . Section 207(e) of title 18, United States Code, is amended—

(1) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress, or any employee of any other legislative office of Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(2) CONGRESSIONAL EMPLOYEES.—(A) Any person who is an employee of the Senate or an employee of the House of Representatives who, within 2 years after termination of such employment, knowingly makes, with the intent to influence, any communication to or appearance before any person described under subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to under subparagraph (A) with respect to appearances or communications by a former employee are any Member, officer, or employee of the House of Congress in which such former employee served.";

(2) in paragraph (6)—

(A) in subparagraph (A), by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)"; and

(B) in subparagraph (B), by striking "paragraph (5)" and inserting "paragraph (3)";

(3) in paragraph (7)(G), by striking ", (2), (3), or (4)" and inserting "or (2)"; and

(4) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively.

Mr. BENNETT. Mr. President, these amendments have been cleared on both sides. I ask for their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (No. 683 and 684) were agreed to.

Mr. BENNETT. Mr. President, having agreed to the managers' amendment, I ask unanimous consent that the bill be read for the third time and passage occur, all without any intervening action or debate, and that following passage the Senate insist on its amendments, request a conference with the

House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the House bill.

The legislative clerk read as follows:

A bill (H.R. 1905) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The bill is amended pursuant to the unanimous consent agreement.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks the Senate Budget Committee scoring of the legislative branch appropriations bill for fiscal year 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Mr. President, I commend the distinguished subcommittee chairman and ranking member of the Legislative Branch Appropriations Subcommittee for bringing the Senate a bill that is within the subcommittee's 302(b) allocation. The bill provides $1.7 billion in new budget authority and $1.4 billion in new outlays for the operations of the U.S. Senate and joint agencies supporting the legislative branch. When House funding is added to the bill, and with outlays from prior years and other completed actions, the Senate bill totals $2.5 billion in budget authority and $2.6 billion in outlays for fiscal year 2000.

The bill is $23 million in BA and $20 million in outlays below the subcommittee's 302(b) allocation. I commend the managers of the bill for their diligent work, and I urge the adoption of the bill.

EXHIBIT 1

H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS, 2000, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	2,455	....	94	2,549
Outlays	2,464	....	94	2,558
Senate 302(b) allocation:				
Budget authority	2,478	....	94	2,572
Outlays	2,484	....	94	2,578
1999 level:				
Budget authority	2,353	....	94	2,447
Outlays	2,328	....	94	2,422
President's request:				
Budget authority	2,620	....	94	2,714
Outlays	2,614	....	94	2,708
House-passed bill:				
Budget authority	2,416	....	94	2.510
Outlays	2,453	....	94	2,547
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	(23)	....	....	(23)
Outlays	(20	....	....	(20)
1999 level:				
Budget authority	102	....	....	102
Outlays	136	....	....	136
President's request:				
Budget authority	(165)	....	....	(165)
Outlays	(150)	....	....	(150)
House-passed bill:				
Budget authority	39	....	....	39
Outlays	11	....	....	11

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. FEINGOLD. Mr. President, ever since I arrived here in 1993, I have supported initiatives to help restore the public's confidence in government by limiting the influence of special interests over the legislative process. It's a big task, Mr. President and along the way I have offended and even angered some people around here.

I have worked to require greater disclosure of the expenses and activities of lobbyists. I pushed to put in place new gift restrictions that stopped Senators and staff from accepting free vacations and fancy dinners from lobbyists as used to be the norm around here. And finally, I have argued that we need to reform the woefully loophole-ridden campaign finance system that we currently live under. Reforming Congress is a crucial issue for me because the electorate has grown to view this institution with cynicism and disdain, and even to fundamentally distrust their own elected representatives.

Now Mr. President, a crucial part of the culture of special interest influence that pervades Washington is the revolving door between public service and private employment. But by putting a lock on this revolving door for some period of time, we can send a message that those entering government employment should view public service as an honor and a privilege—not as another wrung on the ladder to personal gain and profit.

There are countless instances of former members of Congress who once chaired or served on committees with jurisdiction over particular industries or special interests now lobbying their former colleagues on behalf of those very industries or special interests. Former committee staff directors are using their contacts and knowledge of their former committees to secure lucrative positions in lobbying firms and associations with interests related to those committees.

There have been some very interesting studies showing just how regularly the revolving door swings. Of the 91 lawmakers who left Congress at the end of 1994, at least 25 later registered to lobby. A 1995 study of 353 former lawmakers showed that one in four had lobbied for private interests after leaving office. In fact, there were more than 100 former Members of Congress who appear on the lobbying reports filed in August 1997, and that doesn't count Members who left office in 1996, since they could not yet register without violating the current revolving door law. I could go on, Mr. President, and on and on and on. The problem of revolving door lobbying is quite clear.

The amendment I am offering today is designed to strengthen the post-employment restrictions on Members of Congress and senior congressional staff that are currently in place. Keep in mind, post-employment restrictions are nothing new. There is currently a one year ban on former members of Congress lobbying the entire Congress as well as a one-year ban on senior congressional staff lobbying the committee or the Member for whom they worked. And by Senate rule, we prohibit all departing Senate staff from lobbying their former employing entity for one year. Members and senior staff are also prohibited from lobbying the executive branch on behalf of a foreign entity for one year.

The amendment would double the current restriction and prohibit members of Congress from lobbying the entire Congress for two years. Thus, in most cases, an entire two year Congress will intervene before a former Member can be back lobbying his or her former colleagues. Perhaps the longer period will encourage those who leave the Congress to seek opportunities for future employment outside of the lobbying world. Perhaps it will discourage big business from putting former Members on their payroll right after they leave office. But in any event, this longer "cooling off period" will give the public more confidence in the integrity of this body.

With respect to staff, the amendment makes some changes as well. Here we are talking only about those staff who make three quarters or more of the salary of a member of Congress. In other words, this amendment would change the post-employment restrictions only on staff making over $102,000 per year. These senior staff work closely with us, at the committee level, or with the leadership, or in our personal offices. This amendment would prohibit these very senior staffers from lobbying the House of Congress in which they work during the same 2-year period as we are prohibited from lobbying the entire Congress. So senior Senate staffers couldn't lobby the Senate and senior House staffers couldn't lobby the House.

Now here we have struck a balance, Mr. President. It seems clear to me that the current restrictions which prohibit lobbying contacts only with the former employer, whether Member or committee, are inadequate. High level staffers have contacts and work closely with people throughout the body, not just with the other staff or Members on their committees or in their Member's office. These are people making $102,000 or more. They are highly in demand in the lobbying world, not just for their expertise but for their contacts. If the cooling off period is to mean anything with respect to these senior staff, it must cover more than the individual committee or member of Congress for whom they worked.

Some senior staff undoubtedly have contacts with their counterparts in the other body. But their day to day work, and therefore their closest contacts will be in the house of Congress in which they work. So this amendment leaves an outlet for the use of a former staffer's expertise in lobbying the other body. To me, that is a reasonable balance, and not an unreasonable restriction on a staffer's future employment.

Now some might argue that we are inhibiting talented individuals from pursuing careers in policy matters on which they have developed substantial expertise. It may be asked why a former high-level staffer on the Senate Subcommittee on Communications of the Senate Commerce Committee cannot accept employment with a telecommunications company? After all, this person has accumulated years of knowledge of our communication laws and technology. Why should this individual be prevented from accepting private sector employment in the communications field ?

But my amendment does not bar anyone from seeking private-sector employment. Staffers can take those jobs with the telecommunications company, but what they cannot do is lobby their former colleagues in the house of Congress for which they worked for two years. They can consult, they can advise, they can recommend, but they cannot lobby their former colleagues.

I considered an even longer cooling off period for staffers to be barred from lobbying their former employer, be it a member or a committee, but decided that the two year, house of Congress limitation strikes the best balance. Two years is the length of an entire Congress. That period of time should be enough to mitigate to a great extent the special access that the staffer is likely to have because of his or her former position. At the same time, it allows the staffer who is intent on pursuing a lobbying career to concentrate on the other body for two years, and then return to the side of the Capitol in which he or she worked after that period.

Mr. President, this amendment is not an attack on the profession of lobbying. The right to petition the government is a fundamental constitutional right. Simply attacking lobbyists does not address the true flaws of our political system. Lobbying is merely an attempt to present the views and concerns of a particular group and there is nothing inherently wrong with that. In fact, lobbyists, whether they are representing public interest groups or Wall Street, can present important information to Members of Congress that may not otherwise be available.

I strongly believe that there is no more noble endeavor than to serve in government. But we need to take immediate action to restore the public's confidence in their government, and to rebuild the lost trust between members of Congress and the electorate. This amendment is a strong step in that direction because it addresses a perception that too often rises to the level of reality—that the interests that hire former Members or staffers from the Congress have special access when they lobby the Congress. We need to slow the revolving door to address that perception, and this amendment will do just that.

I am pleased that the managers have agreed to accept my amendment and that it has become part of the bill that will go to the President for signature.

I yield the floor.

Mr. BENNETT. Mr. President, I yield back the remainder of our time.

Mrs. FEINSTEIN. I yield back the remainder of our time.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—4

Baucus
Conrad
Gramm
Smith (NH)

NOT VOTING—1

Harkin

The bill (H.R. 1905), as amended, was passed.

The PRESIDING OFFICER. H.R. 1905 having passed, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. ABRAHAM) appointed Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE Y2K LIABILITY BILL

Mr. REED. Mr. President, I would like to take this opportunity to discuss S. 96, the McCain bill concerning Y2K litigation. It is unfortunate that this bill has, to some extent, been utilized by those on both extremes of the tort reform debate: with proponents arguing that opposition to the bill reflects contempt for our economy and a few opponents accusing the bill's supporters of contempt for consumers' rights. The truth, as usual, is somewhere in between these two poles.

As our economy evolves, becoming national and international in scope, situations will arise that demand procedural and substantive changes to our legal system. Moderate, balanced tort reform is an issue on which I have worked for some years. I approach each issue with the same question: can our legal system be made more efficient while continuing to provide adequate, just protections to consumers? This approach has led me to support reforms which have been validated by the test of time.

Mr. President, in 1994, I supported one of the first tort reform measures to pass Congress, the Aviation Revitalization Act of 1994. At that time small plane manufacturers had been almost extinguished by costly litigation. This narrowly-tailored legislation limited the period, to eighteen years, in which manufactures could be sued for design or manufacturing defects. In the six years since enactment, the industry has reemerged to create thousands of new jobs while providing consumers with safe products.

In 1995, I sought to apply this same principle to all durable goods, some of which remain in the workplace for forty, fifty, sixty years or more. Tool and machine manufacturers in Rhode Island and the nation were saddled with costs stemming from litigation over products they made a half century ago, some of which had been modified by others. As a result, I supported tort reform for durable goods which limited the statute of repose, reasonably capped punitive damages, and implemented proportionate liability to de minimis tortfeasors. In an effort to further the reform effort, I voted for this bill even though I was concerned that its punitive damage caps and proportionate liability sections were too broad. My support for the bill included a vote to override President Clinton's veto.

My concerns about this bill were borne out by the fact that the veto override was not successful. Proponents of tort reform allowed their view of perfection to become an enemy of good, sensible reform. Indeed, their stubbornness continues to frustrate progress to this day.

Just last year, a compromise tort reform bill negotiated by Senator ROCKEFELLER between the Clinton Administration and members of the business community was rejected by some who wanted only sweeping changes to current tort law. I am afraid that some have brought this same sentiment to the Y2K issue.

In addition to addressing the products liability reform issue in 1995, I was also approached by members of the securities industry seeking to amend litigation rules pertaining to securities law. The industry wished to combat frivolous litigation. Indeed, it was obvious that some class action suits were being filed after a precipitous drop in the value of a corporation's stock, without evidence of fraud. Such lawsuits frequently inflict substantial legal costs upon corporations, harming both the business and its shareholders. This sort of activity benefitted no one but the attorneys who brought the cases.

As a result, I supported both procedural changes and requirements that specific examples of fraud be listed in a lawsuit as embodied in the Private Securities Litigation Reform Act of 1995. Again, my support for this legislation required my vote to override a veto. This time, that override was successful. In my view, that success was due to the moderate, balanced approach of the bill.

In practice, the legislation successfully ended frivolous lawsuits in federal courts such that I worked with colleagues and the Chairman of the Securities and Exchange Commission to implement the same rules at the state level. This effort resulted in the Securities Litigation Uniform Standards Act of 1998. Again, this bill only received Presidential support after an attempt to inject overly broad provisions into the bill were defeated. Courts are now applying this standard in a manner that balances the interest we all have in ensuring consumer protection, while also deterring nonmeritorious law suits.

I think the record is clear. When Congress addresses identifiable inequalities or inefficiencies in our legal system, progress can be made. However, when legislation focuses on broader, philosophical debates, directly pitting the interests of consumers against manufactures, consensus cannot be reached. It is my hope that the Senate will keep this lesson in mind when the Y2K legislation goes to conference.

As the work of the Senate's Y2K Committee and the President's Council on the Year 2000 Conversion have shown, the millennium bug will cause disruptions. These disruptions will inflict costs on individuals and businesses. The question is: how will we adjudicate who will bear the burden of these costs?

Thus far, as demonstrated by a recent report by the Congressional Research Service, there have been only 48 Y2K related lawsuits filed. Recently, the Gartner Group, a consulting firm specializing in Y2K redress, reported that a quarter of all Y2K failures have already occurred. Given the paucity of Y2K lawsuits today, one could question whether the dire predictions of billions of dollars in Y2K litigation is overestimated. At the very least, it is certain that the current 48 suits have not provided much in the way of proof concerning the inequities in our legal system that will allow attorneys to compound and exacerbate the costs associated with the Y2K problem.

Some of these 48 lawsuits are class actions against inexpensive software manufactured several years ago. The merit of such suits is dubious, given that no harm has yet occurred and the "reasonableness" of a consumer's expectation that $30 software would last several years and withstand the millennium bug.

These 48 lawsuits also contain examples, however, of companies attempting to improperly profit from their own Y2K unpreparedness. For example, one software company sold a product to small business men and women for $13,000 in 1996 with implied warrantees for proper use for a decade. A year later the company sent its customers notice that the software was not Y2K compatible. The software, would, therefore, not work in two years. The company offered its customers a $25,000 "upgrade" which would ensure that the software would work properly for half the time it was warranted. Needless to say, a free fix was quickly offered by this software manufacturer once a class action lawsuit was filed.

The question the Senate must address in this legislation is what changes in our legal system will encourage everyone to address Y2K problems before they strike while allowing defrauded consumers continued opportunity to obtain redress. Indeed, the greatest danger would seem to be that this legislation unintentionally rewards bad faith companies that fail to address Y2K problems. Again, according to the Gartner Group, some $600 billion will be spent by the end of the year in trying to find, patch, and test computer systems at risk of fault. Bad faith companies that have not taken these responsible steps should not be rewarded.

I supported legislation put forward by Senators KERRY, ROBB, BREAUX, REID and Leader DASCHLE which encourages redress not litigation, deters frivolous lawsuits, provides good-faith actors with additional protections if they are sued, and allows individual consumers the protections they are afforded under current law. Specifically, the amendment requires that plaintiffs provide defendants with notice of a lawsuit and time for the defendant to respond with proposed redress to the problem. Additionally, plaintiffs would have to cite with specificity the material defect of their product as well as the damages incurred. Class action lawsuits are limited to those involving material harm. Current redress of Y2K problems is encouraged by the provision of the amendment which requires immediate mitigation and limits damages for those who fail in this regard. The amendment provides commercial transactions with the benefit of their express contract, while omitting consumers, who do not have the economic bargaining power or legal departments of large corporations, from the scope of the legislation. The amendment also discourages plaintiffs from simply suing the defendant with the "deepest pockets" by providing proportionate liability for companies that have acted responsibly in addressing Y2K problems in their products.

On balance, the Kerry/Daschle amendment is a fair method of addressing identifiable problems in our litigation system as they relate to potential Y2K litigation.

I must also acknowledge that the McCain legislation has markedly improved from its original form due in no small part to the efforts of Senator DODD. As first introduced, the bill appeared to be a wish-list for those who have attempted over the past decades, without success, to completely overhaul our litigation system. S. 96, however, continues to contain provisions that simply appear to transfer Y2K costs from defendants to plaintiffs without equitable cause. The bill provides protections to plaintiffs not afforded defendants, caps punitive damages for bad faith actors, limits joint and several liability for bad faith businesses, prohibits states like Rhode Island from awarding non-economic damages even in instances of fraud, federalizes all class action lawsuits, and fails to distinguish between consumers and large corporations.

Perhaps just as importantly as its substantive problems, the Clinton Administration has threatened a veto of S. 96. With six months until the end of the year, we do not have two, three, or four months to negotiate compromises.

It is my hope that those of us who are truly in support of reforming the current system will prevail in softening some of S. 96's provisions to arrive at legislation that the Administration can and will support. While this will not result in legislation that organizations can use to fuel their drive to overhaul the entire tort system, it will allow us to mitigate Y2K litigation costs while protecting those who have been wronged.

COMMENDING THE REPUBLIC OF CHINA ON TAIWAN FOR AID TO KOSOVO

Mr. INHOFE. Mr. President, I bring to the attention of this body the efforts of the Republic of China on Taiwan on behalf of the Kosovar refugees. As a member of the world community committed to protecting and promoting human rights, the Republic of China on Taiwan is deeply concerned about the plight of the Kosovars and hopes to contribute to the reconstruction of their war-torn land. To that end, President Lee Tung-hui announced on June 7, 1999 that Taiwan will grant $300 million in an aid package to the Kosovars. The aid package will consist of the following:

1. Emergency support for food, shelters, medical care and education, etc. for Kosovar refugees living in exile in neighboring countries.

2. Short-term accommodations for some of the Kosovar refugees in Taiwan with opportunities for job training to enable them to be better equipped for the restoration of their homeland upon their return.

3. Support for the restoration of Kosovo in coordination with international long-term recovery programs once a peace plan is implemented.

I commend the Republic of China on Taiwan for their commitment to humanitarian assistance for these victims of the war in Yugoslavia. Their aid will contribute to the promotion of the peace plan for Kosovo and will help the refugees return safety to their homes as soon as possible.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 15, 1999, the federal debt stood at $5,579,687,074,229.55 (Five trillion, five hundred seventy nine billion, six hundred eighty seven million, seventy four thousand, two hundred twenty-nine dollars and fifty five cents).

One year ago, June 15, 1998, the federal debt stood at $5,484,471,000,000 (Five trillion, four hundred eighty four billion, four hundred seventy-one million).

Five years ago, June 15, 1994, the federal debt stood at $4,607,232,000,000 (Four trillion, six hundred seven billion, two hundred thirty-two million).

Ten years ago, June 15, 1989, the federal debt stood at $2,782,363,000,000 (Two trillion, seven hundred eighty two billion, three hundred sixty-three million).

Fifteen years ago, June 15, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,060,421,074,229.55 (Four trillion, sixty billion, four hundred twenty-one million, seventy-four thousand, two hundred twenty-nine dollars and fifty-five cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

H.R. 973. An act to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 75. Concurrent Resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent and referred as indicated:

H.R. 973. An act to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 75. Concurrent resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3630. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened status for the plant Thelypodium howellii ssp. spectabilis (Howell's spectacular thelypody)" (RIN1018-AE52), received June 4, 1999; to the Committee on Environment and Public Works.

EC–3631. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Formal and Informal Adjudicatory Hearing Procedures; Clarification of Eligibility to Participate" (RIN3150-AG27), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3632. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Florida; Approval of Recodification of the Florida Administrative Code" (FRL # 6352-9), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3633. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and

Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Plans; Delware; Reasonably Available Control Technology Requirements for Nitrogen Oxides" (FRL # 6357-7), received June 9, 1999; to the Committee on Environment and Public Works.

EC-3634. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan" (FRL # 6352-3), received June 9, 1999; to the Committee on Environment and Public Works.

EC-3635. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Recordkeeping Requirements for Low Volume Exemption and Low Release and Exposure Exemption; Technical Correction" (FRL # 6085-5), received June 9, 1999; to the Committee on Environment and Public Works.

EC-3636. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Aminoethoxyvinylglycine; Temporary Pesticide Tolerance" (FRL #6080-4) and "Sulfosate; Pesticide Tolerance (FRL #6086-6), received June 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3637. A communication from the Congressional Review Coordinator, Policy Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt Regulated Areas" (96-016-24), received June 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3638. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantined Area" (98-083-4), received June 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3639. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Economic and Public Interest Requirements for Contract Market Designation" (RIN3038-AB33), received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3640. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Recordkeeping Requirements of Regulation 1.31", received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3641. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Representations and Disclosures Required by Certain Introducing Brokers, Commodity Pool Operators and Commodity Trading Advisors", received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3642. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance and Appendix", received June 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3643. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64 FR 28931) (05/28/99), received June 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3644. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64 FR 28933) (05/28/99), received June 8, 1999; to the Committee on Banking, Housing, and seb /6086/Urban Affairs.

EC-3645. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (64 FR 28935) (05/28/99), received June 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3646. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extensions of Expiration Dates for Several Body Systems Listings" (RIN0960-AF02), received June 4, 1999; to the Committee on Finance.

EC-3647. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 99-27, Quarterly Interest Rates Beginning July 1, 1999", received June 2, 1999; to the Committee on Finance.

EC-3648. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Addition of Bigleaf Mahogany to Appendix III under the Convention on International Trade in Endangered Species of Wild Fauna and Flora by the Government of Mexico" (RIN1018-AF58), received June 8, 1999; to the Committee on Environment and Public Works.

EC-3649. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption; Boiler Water Additives" (97F-0450), received June 4, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3650. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants Production Aids, and Sanitizers; Technical Amendment" (97F-0421), received June 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3651. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (98F-0823), received June 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3652. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives for Direct Addition to Food for Human Consumption; Sucrose Acetate Isobutyrate" (91F-0228), received June 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3653. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received May 26, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3654. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received June 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3655. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Office of Special Education" (84.328), received June 4, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3656. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reinstatement of Benefits Eligibility Based Upon Terminated Marital Relationships" (RIN2900-AJ53), received June 4, 1999; to the Committee on Veterans' Affairs.

EC-3657. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Service Connection Of Dental Conditions For Treatment Purposes" (RIN2900-AH41), received June 2, 1999; to the Committee on Veterans' Affairs.

EC-3658. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Surviving Spouse's Benefit for Month of Veteran's Death" (RIN2900-AJ64), received June 2, 1999; to the Committee on Veterans' Affairs.

EC-3659. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulation Part 803, Improper Business Practices and Personal Conflicts of Interest, and Part 852, Solicitation Provisions and Contract Clauses" (RIN2900-AJ06), received June 2, 1999; to the Committee on Veterans' Affairs.

EC-3660. A communication from the Assistant General Counsel for Regulatory Services, Office of Inspector General, Department of

Education, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Regulations" (RIN1880–AA78), received June 4, 1999; to the Committee on Governmental Affairs.

EC–3661. A communication from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled "Procurement List, Additions and Deletions", received June 8, 1999; to the Committee on Governmental Affairs.

EC–3662. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Expansion and Continuation of Thrift Savings Plan Eligibility; Death Benefits; Methods of Withdrawing Funds from the Thrift Savings Plan; and Miscellaneous Regulations", received June 8, 1999; to the Committee on Governmental Affairs.

EC–3663. A communication from the Director, Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "National Cemetery Administration; Title Changes" (RIN 2900–AJ79), received June 8, 1999; to the Committee on Veterans' Affairs.

EC–3664. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska", received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3665. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska", received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3666. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; By-catch Rate Standards for the Second Half of 1999", received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3667. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands", received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3668. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Management Area; Exempted Fishing Permit", received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3669. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector", received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3670. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Santa Rosa, CA; Docket No. 99–AWP–3 {6–7/6–7}" (RIN2120–AA66) (1999–0187), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3671. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney T8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –9B, 11, –15, –15A, –17, –17A, –17R, and –17AR Series Turbofan Engines; Docket No. 98–ANE–48 {6–8/6–7}" (RIN2120–AA64) (1999–0239), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3672. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT8D–200 Series Turbofan Engines; Docket No. 98–ANE–43 {6–8/6–7}" (RIN2120–AA64) (1999–0240), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3673. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727–400 Series Airplanes Powered by Pratt & Whitney PW4000 Engines; Docket No. 97–NM–89 {5–26/6–3}" (RIN2120–AA64) (1999–0238), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3674. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Service of Documents, Order No. 604, 87 FERC 61,205 (May 26, 1999)", received June 8, 1999; to the Committee on Energy and Natural Resources.

EC–3675. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule on Open Access Same-Time Information System (OASIS), Order No. 605, 87 FERC 61,224 (1999)", received June 8, 1999; to the Committee on Energy and Natural Resources.

EC–3676. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions of Existing Regulations Governing the Filing of Applications for the Construction and Operation of Facilities to Provide Service or to Abandon Facilities or Service under Section 7 of the Natural Gas Act, Order No. 603, 64 FERC 26572 (April 29, 1999)", received June 8, 1999; to the Committee on Energy and Natural Resources.

EC–3677. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Manual for Nuclear Materials Management and Safeguards System Reporting and Data Submission" (DOE M 474–1–2), received June 1, 1999; to the Committee on Energy and Natural Resources.

EC–3678. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Classified Matter Protection and Control Manual" (DOE M 471.2–1B), received May 27, 1999; to the Committee on Energy and Natural Resources.

EC–3679. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Special Surveillance List of Chemicals, Products, Materials and Equipment used in the clandestine production of controlled substances or listed chemicals" (DEA–172N), received June 8, 1999; to the Committee on the Judiciary.

EC–3680. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Use of Soy Protein Concentrate, Modified Food Starch and Carrageenan as Binders in Certain Meat Products" (RIN0583–AB82), received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3681. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Decorative Surfaces, Brake Shoe Coatings, Structural Steel Coatings, and Digital Imaging" (FRL #6357–5), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3682. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Motor Vehicle Inspection and Maintenance Program" (FRL #6354–9), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3683. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: California State Implementation Plan Revision, South Coast Air Quality Management District" (FRL #6358–3), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3684. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators; State of Iowa" (FRL # 6358–3), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3685. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Revisions Regarding Negligibly Reactive Volatile Organic Compounds and Other Regulatory Revisions" (FRL # 6358–6), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3686. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of 40 CFR Part 70 Operating Permit Program; State of North Dakota" (FRL #6358–6), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3687. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Withdrawal of Regulations Designed to Reduce the Mid-continent Light Goose Population" (RIN1018–AF05), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3688. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 1990 NO_X Base Year Emission Inventory for the Philadelphia Ozone Nonattainment Area" (FRL # 6361–5), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3689. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans for Designated Facilities and Pollutants; Texas" (FRL # 6361–4), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3690. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Louisiana" (FRL # 6360–84), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3691. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tumon, Guam)" (MM Docket No. 98–113), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3692. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cannon Ball, ND, Velva, ND, Delhi, NY, Flasher, ND, Berthold, ND, Ranier, OR, Richardton, ND, Wimbledon, ND)" [MM Docket Nos. 99–4, 99–5, 99–7, 99–37, 99–38, 99–39, 99–40, 99–41), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3693. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Deer Lodge, Hamilton and Shelby, Montana" [MM Docket No. 99–70; RM–9380), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3694. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leesville, Louisiana)" [MM Docket No. 98–191; RM–9351), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3695. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on June 9, 1999 (CC Docket Nos. 96–45, and 96–262, FCC99–119); to the Committee on Commerce, Science, and Transportation.

EC–3696. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Changes to the Board of Directors of the National Exchange Carrier Association, Fed-St. Joint Board of Universal Service" (CC Docket Nos. 97–21 and 96–45, FCC99–49), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3697. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Board on Universal Service" (CC Docket No. 96–45, FCC99–121), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3698. A communication from the Assistant Director, Division of Enforcement, Bureau of Consumer Protection, Division of Enforcement, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)" (RIN3084–AA26, 16 CFR Part 305), received June 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3699. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Back Bay of Biloxi, MS(CGD8–96–049)" (RIN2115–AE47) (1999–0020), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3700. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of the San Juan High Offshore Airspace Area, PR; Docket No. 97–ASI–21 {6–9/6–10}" (RIN2120–AA66) (1999–0197), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3701. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cresco, IA; Direct final rule; confirmation of effective date; Docket No. 99–ACE–13 {6–10/6–10}" (RIN2120–AA66) (1999–0197), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3702. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; West Union, IA; Direct final rule; confirmation of effective date; Docket No. 99–ACE–12 {6–10/6–10}" (RIN2120–AA66) (1999–0197), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3703. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ottawa, KS; Direct final rule; Request for comments; Docket No. 99–ACE–21 {6–10/6–10}" (RIN2120–AA66) (1999–0193), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3704. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rolla/Vichy, MO; Direct final rule; request for comments; Docket No. 99–ACE–26 {6–10/6–10}" (RIN2120–AA66) (1999–0194), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3705. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lebanon, MO; Direct final rule; confirmation of effective date; Docket No. 99–ACE–26 {6–10/6–10}" (RIN2120–AA66) (1999–0191), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3706. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Shenandoah, IA; Direct final rule; confirmation of effective date; Docket No. 99–ACE–26 {6–10/6–10}" (RIN2120–AA66) (1999–0191), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3707. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Neosho, MO; Direct final rule; confirmation of effective date; Docket No. 99–ACE–11 {6–10/6–10}" (RIN2120–AA66) (1999–0190), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3708. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Washington, IA; Direct final rule, confirmation of effective date; Docket No. 99–ACE–18 {6–10/6–10}" (RIN2120–AA66) (1999–0189), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3709. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Thedford, NE; Direct Final Rule, Request for Comments; Docket No. 99–ACE–23 {6–10/6–10}" (RIN2120–AA66) (1999–0188), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3710. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (32); Amdt. No. 1932 {6–10/6–10}" (RIN2120–AA66) (1999–0029), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3711. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (42); Amdt. No. 1933 {6–9/6–10}" (RIN2120–AA66) (1999–0028), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3712. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (102); Amdt. No. 1934 {6–10/6–10}" (RIN2120–AA66) (1999–0027), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3713. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (64); Amdt. No. 416 {6–9/6–10}" (RIN2120–AA66) (1999–0002), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3714. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99–28, Medical Expense Deduction for Smoking-Cessation Programs", received June 11, 1999; to the Committee on Finance.

EC–3715. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS # IN–145–FOR), received June 9, 1999; to the Committee on Energy and Natural Resources.

EC–3716. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" (98–082–4), received June 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3717. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Designation of Quarantined Area" (98–044–1), received June 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3718. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR part 3570, subpart B, Community Facilities Grants", received June 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3719. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3720. A communication from the Deputy Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled "HUD Procurement Reform: Substantial Progress Underway"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3721. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an export license relative to Saudi Arabia; to the Committee on Foreign Relations.

EC–3722. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development; to the Committee on Foreign Relations.

EC–3723. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize the transfer of certain resources to the Enhanced Structural Adjustment Facility/Heavily Indebted Poor Countries Trust Fund; to the Committee on Foreign Relations.

EC–3724. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report for fiscal year 1997 of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–3725. A communication from the Director, National Institute on Aging, Department of Health and Human Services, transmitting, a report relative to the demography and economics of aging; to the Committee on Health, Education, Labor, and Pensions.

EC–3726. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Stabilization Act of 1999"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3727. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3728. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3729. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation relative to early retirement offers by Federal agencies; to the Committee on Governmental Affairs.

EC–3730. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3731. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3732. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3733. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to audit follow-up for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC–3734. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for April 1999; to the Committee on Governmental Affairs.

EC–3735. A communication from the Secretary of Defense, transmitting, pursuant to law, the report for calendar year 1997 relative to the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC–3736. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to managing military strengths during time of war or national emergency; to the Committee on Armed Services.

EC–3737. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3738. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to a vacancy in the Office of the Secretary of Defense; to the Committee on Armed Services.

EC–3739. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to the disability evaluation system for certain members of the Armed Forces; to the Committee on Veterans' Affairs.

EC–3740. A communication from the Assistant Attorney General, Office of Justice Programs, and the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting jointly, the Office of Justice Programs annual report for fiscal year 1998; to the Committee on the Judiciary.

EC–3741. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to prisoners and their access to interactive computer services; to the Committee on the Judiciary.

EC–3742. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation amending the Foreign Agents Registration Act (FARA) of 1938; to the Committee on the Judiciary.

EC–3743. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation relative to the removal of dangerous criminal aliens from our communities and our country; to the Committee on the Judiciary.

EC-3744. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report of activities during calendar year 1998; to the Committee on the Judiciary.

EC-3745. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to a program to combat drowsy driving; to the Committee on Appropriations.

EC-3746. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Selected Medicare Issues", dated June 1999; to the Committee on Finance.

EC-3747. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "National Oceanic and Atmospheric Administration Chesapeake Bay Office Activities", dated April 1999; to the Committee on Commerce, Science, and Transportation.

EC-3748. A communication from the General Counsel, Department of Commerce, transmitting, a draft of proposed legislation entitled "National Marine Sanctuaries Preservation Act of 1999"; to the Committee on Commerce, Science, and Transportation.

EC-3749. A communication from the Administrator, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, a report relative to civil aviation security in calendar year 1997; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred and ordered to lie on the table as indicated:

POM-187. A joint resolution adopted by the Legislature of the State of Nevada relative to the Employee Retirement Income Security Act of 1974; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, On May 19, 1998, testimony was presented to members of the United States Senate Committee on Labor and Human Resources by the Honorable Marilyn R. Goldwater, Deputy Majority Whip in the Maryland House of Delegates, urging members of Congress to strengthen requirements for the appeals processes for plans covered by the Employee Retirement Income Security Act of 1974 (ERISA); and

Whereas, In her presentation, Ms. Goldwater noted that it is important to have strong, effective and responsive internal grievance and appeal mechanisms in place; and

Whereas, Every state requires managed care entities to have an internal appeals process in place; and

Whereas, If it is determined that a federal external appeals process is appropriate, it should be administered by the Federal Government according to rules established by federal law, with states managing those plans under their regulatory authority; and

Whereas, Several states have enacted legislation to revise and refine both the internal and external appeals processes; and

Whereas, In Maryland, legislation was enacted to strengthen the state's internal grievance and appeals processes, establish an external appeal mechanism and provide additional regulatory authority to the state's insurance commissioner over medical directors in health maintenance organizations; and

Whereas, In Florida, the nation's first external review process was created in 1985, and Florida continues to fine tune its process by utilizing a panel of six state employees for the external review process, with explicit time frames from "extreme emergency" cases to "nonurgent" cases; and

Whereas, New Jersey enacted legislation in 1997 that requires health maintenance organizations to establish an external appeal process and now operates a consumer hot line for consumer questions and complaints; and

Whereas, Texas enacted landmark legislation in 1998 that permits managed care enrollees to sue their health plans for malpractice in cases where they have been harmed by a plan's decision to delay or deny treatment; and

Whereas, According to "The Best From the States II: The Text of Key State HMO Consumer Protection Provisions" by Families USA Foundation (October 1998), key consumer protection provisions include the establishment of explicit time frames for appeal of decisions, implementation of methods for expediting the review of emergency and urgent care situations, acceptance of oral appeals and adoption of laws that require reviewers to be health care providers with expertise in the clinical area being reviewed and that prohibits reviewers from participating in the review of cases in which they were involved in the original decisions; and

Whereas, On February 9, 1999, in a letter to the editor of the Las Vegas Sun, Marie Soldo, immediate past Chairman of the Nevada Association of Health Plans, wrote that, because the state has limited jurisdiction regarding the regulation of health insurance plans, more than two-thirds of Nevadans, including state and federal employees, Medicare and Medicaid enrollees and others whose employers are self-insured, are not affected by state legislative action such as mandated benefits, improved grievance and appeals processes and the proposed ombudsman office; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to take steps to ensure that those plans which are exempt from state regulation provide adequate protection provisions for persons covered by such health plans; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-188. A petition from a citizen of the State of Florida relative to tobacco; to the Committee on Health, Education, Labor, and Pensions.

POM-189. A petition from a citizen of the State of Florida relative to federal income tax laws; to the Committee on Finance.

POM-190. A petition from a citizen of the State of Florida relative to Social Security and Medicare laws; to the Committee on Finance.

POM-191. A petition from a citizen of the State of Florida relative to water sources; to the Committee on Environment and Public Works.

POM-192. A petition from a citizen of the State of Florida relative to court reform; to the Committee on the Judiciary.

POM-193. A petition from a citizen of the State of Florida relative to campaign financing reform; to the Committee on Rules and Administration.

POM-194. A petition from a citizen of the State of Florida relative to paper money; to the Committee on Banking, Housing, and Urban Affairs.

POM-195. A resolution adopted by the Board of Directors, Puerto Rico Bar Association relative to navy war practices at the island of Vieques; to the Committee on Armed Services.

POM-196. A petition from a citizen of the State of Indiana relative to highway safety and the trucking industry; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 342. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. No. 106-77).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 607. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. No. 106-78).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 1224. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering and technology; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. GREGG, Mr. CONRAD, Mr. BURNS, Mr. KERREY, Mr. HAGEL, and Mr. HUTCHINSON):

S. 1225. A bill to provide for a rural education initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MACK:

S. 1226. A bill to amend the Internal Revenue Code of 1986 to provide that interest on indebtedness used to finance the furnishing or sale of rate-regulated electric energy or natural gas in the United States shall be allocated solely to sources within the United States; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. McCAIN, Mr. GRAHAM, Mr. MACK, Mr. MOYNIHAN, and Mr. JEFFORDS):

S. 1227. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, and Mr. CONRAD):

S. 1228. A bill to provide for the development, use, and enforcement of a system for labeling violent content in audio and visual media products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 1229. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a foreign pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1224. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering and technology; to the Committee on Health, Education, Labor, and Pensions.

• Ms. SNOWE. Mr. President, I rise today to introduce legislation that will ensure our nation's students, and young women in particular, are encouraged to pursue degrees and careers in math, science, engineering, and technology.

Mr. President, if our children are to be prepared for the globally competitive economy of the next century, they must not only have access to the technologies that will dominate the workforce and job market that they will enter—but they should also be encouraged to pursue degrees in the fields that underlie these technologies.

We simply cannot ignore that six out of ten new jobs require technological skills—skills that are seriously lacking in our workforce today. The impact of this technological illiteracy is devastating for our nation's businesses, with an estimated loss in productivity of $30 billion every year, and the inability of companies across the nation to fill an estimated 190,000 technology jobs in mid- to large-sized companies. In fact, these very job vacancies led to Congress passing legislation last year that increased the number of H1-B visas that could be issued to foreign workers to enter the United States.

Furthermore, according to a 1994 report by the American School Counselors Association, 65 percent of all jobs will require technical skills in the year 2000, with 20 percent being professional and only 15 percent relying on unskilled labor. In addition, between 1996 and 2006, all occupations expect a 14 percent increase in jobs, but Information Technology occupations should jump by 75 percent. As this data implies, today's students must gain a different knowledge base than past generations of students if they are to be prepared for, and competitive in, the global job market of the 21st Century.

Mr. President, even as we should seek to increase student access and exposure to advanced technologies in our nation's schools and classrooms through the E-rate and other programs, we should also seek to increase the interest of our students in the fields that are the backbone of these technologies: namely, math, science, engineering, and other technology-related fields. Clearly, if technology will be the cornerstone of the job market of the future, then it is vital that our nation's students—who will be tomorrow's workers—be the architects that build that cornerstone.

Accordingly, the legislation I am offering today is designed to ensure that our nation's students are encouraged to pursue degrees in these demanding fields. In particular, my legislation will ensure that young girls—who are currently less likely to enter these fields than their male counterparts—be encouraged to enter these fields of study.

Mr. President, as was highlighted in the American Association of University Women report, "Gender Gaps: Where Schools Still Fail Our Children," when compared to boys, girls might be at a significant disadvantage as technology is increasingly incorporated into the classroom. Not only do girls tend to come into the classroom with less exposure to computers and other technology, but they also tend to believe that they are less adept at using technology than boys.

In light of these findings, it should come as no surprise that girls are dramatically underrepresented in advanced computer science courses after graduation from high school. Furthermore, it should come as no surprise that girls tend to gravitate toward the fields of social sciences, health services, and education, while boys disproportionately gravitate toward the fields of engineering and business.

In fact, data gathered in 1997 on the intended majors of college-bound students found that a larger proportion of female than male SAT test-takers intended to major in visual and performing arts, biological sciences, education, foreign or classical languages, health and allied services, language and lierature, and the social sciences. In contrast, a larger portion of boys than girls intended to major in agriculture and natural resources, business and commerce, engineering, mathematics, and physical sciences.

While all of these fields are invaluable—and students should always be encouraged to choose the fields of study and careers that interest them most—I believe it is critical that we ensure students do not balk at entering a particular field of study or career simply because it has typically been associated with "males" or "females." Instead, all students should be aware of the multitude of opportunities that are available to them, and encouraged to enter those fields that they find of interest.

Mr. President, young women should not shy away from technical careers simply because they are more often associated with men—and they should not avoid higher education courses that would give them the knowledge and skills they need for these jobs simply because they are more typically taken by young men. Accordingly, my legislation will ensure that fields relying on skills in math, science, engineering, and technology will be promoted to all students—and especially girls—to ensure that the numerous opportunities and demands of the job market in the 21st Century are met.

Specifically, the "High Technology for Girls Act" will expand the possible uses of monies provided under the Elementary and Secondary Education Act (ESEA) of 1965 to ensure young women are encouraged to pursue demanding careers and higher education degrees in mathematics, science, engineering, and technology. As a result, monies provided for Professional Development Activities, the National Teacher Training Project, and the Technology for Education programs can be used by schools to ensure these fields of study and careers are presented in a favorable manner to all students.

Of critical importance, schools will be able to use these monies for the development of mentoring programs, model programs, or other appropriate programs in partnership with local businesses or institutions of higher education. As a result, programs will be created that meld the best ideas from educators and the private sector, thereby improving the manner in which these fields are presented and taught—and ultimately putting a positive "face" on fields that may otherwise be shunned by young women.

Mr. President, as Congress moves forward in its effort to reauthorize the ESEA, I believe the provisions contained in this legislation would be a positive and much-needed step toward preparing our students for the jobs of the 21st Century. We cannot afford to let any of our nation's students overlook the fields of study that will be the cornerstone of the global job market of the future, and my legislation will help ensure that does not happen.

Accordingly, I urge that my colleagues support the "High Technology for Girls Act," and look forward to working for its adoption during the consideration of the Elementary and Secondary Education Act.•

By Ms. COLLINS (for herself, Mr. GREGG, Mr. CONRAD, Mr. BURNS, Mr. KERREY, Mr. HAGEL, and Mr. HUTCHINSON):

S. 1225. A bill to provide for a rural education initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RURAL EDUCATION INITIATIVE ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Rural Education Initiative Act. I am very pleased to be joined by my colleagues Senators GREGG, CONRAD, KERREY, BURNS, HUTCHINSON, and HAGEL as original cosponsors of this commonsense, bipartisan proposal to help rural schools make better use of Federal education dollars. I also want to acknowledge the valuable assistance provided by the American Association of School Administrators in the drafting of this legislation.

The Elementary and Secondary Education Act authorizes formula and competitive grants that allow many of our local school districts to improve the education of their students. These Federal grants support efforts to promote such laudable goals as the professional development of teachers, the incorporation of technology into the classroom, gifted and talented programs and class-size reduction. Schools receive several categorical grants supporting these programs, each with its own authorized activities and regulations and each with its own redtape and paperwork. Unfortunately, as valuable as these programs may be for thousands of predominantly urban and suburban school districts, they simply do not work well in rural areas.

The Rural Education Initiative Act will make these Federal grant programs more flexible in order to help school districts in rural communities with fewer than 600 students. Six hundred may not sound like many students to some of my colleagues from more populous or urban States, but they may be surprised to learn that more than 35 percent of all school districts in the United States have 600 or fewer students. In my State of Maine, 56 percent, or 158 of its 284 school districts, have fewer than 600 students. The two education initiatives contained in our legislation will overcome some of the most challenging obstacles that these districts face in participating in Federal education programs.

The first rural education initiative deals with four formula grants. Formula-driven grants from some education programs simply do not reach small rural schools in amounts that are sufficient to improve curriculum and teaching in the same way that they do for larger suburban or urban schools.

This is because the grants are based on school district enrollment. Unfortunately, these individual grants confront smaller schools with a dilemma; namely, they simply may not receive enough funding from any single grant to carry out meaningful activity. Our legislation will allow a district to combine the funds from four categorical programs.

Under the Rural Education Initiative Act, rural districts will be permitted to combine the funds from these programs and use the money to support reform efforts of their own choice to improve the achievement of their students and the quality of the instruction. Instead of receiving grants from four independent programs, each insufficient to accomplish the program's objectives, these rural districts will have the flexibility to combine the grants and the dollars to support locally chosen educational goals.

I want to emphasize that the rural initiative I have just described does not change the level of funding a district receives under these formula grant programs. It simply gives these rural districts the flexibility they need to use the funds far more effectively.

The second rural initiative in our legislation involves several competitive grant programs that present small rural schools with a different problem. Because many rural school districts simply do not have the resources required to hire grant writers and to manage a grant, they are essentially shut out of those programs where grants are competitively awarded.

The Rural Education Initiative Act will give small, rural districts a formula grant in lieu of eligibility for the competitive programs of the ESEA. A district will be able to combine this new formula grant with the funds from the regular formula grants and use the combined moneys for any purpose that will improve student achievement or teaching quality.

Districts might use these funds, for example, to hire a new reading or math teacher, to fund important professional development, to offer a program for gifted and talented students, to purchase high technology, or to upgrade a science lab, or to pay for any other activity that meets the district's priorities and needs.

Let me give you a specific example of what these two initiatives will mean for one Maine school district, School Administrative District 33. This district serves two northern Maine communities, Frenchville and St. Agatha. Each of these communities has about 200 school-age children. SAD 33 receives four separate formula grants ranging from about $1,900 from the Safe and Drug Free Schools Program to $9,500 under the Class Size Reduction Act.

You can see the problem right there. The amounts of the grants under these programs are so small that they really are not useful in accomplishing the goals of the program. The total received by this small school district for all four of the programs is just under $16,000. But each grant must be applied for separately, used for different—and federally mandated—purposes, and accounted for independently.

Under our legislation, this school district will be freed from the multiple applications and reports, and it will have $16,000 to use for locally identified education priorities. In addition, since SAD 33 does not have the resources needed to apply for the current competitively awarded grant programs, our legislation will allow this school district to receive a supplemental formula grant of $34,000. The bottom line is, under my legislation this district will have about $50,000 and the flexibility to use these Federal funds to address its most pressing educational needs.

But with this flexibility and additional funding comes responsibility. In return for the advantages and flexibility that our legislation provides, participating districts will be held accountable for demonstrating improved student performance. Each participating school district will be required to administer the same test of its choice annually during the 5-year period of this program. Based on the results of this test, a district will have to show that student achievement has improved in order to continue its participation beyond the 5-year period.

Since Maine and many other States already administer annual education assessments, districts will not incur any significant administrative burden in accounting and complying with this accountability provision. More important, the schools will be held responsible for what is really important, and that is improved student achievement, rather than for time-consuming paperwork in the form of applications and reports.

As one rural Maine superintendent told me: "Give me the resources I need plus the flexibility to use them, and I am happy to be held accountable for improved student performance. It will happen."

The Federal Government has an important role to play in improving education in our schools. But it has a supporting role, whereas States and communities have the lead role. We must improve our education system, we must enhance student achievement, without requiring every school in this Nation to adopt a plan designed in Washington and without imposing burdensome and costly regulations in return for Federal assistance.

The two initiatives contained in our bill will accomplish those goals. They will allow rural schools to use their own strategies for improvement without the encumbrance of onerous regulations and unnecessary paperwork. It is my hope that we will be able to enact this important and bipartisan legislation this year.

I thank my colleagues for their attention.

Mr. GREGG. Mr. President, today, I join my esteemed colleagues Senator COLLINS and CONRAD in introducing the Rural Education Initiative Act (REA).

This Act represents a bipartisan approach to address the unique needs of 35% of school districts in the United States, specifically small, rural school districts. It does not authorize any new money. Rather, REA amends the Rural Education Demonstration Grants under Part J, of Title X, of the Elementary and Secondary Education Act (ESEA) and retains the current ESEA authorization of up to $125 million for rural education programs.

Rural school districts are at a distinct disadvantage when it comes to both receiving and using federal education funds. They either don't receive enough federal funds to run the program for which the funds are allocated or don't receive federal funds for programs for which they have to fill out applications. Small rural school districts rarely apply for federal competitive grants because they lack the resources and expertise required to fill out complicated and time intensive applications for federal education grants, which means that rural school districts lose out on millions of federal education dollars each year.

The Rural Education Initiative Act addresses both the problem of rural school districts' inability to generate enough money under federal formula grants to run a program and the problem of rural school districts' inability to compete for federal discretionary grants.

With regard to federal education formula grants, REA permits rural school districts to merge funds from the President's 100,000 New Teachers program and several Elementary and Secondary Education Act programs, specifically Eisenhower Professional Development, Safe and Drug Free Schools, Innovative Education Program Strategies. Under REA, school districts can pool funds from these federal education programs and use the money for a variety of activities that the district believes will contribute to improved student achievement.

With regard to federal discretionary grants for which rural grants have to compete, the bill stipulates that small rural school districts who decline to apply for federal discretionary grants are eligible to receive money under a rural education formula grant. As a result, school districts would no longer have to go through the application process to receive federal funds. School districts that had to forgo applying for discretionary grants simply because they did not have the resources to do so, would no longer be penalized. As with their other federal grant money, a school district would have broad flexibility on how to use funds provided under this new grant to improve student achievement and the quality of instruction.

A local school district can combine their other formula grant money with this new direct grant to create a large flexible grant at the school district level to: hire a new teacher, purchase a computer, provide professional development, offer advanced placement or vocational education courses or just about any other activity that would contribute to increased student achievement and higher quality of instruction.

In addition to the aforementioned changes, REA has a strong accountability piece. The bill stipulates that rural school districts may only continue to receive the rural education initiative grant and have enormous flexibility over other federal education dollars if in fact they can show a marked improvement in student achievement.

In conclusion, this bill not only builds momentum for driving more federal dollars directly down to rural school districts but marks an important sea change in federal education policy in that it cedes unprecedented authority to school districts to use federal funds as they see fit, not as the federal government prescribes and it links increased flexibility and increased federal funds directly to student achievement.

Mr. CONRAD. Mr. President, I am very pleased to join my distinguished colleagues from Maine, New Hampshire, and Nebraska in introducing the Rural Education Initiative Act. Over the past five years, Congress and the Administration have significantly increased education funding for States and local school districts. They have also undertaken a number of new initiatives in response to educational concerns including Class Size Reduction and the 21st Century Community Learning Centers Program.

Unfortunately, rural schools are not benefiting from these new initiatives or from funding increases to the same degree as many urban and suburban schools. In fact, on the basis of discussions with educators in North Dakota, Federal education laws are discouraging many rural schools from making the best use of funds that are currently allocated by formula from the Department of Education.

The formulas developed to allocate education funding, formulas which take into consideration a number of factors including student enrollment, in many cases do not result in sufficient funding to permit the smaller school to most effectively use the funds for local educational priorities.

Many small, rural schools, for example, don't have the enrollment numbers or special categories of students that result in sufficient revenue under the education formulas to hire a new teacher under the Class Size Reduction initiative, or to participate in a more specialized education program like the 21st Century Community Learning Centers Program.

Additionally, these schools are not able to compete as effectively as larger districts for funding under some Department of Education competitive grant programs. Limited resources do not permit smaller districts to hire specialists to prepare and submit grant applications. In some cases, the only option for a smaller school district is to form a consortium with other rural districts to qualify for sufficient funding.

No more clearly are the concerns of rural school educators expressed than in a letter that I received from ElRoy Burkle, Superintendent for the Starkweather Public School District, in Starkweather, North Dakota, a school district with 131 students. In his letter, ElRoy expressed the difficulty that smaller, rural schools are having in accessing Federal education funds.

ElRoy remarked, ". . . school districts have lost their ability to access funds directly, and as a result of forming these consortiums in order to access these monies, it is my opinion, we have lost our individual ability to utilize these monies in an effective manner that would be conducive to promoting the educational needs of our individual schools."

Mr. President, the Rural Education Initiative Act responds to the unique needs of rural school districts by enabling these districts to more fully participate in Department of Education formula and competitive grant programs.

Under Section 4 of the proposed legislation, school districts with less than 600 students would be eligible to pool resources from four DOE formula programs, and use the funding for quality of instruction or student achievement priorities determined by the local school district.

These programs include the DOE's Class-Size Reduction, Eisenhower Professional Development, Title VI (Innovative Education Strategies), and Safe and Drug Free Schools. Title I GOALS 2000, Individuals With Disabilities Education, and Impact Aid are not included in this legislation.

Additionally, to qualify for funding under the Rural Education Initiative Act, a school district would elect not to apply for competitive grant funding from seven programs including Gifted and Talented Children Grants; State and Local Programs for Technology Resources; 21st Century Community Learning Centers; Grants under the Fund for the Improvement of Education; Bilingual Education Professional Development Grants; Bilingual Education Capacity and Demonstration Grants; and Bilingual Education Research, Evaluation, and Dissemination Grants.

In opting out of these competitive grant programs, the rural school district would be entitled to a formula grant, based on student enrollment, to use for education reform efforts to improve class instruction and student achievements. The grant amount would be reduced by the level of funding received by the School district under the formula grant programs outlined in Section 4.

To remain in the Rural Education Initiative, school districts, after five years, would be required to assess the academic achievement of students using a statewide test, or in the case where there is no statewide test, a test selected by the local education agency.

Additionally, the Rural Education Initiative Act will not abolish or reduce funding for any DOE education program including the eleven grant programs discussed in this initiative.

Mr. President, It's very important that we consider the Rural Education Initiative Act as part of the re-authorization of the Elementary and Secondary Education Act during the 106th Congress. No issue is more important for rural America than the future of our schools. In North Dakota 86 percent of school districts, 198 schools, have less than 600 students.

Additionally, many of these school districts are facing declining enrollments. According to the Report Card for North Dakota's Future (1998) prepared by the North Dakota Department of Public Instruction, over the past two decades school districts in the State have declined from 364 to 214, almost 40 percent.

This decline in student population is not unique to North Dakota. Many other states have a significant percentage of rural school districts, and many are also experiencing a decline in rural student population. While the quality of education, including smaller classes, in many of these smaller communities remains excellent, the more limited resources of smaller, rural schools, coupled with the declining student enrollments, pose extraordinarily challenges for rural schools across America.

These factors along with current Federal education formulas have limited the ability of smaller districts to take full advantage of federal education grants. In some instances, they have limited educational opportunities for students such as distance learning, or advanced academic and vocational courses. Rural schools are unique and have educational needs that are not being met.

Mr. President, I want to commend the American Association of School Administrators (AASA) for the key role they have played in the development of this rural schools initiative. AASA has a remarkable record of achievement on behalf of the education community, parents, and students. For several years, they have been examining the difficulties that rural schools were experiencing in applying and qualifying for Federal education funding. The proposal developed by AASA would have a significant impact on almost 200 school districts in North Dakota.

I also want to commend the Organizations Concerned About Rural Education for their efforts on behalf of this initiative, and the exemplary work on behalf of other educational issues for rural America.

Again, I congratulate Senator COLLINS for taking the lead on this important education initiative, and I strongly urge the Committee on Health, Education, Labor, and Pensions to carefully consider this legislation and the educational needs of rural schools during the reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the letter from Mr. Burkle, a summary of the bill, and a description of the rural schools formula under the Rural Education Initiative Act, prepared by the American Association of School Administrators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RURAL EDUCATION INITIATIVE ACT

QUALIFYING DISTRICTS

A district eligible to elect to receive its funding through this initiative must have 599 students or fewer and have a Beale Code rating of 6, 7, 8, or 9. The Beale Codes are used by the U.S. Department of Agriculture to determine how relatively rural or urban a county is. Beale Codes range from 0 to 9, with 0 being most urban and 9 being most rural. A county-by-county listing may be found at: http://www.econ.ag.gov/epubs/other/typolog/index.html.

FLEXIBLE USE OF FORMULA GRANTS

If a district qualifies and elects to participate in this initiative, it will have flexibility with regard to Titles II (Eisenhower professional development), IV (Safe and Drug-Free Schools), and VI (Innovative Education Program Strategies) of the Elementary and Secondary Education Act and the Class Size Reduction Act. Districts would be able to combine the funds from these programs and use the money to support reform efforts intended to improve the achievement of students and the quality of instruction provided.

ALTERNATIVE TO COMPETITIVE GRANT PROGRAMS

If an eligible district elects not to compete the discretionary grants programs listed below, it will receive a formula grant based on student enrollment (see following table), less the amount they received from the formula grant programs included in the flexible use of formula grants program (Titles II, IV and VI of ESEA and the Class Size Reduction Act). This alternative formula grant may be combined with the funds from the flexible formula grant program and used for the same purposes.

State and Local Programs for School Technology Resources (Subpart 2 of part A of title III of ESEA);

Bilingual Education Capacity and Demonstration Grants (Subpart 1 of part A of title VII of ESEA);

Bilingual Education Research, Evaluation, and Dissemination Grants (Subpart 2 of part A of title VII of ESEA);

Bilingual Education Professional Development Grants (Subpart 3, Section 7142 of part A of title VII of ESEA);

Fund for the Improvement of Education (Part A of Title X of ESEA);

Gifted and Talented Grants (Part B of Title X of ESEA);

21st Century Community Learning Centers (Part I of title X of ESEA)

Number of K-12 Students in District:	*Amount of grant*
1 to 49	[1] $20,000
50 to 149	[1] 30,000
150 to 299	[1] 40,000
300 to 449	[1] 50,000
450 to 599	[1] 60,000

[1] Reduced by the amount the district receives from the listed formula grants.

ACCOUNTABILITY

School districts participating in this initiative would have to meet high accountability standards. They would have to show significant statistical improvement in assessment test scores based on state and/or local assessments. Schools failing to show demonstrable progress will not be eligible for continued participation in the initiative.

STARKWEATHER PUBLIC SCHOOL
DISTRICT NO. 44,
Starkweather, ND, April 15, 1999.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The purpose of this letter is to voice several concerns that are facing rural districts in North Dakota and ask for your assistance as the reauthorization process for various educational legislation is currently being addressed by congress. I currently serve as a shared superintendent for both the Starkweather and Munich Public School Districts. At this particular time these two districts are two independent districts, with the Starkweather District serving 131 students and Munich serving 154 students. Each district covers in excess of 200 square miles.

The first issue that I have deals with the recently approved Class-Size Reduction Program. I support the primary legislative intent of this legislation, however, this office disagrees with the way in which the funds can be accessed. Please allow me to explain.

This office received information at a recent regional meeting that the allocation for the Starkweather District is $5,003, and $6,020 for Munich. It was also shared that in order to access these funds our individual district allocations must be equal to or greater than the cost of hiring a first-year teacher at our schools. This equates to approximately $23,000. If a school allocation is less than that, the school district can create or join a consortium to access these dollars, so long as the aggregate amount equals or exceeds that cost of a first-year teacher. Therefore, as you can see, the two school districts that I serve would be forced to enter into another consortium in order to obtain these allocated funds through this program.

Currently, both the Munich and Starkweather School Districts are members of various consortiums in order to access our federal allocated monies. These consortiums include Title II, Lake Area Carl-Perkins, and Goals 2000. This is in addition to having consortiums for special education and school improvement. My point is that each of my respective school districts have lost their individual ability to access funds directly, and as a direct result of forming these consortiums in order to access our entitled monies, it is of my opinion, we have lost our individual ability to utilize these monies in an effective manner that would be conducive to promoting the educational needs of our individual schools. Let me cite an example of how this loss of effectiveness has occurred for my districts.

3. Legislation for rural school districts. Something needs to be done for us. Rural districts with low student enrollments and high square miles have to form consortiums to access federal funds. If legislation were created as cited above, my two districts could better utilize allocated funds and still be in-line with federal education goals.

In closing, I understand that it is difficult to write legislation to meet everyone's needs. However, I do believe that we need to address our educational needs as our children deserve the same opportunity as those in larger districts. Our issues may be different, but we all hold the common thread of providing the best education for each child.

Thank you for your time and consideration regarding the issues shared. Your office has my permission to share this letter with any individual who may need to review the concerns voiced. Your office may feel free to contact me at the address and telephone provided, or e-mail messages to me at elburkle@sendit.nodak.edu (work) or my home e-mail stburkle@stellarnet.com.

Respectfully,

ELROY BURKLE,
Superintendent.

Mr. KERREY. Mr. President, I rise in support of the Rural Education Initiative introduced by Senator COLLINS today, and I am pleased to be a cosponsor of this important piece of legislation.

The Rural Education Initiative takes a significant step toward ensuring that all young people have a shot at the American Dream. It addresses an important problem that many rural schools face: Often they receive small amounts of funding for a variety of programs, but they don't have the budget and personnel to develop and sustain multiple programs. Yet they still have students who need our help to raise their achievement levels and become productive, successful citizens.

The Rural Education Initiative asks us to make a $125 million investment in rural schools. And it allows small rural districts to pool funds from a handful of federal programs and target funding in those areas where they see the greatest need and where the funding will have the greatest impact.

But this legislation also ensures that districts remain accountable—in exchange for increased flexibility, they must demonstrate improved performance.

Over 70 percent of Nebraska's school districts are small, rural districts, as defined by this legislation. Currently Nebraska receives approximately $92 million in federal funds for elementary and secondary education. The Rural Education Initiative would increase that contribution by more than $10 million.

Mr. President, recently I contacted Jim Havelka, superintendent of both Dodge and Howells Public Schools in Nebraska. Dodge has 175 students K–12, and Howells has 225 students K–12. I said, "Jim, what do you need to do a better job of educating your kids?"

Jim said, "You know, it's awfully hard to start a new initiative on $900. But if I could pool funds from a few programs, I could hire an experienced instructional technology teacher to help us make even better use of computer hardware and software that is so crucial in improving learning opportunities for our students. And I could share that instructor with 2 or 3 other schools. Keep Title I, special education, and other major programs intact, but give me a little flexibility with a few other programs, and I'll give you results."

Mr. President, I intend to do what I can to help Jim and his students produce results. I believe that in addition to this initiative, we should increase our investment in Title I and in education technology, both of which are especially important to rural schools. I look forward to working with Senator COLLINS and the other cosponsors of this legislation to accomplish these goals as we move this legislation through Congress.

By Mr. MACK:

S. 1226. A bill to amend the Internal Revenue Code of 1986 to provide that interest on indebtedness used to finance the furnishing or sale of rate-regulated electric energy or natural gas in the United States shall be allocated solely to sources within the United States; to the Committee on Finance.

ALLOCATION TO SOURCES WITHIN THE UNITED STATES OF INTEREST EXPENSE ON INDEBTEDNESS FINANCING RATE-REGULATED ELECTRIC ENERGY OR NATURAL GAS INFRASTRUCTURE INVESTMENTS

Mr. MACK. Mr. President, today I am introducing legislation to remedy a problem in the way the U.S. taxes the foreign operations of U.S. electric and gas utilities. With the 1992 passage of the National Energy Policy Act, Congress gave a green light to U.S. utilities wishing to do business abroad, lifting a long-standing prohibition. U.S. utilities were allowed to compete for the foreign business opportunities created by the privatization of national utilities and the need for the construction of facilities to meet increased energy demands abroad.

Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, the Far East and South America. These investments in foreign utilities have created domestic jobs in the fields of design, architecture, engineering, construction, and heavy equipment manufacturing. They also allow U.S. utilities an opportunity to diversify and grow.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double-taxation. U.S. companies with foreign operations receive tax credits for a portion of the taxes they pay to foreign countries, to reduce the double-taxation that would otherwise result from the U.S. policy of taxing worldwide income. The size of these foreign tax credits are affected by a number of factors, as U.S. tax laws recalculate the amount of foreign income that is recognized for tax credit purposes.

Section 864 of the tax code allocates deductible interest expenses between the U.S. and foreign operations based on the relative book values of assets located in the U.S. and abroad. By ignoring business realities and the peculiar circumstances of U.S. utilities, this allocation rule overtaxes them. Because U.S. utilities were until recently prevented from operating abroad, their foreign plants and equipment have been recently-acquired and consequently have not been much depreciated, in contrast to their domestic assets which are in most cases fully-depreciated. Thus, a disproportionate amount of interest expenses are allocated to foreign income, reducing the foreign income base that is recognized for U.S. tax purposes thus the size of the corresponding foreign tax credits.

The allocation rules increase the double-taxation of foreign income by reducing foreign tax credits, thereby increasing domestic taxation. The unfairness of this result is magnified by the fact that the interest expenses—which are the reason the foreign tax credit shrinks—are usually associated with domestically-regulated debt, which is tied to domestic production and is not as fungible as the tax code assumes.

The result of this economically-irrational taxation scheme is a very high effective tax rate on certain foreign investment and a loss of U.S. foreign tax credits. Rather than face this double-tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. This remedy is to exempt from the interest allocation rules of Section 864 the debt associated with a U.S. utility's furnishing and sale of electricity or natural gas in the United States. This proposed rule is similar to the rule governing "non-recourse" debt, which is not subjected to foreign allocation. In both cases, lenders look to specific cash flows for repayment and specific assets as collateral. These loans are thus distinguishable from the typical risks of general credit lending transactions.

The specific cash flow aspect of non-recourse financing is a critical element of the non-recourse debt exception, and logic requires that the same tax treatment should be given to analogous utility debt. Thus, my bill would exempt from allocation to foreign source income the interest on debt incurred in the trade or business of furnishing or selling electricity or natural gas in the United States. The current situation is a very real problem that must be remedied, and I urge my colleagues to support the solution I am proposing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOCATION TO SOURCES WITHIN THE UNITED STATES OF INTEREST EXPENSE ON INDEBTEDNESS FINANCING RATE-REGULATED ELECTRIC ENERGY OR NATURAL GAS INFRASTRUCTURE INVESTMENTS.

(a) In General.—Subsection (e) of section 864 of the Internal Revenue Code of 1986 (relating to rules for allocating interest, etc.) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) Treatment of certain interest expense relating to qualified infrastructure indebtedness.—

"(A) In general.—Interest on any qualified infrastructure indebtedness shall be allocated and apportioned solely to sources within the United States, and such indebtedness shall not be taken into account in allocating and apportioning other interest expense.

"(B) Qualified infrastructure indebtedness.—For purposes of this paragraph, the term 'qualified infrastructure indebtedness' means any indebtedness incurred—

"(i) to carry on the trade or business of the furnishing or sale of electric energy or natural gas in the United States, or

"(ii) to acquire, construct, or otherwise finance property used predominantly in such trade or business.

"(C) Rate regulation.—

"(i) In general.—If only a portion of the furnishing or sale referred to in subparagraph (B)(i) in a trade or business is rate regulated, the term 'qualified infrastructure indebtedness' shall not include nonqualified indebtedness.

"(ii) Nonqualified indebtedness.—For purposes of clause (i), the term 'nonqualified indebtedness' means so much of the indebtedness which would (but for clause (i)) be qualified infrastructure indebtedness as exceeds the amount which bears the same ratio to the aggregate indebtedness of the taxpayer as the value of the assets used in the furnishing or sale referred to in subparagraph (B)(i) which is rate-regulated bears to the value of the total assets of the taxpayer.

"(iii) Rate-regulated defined.—For purposes of this subparagraph, furnishing or sale is rate-regulated if the rates for the furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

"(iv) Asset values.—For purposes of clause (ii), assets shall be treated as having a value equal to their adjusted bases (within the meaning of section 1016) unless the taxpayer elects to use fair market value for all assets. Such an election, once made, shall be irrevocable.

"(v) Time for making determination.—The determination of whether indebtedness is qualified infrastructure indebtedness or nonqualified indebtedness shall be made at the time the indebtedness is incurred.

"(vi) Separate application to electric energy and natural gas.—This subparagraph shall be applied separately to electric energy and natural gas."

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to indebtedness incurred in taxable years beginning after the date of enactment of this Act.

(2) Outstanding debt.—In the case of indebtedness outstanding as of the date of enactment of this Act, the determination of whether such indebtedness constitutes qualified infrastructure indebtedness shall be made by applying the rules of subparagraphs (B) and (C) of section 864(e)(6) of the Internal Revenue Code of 1986, as added by this section, on the date such indebtedness was incurred.

By Mr. CHAFEE (for himself, Mr. McCain, Mr. Graham, Mr. Mack, Mr. Moynihan, and Mr. Jeffords):

S. 1227. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes; to the Committee on Finance.

IMMIGRANT CHILDREN'S HEALTH IMPROVEMENT ACT OF 1999

Mr. CHAFEE. Mr. President, I am pleased to introduce the Immigrant Children's Health Improvement Act of 1999. I also want to thank Senators McCain, Graham, Mack, Moynihan, and Jeffords for their support and cosponsorship of this important legislation.

In 1996, legal immigrants in this country lost critical public benefits because of changes made under welfare reform. While I supported the underlying goals of welfare reform—self sufficiency and individual responsibility—I continue to believe that the cuts made to immigrants' benefits as part of the 1996 reforms were unwarranted. While some of those cuts were reversed in 1997 and again in 1998, we still have a long way to improve the lives of the millions of immigrants who are legally in this country. The Immigrant Children's Health Improvement Act is one small but important step toward this goal.

While cash benefits such as Supplemental Security Income (SSI) and food stamps are critical to the well-being of low-income immigrants, access to health care is their largest concern. Immigrants who were legally in the country before the enactment of the welfare reform legislation are still eligible for Medicaid. However, those immigrants—including children and pregnant women—who arrived after August 22, 1996, the enactment date of the welfare bill, are barred for five years from receiving health benefits under Medicaid or the State Children's Health Insurance Program (SCHIP). While these individuals may still get emergency medical care, they are ineligible for the basic medical services that may reduce the need for such emergency care. This makes no sense.

The legislation we are introducing today would fix this problem by giving states the option to lift the five-year bar for pregnant women and children, allowing this narrow group of legal immigrants to receive health care services under either SCHIP or Medicaid. I want to emphasize that this legislation does not require states to cover these immigrant children—it merely allows the state to do so if it chooses. This approach is consistent with Congress' shift toward more state flexibility and will provide needed relief to states, such as Rhode Island, with high immigrant populations.

I hope that my colleagues will join me in support of this important measure. I ask unanimous consent that the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigrant Children's Health Improvement Act of 1999".

SEC. 2. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREGNANT WOMEN AND CHILDREN FOR MEDICAID.

(a) In General.—Subtitle A of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C 1611–1614) is amended by adding at the end the following:

"SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR MEDICAID.

"(a) Optional Medicaid Eligibility for Certain Aliens.—A State may elect to waive (through an amendment to its State plan under title XIX of the Social Security Act) the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who are lawfully residing in the United States (including battered aliens described in section 431(c)), within any or all (or any combination) of the following categories of individuals:

"(1) Pregnant women.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(2) Children.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).".

(b) Applicability of Affidavits of Support.—Section 213A(a) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by adding at the end the following:

"(4) Inapplicability to benefits provided under a state waiver.—For purposes of this section, the term 'means-tested public benefits' does not include benefits provided pursuant to a State election and waiver described in section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

(c) Conforming Amendments.—

(1) Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation

Act of 1996 (8 U.S.C. 1611(a)) is amended by inserting "and section 405" after "subsection (b)".

(2) Section 402(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting ", section 405," after "403".

(3) Section 403(a) of such Act (8 U.S.C. 1613(a)) is amended by inserting "section 405 and" after "provided in".

(4) Section 421(a) of such Act (8 U.S.C. 1631(a)) is amended by inserting "except as provided in section 405," after "Notwithstanding any other provision of law,".

(5) Section 1903(v)(1) of the Social Security Act (42 U.S.C. 1396b(v)(1)) is amended by inserting "and except as permitted under a waiver described in section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," after "paragraph (2),".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 3. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN FOR SCHIP.

(a) IN GENERAL.—Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 2(a), is amended—

(1) in the heading, by inserting "**and SCHIP**" before the period; and

(2) by adding at the end the following new subsection:

"(b) OPTIONAL SCHIP ELIGIBILITY FOR CERTAIN ALIENS.—

"(1) IN GENERAL.—Subject to paragraph (2), a State may also elect to waive the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility of children for child health assistance under the State child health plan of the State under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), but only with respect to children who are lawfully residing in the United States (including children who are battered aliens described in section 431(c)).

"(2) REQUIREMENT FOR ELECTION.—A waiver under this subsection may only be in effect for a period in which the State has in effect an election under subsection (a) with respect to the category of individuals described in subsection (a)(2) (relating to children).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child health assistance for coverage provided for periods beginning on or after October 1, 1999.

● Mr. GRAHAM. Mr. President, I rise today, along with Senators CHAFEE, MACK, MCCAIN, and MOYNIHAN, to introduce the Immigrant Children Health Improvement Act of 1999. I believe that these efforts are necessary in order to guarantee a healthy generation of children.

This legislation is simple. It provides states the option to provide health care coverage to legal immigrant children through Medicaid and the State Children's Health Insurance Program (SCHIP)—in essence eliminating the arbitrary designation of August 22, 1996 as the cutoff date for benefits eligibility to children. The welfare reform legislation passed in 1996 prohibits states from covering these immigrant children during their first five years in the United States. This prohibition has serious consequences.

Children without health insurance do not get important care for preventable diseases. Many uninsured children are hospitalized for acute asthma attacks that could have been prevented, or suffer from permanent hearing loss from untreated ear infections. Without adequate health care, common illnesses can turn into life-long crippling disease, whereas appropriate treatment and care can help children with diseases like diabetes live relatively normal lives. A lack of adequate medical care will also hinder the social and educational development of children, as children who are sick and left untreated are less ready to learn.

In addition to allowing extended coverage of legal immigrant children, this initiative aims to provide Medicaid to legal immigrant pregnant women who are also barred from receiving services as a result of the 1996 welfare reform law.

This legislation attempts to diminish the arbitrary cutoff date used in the 1996 welfare law to determine the eligibility of legal immigrants to benefits they desperately need. Our nation was built by people who came to our shores seeking opportunity and a better life, and America has greatly benefitted from the talent, resourcefulness, determination, and work ethic of many generations of legal immigrants. Time and time again, they have restored our faith in the American Dream. We should not discriminate between these important members of our community based on nothing more than an arbitrary date.

As our nation enters what promises to be a dynamic century, the United States needs a prudent, fair immigration policy to ensure that avenues of refuge and opportunity remain open for those seeking freedom, justice, and a better life.●

Mr. MCCAIN. Mr. President, I am proud to join my colleague Senator CHAFEE in introducing the Immigrant Children's Health Improvement Act of 1999. This legislation would help provide access to health care through the Medicaid system for pregnant women and children who are legal immigrants.

In 1996, Congress passed and President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act making critical reforms to our nation's welfare system. This greatly needed piece of legislation is dramatically improving our nation's welfare system by requiring able-bodied welfare recipients to work and encouraging individuals to become self-sufficient.

As my colleagues know, the welfare reform law limits most means-tested benefits for legal residents who are not citizens. The specific provision affecting these benefits is based on the principle that those who immigrate to this nation pledge to be self-sufficient, and should comply with that agreement. However, I have been concerned that this provision is having a negative impact on a vulnerable segment of our population, children and pregnant women.

My concern is not new. While Congress was considering this legislation, I raised concerns regarding several provisions which could have negative impact on certain vulnerable populations including children, pregnant women, the elderly and disabled. I believe our nation has a responsibility to provide assistance, when necessary, to our most vulnerable citizens, regardless of whether they were born here or in another country. I am pleased that Congress has addressed many of these concerns and implemented a number of changes to the 1996 welfare reform law. However, my concern for the pregnant women and children who are legal immigrants but were not protected by the changes implemented since 1996 still remains.

The consequences of lack of insurance are problematic for everyone, but they are particularly serious for children. Uninsured and low income children are less likely to receive vital primary and preventative care services. This is quite discouraging since it is repeatedly demonstrated that regular health care visits facilitate the continuity of care which plays a critical role in the development of a healthy child. For example, one analysis found that children living in families with incomes below the poverty line were more likely to go without a physician visit than those with Medicaid coverage or those with other insurance. The result is many uninsured, low-income children not seeking health care services until they are seriously sick. These dismal consequences of lack of access to quality health care also have disastrous impacts on pregnant women and their unborn children.

Studies have further demonstrated that many of these children are more likely to be hospitalized or receive their care in emergency rooms, which means higher health care costs for conditions that could have been treated with appropriate outpatient services or prevented through regular checkups. Receiving the appropriate prenatal care is essential for the health delivery and development for the unborn child which can help stave off future, more costly health care needs.

Under our bill, states would be given the option to allow legal immigrant children and pregnant women to have access to medical services under the Medicaid program. Again, let me reiterate—this is completely optional for the states and is not mandatory This bill would provide our states with the flexibility to address the health care needs of some of our most vulnerable—our children and pregnant women.

I urge our colleagues to support this important legislation.

Mr. MOYNIHAN. Mr. President, today, I am proud to cosponsor the Immigrant Children's Health Improvement Act of 1999, introduced by my good friend and colleague Senator CHAFEE. We are joined by our colleagues Senators MCCAIN, JEFFORDS, and MACK, and by Senator GRAHAM, who has long been a leader on this issue.

This bill includes three provisions which are part of the Fairness for Legal Immigrants Act of 1999 (S. 792), which I introduced, along with Senator GRAHAM, on April 14th of this year. They would restore health coverage to legal immigrants—mostly children—whose eligibility for benefits is denied to them by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It is a crucial step we should take. I will continue to work to move forward the broader Fairness for Legal Immigrants Act as well because it contains important provisions to prevent hunger and help the elderly and disabled.

The Immigrant Children's Health Improvement Act would: Permit states to provide Medicaid coverage to all eligible legal immigrant children; permit states to provide Medicaid coverage to all eligible legal immigrant pregnant women; and permit states to provide coverage under the Children's Health Insurance Program (CHIP) to all eligible legal immigrant children.

Note that these provisions are optional. There are no mandates in this bill. It would merely allow states to take common sense steps to aid legal immigrant children.

The problem is that under current law, states are not allowed to extend such health care coverage—which is so important for the development of healthy children—to families who have come to the U.S. after August 22, 1996, until the families have been here for five years. Five years is a very long time in the life of a child. Such a bar makes little sense for them, and is nonsensical for pregnant women. It is common knowledge that access to health care is essential for early childhood development. We should, at a minimum, permit states to extend coverage to all poor legal immigrant children, no matter when they have arrived here. Let me emphasize that under the 1996 law, states cannot use federal funds for this—and we are restoring this option to them. This builds upon our recent achievements in promoting health care for children—legal immigrant children should not be neglected in these efforts.

The provisions of that 1996 law concerning legal immigrants were based on the false premise that immigrants are a financial burden to American taxpayers. On the contrary. A recent comprehensive study by the National Academy of Sciences concluded that immigration actually benefits the U.S. economy. In fact, the study found that the average legal immigrant contributes $1,800 more in taxes than he or she receives in government benefits.

Many Americans may not realize this, but legal immigrants pay income and payroll taxes. And without continued legal immigration, the long-term financial condition of Social Security and Medicare would be worsened. According to the most recent Social Security trustees report, a decline in net immigration of 150,000 per year will reduce payroll tax revenues and require a 0.1% payroll tax increase to replace.

It is in our interest to see that these immigrant families have healthy children. And it is not merely wise, it is just. These immigrants have come here under the rules we have established and they have abided by those rules.

The 1996 law did grevious harm to the safety net for immigrants. Some states have begun their own efforts—without federal funding—to assist immigrants to make up the difference. Yet a new Urban Institute study concluded that "[d]espite the federal benefit restorations and the many states that have chosen to assist immigrants, the social safety net for immigrants remains weaker than before welfare reform and noncitizens generally have less access to assistance than citizens." The Urban study also notes that "[b]y barring many immigrants from federal assistance, the federal government shifted costs to states, many of which already bore a fiscal burden for providing assistance to immigrants." We in Washington should do our fair share.

Mr. President, simple decency requires us to continue to provide a measure of a safety net to legal immigrant families. I urge the enactment of this legislation to ensure that we do so.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, and Mr. CONRAD):

S. 1228. A bill to provide for the development, use, and enforcement of a system for labeling violent content in audio and visual media products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEDIA VIOLENCE LABELING ACT OF 1999

• Mr. McCAIN. Mr. President, I join my colleagues today in introducing the 21st Century Media Responsibility Act. This bill would establish a uniform product labeling system for violent content by requiring the manufacturers of motion pictures, video programs, interactive video games, and music recording products, provide plain-English labels on product packages and advertising so that parents can make informed purchasing decisions.

The most basic and profound responsibility that our culture—any culture—has, is raising its children. We are failing that responsibility, and the extent of our failure is being measured in the deaths, and injuries of our kids in the schoolyard and on the streets of our neighborhoods and communities.

Primary responsibility lies with families. As a country, we are not parenting our children. This is our job, our paramount responsibility, and most unfortunately, we are failing. We must get our priorities straight, and that means putting our kids first.

However, parents need help, because our homes and our families—our children's minds, are being flooded by a tide of violence. this dehumanizing violence pervades our society: our movies depict graphic violence; our children are taught to kill and maim by interactive video games; much of the music that inundates our children's lives delivers messages of hate and violence. Our culture is dominated by media, and our children, more so than any generation before them, is vulnerable to the images of violence that, unfortunately, are dominant themes in so much of what they see, and hear.

It is beyond debate that exposure to media violence is harmful to children. Study after scientific study, beginning with the Surgeon General's report in the early 1970's, has established this. Certainly, there is a hard consensus in our society that something must be done. What this bill makes clear is that the manufacturers and producers of these consumer products should have a legal responsibility to provide plain-english so that parents can make truly informed decisions about what their children consume.

This is not a rating system. It is a labeling system. it is not censorship. We are not talking about limiting free speech. Rather, we are talking about providing content labels on highly sophisticated, highly targeted, and highly promoted consumer products. This is common sense.•

• Mr. LIEBERMAN. Mr. President, I rise today to join my distinguished colleague and friend, the chairman of the Commerce Committee, Senator MCCAIN, and my colleague from North Dakota, Senator CONRAD, in introducing legislation that we believe will move us another step forward in ameliorating the culture of violence surrounding our children, and in helping parents protect their kids from harm.

This is a problem that has been much on our minds in the wake of the school massacre in Littleton and the other tragic shootings that preceded it, a series of events which has continued to reverberate through the national consciousness, which has in particular heightened our awareness as a nation to the violent images and messages bombarding our children, and which has in turn spurred a renewed debate about the entertainment media's contributing role in the epidemic of youth violence we are experiencing across the nation, not just in suburban schools but on the streets and in homes in every community.

We made an initial attempt to respond to this problem through the juvenile justice bill that the Senate recently passed, and I believe it was a good start. Senator McCAIN and I joined Senators BROWNBACK and HATCH in cosponsoring a bipartisan amendment that would, among other things, authorize an investigation of the entertainment industry's marketing practices to determine the extent to which they are targeting the sale of ultraviolent, adult-rated products directly to kids.

This amendment, which was approved unanimously, would also facilitate the development of stronger codes of conduct for the various entertainment media and thereby encourage them to accept greater responsibility for the products they distribute.

The bill we are introducing today, the 21st Century Media Responsibility Act, would build on that initial response and significantly improve our efforts in the future to limit children's success to inappropriate and potentially harmful products.

Specifically, it calls for the creation of a uniform labeling system for violent entertainment media products, to provide parents with clear, easy-to-understand warnings about the amount and degree of violence contained in the movies, music, television shows, and video games that are being mass-marketed today. Beyond that, it would require the businesses where these products are sold or distributed—the movie theaters, record and software stores, and rental outlets—to strictly enforce these new ratings, and thus prohibit children from buying or renting material that is meant for adults and may pose a risk to kids.

This proposal is premised in many respects on our concerted efforts to keep cigarettes out of the hands of minors, and with good reason. As with tobacco, decades of research have shown definitively that media violence can be seriously harmful to children, that heavy, sustained exposure to violent images, particularly those that glamorize murder and mayhem and that fail to show any consequences, tends to desensitize young viewers and increase the potential they will become violent themselves. As with tobacco, and its mascot Joe Camel, we are beginning to see substantial evidence indicating that the entertainment industry is not satisfied with mass marketing mass murder, but that it is actually targeting products to children that the producers themselves admit are not appropriate for minors.

And as with tobacco, we are seeking to change the behavior of a multi-billion dollar industry that too often seems locked in deep denial, that has shown little inclination to acknowledge there is a problem with its products, let alone work with us to find reasonable solutions to reduce the threat of media violence to children.

Of course, there are differences between the tobacco and entertainment industries and the products they make. Cigarettes are filled with physical substances that have been proven to cause cancer in longtime smokers. Violent entertainment products have a less visible and physical effect on longtime viewers and listeners, and, more significantly, they are forms of speech that enjoy protection under the First Amendment.

It is because of our devotion to the First Amendment that Senator McCAIN and I, along with many other concerned critics, have been reluctant to call for government restrictions on the content of movies, music, television and video games. All along, we have urged entertainment industry leaders to police themselves, to draw lines and set higher standards, to balance their right to free expression with their responsibilities to the larger community to which they belong. We repeated these pleas with a new sense of urgency in the days following the shooting at Columbine High School, asking the most influential media voices to attend the White House summit meeting the President convened and to engage in open dialogue about what all of us can do to reduce the likelihood of another Littleton.

And there has been a smattering of encouraging responses emanating from the entertainment media. For example, the Interactive Digital Software Association, which represents the video game manufacturers, has acknowledged that the grotesque and perverse violence used in some advertisements crosses the line, and it is reexamining its marketing code to respond to some of the concerns we have raised. Disney for its part announced that it would no longer house violent coin-operated video games in its amusement parks. The National Association of Theater Owners pledged to tighten the enforcement of its policies restricting the access of children to R-rated movies. And several prominent screenwriters, speaking at a recent forum sponsored by the Writers Guild of America, raised concerns about the level of violence in today's movies and called on the industry to rethink its fascination with murder and mayhem.

But overall the silence from the men and women who make the decisions that shape our culture has been deafening, their denials extremely disappointing. Not one CEO from the major entertainment conglomerates—Sony, Disney, Seagram, Time Warner, Viacom, and Fox—accepted the President's invitation to attend the White House summit meeting. And since then, not one has made a statement accepting some responsibility for the culture of violence surrounding our children, or indicating their willingness to address their part of the lethal mix that is turning kids into killers. What we have heard, from Seagram's Edgar Bronfman and Time Warner's Gerald Levin and Viacom's Sumner Redstone, are more shrill denials and diversions, along with attacks on those of us in Congress who are concerned about what they are doing to our country and our kids.

This is the responsibility vacuum in which we are operating, and this is the vacuum we are trying to fill with the legislation we are introducing today. Ideally, our bill would be unnecessary. Ideally, the various segments of the entertainment industry would agree to adopt and implement a set of commonsense, uniform standards that would provide for clear and concise labeling of media products, that would prohibit the marketing and sales of adult-rated products to children, and that would hold producers or retail outlets that violate the code accountable for their irresponsibility. But there is no sign that is going to happen any time soon, which is why we feel compelled to go forward with this proposal today.

We are not advocating censorship, or placing restrictions on the kind of entertainment products that can be made and sold commercially. What we are doing through this bill is treating violent media like tobacco and other products that pose risks to children, requiring producers to provide explicit warnings to parents about potentially harmful content, and requiring retailers to take reasonable steps to limit the availability of adult-rated products with high doses of violence to audiences for which they are designed. That is why we have chosen to amend the Federal Cigarette Labeling and Advertising Act, to accentuate the fact that we are not regulating artistic expression but the marketing and distribution of commercial products, and that we are not criminalizing speech, but demanding truth in labeling and enforcement.

If a video game company is telling parents a game is not appropriate for children under 17, then parents should have a realistic expectation that this game will not be marketed or sold to that audience. Unfortunately, that is often not the case these days, and we would correct that by authorizing the Federal Trade Commission to investigate and punish retailers and rental outlets and movie theaters that in effect deceive parents about the products they are selling or renting to their kids. Specifically, it would authorize the FTC to levy fines of up to $10,000 per violation of the act's provisions prohibiting the sale or rental of adult-rated products to children.

This bill does not just respond to concerns of today, but anticipates the media landscape of tomorrow. According to most experts, as technologies converge over the next few years, more and more of our entertainment is going to be delivered through a single wire into the home over the Internet. In this radically different universe, it only makes sense to modernize the ratings concept to fit the new contours of the Information Age, and develop a standard labeling system for the video, audio, and interactive games we will consume through a common portal. Our legislation will move us in that direction and prod the entertainment industry to help parents meet the new challenges of this new era, and hopefully usher in a new ethic of media responsibility, a goal that is reflected in the bill's title.

In closing, Mr. President, I want to make clear that I do not consider this legislation to be "the" answer to the threat of media violence or the solution to repairing our culture. It won't singlehandedly stop media standards from falling, or substitute for industry self-restraint. No one bill or combination of laws could replace the exercise of corporate citizenship, particularly given our respect for the First Amendment. We must continue to push the entertainment industry to embrace its responsibilities. But this bill is a common-sense, forward looking response that will in fact help reduce the harmful influences reaching our children and thereby reduce the risk of youth violence. That makes it more than worthwhile, and I ask my colleagues to join us in supporting it.●

By Mr. BURNS:

S. 1229. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a foreign pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BURNS. Mr. President, I rise today as a proud sponsor of this pesticide harmonization legislation. As many of you are aware, there are a number of trade imbalances facing the agricultural industry.

In my home State of Montana and many other western and mid-western states, trade imbalances occur primarily between Canada and the United States. However, disparities occur between the United States and many foreign countries.

One of those trade imbalances is pesticide harmonization, which is a serious issue for American farmers. There are numerous disparities between chemicals and pesticides that are allowed in foreign countries and those that are allowed here in the United States.

In many cases a chemical will have the identical chemical structure in both countries but be named and priced differently. Why should an American producer be expected to pay twice the amount for an identical chemical available in a foreign country for less?

In order for free trade to truly occur, this issue must be addressed. Farmers have dealt with several years of depressed prices with no immediate end in sight. To compound the economic crunch American farmers are feeling, American agricultural producers must pay nearly twice the amount that foreign producers pay in their country for nearly the same chemical.

This leads to a huge disparity between the break-even price on crop production between foreign and American farmers, and gives foreign producers an unfair advantage. It is unfair for American producers to pay twice the amount for pesticides and chemicals as many of our trading partners.

Furthermore, it is against the law for American producers to purchase an identical chemical in a foreign country and bring it across the border. The Environmental Protection Agency (EPA) must be held accountable to American producers and assure that producers have the same advantages in this country in regards to pesticides and chemicals that foreign producers enjoy.

My bill assures that the Environmental Protection Agency (EPA) will be held accountable to domestic agricultural producers. Primarily, it mandates that the EPA give mutual recognition to the same chemical structures, on both existing and new products, in the United States and competing foreign countries.

It does this by several provisions. First, it permits any agricultural individual or group, within a state, to put forth a request through the State Ag Commissioner (Head of the Department of Agriculture) to the EPA to register chemicals with substantially similar make-up to those registered in a foreign country.

Within 60 days of receiving that request the EPA would be held responsible to either accept or deny that request. They must then give the same recognition to American producers for chemical structures that are substantially similar to cheaper products available in competing foreign countries.

Additionally, my bill will ensure that the Administrator of the EPA will take into account both NAFTA and the Canada/U.S. Trade Agreement, in making these determinations.

These provisions will level the pricing structure by making sure that chemicals with the same (or substantially similar) structures are priced fairly in the United States.

I look forward to working with my colleagues on this important issue to American farmers and ranchers.

Thank you, Mr. President.

By Mrs. BOXER:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

THE ELECTRIC VEHICLE CONSUMER INCENTIVE TAX ACT OF 1999

Mrs. BOXER. Mr. President, today I am introducing the "Electric Vehicle Consumer Incentive Tax Act of 1999" to provide new incentives and extend previous ones to spark the zero emission vehicle market. This legislation is similar to previous bills that I have introduced in the 104th and 105th Congresses.

I am pleased to see that already the market for electric vehicles is emerging. All major domestic automakers and most of foreign automakers have zero emission vehicles in the market. However, we still need to provide tax incentives to help lower the cost of the new technology vehicles. Despite the what appears to be a new understanding from our automakers that they must begin to produce environmentally friendly vehicles, the costs of these new generation of vehicles are still steep for most Americans.

The need to decrease automobile pollution is still critical. Since 1970, total U.S. population increased 31 percent and vehicle miles traveled—that's our best measure of vehicle use—increased 127 percent. During that time, emissions for most of the key pollutants have decreased from the introduction of new technologies. But we are still failing to meet air quality standards in many areas. In fact, the emissions of one key pollutant—nitrogen oxides—actually increased 11 percent from 1970 to 1997. Nitrogen oxides, produced largely from automobile fuel combustion, is the building block for smog. About 107 million Americans were residing in counties that did not meet the air quality standards for at least one of the National Ambient Air Quality Standards pollutants in 1997.

These emissions still produce profound and troubling impacts on the health of Americans, particularly the young.

That is why I believe Congress should help and encourage Americans to purchase or lease zero emission vehicles. Electric vehicles, which produce no pollution from their engines, will not become the preferred automobile for all Americans, but for many it can become the preferred commuter vehicle or city car. Electric vehicles can also help state and local governments, and private fleet operators, meet new and future air quality requirements.

Mr. President, I am pleased to say that previous provisions of my clean fuel vehicle legislation have become law. The lowering of the excise tax on liquified natural gas will help spur the market for that fuel for heavy duty vehicles. The repeal of the luxury tax on electric vehicles also helps remove or lessen market barriers. But more needs to be done. That is why I have introduced the "Electric Vehicle Consumer Incentive Tax Act of 1999." U.S. Representative MAC COLLINS of Georgia has introduced the companion bill in the House, H.R. 1108.

The bill provides four major incentives. First, it removes the governmental use restrictions for electric vehicles. At present, the Internal Revenue Code prohibits any tax credit taken for property (in this case electric vehicles) used by the United States or any state or local government. Removing this bar will encourage the leasing of electric vehicles for state and local use. By removing restriction on governmental use of electric vehicles, owners of electric vehicle fleets could "pass on" any cost savings from tax credits to the government.

Second, the bill makes large electric trucks, vans, and buses eligible for the same tax deduction available now for other clean-fuel vehicles under the Energy Policy Act of 1992. Large electric trucks, vans and buses currently are limited to the maximum tax credit of $4,000 under the Code. Other clean-fuel vehicles, however, may receive a $50,000 tax deduction. This section of the bill would remove the unfair distinction between large electric and other large clean-fuel vehicles. Each would qualify for the tax deduction incentive which would serve to promote the greatest use of clean-fuel vehicles. The bill would end the tax credit for large electric vehicles and provide a tax deduction instead.

Third, the bill provides a flat $4,000 tax credit on the purchase of an electric vehicle. Under current law, electric vehicles are eligible under the Code for a 10 percent tax credit for the cost of qualified electric vehicles, up to a maximum of $4,000. The bill would modify that section to provide for a flat $4,000 tax credit (rather than 10 percent of the purchase price up to $4,000) in order to maximize the tax incentive.

Fourth, the bill extends the sunset period for the tax credit. Current law phases out the electric vehicle tax credit beginning in the year 2002. The Energy Policy Act of 1992 anticipated that electric vehicles would be available commercially in 1992. The first electric vehicles were not available to the public until 1997. All major automakers now have electric vehicles on the market. However, that market is still very small. Therefore, the bill extends the phase out for four years with the credit sunsetting December 31, 2008, instead of December 31, 2004. The phase out provisions are conformed by amending the Code to provide that the credit will be phased out, at a 25 percent annual cumulative rate, for each of the three years preceding termination.

I believe these provisions can provide important market incentives for Americans to purchase automobiles that do not contribute to urban smog or other pollution and at a modest cost in reduced Federal taxes. I ask that my colleagues join me in supporting this legislation and making way for a clean fuel future in the 21st Century.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Electric Vehicle Consumer Incentive Tax Act of 1999".

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. GOVERNMENTAL USE RESTRICTION MODIFIED FOR ELECTRIC VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30(d) (relating to special rules) is amended by inserting "(without regard to paragraph (4)(A)(i) thereof)" after "section 50(b)".

(b) CONFORMING AMENDMENT.—Paragraph (5) of section 179A(e) (relating to other definitions and special rules) is amended by inserting "(without regard to paragraph (4)(A)(i) thereof in the case of a qualified electric vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii) of this section)" after "section 50(b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 3. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting ", other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)" after "section 30(c))".

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles)is amended by adding at the end the following new paragraph:

"(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 4. ELECTRIC VEHICLE CREDIT AMOUNT AND APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 30 (relating to credit for qualified electric vehicles) is amended by striking "10 percent of".

(b) APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.—Section 30(b) (relating to limitations) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 5. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30(e) (relating to the termination of the credit) is amended by striking "December 31, 2004" and inserting "December 31, 2008".

(b) CONFORMING AMENDMENT.—Section 30(b)(2) (relating to the phaseout of the credit) is amended by striking "December 31, 2001" and inserting "December 31, 2005" and by striking "2002", "2003", and "2004" and inserting "2006", "2007", and "2008", respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 115

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 222

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 256

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 256, a bill to amend title XVIII of the Social Security Act to promote the use of universal product numbers on claims forms submitted for reimbursement under the medicare program.

S. 331

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 331, supra.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 386

At the request of Mr. GORTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 487

At the request of Mr. GRAMS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 495

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 495, a bill to amend the Clean Air Act to repeal the highway sanctions.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 894

At the request of Mr. CLELAND, the names of the Senator from Nevada (Mr. REID) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 896

At the request of Mr. GRAMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 896, a bill to abolish the Department of Energy, and for other purposes.

S. 926

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 947

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 947, a bill to amend federal law regarding the tolling of the Interstate Highway System.

S. 965

At the request of Mr. JEFFORDS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 978

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1038

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap.

S. 1070

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1167

At the request of Mr. GORTON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1167, a bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel.

S. 1176

At the request of Mr. ROBB, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1176, a bill to provide for greater access to child care services for Federal employees.

S. 1180

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

AMENDMENT NO. 648

At the request of Mr. BRYAN, his name was added as a cosponsor of amendment No. 648 proposed to S. 1186, an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2000.

At the request of Mr. JEFFORDS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Maine (Ms. COLLINS), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. SNOWE), the Senator from Nebraska (Mr. HAGEL), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 648 proposed to S. 1186, supra.

AMENDMENTS SUBMITTED

WORK INCENTIVES IMPROVEMENT ACT OF 1999

ROTH AND BINGAMAN AMENDMENT NO. 671

Mr. ROTH (for himself and Mr. BINGAMAN) proposed an amendment to the bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Work Incentives Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 101. Expanding State options under the medicaid program for workers with disabilities.
Sec. 102. Continuation of medicare coverage for working individuals with disabilities.
Sec. 103. Grants to develop and establish State infrastructures to support working individuals with disabilities.
Sec. 104. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.
Sec. 105. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 201. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 211. Work activity standard as a basis for review of an individual's disabled status.
Sec. 212. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 221. Work incentives outreach program.
Sec. 222. State grants for work incentives assistance to disabled beneficiaries.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Permanent extension of disability insurance program demonstration project authority.
Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.
Sec. 402. Treatment of prisoners.
Sec. 403. Revocation by members of the clergy of exemption from Social Security coverage.
Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
Sec. 405. Authorization for State to permit annual wage reports.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking "or" at the end;

(B) in subclause (XIV), by adding "or" at the end; and

(C) by adding at the end the following:

"(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;".

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking "or" at the end;

(ii) in subclause (XV), by adding "or" at the end; and

(iii) by adding at the end the following:

"(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);".

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

"(A) is at least 16, but less than 65, years of age;

"(B) is employed (as defined in paragraph (2));

"(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

"(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

"(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

"(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

"(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.".

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking "or" at the end;

(ii) in clause (xi), by adding "or" at the end; and

(iii) by inserting after clause (xi), the following:

"(xii) employed individuals with a medically improved disability (as defined in subsection (v)),".

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking "The State plan" and inserting "Subject to subsection (g), the State plan"; and

(B) by adding at the end the following:

"(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

"(1) a State may (in a uniform manner for individuals described in either such subclause)—

"(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

"(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

"(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds $75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).".

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting "; or"; and

(B) by inserting after such paragraph the following:

"(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)" after "1902(a)(10)(A)(ii)(X),".

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting "1902(a)(10)(A)(ii)(XIII)," before "1902(a)(10)(A)(ii)(XV)".

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting ", except as provided in subsection (j)" after "but not in excess of 24 such months"; and

(B) by adding at the end the following:

"(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

"(1) for months occurring during the 6-year period beginning with the first month that begins after the date of enactment of this subsection; and

"(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 6-year period and would continue (but for such 24-month limitation) to be so entitled.".

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i-2a(a)(2)(C)) is amended—

(A) by striking "solely"; and

(B) by inserting "or the expiration of the last month of the 6-year period described in section 226(j)" before the semicolon.

(b) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426);

(2) examines the necessity and effectiveness of providing the continuation of medicare coverage under that subsection to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act);

(3) examines the viability of providing the continuation of medicare coverage under that subsection based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the interrelation between the use of the continuation of medicare coverage under that subsection and the use of private health insurance coverage by individuals during the 6-year period; and

(5) recommends whether that subsection should continue to be applied beyond the 6-year period described in the subsection.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN INDIVIDUALS.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i-2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term "personal assistance services" means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term "worker with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be "employed" if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $72,000,000;

(II) for fiscal year 2001, $74,000,000;

(III) for fiscal year 2002, $78,000,000; and

(IV) for fiscal year 2003, $81,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) except as provided in clause (ii), the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed $5,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) Recommendation.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(f) State Defined.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 105. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) In General.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting "or paragraph (6)" after "this paragraph"; and

(2) by adding at the end the following new paragraph:

"(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

(b) Effective Date.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

"TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

"Sec. 1148. (a) In General.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to the beneficiary.

"(b) Ticket System.—

"(1) Distribution of tickets.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

"(2) Assignment of tickets.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

"(3) Ticket terms.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

"(4) Payments to employment networks.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

"(c) State Participation.—

"(1) In general.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

"(2) Effect of participation by State agency.—

"(A) State agencies participating.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

"(B) State agencies administering maternal and child health services programs.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

"(3) Special requirements applicable to cross-referral to certain State agencies.—

"(A) In general.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

"(B) Terms of agreement.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

"(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

"(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

"(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

"(ii) any other conditions that may be required by such regulations.

"(C) Regulations.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

"(D) Penalty.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

"(d) Responsibilities of the Commissioner.—

"(1) Selection and qualifications of program managers.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

"(2) Tenure, renewal, and early termination.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

"(A) measures for ease of access by beneficiaries to services; and

"(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

"(3) Preclusion from direct participation in delivery of services in own service area.—Agreements under paragraph (1) shall preclude—

"(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

"(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

"(4) Selection of employment networks.—

"(A) In general.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

"(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

"(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

"(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

"(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

"(e) PROGRAM MANAGERS.—

"(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

"(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

"(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

"(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

"(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

"(f) EMPLOYMENT NETWORKS.—

"(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

"(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

"(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

"(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

"(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

"(A) serve prescribed service areas; and

"(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

"(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

"(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

"(g) INDIVIDUAL WORK PLANS.—

"(1) REQUIREMENTS.—Each employment network shall—

"(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

"(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

"(C) ensure that each individual work plan includes at least—

"(i) a statement of the vocational goal developed with the beneficiary;

"(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

"(iii) a statement of any terms and conditions related to the provision of such services and supports; and

"(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

"(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

"(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

"(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

“(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

“(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

“(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

“(2) OUTCOME PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

“(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

“(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

“(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

“(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

“(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

“(4) DEFINITIONS.—In this subsection:

“(A) PAYMENT CALCULATION BASE.—The term ‘payment calculation base’ means, for any calendar year—

“(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

“(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

“(B) OUTCOME PAYMENT PERIOD.—The term ‘outcome payment period’ means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

“(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

“(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

“(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

“(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

“(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

“(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

“(j) ALLOCATION OF COSTS.—

“(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

“(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(k) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ means a title II disability beneficiary or a title XVI disability beneficiary.

“(3) TITLE II DISABILITY BENEFICIARY.—The term ‘title II disability beneficiary’ means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

“(4) TITLE XVI DISABILITY BENEFICIARY.—The term ‘title XVI disability beneficiary’ means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

"(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

"(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

"(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 16, and

"(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.".

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the "Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members appointed as follows:

(i) 4 members appointed by the President.

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Ways and Means of the House of Representatives.

(iii) 2 members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives.

(iv) 2 members appointed by the Majority Leader of the Senate, in consultation with the chairman of the Committee on Finance of the Senate.

(v) 2 members appointed by the Minority Leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least one-half of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) one-half of the members appointed under each clause of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under each such clause shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit directly to the President and Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report directly to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) ALLOCATION OF COSTS.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

"(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

"(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

"(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

"(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

"(2) An individual to which paragraph (1) applies shall continue to be subject to—

"(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

"(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.".

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"Reinstatement of Entitlement

"(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

"(II) such entitlement terminated due to the performance of substantial gainful activity;

"(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

"(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

"(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

"(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

"(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

"(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

"(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

"(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

"(i) The month in which the individual dies.

"(ii) The month in which the individual attains retirement age.

"(iii) The third month following the month in which the individual's disability ceases.

"(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

"(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

"(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

"(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

"(II) the fifth month following the month described in clause (i);

"(III) the month in which the individual performs substantial gainful activity; or

"(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph

(1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).".

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

"Reinstatement of Eligibility on the Basis of Blindness or Disability

"(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

"(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

"(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

"(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

"(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

"(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

"(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

"(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

"(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

"(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

"(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

"(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

"(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

"(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

"(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

"(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93-66.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting ", or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.".

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting "(other than pursuant to a request for reinstatement under subsection (p))" after "eligible".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

"WORK INCENTIVES OUTREACH PROGRAM

"SEC. 1149. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

"(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

"(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

"(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

"(i) preparing and disseminating information explaining such programs; and

"(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

"(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

"(i) disabled beneficiaries;

"(ii) benefit applicants under titles II and XVI; and

"(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

"(D) provide—

"(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

"(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

"(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

"(b) CONDITIONS.—

"(1) SELECTION OF ENTITIES.—

"(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

"(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

"(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

"(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

"(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

"(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973,and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

"(II) The State agency administering the State program funded under part A of title IV.

"(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

"(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

"(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

"(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

"(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

"(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

"(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

"(B) LIMITATION PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

"(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

"(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(c) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of fiscal years 2000 through 2004.".

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

"STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

"SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

"(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

"(1) information and advice about obtaining vocational rehabilitation and employment services; and

"(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

"(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(d) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

"(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

"(i) $100,000; or

"(ii) ⅓ of 1 percent of the amount available for payments under this section; and

"(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

"(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

"(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

“(f) Funding.—

“(1) Allocation of payments.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(2) Carryover.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

“(g) Definitions.—In this section:

“(1) Commissioner.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) Disabled beneficiary.—The term ‘disabled beneficiary’ has the meaning given that term in section 1148(k)(2).

“(3) Protection and advocacy system.—The term ‘protection and advocacy system’ means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

“(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2000 through 2004.”.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) Permanent Extension of Authority.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

“Demonstration Project Authority

“Sec. 234. (a) Authority.—

“(1) In general.—The Commissioner of Social Security (in this section referred to as the ‘Commissioner’) shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

“(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual’s disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

“(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

“(C) implementing sliding scale benefit offsets using variations in—

“(i) the amount of the offset as a proportion of earned income;

“(ii) the duration of the offset period; and

“(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

“(2) Authority for expansion of scope.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

“(b) Requirements.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

“(c) Authority To Waive Compliance With Benefits Requirements.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

“(d) Reports.—

“(1) Interim reports.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

“(2) Final reports.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.”.

(b) Conforming Amendments; Transfer of Prior Authority.—

(1) Conforming amendments.—

(A) Repeal of prior authority.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 hote) are repealed.

(B) Conforming amendment regarding funding.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking “section 505(a) of the Social Security Disability Amendments of 1980” and inserting “section 234”.

(2) Transfer of prior authority.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) Authority.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary’s disability, is reduced for each $2 of such beneficiary’s earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) Scope and Scale and Matters To Be Determined.—

(1) In general.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) Additional matters.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) Waivers.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) Interim Reports.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) Final Report.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) Expenditures.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) Study by General Accounting Office of Existing Disability-Related Employment Incentives.—

(1) Study.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) Study by General Accounting Office of Existing Coordination of the DI and SSI Programs as They Relate to Individuals Entering or Leaving Concurrent Entitlement.—

(1) Study.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) Study by General Accounting Office of the Impact of the Substantial Gainful Activity Limit on Return to Work.—

(1) Study.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) Report.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) Report on Disregards Under the DI and SSI Programs.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) Clarification Relating to the Effective Date of the Denial of Social Security Disability Benefits to Drug Addicts and Alcoholics.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(2) by adding at the end the following:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.".

(b) Correction to Effective Date of Provisions Concerning Representative Payees and Treatment Referrals of Social Security Beneficiaries Who Are Drug Addicts and Alcoholics.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

"(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.".

(2) CONFORMING AMENDMENT TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by adding "or" at the end; and

(C) by adding at the end the following:

"(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B)), is amended by striking "(I) The provisions" and all that follows through "(II)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking "clause (ii)" and inserting "clauses (ii) and (iii)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking "title XVI" and inserting "title II or XVI".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers" .

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

REID AMENDMENT NO. 672

Mr. REID proposed an amendment to amendment No. 629 proposed by Mr. BOND to the bill, S. 1186, supra; as follows:

On line 2, strike ", of which $8,100,000" and insert: ", of which $3,000,000 shall be used for Boston College research in high temperature superconductivity and of which $5,000,000".

REID AMENDMENT NO. 673

Mr. REID proposed an amendment to amendment No. 631 proposed by Mr. TORRICELLI to the bill, S. 1186, supra; as follows:

On line 4, strike "$4,000,000" and insert: "$1,500,000".

DOMENICI AMENDMENT NO. 674

Mr. DOMENICI proposed an amendment to amendment No. 634 proposed by Mr. ABRAHAM to the bill, S. 1186, supra; as follows:

Strike: "Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration."

And insert: "Lake St. Clair, Metro Beach, Michigan, section 206 project, $100,000:".

REID AMENDMENT NO. 675

Mr. REID proposed an amendment to amendment No. 642 proposed by Mrs. BOXER to the bill, S. 1186, supra; as follows:

Strike "line 16, strike all that follows "expended:" to the end of line 24.", and insert the following: "line 23, strike all that follows "tious" through "Act" on line 24.".

DOMENICI AMENDMENT NO. 676

Mr. DOMENICI proposed an amendment to amendment No. 642 proposed by Mr. DORGAN to the bill, S. 1186, supra; as follows:

On line 4 strike: "may use funding previously appropriated" and insert: "may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245".

GORTON AMENDMENT NO. 677

Mr. DOMENICI (for Mr. GORTON) proposed an amendment to the bill, S. 1186, supra; as follows:

Strike line 2 and all thereafter, and insert the following:

SEC. 3 . LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

"(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, in accordance with established fish funding principles, under this section shall recover costs for protection, mitigation and enhancement of fish, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other act, not to exceed such amounts the Administrator forecasts will be expended during the period for which such rates are established.".

DASCHLE AMENDMENTS NOS. 678–679

Mr. REID (for Mr. DASCHLE) proposed two amendments to the bill, S. 1186, supra; as follows:

AMENDMENT NO. 678

On page 13, between lines 15 and 16, insert the following:

SEC. 1 . CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) IN GENERAL.—The Secretary of the Army shall continue to fund wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota at levels previously funded through the Pick-Sloan operations and maintenance account.

(b) CONTRACTS.—With $3,000,000 made available under the heading "CONSTRUCTION, GENERAL", the Secretary of the Army shall fund activities authorized under title VI of division C of Public Law 105–277 (112 Stat. 2681–660) through contracts with the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota.

AMENDMENT NO. 679

On page 15, line 1, after "expended," insert "of which $150,000 shall be available for the Lake Andes-Wagner/Marty II demonstration program authorized by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat. 4677),".

REID AMENDMENT NO. 680

Mr. REID proposed an amendment to the bill, S. 1186, supra; as follows:

On page 2, between line 20 and 21 insert the following after the colon: "Yellowstone River at Glendive, Montana Study, $150,000; and".

DOMENICI AMENDMENT NO. 681

Mr. DOMENICI proposed an amendment to the bill, S. 1186, supra; as follows:

On page 3, line 14, strike "$1,113,227,000" and insert "$1,086,586,000".

JEFFORDS AMENDMENT NO. 682

Mr. JEFFORDS proposed an amendment to the motion to recommit proposed by him to the bill, S. 1186, supra; as follows:

On page 20, strike lines 21 through 24 and insert "$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $75,000,000 shall be derived from accounts for which this Act makes funds available Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomass/biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).".

LEGISLATIVE BRANCH APPROPRIATIONS

DODD AMENDMENT NO. 683

Mr. BENNETT (for Mr. DODD) proposed an amendment to the bill (S. 1206) making appropriations for the legislative branch excluing House items for fiscal year ending September

30, 2000, and for other purposes; as follows:

On page 38, insert between lines 21 and 22 the following:

SEC. 313. CREDITABLE SERVICE WITH CONGRESSIONAL CAMPAIGN COMMITTEES.

Section 8332(m)(1)(A) of title 5, United States Code, is amended to read as follows:

"(A) such employee has at least 4 years and 6 months of service on such committees as of December 12, 1980; and".

FEINGOLD AMENDMENT NO. 684

Mr. BENNETT (for Mr. FEINGOLD) proposed an amendment to the bill S. 1206, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 207(e) of title 18, United States Code, is amended—

(1) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress, or any employee of any other legislative office of Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(2) CONGRESSIONAL EMPLOYEES.—(A) Any person who is an employee of the Senate or an employee of the House of Representatives who, within 2 years after termination of such employment, knowingly makes, with the intent to influence, any communication to or appearance before any person described under subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to under subparagraph (A) with respect to appearances or communications by a former employee are any Member, officer, or employee of the House of Congress in which such former employee served.";

(2) in paragraph (6)—

(A) in subparagraph (A), by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)"; and

(B) in subparagraph (B), by striking "paragraph (5)" and inserting "paragraph (3)";

(3) in paragraph (7)(G), by striking ", (2), (3), or (4)" and inserting "or (2)"; and

(4) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 23, 1999 at 2:15 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 503, the Spanish Peaks Wilderness Act of 1999; S. 953, the Terry Peaks Land Conveyance Act of 1999; S. 977, the Miwaleta Park Expansion Act; and S. 1088, the Arizona National Forest Improvement Act of 1999.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public the addition of two bills to the hearing which has been scheduled for Wednesday, June 23, 1999 at 2:15 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC, before the Subcommittee on Forests and Public Land Management.

The bills are H.R. 15, The Otay Mountain Wilderness Act of 1999, and S. 848, Otay Mountain Wilderness Act of 1999.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 16, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 16, 1999 beginning at 9:30 a.m. until 1 p.m. in room SD–215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 16, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 16, 1999 at 2:30 p.m. to mark up the following: S. 28, the Four Corners Interpretive Act, S. 400, to amend the Native American Housing Assistance and Self-Determination Act (NAHASDA); S. 401, Business Development and Trade Promotion for Native Americans, S. 613, to encourage Indian Economic Development, S. 614, Indian Regulatory Reform and Business Development Act, and S. 944, Oklahoma Mineral Leasing. The Committee will meet in Room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Judicial Nominations, during the session of the Senate on Wednesday, June 16, 1999, at 3 p.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. CRAIG. Mr. President, I ask unanimous consent to conduct a hearing of the Joint Economic Committee in Hart 216 beginning at 9:35 on June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 16, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAIWANESE AID TO KOSOVO

• Mr. ROCKEFELLER. Mr. President, last week, President Lee Teng-hui of Taiwan announced that Taiwan would be giving $300 million in an aid package to the Kosovars. I want to rise today and pay tribute and thank the Government of the Republic of China on Taiwan for this very generous gift of economic assistance. This aid includes emergency support for food, shelters, and medical care which is so desperately needed to return a sense of normalcy to the Albanian Kosovars. Also included in the aid package is funds for job-training and rehabilitation programs to help promote the reconstruction of Kosovo in the long run.

This is just another remarkable example of the thoughtfulness and generosity of the people in Taiwan and should serve as a model for the entire international community. I would like to ask my colleagues to join me in expressing our deep appreciation to President Lee and the people of Taiwan for this compassionate offer. Hopefully, this act will encourage other nations to aid in rebuilding the Balkans so that the people there can move past the horrible atrocities that have been committed over the past few months and begin rebuilding their lives and families in peace.●

TRIBUTE TO CLARENCE LIEN, PURPLE HEART RECIPIENT

● Mr. GRAMS. Mr. President, I rise today to pay tribute to Clarence Lien of Forest Lake, Minnesota. On June 7, 1999, I had the great honor of presenting a belated Purple heart to Clarence. He is most deserving of this long overdue recognition. I take this opportunity to congratulate Clarence and thank him for his service and sacrifice.

Mr. President, I ask to have printed in the RECORD remarks by Clarence Lien made at his award presentation.

The remarks follow:

REMARKS BY CLARENCE LIEN

I am a bit overwhelmed. I honestly didn't think this would ever happen, but I'm glad it did. And I'm really amazed that all of you would take time to come here today to be part of this. I feel lucky, I feel honored.

And you know that I'm not a speech maker, or a big talker for that matter. But there is one thing that I would talk about, and that one thing is "freedom".

Next to family, freedom is the most precious thing that you have. When I was in Stalag 17, I had a lot of time to think. And when you are in a situation where everything is taken away from you, you quickly realize where your priorities are. I can tell you, as if it was yesterday, that the things that I missed the most were my family and my freedom.

Freedom is a word we all know and to many of us, take for granted. But, boy, if you don't have it for a year or so, you realize what a gift it is. Imagine, if you can, being told when or if you can eat, and what you can eat. Imagine someone else dictating when you can speak, and what you can say. Try to visualize being afraid for your life every waking moment.

Freedom gives you the ability to make decisions, right and wrong ones. When you have that taken away, it makes you feel like an animal, a caged animal at that.

Freedom to me is a treasure.

There is something odd to me about the word "free". In every day living, we think free means "At no cost." But that is so far from the truth. There is a huge cost associated with being free. And we should never forget that.

I will always remember a certain moment back in 1945. I was being shipped home after the war ended, and we entered New York harbor. In the distance I could see the Statue of Liberty. I tell you, I was so happy and so thankful to be coming home, and Lady Liberty was the symbol that I had arrived. And that I was once again free.

Yep, Stalag 17 taught me a lot about freedom.

So I'd like to challenge you today to appreciate every decision you are allowed to make—even the hard ones. And to appreciate the veterans of today and tomorrow for protecting the freedom we all enjoy. And to never forget that this country we live in is truly "the land of the free." Thank you.●

TRIBUTE TO SHIRLEY COCHRAN

● Mr. DURBIN. Mr. President, it is my pleasure to recognize Ms. Shirley Cochran, a person who has made a significant contribution to the education of our children.

Ms. Cochran's outstanding efforts during her 28 years as a special educator have helped countless individuals live productive, successful lives. In her current position at the Camelot Care Center in Palatine, IL, she continues to assist students who have enrolled to get the special attention they need. Ms. Cochran's kindness and commitment are commendable.

As an educator with an undergraduate degree in psychology and a master's degree in special education, Ms. Cochran is well-equipped to serve as a teacher and administrator. But it is her genuine kindness, sincerity, and devotion to her students that make her the remarkable educator she has proven to be throughout the past 28 years.

Ms. Cochran is an example of professional dedication for all teachers in the state of Illinois and the nation. I congratulate her on her years of educational achievement, and wish her the best of luck in the years to come.●

HONORABLE ULYSSES WHITTAKER BOYKIN INVESTITURE

● Mr. ABRAHAM. Mr. President, I rise today to congratulate the Honorable Ulysses Whittaker Boykin on his appointment as a new judge of the 3rd Judicial Circuit Court of Michigan. On Friday, June 18 he will be invested and begin his official duties.

Judge Boykin is very deserving of this appointment. Throughout his career, he has maintained the strongest of commitments to the highest legal standards. From his early days as an associate attorney in some of Michigan's finest law firms to his most recent position as a Partner and Shareholder in the firm of Lewis, White & Clay, Judge Boykin has always distinguished himself and received recognition by his peers for his excellent knowledge of the law and his legal ability.

Additionally, Judge Boykin is very involved with his community. From his role with the Detroit Civil Service Commission to his work in mentoring high school and college students, his involvement in these activities and so many more have well prepared him for this appointment.

It gives me great pleasure to welcome Judge Boykin to the bench. His reputation as being fair-minded precedes him, and I am confident the 3rd Judicial Circuit Court and the State of Michigan will benefit from his tenure.●

TRIBUTE TO PHILIP SIMMONS

● Mr. HOLLINGS. Mr. President, today it is my great privilege and honor to salute one of my home state's legendary craftsmen, Philip Simmons, on his 87th birthday. Mr. Simmons retired in 1990 after more than 60 years as a master blacksmith in Charleston, SC. Despite his retirement, Mr. Simmons takes great pride in checking in on his shop each day, saying hello to the many workers he trained, some of them for more than 30 years, as they carry on the craft.

Philip Simmons' renowned ironwork is on display throughout South Carolina, including the symbolic gates to the city outside the Meeting Street Visitors Center in Charleston, at the S.C. State Museum in Columbia, and he has been inducted into the S.C. Hall of Fame in Myrtle Beach. I am also proud to say that Mr. Simmons work can be viewed here in our nation's capitol at the Smithsonian Museum.

The dedication, love and pride in craftsmanship displayed by Philip Simmons and passed on to his apprentices is to be saluted. Mr. Simmons is an appropriately admired member of the South Carolina family and I join his relatives, friends and admirers in wishing him a happy birthday and health and happiness in the years to come.●

TRIBUTE TO THE CABOT CREAMERY COOPERATIVE ON THE OCCASION OF ITS 80TH ANNIVERSARY

● Mr. JEFFORDS. Mr. President, I am pleased that this weekend I will be helping to celebrate the eightieth anniversary of Vermont's farmer owned Cabot Creamery Cooperative.

The Cabot Creamery Cooperative was founded in 1919 by 94 farmers, who came together with a vision of a better way to operate a dairy. The original farmers each pledged $5 per cow and a cord of firewood to fire the boiler. The total investment was $3,700. Today, over 1,600 farm families from all of the New England States and upstate New York belong to the cooperative. The creamery and the Cabot brand name are internationally known, having been named "World's Best Cheddar" in 1997 and "Best Cheddar in the USA" in 1998. Their outstanding products can be found in stores across the country.

The cooperative is a shining example of farmers working together for a common good. Together they control their own financial destiny by owning a brand name, the facilities to produce a high quality product and a cooperative to supply the needed milk. Their way of doing business continues to secure a sound future for their family farms and the unique rural way of life of their communities. Just as the original 94 farmers were visionary in the early part of the century, 80 years later their cooperative has taken the leading role in working for the Northeast Dairy Compact, ensuring a bright future for the dairy industry in the Northeast.

During its history, the profits, size and scope of Cabot Creamery Cooperative may have grown, but its small town values and sense of community have continued to dictate the way it does business. These values have kept the original purpose and intent of the cooperative intact over the years and have allowed it to remain a locally owned creamery.

For all of these reasons, I couldn't think of a more appropriate way to celebrate Cabot's eightieth anniversary than through the upcoming "Cabot Creamery Heritage Festival," in conjunction with the Vermont Heritage Weekend. I am delighted that the Vermont Historical Society, along with thirty-six community historical societies, will be helping Cabot celebrate by showcasing Vermont's community treasures. These communities will provide examples of the best of Vermont's history, traditions and scenery, ranging from granite artisans, Morgan horses, agricultural exhibits, small town museums, covered bridges, and the beautiful Green Mountains.

I want to extend my heartfelt congratulations to the Cabot Creamery Cooperative on its eightieth anniversary and commend it for its positive influence on the past, present, and future of Vermont.•

TRIBUTE TO KELO-TV, SIOUX FALLS, SOUTH DAKOTA, FOR ITS OUTSTANDING RESPONSE TO THE SPENCER TORNADO

• Mr. JOHNSON. Mr. President, I rise today to pay tribute to KELO television in Sioux Falls, which has earned the "Friend in Need" Service to America Award from The National Association of Broadcasters (NAB). The station is being recognized for its outstanding efforts before, during, and after the devastating tornado which struck the town of Spencer, South Dakota last spring.

As weather conditions deteriorated on May 30, 1998, KELO provided quick, expert warnings to the Spencer area, giving viewers 20 minutes of advance warning. While we lost six citizens in the tornado, the losses could have been much worse if not for the advance warning that gave the community the critical time needed to take cover. KELO provided continual coverage throughout the night of the storm, without regard to the advertising revenues that would surely be lost.

KELO did not stop there. After the tornado ripped through Spencer, KELO documented the widespread destruction of homes, businesses, and infrastructure. The community desperately needed help, and KELO turned their cameras on themselves to host a telethon which raised more than $750,000 to assist victims as they struggled to rebuild their homes and lives. During the rebuilding efforts, KELO continued extended coverage that helped bring closure to the tragedy.

Our broadcast stations provide many important community services, but none as important as tracking severe weather and providing warnings. KELO has proven it is a true community partner, and South Dakota will be forever grateful to KELO and our other broadcasters who often put themselves in harm's way to serve others. I congratulate KELO on this very special recognition from the National Association of Broadcasters and extend my personal thanks for a job well done.•

KANSAS RECIPIENTS OF THE 1999 SCHOLASTIC ART AND WRITING AWARDS

• Mr. BROWNBACK. Mr. President, it gives me extreme pleasure to have the honor of recognizing the Kansas recipients of the Scholastic Art & Writing Award. These nineteen students have excelled in the use of visual arts and the written word. This year's recipients are Matt Anderson, Ebony Blackmon, Mathew Calcara, Martha Clifford, Lisa Coogias, Audrey Dennis, Josephine Herr, Amy Kleinschmidt, Paris Levin, Angela Mai, Curtis Mourn, Nathan Novack, Cody Palmer, Hank Peltzer, Joanna Spaulding, Mattew Stewart, Adriene Swisher, Andrew Tanner, Sarah Wertzberger.

To earn a Scholastic Art & Writing Award, these 19 students were chosen out of 250,000 applicants from across the United States, Canada, U.S. Territories, and U.S. sponsored schools abroad. Their talent illustrates some of the best work in student art and writing. These students should be commended, as should all those responsible for inspiring them and fostering their success.

I congratulate all of the students on their success. As outstanding representatives of Kansas, their work well represents the youth of our State.

Again, congratulations on your outstanding work and I wish you the best in all of your future endeavors.•

NORWICH NATIVE SON, DR. WILLIAM R. WILSON JR.

• Mr. DODD. Mr. President, few touch the lives of others in so personal a manner as doctors, and this relationship takes on an even more special meaning when the patients are children. Dr. William Wilson Jr. has worked to ensure that young children with severe heart ailments receive the very finest medical care available. He has been instrumental in advancing many of the recent breakthroughs in heart surgery, and it gives me great pleasure to recognize the achievements of this remarkable man as he is awarded the 1999 Norwich Native Son award for his work within the medical profession.

The Norwich Native Son award is presented to that native of Norwich, Connecticut who has made significant contributions to his or her field outside of the state of Connecticut. As a pediatric cardiovascular surgeon in Missouri, Dr. Wilson has established himself as a leader within the medical profession and continues to enlighten the field with his knowledge and expertise. His innovative procedures are used throughout the country to educate new generations of doctors helping to ensure that this country remains a leader in medical advances.

Born, raised, and educated in Norwich, Dr. Wilson ventured beyond Connecticut's borders to earn his bachelor's degree in biology from Kenyon College. He soon returned to the state to attend the University of Connecticut where he received his doctorate in anatomy and cell biology and, eventually, his medical degree in 1983.

Currently making his home in Missouri, he is the Chief of Pediatric Cardiovascular Surgery at the Children's Hospital, University Hospital and Clinics in Columbia. It is at the University Hospital and Clinics that Dr. Wilson has changed hundreds of children's lives. Dr. Wilson performs delicate procedures on infants and young children with severe heart defects giving countless children an opportunity for healthy normal lives.

Dr. Wilson began performing his advanced heart procedures while serving as the Chief of the Pediatric Cardiac Surgery Division of the Medical College of Ohio in Toledo. Dr. Wilson's breakthrough techniques helped to transform the Medical College of Ohio into the regional leader in performing these surgeries. He has also expanded his work to include heart transplantation, and to date, he has performed this procedure on over 125 adults and children.

Dr. Wilson has also distinguished himself internationally through several outreach programs. Twice he has organized mobile surgical teams and traveled to countries where these vital procedures are unavailable to those in need.

In 1996, Dr. Wilson journeyed to Peru where he performed surgery on 15 local children. He most recently led a medical mission to the children's hospital in Tbilisi in the Republic of Georgia, where he operated on 11 children. Moreover, he has brought children from other countries to medical facilities in the United States to undergo surgery in modern hospitals. His humanitarian efforts have helped shed light on the over one million children worldwide who suffer from heart ailments and on the desperate need for these procedures in other countries.

Mr. President, I take special pride, along with the Wilson family, in recognizing the wonderful accomplishments of Dr. William Wilson. While he may no longer live in Norwich, he has never forgotten the lessons learned from this close-knit community. Dr. William Wilson is being honored for his noble efforts within the medical field by friends and neighbors who fondly remember the spirited young boy who grew up in Norwich and who are so proud of the caring healer he has become. I wish him much success as he continues to leave his mark on the medical community, and I congratulate him for being honored with this most deserved award.●

TRIBUTE TO CHAPLAIN (MG) DONALD W. SHEA

● Mr. WARNER. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding military officer, Chaplain Donald W. Shea, upon his retirement from the Army after more than 33 years of dedicated service. Throughout his career, Chaplain Shea has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the United States Army and our nation.

Chaplain Shea's retirement on 30 June 1999 will bring to a close over three decades of dedicated service to the United States Army. Born and raised in Butte, Montana, Chaplain Shea attended Carroll College in Helena, Montana and graduated from The Saint Paul Seminary in St. Paul, Minnesota. He was ordained a Roman Catholic priest in 1962 for the Diocese of Helena and commissioned as a U.S. Army chaplain and entered active duty in August 1966.

During his career Chaplain Shea has contributed to every available facet of religious ministry in our armed forces. Entering active duty during a very difficult period for our military and Nation, he provided the leadership and ministering that was invaluable to our forces in the Vietnam conflict. Following this conflict, during which he distinguished himself to seniors and peers alike, Chaplain Shea went on to serve in a variety of positions through his career. He was nominated on May 20, 1994 by President Clinton for promotion to Major General and following his Senate confirmation was appointed Chief of Army Chaplains on September 1, 1994.

As Chief of Chaplains he held the Army staff responsible for the religious, moral, and spiritual welfare for the total Army. He focused and advised the Army leadership in dealing with and resolving a number of difficult issues facing today's force. Of note was his establishment of a Chaplain Recruiting Program within the US Army Recruiting Command to aggressively recruit the best-qualified candidates from all denominations, the successful relocation of the Army Chaplain Center and School from Fort Monmouth, NJ to Fort Jackson, SC and as President of the Armed Forces Chaplain Board, he shaped joint methodologies by which Service Chiefs of Chaplain and their staffs approached common issues.

Chaplain Shea has been awarded the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Bronze Star with "V" device and two Oak Leaf Clusters, Meritorious Service Medal with two Oak Leaf Clusters, Army Commendation Medal with two Oak Leaf Clusters, Purple Heart, Vietnam Service Medal with six Campaign Stars, Vietnam Civil Actions Medal (First Class), Armed Forces Expeditionary Medal, National Defense Service Medal, Vietnam Campaign Medal, Army Service Ribbon, Army Overseas Medal (with "3" device), Senior Parachute Badge, Special Forces Tab, Bundeswehr Parachute Badge, and the Vietnamese Parachute Badge.

Chaplain Shea will retire from the Department of the Army June 30, 1999, after thirty-three years of dedicated service. On behalf of my colleagues I wish Chaplain Shea fair winds and following seas. Congratulations on an outstanding career.●

IN RECOGNITION OF JOE BEYRLE

● Mr. LEVIN. Mr. President, I rise to recognize Joe Beyrle, a World War II veteran and long-time friend from Norton Shores, Michigan. Joe Beyrle's service during the war was truly extraordinary.

As an eighteen-year-old in 1942, Joe Beyrle enlisted in the Army, later volunteering for the parachute infantry. Joe quickly distinguished himself as a member of the 101st Airborne Division stationed in England. Early in his service Joe was twice chosen to make dangerous jumps into Nazi-occupied France while fitted with bandoliers filled with gold for the French Resistance. Joe's last jump into France was on the night before D-Day with the objective of destroying two wooden bridges behind Utah Beach. However, while on his way to accomplish this mission, Joe was captured by the Germans.

On June 10, 1944, the parents of Joe Beryle received a letter from the United States Government informing them that their son had perished while serving his country in France. On September 17, 1944, family and friends held a funeral mass for Joe at St. Joseph's Church in Muskegon, Michigan. However, Joe was still alive and being held in a POW camp. A dead German soldier wearing an American uniform and Joe's dog tags had been mistakenly identified as Joe.

Joe was eventually able to escape from his captors and later joined a Russian tank unit to continue the fight against the Germans. Joe fought with the Russians until an injury forced him to be sent to a Moscow hospital. When he finally regained his strength, Joe went to the American Embassy in Moscow and was eventually sent back to the United States. On September 14, 1946, almost two years after the funeral mass in his honor, Joe Beyrle married his wife, JoAnne, in the very same church.

I ask to have printed in the CONGRESSIONAL RECORD an article which appeared recently in the Detroit Free Press regarding Joe Beyrle. The article highlights in greater detail the extraordinary experience of Joe Beryle during World War II. I know my Senate Colleagues will join me in honoring Joe Beyrle on his tremendous sacrifice and service to our nation.

The article follows:

WORLD WAR II VET HOLDS ON TO A SPECIAL APPRECIATION OF LIFE

(By Ron Dzwonkowski)

Memorial Day has to be a little strange for Joe Beyrle, even after all these years. He pays tribute to the nation's war dead knowing that, for a time, he was among them. Even had a funeral with full honors.

"Oh, what parents went through," says Beyrle, (pronounced buy early.) "My mother would never talk about it. My dad wouldn't at first. But I finally talked to him at some length. The emotions . . . well, it was quite a talk."

Beyrle, who will turn 76 this summer and lives in Norton Shores, south of Muskegon, was among the hundreds of thousands of young Americans who enlisted in the Armed Forces to fight World War II. A strapping 18-year-old, he passed up a scholarship to the University of Notre Dame and volunteered in June 1942 for what was then called the parachute infantry.

By September of '43, Beyrle was in England with the 101st Airborne Division.

His commanders must have seen something of the rough-and-ready in the young man from western Michigan, for Beyrle was twice chosen to parachute into Nazi-occupied France wearing bandoliers laden with gold for the French Resistance. After each jump, he had to hide for more than a week until he could be returned to his unit in England.

Then came D-Day. Beyrle's unit jumped into France on the night before the invasion, assigned to disrupt Nazi defenses for the huge frontal assault.

The going was rough. Beyrle saw several planes full of his comrades go down in flames before he hit the silk from 400 feet up, landing on the roof of a church. Under fire from the steeple, he slid down into a cemetery and set out for his demolition objective, two wooden bridges behind Utah Beach.

Beyrle never made it. He was on the loose for about 20 hours while the battle raged on the beaches, and he did manage to blow up a power station and some trucks, slash the tires on the other Nazi vehicles and lob some grenades into clusters of Hitler's finest. But then he crawled over a hedgerow, fell into a German machine gun nest and was captured.

What followed was a long ordeal of brutality and terror as the Germans herded the American POWs inland while being hammered by Allied bombs and artillery. Beyrle was hit by shrapnel, but had to shake it off so he could apply tourniquets to two men whose legs were blown off. He escaped once for about 16 hours, but ran back into a German patrol.

Somewhere in all this chaos, Beyrle lost his dog tags, those little metal necklaces that identify military personnel. They ended up around the neck of a German soldier who was killed in France on June 10, wearing an American uniform, probably an infiltrator.

In early September, the dreaded telegram arrived for Beyrle's parents in Muskegon, the one that includes the nation's "deep sympathy for your loss."

The body believed to be Joe Beyrle was buried in France under a grave marker bearing his name. A funeral mass was held on Sept. 17, 1994, at St. Joseph's Church in Muskegon. Beyrle's name was inscribed on a plaque honoring the community's war dead.

Joe Beyrle, meantime, was being hauled by train all over Europe, locked in about a half-dozen POW camps, beaten, interrogated and nearly starved. But he never quit trying to escape, and finally managed it in January 1945, as the Nazi war machine was starting to crumble under the onslaught of Americans on the west and Russians from the east. Beyrle hooked up with a Russian tank unit and fought with them for a month before he was wounded and shipped to a hospital outside Moscow.

When he was able, Beyrle made his way to the U.S. embassy in the Russian capital, but he had a terrible time convincing officials of his identity, especially since he was listed as dead. He was actually arrested and grew so frustrated that he jumped one of his guards in an attempt to escape.

Fingerprints finally proved that Joe Beyrle was alive and well.

The next telegram to Muskegon carried a much happier message.

On Sept. 14, 1946, Joe Beyrle married his wife, JoAnne, in the same church where his funeral mass was held two years earlier. The same priest presided at both. Almost 53 years later, JoAnne says with a smile that her husband's war stories "get better every year."

This weekend, Beyrle will rejoin the 101st for ceremonies honoring its war dead at Arlington National Cemetery. Then he's off to Europe to walk once again over the ground where he fought and bled for freedom. He will even visit the grave that for months was thought to hold his body.

"Some of them aren't's even sure what war I'm talking about," he said. "They really don't understand that I felt it was my duty to volunteer, and what went on and what it was like. I tell them that if it wasn't for what we did, they would all be marching the goose-step today, and the first question is, 'what's the goose-step?'

"I grew up real fast. We all had to," Beyrle said. "You just learn to believe that somebody up there is looking out for you. . . . I came home with such an appreciation of life, and I don't think I've ever lost it."

He came home with a handful of medals, too, but doesn't consider himself a hero.

"There were 200 guys in my unit that jumped into Normandy, and 50 or 60 were killed in action right there, maybe 40 were wounded; five or six were captured," Beryle says. "I'm just one of the lucky ones. The heroes are the guys who didn't make it back."●

RETIREMENT OF JOHN P. REZENDES, PRINCIPAL OF EDWARD R. MARTIN JUNIOR HIGH SCHOOL

● Mr. CHAFEE. Mr. President, on June 21st, family, friends and colleagues will gather to honor John P. Rezendes, who has served East Providence public schools for 30 years, and is retiring as Principal of Edward R. Martin Junior High School.

John Rezendes built his career in Rhode Island, just as he received his education in our state. He graduated from East Providence Senior High School in 1965, received a bachelor's and a master's degree from Providence College, and later pursued additional studies at Rhode Island College.

Over the years, John Rezendes has amassed an impressive record of public service. During his tenure in the East Providence public school system, John has worked with students in a variety of capacities, including as a classroom teacher, a "House Leader," and a principal.

Early in his career, John served as a history and civics teacher at Central Junior High School. In 1977, when a new facility was constructed to replace Central Junior High School, John was one of the first faculty members to occupy this new "four house facility." That same year, he was promoted to House Leader where he continued a close relationship with his students and built a strong working relationship with the teachers he supervised.

In 1983, John was appointed Principal of Riverside Junior High School. In this capacity, he brought many personal touches to the school. His work on revamping student schedules and creating "teaching teams" within individual grades are just a couple of the positive marks he left on the Riverside community.

However, John Rezendes did not stop there. In 1986, Principal Rezendes was transferred to Martin Junior High School where he remained for the next thirteen years. During this time, John worked diligently on the educational needs of his students. In fact, in 1998, he began molding the East Providence Educational Development Center. This Center serves as an alternative high school for non-traditional students and focuses on the development of academic schedules to meet their individual needs.

John Rezendes' work in the East Providence public school system certainly is well known. For over thirty years, John has made a lasting impact on thousands of students. He has treated his job as both a challenge and a privilege.

As John prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to his community.●

TRIBUTE TO DR. JOHN F. MCCARTHY

● Mr. ROBERTS. Mr. President, I rise today to bring to the attention of the Senate the retirement of Dr. John F. McCarthy, Vice President, Global Scientific and Regulatory Affairs, for the American Crop Protection Association. He is retiring after 13 years of service with ACPA where he served as the chief advisor on scientific and technical matters. He was named Vice President in 1988.

Prior to joining the American Crop Protection Association, Dr. McCarthy spent 23 years with the Agricultural Chemicals Group of FMC Corporation. At FMC he was involved in all aspects of agricultural chemicals research and development, starting as a synthesis chemist and rising to the position of Director of Product Development and Registrations.

John testified many times before the House Agriculture Committee when I served as chairman. He was always available to provide technical expertise when our Committee was considering amendments to FIFRA. He also testified in the Senate answering endless questions about difficult scientific and policy issues. John was always able to put the issues in perspective and kept the protection of public health at the forefront of his presentation. His retirement will leave a void in the agricultural crop protection community which can not be easily filled.

He received his B.S. degree in Pharmacy from the Albany College of Pharmacy in 1958 and his Ph.D in Medicinal Chemistry from the University of Wisconsin in 1962. Previous to joining FMC, he did research at Roswell Park Memorial Institute in Buffalo, N.Y.

John is very family oriented and his wife, Ann, should also be recognized for her willingness to loan John to us for all these years. Without her commitment and understanding, those long hours and late evenings would not have been possible. Please join me in wishing John the best for a well deserved and fulfilling retirement.●

TRIBUTE TO GARY ARRUDA

● Mr. SMITH of New Hampshire. Mr. President I rise today to pay tribute to Gary Arruda of Hollis, NH for the critical assistance he provided with the aid of a wireless phone to save another individual's life. Gary, along with individuals from each state across America, the District of Columbia and Puerto Rico, received the "VITA Wireless Samaritan Award."

This award, which is awarded by the Cellular Telecommunications Industry Association (CTIA) is presented to honor the contributions heroic individuals make to their communities. Gary, who is an emergency medical technician (EMT), responded to a page to assist an injured mountain biker, who was too deep in the woods for an ambulance to reach. The biker, who had been stung by bees and was having a severe allergic reaction, was unable to make it out of the woods on her own. Gary went in the woods with his four-wheel drive vehicle, emergency medical equipment and his wireless phone. He and two other EMTs were able to stabilize the biker while maintaining contact with emergency dispatch and the ambulance that was waiting at the edge of the woods. Gary kept both dispatchers and ambulance attendants apprised of the victim's condition, enabling them to prepare to take over the rescue as soon as he got the woman out of the woods.

I commend Gary for his excellent reaction in a situation that called for immediate attention. He is a true hero. I am proud to represent him in the Senate.●

CONCURRENT RESOLUTION COMMENDING THE PRESIDENT AND THE ARMED FORCES FOR THE SUCCESS OF OPERATION ALLIED FORCE

Mr. REID. Mr. President, we have been working with the leadership on the other side of the aisle for the last several days on a resolution dealing with the operation in Kosovo. The negotiations—that is too harsh a word. We have been working together, as you know, in negotiating; working together to come up with language that both sides would approve on a concurrent resolution. We have one printed in the RECORD as of last Thursday. I ask unanimous consent this concurrent resolution that we submitted today be printed in the RECORD, just for the sake of continuity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. CON. RES. —

Whereas United States and North Atlantic Treaty Organization (NATO) military forces succeeded in forcing the Federal Republic of Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas this accomplishment has been achieved at a minimal loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed, deported, detained, or killed by Serb security forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress expresses the appreciation of the Nation to:

(A) President Clinton, Commander in Chief of all American Armed Forces, for his leadership during Operation Allied Force.

(B) Secretary of Defense William Cohen, Chairman of the Joint Chief of Staff Henry Shelton and Supreme Allied Commander-Europe Wesley Clark, for their planning and implementation of Operation Allied Force.

(C) Secretary Albright, National Security Adviser Berger and other Administration officials engaged in diplomatic efforts to resolve the Kosovo conflict.

(D) The United States Armed Forces who participated in Operation Allied Force and served and succeeded in the highest traditions of the Armed Forces of the United States.

(E) All of the forces from our NATO allies, who served with distinction and success.

(F) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them during the conflict.

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Yugoslav and Serb forces from Kosovo according to relevant provisions of the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) A permanent end to the hostilities in Kosovo by Yugoslav and Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(D) Unimpeded access for humanitarian relief operations in Kosovo.

(4) The Congress urges the leadership of the Kosovo Liberation Army (KLA) to ensure KLA compliance with the ceasefire and demilitarization obligations.

(5) The Congress urges and expects all nations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia and to assist in bringing indicted war criminals, including Slobodan Milosevic and other Serb military and political leaders, to justice.

ADDITIONAL COSPONSORS—S. 386

Mr. GORTON. Mr. President, I ask unanimous consent that Mr. KERRY of Massachusetts, Mrs. BOXER, Mr. BUNNING, Mr. THOMPSON, and Mr. McCONNELL be added as cosponsors of S. 386, the Bond Fairness and Protection Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR—S. 1167

Mr. GORTON. Mr. President, I ask unanimous consent that Mr. CRAPO of Idaho be added as a cosponsor of S. 1167, a bill to amend the Pacific Northwest Electric Power and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, seeing no Senator seeking recognition, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

J.J. "JAKE" PICKLE FEDERAL BUILDING

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 111, S. 559.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 559) to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Mr. REID. Reserving the right to object, and I will not object, it is a pleasure for me to not object in this matter. I had the pleasure of serving in the House of Representatives with Congressman Pickle. He was a senior Member at the time. He was one of the ranking members, one of the senior members of the Ways and Means Committee; a very fine Texan and a great American.

Mr. WARNER. Mr. President, I associate myself with the remarks of my distinguished good friend and colleague, the assistant Democratic leader. I also knew the Congressman. I think this is a most fitting tribute to a long and dedicated public servant.

Mr. REID. Again reserving the right to object, which I will not, he came here as an aide to President Johnson when President Johnson was a Member of the Senate, a staff member.

Mr. WARNER. Very interesting.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 559) was ordered to be engrossed for a third reading, was read the third time, and passed; as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Building located at 300 East 8th Street in Austin, Texas, shall be known and designated as the "J.J. 'Jake' Pickle Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "J.J. 'Jake' Pickle Federal Building".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar Nos. 92, 93, and 94.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

COMMODITY FUTURES TRADING COMMISSION

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2003.

ARMY

The following named officer for appointment as the Chief of Staff United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3033:

To be general

Gen. Eric K. Shinseki, 3256.

MARINE CORPS

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5043:

To be general

Lt. Gen. James L. Jones, Jr., 2699.

NOMINATION OF GEN. ERIC K. SHINSEKI

Mr. WARNER. Mr. President, the Senate Armed Services Committee reviewed the qualifications of General Shinseki. It was a memorable day. One of our most distinguished and revered colleagues, the senior Senator from Hawaii, introduced General Shinseki. I have said previously that it was one of the most moving statements I have ever heard by a Senator in my 21 years. I placed the statement of Senator INOUYE in the RECORD of Wednesday, June 9, 1999, at Page S6813, and I urge all Senators to look at that. It was, indeed, one of the most extraordinary statements on behalf of another individual that I have ever witnessed.

Basically, Senator INOUYE referred back to 1942, the year in which General Shinseki was born. At that time, Senator INOUYE was volunteering to serve in the U.S. Army. It was a very personal and moving statement, and I urge all Senators to look at it.

As chairman, I asked Senator CLELAND to note his signature on the nomination of the Chief of Staff of the U.S. Army, given his most distinguished career as a soldier serving this Nation in the cause of freedom.

NOMINATION OF LT. GEN. JAMES L. JONES, JR.

Mr. WARNER. Mr. President, I had the privilege of introducing on the same day General Jones to become the next Commandant of the Marine Corps, succeeding General Krulak who discharged the responsibilities of the Office of Commandant with great credit to the Nation and to himself. He is a most distinguished officer. His father served in World War II in the Marine Corps. His father served in the Pacific as a senior three-star Marine officer just before I became Under Secretary of the Navy. The Krulak family is a proud family, and they have done much for our Nation and, indeed, for the Marine Corps.

General Jones served in the Senate in the Marine Corps liaison office. Thereafter, he continued a most distinguished career. His last post as a lieutenant general was the principal military adviser—of course, the Chairman of the Joint Chiefs is the principal military adviser—but General Jones on the immediate staff of the Secretary of Defense, our former colleague, Mr. Cohen, was the principal adviser on his personal staff.

This is recognition, again, of a distinguished marine who likewise had a family member, an uncle, who was a highly decorated marine in World War II. It is continuity in the Corps for those like myself, I say with great humility, who had the opportunity to serve at one time in the Marine Corps. It is a proud day today for the U.S. Marine Corps, for the soon retirement of the most distinguished Commandant and succession of General Jones whose potential equals any Commandant who ever served in that office in the history of this country.

I asked that Senator ROBERTS pen his signature on the nomination of General Jones to be Commandant. Again, Senator ROBERTS is a former marine.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—S. 96

Mr. WARNER. Mr. President, I ask unanimous consent that with respect to the Y2K legislation, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed, from the Committee on Commerce, Science, and Transportation, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, and Mr. WYDEN; from the Committee on the Judiciary, Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; from the Special Committee on the Year 2000 Technology Problems, Mr. BENNETT and Mr. DODD conferees on the part of the Senate.

ORDERS FOR THURSDAY, JUNE 17, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Thursday, June 17. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate stand in a period of morning business until 11 a.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator GREGG, 30 minutes; Senator DASCHLE or his designee, 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am wondering if it would be possible for the acting leader today to—while I have been standing here, I have had a couple phone calls. We have 30 minutes per side. Would it be possible to raise that to 40 minutes per side?

Mr. WARNER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, the proposal is modified. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

PROGRAM

Mr. WARNER. For the information of all Senators, tomorrow the Senate will convene at 10 a.m. and be in a period of morning business until 11 a.m, as adjusted by the unanimous consent request just agreed to. Following morning business, the Senate will resume debate on H.R. 1664, the steel, oil, and gas appropriations legislation. Amendments will be offered to that bill. Therefore, Senators can expect votes throughout the day. As a reminder, it is the intention of the leader to begin consideration of the State Department authorization bill on Friday. Therefore, votes will take place during Friday's session.

Now I yield to my distinguished friend and colleague, the assistant Democratic leader, if he has anything further.

Mr. REID. I have nothing further.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:47 p.m., adjourned until Thursday, June 17, 1999, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1999:

COMMODITY FUTURES TRADING COMMISSION

THOMAS J. ERICKSON, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2003.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

To be general

GEN. ERIC K. SHINSEKI, 3256.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5043:

To be general

LT. GEN. JAMES L. JONES, JR., 2699.

HOUSE OF REPRESENTATIVES—*Wednesday, June 16, 1999*

The House met at 10 a.m.

Father Steve Planning, Order of the Society of Jesus, Alexandria, Virginia, offered the following prayer:

Let us pray.

Almighty and Eternal God, we give You thanks and praise today for the many blessings which You have bestowed upon our country. You have given us the gifts of freedom and democracy so that we might build a Nation based on the highest human principles. We humbly ask Your blessing upon us as we do the work for which we were elected. Help us to create a Nation in which justice, prosperity and peace form a part of every citizen's life. Give us the gift of wisdom so that we might make decisions which benefit all people, especially those most in need.

We ask this in Your name who lives and reigns forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. CUMMINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. CUMMINGS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. STEPHEN W. PLANNING, S.J.

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I am pleased to welcome Father Stephen Planning and to thank him for delivering our opening prayer this morning.

Father Planning is a member of the Society of Jesus and was ordained to the priesthood this past Saturday, June 12.

He and his family are longtime residents of northern Virginia, where he began his Catholic education. Following his novitiate experience at Wernersville, Pennsylvania, Father Planning taught high school in Nigeria and ministered in a nearby leprosy village. Upon returning to the United States, he received a master's degree in philosophy from Fordham University and spiritually advised indigent AIDS patients at a nearby Bronx hospital.

Father Planning also has ministered and taught English in Santiago, Chile, studied at the Jesuit School of Theology in Berkeley, California, where he completed a master's of divinity degree, and served in a local parish, and spent this year in Chicago, Illinois, where he finished a master's degree in education at Loyola University and worked at Christo Rey Jesuit High School, where he now will return to serve as assistant principal.

Our colleagues would be interested to know that this inner city high school has a unique corporate intern program which requires students to attend classes 4 days a week and hold down an 8-hour-per-week job with a corporate sponsor to help pay their tuition. Christo Rey's pioneering concept this past year saw 89 percent of its seniors graduate, 73 percent enroll in college.

Mr. Speaker, I know my colleagues join me in congratulating Father Planning on his ordination and wish him continued success wherever he is led in the future to serve the cause of Jesus Christ.

LOOPHOLES LEAD TO NOTHING BUT BULLET HOLES

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, low fat, light on substance and without additives. These are the phrases that should describe a good diet. Unfortunately, these terms are better applied to the mockery of a proposal that the Republicans of this Congress have sent forward as gun safety provisions to this House floor.

Shame on us for allowing precious time to pass, lives to be lost, funerals to be held and tears to be shed before deciding to come to grips with a problem that has plagued us for years. Shame on us for allowing special interest groups to wield artificial power and influence over us when we direct the power flow of our country. Shame on us for repeatedly appeasing special interest groups at the cost and sacrifice of our youth. Shame on us.

Under the proposed legislation in the Juvenile Justice Act of 1999 it is conceivable that a visitor to the Nation's Capital traveling from building to building is subject to face more security than a criminal trying to buy a firearm at a gun show. The Senate has realized the pressing nature of this situation and has acted. It is now our turn.

Mr. Speaker, our loopholes lead to nothing but bullet holes, and, my colleagues, I strongly urge swift passage of gun safety provisions.

HE WHO SACRIFICES LIBERTY FOR SAFETY WILL HAVE NEITHER LIBERTY NOR SAFETY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today we take up the Consequence For Juvenile Offenders Act. It is my hope that all of us here in America will realize that more laws will not mean more safety. We seem so willing to give up our freedom for just a feeling of a little more safety. The truth is we will not be more safe until we deal with the real problem, the root problem, the human heart.

Two young men in Colorado broke more than 23 laws by brutally murdering 13 students, one teacher, and then took their own lives. One more law, a dozen more laws, would not have stopped them. They needed a change of heart.

Ben Franklin said he who sacrifices liberty for safety will have neither liberty nor safety.

As parents, as neighbors, let us not give up our personal freedoms. Instead let us deal with the real problem. Listen to the children, be a good neighbor, get involved in the community, and together let us make a better America.

GOP STANDS FOR "GUNS OVER PEOPLE"

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Many Republicans who fiercely fight any common sense gun safety measures will try to amend the juvenile crime bill to encourage schools to place the Ten Commandments in their classrooms. That makes sense. After all, it is free publicity for the gun lobby, a good way to reach young people, kids. My colleagues have seen the poster, now see the movie starring Charlton Heston, President of the National Rifle Association.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Now I have read the Ten Commandments, I did not merely watch the Hollywood version, and I seem to recall that they teach us thou shall not kill, and yet assault weapons which the NRA fought to keep on our streets kill. Saturday night specials, the small cheap guns favored by criminals, kill. Weapons purchased unchecked today at gun shows or in the future bought in the parking lots of gun shows, thanks to a loophole wider than the part in the Red Sea, kill.

The man who played Moses and his supporting cast here in Congress should go back and read their script: Thou shall not kill.

Once again it is clear what the letters GOP stand for: Guns over people.

TURNING OUR PUBLIC LANDS INTO A MUSEUM?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, here we go again. The Clinton administration is planning to ban the public use on over 5 million acres of public land in six States. "Why?", my colleagues ask? Well, it seems to appease the liberal extremists, the environmentalists and specific special environmental interests before the 2000 presidential elections.

Why would this administration deny all Americans, young and old, the right to recreate on their public lands? Why would they want to stop recreation, hunting, fishing, horseback riding and biking? Is there a goal to turn our public lands into a museum?

The President wants to use his authority under the Antiquities Act to stop and prohibit every type of recreational use except walking and, get this, meditating, on these 5 million acres. The Clinton administration claims to know what is best for our public lands, but it's plain to see that they know nothing about management, about multiple use, about the right of my constituents to use their public lands for recreational purposes. The administration should be ashamed for using our Nation's environmental laws as political tools and, not to mention, a means to preserve the assets across this country.

GUNS PREVENT MORE CRIME THAN ANYTHING ELSE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I voted for the Brady bill. I voted to ban certain semiautomatic weapons. I honestly tried to help. But enough is enough. Guns are a two-edge sword, dangerous for sure, but guns prevent more crime than anything else in America, and no one is saying it.

Mr. Speaker, armed robbers just do not fear the welcome wagon, and all the policemen in the world, and I used to be one, may never get there in time.

I say be careful, Congress. Certainly guns are a symptom of great problems in America. But guns are not the root causation of all these problems in America.

GUN CONTROL DEBATE DRIVEN BY POLITICS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. EWING. Mr. Speaker, yesterday I talked about this same issue, and I talked about politics, politics, politics, and, yes, I believe that politics are driving the agenda on this debate. We are going to hear vitriolic attacks from the Democratic side of the aisle when we ought to be settling down to discuss what we can do to improve our laws, to improve the regulations, and, yes, to improve the enforcement of the laws on the books.

Mr. Speaker, it does no good to pass another law if we are not going to do anything about it. Over 6000 incidents since 1996 through 1998 reported of juveniles with possession of firearms at school; only 17 were prosecuted.

Mr. Speaker, I have to refer to the language of our Vice President when he distorts the facts and says one can walk into a gun shop and a pawn shop anywhere in America and buy a handgun if they are 18.

Not so. Let us tone it down. Let us work together.

STOP IMPORT OF HIGH CAPACITY GUN CLIPS

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. DEGETTE. Mr. Speaker, in 1997 Officer Bruce Vanderjagt in Denver was gunned down by a gun using a semiautomatic weapon clip that held far more than 10 rounds of ammunition. People were shocked. We thought we banned these clips in 1995 when we passed the Crime Control Act, but unfortunately these clips, which have the only purpose as killing a human being, are widely available and legally available in gun shops throughout this country because of a loophole in that act. That loophole allows the unrestricted import of these high capacity magazines from countries like China, Russia and Eastern Europe.

The Senate had the wisdom to pass legislation stopping this loophole and banning these clips that have the only purpose as killing humans. I urge in the next few days that the House do the same and enact this sensible piece of legislation which will stop these clips that only kill human beings.

SERGEANT BOB BRYANT AND LUC COUTURE EXEMPLIFY NEW HAMPSHIRE'S COMMUNITY SPIRIT

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the New Hampshire Fish and Game Sergeant Bob Bryant and Luc Couture of the New Hampshire Department of Transportation and more than 550 friends and neighbors who searched the woods of Berlin, New Hampshire, through the early morning hours on May 25 to find 3-year-old Cameron Patry. Sergeant Bryant and Mr. Couture found the young boy after he had been lost for more than 20 cold and rainy hours in the dense woods. These 2 State of New Hampshire employees, along with hundreds of volunteers who helped with the search, best exemplify our community's spirit, camaraderie, compassion in New Hampshire and all of America. Although cold, wet and tired, young Cameron was found in good shape and returned to his worried parents.

To Sergeant Bryant, Mr. Couture and all those who gave their time, prayers and comfort to the Patry family I would like to express my sincere appreciation, as does the grateful State of New Hampshire and Congress.

POINT REYES FARMLAND PROTECTION ACT OF 1999

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I am back. I am back because our country continues to lose farmland at an alarming rate. I am back because I again have introduced legislation to protect the beautiful farmland near the Point Reyes National Seashore in my congressional district just north of San Francisco, across the Golden Gate Bridge.

□ 1015

This land is 40 miles from San Francisco. It is under heavy threat for development, and because of that, I am introducing the Point Reyes Farmland Protection Act of 1999, H.R. 2202.

This bill establishes that a local-Federal partnership, completely voluntary, will make it possible for landowners to sell their conservation easements, and that these local landowners are willing sellers. The goal is to protect the productive and pristine family farms that are a way of life in my district.

In the last Congress I had similar legislation that was supported by 228 bipartisan cosponsors. Please join me to protect agriculture. Sign onto the Point Reyes Farmland Protection Act, H.R. 2202.

URGING MEMBERS TO SUPPORT VALIANT MEN AND WOMEN FASTING FOR DEMOCRACY IN CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the courageous fasts that began last week in Havana are gaining momentum as dozens of dissidents across the enslaved island of Cuba join the public protest started in Tamarindo 34, peacefully demanding freedom of expression and the release of hundreds of political prisoners.

One of the heroines currently fasting is Magaly de Armas, wife of Vladimiro Roca, one of the four opposition members imprisoned earlier this year for criticizing a communist party document that they dared to say did not present solutions to Cuba's problems.

Roca is also fasting, his will unshaken by Castro's torturous prison in Cienfuegos, and has asked his countrymen to join him in what is becoming a national movement.

On behalf of Vladimiro Roca, Felix Bonne, Rene Gomez Manzano, Marta Beatriz Roque Cabello, and all of the other political prisoners unjustly shackled by Fidel Castro, I ask my colleagues to support the valiant men and women currently fasting. We pray that their courageous democracy efforts become the beginning of true liberty on the island.

DISAPPOINTING LEGISLATION FROM THE HOUSE LEADERSHIP ON GUN SAFETY AND SCHOOL VIOLENCE

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today, disappointed in this House. I come from the district in California with the highest gun registration. Four years ago, when I ran for Congress and I walked 60,000 households door-to-door, I came across a lot of those gun owners, hunters, people who liked to go down to the range and shoot their guns, people who collect guns.

But they agreed with me, they agreed that decent people who want to own guns do not mind waiting to have their background checked. They agreed that there were too many weapons in criminals' hands, especially in an urban area like the one I represent.

That was before Jonesboro, that was before Littleton, and that was before last week, just this past weekend, when one of our deputy sheriffs in Orange County was sitting in his patrol car and was gunned down, riddled by someone with a machine gun who was mad because this officer had stopped him 3 weeks before.

Mr. Speaker, we need real legislation to help America.

ELDER BASEBALL TEAM EXTENDS INCREDIBLE TITLE STREAK

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, Cincinnati's Elder High School took it down to the wire last week when their great baseball team traveled to Canton, Ohio, to play for the State championship. When the smoke cleared, the Panthers had accomplished a truly extraordinary feat. They had succeeded in winning a State title in 6 consecutive decades with 11 championships overall.

My brother, Ron, is a 1965 Elder graduate. I am an alumnus of arch rival LaSalle. I have to give credit where credit is due, Elder's accomplishment is phenomenal, and all of us who reside in Cincinnati's Western Hills are proud of their great achievement. Their commitment to excellence and their tradition of hard work have paid off. Once again they have made all of Cincinnati proud.

To coach Mark Thompson, the Panther squad, and all their families and fans, I offer my heartfelt congratulations.

From an old Lancer to all the Panthers, well done.

CALLING ATTENTION TO WEBSITE AND FAMILY INTERNET TOOLBOX

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, as a member of the Committee on Education and the Workforce, I know an important part of controlling youth violence is controlling the violence that children are exposed to.

These days a lot of violence is hitching a ride on the information superhighway. Parents are concerned about the violent influences of the Internet. A recent poll shows that 75 percent of high school students believe the Internet responsible for the shootings in Littleton.

I propose that Internet service providers be required to provide their customers with the necessary filtering software. The other body has already approved legislation to that end. I urge my colleagues in the House to do the same.

In the interim, I would like to draw Members' attention to my web site. It is Family Internet Toolbox, which offers software, tips, and links to safer surfing at www.house.gov/rholt. I hope Members and their constituents will find it useful.

REPUBLICANS BELIEVE THAT LOW TAXES ARE FAIRER THAN HIGH TAXES, AND PEOPLE SHOULD BE ENTITLED TO THE FRUITS OF THEIR LABOR

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, too many Americans liberals have a strange concept of fairness. When it comes to taxes, the liberals' idea of fairness strikes me and most Americans as very unfair.

If one person works twice as hard as another, most people do not think it is unfair if he earns twice as much. A liberal would disagree. As a matter of fact, the liberal tends to demonize the harder working person.

Most people do not think it is unfair that people who sacrifice income through long and difficult years in college and even graduate school expect to find jobs which pay higher than other jobs for their efforts. Yet, we find liberals constantly railing against people who are rewarded for their educational sacrifices as the rich, and presumably not entitled to the rewards they worked so hard to obtain.

I find the tax on the rich and any class of people profoundly un-American.

Republicans believe that low taxes, low taxes on all Americans, rich or poor, are more fair than high taxes. Should not freedom mean that people are entitled to the fruits of their labor?

CHARACTER EDUCATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this House to pass a new investment in character education. As the former superintendent of my State schools, I know firsthand that character education can make a difference in teaching our children values and to make sure our children are well rounded and prepared to become good citizens.

Across my Congressional District, school leaders have developed character education initiatives that can make a difference in strong schools and better communities. In Wake County, North Carolina, they have become a leader through an innovative effort called "Uniting for Character." In Johnston County, the principal of Selma Elementary School attributes 59 fewer suspensions between the '95 and '96 school years due to their character education program. And CBS News recently profiled a successful character education program in the Nash-Rocky Mount school system.

Mr. Speaker, character education works because it teaches our children to see the world through a moral lens. Children learn that actions have consequences. Teachers work with parents and the entire community to instill the spirit of shared responsibility. Character education emphasizes values such as character, good judgment, integrity, kindness, perseverance, respect, and self-discipline. This Congress needs to act on this and act now.

A NATION'S TAX POLICY REFLECTS ITS VALUES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, one reason why taxes are such an important issue is because a Nation's tax policy reflects its values. A system of low taxes rewards hard work, rewards educational achievement, rewards prudence, rewards long-term planning, rewards risk-taking, rewards entrepreneurship, rewards diligence, and most of all, is an endorsement of freedom, the idea that a person is truly entitled to the fruits of his labor.

A system of high taxation punishes these very same virtues. It discourages work, discourages job creation, and reduces freedom. It buys into the idea that the more productive a person is, the more he should be punished, and the less entitled he is to those fruits. It is based on the belief that government knows best.

This in my view is a bizarre value system. I find the liberal value system to be contrary to freedom, contrary to common sense, and the exact opposite of the values that made America great.

WHAT HAS THE HOUSE DONE TO MAKE AMERICA'S CHILDREN SAFER FROM GUN VIOLENCE?

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, it has been a month since the tragedy at Columbine. The Senate quickly acted to make children safer. But what has this House done? What has this leadership done? Have we closed the gun show loophole? Today we will get the answer: No. Are we going to hold parents responsible for securing their weapons to keep them out of the hands of children? Today we are going to find out that the answer is no. Are we going to do anything to invest in smart gun technology, so only people who own the guns can fire the guns? Today we are going to find out that under this leadership, the answer is no.

Instead, we are going to be doing the bidding of the National Rifle Association. But the Republicans have come up with a bill today, and among their brilliant strokes, they are going to require that every record store have the lyrics to every CD on display at every store.

If Members want to know what it was that Pavarotti was singing, now they will know. But if they want to make our kids safer, they will have to wait until the Democrats take back the House.

DEMOCRATS ARE CONSISTENT: THEY ALL WANT HIGHER TAXES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, not counting the social security, the Congressional Budget Office projects $824 billion in budget surpluses over the next 10 years. Again, that is not counting the temporary surplus in the social security trust fund.

What does the Democratic leadership intend to do with these surpluses? Well, the President stated last January that he does not trust Americans to "spend it right." Yes, that is an exact quote.

Earlier this month we had the House Minority Leader, the gentleman from Missouri (Mr. GEPHARDT), state for the record twice that he would consider raising taxes to pay for an expansion in Federal programs. Members heard that right, raise taxes, not cut them.

Now we have the minority leader in the other body, Mr. DASCHLE, who is on record with this exchange on CNN's Evans and Novak. Asked his opinion about raising taxes, Mr. DASCHLE said, "It's an option. Of course, it's on the table. . . ."

Think about that. At least the Democratic leadership is consistent. They all want higher taxes.

EXPAND THE COMMUNITY REINVESTMENT ACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, I would like to share an example of how banks and community groups are using the Community Reinvestment Act, an act now under attack, to expand access to the financial mainstream.

Last summer First National Bank of Chicago made an agreement with the Chicago CRA Coalition to invest $4.1 billion in low- and moderate-income Chicago communities over the next 6 years. The bank recently opened a new full service branch in Dominick's Supermarket in the North Lawndale neighborhood on Chicago's West Side.

First National began pilot projects in North Lawndale and two other branches to expand low-cast checking accounts. At the same time, the bank and community groups sponsored financial literacy workshops for area residents.

In the last few months, dozens of persons who previously would have been denied the opportunity to open a bank account have opened checking and savings accounts, depositing thousands of dollars.

The Community Reinvestment Act is under attack. Why? I do not know the answer to that question, but I know that what we should be doing is protecting, expanding, and strengthening CRA.

RENEWAL WEEK

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we talk a lot in this body about achieving the American dream, but even in the most prosperous economic expansion in recent history, many of our fellow Americans still struggle to make it out of poverty.

That is why the Renewal Alliance, a bicameral group of legislators here in Congress, seeks to highlight both civic and legislative solutions to the plights of so many low-income Americans who desperately want to make it. They want safe communities and they want honest jobs.

I want to encourage my colleagues to join the many members of the Renewal Alliance this week, Renewal Week, and to renew our efforts to pass legislation critical to improving our low-income communities.

The American Community Renewal Act, the Charity Tax Credit, and education scholarship opportunities all combine to use a market-driven and even private sector approach to bring about real hope and opportunity through tax incentives for investment, for capital formation, for community reinvestment, and for contributing to charities of our choice, as well as opportunity scholarships. We reward what works.

Join us in working for our Nation's low-income communities.

□ 1030

PENNY CHANG WAS THE TYPICAL AMERICAN GIRL

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, Penny Chang was the typical American girl. That is what her father said about his daughter after Penny was shot to death on her way to school. She lived in my district, a freshman at Shaker Heights High School.

Penny's promising young life was ended by a 21-year-old man as she walked to school one morning. She was shot twice at close range with a semiautomatic pistol. As she lay on the ground dying, she was shot twice more. She loved computers, had done well in school.

After this despicable act, this troubled young man turned himself in to police shortly after, admitting to the crime. He had been a patient in a psychiatric unit. He had set Penny Chang's house on fire.

How could someone like this get ahold of a gun? How could a person with this kind of record of behavior come into possession of a semiautomatic handgun? Today the House has an opportunity to enact gun legislation, gun safety legislation, gun control legislation. I pray we will act to protect our young girls from this type of behavior so that we can save other Pennys in this Nation.

SMALL BUSINESS SUPERFUND FAIRNESS ACT OF 1999

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the Superfund law was created in 1980 to clean up hazardous waste sites and hold polluters responsible. Unfortunately, small businesses have suffered the most as a result.

Last February, hundreds of innocent small businesses in Quincy, Illinois, received a notice from the U.S. EPA that they were required to pay $3 million to clean up waste they had legally dumped in a landfill for years.

In a process close to extortion, the $3 million payoff is to safeguard small businesses against suits by the major polluters. Saving small businesses by breaking them makes no sense to me.

I am introducing the Small Business Superfund Fairness Act of 1999 to ensure that a situation like we had in Quincy will not repeat itself in other communities across this country.

IT IS TIME TO STOP SCHEMING

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, it is clear that Republicans have time for the NRA. The Republican leadership gave the gun lobby nearly a month to twist arms and try to derail a gun safety bill. In fact, the New York Times said this morning, and I quote, Republican leaders have worked out a scheme to make it easier for lawmakers who take their cue from the National Rifle Association to vote against meaningful reform.

First, Republicans say they need time to consider a bill in committee, and then they bring a bill to the floor that skips the committee process. Then Republicans say they want to work out a bipartisan solution. Instead, they split the bill in two parts so the NRA can try to kill the gun safety provisions.

Mr. Speaker, scheming with the NRA while our children's lives are at stake is a disgrace. It is time Republicans stop scheming and plotting political strategy with the gun lobby and start working on solutions to save our children from the epidemic of gun violence. It is time to have the Republican leadership stop pandering to the radical right in their party and start fighting for American parents who want to send their kids to school safely each day.

THE ECONOMY IS BOOMING BECAUSE PRESIDENT REAGAN CUT TAXES IN THE 1980'S

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, who gets credit for the good economy we are now experiencing? Although many people believe that it should not matter who gets the credit, it is an important question because it is important to understand how we arrived where we are if we want to understand how to maintain and improve our current prosperity.

America is, compared to other countries, a low tax, low regulation country. Although our tax burden is way too high, our regulatory empire is clearly excessive, still the United States is the best place to invest, the best place to start a business, the best place to find a job, the best place to come if one wants to get ahead and chase their dreams.

The primary reason our economy is booming right now is because President Ronald Reagan cut taxes significantly in the 1980s, ushering in a period of strong economic growth that is still with us today.

Our economy at the end of the 1970s was in the ditch and liberals howled and protested against President Reagan's economic program, but it worked. That is the lesson of the 1980s.

COMPREHENSIVE SCHOOL-BASED PROGRAMS NEED TO BE EXPANDED

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the response of the House Committee on Rules to the events at Columbine High School will be to allow the House to vote on treating 13-year-olds as adults in court, but they refuse to allow my amendment to be voted on, which would have greatly expanded comprehensive school-based programs to provide for early identification and intervention with emotionally troubled youth who give indication that they might be prone to violent acts.

I would make one point. Those two kids at Columbine would not have been deterred by the threat to be tried as an adult in court. They were willing to be killed to make their twisted statement. They might have responded to early mental health counseling and intervention.

This House unfortunately today will not pass thoughtful legislation affecting school violence. It will, instead, pass political press releases. We ought to be able to do better.

WHAT WOULD THE TAX BURDEN BE TODAY WERE IT NOT FOR REPUBLICANS?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, what would the tax burden be today were it not for Republicans? Just think about that for a second.

The Reagan tax cuts, 25 percent across the board, would never have taken place. In fact, diehard liberals still rail with bitterness against the Reagan tax cut even to this day. It is almost as if they are completely oblivious to the hardships of sky high inflation and devastatingly high unemployment brought to American families.

The 1997 tax cuts passed by a Republican Congress also would never have taken place.

Yes, the verdict of history is in. If Democrats had their way, taxes would move in one direction and one direction only: Up.

I refer my colleagues to the comment by the minority leader of the Democrat Party just a few weeks ago. He said, "You have got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it."

Taxpayers can thank the Republican Party. For without us, taxes would surely be much higher.

REQUEST FOR IMMEDIATE CONSIDERATION OF H. RES. 209, PROVIDING FOR CONSIDERATION OF H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999, AND H.R. 2122, MANDATORY GUN SHOW BACKGROUND CHECK ACT

Mr. MOAKLEY. Mr. Speaker, I was just wondering if the Republicans are ready, finished writing the rule.

The SPEAKER pro tempore (Mr. KOLBE). The Chair is waiting for the chairman of the Committee on Rules to call up the rule.

Mr. GEKAS. Mr. Speaker, by direction of the Committee on Rules, I call up the rule, House Resolution 209.

Mr. MOAKLEY. Mr. Speaker, the gentleman is out of order.

The SPEAKER pro tempore. The gentleman is not eligible to do that and is not recognized.

Mr. GEKAS. May I ask why?

Mr. MOAKLEY. The gentleman is not a member of the Committee on Rules.

Mr. GEKAS. I am just trying to accommodate.

Mr. MOAKLEY. The gentleman is not a member of the Committee on Rules.

The SPEAKER pro tempore. The Chair will recognize the gentleman from California (Mr. DREIER).

Mr. GEKAS. The gentleman is not a member of the Committee on the Judiciary. I would not object to his starting a Committee on the Judiciary hearing.

Mr. MOAKLEY. Mr. Speaker, the gentleman is out of order.

PROVIDING FOR CONSIDERATION OF H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999, AND H.R. 2122, MANDATORY GUN SHOW BACKGROUND CHECK ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 209 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 209

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders. The first reading of the bill shall be dispersed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Except as otherwise specified in this resolution, each amendment may be offered only in the order printed in part A of the report. Each amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may recognize for consideration of any amendment printed in part A of the report out of the order printed, but not sooner than one hour after the chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in part B of the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 1501, the Clerk shall—

(1) await the disposition of H.R. 2122;

(2) add the text of H.R. 2122, as passed by the House, as new matter at the end of H.R. 1501;

(3) conform the title of H.R. 1501 to reflect the addition of the text of H.R. 2122 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2122 to the engrossment of H.R. 1501, H.R. 2122 shall be laid on the table.

□ 1045

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Boston, Massachusetts (Mr. MOAKLEY), my very good friend, pending which I yield myself such time as I may consume. Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order two separate bills, each under a structured amendment process. They are H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, and H.R. 2122, the Mandatory Gun Show Background Check of 1999. Let me state at the outset, the rule does not specify the order of consideration of the two bills. That is left to the discretion of the Speaker.

The rule provides for 1 hour of general debate for each bill divided equally between the chairman and ranking minority member of the Committee on Judiciary. The rule provides for consideration of 44 amendments to H.R. 1501 printed in part A of the Committee on Rules report and 11 amendments printed in part B of the report.

Except as otherwise specified, the amendments to each bill will be considered only in the order specified in each part of the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for the division of the question.

Except for certain amendments to H.R. 1501 specified in part A of the report, the amendments printed in the report shall not be subject to amendment, and all points of order against the amendments are waived.

The rule permits the Chairman of the Committee of the Whole to recognize for consideration of any amendment to H.R. 1501, which are printed in part A of the report, out of the order in which it is printed, but not sooner than 1 hour after the chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect. This authority applies only to amendments offered to H.R. 1501, not to amendments offered to H.R. 2122.

The rule allows the Chairman of the Committee of the Whole to postpone votes on questions during the consideration of both bills and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. With respect to each bill, the rule provides one motion to recommit with or without instructions.

Finally, the rule provides that in the engrossment of H.R. 1501, the Clerk shall add the text of H.R. 2122, as passed by the House, as a new matter at the end of H.R. 1501, and then lay H.R. 2122 on the table.

In other words, Mr. Speaker, if both bills are passed by the House, the Clerk of the House is simply instructed to combine or engross the two bills into one bill before being transmitted to the Senate.

This is not, I say again, this is not an unprecedented rule. There are a number of instances in recent years where the House has adopted single rules making in order multiple bills, which were then combined into one bill upon their passage. Examples include H. Res. 159 in the 10th Congress, and H. Res. 440 in the 104th Congress. Again this is done so we can have a full airing of a wide range of issues.

Mr. Speaker, as we take stock of the national community that is preparing to enter the 21st century, the issue of youth crime is both troubling and confounding. The statisticians tell us that juvenile crime and violence are at 30-year lows. Let me say that again. We get the reports that juvenile crime and violence are at 30-year lows. At the same time, several tragedies have struck a chord that resonates across the United States.

The fact is, when kids kill classmates and teachers over problems that have always confronted teenagers, people recognize that something is wrong.

I believe that while we will debate and vote on dozens of different ideas of good faith and sound intentions to address this national concern, we all agree on one essential truth: Each and every one of us is fully committed to keeping children safe.

In fact, all Americans need to look inside themselves for answers to the troubling societal questions raised by these violent incidents. While in most cases those questions must be answered outside the halls of government, today we begin to do our part to tackle this problem.

While we are united in our goals, make no mistake about the variety of the opinions and proposals to reach those ends. Over 175 amendments submitted to the Committee on Rules can attest to that.

This rule attempts to provide the House with a full, fair, and focused debate that allows votes in a large number of these varied proposals. Of course, the amendments come from both sides of the political divide, Democrats and Republicans.

Although the issue of youth violence has led people to search for answers in many places, one issue, legal restrictions on the possession of firearms, has taken a particularly prominent place in the rhetorical debate.

The rule will ensure the opportunity to vote up or down on a number of firearms restrictions and safety measures, including mandatory trigger locks, banning youth possession of so-called assault weapons, and background checks at gun shows.

When the House works its will on guns, whatever that might be, the outcome will be included in the final version of the juvenile justice legislation. That is both fair and clear.

Of course, serious people agree that this problem goes beyond guns, and this rule will permit the House to deal with a range of measures dealing with prevention, law enforcement, and popular culture.

While we must search for answers in the wake of Columbine and Conyers and other tragedies, we cannot lose faith in America's families. Our children are not reflected in the twisted rage of Columbine's killers, Eric Harris and Dylan Klebold, but rather in the diverse, energetic, and religious lives of victims such as Cassie Bernall, whose faith in God was stronger than the fear of death.

Again, the statisticians give us good news. Young people are more religious and do more volunteer work than earlier generations. Just a few weeks ago, I was honored to present local Youth Volunteer Awards to high school students in southern California who spend time volunteering in hospitals, police departments, at homeless shelters, and a wide range of other community projects. They are the types of kids we find if we walk through any school library or flip through the pages of any high school yearbook.

As we move forward on these bills, let us not forget that young people, their parents, and all Americans expect to find appropriate, firm, and targeted measures that address youth violence and child safety. The most troubling questions we face, Mr. Speaker, arise from the reality that our society was able to give rise to such different kids, and that we do not really know why. However, I am confident that this rule will give us a fair and orderly process to begin to answer those questions and to help make our children safer.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. DREIER), my very dear friend, my chairman, for yielding me the customary 30 minutes. I was afraid that something may have befallen him when he did not show up on time.

Mr. Speaker, all eyes are on the House of Representatives today just to see what we are going to do with the long-awaited juvenile justice bill.

After the horrible massacre at Columbine High School, the entire country cried out for Congress to pass legislation to stop the scourge of violence in our schools. Unfortunately, Mr. Speaker, all they are getting this morning from the Republican leadership is a skewed process which will please only some people. It will certainly please the right wing militia groups. It will certainly please the National Rifle Association, which today's Post states that this bill addresses all of their concerns.

But, Mr. Speaker, in the end, it will virtually do nothing for the safety of American school children and the anxieties plaguing their parents. Because, despite the nearly 2 months that have passed since the Columbine massacre, despite the country's clamoring for action, despite the Senate's passage of a bipartisan safety bill, the House Republican leadership has decided that bill is not good enough, and a better approach is to divide and conquer.

So this rule, Mr. Speaker, cuts in half the bipartisan juvenile justice bill for which nearly everyone would have voted. It separates gun safety legislation from the rest of the bill in order to expose it to the full onslaught of the NRA's lobbying fusillade. It prohibits democratic ideas on school safety, and it also introduces a horrifying attack on the first amendment under the guise of stopping violence.

So instead of allowing a vote on the Senate school safety bill, the Republican leadership has decided to carve it up so that the various parts of it are easier to kill, especially the Democratic parts.

Mr. Speaker, American children deserve better. American children deserve after-school programs. American children deserve more police officers protecting them in school. American children deserve crisis prevention counselors who raise an alarm about potential dangers before any lives are lost. But because Democrats started those solutions, they will not be part of the answer. They will not be part of the answer, Mr. Speaker, because they might pass.

Mr. Speaker, I for one think 13 American children killed by guns every single solitary day is 13 American children too many. I for one think schools should be havens for learning, not places of fear. I for one think the well-being of our children should be put before partisan politics. But that is not going to happen today, Mr. Speaker. No, that will not happen, Mr. Speaker, because partisan politics won out over common sense. The only people to suffer will be the American children and their parents.

The Republican leadership had a great chance to move this country toward the days when schools were safe and children were innocent. Because no matter what the NRA says, Mr. Speaker, that is the way it should be. I am sorry they decided not to take that chance.

I will read just the first paragraph from the New York Times editorial entitled, "Republican Mischief on Gun Control."

> House Republican leaders have already forgotten Speaker DENNIS HASTERT's pledge last month to support "common-sense" gun control. Instead of moving to strengthen and expand upon the handful of gun control initiatives heading for votes on the House floor this week, G.O.P. leaders have worked out a scheme to make it easier for lawmakers who take their cue from the National Rifle Association to vote against meaningful reform.

Mr. Speaker, today's rule reminds me of a line in Genesis 27 when Isaac says: "The voice is the voice of Jacob, but the hands are the hands of Esau."

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am very happy to yield 4 minutes to the distinguished gentleman from Sanibel, Florida (Mr. GOSS), Vice Chairman on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I appreciate the gentleman from California (Chairman DREIER) for yielding me this time.

Mr. Speaker, I rise in support of this comprehensive, complex, but very fair rule. It makes in order over 50 amendments from both sides of the aisle, including one very important bipartisan amendment that I will offer later today.

The Goss amendment mirrors language in the Senate bill to create 4 new Federal judgeships in the Middle District of Florida, 3 in Arizona, and 2 in Nevada. These States have hit critical caseload level, and I encourage colleagues to support these emergency amendments.

However, today we have the opportunity to take a balanced approach to curbing juvenile crime and closing the loopholes in our gun laws. I want to commend the gentleman from Illinois (Chairman HYDE) for not taking the politically expedient route, but, instead, crafting a thoughtful, deliberative approach to vexing social problems.

□ 1100

It is an approach that recognizes that the symptoms of teenage violence, involving firearms or not, speak to a larger and more difficult issue of far greater import, the coarsening, permissiveness the self-indulgence of our culture.

Several years ago, I supported the Brady Act in hopes of keeping guns out of the hands of violent convicted felons. There is evidence the implementation of an instant background check has been successful, but it did inadvertently leave a loophole that has been exploited.

It is time to close that loophole by requiring instant background checks at gun shows. The majority of the folks who attend gun shows are law abiding citizens who do not need to be overburdened with regulation. However, we cannot allow gun shows to become a magnet for criminals who know that they can easily obtain weapons.

More importantly, though, we must ensure that the gun laws on the books right now are being enforced. It is simply not fair to ask millions of legitimate American gun owners to submit to further restrictions without vigorously enforcing existing law. Too often, gun laws are ignored, like the incident in Littleton, Colorado, a tragic incident, where more than 22 Federal and State laws were broken. We must get serious about punishing criminals and realize that stump speeches and partisan vitriol are very poor substitutes for responsible law enforcement.

Society must demand strict and swift justice when our laws are broken. But society has become too complacent. It is tragic that it takes an unspeakable crime, like the one at Columbine before the public feels a sense of outrage. This is not just about law enforcement or public officials, this is about each one of us, like Pogo, taking responsibility every day for making sure that the laws we have on the books are, in fact, upheld.

Then we can look for ways to make our laws more effective. It makes sense to implement tough sanctions for juvenile offenders. This legislation will provide States with greater resources to come down hard, fair but hard, on youth that break the law, especially repeat offenders. Our kids need to know and see that bad choices and bad actions have bad consequences. But, of course, this problem is more complex than that. Just look at Littleton again. There it was clear that the two young people involved, tragically, were prepared to accept the consequences of their actions: Violent death. Society has become so bent that some kids just will not respond to the threat of punishment.

The folks in my district know that the problem of teen violence will never ultimately be solved in Washington, D.C. What we can do is provide our communities with the resources to do their job better and empower the people that can best respond to this problem. We have to take a hard look at ourselves, our leadership, our celebrity role models, and our way of life to determine why it is that some of our young people choose the wrong course with such tragic results.

This is a big challenge. I believe this rule provides for that debate. I encourage a "yes" vote on the rule.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

MAKING IN ORDER CONYERS AMENDMENT TO H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Mr. Speaker, I ask unanimous consent that, notwithstanding any other provisions of the pending resolution, the Conyers amendment that I have placed at the desk shall be deemed to have been included as the last amendment printed in part B of House Report 106-186, may be offered only by Representative CONYERS of Michigan or his designee, and shall be debatable for 30 minutes.

Mr. MOAKLEY. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. KOLBE). The Clerk will designate the amendment.

The text of the amendment is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2122

OFFERED BY MR. CONYERS OF MICHIGAN

Strike all after the enacting clause and insert the following:

TITLE I—GENERAL FIREARM PROVISIONS

SECTION. 101. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) Definitions.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) Gun show.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which—

"(i) not less than 20 percent of the exhibitors are firearm exhibitors;

"(ii) there are not less than 10 firearm exhibitors; or

"(iii) 50 or more firearms are offered for sale, transfer, or exchange.

"(36) Gun show promoter.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) Gun show vendor.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(c) Regulation of Firearms Transfers at Gun Shows.—

(1) In general.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Regulation of firearms transfers at gun shows

"(a) Registration of Gun Show Promoters.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) Responsibilities of Gun Show Promoters.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(2) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

"(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) Responsibilities of Transferors Other Than Licensees.—

"(1) In general.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) Criminal background checks.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(3) Absence of recordkeeping requirements.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

"(d) Responsibilities of Transferees Other Than Licensees.—

"(1) In general.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) Criminal background checks.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) Responsibilities of Licensees.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) Records of Licensee Transfers.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) Firearm Transaction Defined.—In this section, the term 'firearm transaction'—

"(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

"(2) does not include the mere exhibition of a firearm.".

(2) Penalties.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows.";

and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

TITLE II—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 201. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph)."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter.".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 202. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

"(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

"(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

"(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.".

(b) Unlawful Weapons Transfers to Juveniles.—Section 922(x) of title 18, United States Code, is amended to read as follows:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

"(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm;

"(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.".

(c) Effective Date.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

TITLE III—ASSAULT WEAPONS

SEC. 301. SHORT TITLE.

This title may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

TITLE IV—CHILD HANDGUN SAFETY

SEC. 401. SHORT TITLE.

This title may be cited as the "Safe Handgun Storage and Child Handgun Safety Act of 1999".

SEC. 402. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Safe Handgun Storage and Child Handgun Safety Act of 1999.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 403. FIREARMS SAFETY.

(a) Unlawful Acts.—

(1) Mandatory transfer of secure gun storage or safety device.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) Secure Gun Storage or Safety Device.—

"(1) In general.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person who is not licensed under section 923, unless the licensee provides the transferee with a secure gun storage or safety device for the handgun.

"(2) Exceptions.—Paragraph (1) shall not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the unlawful misuse of the handgun by a third party, if—

"(i) the handgun was accessed by another person without authorization of the person so described; and

"(ii) when the handgun was so accessed, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", or (p)" before "this section"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this chapter shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this chapter shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 404. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) reserves the right to object and is recognized under his reservation.

Mr. MOAKLEY. Mr. Speaker, I would like to inquire of my chairman, my friend the gentleman from California (Mr. DREIER), if this is the same amendment that I proposed last night that was voted down 8 to 4.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, in response to the inquiry of my colleague, let me say this is the exact same amendment, and I want to congratulate my friend for his vision and his encouragement. I think it is important that we do what we can to accommodate some of those concerns.

Mr. MOAKLEY. Reclaiming my time, Mr. Speaker, evidently my chairman was visited by some great thoughts while he was sleeping last night. Does he have any other amendments that were voted against that I proposed.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, at this juncture we plan to move ahead with what is a very fair, balanced and focused rule, and we will be, as I said, making in order the Conyers amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I think we should congratulate the chairman of the Committee on Rules for his progress in counting. Clearly, what happened was they voted my colleague down last night by a party majority. They then counted and found they did not have enough votes for the rule. And having lost a couple of rules already, they did not want to complete that.

So I congratulate the gentleman from California who managed to count enough votes for the rule before this time, reverse himself and then take the amendment only because they have to, and that is why we have this.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply like to correct my friend, the gentleman from Massachusetts (Mr. FRANK) and say that we have not lost a single rule in the 106th Congress.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I hope the standard of completion is better. It is true there was never a vote to reject the rule. That is because prudence being the rule on the rules, they have withdrawn rules before they were voted on.

Now, we remember what happened on the Armed Services rule. It came forward, there was some discussion, and it disappeared. So the gentleman is correct, it was not actually defeated. The gentleman ran away before it was defeated.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, if we are adding amendments to the rule, as a member of the Committee on Rules in, I assume, good standing, I would very much like to inquire whether my amendment can be made in order.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has the time under his reservation of objection.

Ms. SLAUGHTER. Mr. Speaker, I need to inquire of the gentleman from the Committee on Rules.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I am happy to respond and say that we believe that we are going to have a very clear and focused debate on a wide range of issues, and inclusion of this Conyers amendment will allow us to do that further, and that is the reason I propounded the unanimous consent request, in the hope that my friends would not object to our offering the Conyers amendment.

Ms. SLAUGHTER. Mr. Speaker, if the gentleman will continue to yield, if I may say, we are getting accustomed to rewriting the rules on the floor, and I just thought if there was an opportunity to add another amendment, I would very much like it to be mine because it does address the problem of violence.

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for her message.

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, I am very glad my chairman has had a restful night and had a chance to really assess this. It is probably his best hours of thinking. And after spending two evenings, two late nights going over the rules, I am glad we have this addendum.

And, actually, if the gentleman wants to go home and take another nap, he may come back with something else that might be pleasant, too.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The amendment to the resolution is adopted.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this rule.

With this rule, the Republican majority has demonstrated it is more interested in keeping order in the Republican Conference than in keeping American schools safe for our children. Incredibly, this rule sets up a process that ignores prevention in the schools themselves. This rule sets up a process that does little or nothing to help make schools safer or head off trouble before it starts. This is Alice in Wonderland at its worst.

With my colleagues, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Michigan (Mr. BONIOR), I submitted four substantive amendments to the Committee on Rules. These amendments deal squarely and directly with what we in the Congress can do to prevent school violence. But, Mr. Speaker, they were rejected by the Republican majority on the Committee on Rules, although parts of them were lumped into a larger Democratic substitute that the Republicans intend to defeat.

For example, the Republican majority has rejected an amendment which would provide grants to local school districts to help put 50,000 new counselors in our schools to help students who are troubled or who have been threatened by violence. These grants would also help pay for training for these counselors in conflict resolution and could also be used to enhance school safety programs.

Mr. Speaker, school administrators in my district have told me providing more counselors is the single most important thing we can do for school safety. Yet the Republican majority refused to make this common sense amendment in order.

Mr. Speaker, the Republican majority also refused to make in order an amendment which would have provided up to 10,000 new uniformed school safety officers as well as 10,000 additional police officers to be hired by local communities through the COPS program. In my district, uniformed public safety officers have proven to be an effective way of heading off trouble before it starts. Yet the Republican majority refused to allow the House the opportunity to debate that proposal.

My colleagues and I also proposed an amendment which would fund local after-school programs which would provide a safe haven for children in the hours when most juvenile crime takes place, between 3 and 6 p.m. The committee refused to make this amendment in order, an amendment which might prevent crime and which might keep kids out of trouble.

There is a huge demand for these kind of programs, programs which are cost effective and which can keep juveniles out of a jail cell and in a classroom. But the Republican majority refused to allow this amendment to be heard.

Finally, we offered an amendment that would direct the Department of Education and the Department of Justice to develop a model violence pro-prevention program for the use of school districts around the country and to create an information clearinghouse within the Education Department.

Mr. Speaker, our amendments are just plain common sense. We have a national crisis in our schools, and when they reopen in the fall, all of us would feel better knowing that we have done something to make those schools centers of learning, not havens of fear. The programs that would be created by these four amendments would go a long way toward making that a reality.

There are many things wrong with this rule, Mr. Speaker, not the least of which is the failure to include these amendments.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS), an able member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I offered an amendment for the consideration of the Committee on Rules which was rejected. It would have made abundantly clear the important relationship between the Federal law enforcement agencies, in the person of the U.S. Attorney, and the local law enforcement, in the person of the district attorney, police chief, and other officers of the local law enforcement community.

It is not clear yet whether the current language of the bill that will be considered by the House makes that relationship one that is as strong as we would like to see it become. But it may be that in future hearings that will be conducted in our committee, the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, that that voice of the U.S. Attorney, consistent with the voice of the district attorney and local law enforcement, will be even stronger than it now is and must be.

What we are concerned about is that if there is an interpretation placed on the current language that mandates the U.S. attorneys to handle all gun charges, without regard to whether or not law enforcement has a stake in the pursuit or investigation and prosecution of a gun-wielding criminal, it might damage that relationship. But, worse, it might damage a case that has been put together by a local law enforcement agency that the Federal involvement would only seek to, by its involvement, destroy.

So these relationships are so important that we intend to have further hearings on these questions, and suffice it to say that when this bill passes, if it should, we will reexamine it to see how the U.S. Attorney's Office may be adversely impacted, if at all; and, if so, we will then hone in on remedies that can be applied to this law.

The SPEAKER pro tempore. The Chair would like to clarify its statement of a few moments ago about the amendment to the resolution, and would clarify that the order by unanimous consent that was entered into at that time was just that and not stated as itself an amendment to the resolution. It was a unanimous consent agreement.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the recent school tragedies in Colorado and Georgia were a cry for help, and my friends on the other side have answered with an NRA wish list and a near-to-far-Right agenda.

The bill is full of solutions in search of a problem, while the real challenges go unmet. I offered an amendment to reach out to those children who are living in the shadows, to give them a chance to learn that someone does care about them, by using the school facilities that we have all paid for in our communities that sit idle during after-school hours. We even had a way to pay for it from the juvenile justice budget, but I was not allowed to offer that amendment.

Instead, this rule says, put the Ten Commandments on the wall and hush.

□ 1115

The people of America want to control gun violence, and the leadership on the other side offers us two amendments to put more guns on the streets of the national capital of Washington, D.C. Talk about offering a drowning man a glass of water.

We ask for more police in the schools. No, says today's amendment, just pray more in school. Well, I believe that God helps those that help themselves, Mr. Speaker, and we are obligated to do what only we in Congress can do.

Mr. Speaker, our children are praying. They are praying for relief from the terror of violence bursting through their school doors. Please defeat this rule and this bill and let them know and their families know that we support their prayers.

Mr. DREIER. Mr. Speaker, I am happy to yield 4 minutes to my good friend, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, today I rise in support of the rule. I believe 2 days of debate on this very important issue is about as fair as we can get. I know a lot of people are not satisfied with the rule. But I think under the circumstances it is fair, and I will support the rule.

However, I am not optimistic that much good will come out of the next 2 days of debate. I think there is a lot of mischief going on here. I see that one-half of this Congress is quite capable and anxious to defend the First Amendment, and I think that is good. I see the other half of the Congress is quite anxious and capable of defending the second amendment, and I think that is good. But it seems strange because I see these two groups coming together in a coalition to pass a bill that will undermine the first amendment and undermine the second amendment.

That does not make a whole lot of sense to me because I think that we are obligated here in the Congress to defend both the first and the second amendment and were not here for the purpose of undermining both amendments.

We should be reminded, though, that traditionally, up until the middle part of this century, crime control was always considered a local issue. That is the way the Constitution designed it. That is the way it should be. But every day we write more laws here in the Congress building a national police force. We now have more than 80,000 bureaucrats in this country carrying guns. We are an armed society, but it is the Federal Government that is armed.

So I think we should think seriously before we pass more laws whether they undermine the first amendment or whether we pass more laws undermining the second amendment. We do not need more Federal laws.

Recently there was a bipartisan study put out and chaired by Ed Meese, and he is not considered a radical libertarian. He was quoted in an editorial in the Washington Post as to what we here in the Congress are doing with nationalizing our police force. The editorial states: "The basic contention of the report, which was produced by a bipartisan group headed by former Attorney General Edward Meese, is that Congress' tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a national government."

Along with this, we have also heard Supreme Court Justice Rehnquist say the same thing. "The trend to federalize crimes that traditionally have been handled in State courts threatens to change entirely the nature of our Federal system."

We are unfortunately bound and determined to continue this trend. It looks like we are going to do so today. We are going to place a lot more rules and regulations restricting both the first and second amendment.

We are bound and determined to write more rules and regulations dealing with the first and the second amendment, and I do not see this as a good trend. It is said today that those who want to undermine the first amendment, that it is already established that pornography is not protected under the first amendment. And today the goal is to make sure that the depiction of violence is not protected under the first amendment. But do my colleagues know that the major cause of violence in the world throughout history have been abuse of religion and the abuse of philosophy?

So, therefore, the next step will be, if we can limit the depiction of pornography and then violence, be the limitation of the depiction of a philosophy that deals with religion or political systems such as Communism or other fascism.

I say, today we should move carefully and not undermine either the first or the second amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Worcester, Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I rise in strong opposition to this rule.

Congratulations are in order to the National Rifle Association. They are attempting to destroy vital and sensible gun safety legislation with the help of a disorganized Republican leadership.

This is not a game, Mr. Speaker. We are talking about protecting the lives of our kids. This should not be an opportunity for Congress to bring up legislation that appeases the gun lobby but does very little to seriously address the problem of gun violence in this country. We need meaningful legislation. The rhetoric is not going to cut it. Walking away, this is not going to cut it. We owe it to our communities and to our country to do the right thing.

There is a lot about this rule that is offensive, from keeping out good amendments to allowing amendments designed to obliterate the first amendment. But regardless of where my colleagues stand on these issues or on the issue of gun control, the least we should be able to expect from the Republican leadership is fairness.

This rule is many things, but it is certainly not fair. We should reject this rule, go back to the drawing board, and start over, keeping our children's best interests in mind, not the gun lobby's best interests.

Mr. DREIER. Mr. Speaker, I am very happy to yield 5 minutes to the gentleman from Yorkville, Illinois (Mr. HASTERT) the very distinguished and hard-working Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me the time.

Mr. Speaker, I rise in support of this rule; and I urge my colleagues on both sides of the aisle to support it.

When this rule came before the committee, there were well over 100, almost 150, amendments that were requested. There were 55 amendments, I believe, made in order from all points of belief and perspective. This rule gives the House the most open debate possible regarding the issues surrounding violence in our schools and violence with our children.

As a former public school teacher, I worked almost my whole career to make sure that there is good education both as a practitioner, then in the State legislature, and here in the Congress. What makes too many of our students do these things to their classmates, their teachers, and their friends? How can we stop it? Those are the questions.

Our colleague, the gentleman from Oklahoma (Mr. WATTS) put it well when he said, we should explore not only these things and how they happen but also why these things happen.

Earlier this year, legislation authored by my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), would start the process of answering the questions of why. This legislation assembles experts from around the country who will investigate the common reasons why so many children act so violently.

In this debate we attempt to provide some answers to both of these questions. But let us not kid ourselves. Congress cannot quickly and easily provide complete answers that will solve the complex problems of juvenile violence. So we can only try to highlight some of those issues that we as a society should work to solve. We will debate options regarding guns in our society.

I believe that there are commonsense steps that we can take to keep guns out of the hands of unsupervised children. This rule sets up a fair process that lets the House speak on gun legislation. We should look at the disparity between gun shops and gun shows. It makes no sense to put restrictions on the gun shops if a juvenile or a criminal can easily purchase a gun at a gun show.

The gun debate helps us to partially answer the "how" question. The juvenile justice debate will help us answer the "why" question. Why have our children lost sense of the value for human life? Why do they not know the difference between right and wrong? What in our culture promotes this kind of reprehensible conduct from our very children?

This debate will help to address these questions. We will have a debate about our justice system and how it deals with young people. We will have a debate on prayer in the schools and how that might help children understand the difference between right and wrong. We will have a debate on obscenity in our culture. And if sexual obscenity is left unprotected by the Constitution, why should violent obscenity be protected when studies already show the damage it does to our young people?

This will be a long debate, but it will be a good debate that reflects the many opinions of this great Nation.

Many have asked why this rule allows for two different debates on two different bills. The answer is simple. This strategy allows the House to work its will on two separate issues joined by one common tragedy. The House will work its will on the issue of gun restrictions. We cannot and should not hide from this issue that occupies the attention of the American people. And the House will work its will on the wider issues surrounding our culture and our society and its impact on our children.

I urge my colleagues to support this rule and to join with me in starting the process of finding solutions to the problems surrounding the violence of youth in our schools.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, if one is a child in the United States, they are 12 times more likely to die from gun violence than a child in any other industrialized country in the world. Each day in America, Mr. Speaker, 14 children die because of gun violence. And every year in America, 38,000 Americans lose their lives because of gun violence.

The Committee on Rules has allowed 14 of 70 amendments offered by Democrats relating to gun control to see the light of day on the House floor. And the Committee on Rules has only allowed 4 hours to debate these very important issues.

Among those amendments on the cutting room floor is a bill that would increase the age of possession for handguns from 18 to 21. In the United States 18-, 19- and 20-year-olds are the most likely to commit murders with guns. Eighteen-year-olds rank first. Nineteen-year-olds rank second. Twenty-year-olds rank third among those who commit homicides with firearms in our society. Yet the Committee on Rules will not allow that amendment to see the light of day on this House floor for a full debate.

Mr. Speaker, we need a better rule. We need an open debate. And we should have a full and free debate on all the issues of amendments relating to this important issue.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. LINDER) the very distinguished chairman of Subcommittee on Rules and Organization of the House.

Mr. LINDER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I represent Conyers, Georgia, where the last school shooting occurred. And over the next several hours, every major TV network invited me to be on their morning talk shows to discuss the problem, and I politely declined in each instance. Because I think it is unseemly for political leaders to get on TV that surround personal tragedies to further a personal political agenda.

The agenda here is the action the President said is to register all guns. We will have to pass more gun laws, we are told, so kids cannot shoot each other in school yards. And yet we have 20,000 gun laws on the books in this country.

In Littleton, they broke 17 gun laws, Federal gun laws, and 7 State gun laws. And one more is supposed to help? Why do we not enforce the gun laws we have? Over the last many months, 6,000 young people were caught illegally bringing guns into schools and 9 have been prosecuted. What good does it do to have more laws on the books if we refuse to prosecute the ones that we have?

Let me tell my colleagues something that is not being addressed here. I read on two occasions in the last 2 weeks that of the last 8 kids shooting up school yards, 7 were on drugs, either Ritalin or Prozac or mind-altering drugs, legally on drugs, prescribed drugs. This is a very high percentage, 7 out of 8. There might be some connection here.

But nobody wants to talk about that. They want to talk about guns.

Well, in Conyers, I stayed off the television and stayed out of people's lives. Because the local officials, the sheriff, the school board chairman, the school superintendent, did just fine. They quelled the anger and the fear, and they did not do it with school psychologists and they did not do it with more school cops. They did it in the churches. They took the kids to the churches and they talked about values and trust and the value of life, all life.

I am happy to report that Conyers is doing just fine without my help. We need to focus on other things than guns, and we need to enforce the gun laws that are on the books, and we need not to continue to take advantage of personal tragedy to further political agendas.

□ 1130

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I come here this morning disappointed, deeply disappointed. The tragedy at Littleton followed a year of school shootings, and it hammered home a terrible truth, and that truth is that all across our Nation our schools are suffering through an epidemic of violence and alienation. The threats continue. They continue in Conyers, Georgia; they continued in my own home of Port Huron, Michigan; and to address this crisis, we needed to come together as a community of people who were elected to represent our constituents and face a crisis in a cooperative manner. The country is looking for real leadership here, but the majority in this House is failing to provide that leadership.

Mr. Speaker, the proposals that are brought to the floor under this rule today are confusing, they are divisive, and they do not address the real issues. There was a bipartisan agreement out of the committee on a good bill that was put together by both sides. That has been thrown out the window. Instead of embracing that and building on that, we now are in combat at three or four different levels.

This rule loads down this bill with controversial amendments and divisive amendments that are sponsored and advocated by special interest groups, and it disallows measures that enjoy broad public support. My colleagues, the gentlewoman from New York (Ms. SLAUGHTER), myself, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Texas (Mr. FROST), we have offered in the committee an opportunity to deal with this question of school violence. I used to be a probation officer. I worked with juvenile delinquents. I know when the problems occur. They occur when no one is at home, between 3 and 7.

So we put together a proposal that would have allowed a number of things, that we would have after-school programs so there would be a safe haven for children, they would not be out on the streets, so they could mesh with seniors and other adults and be mentored in the school. Schools should be opened. They should be a citadel of protection where values are cherished and learned like the home, like the church, through synagogue, the mosque. The school is a place where kids spend most of their time. It ought to be a place where they can get these values inculcated into them and have adult leadership and have people there who care and love them and will show them the way.

We asked that that be in order; it was not made in order. We asked for school resource officers to be in school to stop the violence. It was not made in order. We asked for a number of things that deal with this question. Guidance counselors. We do not have guidance counselors any more in America. That was not made in order. We have put these things in our substitute, but let me tell my colleagues. These issues deserve to be debated on their own, and they deserve an opportunity to be heard in this country.

So I say to my colleagues vote against this rule, vote against this rule, send it back to the Committee on Rules so we can have a more open, a more cooperative debate on this fundamental issue.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I think we ought to start off with a discussion of how this process started. It started with two bipartisan bills, one in the Committee on Education, one on the Committee on the Judiciary that were based on deliberation and research, both were reported from subcommittee without opposition. That process has now degenerated into a political charade with dozens of amendments, many of which have severe constitutional implications and none of which have gone through the committee process.

If we are serious about crime, we should reject that rule and send all of these amendments back to the Committee on the Judiciary where they may receive appropriate consideration. Otherwise we are going to spend the next two days slinging sound bites at each other without any serious attempt in reducing juvenile crime.

Mr. Speaker, that is a sorry response to the events in Littleton, Colorado and Conyers, Georgia. I would hope that we would reject the rule and go back to a deliberative process where we can do something about juvenile crime.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, there is something terribly wrong going on in this House today. We will spend more time today discussing why a child should not even see a handgun on TV rather than debating how we prevent a handgun from getting into his hands in the first place.

The other body did its part, and it did it quickly. It passed reasonable legislation to protect our children including background checks at gun shows and safety locks on handguns to protect our children. It turned to this body to finish the work. The country turned to this body to finish the work. And then suddenly something went wrong. Republican leadership said we could not use an expedited process, we had to go through the normal committee process, and then they abrogate the committee process by this rule and do not even listen to what has happened within our body. They do not even allow an up or down vote on what the other body passed. That is wrong. We should be able to vote on what the Senate passed.

This is a wrong way, Mr. Speaker. The process insults the Columbine victims, it insults the American public, and insults the Members of this body who will have to explain to their constituents why this body chose politics over debate on a reasonable gun safety and juvenile justice measure.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. LATHAM), who is an author of one of the 55 amendments that have been made in order as we proceed with what will be clearly a very fair and open debate.

Mr. LATHAM. Mr. Speaker, I thank very much the Speaker and the chairman, number one, for allowing my amendment to be made in order today, but also I think it very important to understand that today we are going to focus on what is the real issue, and that is what is happening in our society as far as our families, the control that we have at the local level in our schools, and we have got to have legislation that allows families, empowers them, empowers the local school district, the teachers, gives them the resources to solve this very, very difficult situation that we are in.

I just had the opportunity to visit with 48 students from Carroll, Iowa, seventh and eighth graders or middle school, and to see those young people, the kind of quality people that we have that want to do well in the future, who want to have a bright, safe, secure future. That is what this legislation is all about, and I am just very, very pleased that we are moving ahead today with legislation that is going to be very positive for these young folks from Carroll, Iowa, and all young folks in our schools.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me and rise in opposition to the bill.

Mr. Speaker, today the House will take action on legislation which is supposed to reduce violence in our country. Instead the Republican majority has chosen to do violence to the gun issue by its tactics of delay and process manipulation. Today we are here to make legislation. Instead the Republican majority is here to make mischief on this issue.

The American people expect and our children deserve a timely and open debate. Instead we have a delayed debate camouflaged by a convoluted legislative mischief. It is amazing to see how far the Republican majority will go to do the bidding of the NRA.

Just so we know what is happening, here today the House bypassed its traditional order, and debate takes place without the benefit of authorizing committee action. Last month the Republican leadership promised committee action, and today's floor action breaks that promise. The House leadership denied the Committee on the Judiciary members the opportunity to debate these issues and instead has allowed the National Rifle Association the time to mobilize and deflect America's pro gun control sentiment with a multi million-dollar lobbying campaign and recently drafted legislative maneuvers.

If we were serious about this, we would have allowed the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to come up. I urge my colleagues to vote no.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, James Madison and Thomas Jefferson debated the issues of church State separation and religious liberty for 10 years in the Virginia legislature. Our Founding Fathers dedicated the first 16 words of the Bill of Rights to the principle of religious freedom. But the Republican leadership in this House through this rule will limit amendment, debate on issues that go directly to the core principle of religious freedom to 10 minutes a side. Ten years for Madison and Jefferson, 10 minutes per side in this House today.

That is an insult to this House, it is an insult to the Bill of Rights, and it shows disrespect to the principle, the important principle of religious liberty. If the school prayer, Ten Commandments and religious funding amendments in this bill are serious, I would ask my Republican colleagues to say why they limited the debate to 10 minutes a side. If they are not serious, why do they show disrespect to the principles of the first amendment to the Constitution by letting them be debated on such a superficial basis on the floor of this House. The Republican leadership that is not listening now owes this House an answer why they are denying us the right to debate these important issues.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I want to say to the American people that I am deeply saddened. Going to the Committee on Rules as a member of the Committee on the Judiciary and Subcommittee on Crime, led to believe that there would be a fair assessment of our amendments, acknowledged as a person who is deliberative in thinking along with my colleagues, I guess I was just sent down a primrose path, and I am disappointed in the Committee on Rules and its leadership because I believe truly that this was a serious opportunity for all of us to engage in a real discussion for America's children.

I had an amendment to address the question of unaccompanied minors into gun shows, traveling circuses around this country; 10-year-olds, 12-year-olds, and 6-year-olds can go into these shows, and yet we were not allowed a debate.

I answered the question about assisting children with their troubles, with a mental health amendment that would provide school counselors and nurses and guidance counselors to address the needs of our children, and yet we were rejected. I am sorry today, Mr. Speaker, that this will be a circus, frivolous, wrong, misdirected and controlled by the National Rifle Association. I wish I could have been here applauding the Committee on Rules and its leadership. I guess I will get no amendments for the rest of the 2 years I am here, but I am standing for principle. I do not care. They did not do what they were supposed to do.

Mr. Speaker, I rise in opposition to this rule, which frames the debate on the issue of juvenile justice and gun control. I rise in opposition to this rule because it represents the near completion of a process which held great promise in the beginning, but that has been mired in partisan politics ever since.

Just over a month ago, H.R. 1501, the Consequences for Juvenile Offenders Act of 1999 was introduced with the support of both the Chairmen and the Ranking Members of the Committee on the Judiciary and the Subcommittee on Crime. It was a bill that was a bipartisan effort to address some of our nation's most serious juvenile delinquency problems—a bill that was cosponsored by all the Members of the Subcommittee, Republicans and Democrats alike.

The bill passed through the Subcommittee on Crime unanimously and unscathed. It has provisions that aim to improve enforcement, but at the same time prevent juveniles from entering the juvenile justice system. Part of that prevention effort includes mental health services for children, something that I have been a strong proponent of in my capacity as the Chair and Founder of the Congressional Children's Caucus.

Just a short time after the passage of H.R. 1501 in the Subcommittee, the bill was scheduled to be marked up by the Full Committee. In the meantime, however, we heard of the tragic events in Littleton, Colorado—and the American public demanded that this Congress do something about children's access to guns.

But the markup for H.R. 1501 was continually delayed in the face of progressive and constructive gun amendments by the Democratic Members of the Judiciary Committee. Finally, the week before the Memorial Day Recess, the Chairman of the Committee issued a letter which stated that we would have to undergo a substantive and thorough process in Committee so that we can fully work through the issues presented by juvenile justice reform—including a debate on guns.

During the following week's district work period, the Republican plan changed. Instead of "give and take" with the Democrats in the Committee, we had "hide the ball." It was not until the following week that we understood that the intent of the Majority, in spite of the Hyde letter, was to bring this bill free-form to the floor of the House this week! Even then, we had no idea what bill we were amending because it was unclear whether H.R. 1501 would be the actual vehicle that would be used to debate the issues of juvenile justice and gun control.

With that understanding, or shall I say misunderstanding, we entered our debate in Rules. At least partially the result of not having undergone the markup process, over 170 amendments were filed in the Rules Committee—four of them by me. We strongly encouraged the Rules Committee to allow a full and robust debate on each of the issues of juvenile justice and gun control, including the use of trigger locks, closing the loopholes for gun shows, and banning the importation of high-capacity gun magazines.

It seems that only some of those issues are to be willingly and fully discussed today. And when they are discussed, they will be only done so with a partisan tenor. Of the 44 amendments to be debated on the floor, only 11 of them are Democratic. This flies in the face of the fact that we Democrats are only six seats short of having a majority in this House. And the American public knows this—they can do the math: we have approximately 48% of the seats, yet we only have 25% of the amendments.

I submitted an amendment, along with Congresswomen JULIA CARSON and JUANITA MILLENDER-MCDONALD that would have directed the Secretary of the Treasury to develop regulations governing the manufacture of child safety locks for firearms. It also would have promoted the safe storage and use of handguns by consumers by providing for a gun safety education program to be conducted by local law enforcement agencies.

The statistics on injuries and fatalities for children by firearms are startling. In the 10 years from 1987 to 1996, nearly 2,200 children in the United States ages 14 and under died from unintentional shootings. The U.S. leads the world in the rates of children killed by firearms.

Our amendment would have required minimum safety standards to govern the design, manufacture and performance for trigger locks. These standards would be used to ensure that no firearms that are unsafe would be sold in the United States.

The amendment also would have authorized the Attorney General to provide grants to local law enforcement agencies to sponsor gun safety classes for parents and their children. This provision encourages parents and their children to develop a responsible attitude toward firearms. I firmly believe that if parents choose to own firearms, then every member of the household should be taught gun safety.

I also offered a more modest amendment jointly with my colleague Congresswoman ROSA DELAURO, also on the issue of safety locks. The amendment is similar to the amendment that was offered by Senator KOHL to S. 254, and which passed with over 70 votes.

The amendment would have promoted the safe storage and use of handguns by consumers by requiring that each gun transferred or sold in this country by a licensed dealer should include secure gun storage or safety device. This requirement is minimal to promote gun safety. It protects the gun owner from any accidental or unintentional shootings that might occur without safety devices or storage included.

I also offered an amendment which would have increased our ability to control the sale of illicit firearms. The amendment would have increased the number of Alcohol, Tobacco and Firearm (ATF) agents by 1000 over the next five years. These are the agents whose primary focus is to keep illegal firearms off our streets.

We hear from all sides of this gun control issue that we have gun laws that are not adequately enforced, and by increasing the number of ATF agents this amendment would have provided a solution.

Currently there are about 1,800 ATF agents that work to enforce the current gun laws. This is wholly inadequate to deal with the illegal gun sales and transfers. For example, here are a few cases:

In Milwaukee, Wisconsin, a retired security officer for the U.S. Army purchased a handgun and a semiautomatic pistol which had been recovered from a gang member. ATF traced the weapon through its illegal tracking information system.

In El Paso, Texas, an individual bought and sold numerous firearms at gun shows throughout Texas, Arizona, Nevada and New Mexico. He was a straw purchaser for over 800 guns and had supplied over 1200 firearms to a narcotics trafficking organization in Mexico.

In Rhode Island, a gun dealer directed a purchaser to falsify the required paperwork and on another occasion, the dealer sold two long guns without requiring the purchaser to complete any paperwork at all.

If we are serious about enforcing the gun laws to prevent illegal transfers of guns, then we need to properly equip the ATF with the manpower to carry out these responsibilities.

I also offered a constructive amendment would require that no child under 18 would be admitted to a gun show without being accompanied by a parent or legal guardian. Just as we prevent our children from attending R-rated movies without being accompanied by an adult, this amendment would have kept unsupervised children away from gun shows where they have unlimited access to guns.

For the past few weeks, we have discussed the impact that the depiction of violence in the media has had on desensitizing children to violence. I believe there are several amendments being offered today that address this issue. But are conceding that being at a gun show does not have a similar affect?

It is obvious that if our children are unsupervised at gun shows there may be an implicit message that it is okay for children to possess or play with guns. We do not want our children to view guns in a flippant way, but to understand that it is a serious weapon. Supervision by a parent is crucial to ensure that children understand that concept.

I see that amendment as extending some of the same protections we already have in place for restricting children from places like night clubs and bars. It does not take away the right of a parent to take a child to one of these shows, but it does protect the child who may wander alone into such an event out of curiosity. It is a simple and unassuming amendment that I believed, would receive bipartisan support—yet we will not have the time to debate this amendment on the floor.

Finally, I also sought to amend this bill to include comprehensive mental health for our children in schools. It would assist to bring staff, like school counselors, social workers and psychologists, that can help detect children who will have problems before they get into trouble. The amendment would have made grants available for schools with an enrollment of more than 400 students, so that they can each afford to bring in this necessary staff. At the same time, the measure would require that those counselors hired would have the credentials required for them to be able to do their task successfully. It is the quintessential preventive approach to the problem of youth crime and youth violence. One that we should have the opportunity to debate today.

I urged the Committee on the Rules to give this House the opportunity to pass a juvenile justice bill, with my amendments, which will balance punishment and prevention of youth crime and that will also address one symptom of the problem, guns in the hands of children. We will not have that opportunity today. By accepting this rule, we will continue the tradition of short-circuiting this debate, and short-changing the American people. I urge all of my colleagues to vote against the rule, and give our families a chance to better protect our children from harm.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, this is a place in America where debate is supposed to be the freest and the most open. This is the place where the first amendment protects all speech made on the floor of the Congress, and yet we find each and every time that we come next to it, to an important issue that confronts our country, in this case, the safety and the future of our children, the role of violence in our society and the future, the future of this country, and the increased violence in our society, we see the Republicans once again want to close down debate, want to limit free and open debate, want to limit the amendments, not make in order amendments that they are afraid might pass.

That should not be the hallmark of the Congress of the United States, but unfortunately the Republicans have decided that they will let the NRA, the National Rifle Association, design this debate, design the amendments, say what amendments will be in order and what amendments will not be in order. They have chosen to side with the NRA against free and open debate.

As my colleagues know, this is the House of Congress which this year has mastered working 2 and 3 days a week, 1 and 2 hours a day, but now we are told that all of this has to happen in a very brief period of time without free and open debate. It is a travesty again the first amendment, and it is a travesty against the Members of this House.

□ 1145

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds simply to respond to my very good friend from Martinez, California. There were 178 amendments submitted to the Committee on Rules for consideration of this bill. We have made in order 55 amendments. We have considered basically every conceivable option that was out there, and we have broken this bill up. Why? So that we can have a full and fair debate.

So we have not closed this rule down. This is a structured rule. It is put into place so that virtually every Member who had an idea will have a chance to have that heard, and I believe that it is a rule that is very worthy of our support.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I have been in this House for 7 years now, and this is the most outrageous process I have seen in the 7 years I have been here.

Just before the Memorial Day break, the gentleman from Virginia (Mr. SCOTT) and I, in the Judiciary Committee, sided with the Republicans to go through a deliberative process for this bill. Two weeks later, the same people who sat in the committee and argued that the bill should go through the deliberative judiciary process pulled the rug from under us, took it to the Committee on Rules, and are bringing the bill directly to the floor.

My colleagues heard the gentleman: 178 amendments offered in the Committee on Rules, amendments that should have been debated in the deliberative process in the Committee on the Judiciary. And of the 178 amendments offered in the committee, 14 Democratic amendments made in order to be debated on the floor of the House. How can we have a deliberative process about such an important issue without deliberation?

We should reject this rule and reject these bills.

Mr. MOAKLEY. Mr. Speaker, at this time, because my speakers are being used up much more than my Chairman's, I would like to inquire as to the time remaining.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from California (Mr. DREIER), the Chairman of the Committee on Rules, has 3¼ minutes remaining; the gentleman from Massachusetts (Mr. MOAKLEY) has 8½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the chairman of the Committee on Rules for yielding me this time and for doing such a great job on providing this rule that gives us the opportunity of a full and open debate.

One of my colleagues just raised the issue that the Committee on Rules did not provide the Democratic minority with enough amendments. It has come to my attention that, in fact, a Democratic Member of the Committee on Rules tried to deny one of those Democratic amendments. Two of them, rather; I stand corrected.

So I think we have done a good job giving everybody the opportunity to present their amendments. We have to move this debate along. I think we are giving the opportunity for a thoughtful, thorough debate on issues that go far deeper than just guns; that go right to the heart of our society, of our culture, of the direction that this country is headed in, and it is a far more complex issue than just violence. Violence in the schools is the tip of the iceberg. But we are trying to deal with this in an honest and fair way and I think this rule provides us with the parameters to do that.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this restricted rule.

In the weeks after the terrible tragedy at Columbine High School, the American people cried out for leadership from this House. They demanded that we do something to stop the violence that has invaded our schools and is killing our children. The response from the Republican leadership was to delay. We were told we could not move forward quickly. We were told that we needed to address this issue in regular order, starting with the subcommittee, and then the committee, then the House floor.

But what has happened to that regular order? The Committee on the Judiciary was not allowed to consider this bill, and the closed rule we are debating right now locks dozens of amendments to address the crisis of gun violence in this country. It does not even allow a sensible vote on these proposals.

Mr. Speaker, this rule is a sham. This day was supposed to be about Members of the House coming together across the aisle to pass common-sense gun safety measures. It was supposed to demonstrate nonpartisan courage and leadership in the face of a crisis. Instead, sadly, the Republican leadership in this House has turned its back on the American people and embraced the NRA instead.

I urge my colleagues to vote against this terrible rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise today to speak against the rule and against the procedure that has governed the debate of this juvenile justice legislation.

I am a cosponsor of H.R. 1501, the underlying juvenile justice bill. In fact, every member of the Subcommittee on Crime is a cosponsor of the underlying 1501 legislation.

From time to time, people across America say, why can Democrats and Republicans not work together on major pieces of legislation? This was an opportunity where the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. MCCOLLUM) got together and worked for months on a compromise juvenile justice bill. We urged within the subcommittee, within the committee, to get this bill debated on the floor right away, with bipartisan consensus.

But why did we not do it? We did not do it because the Republican leadership had to figure out a way to deal with the tricky issue of guns and violence in schools. They capitulated and delayed and played games because they did not have the courage to just report this bill to the floor and allow an open discussion about guns.

The next time people in America are looking for an opportunity to vote on bipartisan legislation, they will look to the crime bill and what the Republican leadership did with this bill. This bill should have been passed before Memorial Day.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, 192 million guns flood our streets. The Littleton tragedy galvanized Americans to action. And what is this Congress doing? Instead of gun control, we are doing remote control. Instead of worrying about kids and gun shows, we are worried about TV shows. Every parent in America understands that kids are exposed to too much violence. But to only condemn the entertainment industry and not the gun industry is deadly.

So let us get this straight, America. Instead of going after the NRA, Congress is going after NBC. Mr. Speaker, 10,000 people were murdered by handguns in America in 1996. Only 30 in Great Britain, 15 in Japan. Those countries have violent entertainment too, but they have something we do not: real gun control.

So wake up, Congress. It is not just the entertainment. It is the guns.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

While some of the people at the microphone say we have to study the causes and the whys, and that is true, but when firemen arrive at the scene of a fire, they do not sit down and say, I wonder how this started; they put out the fire first and then they decide what started the fire. Well, what we have to do is get rid of the guns and then talk about some of the other social programs.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise in strong support of this rule. We are dealing with what is obviously a very, very troubling and complex issue. It is clear to me that there are problems that exist in our society. They are at the edges. Basically, our society is good. We have young people who are out there who are volunteering, who work hard, who study hard, and I think are going to lead this country into the 21st century. I am very proud of what it is that they have done. But, we also do have some problems, as I said, at the edges.

It is not easy for us to tackle those questions, but I believe that the rule that we are about to vote on is going to provide us with the opportunity to address virtually every concern that is there.

There were 178 amendments submitted to the Committee on Rules, and we have made in order 55 of those amendments. My good friend from south Boston just talked about the issue of guns. And when we look at the gun bill that we will be considering, one-half of the amendments that we made in order have Democrats as sponsors of those amendments. So the Democrats are clearly going to have their opportunity to be heard.

I listened to what quite frankly was at a very, very high volume, a lot of stuff come from the other side of the aisle over the past hour, and it came from people who have amendments made in order, and yet they talked about how outrageous this rule is. We are going to have a clear and focused debate to try and help the greatest deliberative body known to man do our part in dealing with this societal challenge that we face as a Nation.

So I urge my colleagues to support this rule. It is very fair; it is very balanced, and then let us move ahead with what will be 2 full days, not a closed-down debate, 2 full days of debate. Hours and hours and hours we will be considering these questions, and I hope my colleagues will allow us to move ahead with it.

Mr. HOYER. Mr. Speaker, I rise today in strong opposition to the rule on H.R. 1501 and H.R. 2122. On May 25, the Speaker stated that we should consider this bill in a "timely yet responsible way" and that "rushing it to the floor . . . will not result in a better product in the long run." The actions of the Rules Committee late last night has been anything but timely and responsible. After the majority pledged to work together to draft a bipartisan bill that contained the reasonable gun-safety legislation in the Senate, the Judiciary Committee canceled the scheduled mark-up and took the juvenile justice and gun violence proposals directly to the floor.

Now, just twelve hours after passing the rule, we are debating two bills that Members and staffs have had inadequate time to prepare for.

Mr. Speaker, after the events of the past two months, this should not become a partisan debate. We must take as many steps as we can to eliminate the environment of violence and reduce risk to our children, families and neighbors. The culture of violence is magnified every day by rapidly expanding communication technology. Television, movies, the internet, violent video games all conspire to make violence a part of the lives of each of us every day.

The Senate has done its part to provide sensible legislation, and it is now up to us to adopt a package of legislation that addresses the violence that has frightened families and communities across the Nation. No legislation alone is potent enough to stop youth violence, but it is truly unfortunate that we could not come up with one bill that addresses both the need for juvenile justice programs and sensible gun safety provisions.

As the Ranking Member on the Appropriations Treasury-Postal Subcommittee, I was prepared to introduce an amendment in the Treasury Postal Appropriations Bill that would close the gun-show loophole just as the Senate bill did. But a last minute decision by the Republican leadership that gun violence would be addressed in a timely and substantive manner kept me from offering my amendment. We were reassured that this issue would be addressed swiftly and cooperatively.

But here we are today debating a pair of bills that never made it through Committee debate and were brought to the floor in a haphazard and truly partisan fashion.

I urge members to vote against this rule.

Mr. GOODLING. Mr. Speaker, I rise in support of the Rule providing for consideration of H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, and amendments thereto.

As many of my colleagues know, we have been trying for several years to pass legislation addressing the growing problem of juvenile crime in the United States. It is time that we take definitive action.

The Committee on Education and the Workforce has responsibility for programs directed at preventing juvenile crime. I will be offering an amendment to modify the current Juvenile Justice and Delinquency Prevention Act to provide States and local communities with the resources they need to operate effective delinquency prevention programs.

This amendment is based on legislation authored by Congressman JIM GREENWOOD, H.R. 1501, the Juvenile Crime Control and Delinquency Prevention Act. A similar version of this legislation, H.R. 1818 passed the House twice during the 105th Congress. Changes made to H.R. 1150 and included in the amendment have been worked out in a bipartisan basis with Minority Members on the Committee.

MIKE CASTLE, the Chairman of the Subcommittee on Early Childhood, Youth and Families, Congressman GREENWOOD, Ranking Minority member BILL CLAY, Congressmen DALE KILDEE and BOBBY SCOTT deserve a great deal of credit for all of the time they have devoted to crafting this legislation. I would also be remiss if I did not thank Congresswoman ROUKEMA, and Congressmen SCHAFFER, TANCREDO, SOUDER, FORD and MILLER for their efforts to work with us in putting together a bipartisan bill. Last, but not least, I would like to thank Congressman MARTINEZ, who helped craft the original version of H.R. 1818, which passed the House twice last Congress.

I note that a number of these amendments supported by Members of the House address issues that have already been taken care of in our bill. For example, our bill allows the use of funds in both the formula grant program and the Prevention Block Grant Program for after-school programs. There is also a study on after-school programs. Congressman CASTLE, who is a strong supporter of after-school programs, crafted these provisions. Funds may also be used for programs directed at preventing school violence. In addition, the Prevention Block Grant includes language allowing local grantees to use funds for a toll-free school violence hotline. Congressman TANCREDO, who represents Littleton, Colorado, is the author of this provision.

The amendment I am offering also includes several provisions dealing with the delivery of mental health services to youth in the juvenile justice system. These provisions include: allowing the use of funds in the formula and block grant programs for mental health services, training and technical assistance for service providers, and a study on the provision of mental health services to juveniles. Congresswoman ROUKEMA has provided the Committee with vital information on the importance of mental health services for at-risk juveniles and juvenile offenders and should be commended for her work in this area.

I have also noticed that a number of proposed amendments attempt to direct that a portion of funding under the Prevention Block Grant Program be used for specific purposes. The Committee created the block grant by combining a number of existing discretionary programs. We did this to provide States and local communities with broad flexibility in designing programs to meet their local needs. Putting any restrictions on the use of these funds would tie the hands of local communities who are in the best position to know how to address their unique problems with juvenile crime.

Mr. Speaker, there are few programs at the federal level which provide services directed at preventing juvenile crime, particularly programs to provide assistance to juvenile offenders.

It is my hope that we can keep the focus of my amendment on providing assistance to this high-risk population and other juveniles at risk of involvement in delinquent activities.

I urge my Colleagues to support my amendment when it is offered and to support the Rule under which this legislation is being considered.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 189, not voting 6, as follows:

[Roll No. 210]

YEAS—240

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Davis (IL)
Gordon
Houghton
Lantos
Owens

☐ 1218

Mr. ROEMER changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 1501 and H.R. 2122, the legislation we are about to consider.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1501.

☐ 1218

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise this morning in strong support of H.R. 1501, the Consequences of Juvenile Offenders Act of 1999. On a day when there may be more than occasional partisanship, I think it is important to note that the base text for our deliberations today and the base text for what we will probably be considering tomorrow and maybe even the next day is truly bipartisan.

Indeed, all the members of the Subcommittee on Crime, Republican and Democrat alike, are original cosponsors of this bill, as are the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), the chairman and the ranking member of the full Committee on the Judiciary.

Mr. Chairman, this legislation is the outcome of years of field hearings, committee hearings and earlier legislative efforts. It reflects the input of countless men and women who are daily in the trenches of juvenile justice around the country; the juvenile court judges, probation officers, prosecutors, police officers and educators who have the tremendous challenge of trying to make juvenile justice a reality by redirecting the lives of troubled youngsters into productive paths.

Perhaps most importantly, this legislation responds directly and in a positive common sense way to the central question that we are all grappling with today. What can we do about youth and violence? How can we, as legislators, contribute to safer, healthier communities for our kids and our families?

Our youth are America's finest resource. We have an obligation to protect this valuable national treasure. As a Congress, we may disagree on how to accomplish this objective. However, we are all focused on one thing. We must protect our young people.

Mr. Chairman, the tragic events at Columbine High School on April 20 have left us all asking tough questions, looking for real answers. The senseless suicidal rampage by those two teenagers leading to the brutal deaths of 12 of their classmates and one teacher cast a fearful shadow over our country.

As a father of three sons, one of them a high school graduate only three weeks ago, my wife and I have known the weighty concerns of school violence and, sadly, I think we all know that the determined acts of individuals on a massacre and suicide mission are rarely preventable through even the best of laws.

We have now learned that these two teenagers felt rejection by their peers, were filled with hatred and had been planning their violent massacre and suicide for a year. It seems to me that the key to preventing such tragedies is to foster and strengthen those values and convictions that make even contemplating such madness inconceivable.

Yes, our Nation's laws do play a part in fostering such values, but I think the role our laws play in all of this pales in comparison to the combined roles of family, churches, civic institutions and the media. These are what truly shape the character of our youth.

This very important point was eloquently made at the Subcommittee on Crime hearing last month by Darrell Scott, whose daughter Rachel was killed in the Columbine shooting and whose son Craig was wounded there.

Mr. Scott said, and I quote, no amount of gun laws can stop somebody who spends months planning this type of massacre.

As we begin consideration of measures to better protect our children on the school grounds, playgrounds and the streets of America, and to stop the violent youth movement that seems to be going on in this country, we need to put our endeavors and the tragedy of Columbine in perspective. The vast majority of our teenagers are healthy, bright kids who have been instilled with basic values and in our great, free Nation will have the opportunity to have a good education and seek to achieve their highest aspirations.

There are an alarming and growing number of disturbed and often rejected and isolated youth who are turning to violence, which is not only self-destructive but puts at risk all of our children. Our job is to understand the causes of this youth violence, and while recognizing their limits use our laws in a constructive manner to help our families and communities identify and redirect these disturbed teenagers before they engage in some violent and tragic act.

Mr. Chairman, since the tragedy at Columbine, many have focused almost exclusively on restricting teenagers' access to guns and gun control. I share virtually everyone's belief that no child should have access to a gun. No doubt, some of our gun laws are too lax and loopholes need to be closed, and we will properly address these matters in the next day or two.

It is also true that gun laws already on the books have not been adequately enforced by the Justice Department, but youth violence is about a whole lot more than gun issues and we do a disservice to the American public and our children if we fail to recognize and address the more fundamental underlying causes of teenage violence.

Lack of proper parental attention, lack of discipline and overcrowding in our schools, exposure to repetitive, extreme violence on television, in the movies, in video games and over the Internet, and a broken juvenile justice system are among the root causes of this epidemic of juvenile violence.

Of all of these, the one that by legislation we can have the most impact on is repairing our Nation's broken juvenile justice system, which is the subject of the base text of H.R. 1501; and yet all of the debate, since Littleton, in all of this time, this bipartisan product which sociologists and expert after expert have told us is one of the most crucial and important steps that we can take to protect America's children, has gone virtually unnoticed.

In most of our urban and suburban communities today first-time teenage vandalism goes unpunished. Police who catch kids slashing tires, key scratching cars or spray painting graffiti on warehouse walls often do not even take these kids before juvenile authorities because they do not expect that they will receive any meaningful punishment. This is so because our juvenile courts around the Nation are overworked and understaffed. There simply are not enough juvenile judges, probationary officers, diversion programs and detention facilities.

Most of our juvenile courts are focused principally on repeat offenders and the very bad. As a result, the kids do not get the messages that there are any consequences for their criminal acts. These kids do not get disciplined at home or in the school or in the juvenile justice system.

Juvenile judges, probation officers, police officers, educators and sociologists have all told the Subcommittee on Crime again and again that kids who receive little or no consequences for their misbehavior are far more likely candidates for teenage violence as they get older.

H.R. 1501 addresses this problem. It establishes a grant program over 3 years to provide much needed resources to State and local juvenile justice systems to help them do more to focus on the youthful first-time offender. It goes to the States based upon their population and their rate of juvenile crime. They can use this money any way they see fit to improve their juvenile justice systems, including hiring more judges or probation officers or creating more diversion programs or building more juvenile detention facilities, or providing more safety measures in schools.

It ties these additional resources to graduated sanctions, an approach that seeks to ensure meaningful proportional consequences for juvenile wrongdoing, starting with the first offense and intensifying with each subsequent, more serious offense. Each State's funding would be based on its juvenile population.

I want to make this point very clearly. There is only one condition that States must meet in order to receive the funds under this program, and that is to establish a system of graduating sanctions. The system must ensure that sanctions are imposed on juvenile offenders for the very first offense, starting with the first misdemeanor, and that sanctions escalate in intensity with each subsequent, more serious delinquent offense.

Common sense and research both make it clear that ensuring early appropriate sanctions for wrongdoing is the best way to direct youngsters away from a life of crime and into a life of productive citizenship.

At the same time, the bill calls for graduated sanctions. It provides flexibility. It ensures that a court's disposition is tailored to the individual juvenile. It allows for the imposition of graduated sanctions to be discretionary. That is, a State or locality can still qualify even if its system of graduated sanctions allows juvenile courts to opt out. The bill simply provides that when there are such opt-outs a record must be sent at the end of the year explaining why a sanction was not imposed. This is working well in certain States and localities and is not an undue burden.

The juvenile justice systems of the Nation are principally a State responsibility. The Federal Government cannot begin to adequately fund these long neglected programs, but we can provide the seed money in the incentive grants in H.R. 1501 that will hopefully stimulate all 50 States to repair their broken juvenile justice systems. There is nothing more important to addressing the question of child safety and youth violence that we can do today than to pass this bill.

☐ 1230

I am convinced that whatever else we do in the next couple of days, it will pale in comparison to the significance of enacting this base bipartisan bill that was drafted long before Littleton.

Holding youth accountable for their acts, giving them consequences, is the best prevention possible that we as legislators can enact to stop the flood of youth violence and restore a safe environment for our children in our schools, on the playgrounds, and on our streets.

Mr. Chairman, meaningful juvenile justice reform is within our reach. Our young people deserve nothing less.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I am deeply disappointed to see the abandonment of bipartisanship with reference to the juvenile justice legislation, that we abandon the orderly process to pursue legislation by ambush, and abandon our commitment to the American people, and follow instead the lead of special interests.

Now, how do we know the Republican majority has played politics with juvenile justice? They now advocate policies that, just weeks ago, they even acknowledged lack merit. In March, the Subcommittee on Crime chairman stated, "Taking consequences seriously is not a call for locking all juveniles up, nor does it imply the housing of juveniles, even violent hardened juveniles, with adults. I for one am opposed to such commingling."

Yet, today, the majority is pushing legislation which tries more children as adults, houses more juveniles as adults, imposes a whole slew of new mandatory minimum penalties, and, yes, the death penalty that Republicans shunned only a month ago and which clearly will not work.

What is really extraordinary about these proposals is just how meaningless they are. There are fewer than 150 prosecutions in the Federal system each year, and such changes are likely to affect only a small percentage of these cases.

So these proposals do not represent serious attempts at legislation. Rather, they are a transparent attempt to legislate by sound bite and kill a bill that they themselves only recently agreed was the best approach to juvenile justice.

Housing juveniles in adult prison facilities means more kids likely to commit suicide, to be murdered, physically or sexually abused, than their counterparts in juvenile facilities. As a matter of fact, children in adult jails or prison have been shown to be 5 times more likely to be assaulted and 8 times more likely to commit suicide than children in juvenile facilities.

So the repeated studies of prosecuting juveniles as adults indicate that rather than serving as a deterrent to juvenile crime, prosecuting more juveniles as adults merely leads to greater and more serious recidivism.

If we are truly interested in juvenile justice reform, we must begin by rejecting unprincipled amendments allowed by the rule that would cut the heart out of this bill and stick to the principles of H.R. 1501. This was the bill produced by a bipartisan process, unanimously approved by the Subcommittee on Crime.

In the wake of the recent school tragedies in Littleton, Colorado, Conyers, Georgia, and other places, the American people now deserve and expect reform. We cannot and should not allow false arguments about getting tough on crime and prosecuting juveniles as adults to prevent us from achieving these important goals.

Let us carefully review and reject most of these amendments that will send us further backwards instead of moving us forward as the American people would wish.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if I might, I want to make sure it is very clear that the gentleman from Michigan (Mr. CONYERS), despite his criticism and concern about pending amendments, he does and has all along supported this underlying bill, H.R. 1501, that is out here right now, unamended. Am I not correct?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, he is absolutely correct. We support H.R. 1501. But we have never had hearings on any of the other accompanying amendments.

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, I just wanted to make the point again that we start today with a very bipartisan product that Democrats, Republicans alike, support on juvenile justice.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DeLAY. Mr. Chairman, I appreciate the gentleman from Florida yielding me this time.

Mr. Chairman, I just think it is sort of ironic that the very ones that wanted us to come straight from the Senate with a bill to the floor with no consideration are now complaining because there was not enough consideration.

Mr. Chairman, I just want to say that the truth will make us free if we admit what the truth is. Every once in a while, I read something or hear something that blows away all that smoke that clouds a particular issue. A letter written by a Mr. Addison Dawson to the San Angelo Standard-Times is just such a statement. In fact, after I make this statement, I do not think anybody else needs to speak. We just need to vote.

The following is Mr. Dawson's letter, which Paul Harvey read on his radio show: "For the life of me, I can't understand what could have gone wrong in Littleton, Colorado. If only the parents had kept their children away from the guns, we wouldn't have had such a tragedy. Yeah, it must have been the guns.

"It couldn't have been because half our children are being raised in broken homes. It couldn't have been because our children get to spend an average of 30 seconds in meaningful conversation with their parents each day.

"After all, we give our children quality time. It couldn't have been because we treat our children as pets and our pets as children.

"It couldn't have been because we place our children in day care centers where they learn their socialization skills among their peers under the law of the jungle, while employees who have no vested interest in the children look on and make sure that no blood is spilled.

It couldn't have been because we allow our children to watch, on average, 7 hours of television a day filled with the glorification of sex and violence that isn't even fit for adult consumption.

"It couldn't have been because we allow (or even encourage) our children to enter into virtual worlds in which, to win the game, one must kill as many opponents as possible in the most sadistic way possible.

"It couldn't have been because we have sterilized and contracepted our families down to sizes so small that the children we do have are so spoiled with material things that they come to equate the receiving of the material with love.

"It couldn't have been because our children, who historically have been seen as a blessing from God, are now being viewed as either a mistake created when contraception fails or inconveniences that parents try to raise in their spare time. It couldn't have been because we give 2-year prison sentences to teenagers who kill their newborns.

"It couldn't have been because our school systems teach the children that they are nothing but glorified apes who have evolutionized out of some primordial soup of mud.

"It couldn't have been because we teach our children that there are no laws of morality that transcend us, that everything is relative and that actions do not have consequences. What the heck, the President gets away with it.

"Nah, it must have been the guns."

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Chairman, this has been a hard bill to follow because the majority has been kind of playing a legislative shell game. We started with this bill and that bill, and this bill became part of that bill, and that bill went into that bill, and this amendment was pulled out to be offered by a Member who might have a little political difficulty.

So I am not familiar with everything that is in here. But after listening to the majority whip, I have to read it more closely, because I may have missed the part in which we ban the teaching of evolution.

I know we have had a lot of discussion of what was causing the problems here, but I just heard the majority whip say it was Charles Darwin's fault. It is apparently evolution. It is teaching children that they are the products of evolution that is the cause of this.

So I will have to watch more carefully for the amendments when we get the amendment of the gentleman from Texas (Mr. DELAY), the majority whip, correcting the teaching of evolution.

I have to say, as I listened to him, I have not heard such an angry denunciation of the American people since SDS used to pick at me 30 years ago. I guess there is a degree of anti-Americanism here that I had not anticipated. It is the American people's fault. They are involved in family planning. They are teaching evolution. They are doing all these things.

Plus, I guess somebody ought to arise to defend the States. The gentleman from Florida (Mr. MCCOLLUM) said the States' juvenile justice is broken down. The gentleman from Texas (Mr. DELAY) is mad at the States. The poor States. I guess the States rights movement we should officially inter today.

What we have today is an announcement. Hey, States, you do not know to handle your local criminal business. We, the all-knowing Congress, will take care of it. So we will abolish the teaching of evolution, and we will diminish States rights, and we will solve the problem.

I guess I wished they had stopped at that, though, because I am now looking at the amendment that has been made in order by the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and I must say I am impressed by the gentleman's discretion. I have not seen him here all morning. I am not surprised that he does not want to be associated with all of this.

But the gentleman's amendment, I was going to ask, Mr. Chairman, if we could have the debate on the Hyde amendment after 10 o'clock tonight. I know we are going to be in late. As I read this amendment, I do not think it is a fit subject to be discussing when children are listening. There are some graphic physical descriptions here of the human body that I do not know that we will want to talk about.

I must say, I think if anybody simply read this bill on the floor of the House during family viewing hours, if it were not for our constitutional immunity of which we have really heard, he or she could be in trouble. But I have some problems.

It does say that one cannot show, for instance, and it includes sculpture. One cannot show sculpture of the breast below the top of the nipple. I have seen some statues which I think do that. Now, it says one cannot show them to a minor. So I guess we are going to start having 17 or over only into sculpture gardens.

One cannot show other physical parts. I suppose old enough statues to have parts broken off may be okay. But intact statues are probably going to be a problem. We are discriminating against modern sculptures because one can only show these kids a statue that has fallen apart.

It says one cannot show to someone under 17 a narrative description of sexual activity. I guess Mr. Starr may be in trouble. I do not know about his prosecutorial immunity. But as I read the Hyde amendment, we will have to stop selling the Starr report.

Now, it does say it is okay to sell it if it has serious literary, artistic, political, or scientific value. I guess in the case of the Starr report, people thought it was going to have some political value for their side. It turned out not to have any.

But if someone under 17 read that because of his or her prurient, shameful, or morbid interest, so now we are outlawing shameful interest, it is not shown. I mean, this is really very, very serious.

The problem is this, the original version of this sweeping censorship was introduced on June 8. No unit of the House Committee on the Judiciary has been able to vote on it, to amend it, to study it. We now, 8 days later, have a new version. I think it is about the third version.

We are no longer going to mandate that every seller of recorded music in America give out copies of the lyrics. Congress is only going to recommend this to every retailer in America in our infinite wisdom and disregard for local autonomy.

□ 1245

I do not think we understand this fully. This is a broad assault on the first amendment. We cannot show in here, for instance, physical contact with a person's clothed buttocks. So all those pats of congratulations in athletic contests I guess we will have to avert the cameras for. Now, maybe that is not true, but there is nothing in here that says it is not.

Mr. Chairman, I understand the political bind the other side is in, but to use the first amendment to get out of it on 8 days notice is very inappropriate.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I thank the gentleman for yielding me this time, and I also want to thank the chairman for working with me in this last year and including the Schoolyard Safety Act in the outlines of this bill.

After the shooting in Springfield, Oregon, the gentleman from Oregon (Mr. DEFAZIO) and I teamed up to introduce this legislation, the Schoolyard Safety Act, which provides a 24-hour holding period for students who bring guns to school.

In my State, these students are automatically expelled, but the Schoolyard Safety Act would also require that they be detained. This holding period is incredibly important. It provides for the protection and the safety of both our children in the classroom and relatives at home who might be targets of the student's anger, as happened in the Springfield, Oregon, shooting. It also provides an intervention for those juveniles who bring a gun to school but who may need mental health treatment or counseling.

Yesterday, I had a visit from some very special women in my district. They belong to a group called Mothers Against Violence in America. There was a young woman and her mother in this group. The young woman, Rachel, was shot at Garfield High School in Seattle, Washington. The other mothers who came to my office had lost sons or daughters in school shootings, including one mother whose son was killed in the school shooting in Moses Lake, Washington. And these women are the reason that the gentleman from Oregon (Mr. DEFAZIO) and I introduced the Schoolyard Safety Act and why I worked so hard to get this 24-hour holding provision into the juvenile justice bill.

In addition to this effort at the Federal level, the State of Washington recently passed a new law requiring a 24-hour holding period for young people who bring guns on to school grounds. I simply in this colloquy, Mr. Chairman, want to thank the chairman and clarify this new Washington State law will be consistent with the provisions that are included in this bill.

Mr. McCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. DUNN. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I would certainly say that they are consistent. The gentlewoman has done admirable service in providing the base legislation of what she has just described, and that under the various purposes that a State or local community is allowed to use the grant money in 1501 to improve the juvenile justice system, those purposes would include those which she has described in her legislation. They would be included particularly under the 13th provision in the present bill.

Ms. DUNN. Mr. Chairman, I thank the gentleman for those assurances.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I thank the gentleman, my colleague from Michigan and the ranking member, for yielding me this time.

I am pleased to see the level of interest in juvenile justice on this floor today. I strongly support these efforts to address the increasing problems of youth violence. With an estimated 1500 gangs and 120,000 gang members, juvenile crime is a genuine concern and it is critical that the Congress address this issue.

For a number of years, we have supported providing funds to the Boys and Girls Clubs of America, which have been so instrumental in keeping kids off the streets and out of trouble. Since 1995, $95 million has been provided by Congress to help expand the program to reach as many children as possible. And I am proud to say that much of this money came about because we in the Congress fought for it. We did put our money where our mouth is.

I would like to especially thank the gentleman from Kentucky (Mr. ROGERS), the gentleman from West Virginia (Mr. MOLLOHAN), and members of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations who not only supported these funds but fought to increase the amount we provide to this incredibly successful program.

As a result of our support, and through the dedicated efforts of Robbie Calloway, Senior Vice President for the Boys and Girls Clubs of America, four new clubs have opened each week for the past 3 years, and an additional 200,000 young people were served each year.

Certainly we all know that young people need meaningful and caring guidance. They need to find outlets that help insulate them from inappropriate peer pressure, while at the same time work to change the culture that results in that inappropriate peer pressure. Programs like the Boys and Girls Clubs have made a difference, and we can do much more if we help them.

Some of my colleagues have worked with me on this issue in the past, and I welcome all of those others who join us today in a constructive effort to be sure that our young people have the right opportunities to be productive individuals.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROGAN), a member of the committee.

Mr. ROGAN. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding this time to me.

Mr. Chairman, the halls of Congress are hallowed. The men and women who preceded us left a legislative heritage for the ages: landmark civil rights legislation, education reform bills, declarations of war and of peace. Often these bills opened doors paving the way for great change in our country. Today, we come together knowing that our work on juvenile justice may well save lives in the future, but it regrettably cannot change the outcome of recent tragedies in our Nation's schools.

While the wounds inflicted in Littleton and Conyers still leave us reeling, we can do something now. We can join together with schools, churches, parents and students to work to prevent similar tragedies from ever again occurring. As we move forward this morning, I echo the sentiments of the distinguished chairman of the Committee on Rules, who yesterday reminded us that our legislative focus must be to protect our Nation's students now and in the future.

Young people today are required to work harder and learn faster. They grapple with more than we ever did at their age, yet they still make time for their faith, their families and their neighborhoods. The isolated tragic headlines aside, young people give us hope. Today, Congress is called upon to act in their name.

Mr. Chairman, I am proud to join with the distinguished chairman of the full Committee on the Judiciary, and the distinguished chairman of the Subcommittee on Crime to support this important legislation.

H.R. 1501 will attack the problem of youth violence at the source. This bill will send the resources of the Federal Government directly to State and local officials and bypass unnecessary bureaucracies. This legislation will empower local officials to hire more prosecutors, more counselors and more intervention experts. It will provide for additional law enforcement training, drug rehabilitation programs, and innovative school safety programs. This legislation will also provide resources for correctional facilities.

Mr. Chairman, for 10 years I was a prosecutor and a judge in Los Angeles County. I saw more often than I prefer to recall the effects of violence in the home, in the schools and on our streets. It is right to punish criminals swiftly and severely to send a message that this violence will not be tolerated. But we must not stop there.

We must attack youth violence from all fronts. One of the best ways we can do this is at the local level. "Band-Aid" Federal bureaucratic policies are worth little when violence infects a local community. H.R. 1501 gives local experts the tools to ensure safe schools and safe communities.

Communities are working together to beat the problem of drugs and gangs and violence. I have seen local programs that give me hope, from the Hillsides Home in Pasadena to the after-school programs at the Burbank YMCA in my district. Neighborhoods are teaming with schools and teachers who work with students to ensure that they appreciate the effects of antisocial behavior before it escalates into tragedy. This proposed legislation empowers these programs and will give State and local programs new weapons in their violence prevention arsenals.

Mr. Chairman, the Consequences for Juvenile Offenders Act received broad bipartisan support in committee and is supported by families across this country. I support it as a member of the Committee on the Judiciary, as a Member of Congress, but most importantly I support it as the father of two young children. I look forward to seeing this bill make its way to the President's desk. I urge my colleagues to join us today to support this landmark legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, who is the coauthor of the underlying bill, H.R. 1501.

Mr. SCOTT. Mr. Chairman, I would like to point out that 1501 was actually cosponsored by all of the members of the subcommittee, both Democratic and Republican, and it came through a deliberative process.

We had hearings and discussions about what needed to be done to reduce juvenile crime. We had hearings, and in one hearing judges and advocates and researchers pointed out that graduated sanctions would be very helpful to judges in helping with the reducing of juvenile crime.

What they said was that many judges are relegated to a choice between incarceration and probation with very little in between, and what they needed were other services and punishments that could be individualized. In the bill it says that drug rehabilitation and counseling and community services and other punishments could be used and funded through this bill, and that the punishment or additional services had to be individualized for the particular child. That is the bill. That is what went through the regular order of hearings and subcommittee markup, and it was unanimously adopted.

Now look at where we are. We are considering additional amendments that did not go through the regular process. And the reason they could not have made it through the regular process is they could not have withstood scrutiny.

Look at the idea that we are going to try more juveniles as adults. That is in one of the amendments. It ignores the studies. We have many studies that show that the adult time that they would get in adult court would actually be shorter than the juvenile time. All of the studies show that the crime rate will go up if we treat for juveniles as adults. We could not have gone through a regular process with that, because it would have been defeated in the committee. But if we are out here just slinging sound bites at each other, then obviously there is a chance of getting that provision through.

Like mandatory minimums. We could not get that through a regular process because we would have to defend against the studies, like the RAND study that showed that mandatory minimums are a waste of the taxpayers' money. There is a lot we can do with the taxpayers' money other than mandatory minimums if our goal is to reduce crime. Also, that attacks the very foundation of what we heard in subcommittee, and that is that the punishment must be individualized to the particular child. Mandatory minimum is a one-size-fits-all. This is what everybody gets regardless of the particular needs.

Then we add on to that all the constitutional amendments posing as amendments to a bill that have significant speech and religious implications. None of those received deliberation.

We ought not consider this kind of legislation; sound bites going back and forth without any deliberation. We started out and ought to go back to the original bill, 1501, and after that the bipartisan bill that was reported out of the education subcommittee, 1150, and stick with those rather than this process that is totally out of control.

Mr. McCOLLUM. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 10 minutes remaining; and the gentleman from Michigan (Mr. CONYERS) has 15½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary and the past chairperson of the Congressional Black Caucus.

Ms. WATERS. Mr. Chairman, I would like to commend the gentleman from Michigan (Mr. CONYERS), our ranking member, and the gentleman from Virginia (Mr. SCOTT) for the tremendous work they did in the Committee on the Judiciary on H.R. 1501 to really put forth before this House a real bill to deal with the problems of young people and the juvenile justice system.

Unfortunately, it is now all threatened because there is some attempt to try and divert people's attention away from the gun safety issue and to literally take this piece of legislation and pile on it everybody's wild thoughts about every issue that they have been concerned about, I guess, all of their lives.

We have people who would destroy the Constitution by piling on here all kinds of amendments that will undermine our first amendment rights. We have people who have decided they are going to take this bill and force the Ten Commandments to be posted somewhere. We have every kind of thought in over 40 amendments piled on top of this bill that will simply destroy the bill.

□ 1300

The American public and families want some assistance. They want some help. We can do a better job of crime prevention. And we do not need to do it with these kinds of outrageous amendments, nor do we need to talk about locking up young people and killing them with mandatory minimum sentencing. I think we are better public policymakers than that and we can do a better job.

I think the New York Times got it right when it said, "Republican mischief on gun control." What they basically describe is how they have undermined the system of this House and how they have confused everybody, divided these bills, taken a good bill and destroyed it, and they are attempting to do the work of the NRA with a second bill where they will water down what was done on the Senate side.

This is outrageous. We should not have to put up with it. We should not destroy the work of the committee that was done in order to have a good juvenile justice bill. And we need to stop it right now. We need to stop it. We need to take the juvenile justice bill that was heard in committee and hear it and pass it out without all of these amendments, and then we need to deal with the gun safety legislation coming from the Senate side and vote it up or down.

I am absolutely outraged by the idea that mandatory minimum sentencing for 13- or 14-year-olds in this bill would create not only new Federal crimes but simply take away the discretion of judges, lock up kids 14 years old, put them in the Federal system, create more people in our prisons, and do nothing to reduce crime.

We know what mandatory minimum sentencing is doing. It is simply filling up the prisons and throwing away America's youth. We can do better than this. This is outrageous. Please do not let them get away with this.

Mr. CONYERS. Mr. Chairman, I yield 3¼ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important to focus on what we are trying to do here on behalf of America's children.

So many of us have gathered around these issues in our capacity as members of the Committee on the Judiciary, members of organizations that promote children's issues. I work with Members who are interested in children's issues on a national level, Members of Congress who have joined together in the Congressional Children's Caucus.

Just a week ago, many of us spent time with Mrs. Tipper Gore, with individuals from around this Nation, in the first ever in the history of this Nation's White House Conference on Mental Health. I co-chaired the meeting section that dealt with children's mental health.

It was clear there by experts from around the Nation that there were other ways to address the concerns of our troubled youth throughout this country. I was gratified that, even before that conference and the wisdom of Mrs. Gore, the excellence of that conference, the focus on children, the deliberation around children and providing resources to listen to children, as was told to many of us who engaged our young people in our districts, went to the schools, that we had to do something other than locking children up.

We know the tragedy of Eric Harris and his associate and the tragedy of Columbine. But we also know the tragedy of killing young people in our urban centers for years and years. And clearly, we find out that trying juveniles as adults will suggest not a decrease in crime but an increase in crime. It endangers kids. It federalizes State juvenile offenses.

When we went through the committee process, it was very clear that the myriad of studies and witnesses on H.R. 1501 told us that locking up juveniles in Federal penitentiaries was not the way to solve the problem. They are subject to rape and abuse. It is tragic.

I thought that we had a meeting of the minds that would focus us on prevention programs like athletics and mentoring programs, job training, community-based activities such as the Fifth Ward Enrichment Program that takes children out of inner-city Houston and gives them an opportunity, inasmuch as they will be traveling to Africa this summer, giving them an incentive to be something else.

I thought that we had focused ourselves on mental health resources, guidance counselors, school nurses, and individuals who are available to listen to children, hot lines. I thought that we could work on the study by the Surgeon General to determine whether or not our children are torpedoed with violent entertainment and so we could come up with reliable solutions. I thought that we would understand, as we had done before, that prisons, Federal prisons, and juveniles do not work.

Unfortunately, we have an amendment offered by the chairman of the Subcommittee on Crime, with whom I have worked and who I have respect for, that takes all of our opportunity to solve these problems, deal with violence and guns, and particularly this 1501, away from us. It locks up our juveniles. It throws away the key. And it does not focus us on rehabilitation and preventive programs.

I rise here today to speak in support of the Juvenile Justice bill, H.R. 1501, the Consequences for Juvenile Offenders Act of 1999. This bill was a bipartisan effort in the Judiciary Committee. I am a cosponsor of this bill, which passed unanimously out of the Subcommittee on Crime.

H.R. 1501 offers a balanced approach that encompasses both punishment and prevention of juvenile offenders. We must enact stiff penalties for repeat violent offenders, but we must not forget the needs of other youth who can be rehabilitated through means other than punishment.

I am a strong supporter of prevention programs for young people who are risk. I believe that these programs—after school athletics, mentoring programs, job training, community-based activities and mental health services are vital to keeping children away from crime.

There is strong evidence to support that prevention programs work. Athletic programs prepare young people for success in life through encouraging teamwork, leadership and personal development. Mentoring programs pair young people with adults who work to encourage individuals to develop to their fullest potential.

Job training programs instill responsibility and encourage a strong work ethic. Community-based activities encourage respect for others and the local environment.

Each of these prevention methods provide alternatives to criminal activity. If young people are taught to respect themselves and their communities, they are less likely to get involved in violent behavior.

I am particularly interested in providing more mental health services for children. Mental health programs that screen, detect and treat disorders are crucial to preventing children from ending up in the juvenile justice system. Almost 60% of teenagers in juvenile detention have behavioral, mental or emotional disorders.

It is estimated that two-thirds of all young people are not getting the mental health treatment they need. There are 13.7 million or 20% of America's children with diagnosable mental or emotional disorder. These disorders range from attention deficit disorder and depression to bipolar disorder and schizophrenia.

We also need to put mental health professionals in the schools—counselors, psychologists and social workers that can help recognize the needs before it is too late. I am currently working on a bill that will place mental health services in the schools. By making these services available in the schools, we can spot mental health issues in children early before we have escalated incidents in the schools.

Each of these methods of prevention provides alternatives to simply warehousing juveniles in prison. Again, we clearly want to send a message to America that we want to develop productive, responsible citizens. Young people who commit violent crime must be punished, but we must do our part to make crime unattractive.

Given the recent violent incidences in Littleton, Colorado and Conyers, Georgia, the time could not be more urgent for this Congress to pass this legislation.

This debate should be centered on how we can save our children from violence and from committing violent acts. This legislation is a first step in that direction.

This first step gives us the chance to offer some solutions for preventing crime. It also enables us to articulate punishments for violent offenders. But, alone this bill is not enough. We also need to adopt provisions that will address the issue of guns in the hands of our children and the effect of our popular culture.

I thank you for the opportunity to speak on this bill. As I stated earlier, I was an original cosponsor of this legislation in the Subcommittee on Crime. It is unfortunate that we were unable to present this bill through the proper Committee channels, namely through a markup.

However, we must use this opportunity to pass meaningful Juvenile Justice legislation. We cannot afford to waste this opportunity. If we do, it could be a matter of life and death for our children.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a distinguished member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me the time. I want to express my deep appreciation to him for his leadership on this very, very important issue.

Before I go into the substance of the legislation, I want to respond first of all to the gentlewoman from California who put out the idea that, under this legislation, there is going to be mandatory minimums for 13- and 14-year-olds that are going to go to prison. And the gentlewoman from Texas raised, basically, the same argument that we cannot lock up juveniles.

And, of course, that is not in the base bill that we are speaking of today, but it will be offered later on in an amendment. But that amendment, which the chairman certainly can address more appropriately than me, it requires before there is any prosecution of a juvenile in the Federal system that the Attorney General of the United States has to approve that.

I believe, whether it is Attorney General Janet Reno or another attorney general, that they would use their discretion very carefully so that, in the normal case where we have got a delinquent juvenile, that they are going to be handled in the juvenile court system, as they always have been.

So I think we have to be careful in this debate not to go down that path of fear of just putting out that we are going to be locking up juveniles, because that is not the design of this.

We are getting ahead of ourselves in this debate. We need to come back to the accountability block grant proposal that is in H.R. 1501. There are going to be a number of amendments that are going to be offered down the road. In fact, I had my staff put together the whole stack of them. It is going to be a fair debate. The Democrats offered amendments. The Republicans offered amendments.

The will of this House will work, just like we did in campaign finance reform, when there were over 200 amendments offered. I believe that is how democracy works, and we will be able to work that through the will of this House with what I believe will be a very good product. If people do not like an amendment, they get to vote against it. If it is something that is good, they get to vote for it.

Now let us come back to what is very, very important; and that is what the gentleman from Florida (Mr. MCCOLLUM) has prepared for us in this bill, the juvenile accountability block grant proposal.

First of all, it deals with the serious problem of violent juvenile crime. It gives the flexibility to the States to address this issue. It gives resources to them. We all want to deal with the problem of violence, as we saw in Columbine High School in Colorado.

One of the problems, I think, about that difficult circumstance of the probation officer who had these young people to deal with who were errant, who were a problem and they ultimately resorted to violence, if that person perhaps had had more resources, less of a caseload, perhaps he could have done more.

What this bill does is to provide $1.5 billion in grant money so the States can apply for that money. They can apply what works in their jurisdiction. It gives them creativity. It gives them flexibility. It gives them resources so they can deal with the juveniles, not by sending them to prison, locking them up, but by having accountability in the juvenile court system. And accountability is important.

I went to a county, Washington County, Arkansas, and talked to the juvenile delinquents who were actually incarcerated there; and it was clear to me in talking to them that what caught their attention was whenever they knew they could not manipulate the system anymore. And so, whenever they are held accountable, it makes a difference and they start getting their lives straightened out.

I look at this bill that the gentleman from Florida (Mr. McCOLLUM) has authored and it says that one criteria for getting this grant money is that we have a system of graduated sanctions. And I read the bill and it says that the States should ensure that the sanctions are imposed on juvenile offenders for every offence. That is right, that sanctions escalate in intensity with each subsequent, more serious delinquent or criminal offence.

That is the way it should be. When we deal with our teenagers, we have one offence. If they do it again, it is a stronger offence. And that is exactly what this block grant program will encourage the States to do. It is a terrific start to dealing with the culture of violence, the difficulty that our teenagers face day in and day out. But again, it does give them the flexibility in each State to address the programs as they see fit.

If my colleagues look in Arkansas, it dramatizes the seriousness of this problem. In 1998, almost 10 percent of all criminal arrests in Arkansas were juveniles. But what is even more frightening, when we compare that 10 percent of all arrests for juveniles, 24 percent of the arrests for violent crime, including murder, rape and aggravated assault, were juveniles. Twenty-four percent of violent crime in my State was committed by juveniles.

And for that reason, this bill, this block grant program, gives Arkansas, gives New York, the authority to tailor the programs, to have the resources to address this. This is a staggering problem that needs to be addressed, and this legislation will do this.

I will later on offer an amendment that will provide restorative justice programs for these juveniles, and I ask my colleagues to consider this as well.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am a cosponsor of H.R. 1501. I cosponsored this legislation because I believe that the grant programs it contains will be effective in helping our States and local governments combat juvenile crime. It adds the money necessary for antidrug, youth gang and youth violence programs. It provides more money for youth probation officers and prosecutors, more money for drug courts and gun courts, and more money for valuable after-school programs.

But, unfortunately, there are those in this body who would try to amend this bill with poison pill amendments that should be, at the very least, debated and voted on separately from our juvenile justice bill.

I do applaud what my chairman, the gentleman from Illinois Mr. HYDE), is trying to do by offering amendment number 112. I respect the gentleman from Illinois Mr. HYDE) greatly. Unfortunately, that bill goes too far in trying to protect our children from explicit sexual or violent material.

On the whole, it does some good things. But its cure is so extreme as to practically kill the patient. It does not strike the common-sense balance between protections for our children and retaining our constitutional liberties. It is so broad as to be unconstitutional and unenforceable.

We cannot ban parents from singing "Rockabye Baby" because it contains the image of a child falling out of a tree. Nor can we ban books like Tom Sawyer or Huckleberry Finn because they contain some levels of violence.

No, I do believe that there is too much violence, cruelty, and sadism in our culture; and I do believe that it occurs too frequently on television, in movies, in video games, and even in the lyrics of songs on the radio.

But parents have to get involved and do their jobs to monitor what our kids watch on television and how long they can watch television, to keep children out of movies that they are not old enough to see in the first place, to keep them from renting R-rated or PG–13-rated movies if they are not old enough, to install smut-blocking censoring devices on their own home computers, and to keep guns out of their own children's hands.

Yes, we must get the parents involved as one key element in addressing youth violence, as well as keeping guns out of the kids' hands. We can protect our children without outlawing everything from nursery rhymes to classic books and movies.

The juvenile justice bill that I cosponsored did so many wonderful and important things. It was adopted in a bipartisan fashion by Democrats and Republicans.

Unfortunately, my Republican colleagues are now about to impose poison pill amendments on a bipartisan juvenile justice bill for some ideological reason or perhaps some other good-faith reason. But it is the wrong thing to do.

Let us debate these other amendments separately and pass a clean, bipartisan juvenile justice bill.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER), the vice-chairman of the Republican Conference.

Mrs. FOWLER. Mr. Chairman, as we discuss our competing solutions to this serious problem of violence in our society, we must remember what is truly important: our children.

It is our children who are at ground zero of this epidemic of violence. As a mother, I cannot think of anything more frightening than just that image.

□ 1315

We must consider the consequences for their future. There are too many negative forces acting on our children and our families today.

Years ago the words and actions that we see so casually used today in music, television, movies and everyday conversation would have horrified this Nation. As Senator DANIEL MOYNIHAN noted in a 1993 article, we have defined deviancy down. The easy answer, of course, is to focus solely on weapons, but easy answers are rarely the complete solution. We must look at the entire picture, which clearly includes examining these negative influences and discovering a way to eliminate or counteract them while enforcing the concept of right and wrong and holding people responsible for their actions.

Let us remove politics from the equation and focus on our children and on instilling responsibility while counteracting these negative influences.

I want to commend the gentleman from Florida (Mr. McCOLLUM) for introducing this excellent bill which will provide critical resources to our States to assist in their efforts to combat juvenile crime.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I think today is really a sad day. It is a sad day for this institution, and it is a sad day for America.

In 1 year firearms killed not a single child in Japan, 19 in Britain, 57 in Germany, 109 in France, 153 in Canada and 5,285 in the United States. We had an opportunity to do something about that. The gentleman from New Jersey (Mr. PASCRELL) had introduced an amendment, an amendment which would have initiated and authorized the funding and the resources for the development of technology which would have created and designed a firearm which could not have been discharged by anyone other than the owner, by anyone other than the owner.

Now out of that more than 5,000 children that are killed every year in this Nation by firearms, 1,800 of them, 1800 children, our children, are killed either accidentally or by self-inflicted wounds, and we, the majority in this Congress, the Committee on Rules, could not find it, did not have the political will to make that amendment in order, and yet we see amendment after amendment, such as mandatory sentences which have again and again proved ineffective in terms of deterring crime and reducing violence in the United States, but we could not find it in this institution to save 1,800 children a year who die as a result of self-inflicted wounds because of accidental shootings. We could not do it.

Mr. Chairman, it says something about the priorities of this institution.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak to my colleagues, and I do not think they will disagree with what I am going to say. The majority of people in our jails today, most of them is drug related.

First of all, I want to thank my colleagues, including the gentleman from Michigan (Mr. CONYERS), that when my own son was involved with it, many of my colleagues from the other side of the aisle in the Judiciary came forward and offered to help, and I cannot tell my colleagues what that meant. And I do support strong minimum mandatories, the gentleman spoke a minute ago, even though it is on my own son, and I hope that it is the most important thing that has ever happened and life threatening in his life, and I think it will make a change, talking to him, and I do not think he will ever do it again.

But when we are talking about gun legislation, there are things that are reasonable. I made a statement once that I used to fly an F–14. It would put out 3,000 rounds a minute. In a half a second I could disintegrate this building, with a half-a-second burst, and I was trusted with that. I have never killed anybody outside of war, never robbed a bank, never shot anybody, and I want to protect the rights of people like myself that lawfully want to own a handgun.

I went to Mr. SCHUMER's district, and I understand why he hates guns. They have all the projects, and they shoot each other, and they do drugs, and they kill each other, and that is bad. But the answer is not just to be negative, but to look and see what is reasonable.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Chairman, I thank the ranking member for having yielded this time to me.

I rise in opposition to the McCollum amendment to H.R. 1501. I think this amendment undermines the bipartisan consensus reached on this bill, a bill that was cosponsored by every single member of the Subcommittee on Crime and reported unanimously to the full committee where unfortunately we never considered this bill. Can my colleagues imagine the Committee on the Judiciary Subcommittee on Crime meets, all the Members cosponsor a bill, report it out unanimously, and we cannot get a vote in the full committee. It is kind of puzzling why this would happen, but rather than leave this very good piece of juvenile justice legislation alone, the Republicans have taken the opportunity to introduce poison pill amendments to guarantee its defeat, and I must admit that I find this strategy frustrating. If the bill was good enough 8 months ago when it was first drafted by the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Virginia (Mr. SCOTT), then why is it suddenly not good enough now? Why do we need to ruin a good bipartisan bill that includes the right amount of prevention dollars for the States while not attaching too many conditions to the States' use of that money? In a momentary fit of bipartisanship did the Republicans forget to include all of their mean-spirited, counterproductive, juvenile justice measures now that they want to add to the bill?

First, this bill transfers too many juveniles to adult court even though studies have shown that transferring juveniles to adult court can increase juvenile crime. Now a 1996 study in Florida found that youth transferred to adult prisons re-offended approximately 30 percent more frequently than youth who stayed in the juvenile justice system. So if the goal is to move more juveniles to adult prisons and it is to target violent offenders, then studies prove that this has not worked. More juveniles are transferred for nonviolent offenses than for violent offenses, and that is exactly the wrong outcome. If we can see that at least some of the nonviolent juvenile offenders can be rehabilitated, then placing more of them in adult prisons is standing logic on its head.

In addition, holding juveniles in adult facilities is dangerous. Children in adult facilities are five times more likely to be sexually assaulted, twice as likely to be beaten by staff and 50 percent more likely to be attacked with a weapon and eight times more likely to commit suicide than juveniles in a juvenile facility.

There are too many examples of horrible results by locking up kids with adults, but I will provide just one example. Seventeen-year-old Christopher Peterman was held in an adult jail in Boise, Idaho, for failing to pay $73 in traffic fine. For over 14 days he was tortured and finally murdered by other prisoners, a death penalty for $73 in traffic tickets.

We can do better than this, we have got to treat kids appropriately. This amendment should be defeated.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we are truly interested in juvenile justice reform, we must begin by rejecting the amendments that have been stuck on to the very fine principles contained in H.R. 1501, a bipartisan bill that came out of the Subcommittee on Crime, and I remind the gentleman, the chairman of the committee, and I praise this bill, this is a measure that has been very carefully vetted, but all of the other amendments that have been approved, some 44, have never been in the Committee on the Judiciary. In other words, the Committee on Rules has become the original committee of jurisdiction for a juvenile justice bill, and for that reason those amendments must be rejected.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of the time that I have remaining.

We have had quite a debate here on the general debate today on 1501. Many of the topics brought up were about amendments rather than about the base bill. We have heard a number of myths, including one I just heard then, that somehow this legislation or subsequent amendment will involve incarcerating juveniles with adults. No amendment I know of that I am going to offer, has anything to do with, would do that, and certainly this base bill does not touch that subject.

I come back to the fact that whatever else is discussed out here, the single most important thing we are going to be doing in my judgment with respect to protecting our children, the safety of our children on the streets and the schools and the playgrounds of this Nation and to prevent violence by youth, is the underlying proposition in 1501, the bill we are considering, that is bipartisan, that everybody supports, that all the experts say we should pass, and that is the grant program to the States to help them improve broken juvenile justice systems. They need the money for more probation officers, judges, diversion programs and so forth. They do not have it. And because they do not have those judges and probation officers in diversion programs we have got a lot of problems. We do not have kids that are receiving any kind of consequence or accountability for the most minor of crimes that they used to always receive some punishment for.

This bill will say to the States here is money to hire more of these judges, et cetera, if you just agree to one thing, and that is to punish from the very first misdemeanor crime every juvenile in this country, and if they agree in your state to do that and to institute a system of graduated sanctions where we intensify for the more serious offense then you can have the money to improve the system. That is what everybody says will send a message of consequences to kids so they do not start down the path of believing that when they do something bad nothing is going to happen because the experts say when they get to believing that, then it is going to lead on to violent crime later very frequently and that is the root cause and one of the most significant root causes of violent crime in the Nation.

So 1501, the underlying bill we are debating today, getting little attention because of all the other discussions after Littleton about guns and everything else, is by all experts I have talked to as chairman of the Subcommittee on Crime and heard from over the past few most, the single most important thing we can do to help our kids, to make sure there is child safety and to make sure that we prevent violent youth crime in the future. So I strongly urge the adoption of this bill, and I look forward to debating the amendments as they come out here.

Mr. BLILEY. Mr. Chairman, I share the strong concerns of all my colleagues about the rise in youth violence, as evidenced by the tragedy at Columbine High School recently.

I am also concerned, however, that our reaction to such tragedies be appropriate and measured. It seems to me that many of the amendments that we are considering today border on a knee-jerk reaction, designed more for political appeal than solid law-making.

A number of these amendments fall within the jurisdiction of my committee but unfortunately have not had the benefit of the normal committee process and procedures. For instance, I have concerns that the Franks/Pickering amendment, which deals with Internet filtering for schools and libraries, is being dealt with outside the jurisdiction of the Commerce Committee. The committee has been conducting aggressive oversight of this program, known as the E-rate program, and we intend to continue that oversight. The committee has also been involved in myriad issues related to the growth and development of the Internet and electronic commerce. I anticipate that the committee will be addressing this issue of protecting children online later this Congress, with the goal of creating sound, sensible, and rational policy that protects children while recognizing the vast potential of the Internet in aiding education.

Similarly, an amendment to be offered by Mr. WAMP would grant the FTC expansive new authority to approve or establish labeling standards for all audio and video products. There may be constitutional problems with this amendment—problems that would have been eliminated, I am sure, if the legislation had proceeded under regular order.

In addition to the filtering and labeling amendments, a number of amendments were made in order that call for studies and commissions on a variety of society's ills. None of these ideas has passed through my committee, which has the expertise to determine whether Federal tax dollars should be put to use for these purposes.

As this legislation goes to conference with the other body, I will insist that my committee be appointed conferees on provisions within its jurisdiction. In conference, I will seek to ensure that the Congress not only responds to the public call for action, but also crafts sound public policy as well.

Mr. VENTO. Mr. Chairman, today's problem of juvenile crime is so complex that it defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, several of the amendments offered to this piece of legislation have lost sight, not only of the complexity of the juvenile crime problem, but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free.

There are numerous policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. We must continue to focus on early intervention and prevention programs rather than "get tough" punitive measures that do little to reduce crime or address its root causes. Our primary goal should be a proactive approach rather than reactionary measures.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and "get tough" provisions are widely attractive and politically appealing. Yet, such "get tough" measures fail to deliver the results promised by their proponents. Evidence points out that trials of juveniles as adults actually result in repeat criminal behavior and activities. For example, states with higher rates of transferring children to adult court do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon that children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities. The consequence of such action is surely not positive.

I think that Members on both sides of the aisle should agree with the common facts; that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within our community. Different problems and populations require specific solutions. Prescribing inflexible federal solutions does not resolve issues that are specific problems of state or local jurisdictions. Local governments need more flexibility, not more federal mandates which imply the same solution for every jurisdiction. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

I will continue to support legislation that recognizes that states and localities are taking the lead in implementing innovative solutions to local crime problems, and provides for cost effective and proven initiatives. Such legislation would enable local governments to accomplish what the federal government has limited ability to do—reduce the rate and incidence of juvenile crime.

The one thing that the federal government can do is assist state and local governments in any way possible to make sure their solutions are achievable, with programs that put police on the street and take the guns off the street. I believe we have an obligation to do all that is possible to make our communities safe. This includes helping to get guns off the streets and out of the hands of juveniles and criminals. It is unfortunate that events such as the tragedy in Colorado had to occur in order to spur congressional action, however the availability of assault weapons used by the students to inflict this violence and death upon this community and many others must be curtailed.

With the combined efforts of federal, state, and local governments we can successfully combat juvenile delinquency and crime.

Ms. STABENOW. Mr. Chairman, I rise today to express my support for the amendment offered by Representative STUPAK and Representative WISE to H.R. 1501, "Child Safety and Protection Act." This important amendment builds on legislation which I introduced, H.R. 1898, which would authorize a national hotline for reporting school violence.

While I offered my bill as an amendment to H.R. 1501, it was not made in order. Therefore, I would like to express my strong support for this amendment. This important initiative will provide tremendous support to our states by authorizing them to develop and operate confidential toll-free telephone hotlines. These hotlines will operate 24 hours a day, seven days a week in order to provide students, school officials and others the ability to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles. These reports would be directed to the state or local authorities to be addressed. Mr. Speaker, with the recent school shootings we must do everything we an to provide our states the tools they need to handle school violence. The amendment offered my colleagues from Michigan takes an important step toward not only addressing violence in our schools, but preventing it. By giving students a direct line to report violence we have the opportunity to intervene before an act of violence occurs in our communities.

Mr. Chairman, I believe the best way to confront violence in our schools is to commit the resources we have available at the federal level to our states and local communities. There is no more important issue at stake than the welfare of our children. One way we can ensure their safety is to provide states with tools to confront violence in schools. This hotline is important because it builds on existing programs and calls for partnerships between state and local units of government.

While it is unfortunate that I was not able to offer my amendment, I am grateful that this important program was adopted as part of H.R. 1501.

Education is the key to a productive future for our children. We need to make sure our schools are safe so that our children have the skills they need to succeed in the competitive global economy of the 21st century, and I believe that this initiative will move us toward this goal.

Mr. BARCIA. Mr. Chairman, today's children face more obstacles and danger than ever before. Often children are singled out by adult predators because they are weak and unable to defend themselves. We owe it to our children to do all we can to protect them.

That is why I strongly support the Cunningham amendment, which will amend federal sentencing guidelines to increase the penalties for those violent offenders who commit crimes against children. Additionally, the amendment will help local law enforcement to catch and convict criminals by authorizing the Federal Bureau of Investigation to assist local and state authorities in murder investigations involving children. Matthew's Law, named after a little boy who was brutally murdered in California, sends a strong message to those who prey on innocent children. It sends a message that we will not tolerate crimes of violence against children and predators who prey on those innocent victims deserve severe punishment.

In combination with the truth in sentencing resolutions that have passed this House, this amendment will keep violent offenders away from our children. It makes our streets safer. It makes our neighborhoods safer and most importantly, it makes our children safer.

Mr. NUSSLE. Mr. Chairman, all American children have the right to receive a quality education in a safe learning environment. Teachers and principals should be given the tools needed to provide their students with that quality education and safe learning environment. Unfortunately, federal regulations are standing in the way of allowing education officials in our communities from doing just that.

Under current discipline provisions in the Individuals with Disabilities Education Act (IDEA), a special-needs student who is in possession of a weapon at school may only be suspended for up to 10 days or be placed in an alternative education setting for up to 45 days. If the student's behavior is determined to be a direct result of his or her disability, the student could return to school immediately.

Over the past year and a half, I have been meeting with school administrators, principals, and teachers throughout Iowa's 2nd District to discuss this problem. Time and time again, they have told me how difficult it is to provide a safe learning environment for their students because of the two separate discipline codes they must live under—one for the main-stream students and one for the special-needs students. Together, we worked to write the Freedom to Learn Act which is very similar to this amendment we are discussing.

For instance, if my son, Mark, who is a main-stream student, were to bring a gun into school he could be expelled from school immediately. If my daughter, Sarah, who is a special-needs student, were to bring a gun into school she could either be suspended for a short time or return back to her classroom. But at home, there is only one set of rules for both of my children. If Sarah and Mark get into a fight, they both receive the same punishment. What I am trying to teach my kids at home is being contradicted with how they are treated at school. A two-track discipline system does not work at home—and it does not work at school either.

I offer this amendment with my colleagues because it will allow state and local education officials to establish uniform discipline policies that will apply to all students who bring weapons to school. This amendment will give school officials the freedom to protect the safety of every student in their charge without interference from the federal government.

We must amend the burdensome, bureaucratic control over our local school agencies. We must allow school officials to establish disciplinary procedures and consequences that would best meet their individual needs. And, most importantly, we must provide all students with the right to learn in a safe education environment.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1501 is as follows:

H.R. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consequences for Juvenile Offenders Act of 1999".

SEC. 2. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

"(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

"(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

"(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

"(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

"(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

"(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

"(9) establishing and maintaining a system of juvenile records designed to promote public safety;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

"(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.

"(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders; and

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety.

"SEC. 1802. GRANT ELIGIBILITY.

"(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

"(b) LOCAL ELIGIBILITY.—

"(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

"(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

"(c) Graduated Sanctions.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

"(1) sanctions are imposed on juvenile offenders for every offense;

"(2) sanctions escalate in intensity with each subsequent, more serious delinquent or criminal offense;

"(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

"(4) appropriate consideration is given to public safety and victims of crime.

"(d) Discretionary Use of Sanctions.—

"(1) Voluntary participation.—A State or unit of local government may be eligible to receive a grant under this part if—

"(A) its system of graduated sanctions is discretionary; and

"(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

"(2) Reporting requirement if graduated sanctions not used.—

"(A) Juvenile courts.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

"(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

"(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in 1 or more specific cases, to submit an annual report that explains why such court did not impose graduated sanctions in each such case.

"(B) Units of local government.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

"(C) States.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

"(e) Definitions.—For purposes of this section:

"(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

"(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Allocation.—

"(1) In general.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

"(A) 0.25 percent for each State; and

"(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

"(2) Prohibition.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

"(3) Increase for state reserve.—

"(A) In general.—Subject to subparagraph (B), if a State demonstrates and certifies to the Attorney General that the State's law enforcement expenditures in the fiscal year preceding the date in which an application is submitted under this part is more than 25 percent of the aggregate amount of law enforcement expenditures by the State and its eligible units of local government, the percentage referred to in paragraph (1)(A) shall equal the percentage determined by dividing the State's law enforcement expenditures by such aggregate.

"(B) Law enforcement expenditures over 50 percent.—If the law enforcement expenditures of a State exceed 50 percent of the aggregate amount described in subparagraph (A), the Attorney General shall consult with as many units of local government in such State as practicable regarding the State's proposed uses of funds.

"(b) Local Distribution.—

"(1) In general.—Except as provided in subsection (a)(3), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

"(A) the sum of—

"(i) the product of—

"(I) three-quarters; multiplied by

"(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of—

"(I) one-quarter; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(2) Expenditures.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(3) Reallocation.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

"(c) Unavailability of Data for Units of Local Government.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditures for a unit of local government is insufficient or inaccurate, the State shall—

"(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditures for the relevant years for the unit of local government.

"(d) Local Government With Allocations Less Than $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(e) Direct Grants to Specially Qualified Units.—

"(1) In general.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

"(2) Award basis.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

"SEC. 1804. REGULATIONS.

"(a) In General.—The Attorney General shall issue regulations establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

"(b) Advisory Board.—The regulations referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

"(1) the State or local police department;

"(2) the local sheriff's department;

"(3) the State or local prosecutor's office;

"(4) the State or local juvenile court;

"(5) the State or local probation officer;

"(6) the State or local educational agency;

"(7) a State or local social service agency; and

"(8) a nonprofit, religious, or community group.

"SEC. 1805. PAYMENT REQUIREMENTS.

"(a) Timing of Payments.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

"(b) Repayment of Unexpended Amounts.—

"(1) Repayment required.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, or a unit of local government shall repay to the State by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

"(2) Penalty for Failure to Repay.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) Deposit of Amounts Repaid.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

"(c) Administrative Costs.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

"(d) Nonsupplanting Requirement.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

"(e) Matching Funds.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) In General.—A State or specially qualified unit that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part;

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State or specially qualified unit;

"(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) Title I Provisions.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

"For purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 2000;

"(2) $500,000,000 for fiscal year 2001; and

"(3) $500,000,000 for fiscal year 2002.

"(b) Oversight Accountability and Administration.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 2000 through 2002 shall be available to the Attorney General for evaluation and research regarding the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) Funding Source.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

(b) Clerical Amendments.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"Part R—Juvenile Accountability Block Grants

"Sec. 1801. Program authorized.
"Sec. 1802. Grant eligibility.
"Sec. 1803. Allocation and distribution of funds.
"Sec. 1804. Regulations.
"Sec. 1805. Payment requirements.
"Sec. 1806. Utilization of private sector.
"Sec. 1807. Administrative provisions.
"Sec. 1808. Definitions.
"Sec. 1809. Authorization of appropriations.".

The CHAIRMAN. No amendment is in order except those printed in part A of House Report 106–186. Except as otherwise specified in House Resolution 209, each amendment may be offered only in the order printed in part A of the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for division on the question.

□ 1330

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in part A of the report out of the order printed, but not sooner than 1 hour after the Chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. McCOLLUM. Mr. Chairman, pursuant to the rule you have just outlined for us, I hereby give 1 hour's notice of my request to consider the amendment No. 31, the Hyde amendment, out of order, immediately after consideration of the McCollum amendment No. 6, and any amendments thereto.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 106–186.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. Kucinich:

Page 3, strike lines 23 and 24, and insert the following:

"(9) establishing and maintaining an automated system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that—

"(A) is equivalent to the system of records that would be kept of adults arrested for such conduct, including fingerprint records and photograph records;

"(B) provides for submitting such juvenile records to the Federal Bureau of Investigation in the same manner as adult criminal records are so submitted;

"(C) requires the retention of juvenile records for a period of time that is equal to the period of time for which adult criminal records are retained; and

"(D) makes available, on an expedited basis, to law enforcement agencies, to courts, and to school officials who shall be subject to the same standards and penalties that apply under Federal and State law to law enforcement and juvenile justice personnel with respect to handling such records and disclosing information contained in such records;

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Ohio (Mr. Kucinich) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Kucinich).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I wish to offer an amendment to this bill that would assist States in compiling the records of juveniles and establishing statewide computer systems for their records. In addition, States would have the option of making these records available to the NCIC at the FBI where they would be accessed by law enforcement officials from other States. Similar language for such a system of records already exists in the Senate-passed juvenile justice bill.

The reason I offer this amendment is a tragic story from my own district. A Cleveland police detective, Robert Clark, was killed in July 1998 while attempting to arrest a drug dealer. The individual who shot Detective Clark had accumulated a considerable criminal record between Ohio and Florida. Although he was only 19 years old at the time of the shooting, he had been arrested 150 times since the age of 8. There had been 62 felony charges laid against him between 1995 and 1998. However, officials in Ohio were unaware of his criminal activities in Florida, and vice versa. In addition, there was an outstanding warrant for this individual's arrest in Florida at the time of the shooting. Had an automated records system been in place when he first appeared before a juvenile court in Ohio, law enforcement officials in Ohio would have had access to this extensive criminal record in Florida.

I remain a strong supporter of civil liberties for all citizens. Therefore, it is important that access to these records be strictly controlled to maintain the privacy rights of every citizen. In addition, States should not be mandated to share juvenile records information with the FBI. Rather, they would have the option of sharing their juvenile records information should they choose.

My amendment has received the endorsement of the Fraternal Order of Police in which they say, "The ability to share and obtain information about criminals' records is crucial to the law enforcement mission. This legislation addresses the pressing need for better and more efficient recordkeeping on violent juveniles, information that would stop crimes and save lives."

Mr. Speaker, at this time I will include the above-referenced letter for the RECORD.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 15, 1999.

Hon. DENNIS KUCINICH,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KUCINICH: I am writing on behalf of the more than 277,000 members of the Fraternal Order of Police to advise you of our strong support for your amendment to H.R. 1501, the "Consequences for Juvenile Offenders Act of 1999." Your amendment will enable law enforcement officials to improve record-keeping and record-sharing on juvenile offenders.

Your bill would enable States to apply for Federal grants to establish, develop, update or upgrade State and local criminal history record systems to include the conviction records of violent juveniles. These grants will assist State and local law enforcement authorities in compiling and computerizing statewide systems with the records of violent juvenile offenders with the option to make this data available to the Federal Bureau of Investigation and law enforcement authorities in other States.

The ability to share and obtain information about criminals' records is critical to the law enforcement mission. Your legislation addresses the pressing need for better and more efficient recordkeeping on violent juveniles—information which could stop crimes and save lives.

On 1 July 1998, Detective Robert Clark of the Cleveland Police Department and Correy Major, a 19-year-old from Florida were killed in a gun battle. Major was first arrested at the age of eight. By the time he was killed last July, he had amassed over one hundred and fifty prior incidents with police on his record. Major was arrested on yet another offense the night before he killed Detective Clark, but because law enforcement officers in Cleveland, Ohio were unaware of his extensive criminal record as a juvenile in Florida, he was released from custody. Because Ohio and Florida were unable to share information about this dangerous and violent criminal, only hours later a brave and dedicated officer was dead.

I commend you for your leadership on this important issue on behalf of the membership of the Fraternal Order of Police. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office at (202) 547-8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I do not oppose the amendment; however, I ask unanimous consent to take the 5 minutes if no Member is opposing it.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) is recognized for 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to support the amendment of the gentleman from Ohio (Mr. KUCINICH) and take the time to say what it really does in my view, which is a very positive thing. It takes one of the conditions of use of the money in grant program for these improvements of the juvenile justice system, which are very broadly written; there are 13 of them in the bill, and it very specifically tailors that one use which has to do with having juvenile records available by saying that not only do we establish and maintain those juvenile records in the case of public safety, but that we have an automated system of records that we establish and maintain for juveniles less than 18 years of age or who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult.

In other words, the gentleman from Ohio (Mr. KUCINICH) spells out what we are concerned with here and then goes into detail, very similar to what was in legislation that I authored in the last Congress on this subject matter and did not include in this particular bill, H.R. 1501, as a specific provision in that much detail because I thought the general language covered it.

Mr. Chairman, I really believe that the gentleman is doing a service to put this specific language in. I think this is a good amendment because it does outline these details, and does spell out that which the rules would be, and we will not have any questions about it after that, I believe.

So it is again in furtherance of a bipartisan bill that throughout this has been that way.

Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Florida (Mr. McCOLLUM) for his kind remarks regarding this amendment. It seeks to build on the intentions that he had in the last Congress, and I certainly appreciate his support and the support of all of my colleagues on this.

Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 106-186.

AMENDMENT NO. 2 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. HUTCHINSON:

Page 4, after line 21, insert the following:

(14) establishing and maintaining restorative justice programs.

(c) DEFINITION.—For purposes of this section, the term "restorative justice program" means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution, and mediation between victim and offender."

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment adds a new category of permissive uses for the grant money authorized under the juvenile accountability block grants in H.R. 1501. This new authority will allow States and localities to use funds in the bill to implement restorative justice programs.

Restorative justice is a concept that incorporates the community, the victim, and the offender in the restitution and rehabilitation process. Programs in existence today include local community reparation boards, offender restitution programs, and victim-offender mediation. This new authorized use of funds will provide judges with an important tool to hold juveniles accountable for their wrongdoing.

Mr. Chairman, I believe it is important not only to hold juveniles accountable to the State for their wrongdoing, but also to their victims. Restitution programs and mediation programs emphasize the responsibility of the offender, in this case the juvenile, to those he or she has wronged.

The Senate-passed juvenile crime bill includes similar language, but does not define the term "restorative justice." So my amendment improves upon the Senate approach by defining restorative justice to mean a program that emphasizes the moral accountability of an offender toward the victim and the affected community. I might add, Mr. Chairman, that the American Bar Association has previously adopted a resolution recommending that the government look into these types of victim-offender mediation programs in the criminal justice system and possibly incorporating them.

An example of this also would be Marty Price, who mediated a session between juvenile offenders who had thrown rocks from an overpass and actually caused physical harm, but also some personal injuries. That was mediated, the victims participated in it, there was not any recidivism. The juveniles learned from that experience, and the victims were happy as well. I will not go into all the details of this, but it is something that really works.

Mr. Chairman, I yield to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, we have no objection to this amendment. However, I would like to yield when it is appropriate to the gentleman from Maine (Mr. BALDACCI).

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. I just want to rise in support of this amendment. It establishes a new criteria under the uses for the grant monies in this bill. It is the 14th one. We just talked about amending one of the earlier ones in the list of 13. This 14th one is in no way restrictive and actually adds to the opportunity for the local authorities and States to be able to improve their juvenile justice systems. As the gentleman so eloquently explained, it does so by establishing and maintaining restorative justice programs, and the gentleman has defined those to mean a program that emphasizes the moral accountability of an offender toward the victim and the affected community.

Mr. Chairman, I think this is very significant. I think that it is a good clarification of the broad-based nature of what we are proposing in that there are lot of things, as long as it is within the juvenile justice system of a State, that one can use this grant money for. So I commend the gentleman for offering it and I urge its adoption.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

Ms. DEGETTE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado (Ms. DEGETTE) is recognized for 5 minutes.

Ms. DEGETTE. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentlewoman from Colorado for yielding me this time. I am not in opposition to the amendment that has been offered, but because of the constraints that have been presented, it will allow us an opportunity to be able to speak in regards to this issue at this time.

I do support the efforts of the gentleman from Arkansas in trying to create this opportunity for restorative justice, and I would look to support it.

But at this time also, on the larger issue, I wanted to point out that there are no easy answers to the problems of youth violence. Tightening gun laws, providing increased mental health counseling to youth and placing renewed emphasis on family values may all be part of the solution, but no one of these steps alone will be enough. I think a few guiding principles are in order.

First, increased communication must be a focus. Students need to be able to report incidences or rumors that concern them. Education and law enforcement officials need to be able to share information about troubled or troublesome youth, and parents need to be able to talk to their kids and children and friends of teachers and teachers themselves.

Second, we must start thinking and acting like families and communities, rather than solely as individuals. I think in some of the cases we have lost sight of the common good and we need to regain that. Third, we must take prudent steps to ensure that guns are not in the hands of our youth. While we must maintain a careful balance, I do believe that some modest further regulation may be in order.

Finally, and perhaps most importantly, we need to take increased steps to ensure that our youth have the resources to deal with the challenges they face. Whether they find strength in their families, in their church, or in their teachers or simply in themselves, young people need to be able to face the rejection, the volatility and pressures that can accompany adolescence.

Time and again, I have heard from people in my district that the best way to deal with juvenile delinquency is to prevent it from happening in the first place. The boys and girls club, after school activities, sports programs, mentoring and programs like Outward Bound have all proven effective in keeping kids out of trouble. They help youth to build the skills they need and provide caring, nurtured environments for children to spend their time in.

We have all heard the adage that an ounce of prevention is worth a pound of cure, and when it comes to dealing with our youth, I do not believe that any phrase could be more true. I commend the committee for focusing on prevention in the underlying legislation, and I urge my colleagues not to lose that focus as we go through the amendment process.

Ms. DEGETTE. Mr. Chairman, as I stated, we have no objection to this amendment. We thank the gentleman for raising it.

Mr. Chairman, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY), who has been very supportive of this effort.

The CHAIRMAN. The gentleman from Arkansas has 1 minute remaining.

Mr. HUTCHINSON. Mr. Chairman, I ask unanimous consent that the gentlewoman be given 2 minutes.

The CHAIRMAN. The Chair would inform the gentleman that under the rule, such a request cannot be granted by the Committee of the Whole.

Does the gentleman seek to yield 1 minute to the gentlewoman from Oregon?

Mr. HUTCHINSON. Yes, I would like to do that, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Oregon is recognized for 1 minute.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of the gentleman's amendment.

This amendment stresses that juveniles must be held accountable for their actions and allows communities to engage in innovative and nontraditional ways of holding juveniles accountable.

Too often our juvenile system provides delayed accountability to our people by not acting for 2 or 3 months, or by not acting until after a person has committed a second or third or even fourth violation.

Accountability programs have been enormously successful in my district in Oregon. In Clackamas County, the local juvenile authorities have been working with nonviolent first- and second-time juvenile offenders to come up with punishments that do not justify, fit the crime, but fit the offender.

County officials assess and evaluate the offender and work with parents, local police, and school officials to come up with proper sanctions, treatment, and an immediate consequence to that offense, so that the offender understands that there is a connection. As a result, juveniles are often required to provide restitution, to meet with their victims and provide service to the community.

□ 1345

Providing these types of immediate sanctions have been so successful in my district. This is the kind of program this would fund, and I would support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in Part A of House Report 106–186.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. DREIER:

Page 4, line 11, strike the period and insert the following: ", and accountability-based, proactive programs, including anti-gang programs, developed by law enforcement agencies to combat juvenile crime;".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. DREIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at the outset say that I am very pleased to be joined in offering this amendment with my good friend, the gentleman from Arizona (Mr. HAYWORTH) and my good friend, the gentleman from California (Mr. HORN).

This issue really centers around the question of local control. As we confront the issue of violent juvenile crime, it seems to me that it is very important for us to do everything we possibly can to empower local community-based agencies, particularly sheriffs and police, to fight gang crime.

We all know how these horrible gangs that have been out there have been involving themselves in illegal commerce, primarily in the area of drug trafficking, and it goes across both State lines and national borders.

This proposal first came to me from Lee Baca, who is the Chairman of Los Angeles County. They have spent a great deal of time looking for creative, locally-based solutions to what obviously is a very serious problem.

I hope very much my colleagues will join in strong support of this effort.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MCCOLLUM), distinguished chairman of the Subcommittee on Crime.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me. I want to support this amendment. I compliment the gentleman on it.

Mr. Chairman, I want to assure everybody, from what I understand from the discussions and from reading the amendment, the gentleman is adding to already existing number 11.1 for the conditions for the use of the money, and in that process, all the gentleman is doing is saying if a kid comes in contact, a juvenile, with some portion of the system, in this case, the law enforcement portion, before the judge ever sees the case, and it is one of these anti-gang programs or whatever, they can receive some of this money.

That is part of the system, by definition. I assure the gentleman it is.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, the gentleman is absolutely right. So basically what we are doing is providing another opportunity, a greater degree of flexibility, so we can deal with this very pressing problem.

Again, this came to our attention from the Los Angeles County Sheriff's department. In my State, Pasadena, California, has been very involved in this. We have, I think, what is a creative, flexible solution, or at least a help for a very serious problem.

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Arizona (Mr. HAYWORTH), with whom I am pleased to be joined as a cosponsor of this amendment.

Mr. HAYWORTH. Mr. Chairman, I thank my friend, the honored chairman of the Committee on Rules, for yielding time to me.

I would simply address my colleagues by reminding them of the situation we find ourselves in the Sixth Congressional District in Arizona, an area in square mileage almost as big as the commonwealth of Pennsylvania, a district of many contrasts, part of urban Phoenix, and a sprawling rural area in which the counties are actually larger than many States on the East Coast.

While in the past, and as my colleague from California capably pointed out, while urban areas we often associate with gang violence and the rise of street crime and gang activity, we also see it in the rural areas of States like Arizona.

Just yesterday a young man from Winkelman, Arizona, there on the Pinal-Gila county line came to see me. He spoke of incredible activities in his rural community, concentrations of gangs, concentrations of drug activity. That was followed up with a visit from another rural county by a narcotics officer saying the same thing.

What we are doing in this amendment is allowing local law enforcement agencies to use some of the $1.5 billion in Federal assistance that is set aside over the next 3 years to help combat juvenile crime.

As my friend, the distinguished subcommittee chairman from Florida just pointed out, this allows a portion of those proceeds to go to anti-gang activities which are so essential to combatting youth violence, so essential to combatting the scourge of drugs, and so essential to rural law enforcement, where we have seen the incredible rise of gangs along the interstates now in Arizona, even going into what we would consider more pastoral and placid scenes. There crime is rising, gang activity is up.

This amendment allows flexibility, and the underlying principle is this: That those closest to the problem, those who have to fight the problem, should be given maximum flexibility to do so.

That is why I am so pleased to join my colleague, the chairman of the Committee on Rules and my other colleague, the gentleman from California (Mr. HORN), as well in offering this amendment. I urge its passage by this body.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, as a member of the committee, I certainly do not object to the proposed amendment because I think, in fact, although the amendment makes clear this is an eligible activity, I think that is already clear from the underlying bill.

We want to do this, the amenders want to do this. Therefore there is no harm in saying it still again, that we want this to be an eligible activity.

However, I do think it is important to put in context what it is we are doing here today in the House of Representatives. We have struggled on the Committee on the Judiciary with a juvenile justice bill that was way too extreme, and due to the efforts of the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT), the ranking member, we came up with a bipartisan bill, H.R.

1501, that all of us agree would help in the juvenile justice arena.

We had hoped in the committee that we would take that bipartisan bill that we knew would pass, we knew the President would sign, and added the simple gun safety measures that the other body approved prior to the recess.

Instead, what we have here in this process today is that bipartisan bill and some innocuous amendments, such as the current one, that I believe are being used as cover for the killer amendments that will be offered later in the day that will sink the entire measure. I think that is a darned shame.

This is being done as prelude to what I fear will be a very unproductive effort tomorrow, unproductive from the point of view of those who want gun safety measures, modest ones, commonsense ones such as the Senate has passed, but productive for those who wish to kill commonsense gun safety measures.

This amendment is fine, but let us not be fooled by what we are doing here today. This entire effort is devised by those who oppose any efforts to adopt what the American people want, which is modest, moderate, commonsense gun safety measures. I think that is a terrible shame, and really, in so doing we will disappoint the legitimate hopes of the American people for these modest steps.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this amendment is certainly consistent with the underlying bill, especially one of the amendments that will be presented later, which would incorporate H.R. 1150. The localities would do a plan and determine whether or not this particular program would fit into their plan, if they have determined they need this kind of program.

It would certainly be eligible under that portion of the bill. It is forward-thinking, and I would urge its adoption.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply like to express my appreciation, not only to the gentleman from Florida (Mr. MCCOLLUM) for accepting the amendment, but to my chief colleague, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. CONYERS).

We were very pleased to make the gentleman's amendment in order as we proceeded with this rule. I appreciate the gentleman's kindness in accepting this very, very balanced amendment that the gentleman from California (Mr. HORN) and the gentleman from Arizona (Mr. HAYWORTH) and I are offering.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to let the gentleman from California (Chairman DREIER) know that I appreciate the courtesy that he afforded me in terms of a substitute on the other bill. Had he not come forward as he did, it would have created almost a precedent in the House, that we on our side could not bring forward a substitute, and I am happy that the rethinking or rereview of that led the gentleman to his unparalleled generosity. I want the gentleman to know that I thank him for it.

I also support the amendment offered by the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and his two colleagues.

This amendment, dealing with juvenile accountability, block grants, and dealing with a proactive program that really interacts among youngsters and gangs developed by law enforcement agencies to combat juvenile crime, is clearly on the money. I hope that it will be agreed to by all of the membership.

Mr. HORN. Mr. Chairman, I would like to thank the gentleman from California, Mr. DREIER, for ensuring consideration of this amendment, and the gentleman from Arizona, Mr. HAYWORTH, for cosponsoring it.

As currently written, H.R. 1501 provides $1.5 billion in grants for use by states and local governments to strengthen the juvenile justice system through a wide variety of programs and initiatives. This amendment would ensure that anti-gang programs run by local law-enforcement agencies are eligible for these grants. Under this amendment, federal assistance would be available for proactive programs, including anti-gang programs, based on the principle of accountability and developed by law enforcement to combat juvenile crime. This amendment has been endorsed by the National Sheriffs' Association.

Local anti-gang programs play a critical role in reducing juvenile crime in our nation's urban areas. The city of Downey has an excellent Gangs Out of Downey program. Los Angeles County, which includes my district and the district represented by Mr. DREIER, has more than one thousand gangs. Gang-related crime often requires a different law-enforcement approach compared to other types of crime. Gangs—their activities, their internal culture, their way of life—can vary from city to city, even from neighborhood to neighborhood, making a localized approach critical to any anti-gang effort. Moreover, anti-gang programs must address the role that gangs play in the lives of their members. Many gang members come from broken homes, and their gang acts as a surrogate family for them. Anti-gang efforts must be proactive in providing alternatives to gang life, in keeping young men and women from joining a gang before they get pulled into one. A most effective program is the Police Athletic League [PAL]. They have been effective throughout the United States.

The threat that gangs pose to our urban communities—and to the young men and women who join them—makes it critical that this bill specifically allow funding for anti-gang programs. I urge my colleagues to vote for this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part A of House Report 106–186.

AMENDMENT NO. 4 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. CAPUANO: Page 3, after line 10, insert the following (and redesignate any subsequent paragraphs accordingly):

"(6) providing funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs;".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this year Jason Sadler, a 14-year-old from my district, witnessed an armed robbery. When questioned by the police, he did what his mother told him to do. He stood up and he told the truth. He identified the perpetrators and he agreed to testify.

In return for his actions, Jason has received death threats, along with the rest of his family, from the perpetrators and their cohorts. Because funding for juvenile witness assistance programs must compete for priority with the need to hire assistant district attorneys, investigators, stenographers, and the like, Jason's mother has been forced to remove her son from school for the last 5½ months and place him in hiding.

For doing the right thing, Jason will have to repeat the eighth grade, and for quite a while will have to hide in fear for his life.

Shortly before Jason's case, in January of this year, another young boy, Leroy B.J. Brown from Bridgeport, Connecticut, stepped forth to do the right thing in his time, to assist local authorities in prosecuting drug dealers.

Eight-year-old B.J. was scheduled to testify about a shooting that he had witnessed, but before he could testify, he and his mother were murdered.

Both of these kids were good, law-abiding citizens who were willing to step forth and do something many adults are not ready to do, stand up against crime in their community.

Our State and local prosecutors should be encouraged to develop programs to support such kids when they do the right thing. This amendment will do just that, and I hope it is adopted.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. McCOLLUM) seek recognition?

Mr. McCOLLUM. Mr. Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) is recognized for 5 minutes in opposition.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose this amendment, I support it. I just want to clarify a few things about it.

First of all, it is a big problem right now in this country, witness intimidation. It is a problem not only with juveniles, but across-the-board. A significant section in my amendment, a larger comprehensive amendment I am going to offer in a few minutes, deals with witness intimidation, bribery, crossing State lines. It even has a death penalty if you murder somebody in a witness intimidation setting under those circumstances.

□ 1400

What the gentleman is offering here perhaps is included in our already existing No. 5 provision in our grant program, the underlying 1501 use provisions; that is, what the States can use the money for. But I think it amplifies and makes it very clear that we are not just doing what provision No. 5 says; that is, States may do more than simply provide funds to enable prosecutors to address drug, gang and youth violence problems more effectively, and for the technology, equipment and training to assist the prosecutors in identifying and expediting the prosecution of violent juvenile offenders, which No. 5 provides for in the existing bill, but it also will now, with the gentleman's amendment that I support, make certain that States can use the money to provide funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs.

That might have been interpreted to be included in the one I read earlier, No. 5, but it is not clear, as clear as now with this amendment. So I think this is a good amendment. We should be helping prosecutors protect witnesses in juvenile programs.

I encourage the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CAPUANO. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, following the gentleman from Florida (Mr. McCOLLUM), this amendment I think if we had had an opportunity to consider it in committee, although we did not have an opportunity but had we had an opportunity, I think it certainly would have been included because this kind of activity was anticipated to be covered by the bill.

I thank the gentleman for offering it and only wish that we had had an opportunity to consider it in committee, but we did not have a full committee consideration so the gentleman had to introduce it on the floor, and I thank him for that.

Mr. CAPUANO. Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 106–186.

AMENDMENT NO. 5 OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. STUPAK) and myself, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. Wise:

Page 4, line 18, strike "and" at the end.

Page 4, line 21, strike the period at the end and insert a semicolon.

Page 4, after line 21, insert the following (and make such technical and conforming changes as may be appropriate):

"(14) supporting the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(15) ensuring proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (14);

"(16) assisting in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (14), including the utilization of Internet webpages or resources;

"(17) enhancing State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (14) threatening to do harm to themselves or others; and

"(18) furthering State efforts to publicize the services offered by the hotlines described in paragraph (14) and to encourage individuals to utilize those services.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from West Virginia (Mr. WISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK), the cosponsor of the amendment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I rise today to support my amendment to create new school violence hotlines. Both the gentleman from West Virginia (Mr. WISE) and I have been working on this important amendment to help our communities prevent acts of violence at schools. I thank my colleague, the gentleman from West Virginia (Mr. WISE) for his efforts and his hard work on this and urge my colleagues to adopt this amendment.

Our amendment allows States to create and operate confidential, toll free, telephone hotlines that operate 24 hours a day, 7 days per week, in order to provide students, parents, school officials and others the opportunity to report specific threats of imminent school violence to appropriate State and law enforcement entities.

Our amendment also ensures that the States properly train people to answer and respond to telephone calls and assist States in the acquisition of technology to administer the hotlines.

Mr. Chairman, hotlines will provide parents and students an important tool in our effort to reduce school violence. As chair of the Democratic Crime and Drug Task Force, we have met over the last year with school officials and they have detailed to us how these hotlines are particularly valuable because they allow students to report anonymously, avoiding much of the peer pressure that so often affects their behavior.

No kid wants to be considered a snitch in their school and many times potential acts of violence go unreported because of the pressure students feel from their peers.

Additionally and most importantly, students often fail to report potential violence because of fear that the weapons or the violence that they are to report may be used against them if they are found out to be the one who reported to authorities. These hotlines will eliminate the pressure and allow kids to come forward without fear of retaliation.

Mr. Chairman, I urge my colleagues to support this important amendment. The Senate adopted a similar provision sponsored by Senators ROBB and SESSIONS. We can make this easier for our children to report potential violent acts at school and we can provide a valuable tool to our communities to help reduce school violence.

I would like to thank my staff, in particular Dave Buchanan, for all of his hard work on this.

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. I think it is a good amendment. It adds one more provision to this bill that is really a complimentary thing with respect to what the funds in the grant program for the juvenile justice systems improvement can be used for. In other words, there is a very important hotline issue here about schools and training folks to be able to use that hotline to report potential violence in the school and criminal conduct in the school among juveniles, and it strikes me that that is indeed at this point, whenever one sees something such as a threat of violence by a teenager in a school occurring, at that point in time the juvenile justice system is enacted, it is in contact, it is a part of this system at that point that we want to see these funds used to improve.

So it strikes me, again, that this is at the very initial stage of where we want the line to be drawn for the money to be used in this legislation. That is, when the juvenile justice system first comes into play, when that first telephone ring comes about, 911 or through the hotline that is established here as a special hotline, to the local authorities about something that is going on in a school, I think that is extremely important. So I support this amendment and urge its adoption to make sure that the use of money in this respect under this bill is allowable. I think it is already, but if it is not that certainly clarifies it.

Mr. Chairman, I yield back the balance of my time.

Mr. WISE. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I think this is an excellent amendment. I wanted to praise the gentleman from Michigan (Mr. STUPAK) for joining the gentleman from West Virginia (Mr. WISE) on it. He is one of the Members in the Michigan delegation that is standing up to incredible scrutiny and he is standing tall as we consider juvenile justice and gun safety measures here during the week and into next week. I thought that this would be an appropriate place to make that observation.

Mr. WISE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, as I listened to people across the State at four school violence hearings last summer, several good ideas emerged and one of them is the creation of a statewide toll free school violence hotline. Today the amendment that the gentleman from Michigan (Mr. STUPAK) and I are offering to the juvenile justice bill specifies that the block grant funds in this bill can be used to create a hotline and to train and support the personnel to operate it.

This toll free hotline is a place where students and teachers or anyone else can call to report suspicious behavior, to make this call anonymously, without fear of exposure or retaliation.

Students have told me that many times they hesitate to alert others of potentially violent situations because they are afraid of being labeled a snitch or they are afraid of retaliation. This hotline would allow authorities to review the information without putting the person passing it along in danger. This is going to be vital for many of our smaller counties that might not be able to take this on by themselves. But check with Harrison County in West Virginia, for instance, or Berkeley County or others that have implemented such a hotline to see how important they think it is, as other States have done across the country.

We have investigated many ways that one can have such a hotline and each State can take its own means, but it is important that we put this in the bill so that States know that they can use these block grant monies to create a toll free, statewide school violence hotline that can protect many of our young people from violence and give them the opportunity to report what they consider to be a violent situation.

When our school doors reopen this fall, with this in the bill, we will have made our schools safer, and I appreciate greatly the chairman of the subcommittee and the chairman of the full committee for agreeing to this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. WISE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part A of House Report 106–186.

AMENDMENT NO. 6 OFFERED BY MR. McCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. McCOLLUM:

Page 1, beginning on line 4, strike "Consequences for Juvenile Offenders" and insert "Child Safety and Youth Violence Prevention".

Page 1, after line 5, insert the following:

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Sec. 101. Short title.
Sec. 102. Grant program.

TITLE II—JUVENILE JUSTICE REFORM

Sec. 201. Delinquency proceedings or criminal prosecutions in district courts.
Sec. 202. Custody prior to appearance before judicial officer.
Sec. 203. Technical and conforming amendments to section 5034.
Sec. 204. Detention prior to disposition or sentencing.
Sec. 205. Speedy trial.
Sec. 206. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
Sec. 207. Juvenile records and fingerprinting.
Sec. 208. Technical amendments of sections 5031 and 5034.
Sec. 209. Clerical amendments to table of sections for chapter 403.

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

Sec. 301. Armed criminal apprehension program.
Sec. 302. Annual reports.
Sec. 303. Authorization of appropriations.
Sec. 304. Cross-designation of Federal prosecutors.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

Sec. 401. Increased penalties for unlawful juvenile possession of firearms.
Sec. 402. Increased penalties and mandatory minimum sentence for unlawful transfer of firearm to juvenile.
Sec. 403. Prohibiting possession of explosives by juveniles and young adults.

TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

Sec. 501. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.
Sec. 502. Requiring thefts from common carriers to be reported.
Sec. 503. Voluntary submission of dealer's records.
Sec. 504. Grant program for juvenile records.

TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

Sec. 601. Mandatory minimum sentence for discharging a firearm in a school zone.
Sec. 602. Apprehension and procedural treatment of armed violent criminals.
Sec. 603. Increased penalties for possessing or transferring stolen firearms.
Sec. 604. Increased mandatory minimum penalties for using a firearm to commit a crime of violence or drug trafficking crime.
Sec. 605. Increased penalties for misrepresented firearms purchase in aid of a serious violent felony.
Sec. 606. Increasing penalties on gun kingpins.
Sec. 607. Serious recordkeeping offenses that aid gun trafficking.
Sec. 608. Termination of firearms dealer's license upon felony conviction.
Sec. 609. Increased penalty for transactions involving firearms with obliterated serial numbers.

Sec. 610. Forfeiture for gun trafficking.
Sec. 611. Increased penalty for firearms conspiracy.
Sec. 612. Gun convictions as predicate crimes for Armed Career Criminal Act.
Sec. 613. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.
Sec. 614. Forfeiture of firearms used in crimes of violence and felonies.
Sec. 615. Separate licenses for gunsmiths.
Sec. 616. Permits and background checks for purchases of explosives.
Sec. 617. Persons prohibited from receiving or possessing explosives.

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

Sec. 701. Increased mandatory minimum penalties for using minors to distribute drugs.
Sec. 702. Increased mandatory minimum penalties for distributing drugs to minors.
Sec. 703. Increased mandatory minimum penalties for drug trafficking in or near a school or other protected location.
Sec. 704. Criminal street gangs.
Sec. 705. Increase in offense level for participation in crime as a gang member.
Sec. 706. Interstate and foreign travel or transportation in aid of criminal gangs.
Sec. 707. Gang-related witness intimidation and retaliation.

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the "Consequences for Juvenile Offenders Act of 1999".

Page 2, line 1, strike "**2**" and insert "**102**".

Page 4, line 11, strike the period and insert a semicolon.

Page 6, line 10, strike "juvenile" and all that follows through "every" on line 11 and insert the following: "a juvenile offender for each delinquent".

Page 6, line 13, strike "or criminal".

Page 16, line 16, strike "utilized" and insert the following: "used by a State or unit of local government that receives a grant under this part".

Page 16, line 18, strike "(a)(2)" and insert "(b)".

Page 20, strike line 4, and insert the following:

(b) CLERICAL AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(16) of the Omnibus Crime Control and Safe Streets Act of 1965 is amended by striking subparagraph (E).

(2) TABLE OF CONTENTS.—The table of contents

At the end of the bill, insert the following:

TITLE II—JUVENILE JUSTICE REFORM

SEC. 201. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

"(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State or Indian tribal authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

"(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

"(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

"(i) the juvenile court or other appropriate court of a State or Indian tribe does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, or

"(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State or tribe.

"(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

"(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

"(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

"(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

"(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

"(3) Such approval shall not be granted, with respect to a juvenile who has not attained the age of 14 and who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

"(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

"(B) an offense described in section 844(d), (k), or (l), or subsection (a)(4) or (6), (b), (g), (h), (j), (k), or (l) of section 924;

"(C) a violation of section 922(o) that is an offense under section 924(a)(2);

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

"(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

"(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

"(f) The Attorney General shall annually report to Congress—

"(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

"(2) the race, ethnicity, and gender of those juveniles;

"(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

"(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

"(g) As used in this section—

"(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

“(2) the term ‘serious violent felony’ has the same meaning given that term in section 3559(c)(2)(F)(i).”.

SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

“§ 5033. Custody prior to appearance before judicial officer

“(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

“(b) The juvenile shall be taken before a judicial officer without unreasonable delay.”.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking “The” each place it appears at the beginning of a paragraph and inserting “the”;

(2) by striking “If” at the beginning of the 3rd paragraph and inserting “if”;

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

“In a proceeding under section 5032(a)—”.

SEC. 204. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

“§ 5035. Detention prior to disposition or sentencing

“(a) A juvenile alleged to be delinquent or a juvenile being prosecuted as an adult, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Whenever appropriate, detention shall be in a foster home or community based facility. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

“(b) To the maximum extent feasible, a juvenile prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

“(c) A juvenile who is proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

“(d) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.”.

SEC. 205. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking “If an alleged delinquent” and inserting “If a juvenile proceeded against under section 5032(a)”;

(2) striking “thirty” and inserting “45”; and

(3) striking “the court,” and all that follows through the end of the section and inserting “the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.”.

SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

“§ 5037. Disposition

“(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

“(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

“(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

“(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

“(2) ten years; or

“(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

“(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

“(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

“(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

“(2) Such list shall—

“(A) be comprehensive in nature and encompass punishments of varying levels of severity;

“(B) include terms of confinement; and

“(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.”.

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

“(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).”.

SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

“§ 5038. Juvenile records and fingerprinting

“(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

“(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

“(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

“(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

“(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

"(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking "**magistrate**" and inserting "**judicial officer**"; and

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 209. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

"CHAPTER 403—JUVENILE DELINQUENCY

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings or criminal prosecutions in district courts.
"5033. Custody prior to appearance before judicial officer.
"5034. Duties of judicial officer.
"5035. Detention prior to disposition or sentencing.
"5036. Speedy trial.
"5037. Disposition.
"5038. Juvenile records and fingerprinting.
"5039. Commitment.
"5040. Support.
"5041. Repealed.
"5042. Revocation of probation.".

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in the office of each United States Attorney a program that meets the requirements of subsections (b) and (c). The program shall be known as the "Armed Criminal Apprehension Program".

(b) PROGRAM REQUIREMENTS.—In the office of each United States Attorney, the program established under subsection (a) shall—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of chapter 44 of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2); and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program, each United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (b) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (b) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

SEC. 302. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys deisgnated under the program under section 301 and cross-deisgnated under section 304 during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) The average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 301 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 301(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 301(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 301(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECUTORS.

To better assist state and local law enforcement agencies in the investigation and prosecution of firearms offenses, each United States Attorney may cross-designate one or more Assistant United States Attorneys to prosecute firearms offenses under State law that are similar to those listed in section 301(b)(2) in State and local courts.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVENILE POSSESSION OF FIREARMS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" and inserting "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) by striking paragraph (6) and inserting the following:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) the juvenile shall be fined under this title, imprisoned not more than 5 years, or both, if—

"(I) the offense of which the juvenile is charged is a violation of section 922(x); and

"(II) the violation was also with the intent to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone, or knowing that another juvenile intends to possess the handgun, ammunition, large capacity feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone;

"(ii) the juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is a violation of section 922(x); and

"(II) the violation was also with the intent also to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a violent felony, or knowing that another juvenile intends to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a serious violent felony.

"(B) For purposes of this paragraph, the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).

"(C) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to penalties under subparagraph (A)(ii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains 18 years of age.".

SEC. 402. INCREASED PENALTIES AND MANDATORY MINIMUM SENTENCE FOR UNLAWFUL TRANSFER OF FIREARM TO JUVENILE.

Section 924(a)(6) of title 18, United States Code, is further amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 5 years, or both;

"(ii) if the person violated section 922(x)(1) knowing that a juvenile intended to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in a school zone, shall be fined under this title and imprisoned not less than 3 years and not more than 20 years; and

"(iii) if the person violated section 922(x)(1) knowing that a juvenile intended to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in the commission of a serious violent felony, shall be imprisoned not less than 10 years and not more than 20 years and fined under this title.".

SEC. 403. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES AND YOUNG ADULTS.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(r)(1) It shall be unlawful for any person who has not attained 21 years of age to ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which has been shipped or transported in interstate or foreign commerce.

"(2) This subsection shall not apply to commercially manufactured black powder in bulk quantities not to exceed five pounds, and if the person is less than 18 years of age, the person has the prior written consent of the person's parents or guardian who is not prohibited by Federal, State, or local law from possessing explosive materials, and the person has the prior written consent in the person's possession at all times when the black powder is in the possession of the person.".

TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 501. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1) For purposes of this subsection:

"(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

"(B) The term 'explosive' has the same meaning as in section 844(j).

"(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates any of subsections" and inserting the following: "person who—

"(1) violates any of subsections";

(2) by striking the period and inserting "; and";

(3) by adding at the end the following:

"(2) violates section 842(p)(2), shall be fined under this title, imprisoned not more than 20 years, or both."; and

(4) in subsection (j), by inserting "and section 842(p)," after "this section,".

SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.

(a) Section 922(f) of title 18, United States Code, is amended by adding at the end the following:

"(3)(A) It shall be unlawful for any common or contract carrier to fail to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered. The theft or loss shall be reported to the Secretary and to the appropriate local authorities.

"(B) The Secretary may impose a civil fine of not more than $10,000 on any person who knowingly violates subparagraph (A).".

(b) Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(f)," and inserting "(f)(1), (f)(2),".

SEC. 503. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.

Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

"(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Upon receipt of such records the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary. Additionally, a licensee while maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business is discontinued to the Secretary. Where State law or local ordinance requires the delivery of records to another responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.".

SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.

(a) PROGRAM AUTHORIZATION.—The Attorney General is authorized to provide grants to States to improve the quality and accessibility of juvenile records and to ensure juvenile records are routinely available for background checks performed in connection with the transfer of a firearm.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State that wishes to receive a grant under this section shall submit an application to the Attorney General that meets the requirements of paragraph (2).

(2) ASSURANCE.—The application referred to in paragraph (1) shall include an assurance that the State has in place a system of records that ensures that juvenile records are available for background checks performed in connection with the transfer of a firearm, in which such system provides that—

(A) an adjudication of an act of violent juvenile delinquency as defined in section 921(a)(20)(B) is not expunged or set aside after a juvenile reaches the age of majority; and

(B) such a juvenile record is available and retained as if it were an adult record.

(c) ALLOCATION.—Of the total funds appropriated under subsection (e), each State that meets the requirements of subsection (b), shall be allocated an amount which bears the same ratio to the amount of funds so appropriated as the population of individuals under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of such individuals of all the States that meet the requirements of subsection (b) for such fiscal year.

(d) USES OF FUNDS.—A State that receives a grant award under this section may use such funds to support the administrative record system referred to in subsection (b)(2).

(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

SEC. 601. MANDATORY MINIMUM SENTENCE FOR DISCHARGING A FIREARM IN A SCHOOL ZONE.

Section 924(a)(4) of title 18, United States Code, is amended—

(1) by striking "922(q) shall be fined" and inserting "922(q)(2) shall be fined"; and

(2) by inserting after the first sentence the following: "Whoever violates section 922(q)(3) with reckless disregard for the safety of another shall be fined under this title, imprisoned not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not more

than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life or for any term of years, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for any term of years or for life, or both. Whoever knowingly violates section 922(q)(3) shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not less than 15 years and not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for life, or both.".

SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) Pretrial Detention For Possession of Firearms or Explosives By Convicted Felons.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following:

"(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and".

(b) Firearms Possession By Violent Felons and Serious Drug Offenders.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(A) Except as provided in subparagraph (B), any person who"; and

(2) by adding at the end the following:

"(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence for such a violation to a person who has more than 1 previous conviction for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), committed under different circumstances.".

SEC. 603. INCREASED PENALTIES FOR POSSESSING OR TRANSFERRING STOLEN FIREARMS.

(a) In General.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking "10" and inserting "15"; and

(3) in subsection (l), by striking "10" and inserting "15".

(b) Sentencing Commission.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 604. INCREASED MANDATORY MINIMUM PENALTIES FOR USING A FIREARM TO COMMIT A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking "10 years." and inserting "12 years; and"; and

(C) by adding at the end the following:

"(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years."; and

(2) in subsection (h), by striking "imprisoned not more than 10 years" and inserting "imprisoned not less than 5 years and not more than 10 years".

SEC. 605. INCREASED PENALTIES FOR MISREPRESENTED FIREARMS PURCHASE IN AID OF A SERIOUS VIOLENT FELONY.

(a) In General.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a serious violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) For purposes of this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).".

(b) Effective Date.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 606. INCREASING PENALTIES ON GUN KINGPINS.

(a) Increasing the Penalty for Engaging in an Illegal Firearms Business.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", or willfully violates section 922(a)(1)," after "section 922".

(b) Sentencing Guidelines Increase for Certain Violations and Offenses.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines to provide an appropriate enhancement for a violation of section 922(a)(1) of title 18, United States Code; and

(2) review and amend the Federal sentencing guidelines to provide additional sentencing increases, as appropriate, for offenses involving more than 50 firearms.

The Commission shall promulgate the amendments provided for under this subsection as soon as is practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.

Section 924(a)(3) of title 18, United States Code, is amended by striking the period and inserting "; but if the violation is in relation to an offense under subsection (a)(6) or (d) of section 922, shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 608. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.

Section 925(b) of title 18, United States Code, is amended by striking "until any conviction pursuant to the indictment becomes final" and inserting "until the date of any conviction pursuant to the indictment".

SEC. 609. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH OBLITERATED SERIAL NUMBERS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking "(k),"; and

(2) in paragraph (2), by inserting "(k)," after "(j),".

SEC. 610. FORFEITURE FOR GUN TRAFFICKING.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(9) The court, in imposing a sentence on a person convicted of a gun trafficking offense, as defined in section 981(a)(1)(G), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any conveyance used or intended to be used to commit such offense, and any property traceable to such conveyance.".

SEC. 611. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is further amended by adding at the end the following:

"(q) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.".

SEC. 612. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL ACT.

(a) Section 924(e)(1) of title 18, United States Code, is amended—

(1) by striking "violent felony or a serious drug offense, or both," and inserting "violent felony, a serious drug offense or a violation of section 922(g)(1), or a combination of such offenses,"; and

(2) by adding at the end the following: "No more than two convictions for violations of section 922(g)(1) shall be considered in determining whether a person has three previous convictions for purposes of this subsection.".

SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting "or serious drug offense" after "violent felony".

SEC. 614. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.

(a) Criminal Forfeiture.—Section 982(a) of title 18, United States Code, is further amended by adding at the end the following:

"(10) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense.".

(b) Disposal of Property.—Section 981(c) of title 18, United States Code, is amended by adding at the end the following flush sentence:

"Any firearm forfeited pursuant to subsection (a)(1)(H) of this section or section 982(a)(10) of this title shall be disposed of by the seizing agency in accordance with law.".

(c) Authority To Forfeit Property Under Section 924(d).—Section 924(d) of title 18, United States Code, is amended by adding at the end the following:

"(4) Whenever any firearm is subject to forfeiture under this section, the Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried.".

(d) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.—Section 924(d)(1) of title 18, United States Code, is amended by adding "administrative" after "Any" in the last sentence.

(e) SECTION 3665.—Section 3665 of title 18, United States Code, is amended—

(1) by redesignating the first undesignated paragraph as subsection (a)(1) and the second undesignated paragraph as subsection (a)(2); and

(2) by adding at the end the following:

"(b) The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section.".

SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.

(a) Section 921(a)(11) of title 18, United States Code, is amended to read as follows:

"(11) The term 'dealer' means (A) any person engaged in the business as a firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.".

(b) Section 921(a) of title 18, United States Code, is amended by redesignating paragraphs (12) through (33) as paragraphs (14) through (35), and by inserting after paragraph (11) the following:

"(12) The term 'firearms dealer' means any person who is engaged in the business of selling firearms at wholesale or retail.

"(13) The term 'gunsmith' means any person, other than a licensed manufacturer, licensed importer, or licensed dealer, who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms.".

(c) Section 923(a)(3) of title 18, United States Code is amended to read as follows:

"(3) If the applicant is a dealer who is—

"(A) a dealer in destructive devices or ammunition for destructive devices, a fee of $1,000 per year;

"(B) a dealer in firearms who is not a dealer in destructive devices, a fee of $200 for 3 years, except that the fee for renewal of a valid license shall be $90 for 3 years; or

"(C) a gunsmith, a fee of $100 for 3 years, except that the fee for renewal of a valid license shall be $50 for 3 years.".

SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.

(a) PERMITS FOR PURCHASE OF EXPLOSIVES IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) by amending subparagraphs (A) and (B) of subsection (a)(3) to read as follows:

"(A) to transport, ship, cause to be transported, or receive any explosive materials; or

"(B) to distribute explosive materials to any person other than a licensee or permittee."; and

(2) in subsection (b)—

(A) by adding "or" at the end of paragraph (1);

(B) by striking "; or" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(b) BACKGROUND CHECKS.—Section 842 of title 18, United States Code, is further amended by adding at the end the following:

"(q)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not transfer explosive materials to any other person who is not a licensee under section 843 of this title unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103(d) of the Brady Handgun Violence Prevention Act;

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of explosive materials by such other person would violate subsection (i) of this section;

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1038(d)(1) of this title) of the transferee containing a photograph of the transferee; and

"(D) the transferor has examined the permit issued to the transferee pursuant to section 843 of this title and recorded the permit number on the record of the transfer.

"(2) If receipt of explosive materials would not violate section 842(i) of this title or State law, the system shall—

"(A) assign a unique identification number to the transfer; and

"(B) provide the licensee with the number.

"(3) Paragraph (1) shall not apply to the transfer of explosive materials between a licensee and another person if on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(A) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(B) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in section 922(s)(8)); and

"(C) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of explosive materials by such other person would violate subsection (i) or State law, and the licensee transfers explosive materials to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than $5,000.

"(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of explosive materials to a person whose receipt or possession of the explosive materials is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.".

(c) ADMINISTRATIVE PROVISIONS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f), by inserting "or explosive materials" after "firearm"; and

(2) in subsection (g), by inserting "or that receipt of explosive materials by a prospective transferee would violate section 842(i) of such title, or State law," after "State law,".

(d) REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.—

(1) IN GENERAL.—Chapter 40 of title 18, United States Code, is amended by inserting after section 843 the following:

"§ 843A. Remedy for erroneous denial of explosive materials

"Any person denied explosive materials pursuant to section 842(q)—

"(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

"(2) who was not prohibited from receipt of explosive materials pursuant to section 842(i),

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.".

(2) TECHNICAL AMENDMENT.—The section analysis for chapter 40 of title 18, United States Code, is amended by inserting after the item relating to section 843 the following:

"843A. Remedy for erroneous denial of explosive materials.".

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue final regulations with respect to the amendments made by subsection (a).

(2) NOTICE TO STATES.—On the issuance of regulations pursuant to paragraph (1), the Secretary of the Treasury shall notify the States of the regulations so that the States may consider revising their explosives laws.

(f) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting ", including fingerprints and a photograph of the applicant" before the period at the end of the first sentence; and

(2) by striking the second sentence and inserting, "Each applicant for a license shall pay for each license a fee established by the Secretary that shall not exceed $300. Each applicant for a permit shall pay for each permit a fee established by the Secretary that shall not exceed $100.".

(g) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (a)(1); and

(2) by inserting after subsection (a)(1) the following new paragraph:

"(2) Any person who violates section 842(q) shall be fined under this title, imprisoned for not more than 5 years, or both.".

(h) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), (d), and (g) shall take effect 18 months after the date of enactment of the Act.

SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the period and inserting "or who has been committed to a mental institution;"; and

(3) by adding at the end the following:

"(7) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (q)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

"(8) has been discharged from the Armed Forces under dishonorable conditions;

"(9) having been a citizen of the United States, has renounced his citizenship;

"(10) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

"(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

"(12) has been adjudicated delinquent.".

(b) POSSESSION OF EXPLOSIVES.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end; and

(2) by adding at the end the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (q)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

"(6) who has been discharged from the Armed Forces under dishonorable conditions;

"(7) who, having been a citizen of the United States, has renounced his citizenship;

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

"(9) who has been convicted in any court of a misdemeanor crime of domestic violence; or

"(10) who has been adjudicated delinquent.".

(c) DEFINITION.—Section 841 of title 18, United States Code, is amended by adding at the end the following:

"(r)(1) Except as provided in paragraph (2), 'misdemeanor crime of domestic violence' means an offense that—

"(A) is a misdemeanor under Federal or State law; and

"(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

"(2)(A) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

"(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

"(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

"(I) the case was tried by a jury; or

"(II) the person knowingly and intelligently waived the right to have the case tried by jury, by guilty plea or otherwise.

"(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

"(s) 'Adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.".

(d) ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—Section 842 is amended by adding at the end the following:

"(r)(1) For purposes of this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3)(A) Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5)(B), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

"(ii) the Attorney General approves the petition.

"(B) Each petition under subparagraph (B) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5)(B), otherwise be prohibited from such an acquisition under subsection (i).

"(C) The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (i)(5)(B) with respect to the petitioner—

"(i) would be in the interests of justice; and

"(ii) would not jeopardize the public safety.".

(e) CONFORMING AMENDMENT.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) Notwithstanding any other provision of this section, no person convicted of a misdemeanor crime of domestic violence may ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which have been shipped or transported in interstate or foreign commerce.".

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

SEC. 701. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking "one year" and inserting "3 years"; and

(2) in subsection (c), by striking "one year" and inserting "5 years".

SEC. 702. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

SEC. 703. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking "5" and inserting "3";

(B) by inserting ", whether formal or informal" after "or more persons"; and

(C) in subparagraph (A), by inserting "or activities" after "purposes";

(2) in subsection (b), by inserting after "10 years" the following: "and such person shall

be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)";

(3) in subsection (c)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

"(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

"(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

"(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

"(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46" and inserting "section 521, chapter 46,".

SEC. 705. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term "criminal street gang" has the meaning given that term in section 521(a) of title 18, United States Code.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 706. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

"§1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

"(a) PROHIBITED CONDUCT AND PENALTIES.—

"(1) IN GENERAL.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

"(i) distribute the proceeds of any unlawful activity; or

"(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) CRIMES OF VIOLENCE.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

"(b) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

"(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

"(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States; or

"(C) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.".

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term "unlawful activity" has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code, recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RETALIATION.

(a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section 1952 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.".

(b) CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.—Section 1512 of title 18, United States Code, is amended by adding at the end the following:

"(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(c) WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.—

(1) SURVEY.—The Attorney General shall survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs. Not later than 270 days after the date of the enactment of this section, the Attorney General shall report the results of this survey to Congress.

(2) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraphs (1) and (2) for fiscal year 2000 not to exceed $500,000.

(d) FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.—

(1) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under paragraph (2), which promote coordination among State and local witness interstate relocation programs.

(2) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(3) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(4) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of paragraph (4) and shall determine, consistent with such guidelines, which jurisdictions are eligible for grants under paragraph (4).

(d) BYRNE GRANTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end paragraph (26) and inserting "; and"; and

(3) by adding at the end the following:

"(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.".

(e) DEFINITION.—As used in this section, the term "State" includes the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. MCCOLLUM), and a Member opposed, each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last several weeks there has been a great deal of debate about ways to protect our children from violence. We have talked about provisions to keep guns out of the hands of criminals, and that is the right thing to do. We have talked about the influence of our culture on kids and how we can encourage responsibility from those who have the potential to influence them, and that is the right thing to do.

We have talked about reaching kids early when they make mistakes so that they will not fall into a spiral of increasing crime, and that is also the right thing to do.

We must also not lose sight of the fact that there have always been and always will be people who ignore the laws. We have to admit that there are people in this country whose hate for those around them is so overpowering they will commit acts of violence on their neighbors, on children, in our schools, even on the houses of worship in their own communities. We have to face the fact that there are people whose greed for money and power lead them to poison our children with drugs and destroy our families through violence.

We cannot simply allow those who would destroy our communities to do so. We must deter them, if we can, by making them aware that there will be severe punishment for their crimes, and we have to impose those punishments if they commit those crimes. We must do this if we are to protect our children and our grandchildren.

Mr. Chairman, the amendment I offer adds provisions to H.R. 1501 to ensure that those who violate our laws and endanger our children and families will be punished. My amendment will increase the punishment for criminals who put guns in the hands of our children and those who commit crimes using firearms. It will increase the penalties on juveniles who use guns to harm others. It will increase the punishments on gang members who commit serious crimes and those who push drugs on to our young people, and it will punish those who put explosives into the hands of juveniles.

We have to send a message. If someone intends to harm our children, we will punish them and punish them severely.

Here is what this amendment will do. It will strengthen the present Federal juvenile justice system by providing increased protection for the community and holding juveniles accountable for their actions.

I must say at the outset that there are very few children who are ever tried in a juvenile setting in the Federal system, but those on Indian reservations and elsewhere are, and this particular provision, this set of provisions, deal only with that limited Federal role and not with the State or the grant program we have been discussing under the underlying bill.

The amendment strengthens the juvenile system that the Federal Government deals with by the following: Giving prosecutors rather than the courts the discretion to charge a juvenile alleged to have committed certain serious felonies as an adult or as a juvenile, which is consistent with what most States do; by making fines and supervised release which are not presently sentencing options in the Federal system available for adjudicated delinquents in addition to probation and detention; and by providing that the records of juvenile proceedings are public records to the same extent that the records of adult criminal proceedings will be public and that such records are to be made available for official purposes, including disclosure to victims and school officials.

The second area my amendment deals with will encourage the Justice Department to prosecute gun crimes. We have found at hearings recently, unfortunately, that many times the Federal Government has not been prosecuting the crimes already on the books dealing with guns. I think that is very, very sad and it is a very serious problem.

So this amendment will require the Justice Department to establish a program in each United States Attorney's Office where one or more Federal prosecutors are designated to prosecute firearms offenses and to coordinate with State and local authorities for more effective enforcement, and permit U.S. attorneys to use Federal prosecutors to prosecute State firearms offenses in State courts.

The third area that my amendment deals with will help ensure that juveniles do not gain access to firearms and explosives illegally. It does this by increasing the maximum penalty that may be imposed on juveniles who possess a firearm. Also, it increases the maximum penalty for illegal possession of a firearm with the intent to take it to a school zone or knowing that another juvenile will take it to a school zone.

It increases the maximum penalty that may be imposed on adults who illegally transfer firearms to juveniles.

□ 1415

It provides for a mandatory minimum sentence for an adult who illegally transfers a firearm to a juvenile, knowing that a juvenile intended to take it to a school zone or commit a serious violent felony.

It enacts a new provision to prohibit any person under 21 from sending, receiving, or possessing explosive materials. Under current law, the distribution of explosive materials to persons under 21 is prohibited, but there is no punishment for the possession of such materials for persons under 21.

The next area this amendment deals with will help deter criminals from gaining access to firearms and explosives by prohibiting the distribution through the Internet and elsewhere of information relating to explosives, destructive devices, and weapons of mass destruction when the person distributing the information knows that the recipient intends to use them to harm others; and by requiring common carriers like UPS or FedEx or a number of others, or other contract carriers such as trucking companies, to report the theft or loss of a firearm it is shipping within 48 hours after the theft or loss is discovered.

Another part of this amendment will help to ensure that criminals are held accountable for their use of firearms and explosives and to deter others from illegally possessing and using these weapons by increasing the penalties for the discharge of a firearm in a school zone and by providing for mandatory minimum punishments for the knowing discharge of a firearm in a school zone. It increases those punishments if physical harm results, and it allows for the death penalty if somebody uses a gun to kill in a school zone.

Secondly, it increases the maximum penalties for transporting stolen firearms in interstate commerce and for selling, receiving, and possessing stolen firearms.

It increases the mandatory minimum penalty for discharging a firearm during a Federal crime of violence or drug trafficking crime and establishes a mandatory minimum penalty if the firearm is used to injure another person.

It increases the maximum punishment for making false statements to a licensed dealer in order to illegally obtain a firearm if the purchase was to enable another person to carry or possess it in the commission of a serious violent felony. It provides for a minimum mandatory punishment if the person procuring the firearm did so for a juvenile.

It prohibits Federal firearm licensees to continue to operate their licensed businesses after a felony conviction.

It increases the penalty for persons who illegally deal in firearms.

It raises the maximum penalty for knowingly transporting, shipping, possessing, or receiving a firearm with an obliterated or altered serial number.

It establishes, for the first time, criminal background checks prior to the sale of explosive materials by nonlicensed purchasers by licensed dealers.

These checks, similar to the Brady gun background checks, will reduce the availability of explosives to felons.

This is another instant-check type of system, but this one is designed as it should be for explosives and the sale of explosives.

We all know from the Columbine experience that there were not just guns involved there, but there were certainly explosives as well.

In the last provisions in my amendment, we address further the punishment of gang violence and drug trafficking to minors and witness intimidation. It will increase, this amendment, the existing mandatory minimum penalty that is imposed on adults convicted of using minors to distribute drugs.

It will increase the existing mandatory minimum penalty that must be imposed on adults convicted of distributing drugs to minors.

It will increase the existing mandatory minimum penalty that must be imposed on any person convicted of distributing, possessing with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone.

It will increase the punishment in current law for certain crimes if they were committed by a person as a part of a criminal street gang and adds new crimes for which the increase may be applied; among them, crimes involving extortion and threats, gambling, obstruction of justice, money laundering, and alien smuggling.

It addresses the problem of gang-related witness intimidation by making it a crime to travel in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation, or threat. It allows for the death penalty if a person kills another to keep them from testifying in such a setting.

I think this is extremely important. We have a lot of witness intimidation, unfortunately, in this country today, and we do not have good law provisions at the Federal level to deal with it.

We also have in this legislation provisions encouraging a memorandum of understanding as sort of a suggested format, a model format that States might use for witness protection programs among the States to avoid some complications we have seen such as existed in my State of Florida recently with respect to it and Puerto Rico.

These are tough provisions, all of them that I have outlined. They are intended to be. But the harm that is being done through illegal guns, through explosives, and through drugs cannot be ignored. Our young people deserve nothing but our fullest efforts to protect our children at home, at school, and during play.

I ask all of my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 20 minutes.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, this proposal by the gentleman from Florida (Mr. MCCOLLUM), the subcommittee chairman, actually openly reneges on his pledge to pursue a substantive bipartisan juvenile justice bill.

He is now, with one amendment, loading this bill, H.R. 1501, up with more than two dozen criminal penalties, including the death sentence. It is now clear that these provisions were rejected and certainly not supported during the orderly subcommittee process that he himself chaired.

I want to bring forward now one part of this that cannot be unremarked as we go forward. I want to thank Senator PAUL WELLSTONE and David Cole for their assistance.

Because what the gentleman from Florida (Mr. MCCOLLUM) is doing is repealing the Federal law that requires States to identify and improve disproportionate incarceration of members of minority groups, a law that has been in place since 1992 and has had more than 40 States develop programs to reduce minority involvement in the juvenile justice system. It is now under attack.

The resulting Republican juvenile justice bill with this amendment would repeal the existing mandate, effectively closing our collective eyes to racial disparity in the juvenile justice system. Consider with me for one moment, although African American juveniles ages 10 through 17 are 15 percent of the population, they are 26 percent of the arrests, 32 percent of the referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of juveniles in correctional institutions, and 52 percent of juveniles transferred to adult criminal courts after judicial hearings. In short, African American youths start off overrepresented in juvenile justice, and the problem gets worse at every step. With this amendment, it will continue to proceed in the wrong direction.

This policy of creating a long-term custody rate for African American youth five times the rate of white youth must stop in the House of Representatives. I suggest to my colleagues that we do not even address the problems but plan to make them far worse.

In addition, and I will conclude on this note, the McCollum amendment requires the implementation of the armed criminal apprehension program, similar to the one in Richmond, Virginia that has been described by a United States district court judge as expensive, unnecessary, racially biased, and a misuse of the Federal court system.

Now, if we do nothing else here today, I urge that we reject the McCollum amendment, which will begin to increase the racial disparity of youngsters that are caught up in this process in a huge way, more than two dozen criminal penalties. It is the wrong way. It is too much. It was not accepted even in his own committee.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I simply want to say to the gentleman from Michigan (Mr. CONYERS), with all due respect, I understand he disagrees with this amendment, but a couple of things he pointed out I do not think were quite accurate, and I am sure unintentionally so.

The subcommittee considered H.R. 1501, but the full committee has never considered any of this process, nor did any of the provisions of this amendment get considered in this Congress as we brought this bill to the floor, as the gentleman knows, the main bill, with all of these other provisions to be discussed and debated in amendment process. So they have not been rejected by the committee. They just never have been brought up or considered.

Secondly, I believe the gentleman, if he would carefully read my amendment, which is a pretty thick thing, I know, would find there is no mention in here of the Office of Juvenile Justice's delinquency prevention programs where the racial mandate, the racial composition mandate exist. We do not touch that in my amendment. I know there is concern about that. There may be other provisions in somebody else's amendment, but this amendment does not touch that. I just want to be sure everybody understands that.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) has 9 minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 16 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I hope my colleagues were listening carefully to the comments that were made by the gentleman from Florida (Mr. McCOLLUM) in support of his proposed amendment.

What he said is that his proposed amendment would strengthen the Federal juvenile justice system. It is that point that I want to spend my time talking about, because my question to my colleagues is: What Federal juvenile justice system is he talking about? We do not have one juvenile counselor at the Federal level. We do not have one juvenile judge at the Federal level. We do not have one juvenile facility in the Federal system. What juvenile justice system is the gentleman from Florida (Mr. McCOLLUM) talking about?

What he is talking about is federalizing juvenile justice for the first time in this country. Now, why is there no Federal juvenile justice system? For the same reason we do not have any Federal school system in this country. We do not have a Federal juvenile justice system, because, historically, throughout the whole history of this country, juvenile justice has been handled as a State and local issue. They have juvenile courts. They have juvenile judges. They have juvenile facilities. They have counselors. They deal with local juvenile issues as a local issue, which it is and should be.

Local communities are closer to our juveniles and the children, just like the local school systems, are closer to juveniles and the system.

So is not it ironic that my colleagues who profess to believe in States rights would come and say we are here to strengthen and take over the juvenile justice system?

Let me tell my colleagues one final reason that we do not have a juvenile justice system at the Federal level, and that is that we have not done an especially good job of handling the Federal adult justice system. Here we go, saying, those of us who say that we believe in States rights, my Republican colleagues in particular, would have us now come and say we know more about juvenile justice than local communities know about it.

This is a bad idea. It is a revolutionary idea. We should not march into this territory without knowing exactly what we are doing. We should reject this amendment.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply have to respond to the gentleman from North Carolina (Mr. WATT). I do not know if the gentleman has really seriously read chapter 403 of the United States Code with respect to criminal law. But chapter 403 is nothing but about a juvenile justice system at the Federal level.

☐ 1445

There are several hundred juveniles who are adjudicated as delinquents every year in the Federal system, most of them on Indian reservations, and there are several hundred more that are prosecuted in the Federal system for violent crimes. So there certainly is a juvenile justice system, and it certainly needs improvement, and that is what the first section of my amendment does.

And the administration has requested every single line and every single word that is in my amendment related to improving this system. The Clinton administration has requested this. The gentleman's own party President has requested it.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman tell me, is he proposing that we apply the same juvenile justice system at the Federal level that we are applying on Indian reservations? Is that what the gentleman is proposing, instead of allowing local communities to handle their own juvenile justice system?

Mr. McCOLLUM. Mr. Chairman, I reclaim my time to say that we have a Federal juvenile justice system and it applies to any juvenile brought into the system, whether on an Indian reservation or not. It is all the same. It is this Federal juvenile justice system that we are applying here and amending in chapter 403.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, here it is, it is one of the poison pills for this bill, H.R. 1501. I think we all knew on the Committee on the Judiciary that the amendment being offered by the gentleman from Florida (Mr. McCOLLUM) could not become law and should not become law. That is why H.R. 1501 was devised with the broad bipartisan support that it had, at least, until the slaughter in Columbine High School. That incident changed our common understanding of what we should do here in America about juvenile crime.

This amendment would make it easier to prosecute a 13-year-old as an adult. And, actually, to be clear, it would make it easier for the less than 300 children prosecuted in the Federal system to be prosecuted as adults. So let us be more specific. It would make it easier to prosecute a 13-year-old Native American child as an adult.

What has that got to do with the murders at Columbine High School? I am sorry, who are we fooling with this? There are assorted other portions of the amendment, things about the Internet and guns, which I think are serious issues, but the boys at Colorado bought their guns through gun shows, not on the Internet. There are things about enhancing the penalties if a firearm was discharged in a school. Well, those two boys who killed those kids in school in Colorado, they committed suicide. So I do not think that the 5-year enhanced penalty would do one darn thing to deter those two boys from the slaughter that they wrought on their classmates and the families.

What we need to do is to focus on the ability of a child to commit such damage if a child is so disturbed that he or she wants to kill others. And that focus is what we are avoiding through this really very disturbing setup, considering amendments calculated to sink this bill, tomorrow's bill, and so the American people will not get what they are asking for: Sensible, modest, moderate gun safety measures that will prevent future tragedies such as those all the parents in America observed saw and cared about at Columbine High School and cared deeply to cure.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the committee.

Mr. CHABOT. Mr. Chairman, it is unfortunate that violence occurs throughout our Nation every day. In our classrooms, in schoolyards and playgrounds, children are all too often at the mercy of violent criminals.

Nationally, we are faced with staggering statistics. The Bureau of Justice statistics report that for 1997 there were 2500 juveniles arrested for murder. That is a 90 percent increase from 1986.

Our Nation's youth are now among the most likely to fall victim to violent crimes, crimes often committed, unfortunately, by their own peers.

To me, these numbers indicate an epidemic of youth violence, one which must be confronted head on. We must pass stronger laws that target and punish violent juvenile offenders. Stiffer sentencing guidelines, trying for violent juveniles as adults and opening those juveniles' criminal records would be a good start. The amendment of the gentleman from Florida (Mr. McCOLLUM) would enact some of these important provisions.

For example, this amendment gives Federal prosecutors rather than judges the discretion to prosecute violent juvenile felons as adults. This provision would send a clear message to juveniles that if they commit serious crimes, they will do adult time. No more slaps on the wrist, no more short sentences followed by a quick release. So I commend the gentleman for offering this important amendment.

Over 6,000 kids were expelled for bringing guns to schools during the 1996–97 school year, but only nine of them were prosecuted by the Clinton administration, by the U.S. Attorney's Office under this administration. That is a travesty.

Mr. Chairman, regardless of what we accomplish here today, we must acknowledge that the juvenile violence problem in this country is not simply the product of laws or lack thereof. It is a societal one. Our children are inundated every day with negative images, violent messages, and much less than positive role models, unfortunately. Parenting has become a struggle in a country where the government taxes an inordinate amount of a family's paycheck and forces parents to spend more time at work and less time raising and supervising their own kids.

We should not lose sight of the fact that most of our parents are doing a good job, and an overwhelming majority of the kids in this country are good kids who go to school to learn and to make friends and to participate in positive activities. We could help these families by cutting their taxes and helping parents spend more time with their own kids.

There are a lot of things we can do, and I commend the gentleman from Florida (Mr. McCOLLUM) and the other members of the committee for a job well done and look forward to the debate on this particularly important issue to our country.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I am from Colorado, and Columbine High School is just a few blocks from my district. My constituents in Colorado and our constituents across the country are very sensitive about the conclusions that we take from the terrible Columbine shootings of just a few weeks ago. They are very sensitive that their political leaders do not use this tragedy as an excuse to pass some legislation that will really do very little, if nothing, to solve the problem of youth violence in our country today.

The truth is that under 300 kids per year in the entire country, most of them Native Americans, are even prosecuted under the Federal laws. So the truth is amendments like this will do nothing to stop the kind of youth violence that we saw at Columbine and that we have seen so tragically at high schools across this country.

I suppose that we could send Dylan Klebold and Eric Harris to jail for extra time, if they were not dead at this point. I suppose we could give them the death penalty for shooting all these people on the school grounds of Columbine, but that would be little comfort to the parents of the students and the families of the teacher who were killed there. Instead, our constituents demand that we take action in this Congress to help prevent youth violence in a way that will work across the country for the many tens of thousands of kids in this country who need help every year.

That is why we need different programs to help across the board. We need to reauthorize the COPS program, we need to fund school safety programs, we need prevention block grants, we need to do the things that will actually help instead of giving the American people the illusion that because we are increasing sentences and doing a few things that will work around the edges on a few Indian reservations that we are doing something.

The other thing that my constituents and our constituents are demanding is common sense child gun safety legislation; legislation that will stop the multiple round ammunition cartridges that Klebold and his colleague used; legislation that will stop people from getting guns at gun shows, because these kids got all four of their guns from a gun show, not from the Internet; legislation that will have child safety locks on guns. This is the kind of common sense legislation that begins to help, that we can use as a legislative tool in conjunction with our community action that is non-legislative that we so desperately need in this solution.

Please, let us not marginalize this issue, let us do something that will really help.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the McCollum amendment.

I think we all agree that there are multiple factors playing a role in youth violence and we are going to be trying to address several of those over the course of this day as we debate this juvenile justice bill. We are all familiar with what some of those issues are. Certainly violence in the media is a factor.

We have seen more than 3,000 studies on this issue, the majority of which have concluded there is a relationship. Drugs is a factor and certainly dysfunctional families. Indeed, one of the highest correlates of youth violence in any community is the incidence of fatherlessness in that community. We are going to try to address some of these things. Obviously, the issue of fatherlessness in the community we cannot address, but I do rise in support of this amendment.

There are several features of this amendment that I think are good. It gives prosecutors rather than the courts the discretion to charge a juvenile alleged to have committed a felony. It makes fines and supervised release available. It also, very importantly, provides that the records of these juvenile proceedings will become public records and available to the community. This is a very, very important factor.

The amendment is a big one. It has a lot of features, but I think we need to take a comprehensive look at the problem that we are trying to address, which is the terrible problem of youth violence, and look at all these different areas. And, yes, there are some weaknesses in our criminal justice system, but the McCollum amendment here is a good amendment that tries to shore up those weaknesses and strengthen the underlying bill, and I encourage my colleagues to support the amendment.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, today we are going to witness a lot of rhetoric about what causes juvenile crimes. If we were to accept the majority's position, one would think that it is access to the Power Rangers that kill our children, not the access to guns.

The rhetoric is tired. Let us be clear. We know that prevention works. Despite this common knowledge, we have witnessed time and time again the Republicans' failure to properly fund education, Head Start programs and other programs we know that work. Instead, the majority wants to rush our children from the crib to the jails.

The McCollum amendment allows Federal prosecutors rather than judges the discretion to try children as adults, lowers the age to 13 in some cases at which children can be tried as adults in the Federal system, and broadens the scope of Federal crimes for which juveniles can be tried as adults.

This provision would mean that more children would be placed in adult jails, and children are not specifically prohibited from contact with adults. This places children at serious risk of abuse and assault and flies in the face of current studies which indicate that trying children as adults increases rather than decreases youth crime.

The McCollum amendment allows children to come in contact with adults in adult jails in the Federal system. Children as young as 13 years old would be allowed to be in the same jail cell with adults. Allowing contact between juveniles and adults in adult jails would place children at risk of assault and abuse, as children are 8 times more likely to commit suicide, 5 times more likely to be sexually assaulted, and twice as likely to be assaulted by even staff in the adult jails than in juvenile facilities.

The McCollum amendment imposes new mandatory minimum sentences for children who are convicted of certain offenses. These new draconian mandatory minimums would likely impose harsher penalties on youthful offenders than adult criminals guilty of the same offenses under the current law.

Let me say this. Because I am an African American woman, I have had to pay attention to the disproportionate sentencing of minorities. When we take a look at what is going on according to the September 1998 Juvenile Justice Bulletin, it was estimated in two States that one in seven African American males would be incarcerated before the age of 18.

□ 1445

This statistic is compared with one in 125 white males. And then I come here today and find that there is a bill being produced that talks about putting more Indian children, more Native American children, in jail because of the way the Federal system is constructed.

According to the September 1998 Juvenile Justice Bulletin, minority youth represented 68 percent of the juvenile population in secured detention and 68 percent of those in secured institutional environments such as training schools, even though minority youth constituted about 32 percent of the population at the time of the study. I could go on and on and on.

Let me just say that I am absolutely worried and concerned that we are going in the direction of placing more minority youth in prisons and in the Federal system. It is not right and we should not allow it.

Mr. McCOLLUM. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT. Mr. Chairman, I have an amendment that has been made in order by the rule to the McCollum amendment. Do I have to offer that before the time runs out?

The CHAIRMAN. The gentleman may offer his amendment at any time up until the time that the question is posed on the underlying McCollum amendment.

Mr. SCOTT. Mr. Chairman, I would just notify the chair that I would like to introduce the amendment at the end of the debate.

Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I say to my colleagues, listen up. Federalizing juvenile justice without federalizing with funds the resources necessary to hire additional judges, prosecutors, probation officers, and for the very first time Federal juvenile counselors, this is absolutely ridiculous. It has no impact study with it. They cannot do this and do it safely.

Mr. SCOTT. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 3¾ minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I think it is important to focus on the acknowledgment by the Chair of the subcommittee that these particular provisions apply only to Native Americans who reside on reservations for all intents and purposes.

I think it is very, very important that the American people do not be misled into thinking that these measures will have any impact on the rest of the United States. I submit that there will not be an iota's worth of difference in terms of the violence in the streets if this amendment should pass. They should not be misled.

I am just surprised. I was unaware of the fact that there is a substantial problem of juvenile crime on Native American reservations. I would be willing to hear from the Chair of the subcommittee if there had ever been a hearing on a Native American reservation. Has there been any consultation with State's attorneys that deal with Native American reservations?

This is about imposing the most severe sanctions on Native Americans, mandatory sentences, the death penalties, remedies that have been proven over and over again do not work. Let us follow the example of the States and maybe, maybe, we will have some good results.

For example, because of the leadership by the States, not by the Federal Government, not by Washington, this is what has occurred. The juvenile homicide rate has dropped by more than 50 percent since 1993. And for those of my colleagues that are not aware of that, that was the date that President Clinton was inaugurated and began the initiative on crime to work with the States. The States have the answer.

Another interesting statistic: Juvenile arrest rate for all violence is down 37 percent in the past 5 years. And lastly, the percentage of violent crimes attributable to juveniles is at its lowest point since 1975.

Let us follow the lead of the States. Defeat this amendment.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1½ minutes

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me the time.

I guess we ask the question again, whose side are we on as we work in the United States Congress? Let me associate my remarks with that of the gentleman from Florida (Mr. HASTINGS) and my colleague the gentleman from North Carolina (Mr. WATT). We are creating something with nothing.

What we really should be doing is supporting H.R. 1501. I would like to share very briefly with my colleagues what we are talking about here. We are simply talking about a system that responds to juveniles where they find them. They are children. And we have to find a way to rehabilitate children.

We have an amendment that takes away from the underlying premises of the bill that we can, in fact, rehabilitate children. In the system that we are trying to create by this amendment, we are not really putting into place the kinds of resources that are needed, juvenile judges, prosecutors who are sensitive to juveniles, counseling officers, individuals in schools who are sensitive to juveniles, a mental health system that intervenes and assesses juveniles as to whether or not they need mental health services.

The American Pediatrics Association says, "We do not support any amendments. We support H.R. 1501." Because they know what happens when they incarcerate children with adults. One, they increase crime, they endanger children, and they certainly federalize State juvenile laws.

What we are hoping for, Mr. Chairman, is that we can come to our senses, pass H.R. 1501 without any amendments, provide the resources for our children, and begin to really rehabilitate children and give them a future in America.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to clarify a few things. First of all, I have heard some of the other side say some things that are simply not in this amendment. Probably they do not understand that but I want to make it very, very clear that there is nothing in the amendment I am proposing today that will in any way allow a child to be put in the same cell with an adult. There never has been and, as a matter of fact, never will be under any amendment or offering that I propose.

In fact, this amendment explicitly sets forth in the Federal system where no child may be incarcerated with an adult under any circumstances.

It is also wrong to say, as some have just alleged, that the Federal juvenile procedures only apply to Indian reservations. This is only one area of Federal jurisdiction for juveniles. All Federal drug laws and all Federal gun laws, crimes, can be prosecuted anywhere in the United States that they occur in the Federal system if a juvenile is involved and the juvenile may be prosecuted in that system maybe as an adult or otherwise.

It is also wrong to suggest that there is nothing in this amendment that deals with the Columbine situation. The illegal possession of a firearm by somebody not licensed or allowed to own a firearm certainly applies there, and we increase the maximum penalty for that. We have a provision in here for adults who illegally transfer a firearm to a juvenile knowing that the juvenile intends to take it to a school zone or to commit a serious, violent felony, and quite a number of others.

But the one thing I want to point out that is in this amendment and a lot of focus has been on the very first section of a very comprehensive amendment that simply deals with improving the Federal juvenile justice system, which is a very small portion of this debate today. The biggest thing that is in here that has not been thought about a lot is the provision that requires a prosecutor, an assistant U.S. Attorney at every U.S. Attorney's office in the Nation in any every district of this country to be set aside to prosecute gun crimes.

I want to put a chart up here that shows that in 1997, and I understand a comparable number last year, there were over 6,000 juveniles expelled for possession of a firearm on school grounds. There could have been prosecutions for the possession of guns on school grounds under Federal law this year last year, et cetera, but the Federal Government only prosecuted a handful of them. I think in 1997, as another chart will show, there were only, like, five that were prosecuted. And last year I think there were 13 prosecutions.

Where has the U.S. Attorney General's office and U.S. Attorney's offices been under this administration in prosecuting Federal gun laws dealing with children in schools when we have all of these guns having been possessed in those schools and only a handful of prosecutions versus the 6,000 or so that we know were recorded?

So the amendment I am offering does a lot of things. It increases penalties where they should be increased, especially in the firearms section. Fifteen of the sections in this amendment were proposed by the President himself in addition to those dealing with the question of Federal juvenile justice.

So I strongly urge the adoption of this amendment.

Mr. FORBES. Mr. Chairman, I rise in strong support of the McCollum amendment which amongst other things increases and mandates severe penalties for violating Federal firearms regulation.

According to the Bureau of Justice Statistics, 82 percent of Federal offenders convicted of firearms offenses in addition to other more serious offenses such as homicide or robbery, used or carried a firearm during another crime. 36 percent of Federal offenders involved with firearms had been incarcerated in the past for at least 13 months.

The fact is too many prisoners are violent or repeat criminals and if they've misused a firearm to commit a crime are likely to do in the future.

Our first order of business if we are to protect ourselves and our loved ones from adult or juvenile violent criminals, armed with firearms, must be restraining those criminals. Long term mandatory penalties are required to do the job.

Under the McCollum, amendment for example, the penalty for discharging a firearm in connection with a Federal crime of violence or drug trafficking will be raised to 12 years, from the existing 10. The bill also establishes a mandatory minimum penalty of 15 years if you discharge the weapon and cause injury to another person during the commission of a crime.

Again, while I support the McCollum Amendment, we should have gone a step further. I offered an amendment that I hoped would have been made in order, that would have increased the penalty for discharging a firearm from 10 years to 25 years and imposed a 30 year sentence for injuring another person.

In addition, my amendment would have imposed severe penalties of 10 years for possessing a firearm during the commission of a crime and 20 years for brandishing for threatening individuals with the weapon. Similar provision, although not as severe, were passed by the House in March of 1996 and exist in Federal law.

Empirical studies and common sense clearly suggest, if we freed any significant number of imprisoned felons tonight, we would have more murder and mayhem on the streets tomorrow. Millions of violent crimes are averted each year by keeping convicted criminals behind bars.

Keep firearms felons behind bars—support the McCollum Amendment.

The CHAIRMAN. All time for debate on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) has expired.

It is now in order to consider Amendment No. 8 printed in Part A of House Report 106–186.

AMENDMENT NO. 8 OFFERED BY MR. SCOTT TO AMENDMENT NO. 6 OFFERED BY MR. MC COLLUM

Mr. SCOTT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Part A amendment No. 8 offered by Mr. SCOTT to Part A amendment No. 6 offered by MCCOLLUM:

Strike title II.

Redesignate succeeding titles and sections, and amend the table of contents accordingly.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Hyde-McCollum amendment before us and to offer an amendment to strike a major portion of it.

Unfortunately, the underlying amendment to the Hyde-McCollum amendment seeks to amend a bill containing only sound bipartisan juvenile justice policy by adding policies that have been shown to actually increase crime and violence against the public and the youth involved in policies which were specifically rejected by the sponsors of the amendment when we were working together to put together H.R. 1501.

One of the problems with the underlying amendment is that it provides for trying more juveniles as adults without any judicial review. Under current law, a judge must decide whether the public interest requires a child to be tried as an adult, with just very limited exceptions.

Now, there are numerous studies which indicate that trying more juveniles as adults will probably result in them being treated more leniently in an adult court and all of those studies show that the crime rate will increase with new crimes being committed sooner and more likely to be violent.

Now, the judge in adult court is confined to two options. He can put the person on probation or he can lock that person up with adult murderers, robbers, and drug dealers. Juvenile court judges have other options, and that is why the juveniles coming out of the juvenile system are much less likely to commit crime. If they treat a juvenile as an adult for trial, if they are incarcerated, they will be locked up with adults. And it does not take a brain surgeon to know that they will not only be endangered but they will be more likely to commit a crime when it is all over.

Mr. Chairman, in March we had hearings on what we need to do to reduce juvenile crime and delinquency. And H.R. 1501, without the Hyde-McCollum amendment, was the result. No one presented any coherent information to lead us to believe that trying more juveniles as adults was a responsible action.

Now, one of the other problems this underlying amendment needs to be struck by my amendment is that, without my amendment, we will be federalizing juvenile crime.

Now, Chief Justice Rehnquist has talked for years about the problem of federalizing crime. And I am sure he would look at this bill and say, there they go again. Obviously, if we had pursued the regular order, the provision that federalizes juvenile crime would not have been in the underlying bill.

Mr. Chairman, the underlying bill also contains numerous mandatory minimum sentences. Mandatory minimum sentences have been studied. In fact, the Rand study considered mandatory minimums, regular sentences, and drug treatment. And for every $1 million that they would spend, they could reduce crime by 13 with mandatory minimums. The $1 million could reduce crime by 27 with traditional law enforcement. Or they could reduce crime by 100 if they used drug treatment.

Obviously, mandatory minimums came up last and almost a waste of money and, therefore, would not have survived the regular legislative process.

□ 1500

H.R. 1501, without the Hyde-McCollum amendment, constitutes responsible, effective juvenile justice legislation, the product of extensive hearings and thoughtful deliberations within the Subcommittee on Crime of the House Committee on the Judiciary. It is legislation which is unique because it was responsive to the problems and concerns of all of the experts who testified and enjoys the full support of all of the subcommittee members.

Mr. Chairman, remember we began this process with two bipartisan bills, one in Judiciary, one in Education. Both bills were drafted as a result of extensive hearings, and now we are in the middle of participating in a political charade where we consider slogans and sound bites which might score well in political polls but never would have made it through the regular legislative process.

Now in the wake of Littleton, Colorado, and Conyers, Georgia, this sudden change in approach is both a spectacle and an embarrassment.

For these reasons, Mr. Chairman, I believe that the committee should reject the underlying Hyde-McCollum amendment so we do not counteract the effective, sensible and proven policies in H.R. 1501 and replace them with counterproductive proposals in the pending Hyde-McCollum amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. MCCOLLUM) seek time in opposition to the amendment?

Mr. MCCOLLUM. I do seek time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 10 minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I strongly oppose this amendment. It would strike the title of the amendment, the portion of the amendment which I am offering, which deals with improving the Federal juvenile justice system, and strike it all together. We do have a juvenile justice system at the Federal level. Only a few hundred are ever tried in a given year, juveniles in the Federal system, but it is antiquated, it is out of date.

For example, juvenile judges simply do not have the discretion that most State court judges have in their sentencing. They have fewer options with juveniles, and we would give them the full range of discretion that one would expect all courts to have in dealing with juveniles. The amendment of the gentleman from Virginia (Mr. SCOTT) would strike that provision that the administration has urged on us for a number of years.

With regard to the question that seems to be the central focus of his discussion with me over time and including today, and that is with respect to the question about the authority of trying a juvenile as an adult, what we are doing is not mandating that any juvenile who happens to come into contact with the Federal system be tried as an adult, and I want to make it perfectly clear that this proposal I am offering today has nothing to do with the State juvenile systems, only those handful of juveniles that may be tried in the Federal system. But what we are doing is taking away from the judges the discretion they have today under my amendment; that is, under the current law with my amendment we are talking that discretion they have to decide which children are tried as adults and which are not in the Federal system and giving that to the prosecutors, which is the most common thing one finds in most of the States today. That is not an unreasonable thing to do, and they were only giving that discretion, by the way, up to the most serious violent crimes that have been committed by juveniles.

So it is in May, it is permissive, not mandatory, it is a discretion being given to prosecutors to try the juvenile as an adult instead of the judge, which is present in most State juvenile systems, and it is limited only to very serious crimes. Let me read the list:

Murder, manslaughter, assault with intent to commit murder or rape, aggravated sexual abuse, abusive sexual contact, kidnapping, aircraft piracy, robbery, carjacking, extortion, arson or any attempt, conspiracy or solicitation to commit one of those offenses, and any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another.

So we are talking only about very serious crimes that a juvenile would commit, and then we are allowing discretion in the prosecutor's hands that is common in the State systems all over the country if there is a Federal prosecutor dealing with those limited number of Federal cases of juveniles that come before us in our Federal court system. This is long overdue. The amendment offered by the gentleman from Virginia (Mr. SCOTT) should be defeated, and we should let an antiquated Federal juvenile system be improved.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise to strongly support the Scott amendment and adamantly against the McCollum amendment. The McCollum, for example, this amendment would negatively impact children by placing children at risk of assault and abuse in adult jails. The McCollum amendment allows Federal prosecutors rather than judges the discretion to try children as adults. The McCollum amendment would lower the age to 13 in some cases at which children can be tried as adults in the Federal system. This amendment, the McCollum amendment broadens the scope of Federal crimes in which juveniles can be tried as adults. Simply put, more children will be placed in adult jails, and they will be as young as 13.

I am extremely concerned because the McCollum amendment will also make it easier to put more children, and just tell it like it is, more black and brown children in jail. Children of color make up one-third of all children nationwide, but two-thirds of all incarcerated juveniles are considered ethnic minorities. African American youth aged 10 to 17 constitutes 15 percent of United States population in that age group, but they account for 26 percent of juvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of juvenile detained in delinquency cases, 46 percent of juveniles in correction institutions and 52 percent of juveniles transferred to adult criminal court after judicial proceedings.

Minority youth are much more likely to end up in prisons with adult offenders. In 1995, nearly 10,000 juvenile cases were transferred to adult criminal courts by judicial waiver. Of those proceedings, cases involving African American children were 50 percent more likely to be waived than cases involving Caucasian. Mandatory minimum sentencing will enable our children to be at serious risk of abuse and assault. This, the McCollum amendment, goes against current studies which indicate that trying children as adults increases rather than decreases youth crime. Allowing contact between juveniles and adults in adult jails would make children eight times more likely to commit suicide, five times more likely to be sexually assaulted and twice as likely to be assaulted by staff in adult than in juvenile facilities.

I support the Scott amendment.

By the McCollum amendment imposing new mandatory minimum sentences for children who are convicted of certain offenses—mandatory minimums will impose harsher penalties on youthful offenders than adult criminals guilty of the same offenses under current law.

For example, under the McCollum amendment any juvenile who discharges a firearm in a school zone would get a minimum 10-year sentence. An adult currently charged with the same offense would not be subject to the same mandatory penalty.

Let me remind you that mandatory sentences are expensive, unfair, and often ineffective. A 1997 Rand study shows that mandatory minimum sentences are not cost effective in reducing drug-related crimes. Even Chief Justice Rehnquist had criticized mandatory minimum sentences as unduly harsh punishment for first-time offenders.

We must help our children when they are charged of a crime. We must provide education and counseling services to rehabilitate them back into society. We must not write them off! We must remember that they are still children and we must try harder to help them because they are the future.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I just want to make it very clear, and I do not know where this idea of commingling children with adults in facilities, prison facilities, is coming from. There is no change in my amendment to the current law with respect to prohibiting commingling. It cannot happen. Under Federal law today it is impermissible to mingle a juvenile with an adult. Whether that juvenile is waiting for trial and sentencing or even after a child has been tried as an adult in an adult court and they are still under the legal age of 18, they may not be housed with or commingled with adults. There is nothing in my amendment that would change that in any way, shape or form, and I want to make that again very clear.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, as difficult as we try to make this, it is not rocket science. We know what works and what does not work. Every single study that has ever been done indicates that juveniles as adults and locking them up as adults increases crime, does not decrease crime, and I thought we were here today to talk about what decreases crime and what was effective.

Here is the thing. Lock up a 13-year-old with a murderer, a rapist and a robber, and guess what he will want to be when he grows up? We know what he will want to be when he grows up. He will want to be a murderer, he will want to be a rapist, and he will want to be a robber, and that is what this amendment proposes to do. It wants to treat young 13-year-old kids as adults. Every single study in America that has ever been done says it is counterproductive. This is politics and we got to quit playing politics with the futures of our children.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I rise in support of the Scott amendment.

In the wake of a series of tragic incidents at high schools in Colorado and Georgia, Democrats and Republicans came together to craft H.R. 1501. We put aside the politics of poll-tested sound bites—"do the crime do adult time;" mandatory minimums; "3 strikes you're out"—to hold thoughtful deliberations that yielded a unique piece of legislation responsive to the concerns of experts in the field and supported by all members of the subcommittee, both Democrat and Republican.

This is why I am deeply disappointed to see the Republican majority abandon bipartisanship to play politics with juvenile justice; abandon orderly legislative process to pursue legislation by ambush; and abandon its commitment to the American people to follow the lead of special interests.

How do we know the Republican Majority has decided to play politics with juvenile justice? They now advocate policies that just weeks ago even they acknowledged lacked merit. Listen to their own words.

On March 11, 1999 Crime Subcommittee Chairman MCCOLLUM stated: "Taking consequences seriously is not a call for locking all juveniles up, nor does it imply the housing of juveniles, even violent hardened juveniles, with adults. I, for one, am opposed to such commingling."

On April 22, 1999 he repeated: "I believe the bill we move today [represents] a balanced effort to strengthen juvenile justice systems so that they are able to insure appropriate measured consequences for delinquent acts of the most youthful offenders who because of their age are amendable to being directed away from later, more serious wrong doing."

Yet today, the Majority is pushing legislation which tries more children as adults, houses more juveniles as adults, and imposes a whole slew of new mandatory minimum penalties and death penalties.

What's really extraordinary about these proposals is just how meaningless they really are. Fewer than 150 prosecutions in the federal system each year, and such changes are likely to affect only a small percentage of those cases. These proposals do not represent serious attempts at legislation. Rather they are a transparent attempt to legislate by sound bite and kill a bill that they themselves agreed was the best approach to juvenile justice.

Housing juveniles in adult prison facilities means more kids are likely to commit suicide, or be murdered or physically or sexually abused than their counterparts in juvenile facilities. As a matter of fact, children in adult jails or prisons have been shown to be five times more likely to be assaulted and eight times more likely to commit suicide than children in juvenile facilities in adult prisons.

Judiciary Committee hearings have turned up numerous instances of such abuse. In Ironton, Ohio, a 15 year-old girl ran away from home overnight, then returned to her parents. A juveile court judge put her in a county jail to "teach her a lesson." The girl was sexually assaulted by a deputy jailer on her fourth night in jail. In Boise, Idaho, 17 year-old Christopher Petermen was held in adult jail for failing to pay $73 in traffic fines. Over a 14 hour period, he was tortured and finally murdered by other prisoners in the cell. In LaGrange, Kentucky, 15-year-old Robbie Horn was confined in an adult facility for refusing to obey his mother. Soon after he was placed in jail he used his own shirt to hang himself.

Repeated studies of prosecuting juveniles as adults indicates that rather than serving as a deterrent to juveile crime prosecuting more juveniles as adults merely leads to greater and more serious recidivism. This is because adult jail facilities have little capacity to offer the educational, counseling, and mental health services needed to deal with juvenile offenders.

Other aspects of the Majority's juvenile justice proposals are just as misguided. For example, a Rand commission study showed that mandatory minimum sentences reduced crime less and cost much more money when compared to discretionary sentencing and release laws. Increased death penalties are also problematic—in addition to the increasing problem of prosecutor error, capital punishment diminishes the value of all life and could not begin to deter suicide killers like those at Columbine High School.

The reality is that a continuum of services aimed at-risk youth—such as teen pregnancy prevention, Head Start, recreational programs, drop-out prevention programs, summer jobs, drug treatment, mental health services, and education and treatment programs during incarceration—are needed to significantly reduced juvenile crime. This is the approach found in H.R. 1501, but is subsequently abandoned by the Majority.

If we are truly interested in juvenile justice reform, we must begin by rejecting unprincipled amendments allowed by the Rule that would cut out the heart of this bill and stick to the principles of H.R. 1501. This was a bill produced by a bipartisan process and unanimously approved by the Crime Subcommittee. In the wake of the recent school yard tragedies in Littleton, Colorado and Conyers, Georgia, the American people deserve and expect reform. We cannot and should not allow false arguments about "getting tough on crime" and prosecuting juveniles as adults to prevent us from achieving these important goals.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I and others who have taken to the floor to speak about this attempt by the gentleman from Florida (Mr. MCCOLLUM) to open up the Federal system to youth and try them as adults is very serious with us because of what we already know about how the system works. Let me continue with some of the statistics that we have begun to roll out. Black youth are much more likely to end up imprisoned as adult offenders. In 1995 nearly 10,000 juvenile cases were transferred to adult criminal court by judicial waiver. Of these proceedings, cases involving black youth were 52 percent of all the children and adolescents waived to the adult court.

Youth Law Center, America's assault on minority youth, the problem of over representation of minority youth in the justice system; we are telling the gentleman from Florida (Mr. MCCOLLUM) aside from the problem with minority youth we are exacerbating the problem for Native Americans. As my colleagues know, what they are doing is going to have a disproportionate impact on them, and let me just say that minorities do fare worse in this system because they do not have the contacts, and people acting on their behalf and tweaking the system; Mr. MCCOLLUM, he has used his influence to get off people in the system who have committed serious charges. Black youth and minority youth do not have that opportunity to have that kind of support.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding this time to me, and there is one provision that I do support, one out of all of the provisions that I support in the McCollum amendment, and that is the one that designates an Assistant United States Attorney to focus in on the issue of guns. However, I say to the gentleman from Florida (Mr. MCCOLLUM), what he fails to do in the amendment is to provide an authorization for the funding for the additional Assistant United States Attorney. Myself and the former attorney general of the State of Arizona, who now serves in this body, the gentleman from Colorado (Mr. UDALL) had that amendment before, before the Committee on Rules, and it was not ruled in order, and I would hope that the gentleman would consider unanimous consent to adopt that amendment.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, the Hyde-McCollum amendment was not subjected to the regular process and therefore we do not know what is wrong with the present law in trying juveniles as adults or what is wrong or why the mandatory minimums need to be imposed. I point out on page 12, line 14 of the amendment there are changes in incarceration with adults where the protections of juveniles are very seriously jeopardized.

Finally, Mr. Chairman, I will ask unanimous consent at the end of the time for the gentleman from Florida that I be able to ask unanimous consent to withdraw the amendment and go right to the vote on the McCollum amendment. I will make that unanimous consent request at the end of his time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I will not consume by any means all of it. I just want to respond to a couple things that have been said out here today. One of those concerns, the issue of again this commingling question. There is no commingling at all that would be allowed in this legislative proposal that I have. But I understand there are concerns that other Members on the other side of the aisle have with allowing prosecutors the discretion in these very serious criminal cases in the Federal system to try juveniles as adults. I find that to be one of those kinds of things where we just have a disagreement because most of the States have that option for prosecutors. That is all my amendment does, is to revise very old and antiquated Federal laws dealing just with those limited handful of juvenile cases that come before the Federal system every year to revise those laws, to let them comply with the State laws where there is often and most often a prosecutor's discretion allowed when we deal with murder, rape, robbery, those really serious crimes, and only with those, and it is discretionary again, and again no commingling.

And last, the gentleman from Massachusetts is making a point, we did not authorize any funding for an additional prosecutor in the underlying amendment dealing with prosecuting gun crimes where we require a separate U.S. Attorney, Assistant U.S. Attorney, to be set aside to prosecute those crimes.

□ 1515

But I did not intend that we hire a new assistant U.S. prosecutor. The amendment contemplates that every U.S. Attorney in this country set aside one of the existing ones with no additional funds. That is what was done in the Bush administration. A priority was set among the existing prosecutions in the country so that gun crime prosecutions had high priority, such a high priority that I think should be here with this administration to prosecute gun crimes as we have had so few prosecuted.

That is the sole purpose of that provision. No additional prosecutors are necessary and no additional money need be authorized in this setting.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, my colleague and I are from Florida. Am I correct that Florida has a law that allows for us to be able to prosecute juveniles who commit even the heinous crimes that the gentleman's measure calls for? If that is true, why, then, federalize this particular process?

So many times, I say to my colleague, we come to the floor saying, leave things in the hands of local authorities. How is it all of a sudden the Federal system is going to be better?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I know that the gentleman probably misunderstands my amendment, because the gentleman has been a former Federal judge and I respect the gentleman a lot on this. The amendment I am proposing in no way Federalizes those crimes that the States are involved with. It does not add any new dimension to Federal jurisdiction.

Where Federal law already allows for prosecutions such as in drug cases and in gun cases, which it does, there could be prosecutions of juveniles as adults if prosecutors decided. Today, as the gentleman knows, there could be prosecutions of juveniles as adults in the Federal system in those kinds of cases if the judges, Federal judges decide.

So I am not really adding any new crimes or going into the State jurisdictions with my amendment, I say to the gentleman. I was very careful not to do that. So I am glad the gentleman pointed that out, because it should be clarified. I thank the gentleman for doing so.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding.

I would point out to the gentleman that since 1993 there have been innumerable burdens deposited on United States Attorneys' offices. If we are going to be really serious about the issue of guns and violence in a realistic approach in terms of the appropriate role for the Federal Government, I dare say a price tag of $8 million to save lives, to reduce violence in our streets, is something that ought to occur. We have got to pay for it. We cannot do it on the cheap, I say to my colleague from Florida.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would say that the Bush administration, the previous administration did this with the existing resources and made it a priority. I think that should be done first. I am certainly willing to go with the gentleman to add more prosecutors, generally speaking, whether they are designated or not. I think we do have a lower number of Federal prosecutors and too few Federal judges, especially in Florida, my State, and there may be an opportunity later on in this bill to do something about that with some of the other amendments. But I respect the fact that the gentleman wants to see more Federal prosecutors. That in no way diminishes the fact that my amendment proposes that an existing prosecutor in every Federal district be set aside to prosecute gun cases and be given that as a top priority with existing resources. That is what my amendment does; that is what should be done.

Mr. Chairman, I oppose the Scott amendment, I urge that it be defeated, if it is not withdrawn. If the effort is going to be made to withdraw it, I will not oppose it.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 181, not voting 4, as follows:

[Roll No. 211]

AYES—249

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Castle
Chabot
Chambliss
Clement
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hobson
Holden
Holt
Hooley
Horn
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Spence
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thune
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonilla
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Danner
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Ehlers
Engel
Eshoo
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Goode
Gutierrez
Hall (TX)
Hastings (FL)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Hostettler
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pease
Pelosi
Pickett
Pombo
Price (NC)
Pryce (OH)
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skeen
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Wilson
Wise
Woolsey
Wynn

NOT VOTING—4

Brown (CA)
Davis (IL)
Houghton
Kasich

□ 1542

Messrs. COBURN, BONILLA, FOSSELLA, and DOOLITTLE changed their vote from "aye" to "no."

Mr. BACHUS, Mrs. CUBIN, Mr. UPTON, and Mr. MORAN of Kansas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to notice to the Committee, it is now in order to consider amendment No. 31 printed in Part A of House Report 106–186.

AMENDMENT NO. 31 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 31 offered by Mr. HYDE:

Add at the end the following new title:

TITLE —PROTECTING CHILDREN FROM THE CULTURE OF VIOLENCE

SEC. . PROTECTING CHILDREN FROM EXPLICIT SEXUAL OR VIOLENT MATERIAL.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1471. Protection of minors

"(a) PROHIBITION.—Whoever in interstate or foreign commerce knowingly and for monetary consideration, sells, sends, loans, or exhibits, directly to a minor, any picture, photograph, drawing, sculpture, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording, or other matter of any kind containing explicit sexual material or explicit violent material which—

"(1) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal or pander to the prurient, shameful, or morbid interest;

"(2) the average person, applying contemporary community standards, would find the material patently offensive with respect to what is suitable for minors; and

"(3) a reasonable person would find, taking the material as a whole, lacks serious literary, artistic, political, or scientific value for minors;

shall be punished as provided in subsection (c) of this section.

"(b) DEFINITIONS.—As used in subsection (a)—

"(1) the term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

"(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant; and

"(B) the age of the minor;

but an honest mistake is a defense against a prosecution under this section if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

"(2) the term 'minor' means any person under the age of 17 years; and

"(3) the term 'sexual material' means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

"(A) human male or female genitals, pubic area or buttocks with less than a full opaque covering;

"(B) a female breast with less than a fully opaque covering of any portion thereof below the top of the nipple;

"(C) covered male genitals in a discernibly turgid state;

"(D) acts of masturbation, sodomy, or sexual intercourse;

"(E) physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, breast;

"(4) the term 'violent material' means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

"(A) sadistic or masochistic flagellation by or upon a person;

"(B) torture by or upon a person;

"(C) acts of mutilation of the human body; or

"(D) rape.

"(c) PENALTIES.—The punishment for an offense under this section is—

"(1) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense which does not occur after a conviction for another offense under this section; and

"(2) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense which occurs after a conviction for another offense under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

"1471. Protection of minors.".

SEC. ___. PRE-PURCHASE DISCLOSURE OF LYRICS PACKAGED WITH SOUND RECORDINGS.

(a) IN GENERAL.—It is the sense of Congress that retail establishments engaged in the sale of sound recordings—

(1) should make available for on-site review, upon the request of a person over the age of 18 years, the lyrics packaged with any sound recording they offer for sale; and

(2) should post a conspicuous notice of the right to review described in paragraph (1).

"(b) DEFINITION.—The term 'retail establishment' means any physical place of business which sells directly to a consumer, but does not include mail order, catalog, or online sales of sound recordings.

SEC. ___. STUDY OF EFFECTS OF ENTERTAINMENT ON CHILDREN.

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, video games and music affect the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

SEC. ___. TEMPORARY ANTITRUST IMMUNITY TO PERMIT THE ENTERTAINMENT INDUSTRY TO SET GUIDELINES TO HELP PROTECT CHILDREN FROM HARMFUL MATERIAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.".

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.".

(C) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.".

(D) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.".

(E) "Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.".

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to "proscribe gratuitous or excessive portrayals of violence". Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that "such activities may be likened to traditional standard setting efforts that do not necessarily restrain

competition and may have significant procompetitive benefits . . . Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.”.

(18) The Children's Television Act of 1990 (Public Law 101–437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, some are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis.

(21) Game players of violent games may be cast in the role of shooter, with points scored for each “kill”. Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) Due to their increasing popularity and graphic quality, video games may increasingly influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

(b) Purposes; Construction.—

(1) Purposes.—The purposes of this section are to permit the entertainment industry—

(A) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(B) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(C) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(2) Construction.—This section may not be construed as—

(A) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(B) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

(c) Exemption of Voluntary Agreements on Guidelines for Certain Entertainment Material From Applicability of Antitrust Laws.—

(1) Exemption.—Subject to paragraph (2), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(A) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing—

(i) violence, sexual content, criminal behavior; or

(ii) other subjects that are not appropriate for children; or

(B) to promote telecast material, movies, video games, Internet content, or music lyrics that are educational, informational, or otherwise beneficial to the development of children.

(2) Limitation.—The exemption provided in paragraph (1) shall not apply to any joint discussion, consideration, review, action, or agreement that—

(A) results in a boycott of any person; or

(B) concerns the purchase or sale of advertising, including restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(3) Definitions.—In this subsection:

(A) Antitrust laws.—The term “antitrust laws”—

(i) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in subparagraph (A).

(B) Internet.—The term “Internet” means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(C) Movies.—The term “movies” means theatrical motion pictures.

(D) Person in the entertainment industry.—The term “person in the entertainment industry” means a television network, any person that produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any person that produces or distributes video games, the Recording Industry Association of America, and any person that produces or distributes music, and includes any individual acting on behalf of any of the above.

(E) Telecast.—The term “telecast material” means any program broadcast by a television broadcast station or transmitted by a cable television system.

(d) Sunset.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on the date of the enactment of this Act and ending 3 years after such date.

(e) Report.—The Attorney General shall report to the Congress, not later than 90 days after the period described in subsection (d), on the effect of the exemption made by this section.

SEC. . PROMOTING GRASSROOTS SOLUTIONS TO YOUTH VIOLENCE.

(a) Establishment of National Youth Crime Prevention Demonstration Project.—The Attorney General shall, subject to appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this section as the “National Center”) to enable the National Center to award subgrants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) Dallas, Texas.

(7) Los Angeles, California.

(8) Norfolk, Virginia.

(9) Houston, Texas.

(b) Eligibility.—

(1) In general.—To be eligible to receive a subgrant under this section, a grassroots entity referred to in subsection (a) shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(2) Selection criteria.—In awarding subgrants under this section, the National Center shall consider—

(A) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(B) the engagement and participation of a grassroots entity with other local organizations; and

(C) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

(c) Uses of Funds.—

(1) In general.—Funds received under this section shall be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, or other activities to further community objectives in reducing youth crime and violence.

(2) Technical assistance.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

(3) Fiscal Controls.—The Attorney General is authorized to establish and maintain all appropriate fiscal controls of sub-grantees under subsection (a).

(d) Reports.—The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

(e) DEFINITIONS.—

For purposes of this section—

(1) the term "grassroots entity" means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration; and

(2) the term "National Center for Neighborhood Enterprise" is a not-for-profit organization incorporated in the District of Columbia.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for fiscal year 2000;

(B) $5,000,000 for fiscal year 2001;

(C) $5,000,000 for fiscal year 2002;

(D) $5,000,000 for fiscal year 2003; and

(E) $5,000,000 for fiscal year 2004.

(2) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to paragraph (1) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots entities.

☐ 1545

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Illinois (Mr. HYDE), and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is an unfortunate fact that it often takes a tragedy such as happened recently in Colorado to get our attention to help us focus on a festering problem.

In the light of the recent rash of school shootings and the continued prevalence of youth violence in America, I think it is crucial that Congress address some of the cultural issues that influence the behavior of America's young people, factors that may actually be causing kids to find a gun and commit a violent act.

The fact is new gun laws and tighter control of the juvenile justice system are not by themselves a cure for the epidemic of youth violence. Although gun legislation has its utility, the real problem is what is going on in our kids' minds and hearts and souls.

The young assailants in Colorado violated 15 Federal gun and explosive laws and 7 State laws. So passing a few more laws and piling them on does not seem to me to get at the heart of the problem.

In order to be truly responsive to the issues of youth violence, Congress must address the cultural influences that cause young people to become violent. We need to get at the issues of the heart.

Part of the problem is that children have been overexposed to violence and, this, coupled with a spiritual vacuum leaves many youngsters desensitized to violence and unable to fully appreciate the consequences of their sometimes brutal actions.

As popular entertainment becomes more violent and more sexually explicit and as it depicts more and more disrespect for life, and the rights and well-being of others, some of our children are starting to believe this behavior is normal and acceptable. They do not seem to understand that acts of violence have real life tragic consequences.

We know as a result of several hundred studies, there is a link between media violence and violent behavior in our country, particularly among young people. Both the American Medical Association and the American Association of Pediatrics have warned against exposing children to violent entertainment. One 1996 AMA study concluded that the link between media violence and real life violence has been proven by science time and time again.

Another American Medical Association study concluded that exposure to violence in entertainment increases aggressive behavior and contributes to America's sense that they live in a mean society. Much of the make-believe violence that kids are exposed to today is presented not as horror with devastating human consequences but simply as entertainment. This is enormously harmful to young people whose values and conscience are still being developed.

Well, what can we do about this? Are we impotent? Are we paralyzed? It is not easy, but I believe my amendment, which includes five specific proposals addressing this cultural breakdown, is a beginning and gets at some of the worst influences on our children.

The first and most important section of my amendment creates a new Federal statute to protect minors from explicit sexual and explicit violent material. The First Amendment is not absolute and does not protect obscenity. That has been the law for 40 years. There is an exception to the First Amendment, and it is obscenity.

Furthermore, under current law, it is constitutionally permissible to adopt an obscenity standard which restricts the rights of minors to obtain certain sexually-related materials that are not considered obscene for adults. In other words, there is a double standard and it is a tougher standard for minors than for adults, and that is the constitutional law.

Currently, many States do this through harmful to minor statutes that prohibit the sale of sexually explicit material to minors that would not necessarily be considered obscene for adults. Thus, in most States with harmful to minor statutes adults can buy certain pornographic magazines but minors cannot.

Right now, there is no Federal law that prohibits the sale of material that is considered too explicit for minors but not for adults. My amendment would change that by creating a Federal law that would prohibit the sale of certain explicit sexual and explicit violent material to minors under the age of 17. My amendment covers violent material because I believe if the Constitution permits us to restrict the type of sexual material kids can purchase, then it makes sense that we can also prohibit the distribution of material to minors that is graphically violent and glorifies this violence to a level that is harmful.

I believe certain extremely violent movies, video games and music can have just as much or more of a detrimental effect on the development of kids than some explicit sexual material that many States currently try to protect them from.

In other words, at their worst, violence and pornography are equivalent evils, especially where minor children are concerned.

This new obscenity for minors statute does not restrict the rights of adults or parents to view certain sexual or violent material. It does not prohibit anyone from producing such items and does not provide an unworkable standard. Rather, it empowers parents to make decisions about what type of material is appropriate for their children.

With enactment of this legislation, parents, not merchants, many of whom are responsible, but there will always be some who without the threat of law will pursue profit over decency and sell harmful materials to minors, will decide whether their kids can see explicit sexual or violent material.

Some, of course, have questioned the constitutionality of this proposal. It is clear that this proposal is going to be challenged in the courts should it become law. However, I submit that those who assert that the statute is patently unconstitutional are engaging in knee-jerk analysis and have not thoroughly studied the law in this area. This statute, this amendment, was carefully drafted to comply with the Supreme Court's precedent.

First, a detailed definition of sexual and violent material is included to address the constitutional concern of vagueness. The definition of sexual material was taken almost verbatim from a New York statute that was upheld by the Supreme Court in a case known as Ginsberg versus New York. The definition of violent material is new, but I believe it is sufficiently precise that if someone challenges the bill on vagueness grounds it will survive the challenge.

Secondly, the statute incorporates the standard three-prong test validated by the Supreme Court and used to determine if the sexual or violent material as defined by the statute does or does not qualify for First Amendment protection. I am confident the Court will uphold this test.

Third, someone may argue to the courts that violent material can never be obscene. The Supreme Court has never held directly that extremely violent material may not, for that reason only, be banned.

I submit that extreme violence, properly defined, can be obscene. If sexual images may go sufficiently beyond community standards for candor and offensiveness and hence be unprotected, there is no reason why the same should not be true of violence.

I understand some people may disagree with the Court's decision to carve out an exception to the First Amendment freedom of speech for obscenity, but if one believes the Supreme Court is justified in maintaining a First Amendment exception for obscenely sexual material, then what are the policy arguments that justify this exception that do not also apply to violent material?

There are no theories of the First Amendment that justify an exception for sexual obscenity that can't reasonably be extended to justify an exception for violent obscenity.

It is also important to remember that this amendment would not declare any violent materials as obscene for adults only; only for minors under the age of 17.

The Supreme Court has recognized there is a compelling interest in protecting the physical and psychological well-being of minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards.

Under my proposed amendment it would still be legal to produce and distribute any explicitly violent material but some of it would not be permitted to be sold to minors.

I think this new provision is exceedingly important. It says that we are on the side of parents and not the purveyors of harmful material to our children.

I realize the big money of the entertainment industry is on the other side of my argument, but I believe the parents of America are on my side.

This legislation is not an attack on the First Amendment, despite what has been charged by many of my colleagues. Rather, it is simply saying that some material is beyond the pale and should not be sold to minors. We are not trying to ban anything or censor anyone. We are just saying one cannot sell some of this horrible stuff to kids.

If my colleagues do not believe that parents should have more control over their kids' access to these harmful materials, then by all means vote against my amendment. However, if they believe we should do something to slow the flood of toxic waste into the minds of our children, then please do vote for my amendment.

There are four other parts to this amendment that will make a difference in addressing the culture of violence, and I would like to take a few moments to explain them.

I have included as a second section a provision whereby Congress, through merely a sense of Congress resolution, asks retail establishments that sell music to allow parents to review, in their store, the lyrics accompanying the sound recordings they offer for sale. This is a simple way for parents to read the lyrics accompanying the CDs they are considering buying for their kids. It is my hope that retailers can take this responsible step on their own and allow parents to review in their store a copy of the lyrics.

We are not asking them to give away copies of lyrics. We are merely asking them to give the parents a right to look at them so they can determine for themselves whether the lyrics are appropriate for their own children.

Many CDs contain foul language. While others contain vulgar and graphic lyrics describing and glamourizing murder, gang violence, suicide and sex, many lyrics are hateful, racist or misogynistic. Although there is a voluntary labeling system within the recording industry that calls for placement of a sticker on CDs that contain explicit language, there is still no way prior to purchase for the parents to review the lyrics in the store.

□ 1600

Hopefully this section will result in establishment of a right to review in the stores.

The third section of this amendment essentially mirrors part of an amendment sponsored by Senator BROWNBACK that was included in the juvenile justice bill passed by the Senate. This section requires the National Institutes of Health to conduct the study of the effects of violent video games and music on child development and youth violence.

The NIH is directed to address in the study whether and to what extent video games and music affect the emotional and psychological development of juveniles and whether violence and video games and music contributes to juvenile delinquency and youth violence.

While numerous studies, one counts it at over 300, have been conducted regarding the impact of violence in television and movies, there have been very few studies done on the impact of music and video games on young people.

The popularity of video games is rapidly increasing. One study, conducted by Strategy Records Research, found that 64 percent of young people play video games on a regular basis, and many are nothing more than a contest to see which competitor can kill the most efficiently.

The graphics are startling. Some advertisements for these games make pitches like "Psychiatrists say it is important to feel something when you kill." This game is "more fun than shooting your neighbor's cat." "Kill your friends guilt free."

Determining what impact video games like this might have on the decisions and behavior of young people is clearly in the public interest. By some estimates, the average teen listens to music around 4 hours a day. Between 7th and 12th grade, the average teen is going to listen to around 10,000 hours of music. That is more time than they will spend in school.

Last month, Bill Bennett commented on the possible effects of music lyrics on child development by first quoting Socrates who wrote, "Musical training is a more potent instrument than any other, because rhythm and harmony find their way into the inward places of the soul, on which they mightily fasten, imparting grace."

Mr. Bennett then stated that rhythm and harmony are still fastening themselves on to children's souls today. However, much of the music they listen to is imparting mournfulness, darkness, despair, and a sense of death. This is something many parents fear, and we ought to study if some modern music does indeed impart a sense of death upon America's youth.

The fourth section of this amendment is very similar to a Senate amendment providing a limited antitrust exemption to the entertainment industry to enable the entertainment industry to work collectively to develop and implement voluntary programming guidelines that alleviate the negative impact of television programming, movies, Internet content, and music lyrics on the development of children.

Nothing in this amendment curtails freedom of expression in any way. It gives, rather, the entertainment industry the freedom to enter into a voluntary code of conduct.

The fifth section of the amendment, promoting grassroots solutions to youth violence, authorizes the Attorney General to award $5 million annually for 5 years to the National Center for Neighborhood Enterprise for the purpose of funding direct demonstration operations and program development grants to community organizations in nine cities across the country.

During the 105th Congress, the Committee on the Judiciary held a hearing on a number of inner city programs that have succeeded in reducing youth crime and violence. One of the programs showcased was the National Center for Neighborhood Enterprise, based in Washington, D.C. Since 1981, this organization has successfully dealt with gang violence, teen pregnancy, drug abuse, and fatherless children.

One of the most remarkable successes occurred in 1997, not far from the Capitol, where this organization helped broker a truce between warring gangs that had turned the Benning Terrace neighborhood into a combat zone. That truce has lasted to this day, and Benning Terrace has been transformed into a neighborhood where people can again walk their streets in safety.

The Benning Terrace truce showcased what has made the National Center for Neighborhood Enterprise approach to inner city violence so successful. Faced with an intractable problem, they stepped in, tapped local groups that understood the problem, and helped rival gang members recognize their mutual interests. This provision is an attempt to replicate this approach in nine violence-plagued cities across the Nation.

If Congress is going to spend funds on social programs, it is important for us to try to direct Federal funds to community renewal organizations in our cities that actually have succeeded in reducing violence and putting kids on the right track. The National Center does this, as evidenced by their transformation of the Benning Terrace housing project, and helped prevent countless young persons from engaging in the life-style of violence.

I know Congress does not have all the answers to the terrible problem of youth violence in America. Some of these proposals I have discussed are modest. But we ought to do what we can. Study after study has shown that exposure to violence adversely affects the development of children and leaves some of them more disposed to commit acts of violence.

Even the most caring and responsible parents cannot prevent these influences from reaching their kids. Parents need our help. Let us stand with them. Nothing we do in this life is more important than how we raise our children.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 30 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is an amendment that I speak to with some disappointment that the chairman of the Committee on the Judiciary would launch an unparalleled assault on the first amendment without committee deliberation.

Now, we are all concerned about the impact of depictions of violence on children, but to try to approach a very difficult cultural problem in this way is, I think, to ignore at least two Federal court decisions, Reno versus ACLU, and yet another, the Video Software Dealers Association versus Webster, cases that clearly make it abundantly plain that creating a vast new Federal cultural police that overlaps with State law enforcement creates, honestly, a logistical nightmare for the Justice Department, which would have to apply local community standards in determining whether the material is sexual or violence.

Also, since the statute does not have a specific intent requirement, the only alternative available for video and drug store clerks who are the poor mensches that will be prosecuted under this and would want to avoid prison, is to watch every movie, read every book to determine their content and then determine whether the community standards would prohibit the sale of these movies or books to minors.

So just briefly, and I have a letter of explanation, the amendment is patently unconstitutional. I would remind my colleagues that, in our substitute, we have both the antitrust exemption and the industry guidelines that would start us on a more normal course of action.

Please reject the amendment.

The letter of explanation I referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 16, 1999.

VOTE NO ON HYDE'S FEDERAL CENSORSHIP AMENDMENT

AMENDMENT IS UNCONSTITUTIONAL, UNWORKABLE, AND UNNECESSARY

DEAR COLLEAGUE: Today, Rep. Hyde will offer an amendment (Amendment 31) providing for a sweeping new Federal censorship regime that generally prohibits the dissemination of "explicit sexual material" or "explicit violent material." This is a transparent attempt to turn the focus of the debate away from common-sense gun-safety legislation and instead scapegoat our nation's newspaper, magazine, book, television, movie, and video industries, and I urge a NO vote.

THE HYDE AMENDMENT IS UNCONSTITUTIONAL

The Hyde amendment violates the First Amendment because it is both vague and overbroad. Recently thė Eighth Circuit struck down a similar state obscenity statute on vagueness grounds, observing that "to survive a vagueness challenge, a statute must 'give the person of ordinary intelligence a reasonable opportunity to know what is prohibited' and 'provide explicit standards for those who apply [the statute]' " *Video Software Dealers Ass'n* v. *Webster*, 968 F.2d 684, 689 (8th Cir. 1992). The Hyde amendment is unconstitutionally vague because among other things, it does not define the terms used to reference violence, namely, "torture," "flagellation," or "mutilation." Failing to define "multilation" means that even pricking someone with a pin might fall within meaning of the term.

The Supreme court has held that restrictions on speech will be held unconstitutional also where they are overbroad. The Hyde amendment is overbroad in several respects. For example, it goes so far as to prohibit newspapers and magazines from accepting such basic advertisements as those for underwear. The amendment would also preclude minors from seeing a movie such as Home Alone, which contains slapstick violence and appeals to the "morbid" interest in minors who want to see people get hurt. Further, because there is no exception in the amendment for parents, the amendment would also subject a parent to prison for up to five years for showing his or her child a movie or book with supposedly—sexually-explicit or violent content. The Majority's track record on these issues are not very good—it was only two years ago that their statutory restriction on Internet access to materials with sexual content in the form of the Communications Decency Act was struck down by the Supreme Court by a vote of 9–0 as being overbroad. *Reno* v. *ACLU*, 117 S. Ct. 2329 (1997).

THE HYDE AMENDMENT IS UNWORKABLE

Creating a vast new Federal "cultural police" that overlaps with state law enforcement creates a logistical nightmare for the Justice Department, which would have to apply local "community standards" in determining whether the material is sexual or violent. Also, since the statute does not have a specific intent requirement, the only alternative available for video and drug store clerks who want to avoid prison is to watch every movie or read every book to determine their content and then determine whether the "community standards" would prohibit the sale of those movies or books to minors.

The creation of a Federal censorship statute threatens to cultivate a generation bereft of literary enrichment and enlightenment. As a matter of fact, there are numerous materials that were at one time considered to have too much sexual or violent content but now are regarded as classic pieces of literature. For example, works that were considered too sexually-explicit include Nathaniel Hawthorne's "The Scarlet Letter" in the 1850's by Reverend Arthur C. Coxe (a judge noted that, while the book was criticized when it came out, it was fully accepted in 1949); and J.D. Salinger's "The Catcher in the Rye" by school boards in Pennsylvania (1975), New Jersey (1977), Washington (1978), and Iowa (1992). Ernest Hemingway's "The Sun Also Rises" was considered "offensive" by the school boards of San Jose and Riverside, California (1960's), and by the Watch and Ward Society of Boston (1927); and William Golding's "Lord of the Flies" was found to be excessively violent by critics in Texas (1974), South Dakota and North Carolina (1981) and Arizona (1983).

THE HYDE AMENDMENT IS UNNECESSARY

Perhaps the most hypocritical aspect of the Amendment is its internal inconsistency. Other provisions of the proposal would institute an NIH study of the impact of violence on children and grant members of the entertainment industry an antitrust exemption so they could voluntarily agree on appropriate community standards. Yet the censorship proposal would take effect before the study is completed.

Moreover, there are already several guidelines, methods, and studies addressing violence in entertainment. For example, the Motion Picture Association of America already rates each movie for content and exhibits the rating every time a movie is advertised. The National Association of Theatre Owners has just initiated a new national ID-check policy for admission to "R"-rated films. And the video game industry puts on its products the ratings that the Entertainment Software Rating Board devises for games so that purchasers of such games can be aware of their content. Some networks have agreed not to air commercials for R-rated movies with violent content before 9 PM. And just recently, the Clinton administration and Democratic Members of Congress successfully pushed for mandating the V-chip on television sets, thereby letting parents block out television programs and movies having certain ratings.

All of these provisions will be redundant and unnecessary if we put the cart before the horse and mandate Federal obscenity and violence standards *before* we give these approaches an opportunity to work. I urge you to vote "no" on the Hyde cultural amendment.

Sincerely,

JOHN CONYERS, Jr.,
Ranking Member.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), chair of the Entertainment Caucus.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the Hyde amendment. I understand the concern of the gentleman from Illinois (Mr. HYDE) for what is happening in America. We have had tragic incidents around our country. But like others, we are looking to seek and put the blame on groups rather than reflect on the problems that face society.

Everybody is fingerpointing in our communities, trying to find a scapegoat for the problems in our communities. This solution grows the government ever larger. It will create a police force of what is decent, what is violent, what is excessive.

Who would be the arbiter of those type of standards? Who would set the guidelines? Who will be the first to be prosecuted under this vague law?

The store clerk could be subject to 5 years in prison and a fine for the first offense, 10 years in prison or a fine for the second offense.

Is that a movie like "Home Alone"? Is that a movie like "Ben Hur"? Is that a movie like "Private Ryan"?

Now, I have had discussions with the chairman who suggests those would not be covered under this law, but the chairman will not always be chairman of the Committee on the Judiciary, and the people at the Department of Justice will not always be the ones that we will know what is in their minds, what is in their thoughts, and what is in their hearts.

I do not want the government taking the role of parents. I do not want the government stepping in, telling parents we are going to take care of their problems for them.

Mr. Chairman, how do people under 17 who do not drive cars get to the malls to buy the videos? How do they get the games in their homes? How do they watch the TVs? They are allowed to by their parents. This should not be about the government stepping in, saying we are now their parent, we are Mr. Mom or Mr. Dad.

We are here today debating an amendment that I do believe tramples on the first amendment, that I do believe tries to assume the role of parents in communities. I would regrettably say that while the chairman is well intentioned and is troubled by violence, this will not solve it.

What happens if the videos in the home of a consenting adult person are loaned to the neighbor and the neighbor's children? Now it says "sale". It says "sale". But it also shows, I believe, in the amendment "viewing."

So these amendments cause me great concern, and I would hope the committee and the Members will vote against the amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Courts and Intellectual Property.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on Judiciary for yielding me this time. My colleagues do not have to be intellectual to be on that subcommittee.

Three points I would like to make in a very short time. This is very uncharacteristic of the gentleman from Illinois (Mr. HYDE), chairman of the committee. He asserts as a matter of belief, but without any case evidence to support it, that he can graft in what I view as a somewhat clumsy and inartful way, the obscenity logic onto the depiction of violence.

This has been tried before; and every single time it has been tried, the courts have knocked it down. They said, the Nassau County Board of Supervisors, this is in the second circuit, Eclipse Entertainment versus Gluota, the Nassau County Board of Supervisors simply adapted the Miller obscenity standard to minors into violence. However, this was not a sufficient measure to shield the law from successful constitutional challenge, because the standards that apply to obscenity are different than those that apply to violence. Obscenity is not protected speech. This is, case after case. Time does not give me the time to make this argument.

Secondly, Ginsberg, yes, Ginsberg allowed a differentiated standard on obsenity to minors. This seeks to track that by doing a different standard on the depiction of violence to minors. But in Ginsberg, there was an exception from any criminal prosecution where there was parental participation or consent.

This measure has absolutely no such exception. The parent can be in the video store, in the theater, with the minor, and be quite willing to have the child, the minor see this. The vendor who sells it, ironically, we do not go after the studio, the author, the distributor, we go after the vendor, the poor guy at the video store, at Blockbusters.

There is no exception whatsoever here for parental consent, and there is no standard that is contained in Ginsberg for utterly without social redeeming value.

□ 1615

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise today as a parent and a legislator to oppose the Hyde amendment.

While the Hyde amendment intends to establish a standard to regulate children's exposure to violence, I believe this legislation will neither protect children nor help parents shield their children from harm. This amendment's overly broad attempts to regulate portrayals of violence raises serious constitutional questions that may result in this law being tied up in the courts for years. While the court battles are waged, not one child will be protected nor one parent's peace of mind enhanced.

We need to truly empower parents with common sense protective measures, such as the V-chip, establish TV ratings, strict enforcement of age requirements at movie theaters, and software filters for the Internet. We all agree our children should be shielded from violence and that parents should have the tools to protect their children. I would rather the industry spend the time in developing these tools than fighting protracted legal battles.

I urge my colleagues to oppose the Hyde amendment and to support common sense and effective measures that will truly protect our children.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROGAN), a member of the Committee on the Judiciary.

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with great reluctance that I rise in opposition to the amendment by the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

I start with the proposition, Mr. Chairman, that it is my responsibility as a parent to make sure that my children are watching age-appropriate material. And if they are watching something that is inappropriate, the responsibility rests with me to correct the deficiency. It is not the responsibility of Congress or Hollywood or any other group to correct that deficiency.

I do not believe the author of this amendment intends to censor movies depicting violence engaged in for a noble, heroic or socially worthy purpose. The problem, Mr. Chairman, is that the severe punitive measures put in this amendment put creators and distributors in a vise. They essentially have to "gamble" before they release material and make a guess whether it fits some vague literary, artistic, political or socially redeeming value test. And should they gamble incorrectly, they could spend 5 years in Federal prison.

There is also something disproportionate about language in a bill that allows a negligent parent who lets their children watch horribly violent material have no acknowledged culpability, but the person who fails to pay attention one day and does not check for I.D. at the local video store could do up to 5 years in prison.

I do not think that is an appropriate response from Congress. I do not think it will solve any of the troubles or the pathologies we are attempting to address. It is with that reluctance, Mr. Chairman, that I rise in opposition to the amendment.

Mr. HYDE. Mr. Chairman, could the Chair tell us how much time is remaining?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 11 minutes remaining; and the gentleman from Michigan (Mr. CONYERS) has 21½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the distinguished ranking member of the Committee on Rules.

Mr. FROST. Mr. Chairman, just last week, on June 10, the U.S. Supreme Court, in the City of Chicago vs. Morales, struck down a city ordinance that was intended to stop gang members from loitering. In so doing, the court held the ordinance was overbroad and vague. It failed to give proper notice of what was forbidden and what was permitted.

The language of this bill commits the same fatal error. It fails to explain what is covered in its terms and, in so doing, sweeps up educational and entertaining material that is irrelevant to the sponsor's concerns.

This Hyde amendment stems from a laudable purpose and high hopes. We must stop the prevalence of juvenile violence just as we must stop destruction by gang members. Yet the Constitution tells us we cannot do this by curtailing expression under the First Amendment.

Courts have consistently found definitions for violence to be vague. For instance, in this bill we address "sadistic or masochistic flagellation." Would a film about slavery have to cut scenes of slaves being whipped, creating the appearance that there were no violent acts done towards slaves? Producers most certainly delete these scenes simply to play it safe. Are children to be led to believe that slavery was not cruel? We cannot teach our children about societal issues if we are not allowed to give them a depiction of it. Ignorance is not the answer.

The bill also defines violent material as torture by or upon a person. Again, this vague and overbroad definition steps into a black hole. Every kid likes watching the super hero catch his villain. Look at Spiderman, Wonder Woman and Batman and Robin. Are these the characters the sponsors are really afraid of?

Much of our comedy also includes actions of "torture" that few would find any connection with violence. Look at Jim Carey, one of the most popular actors of today. Many of his films contain experiences that most humans would rarely survive. How about other movies, such as Home Alone, in which the child left a home, tarred the robbers, put nails out for them to fall on, and did a variety of other torture activities. Parents and children alike, however, flocked to this film.

This amendment must be rejected. It is unconstitutional on its face, no matter how laudable an objective it seeks to achieve.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise today in strong opposition to the Hyde amendment. It has been almost a month since Littleton and the Republican House has once again fumbled an issue important to the health and safety of America. They bring a bill to the floor today which has had no scrutiny from the Judiciary Committee, much less the whole House and will move amendments which will move us from a debate on gun control in order to engage in a book burning!

The House Republican Leadership has been doing the bidding of the gun lobby since the shots were fired in Littleton. The other body had no problem in engaging this topic head-on and voting on serious legislation. In fact, most Americans are dead serious about keeping their children safe. But not here, my colleagues. Here in the Republican House, they are concerned with the gun lobby. The gun lobby needs time to stall; the Republican Leadership gives them time to stall. The gun lobby needs a little misdirection and scapegoating, no problem. The Republican Leadership is happy to accommodate.

Today, the gentleman from Illinois will move an amendment that is a new twist on the NRA mantra, "guns don't kill people . . . George Orwell does. Guns don't kill people . . . Steven Speilberg does." "Guns don't kill people . . . Verdi and Puccini do." As a parent, I am just as concerned about exposing my children to media violence, but tearing up the Constitution is not the way to do it. I share Chairman Hyde's motives to protect children but let's have a serious discussion on the safety of our children and not a replay of Fahrenheit 451 which, by the way, would be banned under this amendment.

In the end, my colleagues, this House will produce a messy bill, which will have great difficulty clearing the Senate or the President's signature. And this is exactly what the gun lobby and the Republican House wants. Meanwhile, more children will suffer.

I urge my colleagues to reject the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, it is amazing to me how the Republican leadership seeks to deal with difficult and important issues. Their solution to the campaign finance mess is not to debate reform and limit special interest contributions, but to stonewall action and advocate lifting all spending limits.

How do they deal with the problem of cigarette smoking, where we know 3,000 kids start smoking each day because the tobacco industry targets them in order to get them to smoke? They refuse to bring up any legislation on the subject.

Their solution to the horror of children killing children with guns is not to make it harder for kids to get weapons, but to try to shift the cause of the problem to movies and propose unconstitutional attacks on the First Amendment.

Mr. Chairman, I want to say at the outset that it ought to be clear that movie makers, and many of them are my constituents, have an obligation to think through the consequences of what they offer their audiences, especially impressionable kids. They bear a serious responsibility for their action. But it is important for us to also keep in mind that these films are creative works that audiences line up here and around the world to see, and that is why they are America's largest export.

And other countries see these very same films, but we do not see the level of violence that we do see in America. It is startling to realize that the death rate in the U.S. involving guns was nearly 14 per 100,000 people. Yet when we compare that with Canada, it is four; or Australia, three; Sweden, two; Germany, 1.5; and in Japan, less than 1. Why such a disparity between our country and all these countries that watch our films? Violent films and TV programming are notoriously popular in Japan, yet the Japanese thrive in a society with a very low crime rate.

The obvious answer is the availability of guns and lack of common sense control laws in our country. And it is exactly that which the Republican leadership has contrived to have us not be able to deal with because of the NRA, the tobacco, and other lobbyists that are so supportive of their political efforts.

Mr. BERMAN. Mr. Chairman, could we be advised of the time allotted to both sides?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) continues to have 11 minutes remaining; and the gentleman from California (Mr. BERMAN) has 17½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I want to express my appreciation to the gentleman from Illinois for his diligent work on a very important issue. I am concerned about the second amendment, but I am also concerned about the first amendment.

If we look at this amendment, it criminalizes the selling or loaning or showing to a minor a book or printed matter that includes explicit violent material, which is defined, in part, by torture by or upon a person, among other things. We have to apply clearly the community standards in applying this definition, which I believe is vague, but this is the type of government chilling effect that is harmful to freedom in our society.

For that reason, I reluctantly oppose this amendment. I do hope that we can have hearings to move forward in this area in a manner that does not violate and do damage to our first amendment.

The book sellers have raised questions about books that it could jeopardize, and they realize there is a harmfulness test. But as pointed out, book sellers would not jeopardize them going to jail in order to make a decision about these books. So there will be a chilling effect, and I think there is certainly a problem that the courts would address.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

The gentleman from Arkansas makes a very good point. Ironically, when we look at the definition of "depiction of violence," the one thing it does not include is murder, mass murder, or bombing. None of those are included. It all gets into sort of bizarre and weird acts of mutilation and flagellation, but nothing about spraying a hundred people with assault weapons.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman from Illinois attempts solutions to youth violence which threaten to undermine our basic freedoms. The amendment calls for yet another study of the effects of music on child development. The Smart Symphonies Program, initiated by the National Academy of Recording Arts and Sciences, provides classical music to infants in response to what we already know, that early exposure to classical music increases a child's ability to learn to read, and to be proficient in math and science.

We need not more studies but a national initiative to replicate and expand upon successful programs which further enhance academic excellence and reduce youth violence. We must encourage and allow parents to take an active role in teaching their children right from wrong and allow parents to make the decisions about what children read, listen to and watch.

The Federal Government should support funding for solutions that work, such as arts programs in our schools. The Federal Government should not infringe on individual liberties.

I intend to vote "no" on this amendment, and I urge my colleagues to do the same.

As we attempt to reach consensus on how to protect our children, can we rise above partisan rhetoric and focus on the means to reduce youth violence in our country? The gentleman from Illinois attempts solutions which threaten to undermine our basic freedoms.

The Chairman of the House Republican Entertainment Industry Task Force has highlighted the dangerous implications of this amendment which would "dramatically increase the power of the federal government in far too many areas" (from Mr. Foley's press release, June 15, 1999). The amendment's definition of violence would affect not only many comic books, video games, and movies, but it would also in fact, keep the Holy Bible out of the hands of children, as the Bible itself includes many narrative accounts of sadistic or masochistic acts, torture by or upon a person, and acts of mutilation of the human body, including, of course, the crucifixion of Jesus Christ. Stifling our expression and cultural experience is not a solution but an equation for isolation and violence.

The amendment calls for a study of the effects of music on child development. Current research indicates that children who are exposed to the arts perform 30% better academically. Another study on high risk elementary students showed that children who participated in an arts program for one year gained 8 percentile points on standardized language arts tests. The Smart Symphonies program initiated by the National Academy of Recording Arts and Sciences (NARAS) provides free CD's of classical music for infants in response to findings that show, among other things, that early exposure to classical music increases a child's ability to learn math and science. We need a national initiative to replicate and expand upon successful programs which further enhance academic excellence and reduce youth violence.

We must encourage and allow parents to take an active role in teaching their children right from wrong, and allow parents to make the decisions about what their children read, listen to, and watch. The federal government should support funding of solutions that work, such as arts programs in our schools. The federal government should not infringe on individual liberties. Therefore, I find it necessary to vote "no" on Mr. HYDE'S amendment, and I urge my colleagues to do the same.

Mr. Chairman, I submit for the RECORD documents highlighting the Smart Symphonies program I referred to earlier and other materials important to this issue:

BABIES TO BENEFIT FROM "SMART SYMPHONIES"

The NARAS Foundation, the non-profit music education and preservation arm of the National Academy of Recording Arts & Sciences, and Mead Johnson Nutritionals, maker of Enfamil infant formula, announced today the launch of Smart Symphonies, a national program designed to raise awareness of the benefits of exposing infants to classical music.

The cornerstone of the program is a new, specially created compact disc entitled Smart Symphonies, which features Grammy-winning classical music. Scientists and early childhood development experts say that recent studies indicate playing classical music can help stimulate brain development in babies. Beginning in early May, the CDs will be included in more than one million Enfamil Diaper Bags given to new mothers as they leave the hospital.

The Enfamil brand is contributing $3 million over the next three years to help establish the Smart Symphonies initiative. The contribution will be used to further research the effect of classical music on brain development in early childhood, and to assist in bringing classical music to more families. This year, more than one million Smart Symphonies CDs will reach parents and newborns throughout the country.

"There are few things more important than giving our children every scientific and cultural advantage possible. The Recording Academy has dedicated itself to aggressively supporting research into the educational and developmental benefits of music and helping to put those findings to practical use," said Recording Academy President/CEO Michael Greene. "Partnering with Enfamil in the Smart Symphonies project is just another example of how the Academy and NARAS Foundation use the power of science and music to give the youngest members of our community a head start."

Research indicates that babies unconsciously respond to the qualities of classical music—rhythm, melody and harmony. The relationships among these qualities make it easier for infants to understand other kinds of relationships later on—relationships of time, space and sequence—skills that children need to be proficient in science, math and problem solving. Findings also suggest that good pitch discrimination is associated with children learning to read by enhancing the phonemic stage of learning.[1]

"The first year of life is a critical time for development of both a baby's mind and body," said Mead Johnson, Vice President of Pediatric Nutritionals, Michael P. Russomano. "For nearly 100 years, Enfamil has been dedicated to children's healthy growth and development. Through research we continue to strive to provide babies with the best nutrition possible. Now through the Smart Symphonies initiative, we hope to contribute further to babies' brain development."

The NARAS Foundation and Enfamil consulted numerous experts in music and early childhood development to choose several well-known classical selections for the Smart Symphonies CD. The disc features 16 classical favorites including Beethoven's Symphony No. 8 in F major, Op. 93 (2nd movement), Bach's Prelude in D minor and Mozart's Concerto for 2 Pianos & Orch, K 365 (3rd movement).

"Music enriches our lives and it often touches us emotionally; moreover, music can help our children to think, reason and be creative," said John W. Flohr, professor of music at Texas Woman's University, Denton TX. "Research indicates brain activity is also affected by the style of music.[2, 3] Many researchers believe classical may be particularly effective."

The NARAS Foundation is a non-profit organization dedicated to helping restore music education to all schools across America and works to ensure access to the nation's rich music history. In partnership with the National Academy of Recording Arts & Sciences and its chapters throughout the country, the NARAS Foundation engages in a variety of cultural, professional and educational activities designed to enhance music education and preserve recorded musical legacy.

---

[1] Lamb, SJ and Gregory AH. The relationship between music and reading in beginning readers. Educational Psychology. 1993; 13:19–26.

[2] Flohr JW and Miller DC. "What's going on in there? Music and brain research with young children." Connections. Austin: Music Educators National Conference, Texas Music Educators Conference. 1998; 12(3):10–13.

[3] Fagen J, Prigot J, Carroll, M, Pioli L, Stein A, and Franco A. Music aids memory retrieval in infants. Child Development. 1997; 68(6):1057–1066.

Mead Johnson Nutritionals is a world leader in nutrition, recognized for developing and marketing quality products that meet the nutritional and lifestyle needs of children and adults of all ages. Mead Johnson Nutritionals is a Bristol-Myers Squibb Company. Bristol-Myers Squibb is a diversified worldwide health and personal care company whose principal businesses are pharmaceuticals, consumer products, beauty care, nutritionals and medical devices.

FOLEY HIGHLIGHTS DANGEROUS IMPLICATIONS OF GOVERNMENT RESTRICTIONS INCLUDED IN "CULTURAL" BILL

Many mainstream films, CDS, video games, books and other materials would be banned for teenagers under legislation about to be considered by the House of Representatives. The Chairman of the Republican Entertainment Industry Task Force, Rep. Mark Foley (R–FL), held a news conference to highlight the dangerous implications various cultural provisions could have on our society.

Foley said the legislation would do little to combat youth violence. "Most of the provisions in this bill are desperate attempts to make Congress look like it is doing something, no matter how unworkable, to respond to the tragedy in Littleton," Foley said. "In fact, the legislation—while well-intended—is little more than a hodge-podge of phony solutions which won't stop violent activity among America's young people."

"To suggest that the federal government has a role in manipulating what kind of music kids listen to, what kind of video games they play or what kind of books or magazines they read is unrealistic," Foley said. "Furthermore, the government has no business trying to supplant the role of parents in raising their children."

Foley pointed out that virtually all of the provisions in the legislation are either unworkable, unconstitutional or simply unnecessary. In many instances, the bill is so broadly drafted it could make it illegal for minors to view or listen to a vast range of films, music, and reading material which few would find inappropriate for teenagers.

"This bill would allow federal authorities to prosecute retail outlets, libraries or video rental stores to lend, sell or rent a teenager great films like Ben Hur, Lawrence of Arabia, and The Color Purple," Foley said. "More recent films like Rocky, Indiana Jones & the Temple of Doom, and Schindler's List would be illegal for minors to view."

"I find it stunning that some in this Congress would have the federal government make criminals out of those who would allow teenagers to read certain books, listen to certain music or view a broad range of films," Foley said. "It is very likely that the government would be given broad new powers to prosecute a bookstore owner for selling any number of books, the manager of a discount store for selling certain video games or compact discs, or a museum for displaying certain works of art."

"As a Republican, I thought our party was committed to lessening government interference in the affairs of commerce and our personal lives. Instead, this reckless proposal would dramatically increase the power of the federal government in far too many areas."

The task force was originally formed by the late Rep. Sonny Bono (R–CA) to forge closer ties between Republicans and the motion picture, music and other entertainment-oriented industries.

HOW MANY OF THESE WORKS COULD BE INCLUDED IN A GOVERNMENT-IMPOSED BAN ON VIOLENT OR SEXUALLY SUGGESTIVE MATERIALS?

1. George Orwell's "1984" (depicts torture).
2. "The Accused" with Jodie Foster (depicts rape).
3. "The Autobiography of Miss Jane Pittman" with Cicely Tyson (depicts sadism)—and, indeed, any work about slavery.
4. "The Bible" (depicts mutilation, including the crucifixion itself, as well as rape, torture and sadism).
5. Toni Morrison's "Beloved" (depicts sadism, mutilation and rape).
6. Toni Morrison's "The Bluest Eve" (depicts rape).
7. Edgar Allan Poe's "The Cask of Amontillado" (depicts torture).
8. Stanley Kubrick's "A Clockwork Orange" (depicts rape and sadism).
9. Alice Walker's "The Color Purple" (depicts rape).
10. Dostoevsky's "Crime and Punishment" (depicts sadism)—and indeed, any work about violent crime.
11. "Death and the Maiden" (depicts torture)—and, indeed any work about torture as human rights violation.
12. Donizetti's "Lucia de Lamamoor" (depicts mutilation) Lucia kills her fiance, appears onstage in a bloody dress, usually with a dagger and kills herself.
13. Waris Dirie's recent account of female genital mutilation.
14. Anthony Mingholla's "The English Patient" (depicts torture).
15. "Ghandi" (depicts beatings)—and indeed, any work about nonviolent resistance to violence.
16. "Gone With The Wind" (depicts rape).
17. "Hansel and Gretel" (depicts sadism).
18. Thomas Pynchon's "Gravity Rainbow" (depicts sadomasochism).
19. Homer's "Iliad" and "Odyssey" (depicts sadism).
20. Dante's "Inferno" (depicts torture).
21. "The Killing Fields" (depicts torture)—and indeed, any work about war.
22. Shakespeare's "King Lear" (depicts mutilation).
23. Stephen King's best-selling works (depicts torture and mutilation).
24. Yeat's "Leda and the Swan" (depicts rape).
25. "Life is Beautiful" (depicts sadism)—and indeed any work about the Holocaust.
26. "Little Red Riding Hood" (depicts sadism).
27. "Marathon Man" with Dustin Hoffman (depicts torture and sadism).
28. Ovid's "Metamorphoses" (depicts rape).
29. Unberto Eco's "The Name of the Rose" (depicts self-flagellation).
30. "Oedipus Rex" (depicts self mutilation).
31. "Ordinary People" (depicts self-mutilation).
32. "The Old Woman Who Lived in a Shoe" (depicts flagellation).
33. Kafka's "The Penal Colony" (depicts torture).
34. Edgar Allan Poe's "The Pit and the Pendulum" (depicts torture).
35. Tina Turner's "Rock Me, Baby" (depicts sexual material).
36. Anne Rice's best-selling works (depicts sadomasochism).
37. "Roots" (depicts torture and sadism).
38. "Saving Private Ryan" (depicts sadism).
39. Nathaniel Hawthorne's "The Scarlet Letter" (depicts self-flagellation).
40. "Schindler's List" (depicts torture and sadism).
41. Verdi's "Ostello" (depicts mutilation) Ostello strangles his own wife with his bare hands.
42. Tennessee Williams "Streetcar Named Desire" (depicts rape).
43. Billie Holiday's "Strange Fruit" (depicts lynching).
44. Terence Malick's "The Thin Red Line" (depicts sadism).
45. Clint Eastwood's "Unforgiven" (depicts rape).
46. Frank Sinatra and Kurt Weil's "Mack the Knife" (depicts acts of mutilation).
47. Linda Ronstadt's "Tumbling Dice" (depicts rape).
49. E.L. Doctorow's "Ragtime" (depicts multilation)—character is beaten to death onstage.
50. Puccini's "Tosca" (depicts torture and mutilation)—the main character, Cavaradossi, is tortured by Scarpia. Tosca also kills Scarpia by stabbing and commits suicide.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time, and I want to salute him as one of the giants in this body and a Member who has distinguished himself by seeing things many times much more clearly than the rest of us.

Let me just say to all of my colleagues who have talked about those who would be inconvenienced by this legislation. Legislation does tend to inconvenience people. And in determining that we are going to pass legislation and inconvenience some people so that we might do a service for others, we establish a priority list.

I have heard on the other side of this argument an interesting priority list. It seems to be the same time after time. First, we have to worry about the vendor at the 7–Eleven. That is a person we really have to be concerned about. Of course, we do not worry about that vendor when we establish criminal sanctions for selling cigarettes to minors because it might damage their lungs, but we should really worry about that vendor if we are selling stuff that might damage their minds and damage their souls. In that case the vendor has to be the number one person on our priority list to be concerned about.

Secondly, of course, the recording artist. We have to be very concerned about them. We have to be very concerned about the distributors. And I presume we should be very concerned about those who write the PAC checks.

Finally, at the bottom of our concern list, our priority list, are the children and maybe a little bit below them the family.

I understand that this is complex legislation. All of those of us who have tried cases involving freedom of speech understand that. But we can work our way through this. This is excellent legislation. It goes to the heart of the problem that is hurting America right now. Let us pass the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, if I believed that passing one additional law or a library filled with law books would prevent incidences of school violence in America, I would stand here and lead the charge.

□ 1630

But the fact is the answer to school violence in America is not here in Washington. The answer to tragedies like Littleton, Colorado are found in Littleton, Colorado.

Were it in my power, Mr. Chairman, I would urge this body to adjourn and urge all Members to go home to have listening sessions with students home from student breaks, to encourage parents to get more involved in raising their kids.

My sentiment on this issue is just as strong today as it will be during tomorrow's debate. And just as I believe it is inappropriate to point the barrel of the gun at manufacturers or at law-abiding citizens who enjoy the protections of the second amendment, I believe it is equally inappropriate to train the lens of the video camera on the entertainment industry or those that are enjoying their first amendment rights.

Regrettably, I ask for a vote of "no" on the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise in reluctant opposition to this amendment, and I rise in support of the first amendment. Tomorrow I will be rising in defense of the second amendment.

At the rate this Congress is going, by the Fourth of July, we will probably have successfully trampled upon the entirety of the Bill of Rights.

I do love my good friend the gentleman from Illinois (Mr. HYDE), the author of the amendment. And I want to pay him my great respect and affection, he is a wonderful gentleman and a valuable Member of this body, and also to other Members on both sides of the aisle. I am satisfied that they are doing what they believe is right, and I believe that these are sincere and well-intentioned efforts. But I believe that the amendment is flawed and, in all probability, unconstitutional.

We know the difficulty of trying to define exactly what materials may be offensive or harmful or dangerous. In any event, I do not think it is the business of the Congress to let the courts do our jobs for us. There is a difference between assigning blame and assuming responsibility. Assigning blame is not going to bring back the children who were senselessly and tragically taken from us in Colorado and Georgia. But in assuming responsibility, we might proceed toward better legislation and prevent another Littleton in the future.

Unfortunately, too much of the juvenile justice legislation is about blame and too little about responsibility.

What I would like to see, however, is legislation that does not attack the Bill of Rights but instead deals with the root causes of juvenile crime, including the reduction in poverty, improvement of education and mental health and the development of job opportunities for decent wages.

I would like to see legislation that will attack the problem that our juvenile court judge back home talks about, where he has to release kids to the street who are functionally insane and a threat to the society. I believe that that would be something which we could do that would be really important. We are in the unusual position on the juvenile justice bill of having a legislative process which usually works with the Senate stepping in after the House acts to calm the passions of this body.

Today the House appears eager to join in trouncing the amendments to the Constitution. I ask my colleagues to vote "no" and to protect the cherished constitutional rights.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary for yielding me the time.

Mr. Chairman, there is no greater responsibility than raising a child. It does not help parents when children are besieged by graphic violence, promiscuous sex, and foul language on TV, in the movies, in music, and on video games.

Ironically, current laws actually prevent entertainment industry executives from meeting to create a voluntary code of conduct on the grounds that such meetings might hinder competition.

To solve this problem, I introduced bipartisan legislation this Congress that would grant a narrow exception to current laws that bar such meetings. The entertainment industry should have the opportunity to meet and discuss voluntary standards that could help improve the content of television, movies, music, and video games.

I thank the gentleman from Illinois (Mr. HYDE) for including this provision in the amendment to protect children from the culture of violence.

The small screen and CD at home, the large screen in the theaters, and video games wherever they are played, all too often fill young hearts and minds with a poisonous effluent. Violence is glorified and graphic stable families are ridiculed or ignored. Authority figures, including parents, are mocked. Religion is deemed irrelevant. Right and wrong are relative.

Entertainment executives need to assume some responsibility for undermining American values whether they intended to do so or not. They can change our culture for the better simply by agreeing to turn their microphones and cameras in a different direction. This provision gives them that opportunity.

Mr. BERMAN. Mr. Chairman, it gives me special pleasure to yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me the time.

I regretfully rise to oppose this amendment, and I do so despite the fact I have the greatest respect for the gentleman from Illinois (Mr. HYDE). Like him, I believe we should have more control over the content of what our children watch. My concern is giving that control to Washington, D.C.

Now, if the gentleman from Illinois (Mr. HYDE) were around to police and interpret these broad guidelines in the future regarding the first amendment, I would be more at ease. Regretfully, though, he will not. I fear the law of unintended consequences will kick in and the Federal Government's further involvement in the first amendment will prove troublesome.

We have the best of intentions today working around the first amendment, just like tomorrow we will have the best of intentions working around the second amendment. But, regretfully, I think both efforts are misguided. And I would hope my friends who are so eagerly defending the first amendment today will just as eagerly defend the second amendment tomorrow, because I believe, like the gentleman from Missouri (Mr. HULSHOF), that the answers to Littleton, Colorado lie not in Washington, D.C., but in listening sessions at home, by more engaged parents and by prayerful communities that once again turn their focus back to God.

Regretfully, I do oppose this amendment and ask my friends to do the same and vote "no."

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I think this amendment is a good example of why it is too bad that we have short-circuited the committee process. I actually have a very strong interest in seeing whether we may extend the obscenity statutes to violence.

After all, what is more dangerous, sex or violence?

As the mother of two teenagers, concerned about violence, I have a legitimate interest in an amendment that would deal with violence. But I look at this amendment and I see it will instantly be declared unconstitutional.

Taking a look at the legislative drafting on the first page, as someone who works with the Internet a lot, I can see that this proposal closely patterns the Communications Decency Act, which the Supreme Court declared unconstitutional.

I must say that I am concerned, if this were to pass as written, we would be in the awkward situation of telling my teens that whoever sold them "Shakespeare In Love" on a video would be subject to criminal sanctions, and whoever sold them "Attack D.C. 9" would not. I think that is preposterous.

Chairman HYDE has asserted that his amendment would not bar the selling of a film like "Shakespeare in Love" to minors because the film has "redeeming social value", the standard utilized in the analysis of sexually explicit material.

It would appear, however, that Chairman HYDE is not familiar with his own amendment. Nowhere within his amendment may those words be found. Instead, the standard found in section 1471 includes material that, with respect to minors, is designed to appeal or pander to the prurient, shameful or morbid interest, as well as material that is patently offensive and not suitable for minors and material which "lacks serious literary, artistic, political or scientific value for minors".

I think it is clear that the winner of this year's academy awards, a movie rated "R" for a reason, would run afoul of the Hyde amendment.

I repeat my distress that we would put behind bars those who sell a video of "Shakespeare in Love" to a teenager, but continue to allow persons to sell a Tec–DC9 assault weapon to that same teenager.

As a mother of two teens, I have a genuine interest in seeing whether we could extend the obscenity laws to violence. But the Hyde amendment is not a serious effort to do that. Instead, it is a patently political attempt to try to discredit those who would stand up for the First Amendment as political cover for those who, tomorrow, will misuse the Second Amendment in an effort to protect the culture of gun violence and those who profit from gun violence in America.

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 7½ minutes remaining. The gentleman from California (Mr. BERMAN) has 10½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I want to thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Hyde amendment. I have great respect for the chairman of the Committee on the Judiciary and his intentions, and I admire him for trying to do something about the violence which pervades our culture and, more particularly, affects our young people. We were all horrified by the shootings in Colorado and Georgia; and, like most people, we must all work to ensure a similar event does not occur again.

The amendment before us has significant constitutional repercussion. And while the chairman raises significant questions, not one hearing on this new legal concept that violence is obscenity has occurred, and that has been particularly disappointing to me.

As a father, I share the chairman's determination to keep violence and obscenity out of the hands of our Nation's children. But look at the volumes of case law on obscenity. All the laws and judges' opinions in the world have not done very well in ridding our society of obscenity. We need to change people's hearts and minds. If we do, the power of consumers and the marketplace will be more powerful than any law we could pass.

The amendment before us tramples on the first amendment. I urge a "no" vote.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I have a 14-year-old boy who confronted me with the fact that he was able to get in his hand, because he found some videos, a material that he, as a 14-year-old, knew was obscene violence.

There is going to be a lot of debate about the Bill of Rights today and tomorrow. But all I have got to say is that those of my colleagues that so fear any one of the restrictions on any one of the Bill of Rights, remember that reasonable applications of restrictions do not threaten the Bill of Rights, they reinforce and protect them. And I would ask my colleagues to understand that we have accepted, as a society, that we do not accept sexual obscenity to be sold to our children.

I praise the gentleman from Illinois (Mr. HYDE) for being brave enough to confront us with the fact that violent obscenity should not be sold to our children either.

I hear my colleagues who are outraged at Joe Camel somehow getting our kids to smoke and demanding that that be stopped. But if they would see the videos and the VCRs and the other information that our children are being exposed to, then they would see what a 14-year-old would know; that obscene, violent action should not be sold to our children.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the Hyde amendment.

Just before coming to Congress, I served as the Cuyahoga County prosecutor. It was my responsibility to prosecute cases much similar to what the gentleman from Illinois (Mr. HYDE) is proposing on this date.

I tell my colleagues, as a prosecutor, I would stop and say, huh, what exactly is it he is asking me to prosecute? How can I prosecute such a case as this?

I am a mother of a 16-year-old, and I am concerned about him, too. But it is my responsibility, not Congress', to decide what violent material we should be taking from our children and not allowing them to see.

So, as a mother and a prosecutor, I rise in opposition to this amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, today's amendment focuses on the culture of violence that has saturated our society.

While some would argue that television, the Internet, satellite transmissions, movies, and video games have not contributed to this culture of violence, I disagree. I believe their misuse has desensitized all of us by making murder, rape, assault, and mayhem appear commonplace and acceptable through the process of repetition and overexposure.

To claim that the first amendment renders us powerless to deal with this issue is to claim that our Bill of Rights is static, such as never has been the case. Just as the Bill of Rights is flexible enough to prevent the innovative and technology-enhanced intrusions of government on the rights of individuals, it is, likewise, rationale enough to prevent it from being used as a cloak to conceal and protect conduct that is ultimately destructive to society as a whole.

I urge the adoption of the amendment.

Every generation wrestles with the reality that the internal universe of society is constantly expanding. Advances in technology continue to push back the darkness of the unknown and open up new territories that were hidden from the view of our ancestors. Our generation has experienced an explosion of technologies—television, the Internet, satellite transmissions, movies, video games, and cellular telephones, to name a few. These have expanded the scope of our childrens' world far beyond that which existed during our own childhood.

Even though the world in this last decade of the 20th century, as magnified by the information age, is vastly different from the world of our founding fathers in the last decade of the 18th century, we are firmly committed to maintaining the structure of order embodied by our founding fathers in our Constitution and Bill of Rights. Today's debate focuses on a culture of violence that has saturated our society. While some will argue that the new technologies previously enumerated have not contributed to this culture of violence, I disagree. I believe their misuse has desensitized all of us by making murder, rape, assault and mayhem appear commonplace and acceptable through the process of repetition and overexposure. If, therefore, these advanced technologies, which should be the tools for advancing civilization, have in fact nurtured primitive instincts of violence that are not compatible with making us more civilized, the clear questions arises as to what can government do to reverse this process without infringing on the individual liberties of our citizens'

To claim that the 1st Amendment renders us powerless to deal with this issue is to claim that our Bill of Rights is static. Such has never been the case. Just as the Bill of rights is flexible enough to prevent the innovative and technology enhanced intrusions of government on the rights of individuals, it is likewise rational enough to prevent it from being used as a cloak to conceal and protect conduct that is ultimately destructive of the society as a whole.

I commend Chairman HYDE for his amendment which applies the constitutionally sanctioned constraints on obscenity to the matter of violence as directed at children. Since both have adverse effects on society it is altogether appropriate for this Congress to confront our culture of violence in this orderly approach, and I urge adoption of this amendment.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that each side be granted an additional 2 minutes; 2 minutes for the gentleman from California (Mr. BERMAN) and 2 minutes for us.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1645

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Hyde amendment. Senator MOYNIHAN said a few years ago that we have been defining deviancy down, accepting as a part of life what we once found repugnant. How true this is, and unfortunately it is becoming more so every day.

I remember several months ago coming home one Friday night and hearing Barbara Walters say she was about to show on 20/20 the most important program she had ever presented on television. With her long career, I wondered what this could be. What it turned out to be was a program warning parents about the warped, evil, sick things mainly of a violent or sexual nature available to children over the Internet and on videos and tapes and so forth. We should all do whatever we can, even in a small way, to slow this flood of this toxic mind warping, sick, evil, violent, and obscene material that is reaching our children today.

This is one of the most important amendments we have ever had before us in this House, and it is time to say that enough is enough and that today we started a new and better direction. As a judge who dealt with constitutional issues for 7½ years before coming to Congress, I urge support for this very well-crafted amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise today in very strong support of the intent and the purpose and the goals of this legislation, but unfortunately I am unable to support the legislation, as drafted, and urge rather than move forward and vote for H.R. 2036, we defeat this amendment, this bill, and move forward with a long-term study to really get to the bottom of why these pieces of material, why these materials are being marketed, what is the relationship between these materials being marketed and violence so that we can better craft a more narrowly focused and constitutionally sound piece of legislation.

I listened intently to the debate and have studied this issue extensively and find myself also in agreement with my colleague from California (Mr. ROGAN). I cannot, and I do not think any of us can, escape the fact that ultimately it is parents that have the ultimate control over what our children see, hear and do, and we can pass all of the legislation we want that places all sorts of restrictions, labeling, access to materials that we want, but if parents allow their children to watch these materials, if they allow them to listen to these materials, as vile, as disgusting, as disgraceful, as obscene, as pornographic as they may be, it is the parents that have to assume ultimate responsibility, and no amount of legislation that we can pass will do that, and I am afraid that, if we pass this legislation, it will set us back because I do not think there is really any way that this can avoid being struck down, at least provisions of it, as being unconstitutional, and then we are back behind the 8 ball once again.

So I would urge all of our colleagues who want, I believe on both sides of the aisle, to address this problem of youth violence, obscenity, to take a harder look at it, to work together, all of us, to try and craft a sounder piece of legislation, but ultimately recognizing that unless the parents of America's children take more of an interest in ensuring that their children do not watch, hear or read the material that we are trying to reach here, nothing that we do is going to solve the problem.

So, again I urge defeat of this bill and strong support for what it is trying to do for future legislation.

Mr. BERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, before the gentleman from Georgia leaves the floor, I just wanted to take this opportunity to express my agreement with the gentleman from Georgia to help advance the legislative process and to satisfy all that hunger for civility out there in the country.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the Hyde amendment, not because I oppose what the gentleman from Illinois (Mr. HYDE) would like to see in this country. I think all of us would like to see less violence, all of us would like to see less obscenity in movies, all of us would like to see the culture expressed in our media, on the Internet and in the books and games and movies that our children watch to be less violent and less obscene.

The problem basically, as I know has been expressed many times here, but I need to say it again as chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection whose principal responsibility is to protect this free speech society, is that we cannot constitutionally do this. We cannot constitutionally dictate the content of speech in America as much as we would like to, as emotionally as I feel, as deeply as I hurt when I see the scenes on television that we have seen of children killing children.

I am reminded about that child at Columbine who said, look, we all watch the same movies, we all play the same games, but we do not go around killing our classmates. Go check with that family, go check with those kids, go check with that culture that these kids grew up in, and do something about it. But do not think that because we see these same movies we are going to end up killing each other. We need to do something much more basic than regulate free speech.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the amendment, and I commend the chairman, the gentleman from Illinois (Mr. HYDE), for including antitrust protection to the entertainment industry in order for them to establish a set of guidelines to help protect children from harmful behavior. I was working on introducing a bill to provide this type of antitrust protection, and I was extremely pleased to see the chairman include this in his amendment.

The National Association of Broadcasters had a code of conduct that they abided by until it was abandoned by the broadcasters in 1983. Since then standards which broadcasters find acceptable have deteriorated. Eighty percent of Americans have expressed concern about the increasingly graphic portrayals of sex, violence, vulgarity and programming that sanctions and glorifies criminal, antisocial and degrading behavior. The Hyde amendment will permit the entertainment industry to work collaboratively to develop a set of voluntary programming guidelines. This system worked well for decades. It was not perfect, but it did put the impetus on Hollywood to refrain from exploiting the American people and producing products that are directed toward the prurient interests of our young people.

Hollywood has cast aside responsibility in recent years, and it is time that they respect traditional values. The reestablishment of a code of conduct will enable the American people to know clearly where the entertainment industry falls on this issue.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in opposition to the Hyde amendment, which is a well-intended but flawed proposal that does violence to the First Amendment.

Mr. Chairman, I rise to oppose the Hyde amendment.

While we must take action to address violence in our schools and to save children's lives, some in Congress seem to feel that it should be more difficult to see a picture of a gun, than to go out and buy one.

This amendment is overly broad and unconstitutionally vague.

It would take obscenity, which is removed from First Amendment protections, and expand its definition beyond the limits established by the Supreme Court.

In the process, it would create a federally imposed ban on the sale of certain material. It would challenge retailers to decide whether or not a particular work has redeeming value. This amendment would be incredibly difficult to implement, lead to confusion for both the creators and distributors of artistic works, and could inadvertently chill free speech for adults as well as children.

There is far too much violence in the media today, but we must not compromise the First Amendment in our efforts to protect our children. Parents already have the right to deny their children access to violent movies, music, magazines, and video games that they do not find appropriate for their children. If we stop buying this violent material, people will stop selling it.

Many leaders in the arts and entertainment community care deeply about the proliferation of violent material and are taking steps to address this problem. The media can and should also play a role in promoting nonviolent activities, youth problem solving, and ways to avoid gun violence. We can address excessive violence in the media without trampling on our First Amendment rights.

I will leave you with one final note. We ought not to make the entertainment community the scape goat for the massacre at Columbine High School. Surely, this bill will not effectively address school violence unless it also addresses youth access to guns. Popular films and music lyrics are not the root cause of violence in our society and guns are far more deadly than any CD or video tape could ever be. As one Columbine senior pointed out, if the media was at fault, then every one of the 1,850 students at Columbine would all be killers because they all watch the same movies and share in other types of entertainment. In fact, if films caused violence then one would expect crime rates to rise in every country which imports American movies. However, Japan, which is a heavy importer of American films, has one of the lowest crime rates in the world.

I urge my colleagues to reject the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, far from putting parents in charge, as my esteemed colleague from Illinois has stated, his culture of violence amendment puts big brother squarely in control of the games, art, movies, books and other materials available to our children. No work of art, magazine or CD is exempt from government scrutiny. No sales clerk at Blockbuster, ticket sales at the movies, librarian, museum employee would be free from the threat of a jail term. In fact, even if a parent explicitly consented to the purchase of materials deemed to be too violent or obscene, that sales clerk is at risk.

This is big government at its worst, supported, it seems, by the same individuals who rail against big government. It is intrusion into the personal lives of every American, a threat to educational and artistic freedom, a direct assault on the First Amendment, and above all, this amendment undercuts the freedom which is at the core of our American values.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

It is time for all America to come together collectively and say that we do wish to get rid of the violence, the obscenity, that we see constantly on our television, hear on radio, read in print, but I hope that we would turn away from the proposals that would have us create a new Federal cultural police that would be empowered to determine what is violent and what is sexual in the material that we will see, hear or read.

With all due respect to the chairman of the Committee on the Judiciary whom I respect dearly, this is not the way to go. I have three young children, and it is my responsibility, along with my wife's to make sure that they grow up understanding what is right and what is wrong and knowing when it is right to read, to listen, to watch and hopefully teach them enough that they will make the right decisions as they grow older. But for us to say that the national government can do it better than I can is to completely abandon our values and our responsibilities.

I would hope that we would learn that the message we try to send to America is one of collectively getting together and resolving this issue of violence that we see pervasively invading our communities, but let us not do it by putting the heavy hand of government on top of that.

Vote against this amendment.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me. I fully support this amendment and urge my colleagues to vote in favor of this amendment. This is not an assault on the First Amendment or freedom of speech. This is a courageous step to limit vulgarity and violence.

Let me take a second to talk about big brother, the Federal Government. The Federal Government helps parents protect their children from dirty air, the Federal Government helps parents protect their children from dirty water, the Federal Government helps parents protect their children's equal rights.

So I think it is only incumbent upon us for the Federal Government to help parents protect their children from vulgar, violent videos.

Mr. HYDE. Mr. Chairman, I hate to keep doing this to the gentleman from Hollywood, but people keep wandering up and wanting a little time. Would the gentleman endure one more unanimous consent request for 2 more minutes on each side?

Mr. BERMAN. Mr. Chairman, reserving the right to object, I would simply like to point out to the gentleman, as I have told him several times, that I am from North Hollywood, not from Hollywood; and secondly, that I thought last fall in the Committee on the Judiciary I was in Hollywood.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise in favor of the Hyde amendment in H.R. 1501 as a whole because we need to provide physical safety for our children, and we need to protect our children from the influence of explicit, obscene material.

I support the Hyde amendments because we need to do what we can to protect our children from those who would sell them offensive material. Michael Carneal is currently in jail for killing three students in 1997's school shooting in Paducah, Kentucky. Michael was an avid computer user who logged on to the Internet and immersed his brain in the sexually material he found there. Ever since the Clinton administration stopped all prosecution of extremely violent and sexual pornography our children and those who prey upon them have had easy access to the most disturbing, mind-impacting material. This amendment seeks to protect the minds of our children by holding people who sell obscene material to children accountable and by evaluating the impact of violent products on our children.

H.R. 1501 attempts to protect the majority of our children who make the right choices from those who make the wrong choices by treating juveniles like adults, when they act like adults and commit violent crimes by keeping guns out of the hands of juvenile criminals, and by making the largest community investment in juvenile justice reform in history.

□ 1700

Congress cannot make a perfect world, but we can empower families and communities to protect their children.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, we are all concerned about violence. However, I never dreamed that I would see the chairman of the Committee on the Judiciary assault the Constitution in the way this amendment does.

This amendment is outrageous and it does danger not only to the children of this society, but to all of the citizens of this society. I say to the gentleman from Illinois (Mr. HYDE), we are not going back to burning books, we are not going to lock people up for artistic expression. The Constitution of the United States guarantees us freedom of expression. We cannot violate the Constitution in the name of wanting to do something about violence.

What we should be doing is using our power to assist families and children and to help parents, many of whom are working, to deal with the problems of young people in a considered way. I am absolutely outraged by the fact that one of the best legal minds in this House would bring this trash to the floor of the Congress of the United States of America. It is outrageous and it should be defeated.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. GRANGER) in support of this trash.

Ms. GRANGER. Mr. Chairman, in the wake of Littleton, I think many of us are prepared to produce solutions and often guarantee that they will save America. Well, I am going to say that it is more than gun control, it is more than all that we are looking at; it is less violence on television, it is more of the culture of guns and the culture of violence, and we have to address the culture of our country.

To be honest, I do not know what the solution is and neither does anybody else. I know that we do not today want to confuse motion with action. I am afraid too many of us are anxious to be seen doing just something about youth violence. I do not want to do something, I want to do the right thing, and I think that is passing reasonable measures and not overbilling the effect that they have.

I know one thing for sure, and that is that to do this we have to touch the minds and the hearts of our young people. We also have to touch what is around them and what is entering their mind. That is why I am so supportive of the Hyde amendment. I think it is a very common-sense approach to an all-too-common problem of criminals transmitting sexual and violent material to our children.

There is never, ever, ever a reason for pornography to reach the hands and the hearts of our children, and we must stop it, and this will do that.

Mr. BERMAN. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, in order to protect my 5 children and my 4 grandchildren, I rise in opposition to this frightening amendment, and I urge my colleagues to vote "no."

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think that given that this measure did not have the scrutiny of the Committee on the Judiciary and a chance to fine-tune it, I think it pays to take just a minute or two to sum up a few of the criticisms of the piece of legislation in front of us.

First of all, it is not just about motion pictures, it is not just about television, it is not just about musical recordings; it applies to books, to pamphlets, to magazines, to drawings, to photographs, to sculptures.

Secondly, as I mentioned earlier, it seeks to translate the obscenity formula grafted onto depictions of violence and federalize the entire matter, and then claim to provide community standards so that a particular sculpture or movie or picture or book may have one standard and be quite fine for sale to minors in Manhattan, New York, and not in eastern Montana or in Jackson, Mississippi. A law which seeks to federalize the criminal conduct of selling inappropriate depiction of minor children, depictions of violence to minors, and at the same time decentralize community standards all across the country is going to have to fall as vague, impermissibly broad, and setting up an absence of adequate notice to any single person who might be regulated.

Thirdly, it exonerates the producers of this; it criminalizes the activity of the vendors.

Fourth, in response to the gentleman from Maryland, yes, the Federal Government spends a great deal of time protecting the clean air and the health and the welfare of the population, but a long time ago, we decided there were some limits on what the Federal Government could do.

The first and foremost of that was the prohibition on the Federal Government interfering with protected speech. This seeks to strike at and criminalize protected speech. It is unconstitutional, and I think the Members of this body should not support and willingly pass a measure which has no chance whatsoever of being held up in the courts.

Mr. HYDE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 4¼ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 4½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, we could stress that there are important aspects of this amendment which are not controversial and which will be presented in other forums: the antitrust exception, the health-related study.

One of the problems with this amendment is we are not talking here only about fiction or things that people make up. This amendment covers depictions of the truth. This amendment covers depictions of unpleasant events. This amendment does not exempt the news, if it is presented for commercial purposes. What this amendment does is introduce an element of censorship by the Federal Government into the presentation by the media, as long as they are not working for free, and none of them are that I have ever met; it introduces this element of Federal censorship into the media's depiction of unpleasantness.

Yes, we should treat 16-year-olds and 15-year-olds seriously. Shielding them, screening them through a Federal process before they hear about some of the terrible things that go on in the world, torture is part of the world. These things are part of what goes on. I do not want people portraying what happened in Kosovo and helping explain why we were in there militarily to have to check with the Federal statutes before they decide how they can present this to 16-year-olds.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Youngstown, Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, no one perhaps in the history of this body knows or understands or has fought to uphold constitutional rights better than our chairman, the gentleman from Illinois (Mr. HYDE). Evidently, in listening to this debate, the gentleman from Illinois (Mr. HYDE) has decided to challenge some of the interpretations by some appointed judges who have maybe unknowingly or without meaning protected the rights of many murderers, while leaving a wake of victims in cemetery plots all over America.

The first amendment was never intended to promote harm. I join today with the gentleman from Illinois (Mr. HYDE), the chairman of our Committee on the Judiciary, on the floor of this House in that challenge of interpretations by judges that we as Members of Congress should have a say in creating those laws and, when necessary, challenging those decisions. I want to applaud our chairman for the courage to come out here and take the shots of attacking our Constitution. He has never done that.

Mr. BERMAN. Mr. Chairman, could I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 3¼ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 3½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to this amendment. Once again, we are going down a path where we are going to be asking the government to set some standards on what really does constitute violence, and what will have the impact of encouraging our children to engage in behavior that could be destructive to other families and to our society.

But I also take exception to that, because as a father of two teenage daughters, I know that at times they are exposed to violent movies and other forms of violence that could be destructive to them. But they do not act out in a violent way. It is because my wife Linda and I have done the job of instilling the values in them that allow them to be exposed to this material and still make the right choices.

It is, quite frankly, a cop-out for parents and families and people to accuse people who are perhaps putting together information or videos or different material as being the cause of widespread violence that is leading to so much trouble in our communities.

Once again, the responsibility lies with the families, with the community that supports the principles and the values of our country, and we should oppose this amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I rise to ask for the defeat of the Hyde amendment. With all of the respect each of us has for the gentleman from Illinois (Mr. HYDE), he is not an Oracle of Delphi when it comes to the Constitution of this country.

The Constitution of this country gives us a right as parents to make our youngsters behave. That is what we have done wrong in this country. We think that this law, no other law can protect us, if we do not raise our children the way we want them to be raised. If we do not raise them with some respect, if we do not make them turn off the TV when it is time, if we do not say to them that this is wrong, that there should not be any violence, and the Bible says thou shalt not kill. So why is it that we will sit here in this Congress feeling that we have such a noble position that we can put laws in that will mandate morality and help us teach our children when we are not teaching them ourselves?

I say to my colleagues, as a grandmother of 6 and a mother of 3, that this is wrong, I say to the gentleman from Illinois. This Constitution, as much as the gentleman wants it to help, he is violating it by putting this in the statutes of this country.

So I ask this Congress to please oppose and vote against the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield our remaining time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BERMAN) and my colleagues who have spoken here today.

In a way, I think we all realize the importance and significance of this amendment offered by the Chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), because it is a watershed. Either we are to overlook the existing case law, the first amendment as most of us appreciate it, and move in a very overreactive way to deal with the cultural aspects of the problem of youth violence, or we do not. And it is clear to me that this debate has put on record that in this area I can proudly associate myself with the views of the majority of the Members of this House of Representatives.

Now, in addition and over and above the constitutional problems, let us not rush to judgment on this quote, Hollywood phenomenon. Let us recognize that the V chips, let parents block out television programs; that movies have ratings.

Mr. Valenti has told us that he is putting the word out that the House of Representatives and the Committee on the Judiciary are not taking the cultural problem lightly. Please join us in turning back an amendment that would be unworkable and likely unconstitutional.

Mr. HYDE. Mr. Chairman, I yield myself my remaining time.

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) for a very civil and I think enlightening debate, and some of the other, not all, but some of the other participants.

I would like to read from Ginsberg v. New York, a Supreme Court case, 390 U.S. 629: "A legislature could properly conclude that parents and others who have primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility."

I would like to tell my friend, the gentlewoman from California (Ms. LOFGREN) that "Shakespeare in Love" has redeeming artistic quality. It does not fit in this definition, although there is a gratuitous sex scene in it which, if your children saw it, they might think it is normal and acceptable, and I guess maybe the gentlewoman might think it is too. I do not.

□ 1715

But the movie could be shown without any problem because if you read the bill, if you read the definition, it would have to be utterly without any redeeming social value.

Now, for 40 years Congress has been wrestling with this problem, 40. Do Members know what it has come up with? Nothing. Nothing. We posture, we pass resolutions, viewing with alarm, but the entertainment industry gets away literally with murder.

All we are doing is saying that obscenity for 40 years has not been protected by the First Amendment. We are saying some of this violence is as egregious and horrible and vulgar and harmful as sexual obscenity. Why confine the proscription just to sexual obscenity? Why not to mutilation? Why not to sadomasochism? Why not to flagellation? Why not to rape?

Those are four specific categories, and only four, that we say ought not to be protected by the First Amendment. If that is doing violence to the Constitution, I have never read that document.

So let us do something, not do nothing. It is my opinion that what happened in Littleton, Colorado, and what happened in Conyers, Georgia, cannot be solved by one more gun law. There were 15 Federal laws having to do with guns and ammunition that were violated by these two assailants in Colorado, and seven State laws. Is our answer to pile a couple of more laws on?

No. Let us examine what it is in the psyches of these young people that made them want to kill, the culture of death. There is something missing. We have to look at it. Anybody that does thinks rotten movies, rotten television, rotten video games are not poisoning, toxically poisoning our kids' minds and making some kids think that conduct is acceptable just is not paying attention.

I cannot match the Political Action Committees of the entertainment industry, but I will tell the Members, there are a lot of parents who need help. My friend, the gentleman from Georgia (Mr. BARR) said it is up to the parents. If Members can watch their four kids all the time every day, at night and at school, and know what they are seeing and know what they are reading, they have solved a wonderful problem and should tell me how they do it.

This is an effort to solve the problem. I hear nothing from the other side but ridicule. Please support the Hyde amendment.

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment. I do so, not to defend "Rambo," or "The Terminator," but to defend the Constitution. Because this amendment is both unwise and unconstitutional.

There is much in the amendment that I could support, Mr. Chairman. It provides for a study by the National Institutes of Health of the effects of video games and music on child development and youth violence. It encourages the entertainment industry to develop voluntary guidelines to minimize the extent to which minors are exposed to sexual and violent materials.

These are sensible provisions, which were passed by the Senate earlier this month and are included in the Democratic substitute which Mr. CONYERS will offer later today.

But the Hyde amendment goes further. Much further. It would make it a crime to "sell, send, loan or exhibit" to minors any materials containing "explicit sexual material or explicit violent material."

Most of us—especially those of us who are parents—are naturally disturbed when unsuitable material finds its way into the hands of young people. And many genuinely believe—rightly or wrongly—that there is a connection between access to such material and the juvenile violence in our nation.

There may or may not be a connection. But before we pass a law codifying this theory we ought to have some facts. The amendment directs the National Institutes of Health to study the issue. But it doesn't wait to find out the results.

And since the subject was never considered by the Judiciary Committee, there is No Evidence on the record that criminalizing music sales or video rentals would have any impact whatsoever on the level of youth violence in this country.

But there is Plenty of evidence that the amendment would harm the precious freedoms we enjoy. Parents can and should decide what their children watch and listen to. But it is not for the government to decide this for them.

Others have pointed out that the gentleman's amendment could prohibit sales to minors of such edifying but disturbing films as Amistad, Saving Private Ryan, or Schindler's List. All of these films contain violent content—some of it Extremely violent. This is clearly material that may be appropriate for some young people and inappropriate for others.

But the amendment would prohibit sales of these films to All minors, unless, and I quote, "the average person, applying contemporary community standards," would find that the material has "serious literary, artistic, political, or scientific value for minors."

The gentleman from Illinois claims that films such as these would NOT be prohibited by his amendment, He says, and again I quote, "taken as whole, [they] are not designed to pander to the morbid interest of minors, are not patently offensive, and have literary and artistic value. We are talking about harmful material only." End of quote.

Now I have great respect for the gentleman, and I do not question his sincerity. I only wish it were that simple. A few years ago, a Member of this House launched an attack on one of the most celebrated films of our time, Schindler's List. He criticized it for its realistic depictions of violence and nudity in a concentration camp, and castigated the network which broadcast it for putting it on the air where children might see it.

That Member was roundly criticized for failing to recognize the moral and political context of those scenes. But if a member of Congress can be wrong about a film, how are we to suppose that a video salesman or theater owner will make that judgment?

For make no mistake about it—that is what the amendment would require. It would demand that the checkout clerk at Blockbuster or the ticket vender at the local Cineplex make a determination—on pain of imprisonment—as to whether a reasonable person would find that the degree of violence contained in the film is offset by the literary, artistic, or political value that a minor would derive from seeing it.

And I think we all know that a reasonable person would have to be crazy to take a risk of guessing wrong.

As a parent, I do not believe this is an appropriate or workable means of regulating access to minors.

If I think it is important for my daughter to understand what happened on Omaha Beach, I don't want a clerk at the video store to decide whether she can see Saving Private Ryan.

If I think it is important for my daughter to understand what happened to Africans brought to this country in chains, I don't want a ticket vendor to decide whether she's allowed to see Amistad.

If I think it is important for my daughter to understand what happened in Dachau or Auschwitz, I don't want the government of the United States to decide whether she's ready to see Schindler's List.

I know that the gentleman is well-intentioned, Mr. Chairman. But this amendment is a disaster, and it should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment offered by Mr. HYDE. I applaud his attempt to address the issue of rampant violence in our popular culture, but there are serious First Amendment concerns I have about this amendment.

This amendment prohibits any picture, sculpture, video game, movie, book, magazine, photograph, drawing, similar visual representation, or sound recording with explicit sexual or violent material from being sold or given to children.

According to this language, books like "Beloved" or "The Bluest Eye" by Nobel Prize Laureate Toni Morrison would not be sold or loaned from the library to a student. There are possibly violent and sexual situations detailed in these works to tell the story that might be prohibited under this amendment.

Television programs like "Star Trek" and movies like the popular "Star Wars" trilogy would also be prohibited. Historical representations like "Amistad" or "Schindler's List" might be banned. The standard that would ban these works is problematic and vague.

This amendment also contains a provision that would require that retail outlets that sell music recordings would have to make the lyrics available for the parents before purchase. However, this amendment contains a loophole for internet music companies and mail order companies. I seek to establish a process in my district where retail stores voluntarily work with parents and legal guardians of children to keep such reprehensible items/materials out of the hands of children.

This loophole would simply alter the method in which such music is sold. If children wanted to obtain certain types of music, then they could go on-line or place a phone call to order the recordings.

This loophole illustrates how this bill is simply not an appropriate vehicle to urge change in the popular culture. It is an attempt to censor the freedom of expression contained in the First Amendment. This amendment creates a standard that would drastically alter the First Amendment.

However, I agree with Rep. HYDE's remarks that popular culture has persisted in presenting increasingly violent and sexually explicit entertainment. The industry must enact internal standards to ensure that children are not overly exposed to inappropriate material.

The provision that requires a study by the National Institutes of Health is an important measure to determine the effects of the media on our children. I support this provision because it allows the industry to conduct an internal review of its content and it encourages the media to take responsibility for what it presents as entertainment.

I also support promoting grassroots solutions to youth violence. One of the demonstration cities is Houston, Texas, but I am concerned that this provision was included in this amendment.

I appreciate Rep. HYDE's concern for the messages that our children receive in the media. However, we cannot limit the freedom of the First Amendment. The First Amendment is at the core of our basic freedoms and I respectfully oppose the Hyde Amendment.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

It is now in order to consider amendment No. 9 printed in Part A of House Report 106–186.

AMENDMENT NO. 9 OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. SALMON:

Add at the end the following:

SEC. ___. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as "Aimee's Law".

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a pretty awesome time to be here. I am offering today, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Washington (Mr. SMITH), an amendment that is known as Aimee's Law. I would like to take a few moments to discuss why this is important to Americans, and how come a nationwide grass roots effort has worked towards its passage.

First of all, I would like to reference this chart. According to the Department of Justice, the average time actually served by a rapist in this country and released from State prison is 5½ years; for molesting a child, 4 years; and for murder, 8 years. This is outrageous. It is unconscionable. We have to act today to change this.

It is not as if these criminals are suddenly Boy Scouts after their release from prison. The recidivism rates for sex offenders are very high. I think most people agree, once a molester, always a molester. As the Department of Justice found in 1997, over the 3-year period following the prison release, an estimated 52 percent of discharged rapists and 48 percent of other sexual assaulters were rearrested for a new crime. Here is that statistic. Many of those go on to commit other sex offenses.

Light sentences for today's most heinous crimes contribute to an epidemic of completely, yes, I said it, completely preventable crimes. Consider, each year more than 14,000 rapes, molestations, and murders occur every year by somebody who was let out of prison for committing that exact same crime. In some 1,700 of these cases, individual cross State lines and then reoffend again.

We talk a lot about accountability in this Chamber. It is time to restore some accountability to States that release these dangerous predators into our neighborhoods. Aimee's Law would add an additional factor to the formula for distributing Federal crime funds to the States.

Specifically, the amendment would provide additional funding to States that convict a murderer, rapist, child molester, if that criminal had previously been convicted of one of those same crimes in a different State. The cost of prosecuting and incarcerating that criminal would be deducted from the Federal crime assistance funds intended to go to the first State.

In other words, the State that is irresponsible, lets the rapist, murderer, molester out and then they cross State lines and reoffend again, a portion would be taken away from their crime assistance funds and given to the new State, enough to cover the costs of incarceration, prosecution, and apprehension of that monster.

A safe harbor would not require the funds transfer if the criminal has served 85 percent of his original sentence and if the first State was a truth-in-sentencing State, with a higher than average typical sentence for the crime.

Aimee's Law, a bipartisan effort from day one, passed the Senate last week with a whopping 81 to 17 vote. Aimee's Law is enthusiastically supported by law enforcement and victims rights groups nationwide. Here is just a smattering of those who are supportive.

The law enforcement community in particular, they understand the need for this legislation. They are in the trenches. They are fighting this fight every day. The Nation's largest police union, the national Fraternal Order of Police, representing some 250,000 brave police officers nationwide, has strongly backed this amendment and has appeared at all public events to help push for its passage. Their president has said, "The bill addresses this issue smartly, without infringing on the States and without federalizing crimes."

Among the other law enforcement groups that have endorsed the bill is the California Correctional Police Officers Association, and some of the others Members can see.

Victims rights and child advocacy groups have also endorsed the bill, and made this one of the most important issues that they focus on: Child Help U.S.A., Klaas Kids Foundation, Kids Safe, Mothers Outraged at Molester, and the list goes on and on and on.

From around the country, Americans have signed petitions, called our offices, and sent e-mails demanding passage of Aimee's Law. Even Dr. Laura is urging her 18 million listeners across America, and has been doing it all week, also including it on her web site, for a call to action on this particular piece of legislation.

Mr. Chairman, this is Aimee Willard. I never met her. This legislation is named for her. But I have become very close with her through the passage of this legislation, and close with her family. Aimee was senselessly raped and murdered by a man who was let out of prison for serving 12 years for murder for killing somebody over a parking spot. If this man had served 85 percent of his sentence, Aimee Willard would still be alive today.

Aimee was an all-American college athlete who wanted to work with children. We are never going to know all that we lost when she was taken from us, but we should do what we can to prevent others from enduring the same kind of pain and agony, and following her to a needlessly early grave.

Many courageous victims and survivors have made extraordinary efforts to help me pass this bill. I cannot mention them all, but I wanted to list a few. Many of them came to Washington twice to support the bill and testify before the Subcommittee on Crime.

There is Gail Willard, who lost her daughter, Aimee; Mark Klaas, who lost his daughter, Polly; Mary Vincent, a rape survivor; Fred Goldman, who lost his son, Ron; Mika Moulton, who lost her son Christopher; Trina Easterling, who lost her daughter Lorin; Jeremy Brown, a rape survivor; Louis Gonzalez, who lost his brother Ipollito; the Greishabers, who lost their daughter Jenna; the Pruckmayrs, who lost their daughter Bettina; the Schmidts, who lost their daughter Stephanie; and the list goes on and on, because again, that number is 14,000 rapes, murders, molestations, that occur each year by somebody let out of prison for doing exactly the same crime.

Sadly, the list goes on and on and on. Too many victims, too much suffering. We have to do more, and we can do it today with passage of this amendment.

Mr. Chairman, before I close, I wanted to express my heartfelt thanks to the survivors, the groups, and everyone else who has joined with me to fight this fight and to protect families.

The gentleman from Florida (Chairman MCCOLLUM) deserves the lion's share of the credit for his fine leadership on this issue. I wanted to thank my staff for all their hard work.

I would like to close with a couple of quotes. First of all, they are not from a famous leader, world leader, or a law enforcement official, but from the very heart of the problem. I want to quote a pair of child molesters whose despicable, unspeakable crimes cry out for justice.

Mr. Chairman, there are more than 134,000 convicted sex offenders currently living in our neighborhoods, on probation or on parole right now in our neighborhoods. Let us hear from two of them scheduled for release. They have never met, but their message could not be more clear:

"I am terrified of being released, because I fear without counseling, I will molest more children. Since I don't want to return to prison, I would be forced to kill them."

The next quote: "I am doomed to eventually rape, then murder my poor little victims to keep them from telling on me. I might be walking the streets of your city, your community, your neighborhoods."

Mr. Chairman, let us pass the amendment today and strike a blow against the revolving door of prisons, murders, and sexual predators.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for bringing this measure to the floor at this time. Today we have an opportunity to take a giant step in the fight against repeat offenders. I commend the gentleman from Arizona (Mr. SALMON) for bringing this legislation to our attention.

It has become too common in recent years that victims are violated by someone who has been previously convicted of a crime and then released. Many who commit murder, rape, and child exploitation cannot be rehabilitated, as the gentleman from Arizona (Mr. SALMON) pointed out. We owe it to our communities to put a stop to this pattern of violence.

Aimee's Law will do just that. It will impede the ability of convicted felons to repeat their offenses at the cost of innocent human lives. Too often we have heard personal stories of these terrible crimes that legislation would help to eliminate.

Jeremy Brown, that the gentleman recited, comes from my own congressional district in New York and was the only survivor of a man who raped and murdered a number of other women. Having been through this horrible ordeal and having persevered, she has demonstrated tremendous courage and has become symbolic of the reason that we should pass this legislation today.

To all the courageous people who hope that together we will be able to prevent future violence, our hearts, our prayers and support are with them, now and always. That is why I urge support for this measure.

Mr. SALMON. Mr. Chairman, I reserve the balance of my time.

□ 1730

The CHAIRMAN. Does the gentleman from Virginia seek time in opposition?

Mr. SCOTT. Mr. Chairman, yes.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 15 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment emphasizes the need for us to have held hearings on some of these so that we could determine actually what is going on. This seems well intended; it might work, might not but we just do not know.

It is interesting that there is an exemption in this bill for those States that have abolished parole and require prisoners to spend 85 percent of their time in prison; it is truth in sentencing. I like to call it not truth in sentencing but a half truth in sentencing, because as that poster points out if parole is abolished, people can no longer be held.

The half truth is a person cannot get out early but they cannot hold them longer either. If a person has a short sentence for which they have to serve 85 percent, they would be eligible for the exemption under this, but if they have a much longer sentence with parole, then they would have been able to retain them.

Let us give an example of how that thing works. I am not sure whether I heard the gentleman from Arizona (Mr. SALMON) right, but I thought he mentioned Mr. Klaas in California. The perpetrator in that case was Richard Allen Davis, who was in prison on a 6-month to life sentence. He was denied parole, denied parole, denied parole. They finally cracked down on crime and abolished parole. He was resentenced to 7.2 years which he had already served and he got on out because they had to let him out, and he committed another crime.

He received 8 years; served 8 years. They could not hold him longer because they had abolished parole. Then he got out and kidnapped and murdered Polly Klaas. If that had been parole, he never would have been out on the first offense, certainly never would have been out on the second offense, but because parole was abolished they had to let him out.

Even the people, with quotes that the gentleman said, they had to let them out because they could not hold them longer.

Maybe if we had had a hearing, maybe we could flesh some of this out so we could determine whether abolishing parole and letting somebody out is better than having a much longer sentence when there is some discretion.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, there is nothing in this bill that suggests that we do away with parole by any stretch of the imagination. I think that the goals of the gentleman and my goals are the same. We want to do what is right by families.

The fact is that 14,000 rapists, child molesters and murderers go on to reoffend every year and States are not doing a good job.

I go back to the statistics, that the average time served for molestation, 4 years; 5 years for rape; 8 years for willful murder.

Mr. SCOTT. Reclaiming my time, that has nothing to do with parole. As a matter of fact, if a person had 4 years and they had to serve it all, maybe I misread it.

CQ has the summary of the amendment of the gentleman which says the amendment would not require funds transferred if the criminal had served 85 percent of his original sentence and if the first date had, quote, truth in sentencing with a higher than average typical sentence for a crime, which means the average sentence, all one has to do is serve the average. Someone cannot be held longer than average.

Virginia went through this. We took a 10-year sentence, which was a year and a half to 10 years, average 2½, doubled the average time served so that the average time was 2½. We doubled the average time so now everybody has to serve 5 years.

Now, if we think about it for 15 seconds, the person that could not make parole at all would have served all 10 years. Now that there has been a crackdown on crime, they have to be released after 5 years, even if they are telling stuff that was on those posters.

Maybe if we had had some time in committee we could have discussed this, but the gentleman comes springing this out on us without hearings, and we are just doing the sound bite.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, we did have a very, very thorough hearing last year and this is not a surprise. We have been working on this for a year and a half. We did have a hearing before the Subcommittee on Crime, and frankly the Supreme Court has determined that for violent sex offenders the courts can hold somebody beyond their sentence. They can put them in security, but beyond that I am not prescribing how States deal with the parole issue. All I am saying is that a State ought to certify. Rather than play Russian roulette with somebody else's head, all I am saying is the State ought to be accountable.

If a State is going to let somebody go, make sure that they are not going to reoffend again, and if they want to deal with that with a combination of counseling or parole or whatever the case may be, all I am trying to do is restore a modicum of accountability back to the States. If they want to address that for parole, that is their option.

Mr. SCOTT. If the gentleman could have convinced a majority of the members of the committee after we had had a hearing and a markup through the regular process, maybe it would have worked, but we are not doing that. We are coming out here and exchanging sound bites.

Mr. Chairman, I reserve the balance of my time.

Mr. SALMON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my colleague, the gentleman from Arizona (Mr. SALMON), for yielding me this time, and I applaud him for this law.

Mr. Chairman, we are here to support Aimee's Law. As we know, laws are about people.

This is Aimee. Aimee lived 2 miles from my home in Pennsylvania. Aimee was a bright 22-year-old, promising young lady, great in athletics, great in school, who had an unbelievable career ahead of her. Her life was snuffed out because a man who had been repeatedly involved in hurting other people struck her car on a freeway to make her pull over. When she pulled off the side of the road on June 20, 1996, and got out to see what was wrong, as any normal person would do, he accosted her. She was abducted. She was raped. She was brutally murdered.

She was found in a dumpster with two trash bags over her head and a stick between her legs. The man who was convicted of brutally murdering Aimee Willard served 11 years of a life sentence that had been given to him for killing someone else, but that State paroled him early. They let him out without serving his full sentence.

Not only did he kill Aimee Willard, he is now the suspect in a second murder, Maria Cabuenos, who disappeared in March 1997 and was also found murdered. The same individual who has been convicted of murdering twice was driving Miss Cabuenos' car when he was found while trying to burglarize another house.

How many times are we going to let someone out early? And why should not we create a disincentive to have States thoroughly review the process for people who have been convicted of rape, of murder and child molestation from getting out prematurely?

This does not provide a one-size-fits-all answer. It simply says to States that we are going to hold a person accountable. If someone allows people who commit these brutal crimes to get out prematurely, then they are going to pay the price of the other State where that person is convicted of their costs in having to convict that person a second time.

In the name of Aimee Willard and all of those other thousands of people, I ask our colleagues to support Aimee's Law.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, even though we disagree on this amendment.

Mr. Chairman, I am a cosponsor of the amendment and strongly support it. I think the issue of parole is not what we are dealing with here. However an individual State wants to handle it, wants to pass out the sentencing, is fine with us. The question is are they going to pass out strong sentences? If they do it under a parole system and hold them for longer, the point of this bill is to try to give incentives to States to hold the most dangerous of criminals, murderers, rapists and child molesters for as long a period as possible so that they do not reoffend.

We are trying to drive dollars out to encourage that decision and to move them in that direction for a very good reason. We want to protect the citizens of our country.

There are many reasons for punishment in crimes, but one of the biggest is to protect society with a very simple notion. If an individual who is given to committing crimes is behind bars, they are not victimizing other people. That is one of the clearest ways to protect our citizens, is to lock them up when they have made it clear that they are dangerous to the citizens.

Right now, too often crimes as serious as rape and child molestation have very short sentences and those people are free to reoffend all over again. We need to do a better job of protecting our citizens, and I commend the gentleman from Arizona (Mr. SALMON) for putting forward this modest piece of legislation to try to do that, to try to give States the encouragement they need, the financial encouragement, to hold these dangerous offenders for a longer period of time.

There are many reasons why the crime rate has fallen in recent years, but one that should not go unnoticed is that we have increased punishment for crimes of all types, but certainly of the most serious nature. That keeps dangerous offenders off the streets so they cannot reoffend so that we can protect future victims.

I again commend the gentleman from Arizona (Mr. SALMON) for bringing this piece of legislation forward and hope that the effect of it will be to save lives and to keep dangerous offenders behind bars where they cannot victimize the people that we represent.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have, as I have indicated, a great deal of problem with the amendment. We should have gone through subcommittee.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman, to explain how this got here and let him say a little bit about the amendment.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Chairman, I want to first of all say that we did have a hearing on this bill last Congress in the Subcommittee on Crime, not in this Congress. The gentleman from Arizona (Mr. SALMON), I think, has produced a remarkably good product. It would have been highly desirable had we brought this or been able to bring this through the subcommittee this time because I have no doubt that we would have reported it out virtually intact as it is here today.

I think this is a terrific product, and the reason I am going to support it and I am supporting it today is because of that reason, even though it would have been more desirable had we been able to mark it up in committee. It happens to be this is a good vehicle and he has convinced the Committee on Rules to let it come to the floor, and I think it is an appropriate thing to vote for. I am going to support it because if a State adopted a truth in sentencing, which half the States in the United States have, well, more than half, almost 30 now have, where a person has to serve at least 85 percent of their sentence for any major crime, that State would not be, and those States that already have will not be, affected by this proposal because they will not lose any money or risk it if somebody gets out early, because they will not.

Other States that the gentleman from Arizona (Mr. SALMON) has been very creative with, they do not have to adopt truth in sentencing. There are other ways to deal with it under his proposal, but I do think the incentive is there to keep people in jail for long periods of time to serve at least 85 percent or higher of their sentence if they have committed murder, rape or child molestation, and that should be the law of the land for every State in the Union.

This is an extraordinary bill. It was widely supported in the hearing that we had before the subcommittee in the last Congress, and I strongly urge the adoption of the amendment.

Mr. SALMON. Mr. Chairman, I yield 1 minute to the honorable gentleman from Texas (Mr. DELAY), the distinguished whip of the House of Representatives.

Mr. DELAY. Mr. Chairman, I want to congratulate the gentleman from Arizona (Mr. SALMON), for bringing this amendment. He has worked so hard on this, and it is very creative in trying to bring safety to our children. There is no better cause than the safety of our children.

I rise in support of the amendment because it does protect America's children from predators. This amendment, better known as Aimee's Law, fights that plague of repeat offenders. Specifically, this law tracks criminals that have crossed state lines, guilty of murdering, rapists and otherwise assaulting children under the age of 14. Why are these monsters set free? Aimee's Law holds States responsible for felons they release who commit further violent crimes in other States.

So, Mr. Chairman, our kids need to be protected from these violent criminals. States need to be encouraged to keep child molesters behind bars, and I urge my colleagues to support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my good friend, the gentleman from Virginia (Mr. SCOTT) for yielding me the time.

Mr. Chairman, like the gentleman from Washington (Mr. SMITH), I am on the other side on this amendment.

I was honored to serve 20 years in the legislature in Texas and so I have some hesitation in requiring States to do something that we typically do not pay for but there are exceptions to this, and frankly we cannot accomplish this without a change in Federal law.

If a person is released from one State and commits a crime in another State, then without a Federal law we have to have Federal action to be able to require that.

I am proud to be a cosponsor of the Aimee's Law legislation by the gentleman from Arizona (Mr. SALMON), the gentleman from Washington (Mr. SMITH) and the gentleman from Pennsylvania (Mr. WELDON), because of the problem with repeat offenders, dealing with murder, rape or child molestation.

The only crimes that are more heinous than murder and rape are those same crimes committed against children. I believe that individuals who commit these violent or sexual crimes against children should spend the rest of their lives in prison.

□ 1745

Lord knows, in Texas, we have had the biggest building boom in prison in many years, so we are trying to build a place for them.

If, however, a State believes that such a criminal has been rehabilitated and decides to release this person back to society before the end of their term, then that State should be held responsible if that person commits the crime again in someone else's neighborhood, if it is in another State.

Under the Salmon-Smith amendment, these States who have an early release of violent criminals would pay to incarcerate these criminals in the other State. This is the only fair and just approach. I urge my colleagues to support it simply because the repeat offenders are what we are trying to get to.

We have seen some good numbers on our crime statistics, and the reason is because a lot of States are keeping people in prison longer because they are the repeat offenders, and this will make it even, hopefully, make those statistics even sound better.

Mr. SALMON. Mr. Chairman, may I inquire of the Chairman how much time remains?

The CHAIRMAN. The gentleman from Arizona (Mr. SALMON) has 2½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 4 minutes remaining.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, as the father of several children and husband of 20 years, I rise today in support of the amendment of the gentleman from Arizona (Mr. SALMON) better known as Aimee's law. I commend him for his hard work in bringing this commonsense legislation to the forefront of today's debate.

As on editorial page put it, "Giving a one-way ticket to a sex offender might improve the community he leaves, but it is the equivalent of shipping toxic waste to unsuspecting States."

The practice of returning criminals to freedom for which they can prey on the innocent is outrageous and must stop. This body has an opportunity to act with clarity, to demonstrate to law breakers that are serious about keeping these violent offenders off the streets, and from repeating these acts.

I urge passage of this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT), the ranking member, very much for his kindness, and I respect his position on this legislation and acknowledge the fact that the better route would have been to have this particular legislative initiative, as all of the amendments that we are dealing with in these 2 days on guns and juveniles, to come through the committee procedure.

But I want to rise in support of this amendment because I believe that some crimes are heinous enough that deserve incarceration. It is tragic that we face, on a daily basis, the attack of our children, child molesters and murderers and rapists who go about our Nation and repeat their crimes.

Right now in the State of Texas, we are fighting a serial killer whose trail of killings have gone throughout the city of Houston into States in the Midwest; and, still, he is not found, killing innocent victims, ministers of gospel, elderly and young women.

The most terrible tragedy that a parent has to confront is a murdered child. I think it is important when we begin to talk about how we solve this problem, it is simply that we not allow them to do it again.

In the State of Texas, we attempted to place on the books a bill that would allow incarceration without parole for heinous crimes for those who may oppose the death penalty. We were not successful. But I think it is extremely important that we realize that we can put murderers and rapists and child molesters away, where they do not have an opportunity to prey on innocent victims again.

I am saddened by the loss of Aimee and many other Aimee's and Peters and Pauls across this Nation. As a mother, I stand up and say those kinds of individuals must be incarcerated. If they go into another State and are convicted, let us lock them up. I think it is a terrible tragedy that each day we come about having to see another tragic incident.

I know that there are other responses to the idea of repeat offenders, but I think the best way to deal with it is to ensure that they never see the light of day to perpetrate these offenses of murder, rape, and child molestation again.

I ask that my colleagues support this amendment.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I want to thank the gentleman from Arizona (Mr. SALMON) for his leadership and his partnership in working with him on no second chances legislation, legislation that is very simple. No second chances for those who prey on kids, murderers, rapists, and those who commit sexual assaults.

Fourteen thousand murders, rapes, and assaults on children have occurred each year, and it is time to get them off the streets. When I think of this legislation, I think of a mother who came to me, Mika Moulton, a mother of a child who was murdered in 1995, a child who would be alive today if this legislation was law.

In particular, the murderer of Christopher Moulton is a murderer that had already received a short sentence when he was released. This legislation would have kept him in prison for a long time. Let us pass it. No second chance.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Mr. Chairman, does this side have the right to close since we are defending the committee position?

The CHAIRMAN. The gentleman from Virginia is correct. The gentleman from Virginia (Mr. SCOTT) has the right to close.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. SALMON. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, as a member of the Committee on the Judiciary, I would like to thank the gentleman from Arizona (Mr. SALMON) for his leadership in this area.

It is my hope that passage of this bill will make States take a hard look at what too often are lax parole systems that will let dangerous felons back out in society without proper safeguards.

Aimee's law includes a clear statement that it is the sense of this Congress that any person who is convicted of a murder should receive the death penalty or life in prison without the possibility of parole. It also emphasizes that rapists and child molesters, criminals who are classic recidivists, be put away for life without the possibility of parole.

Right now, the average time served in State prison for rape is only 5½ years and for child molestation only 4 years. These criminals are then free to do it again, and many of them do. These statistics are outrageous, and States need to get back to it and do the right thing.

The family of Clara Swart, who was killed in my district in Cincinnati, also endorses this legislation.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, today the average murderer in the United States serves only 6 years in prison. One out of ten convicted rapists serves no jail time. Time and time again we hear about repeat offenders out on the street repeating their crime.

It is time to draw a line in the sand. If one commits murder, rape, or molests a child, one should spend the rest of one's life in prison.

Let us pass this amendment because some criminals do not deserve a second chance.

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this really is a no-brainer, a common-sense amendment. This amendment has been a long time in the process. There are a lot of far greater people out there than I that have fought for this; and for them, please let us do it.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this may be a no-brainer, but it would have been nice if we had brought it up under the normal procedure so we would have time to evaluate it.

Under this amendment, a State would have to pay if they hold somebody for 10 years of a 20-year sentence and then let them go because they only served half the time. But they would have an exemption if they held them for 4 years of a 4-year sentence. If the person served all of the time of a 4-year sentence, held them for 4 years, same offense, they would not have to pay. If the State had held them for 10 years of a 20-year sentence, they would have to pay.

I think it would have been nice if we had the opportunity in committee to develop this issue, to see if it made any sense or not. We were denied that opportunity, and, therefore, I will oppose the amendment.

Mr. RILEY. Mr. Chairman, I rise today to support the amendment offered by the gentleman from Arizona.

In 1996, 22 year old Aimee Willard was raped and brutally murdered by a man who had been previously convicted of murder and later released after serving only 12 years of a life sentence in a Nevada prison.

What a tragedy, Mr. Chairman. Aimee was a bright, energetic young woman who had a promising future. But, her life was snuffed out by a so-called "model prisoner."

Who is to blame? Certainly, Aimee's killer. But to some extent, the State of Nevada should shoulder some of the blame. Why? because it let out of prison a man who already proved that he was a threat to society and who was supposed to spend the rest of his life behind bars.

One might think that this is an isolated case. But, unfortunately, Mr. Chairman, it's not. More than 14,000 murders, rapes, and sexual assaults are committed each year by previously convicted murderers and sex offenders. That's outrageous.

Why are states letting these people out of jail? Maybe they just need some more incentive to keep people behind bars.

Well, Mr. Chairman, we give them that incentive with this amendment. In short, under Aimee's Law, states that keep criminals in jail receive more federal crime funds. States that let criminals out of jail, who later commit a similar crime in another state, lose a portion of those funds. It's simple as that! I can't think of a better way of convincing states to keep these types of criminals in jail where they belong.

I commend the gentleman from Arizona for his amendment and urge all my colleagues to support it.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SALMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the Hyde amendment No. 31 on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 412, noes 15, not voting 7, as follows:

[Roll No. 212]

AYES—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—15

Clay
Conyers
Frank (MA)
Jackson (IL)
Jones (OH)
Kilpatrick
Lee
Martinez
Meek (FL)
Meeks (NY)
Payne
Roybal-Allard
Scott
Waters
Watt (NC)

NOT VOTING—7

Brown (CA)
Davis (IL)
Ehlers
Houghton
Kasich
Thomas
Weiner

□ 1816

Messrs. PETERSON of Pennsylvania, BLAGOJEVICH, UDALL of New Mexico, and MORAN of Kansas changed their vote from "no" to "aye."

Ms. LEE changed her vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Chairman, on rollcall No. 212, I was unavoidably detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 31 OFFERED BY MR. HYDE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 282, not voting 6, as follows:

[Roll No. 213]

AYES—146

Aderholt
Archer
Armey
Bachus
Baker
Bartlett
Barton
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Brady (TX)
Bryant
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Cook
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Duncan
Ehlers
Emerson
English
Everett
Ewing
Franks (NJ)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Holden
Horn
Hostettler
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
LaHood
Largent
Lazio
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Norwood
Oxley
Packard
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Portman
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Roukema
Ryun (KS)
Saxton
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—282

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci

Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutierrez
Hastings (FL)
Hastings (WA)
Hayworth
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sisisky
Skeen
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—6

Brown (CA)
Davis (IL)
Houghton
Kasich
Thomas
Weiner

□ 1824

Mr. LUCAS of Kentucky and Mr. METCALF changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 10 printed in Part A of House Report 106–186.

AMENDMENT NO. 10 OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CUNNINGHAM:

At the end of the bill, insert the following:

TITLE —MATTHEW'S LAW

SEC. . SHORT TITLE.

This title may be cited as "Matthew's Law".

SEC. 2. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.

(a) IN GENERAL.—Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

"Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

"SEC. 170301. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.

"(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child.

"(b) DEFINITIONS.—In this section—

"(1) the term 'crime of violence' means any crime punishable by imprisonment for a term exceeding one year that has as an element the use, attempted use, or threatened use of physical force against the person of another; and

"(2) the term 'child' means a person who has not attained 13 years of age at the time of the offense.".

(b) CONFORMING REPEAL.—Section 240002 of such Act (28 U.S.C. 994 note) is repealed.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking the item relating to subtitle C of title XVII and the items relating to sections 170301 through 170303 and inserting the following:

"Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

"Sec. 170301. Enhanced penalties for crimes of violence against children under age 13.".

SEC. 3. FEDERAL BUREAU OF INVESTIGATION ASSISTANCE AVAILABLE TO STATE OR LOCAL LAW AUTHORITIES IN INVESTIGATING POSSIBLE HOMICIDES OF CHILDREN UNDER THE AGE OF 13.

To the maximum extent practicable, the Federal Bureau of Investigation may provide to State and local law enforcement authorities such assistance as such authorities may require in investigating the death of an individual who has not attained 13 years of age under circumstances indicating that the death may have been a homicide.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, Aimee Willard, Megan's Law, Polly Klaas, now Matthew's Law. Mr. Chairman, the children I just named, every Member in this House is tired of having to name bills after murdered children.

I know, Mr. Chairman, this is a very bipartisan amendment. The same amendment passed by Mr. Chrysler in the House on H.R. 2974 passed 414 votes to 4. And with that, this is something that my colleagues can stand for.

Mr. Chairman, I yield to the gentleman from California (Mr. PACKARD), a great leader.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I rise today in strong support of the Cunningham amendment. This amendment will increase Federal penalties for criminals who commit Federal crimes of violence against children.

Last November, 9-year-old Matthew Cecchi was brutally murdered in my hometown of Oceanside, California. Matthew was not a troubled runaway, not a child that was allowed to wander far from his parents. He simply walked into a public restroom and moments later he was dead, the victim of the killer who carefully stalked and hunted down a young and helpless child. This crime shocked our community and struck fear in the hearts of parents.

Mr. Speaker, unspeakable crimes deserve the harshest of penalties. The Cunningham amendment ensures that those who seek to harm the helpless are met with severe punishment. His amendment will dramatically increase sentencing requirements for those individuals who commit violent crimes against children under 13 years of age.

I strongly urge all of my colleagues to support this very important amendment that will protect our Nation's children from violent crimes.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, could I ask the gentleman that has promoted the amendment, how much time did the awful murderer of 9-year-old Matthew Cecchi get? What was his sentence?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman would yield, I do not know the answer to that.

□ 1830

Mr. CONYERS. Mr. Chairman, let me just point out two things.

I think that would be pretty important in this kind of a matter because the implication is, of course, that there was an insufficient sentencing of the killer of this 9-year-old boy.

The second point I would like to make is that the State handles most of these kinds of crimes, and to my knowledge these are not normally Federal issues, and finally, the U.S. Sentencing Commission is the body that we established in the Congress to make sentencing recommendations independent of the political process. Now if for some reason we were dissatisfied with them, then we may want to communicate that through the Committee on the Judiciary which regularly brings and hears reports from the Sentencing Commission.

So I just want to point out that this may not be the most orderly way to pass criminal statutes raising the Sentencing Commission's levels in this way.

Mr. Chairman, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

I would tell my friend that this is the same, actually the same language. I will not submit this for the RECORD in the full House because it is almost the same verbatim that the gentleman spoke to with Mr. Chrysler about the commission. I am very familiar with the commission. As a matter of fact, the gentleman here goes through 15 minutes of dialogue on how that it should not be germane, that it was political. This vote was 14 to 4, and the gentleman from Michigan (Mr. CONYERS), who wrote consenting language, actually ended up voting for it after fighting it on the floor.

I would say to the gentleman this is about leadership in this House and in the body. It is not about a particular person. Whether we have Aimee or Megan's Law or whoever you have, this is an important factor. This goes after the family values of this body. It also tells people in this time of summer when people are going on vacations that our parks and recreation areas are for children, not for murderers.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding this time to me, and I rise in opposition to this amendment not because it may not be a worthwhile thing to do, to increase the offense level for such a heinous crime by five levels over what it currently is for somebody who is 13 years or younger, but for the very reason that my good friend, the gentleman from California (Mr. CUNNINGHAM) just alluded to or made obvious. If every time we get emotional in response to some criminal offense, we come onto the floor of the United States House of Representatives and we beat our chests and try to show America how hard we are on crime by directing that sentences be increased, what we are doing is undermining the whole integrity of our sentencing system in this country, and we end up with a hodgepodge of sentences that make absolutely no sense and make a mockery of our whole sentencing structure in this country.

That is the very reason that we put in place a U.S. Sentencing Commission so that every time somebody gets murdered and we get emotional, we do not come in and make an emotional political response which undermines the orderly administration of justice in this country, and colleagues are going to see throughout this debate a number of different times where for various reasons people are going to come in and try to undermine the system that we have put in place through the United States Sentencing Commission.

The reason that we have a U.S. Sentencing Commission is so that we do not have haphazard sentencing in this country, we do not end up with a hodgepodge of inconsistent, not well-thought-out sentencing for criminal offenses in this country.

So it is the very reason that the gentleman from California (Mr. CUNNINGHAM) just articulated that impels me to rise in opposition to this amendment. We do not need to beat ourselves on the chest and show how difficult and harsh we are on crime. We have a Sentencing Commission that sets a uniform standard.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman on the other side of the aisle knows me well enough. I have never had to beat on my chest. Life has been difficult at times, and I have always carried through with action.

If the gentleman says that I am emotional about children being murdered in the vernacular, I plead guilty. I am very emotional about it, and I know the gentleman is about it, too, and I am not suggesting that he is not.

I do not have much time, only 5 minutes, but this was the same arguments about the Sentencing Commission. As a matter of fact, the gentleman from Michigan (Mr. CONYERS) made this. I would be happy to submit it to the RECORD in the full body, the same exact verbiage right down the line, and 414 people said that the gentleman was wrong. Mr. CONYERS, who spoke in the same language that the gentleman about the Sentencing Commission, ended up voting for the legislation after he made the same statements that the gentleman just made.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. Just because 400 and some people vote for something is the very reason that I am saying we are in a political position here, and sometimes we cannot afford not to vote for something, and that is why we took this sentencing process out of politics, so that we would have a reasonable and rational sentencing policy in this country.

It is not that I am not emotional about it, I am emotional about it.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, let me read to the gentleman what the Sentencing Commission itself says.

If Congress feels that additional measures need to be taken in this area, it should direct the commission to take them without micromanaging the commission's work. In order they have asked us to do this, and this is exactly the reason that we have gone forward. The Senate did not have time to take this bill up last time. We feel just like in Aimee's law or Megan's Law every single thing that we do to help prevent children being murdered is a plus, and this is a win, this is a win-win and a positive in a crime bill that we are trying to fight for.

As my colleagues know, I wanted to call Megan's law Duke-Dunn-Deale because JENNIFER DUNN and NATHAN DEAL were the ones that really started it, and I kind of piggy-backed on it. But they were the same things said, and I would challenge the gentleman to look on the computer. I used to think there were 1 or 2 bad sexual abusers, there are hundreds in your district.

Mr. Chairman, I thank the gentleman and I ask for the support of this amendment.

The CHAIRMAN. All time for debate on this amendment expired.

The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in part A of House Report 106–186.

AMENDMENT NO. 11 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mr. GREEN of Wisconsin:

Add at the end the following:

SEC. . MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

"(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

"(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

"(i) a Federal sex offense; or

"(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

"(I) the offense involved interstate or foreign commerce, or the use of the mails; or

"(II) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

"(C) the term 'minor' means any person under the age of 18 years; and

"(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting ", unless section 3559(e) applies" before the final period.

(2) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting ", unless section 3559(e) applies" before the final period.

(3) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking "less than three" and inserting "fewer than 3".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Wisconsin (Mr. GREEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we debate and consider legislation aimed at protecting our young people from crime and violence. Well, Mr. Chairman, I rise today to offer an amendment aimed at protecting our children from a particularly devastating form of violence, and that is sexual violence. The amendment is known as the Two Strikes and You Are Out Child Protection Act. It is similar to my bill, H.R. 1989, which enjoys bipartisan cosponsorship. Furthermore, it builds upon the fine work done by my colleague from Texas (Mr. FROST) and his law known as the Amber Hagerman Child Protection Act of 1996.

Now this is really a very simple proposal. It provides for a life sentence for those sick individuals who repeatedly prey on our children. This amendment says something very simple. It says that if someone is arrested and convicted of a serious sex crime against kids and then, after serving that time they do it yet again, under this plan, Mr. Chairman, they will go to prison for the rest of their life.

Now almost as important as what this bill does is what it does not do. This bill in no way conflicts with the fine work of my colleague the gentleman from Texas (Mr. FROST). It builds upon it. It makes it stronger, just as it builds upon the three strikes and you are out law passed by this Congress several years ago.

This bill does not federalize in any way our sexual assault laws, and finally, this bill does not simply pile criminal penalties on for sexual assaults. It has been narrowly drafted to target a very small group of individuals, but individuals who cause so very much damage and destruction in our society, damage to children, damage to families, damage to communities. It focuses on those who repeatedly molest our children.

Mr. Chairman, in my home State of Wisconsin 77 percent of all sexual assault victims are juveniles, and the recidivism rate of the monsters who prey on these children is extraordinarily high. An Emory University report done some years ago suggested that the average child molester will commit 150 acts of child molestation during his lifetime, 150. Furthermore, there is actually a study from the Washington Post that suggests the number is higher, perhaps twice as high. I know these numbers sound unbelievable, I know we do not want to believe them, but unfortunately they are real, and they demand our action. Every time one of these sexual offenders offends, he destroys another life, he steals innocence yet again. When we find someone who has done this terrible act, after having served time for doing it before, in my view that person is self-defiant. He has shown us that he is unwilling or unable to stop his chain of violence.

This amendment, I admit, is not about punishment, it is not about deterrence. Quite simply, this amendment is about removing bad actors from society, keeping them away from our friends, our families, our streets.

Now many of my colleagues are familiar with my good friend Mark Klaas, whose name has come up quite a bit in the debate today, and as many of my colleagues are aware, he is a dedicated child safety advocate. He is the founder of the Mark Klaas Foundation for Kids.

☐ 1845

The story is unfortunately all too famous. His daughter, Polly, 12 years old, was kidnapped from her home in California, brutally molested and murdered. I have in fact here in my file a letter from Mr. Klaas strongly supporting the amendment that we have here today.

I would also like to recognize, once again, the great work done by my colleague, the gentleman from Texas (Mr. FROST) who offered the Amber Hagerman Child Protection Act of 1996. The gentleman from Texas (Mr. FROST) was successful in creating a Federal two-strikes law covering the crime of aggravated sexual abuse. I commend his work and I hope to build on his achievement today.

This bill creates a new repeat offender clause, or a two-strikes provision. It not only includes aggravated sexual abuse, but it also includes other serious sex crimes as well. Crimes like sexual abuse of juveniles, the selling and buying of children, and the transportation of those under 16 for illicit, illegal sexual activity. I would also like to point out that under this amendment, just as with the Frost amendment, previously State offenses which would have qualified as a Federal crime, a Federal strike, had they been prosecuted as such, would count as a strike.

Mr. Chairman, I urge all of my colleagues to support this common-sense, yet very important child protection amendment. If my colleagues want to strike back at the alarming rate of sexual offenses against kids, my colleagues will support this amendment. I hope that they do.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would begin by pointing out that we are now in the slippery slope of mandatory minimums, and there is a question about the policy wisdom of mandatory minimums that would affect this kind of an amendment. We are taking judicial discretion in individual cases away from the judge and unless there is some compelling reason that this discretion in the judiciary has been abused, or that there are more and more cases coming into the Federal system, this seems to be another emotional statement in the form of an amendment that we are now dealing with.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I certainly agree with my learned colleague from Michigan. This is a very emotional subject, there are no two ways about it. Of course the day we cease to be emotional about child molestation is the day I cease to be proud to serve in this institution, and I know the gentleman shares that sentiment. I respect his opinion, and that is why this proposal is so carefully and narrowly tailored. It is built upon the three-strikes proposal that was passed by a democratically-controlled Congress some years ago. It is also based upon the proposal of the gentleman from Texas (Mr. FROST) which again I commend.

I took to heart the gentleman's arguments on a previous matter in which he talked about adding clutter, I think was the term, to the law, and was concerned about a lack of clarity when we take sentencing away from the Sentencing Commission. I respect that. In the case, though, of this proposal, I would submit that we add clarity and simplicity to the law, because we send a very strong signal with it. Instead of having conflicting terms and sending conflicting signals, this one is rather simple. Again, this is based upon the three-strikes law which this institution has previously passed and which many, if not most, States in the Nation have.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, one of the problems of doing this outside of the committee is that we do not have the opportunity to research and figure out exactly what the impact of the amendment is.

Section 2241 of the code already has a two-strikes provision. If I could engage the gentleman from Wisconsin in a colloquy, I would like to inquire of him, how does this amendment change present Federal law?

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, with respect to this provision, it would not. It would essentially recodify the proposal and position of the gentleman from Texas (Mr. FROST).

What this bill does is create a two-strikes provision, a new provision within Federal law; codifies the proposal of the gentleman from Texas (Mr. FROST) and puts that within that. It does not in any way conflict with it.

Mr. SCOTT. Mr. Chairman, reclaiming my time, it does not conflict, but what does it apply to? Because it appears, looking through all of these sections, that some crimes for which one could get probation, two of those would result in a life imprisonment.

I mean that is why we have a Sentencing Commission. They can go through this to determine what the appropriate sentence would be, and we are having a great deal of problems trying to determine all of the areas to which it might apply. It obviously applies to the very serious sexual offenses, but there are a lot of offenses listed in there, touching through clothing, for example, that it may apply to, and two offenses of that for which probation would probably be the sentence would result in a mandatory life sentence. Is that right?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman would yield, which part is the gentleman's question?

Mr. SCOTT. Mr. Chairman, reclaiming my time, what else does it apply to other than section 2241? What kinds of activities does it apply to?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman will yield, it explicitly provides, section 2241, as the gentleman referred to, the aggravated sexual abuse, which is currently the maximum sentence is any term of years or life. It provides for sexual abuse for which the sentence is 20 years; sexual abuse of a minor, 15-year penalty; abuse of sexual contact, 12-year penalty; sexual abuse resulting in death which is a term of years or life or capital punishment; the buying and selling of children, not less than 20 years; and the transportation of minors across State lines for illegal sexual purposes.

I would also remind the gentleman that we are talking in all of these cases about a second offense. So the individual that we are referring to here must have been arrested, convicted, and served his time for a previous commission of such an offense.

Mr. SCOTT. Mr. Chairman, reclaiming my time, are there any offenses in here that if one does twice, do the sentencing guidelines now provide for a year or less for any predicate offenses that the gentleman is describing?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, the information that I just gave the gentleman, the information I have on the sentences reaches those crimes.

Mr. SCOTT. Mr. Chairman, the gentleman has crimes that are very serious crimes. My question was, are there any crimes for which the sentencing guidelines now are a year or less?

Mr. GREEN of Wisconsin. Mr. Chairman, it covers no other crimes besides the ones that I have stated to the gentleman.

Mr. SCOTT. Do any of those crimes provide for a penalty by sentencing guidelines of a year or less?

Mr. GREEN of Wisconsin. I have given the gentleman the maximum sentences that I have under these.

Mr. SCOTT. What I have asked for is for sentences for which the normal punishment is a year or less. Are there any of those covered?

Mr. GREEN of Wisconsin. Mr. Chairman, I have just given the gentleman the information that I have.

Mr. SCOTT. Mr. Chairman, we cannot get an answer to the question, and that is the problem with trying to do this on the floor and not in committee.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. GREEN) has 3 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 5 minutes remaining.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I strongly urge passage of the Green amendment to put repeat sex offenders behind bars once and for all.

When a child is robbed of his innocence by a sex offender, there are no second chances for that child. The little boy or girl must carry the shame, the fear, and the hurt for the rest of their life. Ironically, when a sex offender is released from prison, they do have a second chance to change the course of their life. There are considerable resources available for them to get treatment and counseling so that they can control their problems. Studies show that a considerable number of sex offenders have molested more than one child before and after their first conviction.

Once a sex offender is caught, they must be punished and treated immediately so that more children are not put in danger. The average convicted child molester only spends 2.2 years in prison. Sex offenders cannot be allowed to repeat their crimes. We cannot continue to put our children at risk, and I strongly support the Green amendment on two strikes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

To the distinguished author of the amendment, might I try to make the point that the gentleman from Virginia was discussing in a little bit different way?

What the concern is, is whether or not this amendment allows a misdemeanor State offense such as a misdemeanor sexual battery as a predicate offense. And if it does, the gentleman sees the problem of some very minor offenses, a couple, that would then bring us into a mandatory life sentence.

This could move us into the cruel and unusual punishment prohibition of the eighth amendment, and I ask my colleague if there has been consideration of this point. I raise it again because we have not had hearings.

Could the gentleman comment on that?

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, first off, I appreciate the point. I do better appreciate the question now that it was raised. The answer to the first question about misdemeanor State offense is no, it would not be covered by this.

Secondly, this is the law in Wisconsin already, and this has been the law for some time in Wisconsin. Obviously, I keep referring back, we have a three-strikes law here on the Federal level that would cover many of these same crimes and we have a three-strikes law that would cover many of these same types of crimes in nearly every State in the Union. Again, we are talking about repeated offenses; an offense that is committed after someone has been arrested and convicted of one of these offenses, and that after having served his time, doing it yet again.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the gentleman. Does the gentleman appreciate that had we had a hearing in the Subcommittee on Crime, these kinds of questions might not have been raised here in a colloquy fashion which we have to research the answers on after the debate, and unfortunately, after the vote. But I see where the gentleman is coming from. He is assuring us that these would all be serious felonies that would result in a mandatory life sentence by virtue of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I certainly support this amendment. I concur with the gentleman from Michigan that this is unfortunate in many ways. We have a number of amendments out here that might have been separate bills going through our subcommittee and ironed some of these things out, but I am being reassured by staff who have looked over this that we are not indeed trampling on anything that would be a minor offense. These are major offenses the gentleman is talking about. These are major sex offenders. They are repeat offenders. And I certainly, for one, believe that we ought to put them away as the gentleman from Wisconsin wants to do, so I strongly support his amendment, and I thank him for offering it.

□ 1900

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just briefly summarize. I appreciate gentleman's concerns about the lack of a hearing. I did not choose the pace with which this moved.

But let me say this, today we are taking or seizing upon a historic opportunity to not only punish young offenders, but hopefully create protections for young victims. That is obviously what this is all about.

This is a commonsense measure, not a radical departure from law. We have a two strikes and you are out for some sexual offenses, for one type of sex crime we have a three strikes law.

This is a commonsense proposal. It says that for a narrow class of criminals, those who repeatedly prey upon young people, we cannot wait around for three strikes. Three strikes is too many: Too many criminals, too many victims.

This bill says if we find someone who has done it a second time, they are a self-defined repeat offender and we must remove them for the sake of our children, our families, and our communities.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I will not take the full minute. I would just point out that one of the reasons we have a problem is the term in the bill is "Federal sexual offense." The code goes back and forth between what a sexual act is and what sexual contact means. Sexual contact could be patting someone on the rear end. If that is what we are talking about, getting two offenses of that and getting life imprisonment, it is obviously out of control.

That is why we need a committee hearing, so we can actually deliberate and get a straight answer to the questions we have been asking. We have been denied that, and here we are, looking at a mandatory life imprisonment potentially on information that we cannot quite understand because it is presented outside of the regular order.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee finds itself at some point of difficulty here. It would seem to me, especially with the comments of the Chair of the subcommittee and the ranking member of the Subcommittee on Crime, that this amendment, as salutory as it is intended to be, might better serve the purpose of an orderly process if it were withdrawn at this time for a committee review.

The gentleman from Wisconsin (Mr. GREEN) has made a very good and strong case, but it seems to me that we are leaving some things that really have to be researched by staff, and that we might be able to proceed on this very quickly as a freestanding bill. After all, we still have a great number of months remaining before this term is over, and my fears have not been allayed.

It would seem to me that this juvenile justice bill itself would not be harmed in any way were the gentleman to accede to my invitation.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

The amendment was agreed to.

It is now in order to consider amendment No. 12 printed in Part A of House Report 106-186.

AMENDMENT NO. 12 OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. CANADY of Florida:

Add at the end the following:

SEC. . INCREASE OF AGE RELATING TO TRANSFER OF OBSCENE MATERIAL.

Section 1470 of title 18, United States Code, is amended by striking "16" each place it appears and inserting "18".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. CANADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for decades it has been a Federal crime to distribute in interstate commerce material that is obscene; that is, material which is patently offensive, sexually explicit, and without serious value. As it has been defined by the Supreme Court, obscenity is by definition outside the protection of the First Amendment of the United States Constitution.

Last year this Congress passed a law which has been codified at 18 U.S.C., section 1470, providing enhanced penalties for distributing this illegal obscene material to children under 16 years of age. Under this law, purveyors of obscenity under the age of 16 are subject to imprisonment for up to 10 years, rather than 5 years.

The amendment I have submitted would simply increase the age of the minors to which the prohibition would apply from children under 16 years of age to children under 18 years of age. There is no reason why Congress should not fully protect all minors from obscene material.

Again, I would point out to my colleagues that the material we are talking about here is material which, by definition, is unprotected under the First Amendment. I believe that those who provide such material to minors should be singled out for a harsher penalty. This proposal that is before the House now would simply ensure that all minors receive the protection of the law that was passed last year protecting minors under 16 years of age.

I would urge my colleagues to support this simple amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Mr. Chairman, I move to strike the last word, rather than seek time in opposition.

The CHAIRMAN. The gentleman is unable to strike the last word.

Without objection, the gentleman from Michigan is recognized to control 5 minutes in opposition.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to point out to the gentleman from Florida (Mr. CANADY), who I believe is a member of the Subcommittee on Crime, that it would have been my hope that we would have brought this through the committee process.

I have no objection to the measure. As a matter of fact, on its face I quite agree with it. But it is this process that could have quite as easily brought this to the floor through the full committee and the subcommittee.

I was wondering if there were some reason that it did not happen that way.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, let me express to the gentleman from Michigan my agreement that it would be preferable for us to move all items through the committee process. That is my preference. I would have preferred for this whole process to be operated differently.

But I will tell the gentleman that it is my view that this process is going the way it is because there are certain people not on this side of the aisle who decided that they were going to force the issue, that we could not act quickly enough to satisfy them. We are going through the process we are going through now to avoid the disruption of the process of the House that would have otherwise incurred. I believe that is the reality of why we are here today.

Frankly, I think it is unfortunate. I would have preferred to see hearings and markups conducted on all these matters. But under the circumstances, I think we are dealing with this in the best way possible, given the determination, the apparent determination, of some people to disrupt the legislative process unless these issues were brought to the floor immediately.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his response. I happen to recall that the juvenile justice markups were canceled on one, two, three, maybe four different occasions, and I do not think that whatever the objection that anybody on the Committee on the Judiciary may have had to any of the substance, I do not think this would have run into any difficulty. I do not think the gentleman imagines that this was part of whatever the problem was.

Mr. CANADY of Florida. I would certainly agree. I would hope that all the Members of the House could support this amendment. I believe it is appropriate for us to be dealing with this very simple amendment at this point.

Mr. CONYERS. Mr. Chairman, I have three sentences on this. The fact of the matter is that legislating from the floor on matters of Federal criminal law is not the most orderly process in the world, even when it appears to be a matter that we can all, on the surface, support.

I refer to the immediately preceding amendment offered by the gentleman from Wisconsin (Mr. GREEN), which certainly sounds appropriate, but we ran into a problem. In the 10 minutes we have been debating this measure we have not run into a problem, but it is not beyond my understanding that there might be a problem in here.

I do not think our staff has spent much time on this. There have been no hearings. As I have indicated, I support the measure, from what I have heard of it on the floor. It still is not an orderly way to proceed. I regret that we had to do it this way. I am sorry that whatever concerned persons did not cooperate so that these hearings in the committee could be scheduled. I do not think it was around this measure, which is coming to my attention rather late.

So Mr. Chairman, I have no objection to this amendment offered by the gentleman from Florida (Mr. CANADY). I do put the committee on notice that I am going to ask my staff to continue to research the matter and bring to the gentleman's attention anything that may be the fruits of that research.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just in responding to the gentleman's point, I would observe that it is not at all unusual for Members to go to the Committee on Rules with an amendment which has not been through the committee process, to have that amendment made in order, and then have it debated on the floor without the benefit of hearings.

So the fact that this amendment is here without having been through the hearing process is by no means extraordinary. I am sure the gentleman from Michigan has brought amendments to the floor that have not been through the committee process. I do not have examples, but I do not think we would have to search far or wide to find examples of the gentleman from Michigan doing that. That is nothing that is against that.

I do agree with the gentleman's general point, that it is better to work issues through the process, but that does not mean that every amendment has to be considered in that way. I certainly think in amendments such as this that the gentleman, as I understand it, agrees to, that it is appropriate for us to bring them to the floor.

I urge all the Members to support this amendment that I think really more than anything else corrects an oversight in the law that we passed last year, and frames that law more appropriately than we did in the last Congress.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. CANADY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in Part A of House Report 106–186.

AMENDMENT NO. 13 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mrs. KELLY:

Add at the end the following new section:

SEC. . CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1205. Child hostage-taking to evade arrest or obstruct justice

"(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

"(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

"(2) compel any department or agency of the Federal Government to do or to abstain from doing any act;

or attempts to do so, shall be punished in accordance with subsection (b).

"(b) SENTENCING.—Any person who violates subsection (a)—

"(1) shall be imprisoned not less than 10 years and not more than 25 years;

"(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

"(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

"(c) DEFINITION.—For purposes of this section, the term 'child' means an individual who has not attained the age of 18 years.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1205. Child hostage-taking to evade arrest or obstruct justice.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today for the purpose of offering an amendment that addresses the problem of children being taken as hostages. Far too many scenarios have been documented in which children are taken as hostages and exposed to violence, emotional trauma, or physical harm at the hands of adults.

For example, in New York a woman's estranged husband took her and their three children hostage at the point of a loaded shotgun. He held them for nearly 4 hours, and at one point he allegedly traded his 7-year-old son for a pack of cigarettes.

In Texas a man took 80 children hostage at an area day care facility. They were held at gunpoint and released over a 30-hour period before the standoff was brought thankfully to a nonviolent conclusion.

In Florida a suspected drug addict and murderer held two children ages 2 and 4 hostage for 2½ days. An entire Orlando neighborhood was evacuated during the standoff. Only when he threatened to use the children as human shields did a SWAT team rescue the children in a raid that resulted in the death of the suspect.

In Baltimore a man broke into a second-floor apartment, stabbing a young mother and holding her 9-month-old child hostage for 2 hours before a quick response team could rescue the baby and apprehend the suspect.

□ 1915

Situations such as these are unacceptable and cannot be tolerated. We in Congress must do our part to prevent scenarios in which children are used as pawns by a violent adult.

The amendment I offer today is based on my bipartisan legislation, H.R. 51, and will give new protection to our children. It establishes the strictest punishments for those who would evade arrest or obstruct justice by using children as hostages. This provision toughens penalties against any person who takes a child 18 years of age or younger hostage in order to resist, compel or oppose the Federal Government.

Such a person would serve a minimum sentence of 10 years to a maximum of death depending on the extent of injury to the child.

A number of States, including California, Illinois, Florida, are already enforcing tougher penalties on people convicted of stealing children for their own personal gain.

I ask my colleagues to join me in this important effort to protect the lives and well-being of our Nation's children. It is my hope that together we can make our Nation a safer place for everyone, especially those who are least able to protect themselves.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield as much time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime.

Mr. SCOTT. Mr. Chairman, this bill, again, did not go through the committee so we do not know the impact. The gentlewoman from New York (Mrs. KELLY) has mentioned several heinous crimes and has not indicated what time was given to those people upon conviction. It would be interesting to see what the Sentencing Guidelines would say in those situations.

Without a hearing, it is difficult to determine what impact this would have one way or the other and, therefore, Mr. Chairman, again, it shows that we are just out here trading sound bites, who can come up with a name for a bill, who can come up with and state a heinous crime and then raise whatever the penalty it was to something we do not know what it is.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from New York (Mrs. KELLY), and ask if she would give us an idea of how much time was given in each of those cases that she mentioned. It would be helpful.

Mrs. KELLY. Mr. Chairman, quite frankly, I cannot give the gentleman that information because I did not bring it to the floor with me. It may be important for the gentleman to recognize the fact that this amendment that I am offering passed the floor of the House last year. It passed not only with the membership of the Republican Party but also with a number of Members of the Democratic Party supporting this bill, as they again do this year.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, I am sure it would probably pass. I just wanted to know what we were doing. Apparently we will not find out.

Mrs. KELLY. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise to make a strong statement for the protection of America's children. Time and time again we speak of our children as our Nation's most precious possession. This amendment, the Kelly amendment, sends that message to our children. I commend the gentlewoman from New York (Mrs. KELLY) for introducing this legislation.

Just this month two fugitives were arrested after kidnapping a five-month-old boy from a Georgia trailer park to escape capture. After fleeing for 4 days across half a dozen States, the fugitives were finally apprehended in Quebec. Fortunately, the child was unharmed and returned to his parents.

Crimes like this must not be taken lightly. This Kelly amendment toughens penalties against any person who dares to take a child hostage in order to evade arrest. This amendment provides any criminal bringing a child as a hostage into a crime will spend 10 years in prison; harm that child, he serves 20 years in prison; and should the child die, the perpetrator will serve life or be subject to the death penalty.

Today Congress is considering sending a message to America's communities about safety for our Nation's children. We are considering legislation that will give communities the tools, the opportunity and protection they want to give their children, a safe environment in which to grow up. However, this legislation must also send a message to those communities that America will not take any threat to their children lightly. This amendment clarifies that message.

Accordingly, I urge our colleagues to support the Kelly amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this proposal is similar to those that are imposed upon adult offenders of the drug and firearms laws, but what we are doing is promoting the use of mandatory minimums because it is concerned with punishment and not prevention.

We have yet to realize that prevention is indeed the best way to address violence.

So I want to suggest to the committee that mandatory minimums, as this is, are not good policy; that they are, in fact, misguided because they create unfairness and require judicial and correctional expenditures disproportionate to any deterrent or rehabilitative effect that they may have.

That is taken directly from a Drug Policy Research Center study of 1997.

I do not think it is inappropriate to suggest that judges in individual cases are still in the best position to determine what sentences are appropriate for individual offenders. Mandatory minimums take discretion away from the Court to utilize other problem-solving approaches to crime prevention.

What about the U.S. attorneys? When a mandatory minimum crime is involved, this makes any attempt at plea bargaining, if they are moving up a chain of crime figures, literally impossible. In this decade, the U.S. Sentencing Commission reported that over one-third of the Federal defendants whose criminal conduct should have triggered application of a mandatory minimum provision have somehow even yet escaped the effects of such provisions.

So here for the third time in a single evening we have criminal laws named after some poor victim for whom our sympathies are overflowing, but whether or not this is the best way for us to proceed as a matter of process still remains much in doubt.

We are still legislating with no committee of original jurisdiction, that I can recall, having had anything to do with what might be an otherwise well meaning amendment, to impose severe penalties on people who take children as hostage to evade arrest.

Why this was not able to come through the committee in an orderly way is not clear to me. This is not gun legislation. It is the meat and potatoes of the Subcommittee on Crime of the Committee on the Judiciary.

So I am again sorry that this could not have been taken up in a more orderly way.

Mrs. KELLY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY) for yielding me this time.

Mr. Chairman, I strongly support this amendment. It is a great bill that she introduced last year that we passed here in the House, and I believe this is the perfect case for a minimum mandatory sentence.

If someone is going to take a child as a hostage to try to avoid a judicial writ or court process or to try to compel an agency of the government to do something, they ought to have a minimum mandatory sentence. It is a deterrent message. That is what a minimum mandatory sentence is. It takes a really bad apple off the street and takes them off the street for a period of time.

I commend the gentlewoman from New York (Mrs. KELLY) for offering the bill. It is a good proposal and it should be adopted.

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again, the passage of this amendment would give law enforcement across the country a new and powerful weapon in the fight against violent criminals. As I mentioned earlier, there are disturbing examples of hostage situations involving children. I hope my colleagues will join me and pass these new protections and protect children from crime in America.

Mr. Chairman, I want to also point out that in the last Congress, this bill did pass through the committee process. So I believe the gentleman from Michigan (Mr. CONYERS) did have a chance to look at it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part A of House Report 106–186.

AMENDMENT NO. 14 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. HUTCHINSON:

At the end of the bill, insert the following:

SEC. . PROHIBITION ON TRANSFERRING TO JUVENILE A FIREARM THAT THE TRANSFEROR KNOWS OR HAS REASON TO BELIEVE WILL BE USED IN A SCHOOL ZONE OR IN A SERIOUS VIOLENT FELONY.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in a school zone.

"(2) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in the commission of a serious violent felony.

"(3) For purposes of this subsection, the term 'juvenile' means an individual who has not attained 18 years of age.".

(b) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

"(7)(A) A person, other than a juvenile, who violates section 922(z)(1) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(ii), or both.

"(B) A person, other than a juvenile, who violates section 922(z)(2) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(iii), or both.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment makes it unlawful to transfer any firearm to a juvenile if the transferror knows or has reason to believe that the firearm will be used in a school zone or in the commission of a serious violent felony.

This amendment goes to the heart of the problem of straw purchasers, where someone else purchases a firearm for someone else who is disqualified or for the purpose of giving it to a juvenile for an unlawful purpose. Those are straw purchasers.

Under current law, even if the transferror knows that the juvenile intends to use the weapon to commit a crime, the prohibition only covers handguns and handgun ammunition.

Now, amendments have been offered that expand this prohibition to semiautomatic assault weapons and large capacity ammunition feeding devices, or will be considered by the House. However, even with the adoption of these amendments, it will not be against the law to transfer a rifle or a shotgun to a juvenile when the transferror knows that the weapon will be used to commit a crime.

This does not impact any legitimate transfers of firearms, shotguns for hunting purposes or other legitimate purposes. But as we know from the Colorado tragedy, any firearm is sufficient to cause death, whether it is a handgun or not. My amendment closes this loophole and actually does something positive to keep guns out of the hands of violent juveniles.

The penalties for violating this provision are the same as those found in current law, which carries up to 10 years in prison. However, this amendment anticipates the adoption of the McCollum amendment, which amends current law to provide for certain mandatory minimums for violations of school zones and for use during the commission of a serious violent felony.

Mr. Chairman, I believe it is important to note that in many of the recent school shootings, students did use long guns, rifles and shotguns. To the extent that an older friend or relation acquires these guns for such unlawful uses, I believe it is important to hold those accomplices accountable for their actions and to discourage such purchases and transfers when it is used for a serious violent felony or for purposes of use in a school zone.

Mr. Chairman, I would ask support for this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Yes, Mr. Chairman, I do, for purposes of debate.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, could I ask the gentleman from Arkansas (Mr. HUTCHINSON), who is a member of the Committee on the Judiciary and the author of the amendment, whether shotguns and rifles are now within the purview of his amendment?

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHISON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all firearms would be under the purview of the amendment that I am offering if the transfer is with the knowledge that it is going to be used for the commission of a serious violent felony or to be used in a school zone.

Mr. CONYERS. Mr. Chairman, in view of that then I would like to state that we on this side have no objection to this amendment and withdraw any opposition to it.

Mr. Chairman, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM)

Mr. MCCOLLUM. Mr. Chairman, I do not need 2 minutes but I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time.

Mr. Chairman, I just want to say I strongly support this amendment. The gentleman is right, it does perfect an amendment I have already offered that has been adopted out here today, and I think it fills a loophole that needed to be filled so we do not have kids possessing a gun in conditions where they should not.

I think the gentleman has done a good service, and I support the amendment.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for his comments, and if I just might conclude on this issue by saying that I have approached the entire issue of violent juvenile crime in terms of what can we do to keep firearms out of the hands of violent teenagers, people who are prone to crime, as well as criminals?

□ 1930

That is why we can legitimately look at solving those problems. This amendment certainly goes to the heart of that by making sure there is a strong penalty for those who engage in straw purchases. We have seen that where we would use someone else to purchase a firearm when they are disqualified or have an unlawful purpose. I think this really puts a clamp and will be helpful in addressing the serious problem that this Congress as a whole is trying to address in a bipartisan basis.

I want to thank the gentleman from Michigan (Mr. CONYERS) for his courtesies that he has extended.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in part A of House Report 106-186.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Mr. Chairman, is there a provision for skipping an amendment and coming back to it?

The CHAIRMAN. The Chair would respond to the gentleman that—the one-hour notice procedure established in House Resolution 209 aside—only by unanimous consent in the full House could a change of sequence be accomplished.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, is it a rule to prohibit another Member from offering an amendment so printed?

The CHAIRMAN. The rule provides that an amendment may be offered by the Member designated in the report or by his or her designee.

AMENDMENT NO. 15 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 15 offered by Mr. QUINN:

At the end of the bill, insert the following:

TITLE —EXPLOSIVES RESTRICTIONS

SEC. 1. SHORT TITLE.

This title may be cited as the "Restricted Explosives Control Act of 1999".

SEC. 2. PROHIBITION AGAINST THE DISTRIBUTION OR RECEIPT OF RESTRICTED EXPLOSIVES WITHOUT A FEDERAL PERMIT.

(a) IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A)—

(i) by inserting "that are not restricted explosives" after "explosive materials" the 2nd place such term appears; and

(ii) by striking "or" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B) to distribute restricted explosives to any person other than a licensee or permitee; or"; and

(C) in subparagraph (C) (as so redesignated), by inserting "that are not restricted explosives" after "explosive materials"; and

(2) in subsection (b)(3), by inserting "if the explosive materials are not restricted explosives," before "a resident".

(b) RESTRICTED EXPLOSIVES DEFINED.—Section 841 of such title is amended by adding at the end the following:

"(r) 'Restricted explosives' means high explosives, blasting agents, detonators, and more than 50 pounds of black powder.".

SEC. 3. REQUIREMENT THAT APPLICATION FOR FEDERAL EXPLOSIVES LICENSE OR PERMIT INCLUDE A PHOTOGRAPH AND SET OF FINGERPRINTS OF THE APPLICANT.

(a) IN GENERAL.—Section 843(a) of title 18, United States Code, is amended in the 1st sentence by inserting "shall include the applicant's photograph and set of fingerprints, which shall be taken and transmitted to the Secretary by the chief law enforcement officer of the applicant's place of residence, and" before "shall be".

(b) CHIEF LAW ENFORCEMENT OFFICER DEFINED.—Section 841 of such title, as amended by section 2(b) of this Act, is amended by adding at the end the following:

"(s) 'Chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 180-day period that begins with the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from New York (Mr. QUINN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to discuss an amendment made in order by the rule. Earlier today the House adopted legislation which addresses my concerns regarding the purchase of explosives. I therefore intend to withdraw my amendment here this evening. However, before I do so, I would like to just make a few comments if I may.

First, I want to thank the gentleman from California (Chairman DREIER) and all of my colleagues on the Committee on Rules for making this amendment in order.

I would also like to thank the gentleman from Upstate New York (Mr. REYNOLDS), my friend and neighbor for his assistance.

We have been working to restrict the sale of explosives since 1993 when four bombs exploded in western New York State, killing five people. Current law enabled those responsible for the murders, who have been convicted and are now serving time, to buy the deadly dynamite over the counter in another State ssimply by providing false identification, completing a short Bureau of Alcohol and Tobacco and Firearms form, and promising not to cross State lines.

Although New York State has tough laws with respect to the purchase of explosives, the murderers were able to purchase dynamite simply by going to another State with weaker laws.

As we well know, however, we do not need to go back 6 years to think of a tragedy brought about with the use of explosives. Recent events have again demonstrated the pressing need for increased controls on the purchase of such explosives. Over the weekend, in fact, in my hometown of Hamburg, New York, two of my constituents were killed within a mile of my own house in a violent explosion. The bombing in Oklahoma City and the recent tragedy in Colorado are all obviously examples as well.

Again, currently, certain States allow dynamite and other explosives to be sold over the counter. Language in the McCollum amendment, which was approved by the House earlier today, requires criminal background checks before explosive materials can be transferred to nonlicensed buyers. This McCollum amendment also requires individuals to obtain explosives from federally licensed dealers to obtain that same Federal permit.

I would like to thank the gentleman from Florida (Chairman MCCOLLUM) and the Committee on the Judiciary for addressing the problem.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I simply want to commend the gentleman for the work he has done over the years on the explosives issue. As the chairman of the Subcommittee on Crime, I know he has been involved, and I appreciate the fact that he is going to withdraw this amendment for reasons of technical nature dealing with what has already been passed.

I think the gentleman from New York (Mr. QUINN) deserves commendation for this. He has been very, very involved with this issue. If it were not for his efforts, we might well not have the provisions we had in my amendment earlier today. So I thank the gentleman from New York for his efforts.

Mr. QUINN. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. MCCOLLUM) for his kind words. I also appreciate the work of the House on the floor to make sure that the gentleman from New York had an opportunity to rise here this evening.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CONYERS. Mr. Chairman, reserving the right to object, I ask the author of the amendment, the gentleman from New York (Mr. QUINN), with all due respect, all examples he gave were good reasons to have this amendment. It sounded like this could be a very important amendment. He says that it is now to be found elsewhere in the McCollum amendment. Is that correct?

Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York (Mr. QUINN) for an answer.

Mr. QUINN. Yes, it is, Mr. Chairman.

Mr. CONYERS. Mr. Chairman, further reserving the right to object, could the gentleman from New York indicate to me where within the voluminous McCollum amendment is the language that would make it unnecessary for his amendment?

Mr. QUINN. Will the gentleman yield?

Mr. CONYERS. Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York.

Mr. QUINN. We are perfectly satisfied with the intent and the language of the McCollum amendment this afternoon, that it met the concerns that we had. Although technical in nature, we had discussions this afternoon with the Treasury Department and others to make certain that our bill, fashioned after Brady and others that have been before the House years before, are satisfied here today.

Mr. CONYERS. Mr. Chairman, could I point out to the gentleman from New York (Mr. QUINN), the author, I am glad he had these discussions earlier. I do not know anything about them, of course. I am not sure, but it is suggested that the gentleman's amendment is stronger than the language he is referring to that appears in Mr. MCCOLLUM'S amendment. Is that correct?

Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Chairman, I appreciate the gentleman from Michigan yielding to me. That is for the gentleman's decision to decide, I guess, whether it is stronger or not. I know that for our purposes in working on this bill and the amendment, for now, going on 4 or 5 years, that we are satisfied that today's action is more than adequate, and we are prepared to go forward with the chairman.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his explanations, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. QUINN) is withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in part A of House Report 106–186.

AMENDMENT NO. 16 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 16 offered by Mr. DELAY:

At the end of the bill, insert the following:

SEC. . LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1632. Limitation on prisoner release orders

"(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

"(b) DEFINITIONS.—As used in this section—

"(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

"(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on prisoner release orders.".

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term "consent decree" has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term "prison conditions" has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment in the form of a bill that passed overwhelmingly in this House last year. So I bring it to the House because I think it is so appropriate to put it on this bill at this time.

Mr. Chairman, we have been talking about crime all day. I rise to introduce this amendment that seeks to cut at the very heart of crime. Early release of felons due to prison conditions puts all Americans at risk, and this practice should stop. All the talk about fighting crime and keeping children safe boils down to nothing if we are not willing to keep prisoners behind bars where they belong.

Now, many States have tried to combat crime by assessing truth in sentencing laws. However, these noble efforts are countered by activist judges who side with predators over victims. Activist judges are accessories to crime. Every day, laws are ignored, misinterpreted, and overturned by radicals in robes who have stolen the role of legislative bodies.

Article III of the U.S. Constitution allows the Congress to set jurisdictional restraints on the courts, and this amendment reasserts that right.

Tragically, judges have used the excuse of overcrowding to empty prisons of violent offenders and drug dealers. These judicial magicians create prison caps out of thin air and then empty jail cells until they reach their arbitrary number.

In Philadelphia, for instance, after some convicts complained, Judge Norma Shapiro created a prison cap that resulted in the release of 500 prisoners every week; 9,732 of these criminals onto the streets because of her own arbitrary caps. These criminals were released. They were later rearrested for new crimes, including murder and rape.

Now, in recent years, 35 percent of all offenders arrested for violent crime were already on probation, parole, or pretrial release at the time of their arrest. Studies show that up to 76 percent of former inmates are rearrested within 3 years of their release.

Even more criminals are released before their trial because activist judges claim that they have no room to keep them in custody. These people should not be let loose, and my amendment assures that they cannot be released due to the prison conditions loophole.

We will not reduce crime until we stop letting criminals back onto the streets to continue to prey on innocent Americans.

This amendment does not prevent any other methods to correct prison conditions. It simply stops judges from releasing dangerous convicts to alleviate overcrowding or other conditions.

Justice may be blind, but it is and does comprehend common sense. This amendment makes neighborhoods safer by keeping convicts behind bars.

Mr. Chairman, no American is free if he does not feel safe in his house or on the streets. Congress must act now to take back our streets. Congress must combat judicial activism. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek to claim the time in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas (Mr. DELAY), the distinguished whip, has offered an amendment that would drastically and, in my view, unconstitutionally limit the authority of Federal judges to remedy inhumane prison conditions where they are brought to their attention to the judicial process.

I would remind the gentleman that, where this kind of a permission is granted, where relief is granted for this condition, it is probably in consonance with the eighth amendment to the Constitution.

I think that the Philadelphia case that the gentleman from Texas (Mr. DELAY) referred to is a State matter. I would like just to inquire that, in his research, since this has not come before the committee, was it his impression that this practice, which he decries, is something that occurs in the Federal system, or is he referring to the Philadelphia case which, it is my understanding, occurred in the State system?

I will repeat it. Apparently the gentleman from Texas did not hear the question that I was posing to him.

□ 1945

The question is whether or not the conditions of which the gentleman complains, that is the litigation that does release prisoners in inhumane prison conditions, does that turn on State prison conditions or is the gentleman referring to Federal prison conditions? Because it is my understanding that the Philadelphia incident, of which the gentleman remarked, was a State matter.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I am having a hard time understanding the gentleman's question. I guess what he is talking about is the specific case in Philadelphia. It was a Federal judge, and on her own set her own arbitrary limits to overcrowding in the Federal system and started releasing prisoners as a condition of overcrowding. Violent prisoners, if I might say.

Mr. CONYERS. All of them were violent?

Mr. DELAY. Well, what is the gentleman's definition of violence?

Mr. CONYERS. The gentleman is asking me for my definition of violence?

Mr. DELAY. It is the gentleman's question.

Mr. CONYERS. Yes, but it is your term.

Mr. DELAY. It is the gentleman's question. What is the gentleman's definition of violence?

The CHAIRMAN. All Members will follow regular order. The time is controlled by the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Well, reclaiming my time, Mr. Chairman, let me make a case in a different way for the gentleman from Texas. It just so happens that this amendment would improperly interfere with the work of the judicial branch in our constitutional system of government because these cases are legally and properly brought, they are heard by a court, they can even be appealed to from the court.

And so I think that this is a dangerous proposal that would terminate ongoing consent decrees in prison condition cases. In addition, it would prohibit judges from issuing prisoner release orders to remedy unconstitutional overcrowding.

So the gentleman is saying that it does not matter where we put people who have violated the law; it does not matter what circumstances that they are put; that under no circumstances can a judge, having heard all of these arguments on both sides from the Department of Justice or the State Attorney General, they would then be precluded from passing judgment in these kind of cases.

I think this is an unwarranted limitation on States rights. I object very strenuously to the gentleman's amendment, Mr. Chairman, and I include for the RECORD information detailing examples of horrible prison conditions:

Examples of Horrible Prison Conditions Involving Women

Women housed in the previously all-male Federal Detention Center in Pleasanton, California were sexually harassed and abused. They had no privacy when showering, dressing or using the toilets. Prison guards harassed the women and unlocked the women's cell doors at night to allow male prisoners to enter their cells and abuse them. When one of the women complained to a senior officer, her complaint was made known to the other officers and prisoners and she was beaten, raped and sodomized by three men who gained access to her cell during the night. She was denied medical attention for some weeks after the attack despite the serious injuries she sustained. [*Lucas v. White*, filed 1996]

In Georgia, women, some as young as 16 years old, were forced to have sex with prison guards, maintenance workers, teachers, and even a prison chaplain. The sexual abuse came to light when many women prisoners became pregnant and were pressured into having abortions. More than 200 women testified by affidavit that they had been coerced into having sex or that they know other prisoners who had. [*Cason v. Seckinger*, consent decree, 1994]

In Washington, DC, the court found that correctional officers and other prison employees routinely sexually assaulted, touched, and harassed the women in their care. On one occasion, a correctional officer sexually assaulted an inmate while she was a patient in the infirmary. He fondled her, tried to force her to perform oral sex and then raped her. Another officer forced an inmate to perform oral sex on him while she attempted to empty trash as part of a work detail. [*Women Prisoners v. District of Columbia*, post trial order, 1994]

Prison staff in Louisiana engaged in sexual abuse of women prisoners ranging from vulgar and obscene sexual comments to forcible sexual rape. Prison staff not only participated in the sexual misconduct but also allowed male prisoners to enter the female prisons to engage in forcible intercourse with women prisoners. [*Hamilton v. Morial*, consent decree, 1995]

In California, women prisoners received almost no pregnancy-related medical care and, as a result, some gave birth to stillborn or severely deformed babies. One woman, while in active labor, was transported to an outside hospital seated in an upright position in shackles; her daughter suffered severe trauma at birth. Another prisoner, who received almost no prenatal care, gave birth on the floor of the jail without medical assistance three hours after informing staff that she was in labor. [*Yeager v. Smith* and *Harris v. McCarthy*, consent decrees, 1989]

EXAMPLES OF HORRIBLE PRISON CONDITIONS INVOLVING MENTALLY ILL AND DISABLED PRISONERS

In California, a severely mentally ill prisoner was locked naked, without medication, for two years in a "quiet room," where she rubbed feces onto her face and hair, talked incoherently, and did not bathe. Another severely mentally ill inmate was in segregation when she set herself on fire and died. A bulimic, diabetic inmate was placed in a unit with inadequate staff to monitor her condition. When two officers notified a nurse that she was having seizures, the nurse told them "not to make a fuss over her." She died later that afternoon. [Coleman v. Wilson, post-trial order, 1995]

A prisoner with an IQ of 54, was subjected to both verbal and physical attack by other prisoners. Correctional officers dismissed his attempts to express his fears, allowing other prisoners to slash his throat and repeatedly rape and assault him. The California Department of Corrections offered virtually no screening to identify the developmentally disabled and makes little effort to protect them. [Clark v. California, filed 1996]

A Utah prisoner with a long history of mental illness, including depression, self-inflicted wounds, suicide attempts and hearing voices, inflicted deep razor wounds in his abdomen. When he returned from the hospital to the Utah state prison, the prison doctors stopped all of his psychiatric medications and shackled him to a stainless board with metal restraints. He remained shackled for 12 weeks (let up on average about 4 times a week) and developed pressure sores. When he defecated he was hosed off while remaining on the board. He was stripped to his undershorts and frequently not allowed a blanket. He was eventually released from the board and sent to the mental hospital by judge's order and over the objections of prison officials. [N.L.S. v. Austin, filed 1996]

A mentally-ill prisoner at the Moscogee County Jail in Georgia was observed by jailers to be barking like a dog. Without consulting a doctor, they put him into solitary confinement where his condition quickly deteriorated and he committed suicide within hours. A recent investigation by the U.S. Justice Department reported that the medical care at the jail, which houses 1,000 prisoners, consisted of one doctor working a total of four hours per week. The report also noted that jail staff regulatory placed prisoners with serious mental health problems in isolation without consulting a psychiatrist. [Porter v. County of Moscogee, filed 1996]

EXAMPLES OF HORRIBLE PRISON CONDITIONS INVOLVING JUVENILES

A 17-year-old boy in an adult prison in Texas was raped and sodomized. His request to be placed in protective custody was denied. For the next several months he was repeated beaten by older prisoners, forced to perform oral sex, robbed, and beaten again. Each time, his requests for protection were denied by the warden. He attempted suicide by hanging himself in his cell after a guard had ignored the warning letter he wrote. He was in a coma for four months until he died. [Case to be filed this year]

In Pennsylvania, children in a juvenile detention facility were regularly beaten by staff with chains and other objects. The facility was severely overcrowded and, as recently as February 1995, was at 160% of capacity. [*Santiago v. City of Philadelphia*]

In a state-run juvenile institution outside of Philadelphia, the children were routinely beaten by facility staff, staff trafficking in illegal drugs was rampant, and sexual relations between staff and confined youth were commonplace. [*D.B. v. Commonwealth*, consent decree, 1993]

In Delaware, juvenile were housed in overcrowded, dirty living units with serious fire danger. Their food and clothing were inadequate. The children were physically and verbally abused, beaten and maced, and shackled. The medical and mental health care and educational programs they received were all below even minimally acceptable standards. [*John A. v. Castle*, consent decree, 1994]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DELAY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I strongly support the work of the majority whip, the gentleman from Texas (Mr. DELAY), and I will tell my colleagues why. As a Floridian, as a resident of that State, we released 127,486 prisoners early, and the judges said we had to do it. It did not matter what crime they committed.

Now, some around here would like us to think we need Holiday Inns and Ritz Carltons for prisoners. I can tell my colleagues what early release did, and they can talk to these families: A 78-year-old woman murdered in an orange grove by a 21-year-old convicted burglar out of prison on early release; a 30-year-old convicted armed burglar who killed a convenience store owner in Palm Beach; a teenager whose corpse was found in a Miami Beach bathtub last year, murdered and mutilated by a 30-year-old murderer and drifter out of jail on early release; or Fort Pierce police officer Danny Parrish, who had to die because we let a convicted murderer out on early release. We do not need any more facts or information than that.

I feel for these families. I do not feel for the criminal. I do not feel for the prisoner. I do not feel for these people who have violated society's laws. I feel for the victims.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that each side be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. DELAY) each will control an additional 2 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS.)

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Like my good friend and colleague whose district and mine abut each other, I too am a Floridian with extraordinary concern.

I wish to address the distinguished whip in what I hope is a meaningful way, and that is when you use language, Mr. DELAY, that is so strong to allow that those who get perceptions other than those of us that are playing legislative gamesmanship, as rightly we should.

Federal judges are extremely responsible people in this country, and to the man and woman activists or strict constructionists, if they are construed that way, they act in a very responsible manner. For you to suggest that they are complicit with predators because they have followed the law and made rulings having to do with prisons is just not fair.

I, as a former Federal judge, feel very strongly about speaking up for my colleagues who still do this job. There are judges in South Florida who right today have under their tutelage and curtilage jails that are unfit in these times. Never mind about who is in them.

What you need to understand, when you say that something is done——

POINT OF ORDER

Mr. DELAY. Point of order, Mr. Chairman. Is the gentleman not supposed to speak through the Chair?

Mr. HASTINGS of Florida. Fine.

The CHAIRMAN. The gentleman will suspend.

The gentleman is correct that all Members should address their comments to the Chair.

The gentleman from Florida (Mr. HASTINGS) may proceed.

Mr. HASTINGS of Florida. Mr. Chairman, I understand that I am speaking through you on the basis of the other person that spoke through you.

And what I want you to understand, Mr. Chairman, is that in Florida, since 1996, we have spent more money on prisons and prisoners than we have on the entire university system of Florida, and that is scandalous. For us to continue down this road of just beating up on people who do their jobs responsibly is irresponsible.

What I want him to understand, Mr. Chairman, is that they do not do it out of thin air. We have built prisons in Palm Beach County more because taxpayers could not afford it. And Federal judges did that and I am proud of the fact that they did.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Texas (Mr. DELAY) has 2 minutes remaining.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the distinguished chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I want to strongly support the proposal here today of the gentleman from Texas (Mr. DELAY). We have had early release problems for a long time. The interest of inhumanity and inhumane conditions in any prison should be of concern to all of us, but early release, releasing prisoners or not allowing more in prison, should not be the remedy Federal judges use to correct that problem. There could be tent cities, they could require the building of additional prisons, there are a lot of other possible remedies, but public safety is the question.

Letting really terrible criminals loose, as has happened in the State of Florida, violent criminals, in the name of somehow trying to force the legislature of a State to do something is wrong, and that is a very, very bad situation. The remedy the gentleman from Texas has proposed is a reasonable step in the right direction.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I just wanted to underscore that there was no distinction in Florida whether they were violent or nonviolent offenders. Everyone was treated equally.

Mr. MCCOLLUM. Reclaiming my time, that is correct, Mr. Chairman. Everybody got out. Even violent offenders got out. It was a terrible situation. And, unfortunately, the courts have continued to be a problem in this regard, and the gentleman from Texas (Mr. DELAY) is trying to do something about that problem.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time.

It is easy to claim we know what is constitutional or not. I just referred to the Constitution and Article III. It is very specific. This Congress, when we create courts, can set their jurisdiction. And when the courts abuse that jurisdiction and overreach by releasing violent criminals, or any criminals, out on the streets because of overcrowding conditions, then we have every right to limit the jurisdiction of these Federal courts.

I might also say to the gentleman from Michigan, in answer to his comments, this amendment in no way eliminates the ability for courts to enter into consent decrees, it does not have anything to do with prisoners filing claims that prison conditions are cruel and unusual.

The gentleman, Mr. Chairman, mischaracterizes my amendment. My amendment is very simple. It just limits the jurisdiction of Federal courts and says that they cannot turn violent criminals out on the streets.

I might also say, Mr. Chairman, that when Federal judges have no concern for the victims of crimes and turn violent criminals out, they should have their jurisdiction limited.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to add and submit the examples of horrible prison conditions involving women, examples of horrible prison conditions involving mentally ill and disabled prisoners, and examples of horrible prison conditions involving juveniles directly after my remarks.

Mr. DELAY. Reserving the right to object.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) reserves the right to object.

Mr. DELAY. Mr. Chairman, I do not intend to object, because I think it is very important to submit this kind of information, but for the gentleman, Mr. Chairman, to submit such information . . . to think that my amendment has anything to do with bad prison conditions, it has nothing to do with bad prison conditions. It does not limit anybody's right to claim there is bad prison conditions.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down. The gentleman said the gentleman was trying to mislead this body.

The CHAIRMAN. The gentleman will suspend.

Mr. OBEY. I think he owes a retraction to the gentleman.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to retract the word "misleading."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) reserves the right to object to the request of the gentleman from Michigan.

The gentleman from Texas (Mr. DELAY) is recognized under his reservation.

Mr. DELAY. Mr. Chairman, I appreciate it, and under that reservation I apologize for claiming that the gentleman is misleading the House. What I meant to say was the gentleman is confusing the issue on my amendment by offering this information. My amendment has nothing, has nothing to do with cruel and unusual punishment or the rights of people to bring actions if they think that prison conditions are outrageous. It has nothing to do with other remedies to correct those kinds of conditions in prisons.

All my amendment says is that the jurisdiction of the judges to release violent criminals on the streets of this country because of overcrowded conditions will be restricted.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 17 printed in part A of House Report 106-186.

AMENDMENT NO. 17 OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 17 offered by Mr. GALLEGLY:

Add at the end the following:

TITLE ___—JUVENILE GANGS

SEC. ___1. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in criminal street gang activity

"(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c).

"(b) PENALTIES.—Any person who violates subsection (a) shall—

"(1) if the person recruited, solicited, induced, commanded, or caused—

"(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

"(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

"(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

"(c) DEFINITIONS.—In this section:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning given the term in section 521.

"(2) MINOR.—The term 'minor' means a person who is younger than 18 years of age.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

"522. Recruitment of persons to participate in criminal street gang activity.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, my amendment targets one of the most central causes of violence among young persons, the proliferation of violent street gangs. My amendment will give law enforcement an important tool to fight this growing problem by attacking the lifeblood of gangs, the recruitment of young, impressionable members.

The amendment would make it a Federal crime to use interstate or foreign commerce to recruit a person to join a criminal street gang for the purpose of having that person commit a serious felony. It would impose a prison sentence of 4 to 10 years for the recruitment of a minor into a criminal street gang, and for the recruitment of an adult to commit a serious crime, the amendment imposes a sentence of 1 to 10 years.

This provision was included in S. 254, the companion Senate bill dealing with juvenile crime by the chairman of the Senate Committee on the Judiciary ORRIN HATCH.

□ 2000

The language was drafted jointly with Senator FEINSTEIN and Senator HATCH. Senator FEINSTEIN first included this provision in the Federal Gang Violence Act of 1996 after lengthy discussions with California law enforcement officials.

Mr. Chairman, this amendment is necessary because gangs are no longer just a local problem involving small groups of teenagers. Instead, gang organizations have become national and in some cases international in scope.

A nationwide survey conducted last year by the Department of Justice found that there was an estimated 25,000 gangs with 652,000 gang members operating in the United States. Many are sophisticated crime syndicates that regularly cross State lines to recruit new members and traffic drugs, weapons, and illegal aliens. They also steal, murder, and intimidate State and Federal witnesses.

Despite the downturn in violent crime nationally, gangs continue to expand their criminal operations into new areas. Here are just a few examples:

The Gangster Disciples, a Chicago-based gang, has 30,000 members, operates in 35 States, traffics in narcotics and weapons, and has an estimated income of $300,000 per day.

The 18th Street Gang, based in Los Angeles, now deals directly with the Mexican and Colombian drug cartels and has expanded its operation to Oregon, Utah, El Salvador, Honduras, and Mexico.

And finally, the Bloods and Crips have, according to the FBI and local law enforcement agencies, spread their tentacles from California to more than 119 cities in the West and Midwest.

One of the ways in which these and other gangs expand is by recruiting children into the criminal enterprise and indoctrinating them into a life of crime. In addition, by having children and teenagers actually do the gang's dirty work, the gang's leaders, many of whom are adults, are able to evade conviction.

This amendment focuses on this problem by giving the Federal law enforcement officials the ability to prosecute gang leaders for the recruitment of new members with the intent of having them commit gang crimes.

I urge the Members to support this bipartisan common-sense crime fighting provision.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek time in opposition to the amendment?

Mr. SCOTT. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, we have the use of new mandatory minimums with the crime that we have not been able to review in committee. I would ask the gentleman from California if he could respond to let us know how the street gang statute has been used so far, whether it has been effective in reducing crime?

Mr. GALLEGLY. Mr. Chairman, would the gentleman please repeat his question? I am sorry, I did not hear it.

Mr. SCOTT. Mr. Chairman, whether or not the street gang statute has been effective in reducing crime?

Mr. Chairman, I yield to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, no.

Mr. SCOTT. Mr. Chairman, reclaiming my time, that is the problem. The street gang statute is replete with constitutional problems and freedom of association proof problems and really irrelevant, because the normal conspiracy theories will give persons more time than they would ordinarily get.

To compound that with a 4-year mandatory minimum or a 1-year mandatory minimum just goes into another area. But we do not know what we are doing. It would have been extremely helpful if we could have had a hearing to determine what the implications of this amendment might be, one way or the other. We did not have that opportunity.

We are trading sound bites, what sounds good, what makes common sense or may not make common sense. We just do not know.

Mr. Chairman, I yield to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, I appreciate the gentleman yielding.

This is a problem that we have been contacted by law enforcement agencies, prosecutors from all across this country. The broad bipartisan support that has been indicated on the Senate side that this bill, of course, has been working its way through the system for some time with the leadership of Senator DIANE FEINSTEIN of California and, of course, also with the chairman of the Senate Judiciary Committee, Mr. HATCH, at the appeal of law enforcement officers and prosecutors across this Nation.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, it would have been nice to have had this explained to the committee where we might have been able to consider it in a deliberative fashion. We have been denied that.

And so we are just guessing. It might be a good idea. It might not.

Mr. Chairman, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from El Paso, Texas (Mr. REYES), the former chief of the Border Patrol.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support of the Gallegly amendment to the juvenile justice bill.

Today, as we consider this bill, it would be wrong for us not to address the issue of gangs and the increasing numbers of juveniles that are being recruited into their ranks.

As someone who spent 26½ years in Federal law enforcement, I can tell my colleagues that I have personally observed an increasing violence in the number of street gangs and it continues to be a growing problem all across this country.

These gangs have evolved from local and regional criminal elements into large-scale and well-organized criminal enterprises. They are involved in a range of serious crimes including narcotic trafficking, open violence, intimidation and extortion. Their reach stretches across the country, and they have members in nearly every major metropolitan area, creating a nationwide network of violence and well-organized crime.

The evolution and growth of these gangs is a result of heavy recruitment that takes place by gangs to attract our Nation's youth. Gangs have found that the juveniles are impressionable and easily led into a life of crime. They have also learned that they can direct these recruits to commit and take the fall for crimes while the gang leaders escape responsibility and prosecution. With their emphasis on recruitment of juveniles, they are a significant breeding ground for the rise in crime all across this country.

I am, therefore, pleased to join the gentleman from California (Mr. GALLEGLY) and support his amendment. It provides our Federal law enforcement officials an important tool to prosecute these gang leaders who recruit juveniles to a life of crime.

We simply cannot stand here today and credibly say that we are addressing juvenile crime unless we support this amendment. This amendment provides an effective tool in our law enforcement arsenal and allows our agencies to combat these gangs. I am convinced that this is a proper tool at the proper time for this bill.

Mr. SCOTT. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Virginia has 2½ minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, one of the problems with the mandatory minimums is the gentleman from California mentioned common sense. It takes all common sense out of sentencing.

Last year we passed legislation that provided for mandatory sentence for showing someone a firearm in the commission of a drug deal would get them more time than just shooting the person, in just cold-blooded shooting. Those kind of situations where we just come up with the crime of the day and whatever crime we come up with; we have to be serious about crime, and we take it out of perspective is really the problem with the mandatory minimum sentences.

That is why we have a Sentencing Commission who can look at the crime and put it in perspective, compare it to similarly serious crimes, and give an appropriate sentence rather than just the crime of the day.

I would have hoped that we could have had this in committee. We would have had time to consider it, assess a reasonable sentence in relationship to the crime, considering other similar crimes. But we do not have that opportunity. We are on the floor. We have good vote-getting sounds bites. We have somebody say that we have got to be serious about crime and this is serious and, therefore, a 4-year mandatory minimum is what we have got to go along with.

That is not the way we ought to legislate. And I would hope that we would in the future consider these bills in committee and also consider the Sentencing Commission to take the politics out of crime.

Mr. DAVIS of Illinois. Mr. Chairman, I stand to voice my support of the Gallegly Amendment to H.R. 1501, The Child Safety & Protection Act. This Amendment, specifically, targets the gang recruitment of young persons that occurs every day across this great country. I see the need for such action every day in the Seventh Congressional District of Illinois. I walk down Madison street and across Western street, and I see how gangs rob America's youth of their future by inducing them, threatening them, and seducing them into a life of crime. Every day, I see the terrible price these children eventually pay. We lock them up and throw away the key or they end up dead, it is time that Congress did something to stem gang recruitment.

By making it a federal crime to travel in, or use the facilities of interstate or foreign commerce to recruit someone to be a member of a criminal street gang we are making a strong stand against gang violence. As a nation we need to take this strong action to reduce the numbers of youth entering street gangs. This worthy amendment represents a large step forward in combating gangs and crime. I stand with my worthy colleague from California in voicing support for this needed amendment and congratulate him on its passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 18 printed in part A of House Report 106–186.

AMENDMENT NO. 18 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 18 offered by Mr. GOSS:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the "Emergency Federal Judgeship Act of 1999".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona .... 11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:
Northern 4
Middle 15
Southern .... 16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada .... 6".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment parallels an amendment offered by the gentleman from Florida (Mr. MCCOLLUM) and the efforts of the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Florida (Mr. CANADY) and the gentleman from Nevada (Mr. GIBBONS).

It is short. It is to the point. It provides for four new district judges for the middle district of Florida, three for Arizona, and two for Nevada. This exact language is already contained in the Senate juvenile justice bill and similar legislation overwhelmingly passed this House last year.

In these communities, the need for judges has hit the emergency level. In the middle district of Florida, for example, we have experienced a 62-percent caseload increase since 1990, the last time we added a new judgeship. In fact, the active caseloads for judgeships exceeds the national average by as much as 100 percent. These statistics are important, but they do not begin to describe the human impact.

In Ft. Myers, my hometown, a brand new Federal courthouse has an empty judge's chambers, absolutely empty. While there are more than 800 active cases pending, there is no Article III judge to hear them.

While we may disagree on the merits of further gun restrictions or increased penalties for juveniles, one thing is absolutely certain, that all of us suffer when justice cannot be delivered. Even the best laws are neutered if the judicial branch fails to adjudicate in a timely fashion.

Mr. Chairman, I understand that there are as much areas of this country with compelling arguments for more judges. These three States, however, are among the top six court districts having the highest weighted caseloads. In fact, the independent judicial conference recommended a total of 19 new judgeships for these States.

This amendment contains nine paralleling the Senate language. This is a responsible, necessary step to restore swift and certain justice in some of the highest growing areas in the land. It is a bipartisan amendment in both Houses. I urge its adoption.

Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. McCollum).

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to point out the middle district of Florida encompasses 5 of the 10 fastest growing cities in the United States. It is a 400-mile district from Jacksonville to Naples. And we have had no new Federal judges since 1990 and during that time have had a 60-percent increase in total filings and cases per judge, which is extraordinary.

So I commend the gentleman for letting me join with him in this amendment and urge its adoption.

Mr. GOSS. Mr. Chairman, I am happy to yield to the distinguished gentleman from Nevada (Mr. Gibbons).

Mr. GIBBONS. Mr. Chairman, I thank my friend and colleagues for yielding and applaud him on his leadership on this issue.

Mr. Chairman, of course, this issue is one of fundamental fairness. The basic tenet of all our judicial system is the right to a speedy trial. The addition of these Federal judges will allow not only Florida, Arizona, and Nevada, who are rapidly growing; in fact Nevada has one of the highest growth-rate cities in the Nation, to be able to compete with that and complete that speedy-trial requirement.

The Federal average caseload is about 400 cases per judge. In Nevada, the caseload per active judge is about 863. These two new Federal judges for Nevada will allow for Nevada to compete with that fundamental fairness and justice.

I urge the passage of this amendment.

Mr. GOSS. Mr. Chairman, I have to point out that the gentleman from Florida (Mr. Canady) and the gentleman from Florida (Mr. McCollum) have taken the lead efforts in this matter and we are grateful.

Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. Canady).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding; and I want to thank him for the leadership that he has demonstrated, along with the gentleman from Florida (Mr. McCollum) and the others who have been involved in this effort.

We are facing a serious problem in the middle district of Florida. There is an unacceptable backlog of cases. The administration of justice is not going forward as it should in a timely fashion. This is something that has to be addressed, and I believe it is important for the House to step forward and meet its responsibility to make the judicial personnel available to deal with the cases that are there.

This is an urgent matter. And if we are serious about the timely administration of justice in the middle district of Florida and in these other areas that are affected by this amendment, we will adopt this amendment unanimously and get on with the business of seeing that justice is administered.

Mr. GOSS. Mr. Chairman, I reserve the balance of my time.

Ms. BERKLEY. Mr. Chairman, I am not opposed to this amendment, but I ask unanimous consent to be recognized to control debate time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. Goss) for offering this amendment.

Mr. Chairman, I rise today in strong support of the Goss amendment to provide additional judgeships for Florida, Arizona, and Nevada, clearly the three neediest States in the country.

As the representative of southern Nevada, I stand before you today to demonstrate how great our need is for more judges. Nevada is ranked second out of 94 in the Nation for caseload per judge and first in the Ninth Circuit. Nevada is third in the Nation for growth of civil cases per judge and eighth for felony cases.

In 1998 a total of 863 cases were filed in Nevada, almost double the national average of 467 cases. Nevada is fifth in the country for pending cases. If a constituent in my district files a lawsuit today, that case will not be heard until January of the year 2002. Other citizens across the United States have only to wait 9 months for justice.

The reason for this delay in Nevada is that we do not have enough judges for this extraordinary caseload. And justice delayed is justice denied.

The Goss amendment would give much needed relief to our overworked system. The two judgeships provided for Nevada would be the first additions to our judicial circuits since 1984. While Nevada has not seen an increase in the number of judges in its Federal courts in 15 years, Nevada's population has almost tripled.

☐ 2015

It is imperative that our judicial system is expanded to handle this explosive growth. With 5000 new residents pouring into southern Nevada every single month with no end in sight, this crisis in our judicial system will only get worse if we do not address it today. Because of the dynamic commercial development in southern Nevada we have some of the most complex and difficult cases in the Nation. Southern Nevada is truly a microcosm of our Nation's judicial system. Whatever can be found in the United States will be found in my district tenfold.

As an attorney I can tell my colleagues that our judges handle complex antitrust cases, intricate security litigation and a wide array of employment discrimination cases and civil rights cases. They also hear an unusually high number of fraud and criminal cases. We need these additional judgeships.

Mr. Chairman, this is an emergency amendment to handle an emergency situation. If Members review the facts, they will see that there are solid reasons why Florida, Arizona and Nevada are distinguished from the other jurisdictions. I urge my colleagues on both sides of the aisle to provide this relief. Let us pass the Goss amendment and ensure that our judicial courts can continue operating with the goal of protecting all of our citizens.

Mr. GOSS. Mr. Chairman, we have no further speakers. I yield back the balance of my time.

The CHAIRMAN. All time for debate expired.

The question is on the amendment offered by the gentleman from Florida (Mr. Goss).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 19 printed in Part A of House Report 106–186.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 19 offered by Mr. Traficant:

Page 4, line 23, strike "To" and insert the following "Except as provided in section 1803(f), to".

Page 13, after line 19, insert the following:

"(f) Special Rules.—

"(1) In general.—The funds available under this part for a State shall be reduced by 25 percent and redistributed under paragraph (2) unless the State has in effect throughout the State a law which suspends the driver's license of a juvenile until 21 years of age if such juvenile illegally possess a firearm or uses a firearm in the commission of a crime or an act of juvenile delinquency.

"(2) Redistribution.—Any funds available for redistribution shall be redistributed to participating States that have in effect a law referred to in paragraph (1).

"(3) Compliance.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Ohio (Mr. Traficant) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

MODIFICATION OFFERED BY MR. TRAFICANT TO AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the pending amendment be modified by the modification I have submitted to the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 19 offered by Mr. TRAFICANT: In the text of the matter proposed to be inserted, strike "25 percent" and insert in lieu thereof "10 percent".

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be modified?

Mr. CONYERS. Reserving the right to object, Mr. Chairman, could I inquire of the author of the amendment what is the purpose or what is this reduction about?

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, relatively we do not want to really penalize States and make it overly burdensome to enact this legislation, but we want to, in fact, try and encourage the States to move towards this prevention modality that I am offering.

Mr. CONYERS. So, it is from 25 percent to 10 percent of what?

Mr. TRAFICANT. Of the justice funds be made available to the State under the act.

Mr. CONYERS. I thank the gentleman from Ohio.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, Mr. Chairman, I am a former sheriff, and I think this bill is lacking in one major area, and that is prevention. The only acceptable crime to me was the crime that was never committed, an old axiom, an ounce of prevention is worth a full pound of cure. The Traficant amendment simply says there be a 10 percent reduction in funds under this bill for any State that does not enact the following law:

Any juvenile that commits an offense involved with a gun or firearm and convicted, in addition to any other penalties that are placed before under the State, they would also have their driving privileges revoked to age 21.

It is a very simple little preventive measure. Kids love to drive cars, and many of them make mistakes they wish they had back 30 seconds of their life, and I could see a new attitude and mentality in saying, "Look, Bob, I dig you, but I don't want to hear about it with that gun," and for the first time we begin to modify some behavior.

I think it is very important for Congress to look at prevention elements, to try and reduce the potential of crime. Not every kid in jail for a crime is as bad as he is purported to be, for sure, and there is some kids and some parents we have to tell it is their kids that other kids should stay away from for sure.

I think it is a very good amendment, I think mandatory minimums and all of the heavy penalties we put are not going to make much of a difference, and I am not going to say this is going to affect every kid and have a great reduction in crime, but I think it will become the universal applied law through the States where most of the crime is committed; the word will get out and say, "Look, man, I don't want to lose my driving privileges," and I think it will have some beneficial effect, enough of a beneficial effect that I think it would be good for the country.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I want to rise to support the amendment with the gentleman from Ohio. Having had the accommodation that he granted a moment ago in the modification, I think the gentleman has been gracious about that. In principle I have agreed with him all along, that the idea of a child, a youngster, losing their driving privileges is an extraordinary incentive. That is probably the best disciplinary tool we have got for a teenager, and I think that it does work.

The only question I ever had was the attachment as a condition that perhaps in some larger States in the Nation, cost the money in this bill if their legislatures did not go along, which they might well not, and the money, being money in this base bill that goes to improvement of the juvenile justice systems and the States for more juvenile judges, probation officers and so forth, that is extraordinarily important.

The only restriction in the bill other than this one that exists is the one on requiring States to demonstrate graduated sanctions punishing the first time offender, which is not happening right now, and we are worried about putting consequences, and, as the gentleman knows, and accountability into the law now making sure that from the very first early delinquent act a child receives some kind of sanction.

So I understand the gentleman has been sympathetic to my concerns, I am sympathetic to his, and with the reduction of the amount of loss of money for failing to do this to a State down to 10 percent as the condition, I support the gentleman's amendment, and I appreciate his accommodation.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate it. In closing I would just like to add the following:

We should be about trying to prevent crime. This message does that. As a former sheriff, I know that most of the deal, most of the debate we have about crime, is really in the State province, and I think this is one way to deal with the volumes of cases that are affected by State law.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this seems like a reasonable bill to add loss of driver's licenses to the myriad of different options available to a judge. However, we have had no hearing on this provision, and so we do not know what it might do.

I would also add that we are telling the States to change their laws to accommodate this particular provision. It is another mandatory sentence, and one of the things we heard from judges and advocates and researchers was that the punishment should be individualized to the particular juvenile. This does not individualize the punishment. It gives a one size fits all. There may be some young people for whom the loss of license may not be appropriate, a young person who may need the license to continue employment, for example. There may be other punishments that may be more appropriate for that individual, and for that reason, Mr. Chairman, I think this needs some more work. It should be considered by committee and should be opposed at this time.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for the 30 seconds remaining.

Mr. TRAFICANT. Mr. Chairman, it would be up to the States, and, as they have done in some DUI cases with juveniles, they could grant exceptions for young people who have to use their car for work.

The bottom line, that is up to the States. It would simply reduce the funds if they did not enact the law that would cause them to lose and revoke their driving privileges.

Mr. Chairman, I urge the Congress for an aye vote.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 20 printed in part A of House Report 106–186.

AMENDMENT NO. 20 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 20 offered by Mr. MEEHAN:

At the end of the bill, insert the following:

SEC. ____. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) to 75 the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as YCGII) submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under 25, to the Secretary of the Treasury to identify the types and origins of such firearms; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts, and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program under this section.

(c) ESTABLISHMENT OF SYSTEM.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through online computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such online access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25; regional, State, and national firearms trafficking trends; and the number of investigations and arrests resulting from YCGII.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury to carry out this section $50,000,000 for fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2004.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment expands the youth crime gun interdiction initiative to 75 cities and county law enforcement agencies throughout the country. The ATF's youth crime gun interdiction initiative is a cutting edge strategy to disrupt the illegal supply of guns to juveniles.

Following the example of the fantastic successes of the Boston gun project led by Professor David Kennedy, local law enforcement officials in 27 cities are employing ATF's expertise and resources to trace firearms used in crimes. This number of participating cities is currently slated to grow to 37 cities and counties by the end of Fiscal Year 2000.

Now the Boston gun project, also known as operation cease-fire, is aimed at preventing youth homicide. It combines Federal efforts with those State and local law enforcement authorities to crack down on the illegal guns supplied, those officials who identify sources and patterns of illegal firearm trafficking and develop law enforcement strategies to reduce the flow of weapons to the youngest members of our society. Once we know how the kids are getting the guns, and from whom they are getting the guns, and where those guns are coming from, we will be far more likely to be able to prevent the kids from getting guns in the first place.

For example, through gun tracing the Boston Police Department discovered that the guns being used by gang members in one particular neighborhood were purchased by one individual in Mississippi and then transported to Boston. Now after that individual was arrested, shootings in that neighborhood declined dramatically. The connection between guns and juvenile crime is well known. Virtually all of the striking rise and the homicide rate between 1987 and 1994 was associated with guns.

Now the Senate included an expansion of the youth gun control interdiction initiative in their version of the juvenile justifies legislation. In fact, the other body passed this legislation and expands the programs to 250 cities or counties by October 1, the year 2003. As time goes on and this program continues to demonstrate success, we can add cities to the list. My amendment is not gun control legislation, but rather it is a proven effective crime control. It simply keeps illegal guns out of the hands of those kids who use them to commit crimes and seeks out and punishes those who provide guns to kids.

I was disappointed that this program was not included in the gentleman from Illinois' juvenile justice bill, especially in light of the fact that it has proven so successful. Trafficking of guns drives the worst kind of violent crime. We can address this problem with the youth gun interdiction initiative that has already started to do just that.

Mr. Chairman, keeping guns out of the hands of children is not a new debate. Over 30 years ago Robert Kennedy spoke about the dangers of kids and guns in words that have proven unfortunately timeless. We have a responsibility to the victims of crime and violence, Robert Kennedy said. It is a responsibility to think not only of our own convenience but of the tragedy of sudden death. It is a responsibility to put away childish things to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves and demands.

☐ 2030

Let us end kids' access to guns once and for all.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek to control time in opposition to the gentleman's amendment?

Mr. MEEHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I want to suggest that what the gentleman from Massachusetts, a member of the Committee on the Judiciary is doing, is extremely important, because rather than trying to determine penalties and negative means of controlling dangerous weapons, we are going to the root of the problem. Many of these young people get guns from sources that are not entirely clear to us, and this gun control initiative is going to surely be helpful. I want to congratulate the gentleman on this, because the Senate has already moved and they are waiting for us.

So I am happy to add the support of the Democrats on the committee for this important measure.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume, and I thank the ranking member, and I would say that there are success stories in cities across the country; in Boston, I mentioned, and in my hometown of Lowell, Massachusetts where the police department is initiating similar goals and objectives. I thank the gentleman for his support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 10 offered by the gentleman from California (Mr. CUNNINGHAM);

Amendment No. 16 offered by the gentleman from Texas (Mr. DELAY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. CUNNINGHAM

The CHAIRMAN. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 401, noes 27, not voting 6, as follows:

[Roll No 214]

AYES—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—27

Campbell
Clay
Clayton
Conyers
Cummings
Engel
Hastings (FL)
Hilliard
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kilpatrick
Lee
McDermott
Meek (FL)
Meeks (NY)
Mink
Owens
Paul
Payne
Pelosi
Rush
Sanford
Scott
Shadegg
Waters
Watt (NC)

NOT VOTING—6

Brown (CA)
Ewing
Houghton
Kasich
Thomas
Weiner

□ 2055

Mr. HILLIARD, Mr. PAUL, Mrs. CLAYTON, and Mr. CONYERS changed their vote from "aye" to "no."

Mr. DELAHUNT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated For:

Mr. EWING. Mr. Chairman, on rollcall No. 214, I was unavoidably delayed. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 16 OFFERED BY MR. DELAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 133, not voting 5, as follows:

[Roll No. 215]

AYES—296

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle

Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—133

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Blumenauer
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
English
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lantos
Larson
Lee
Lewis (GA)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Snyder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—5

Brown (CA)
Houghton
Kasich
Thomas
Weiner

□ 2103

So the amendment was agreed to.

The result of the vote was announced as above recorded

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Mr. Chairman, can the Chair inform us of the schedule at the present moment for the balance of the evening as to whether there will be further votes?

The CHAIRMAN. The Chair has no information on the schedule.

Mr. CONYERS. Could leadership give us a clue?

Mr. McCOLLUM. Mr. Chairman, it is my understanding that we are going to roll votes through the DeMint amendment in the order that we are and probably take any votes that have been ordered then. I do not know if the intent is to go further than that but I do not believe Members generally will be required to stay for votes after that. I am not quite sure how long that will take.

Mr. CONYERS. I thank the subcommittee chair. It is our hope on this side that we will roll all the votes for the balance of the evening, if it pleases the leadership.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in part A of House Report 106–186.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 21 offered by Mr. STEARNS:

At the end of the bill insert the following:

SEC. . FINDINGS.

The Congress finds that—

(1) more than 40,000 laws regulating the sale, possession, and use of firearms currently exist at the Federal, State, and local level;

(2) there have been an extremely low number of prosecutions for Federal firearms violations;

(3) programs such a Project Exile have succeeded in dramatically decreasing homicide and gun-related crimes; and

(4) enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during commission of a crime, are common sense solutions to deter gun violence.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation we are discussing today and tomorrow will be a major factor in demonstrating how this Congress addresses the concerns of our Nation. My amendment inserts a set of congressional findings into H.R. 1501 regarding enforcement of Federal firearms laws.

Mr. Chairman, both the House and the Senate have heard hours of testimony regarding this current epidemic of youth violence, with both bodies examining the role that guns have played in the issue. One of the most striking facts to emerge from these hearings is a very small number of prosecutions for Federal firearm violations.

Now, all of us in this Chamber remember the Brady Act which passed in the 103rd Congress. It was a law designed to prevent criminals or other ineligible individuals from obtaining firearms through waiting periods and background checks.

President Clinton announced earlier today that since passage of the Brady bill over 400,000 sales to individuals prohibited from owning a firearm were prevented. Two-thirds of those were prior felons.

Under current law, it is illegal to submit false information in attempting to purchase a firearm. However, Mr. Chairman, not even a tenth of those attempts were prosecuted.

Let me just give a few statistics from the Executive Office of the U.S. Attorney on Firearms from 1996 to 1998. Out of all violations in the first phase of the Brady Act, only one person was prosecuted for unspecified violations under the Brady Act. Less than 100 were prosecuted since the beginning of the second phase; the instant check phase, there has not been a single prosecution.

Now, let us compare the Brady Act to another program, one that was not initiated by Federal mandate and not initiated by this Congress, Project Exile out of Richmond, Virginia.

This was initiated by the U.S. Attorney's Office in Richmond, Virginia. Specifically, the program increased the number of prosecutions for felony possession of firearms when an individual was apprehended in possession of a gun.

When an individual was apprehended in possession of a gun, he was exiled to prison for a minimum of 5 years. Law enforcement officers carried a laminated card specifying the types of criminals targeted under the program: Felons, drug users and fugitives. If a suspect was caught with a firearm, and it was determined that any Federal law had been broken, prosecution began immediately.

In 1997, Richmond had one of the highest homicide rates in the Nation. Within one year, under Project Exile, Richmond's homicide rate was reduced by one-third. Furthermore, at the end of 1998, 309 Federal criminal gun law violations were prosecuted. These were prosecutions in one city, in one county.

The Brady Act is nationwide and cannot even begin to compete with this program, Mr. Chairman.

The administration in testimony before the House Committee on the Judiciary stated that the number of prosecutions are not a good measure of the law's effectiveness. In fact, Attorney General Reno, in her May 5 appearance before the Senate Committee on the Judiciary, stated, "I cannot promise improvement in the numbers of prosecutions."

Prosecution is a key to the law's effectiveness. The Brady Act may have prevented 400,000 illegal purchases but knowing that two-thirds were prior felons, how many of those then obtained guns illegally? If they were prosecuted for attempting to purchase a firearm as the law requires, we would not have to ask that question.

Mr. Chairman, my enforcement amendment simply states that this body recognizes that our country has over 40,000 firearm laws at all levels of government, and there has been less than adequate prosecution of these 40,000 laws. It acknowledges the success of Project Exile through vigorous enforcement and prosecution of current laws.

Finally, Mr. Chairman, my amendment states that enhancement and aggressive prosecution of gun crimes is the best deterrent to gun violence. Enforcement and prosecution is the key to curbing gun violence and protecting our children, and I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Ohio (Mrs. JONES) is recognized for 10 minutes.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Florida (Mr. STEARNS) admits that the Brady Act is working. He cites 400,000 criminals and others who could not get guns, but he says that those 400,000 prohibited persons should have been tried or prosecuted for false statements.

I would say to the gentleman from Florida (Mr. STEARNS), this shows that he does not understand Brady's purposes. It is preventive. If 400,000 ex-cons are stopped from getting semiautomatic and other illegal weapons, the law worked. Prosecutions were never the purpose of the Brady Act.

First, the amendment notes that with thousands of current Federal and State and local firearms laws in existence, there have been very few prosecutions under those laws.

This finding is simply inaccurate. The total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992. It is a rise from 20,681 to 25,186. This argument also does not acknowledge that the violent crime rates in America have dropped significantly since 1992. The Nation's overall violent crime rate has dropped by nearly 20 percent since 1992.

□ 2130

The collaboration between Federal, State and local authorities and community leaders has led to more significant decreases in specific areas. The drops in the violent crime rate extends specifically to crimes involving guns as well.

Between 1992 and 1997, violent crimes committed with guns, including homicides, robberies, and aggravated assaults fell by an average of 27 percent. Overall, these statistics show that the government is pursuing actively any violations of the current firearm laws.

The argument that the decrease in the number of Federal prosecutions indicates otherwise ignores the cooperation between the several levels of government and members of the community to maximize prosecutorial resources.

Second, the amendment notes that programs such as Project Exile, which shifts prosecution of gun offenses from State court to Federal court, have reduced homicide rates. While Project Exile has reduced homicide rates, it is not without its share of criticisms.

First, it greatly expands the number of criminal cases handled in the Federal court, which prevents the court from adequately handling other cases that are the proper domain of the court such as civil rights case and multistate civil cases. Further, by requiring the U.S. Attorney to charge the most serious offense possible, it takes away prosecutorial discretion.

Finally, encouraging Federal prosecutors to prosecute State court offenses is another example of the Federal Government encroaching on the domain of the States.

When I got elected to Congress, Mr. Chairman, I committed to my colleagues, members of the National District Attorneys Association, that if I had an opportunity to stand on the floor of the House to oppose any legislation that will require Federal prosecutors to do our job, I would do that. I stand here today in opposition to this amendment and many of the other amendments that have come to this floor to take away the discretion of State prosecutors.

State prosecutors are elected and well endowed with the ability to handle many of the offenses that we are considering here on this floor today. So I rise in opposition to the amendment.

Further, Mr. Chairman, I would say, drying up the supply of firearms and building on the success of Brady is what we intend to do. Since 1993, when Brady became law, it meant more than 250,000 felons, fugitives, and other prohibitive purchasers have been denied access to firearms.

Let us talk about the purpose of Brady. It was preventive. It meant we do not even let them get to have a gun in order to commit an offense. By considering the amendment that is on the floor today, Mr. Chairman, we deny the importance of Brady and make a suggestion, just by assuming the facts of the amendment of the gentleman from Florida (Mr. STEARNS), that that is going to do something to curb the gun problem in our country.

To make statements is not going to curb the problem. The way we curb gun problems in our country is gun control, gun safety, and gun trigger locks.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think, while I have my other speaker speak, I would like the gentlewoman from Ohio (Mrs. JONES) to read the Federal Criminal Code. It is a Federal crime to even attempt to buy a firearm. Perhaps she would like to read 922. I do not think she quite understands the amendment.

Mr. Chairman, I am delighted to yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Let me say this, I commend the gentleman for his amendment. Project Exile has worked in Richmond. It has the support of the Richmond City Council, the Richmond City Police Department. It has been responsible for reducing homicides in the city by a substantial amount.

Let me read, though, it has been recognized that most violent crime is committed by just a few repeat offenders, the U.S. Attorney for the Eastern District of Virginia, whose office initiated Project Exile, says, and I quote, "Officials were shocked at the extent of Project Exile. Suspects criminals records: Several have been four, five and eight convictions of offenses as serious as robbery, abduction, and murder. Let me say, this has been a project that has worked, and I hope that more cities and communities around the country will adopt it."

Mrs. JONES of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Ohio for yielding me this time, and I thank her for her very pointed and very responsive comments to the gentleman's amendment.

I think it is all right to recite as findings that we all can do a better job at law enforcement. But I think it is important to be clear on just what has happened over the last 5 years. Gun laws are enforced more vigorously today than 5 years ago by nearly any measure. Prosecutions are more frequent than ever before. Sentences are longer, and the number of inmates in prison on gun offenses is at a record level. The number of inmates in Federal prison on firearm or arson charges increased 51 percent from 1993 to 1998 to 8,979.

I think it is certainly commendable of the Committee on Rules to have allowed just about every amendment that Republicans offered to get in, some good, some not. But it certainly does not speak to what we are trying to do here, to be responsible.

I think my colleague made it very clear that the Brady bill is preventive. It is to get guns out of the hands of felons and criminals so that they do not commit crimes.

I have a letter from the City of Houston, Houston Fire Department EMS that indicates that passing laws in and of themselves are preventive.

I hope we will be able to pass, for example, closing the gun show loophole. Those provide chilling effects, as the Brady bill did, to prevent people from even going, when I say people, prevent those individuals who have criminal interests from even going into a gun show. I hope the gentleman from Florida (Mr. STEARNS) will join us in passing that.

The city of Houston EMS director wrote and said the gun safety legislation we passed in 1992 saw a sizable decrease in intentional shootings by children just by the passing of the law.

So I would take issue with the fact that we have a problem with enforcement. But I would also ask my colleague if he would join me in supporting increasing the ATF, as I had offered in the Committee on Rules, by some thousand officers to increase it to 2,800.

All of these things I think contribute to a better response to gun violence. But certainly I am not talking about the fact that we have not been enforcing the law.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just would remind the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary, that the Brady bill was not passed just to persuade people not to get firearms. It was put in place to actually enforce people who were felons. As I pointed out earlier to the gentlewoman from Ohio (Mrs. JONES), in the Federal Criminal Code, on Rule 922, unlawful acts, it is unlawful to attempt to buy a firearm if one is a felon.

We have had plenty of data to show that occurred, and it was not prosecuted. So if that side of the aisle wants to make the case and excuses that they do not want to prosecute, that is their case.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the gentleman's amendment, and I want to make it clear what it does and what it does not do.

Project Exile is a very simple project initiated by the U.S. Attorney in Richmond, Virginia, and it is straightforward. It simply says we will have zero tolerance for two things: crimes committed with guns and possessing a gun when one commits a crime.

The U.S. Attorney in Richmond, Virginia said, "You know what? We have got lots of criminals committing crimes with guns and lots of criminals, indeed many of them previously convicted felons, who cannot possess a gun, committing crimes while they possess a gun; and we are going to adopt a policy that says we will tolerate that not one iota, zero tolerance for crimes committed with guns and for possessing a gun while committing a crime."

So they decided to aggressively prosecute those two crimes. What was the net effect? Three hundred ninety defendants have been prosecuted in Federal court. But that is the shocking result. The shocking result is that the crime, the homicide rate in the city of Richmond, Virginia was cut by one-third.

Let us talk about what this amendment says. The amendment says straightforward, findings about what has happened, and says "enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during the commission of a crime, are common-sense solutions to deter gun violence."

Who can argue with that? We need to prosecute those crimes as aggressively as possible and should hope we can achieve the results that Richmond, Virginia has achieved.

I urge Members to support the amendment.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, so that the other side of the aisle is not confused, no one on this side of the aisle is not encouraging prosecution. The statement that has in fact been made is that the Brady bill's intention was to take guns out of the hands of criminals.

Now, it is important that since my colleagues think it is important to set forth findings in the RECORD in this juvenile crime bill with regard to the Richmond case, why not set forth some findings that, in fact, if we had a trigger lock on the gun, people would not be able to kill other people so quickly? Why not set forth a finding that, if, in fact, we had a waiting period on the purchase of a gun, people might not have opportunity to shoot people so quickly?

My colleagues talk about common-sense solutions. The common-sense solutions, as I said, Mr. Chairman, would, in fact, set forth the finding that, if, in fact, this Congress would find that gun control and gun safety were important, we would have less homicides and less killings in this country.

So when we talk about common-sense solutions, let us get some common sense in the House and pass gun control right here, right now, today.

But let us go back to findings as we call common-sense solutions. In fact, prosecutors throughout this country, both Federal and State prosecutors, have done a great job at prosecuting all types of offenses. Crime in this country is down as a result of the prosecution by numerous prosecutors throughout this country. Homicide rates are down as a result of numerous prosecutions by prosecutors, both State and Federal.

Mr. Chairman let me state to my colleagues that I rise in opposition to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Florida for yielding me the time.

I thank the gentlewoman from Ohio (Mrs. JONES), Mr. Chairman, although I do wish with parliamentary decorum she would address her remarks through the Chair.

As former President Reagan said, facts are stubborn things. The fact is, Mr. Chairman, 300,000 convicted felons have not been prosecuted under the Brady law.

Project Exile and the amendment offered by the gentleman from Florida (Mr. STEARNS) is a common-sense solution to say that criminals who commit crimes with firearms and with firearms in their possession will go to jail.

Mr. STEARNS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I strongly support this amendment. The fact is that, if one is a felon and one goes to buy a gun anywhere or possess one, one has committed a crime and one ought to be prosecuted.

Under the Bush administration, under what they call Operation Trigger Lock, that was happening all over the country so that we could take felons who committed the crime of having a gun on their person after they have been convicted previously off the streets. This administration has been unwilling to do that.

Sure we have State prosecutions that may be up on gun crimes, but we sure as heck do not have Federal prosecutions. The gentleman from Florida (Mr. STEARNS) has a very good amendment to point that fact out.

We should be prosecuting these folks. We should be locking them up. Notwithstanding that Brady may have other purposes as well that are good, this is a very important one, and it should be done.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to, for the record, make it clear that I have addressed all of my remarks to the Chairman and will continue to do so because I understand decorum on the floor as well.

Let me suggest that, under the Bush administration, we did not have the Brady bill. So, surely, they had to do trigger lock.

Under the Clinton administration, we have had in fact had the Brady bill, and trigger lock is still operating throughout many of the jurisdictions throughout this United States.

It is important again, I say, that if in fact we are making findings, let us make findings that, without guns, people cannot kill. Without the NRA pushing so many of my colleagues on the floor to vote against gun controls, we would not have guns in our streets.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman from Ohio (Mrs. JONES) has 45 seconds remaining. The gentleman from Florida (Mr. STEARNS) has 1 minute remaining.

□ 2130

Mr. STEARNS. Mr. Chairman, I have the opportunity to close, as I understand.

The CHAIRMAN. The gentleman is correct.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mrs. JONES of Ohio. I am raising the question of his right to close with the entire time, Mr. Chairman.

We are defending the committee position, so I am raising the parliamentary inquiry as to why he has the opportunity to close.

The CHAIRMAN. The Chair understands that the gentlewoman is not a member of the committee. It is only a member of the committee controlling time in opposition to the amendment who has the right to close.

Mrs. JONES of Ohio. Mr. Chairman, I ask unanimous consent to yield the balance of my time to a member of the committee and that that individual be allowed to control the time.

Mr. STEARNS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentlewoman from Ohio (Mrs. JONES) has 45 seconds remaining, and the gentleman from Florida (Mr. STEARNS) has 1 minute remaining and reserves the right to close.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I find it interesting that during the course of this debate we are talking about enforcement, and yet earlier, when I asked the chair of the subcommittee whether he had authorized $8 million to fund the additional or designated assistance, the answer was "No, we will do it someplace else."

I just want to close by saying just imagine if we are reluctant to do that what the cost would be to prosecute 10 percent of 400,000 cases. This is absurd. These cases are prosecuted, as the gentlewoman has indicated, at the State level. Crime is down. Homicides are down. Why? Because of the Brady bill.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time, and would respond to my good friend from Massachusetts, who was not here earlier, that my colleague the gentleman from Florida (Mr. MCCOLLUM) did offer an amendment to provide $50 million additional money for prosecution.

At any rate, let me close, Mr. Chairman, by saying if the general public understood the truth about crime and guns, there would be virtually no support for the gun control measures that are continually posed here in Congress. Crime and criminals are what the public is really concerned about. And the uncomplicated truth is that under existing Federal laws any violent felons or drug dealers who pick up any firearms are committing serious Federal crimes, crimes punishable by long prison terms.

The law can work, but only, I say to my colleagues on that side, if it is enforced. It has been, with great success, enforced in Richmond, Virginia, under a program we talked about earlier, Project Exile. Project Exile adopts a zero tolerance for Federal gun crimes with Federal, State and local law enforcement.

Mr. Chairman, I urge the passage of my amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 22 printed in part A of House Report 106-186.

AMENDMENT NO. 22 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 22 offered by Mr. LATHAM:

Add at the end the following new title:

TITLE —DRUG DEALER LIABILITY

SEC. . FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.".

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to take the opportunity to thank the Committee on Rules and the gentleman from Florida (Mr. MCCOLLUM) for giving me the opportunity to offer my amendment to this very important bill addressing juvenile crime in America.

Unfortunately, juvenile crime is a growing trend across this Nation. For years, the rural States thought themselves immune from serious juvenile crime and drug problems that were affecting America's coasts and the big cities. However, this is no longer the case. In fact, nowhere is juvenile crime growing faster than in America's heartland. This, of course, is directly related to the incredible growth in drug use.

According to the U.S. Department of Justice's latest statistics, juvenile drug arrests across the Nation have more than doubled since 1988. My home State of Iowa is experiencing an unprecedented influx of methamphetamines. Just last week in Storm Lake, Iowa, with a population of just 8,769 people, 10 were arrested for trafficking and drugs. Four of those arrested were only 18 years old. Those kids are probably just finishing high school and pushing that poison on other students.

Clearly, our children are the most innocent and vulnerable to those affected by illegal drug use. The very nature of drug abuse makes this an epidemic that has severe monetary costs as well, creating significant financial challenges for parents, law enforcement and human service providers. For many of the juvenile addicts, who are increasingly female, by the way, the only hope is extensive medical and psychological treatment, along with physical therapy or even special education. All of these potential remedies are expensive. Very, very expensive. In fact, the most recent figures estimate the annual cost of substance abuse in the United States to be nearly $100 billion.

Juveniles, through their parents or through court-appointed guardians, should be able to recover damages from those in the community that have entered and participated in the sale of the types of illegal drugs that have caused those injuries. The amendment I am offering today would provide a civil remedy for the people harmed by drugs, whether it be the actual user, the family of a user, or even the clinic or the community that provides treatment to hold drug dealers accountable for selling this poison that is tearing apart the very fabric of our society.

There are drug pushers in all of our congressional districts who profit from this culture of death, pain and dependency that must be taken to task. Many of them elude the authorities by getting off on technicalities in criminal actions or through their positions as affluent members in the community. However, that should not make them immune for paying for the destruction they cause.

This amendment would empower victims to take action, like the Utah housewife who sued her husband's drug dealer "friend" of 6 years under that State's drug dealer liability law. Her husband actually shared a vacation cabin with the dealer until after years of abuse her husband lost his job and ruined his family. Other States, such as California, Arkansas, Illinois, Michigan, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma, have enacted similar laws.

The first lawsuit brought under a State drug dealer liability law was brought by Wayne County Neighborhood Legal Services in Michigan on behalf of a drug addicted baby and its siblings. The suit resulted in a judgment of $1 million in favor of the baby. The City of Detroit joined in on the suit and received a judgment of more than $7 million to provide drug treatment for inmates in the city's jails.

This legislation, while not as comprehensive as those State laws, which incorporate a broad reaching liability, does provide a simple tool to empower victims. In fact, this amendment is perfectly suited to go after the white collar drug dealers whose clientele includes their professional friends, who are less likely to be the subject of a criminal investigation.

As we all know, parents who abuse drugs are more likely to have children that abuse drugs as well. It is my hope the prospect of substantial monetary loss, made possible by my amendment, would also act as a deterrent to entering the narcotics market. Dealers pushing their poison on our children and other family members may think again when they consider that they could lose everything, even without a criminal conviction. In addition, this amendment would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past.

While this legislation is not meant to be a silver bullet, it is another tool to combat and deter drug abuse and trafficking. Current law allows for a producer of a legal product that injures a customer to be held liable for injuries resulting from the use of that product. However, most States do not provide compensation for persons who cause injury by intentionally distributing illegal drugs. The Latham drug liability amendment fills the gap to make drug dealers liable under civil law for the injuries to the victims of the drug.

Finally, I hope I will be able to work with the chairman, the gentleman from Florida (Mr. MCCOLLUM), and ranking member, the gentleman from Michigan (Mr. CONYERS), on a more comprehensive liability measure in the future.

Mr. Chairman, I urge my colleagues to support the Latham amendment and give the victims of illegal drugs an opportunity to hold the drug dealers of this poison accountable under criminal and civil law.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. If there is no objection, the gentlewoman from California (Ms. WATERS) may control the time otherwise reserved for the opposition.

Is there objection?

Ms. JACKSON-LEE of Texas. In its present form, Mr. Chairman, I will stand in opposition to the amendment and I exercise the reservation at this time.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) objects. Does the gentlewoman from Texas seek to control the time in opposition?

Ms. JACKSON-LEE of Texas. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this amendment. I think this is an excellent amendment that is being offered by the gentleman on the opposite side of the aisle, the gentleman from Iowa (Mr. LATHAM). And let me tell my colleagues why.

This amendment, as I understand it, is an amendment that would make drug dealers liable for the poison that they put out on the streets and the harm that is perpetrated on those who end up being the victims of these drug sales. And it does not matter who is doing it, but if they are found to be guilty and liable for selling these drugs, then that creates a cause of action.

The reason that I am supporting this is because I have been working for some years trying to help unfold what happens in the intelligence community as it relates to trafficking and drugs and covert operations. What we have discovered is that the CIA, as one of the intelligence agencies, knew very well about the trafficking in drugs, particularly as it related to getting profits from the drugs that went to support the Contras in the war between the Contras and the Sandinistas.

For many months now we have had people who have been working on this, and they have said to us that all of the damage that was caused by these drugs, the crack cocaine that was let loose in these communities in an effort to fund the Contras, is directly the fault of the CIA and those intelligence agencies that were involved in these covert operations.

□ 2145

So this gentleman is absolutely correct. They should be made liable for what they have done. They have admitted now that there were drug traffickers in their midst. They have said they were not responsible directly, but they have said they had a memorandum of understanding, which some of us question. Well, there is no longer a memorandum of understanding, and this amendment would take care of that.

I am thankful to the gentleman for offering this amendment. Because it does not matter who it is, whether it is a drug dealer on the streets, in the cornfields of Iowa, or a drug dealer up in New York or the Midwest, wherever it is, or the intelligence community, if they are dealing in drugs for any reason, they should be liable for the devastation and the harm that is caused to the individuals who end up being the victims of those drug sales.

So I would ask my colleagues on both sides of the aisle to embrace this amendment, to support this amendment, to vote "aye" on this amendment. It is very important that we finally have an opportunity to seek justice for those victims that were created as a result of trafficking drugs by our own intelligence community.

We have some young people who are actively working on a lawsuit coming out of the San Francisco area on this very issue. This will support that. This will help them to be able to get all of the victims to come forth, some of them who will be able to comply with the conditions of this amendment.

As I understand it, the conditions of this amendment would have those victims identify those persons who were responsible for selling the drugs. We have people who are claiming to be able to identify people in the intelligence community who were involved.

Also, we have people who are able to identify the assets of the intelligence community, many of them still in this country, some of them have fled to Nicaragua and down in Guatemala and other places, who should really be extradited and brought back here for the harm that they caused.

I would ask support for this amendment. I think it is a good amendment. I think it is a sound amendment.

Mr. Chairman, finally, I would say to the gentleman from Iowa (Mr. LATHAM) that he is doing the work that is needed to be done to get at the drug dealers who would dare dump this poison on our children and in our midst.

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me thank the gentleman from Iowa (Mr. LATHAM) for this excellent amendment and remind our colleagues that Carroll O'Connor, a noted actor and TV star, lost his son to cocaine. He has led a fight to bring that gentleman who sold him the drugs to justice because he believed that man infected his son with a drug addiction that caused his untimely demise.

I strongly support this amendment, and I urge my colleagues to do the same. This amendment should serve as a retribution for every individual whose life has been destroyed by drug use and for every family who has had to suffer the pain and turmoil of a loved one being addicted to drugs.

The drug dealers must learn that their evil trade is more than a business. They must be held accountable not only by the justice system but by society for the tragic consequences of their business. They must be forced to see the faces of the mother, the father, the brother, the sister of the teenager who overdosed on cocaine that they sold.

A successful drug dealer can make thousands of dollars a week practicing their illegal trade. In fact, they encourage young people to do this same type of business because they can buy all the fancy cars and fancy toys. And do not be misled to thinking it is only in the inner city where we have drug problems. It is in Palm Beach, in Beverly Hills. It is in the richest enclaves around America.

Drugs have permeated our society. They are destroying our families and our youth. Every drug dealer who is arrested and jailed for possession and the sale of drugs should also be held accountable for the physical damage, the medical bills, the cost of drug treatments, for the funerals that they are responsible for.

So I ask my colleagues to please pass this amendment. Send a message to drug dealers that their profitable trade should stop and, more importantly, if they inflict their dangerous drugs on other people, they will pay a high price not only in prison but the hopeful forfeiture of their assets so that those assets can be conveyed to the families who have lost loved ones.

Again, the amendment of the gentleman from Iowa (Mr. LATHAM) will hold persons who manufacture and distribute illegal, controlled substances liable for civil action for those harmed by the use of the controlled substance.

The CHAIRMAN. The gentleman from Iowa (Mr. LATHAM) has 1½ minutes remaining. The gentlewoman from Texas (Ms. JACKSON-LEE) has 5½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I indicated my reservation of objection in its present form. I would like to ask the author of the amendment an inquiry if I could to be clear on the position that this amendment now takes.

Does the liability provision enhance existing tort opportunities, if you will, the fact that we can go into court on tort issues? Does this narrowly define them? Are these as relevant to a drug-related incident?

Mr. LATHAM. Mr. Chairman, if the gentlewoman would yield, what it does is empower the family or the community somehow to go after the dealer, the manufacturer of illegal drugs to recover damages for rehabilitation for any kind of help that they need in the future.

Ms. JACKSON-LEE of Texas. Mr. Chairman, does it extinguish in any way any tort liability or rights that they may have under existing tort law?

Mr. LATHAM. Mr. Chairman, if the gentlewoman would continue to yield, no, it would not be my understanding. No.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, then let me say to the gentleman, I thank him for his explanation and want to say to him that we want to offer our support for this amendment, frankly because it goes to the very problem of so many in our community who have seen their houses burned because, for example, they have a crack house next to their home and, in order to destroy the evidence, what happens is that the dealers destroy the property.

Some instances we will find that people have lost their life because of those tragedies that have occurred, drive-by shootings because of drug deals, and innocent victims who are sitting in their home enjoying their dinner or looking at television have lost their life and have left these families in our inner city neighborhood and elsewhere without any remedy.

If this legislation and amendment would answer these questions and particularly give them an enhanced opportunity to sue, then I believe that, alongside of the opportunities they may have under tort law, then this is an amendment that we can certainly support and encourage the passage of.

Mr. Chairman, I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the drug dealer liability amendment offered by the gentleman from Iowa (Mr. LATHAM).

In my view, this is a law that should have been on the books a long time ago. The reason is simple. In many cases, there is just not enough evidence to convict a dealer or a manufacturer of illegal drugs in criminal court.

Worse yet, many individuals simply get off on a technicality and, as a result, too many peddlers of this poison slip through the cracks and are never punished for the harm they inflict on our children and our families and our society.

When we know that these people are dealing drugs but we cannot convict them in criminal court, does it not make sense to provide any other judicial remedy possible?

Mr. Chairman, that is the point of the Latham amendment. If we cannot convict them in criminal court, then we will get them in civil court and we will hit them where it hurts them the most, we will hit them in their pocketbook.

This type of legislation has worked well at the State level, and there is absolutely no reason that it will not work at the Federal level.

I urge my colleagues to pass this amendment. Very few votes that we will make today will have as much impact on reducing drugs in our society and in this country this year.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to inquire, do we have the right to close in defending the committee's position?

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) does, and all time of the gentleman from Iowa (Mr. LATHAM) has expired.

Mr. LATHAM. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will as soon as I determine how much time I have remaining.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) has 3 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I want to thank the gentlewoman very much for her support, all the people that have worked so hard on this bill, and the DEA, which has helped craft this bill to take out some fine points that really I think will be of great assistance to us in the future to tackle this most serious problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman very much for his comments.

Mr. Chairman, I would simply say to the Chair, it is these bipartisan efforts that I think shows the House in its best light.

I would simply hope that, as we move throughout this legislative initiative trying to deal with juvenile crime, that we not only find an opportunity to have bipartisan agreement on important legislative initiatives, such as providing protection to those who have been civilly damaged by the tragedies of drug use and drug abuse, but that we can also be straightforward in our response to the protection, if you will, of necessary gun laws.

I indicated earlier that I had received a letter from my EMS director who indicated just the passage of gun protection laws provides a chilling effect for those who may want to use guns recklessly or promote more guns on the streets of this Nation.

And so, this legislation dealing with civil liability, Carroll O'Connor was cited, but I can cite many, many people in our respective communities who have suffered time and time again.

I would hope that we would have the opportunity to work in a bipartisan way on other legislative initiatives.

I hope as well, Mr. Chairman, and I heard my colleague the gentlewoman from California (Ms. WATERS) speak eloquently on this, that we would expand the reach of dealing with the liability question to drug kingpins and gun kingpins.

This gun running has been a problem and it has made a terrible blight on all that we are trying to do to protect our children. Drug kingpins have been prominent in our respective communities, controlling drug cartels. We need to reach out and do something about them, as well.

Lastly, Mr. Chairman, I do want to conclude and not take away from the gentleman from Iowa (Mr. LATHAM) because I thank him for his kindness in working in a bipartisan manner, but I do believe that gun trafficking is something that we need to attack.

We also need to promote and increase the numbers of ATF officers. Eighteen hundred compared to some 50,000 FBI officers. Eighteen hundred ATF officers. And the money that has been allotted so far is not enough to assist in making cases with our local jurisdiction.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Iowa (Mr. LATHAM) will be postponed.

It is now in order to consider Amendment No. 23 printed in Part A of House Report 106–186.

AMENDMENT NO. 23 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 23 offered by Mr. ROGAN:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by striking "Gun-Free Schools Act of 1994" and inserting "Safe Schools Act of 1999".

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

(3) DEFINITIONS.—Section 14601(b)(4) is amended to read as follows: "For purposes of this part—

"(A) the term "1 weapon" means a firearm as such term is defined in section 921 of title 18, United States Code;

"(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period; and

"(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

"(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by—

(1) striking "served by" and inserting "under the jurisdiction of"; and

(2) by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended—

(1) in paragraph (1), by inserting "current" before "policy";

(2) in paragraph (2)—

(A) by inserting before "engaging" the following "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or"; and

(B) by striking "; and" and inserting a period; and

(3) by striking paragraph (3).

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. ROGAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as parents and as legislators, nothing is more important than supporting safe productive schools.

Today our children face unprecedented threats from drugs and violence in our Nation's schools. It is time to enact bipartisan legislation to correct this horrible situation.

The President, in his State of the Union Address, called for zero tolerance for guns and drugs in schools. The President is right. It is time for the House to signal its commitment to eliminating drugs from the public schools.

I am pleased to offer this amendment, Mr. Chairman, to help us achieve our goal of drug-free schools. This amendment gives State and local school officials the weapons they need to strike a major blow in the war on drugs. The amendment requires that any school accepting Federal education funds must adopt a zero-tolerance policy regarding felonious possession of drugs. It applies the same standards to drugs as are currently applied to guns. Those who come to school to use or sell illegal drugs simply should not be allowed to attend.

This amendment also addresses the next concern, which is, what next? Current law provides for the education of those expelled in an alternative facility and provide for a case-by-case appeal with a local school official. This amendment would continue that same policy with respect to drugs as we currently have on the books with respect to guns.

Zero tolerance for illegal drugs can work. In a national survey by the Center for Addiction and Substance Abuse at Columbia University, they reported that more than 80 percent of those on the front lines in the war against drugs, teachers, principals and, yes, even students, believe that zero-tolerance policies are effective and will reduce drugs in their schools.

□ 2200

What is more, about the same percentage support adopting similar standards in their school. Nothing underscores this crisis and our need for definitive action more than the news reported by the students in Columbine that I just mentioned. According to their survey, more than three-fourths of the students said drugs were kept, used and sold in their schools. We owe students, parents and teachers decisive action to wipe out drugs in the schools. Our amendment will do for them just that. Zero tolerance for illegal drugs in the schools, Mr. Chairman, will mean just that, zero tolerance.

Mr. Chairman, today we have an opportunity to act in a bipartisan way to help build a safer America. I urge my colleagues to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek recognition to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another example of a need for deliberation. If we had had deliberation and had a hearing on this, we would have found that all of the available research shows that a suspension is the last thing that we would want to do.

The gentleman from California mentioned the requirement that services be continued for someone that is expelled from school. That is only true for those who are designated as special education students under Individuals with Disabilities Education Act, and of course an amendment to remove that provision is coming up later. In fact, the Elementary and Secondary Education Act that was passed, is present law, provides that in cases of expelling a student nothing in the title shall be construed to prevent a State from allowing the local education agency that has expelled a student from such student's regular classroom from providing educational services in an alternative setting. They are not prohibited from doing it, but there is nothing that requires them to do it.

Now, if we had had a hearing, we would have known that threatening a kid with a 1-year suspension or 1-year vacation, a kid that did not want to go to school anyway would not be much of a threat. We would have known that without an alternative education that that person would be much more likely to get in trouble. As a matter of fact, he has got nothing constructive to do, so he is much more likely to be committing crimes because he is on the street, nothing to do, crime and drug use.

Mr. Chairman, this amendment offers no counseling on why the child was using drugs, no mental health assistance, just a year on the street. Now we know that there is a strong correlation between crime and graduation and graduation rates. People who do not graduate from our school are much more likely to be committing crimes. With a 1-year suspension we make it much less likely that they will ever get out of school.

So, Mr. Chairman, we have a situation where if this amendment passes and allows children to be kicked out of school without any services, we will actually be increasing the crime rate. If we are serious about crime, Mr. Chairman, we will defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume just in brief response to my friend from Virginia.

I am somewhat nonplused by the suggestion that this bill is a bad idea because it will remove drug sellers from the public schools, and instead it would put them on the street. With all due respect, although I do not agree with the gentleman's suggestion that that is the only alternative, either in the schools or in the streets; if that, in fact, were the case, I would respectfully suggest that most parents with kids in school would rather have those people selling drugs or with guns removed from the school than in school to terrorize the children.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I strongly support the gentleman's amendment. I think that if one is selling felonious quantities of drugs in a school or possessing felonious quantities of drugs in a school, they have no business being there because they are providing harm to the other students.

Now I am very sympathetic to the concern that that person who is doing the selling in some way be diverted into some other program. I think there are agencies of the government that can and should handle that, but the reality is that if a kid is in school with this kind of quantity of drugs, that is a jeopardizing factor for every child of every parent who has a child in that school, and I think this is a very fine amendment, and we need to have this amendment adopted. It makes every bit of sense in the world if we are going to have that with respect to the gun issue.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. All right. What is meant by felonious quantities? Is it the same thing in every State? Is a felonious quantity in Florida the same as a felonious quantity in California?

Mr. McCOLLUM. Reclaiming my time, it is Mr. Rogan's amendment, but my interpretation is that would be a felonious quantity depending upon the State or Federal law since he has made it in the alternative. But I would yield back to him to let him discuss it with the gentlewoman.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume, and I would invite the gentlewoman's attention to page 2, lines 21 through 25 of the amendment and going into page 3. It says the term felonious quantity means any quantity of an illegal drug possession of which quantity would under Federal, State or local law quantify for that.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Chairman, in 1994, when we reauthorized the Elementary Secondary Education Act, I was a member of the minority. A gentleman from suburbia in the majority at that time proposed an amendment that said any student bringing a weapon to school would be suspended for a year.

First I asked him what he is doing in relationship to defining a weapon. He then said: Make it a gun. I then reminded him that he also offered an amendment that said one can only suspend a special ed student for 10 days, and because he was micromanaging State and local responsibility for elementary secondary education, he was also micromanaging it when he did the 10 days, and now he puts the school district in a real situation. The lad comes with a gun who is a special needs child along with his neighbor who is not a special needs child who also has a gun, and one goes out for 10 days, and one goes out for a year.

Of course what does that do? That brings a lawsuit immediately to the school. They are discriminating against someone's child, they are sending someone's child out for a year.

The point I am trying to make is that consistently I have said that it is the responsibility, public education is the responsibility, of local and State government, which is exactly what my philosophy and my party's philosophy has always been, and so I think we really have to be consistent.

We are micromanaging State and local government responsibility. It is their responsibility to determine what the rules and the regulations should be, and as I indicated, we have gotten ourselves into real trouble by this micromanaging, a 10-day suspension versus a year's expulsion.

Now I want to make it clear that the statute does not say that they must provide an alternative education under the 1994 statute. They may if they wish. There is nothing in the statute that says they must provide an alternative education. Some States require an alternative education on a suspension or an expulsion. Nothing in the elementary secondary education statute does that.

So I think we must be awfully careful. No matter how good the idea is and how appealing the idea appears, we have to be consistent. Elementary secondary education is the responsibility primarily of the State and local government.

Now colleagues can argue and say, but wait, they are taking Federal dollars, and they do not have to take Federal dollars. Oh, one can argue that for IDEA, for Individuals with Disabilities Education Act. But let me tell my colleagues, if we do not provide that education, I will guarantee they will have a lawsuit, whether it is mandated or whether it is not mandated. So we cannot use that argument to cover us.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, let me start by commending the gentleman from Pennsylvania (Mr. GOODLING) for his consistency. It is not always that we see such consistency in this House, and I must say that I agree with him.

Now it strikes me that it is very difficult politically to vote against any bill or amendment that says in the name of the war on drugs let us have zero tolerance, let us expel someone from school, let us keep our children safe. But the fact of the matter is that one can easily imagine situations where that might not be the most intelligent thing to do.

If someone has a 13 or 14-year-old kid who has some marijuana in school, he should be punished. But a year's expulsion? Maybe, depending on the circumstances. Has it happened before? Has he had other delinquencies? Is this the first offense? What is the story?

This amendment makes no distinctions. This amendment says never mind the wisdom or the familiarity of the local school board or local school authorities with the situation. Throw this kid out on the street for a year, let him spend this time in the company of drug dealers and crooks, but in any event not in school because Congress says so.

We always hear, especially from that side of the aisle, about local control. This is quintessentially the time, the situation for local control, and what this amendment says is if a local school board of the City of New York or the City of San Francisco wants Federal money, it had better expel that kid for a year. Maybe it should, maybe it should not, we should not. We should not tell them.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume just in response to my colleague and friend from New York. I would simply suggest that this amendment is limited to an individual that possesses a felonious quantity of drugs in school or possesses a quantity sufficient for distribution or sale. This amendment also allows local schools and school districts to maintain a case-by-case review. If there was some bizarre or unusual circumstance that warranted appropriate review, it would allow for a case-by-case review, and that would be done with a local school district official, and it would not be done from Washington.

The question is simply this, as I see it, Mr. Chairman: Do we in Congress have a right when appropriating Federal funds to schools to expect that those particular school districts are going to maintain a safe environment for the children that are attending those schools, and I would simply submit that having children in school who are known to be in possession of felonious quantities of drugs, just as children who are known to be in possession of firearms, present a clear and present danger to the health and safety of every child in that school and every teacher in that school, and that is not an appropriate environment for either parents, teachers or schoolchildren.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. ROGAN. I yield to the gentleman from New York.

Mr. NADLER. Is the gentleman aware that under this amendment we may have, depending on any local ordinance, and we do not know what every local ordinance is in the country, a felonious amount that may be a very tiny amount and that may not have been enacted by that local community with the idea that possession of that small amount would result in the automatic expulsion of a student for a year?

Mr. ROGAN. Again, Mr. Chairman, reclaiming my time, I thank the gentleman for the inquiry. I think that addresses the question that the gentleman raised a few moments ago, that it is up to the local communities and to the State legislatures to define what is or is not a felonious amount.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding this time to me, and I think after the Littleton, Colorado, we all are asking ourselves questions, what should we do and how should we act to make sure we reduce the act of crimes by our young people, and I think the gentleman certainly has a well intending goal of having zero tolerance for violence and drug dealing in the school. But to micromanage to achieve that is not only inconsistent with his party's view, but I would like to understand is the gentleman suggesting that the California school districts are not able to determine what they should do to have a zero tolerance for drugs? I mean could the gentleman answer that for me?

Mr. ROGAN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from California.

Mr. ROGAN. I am more than happy to yield to California or any other State to decide on a statewide level what should be the appropriate toleration level for possession of drugs or guns in their school.

□ 2215

Mrs. CLAYTON. Mr. Chairman, I am thinking about what should be done to have zero tolerance is not necessarily just expulsion of kids from school. It could be a variety of things.

Mr. ROGAN. Mr. Chairman, if the gentlewoman will yield to me so that I can finish answering her question.

Mrs. CLAYTON. Mr. Chairman, if the gentleman could do it quickly, I would appreciate it.

Mr. ROGAN. I am not sure that comes with the nature of a politician, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, if the gentleman cannot answer quickly, I will answer it for him.

Indeed, it is inconsistent with your party's position, and I would think that California, like North Carolina, could say what they would want to do with a variety of issues, perhaps expulsion would be one. But to mandate that I think is inconsistent, and I urge my colleagues to vote against this well-intended, but ill-conceived amendment.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Mr. Chairman, do we on this side have the right to close?

The CHAIRMAN. The gentleman is correct; the gentleman from Virginia has the right to close.

Mr. ROGAN. Mr. Chairman, may I inquire of my colleague, does he have any further speakers, or is he prepared to yield back?

Mr. SCOTT. Mr. Chairman, I have two speakers, including myself, to close.

Mr. ROGAN. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman's amendment should be killed, because he is submitting this amendment about felonious quantities, but it is not in line, there is no reference. When he made this, the school system did not know about this amendment. The people who were making these laws back home did not know that this amendment would come up saying to them, any felonious quantity. Because if they had known that, this amendment, this particular thing would not qualify. It is going to force them to change everything for this one amendment.

This amendment should not pass because of that reference.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume to simply suggest to my colleague from Florida that I would be very surprised if there was going to be a rush within the State legislatures of America to increase the definition of what is a felonious quantity of drugs to allow drug dealers and drug users to remain in the public schools. I do not think that is what most school board members, I do not think that is what most principals and teachers are looking for.

Mr. Chairman, I have no quarrel with the philosophical objections of my friends on the other side. That is something that we deal with in this Chamber on a regular basis. I would simply urge them to revisit this issue and take a look and search their hearts and make a determination, if they could see their way clear to voting for an amendment that will take a positive step forward from removing dangerous drugs from the public schools. This is an opportunity to do it. I have submitted the amendment for that purpose. I ask for an aye vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, first of all, in terms of what amount we are talking about, if it is any amount for sale or even small amounts of something like crack, it could easily constitute a felony. Our community is not better off with students roaming around with nothing to do; no education and no services. These students will not disappear; they are going to be in the community and they are not going to be up to anything constructive. This amendment, if it does anything, will increase the likelihood that our communities will be more dangerous and more crime-ridden. We need to continue educational services for these students and kicking them out on the street will not do anything to reduce the crime rate.

If we are going to be serious about crime, we need to defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California will be postponed.

It is now in order to consider Amendment No. 24 printed in part A of House report 106–186.

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 24 offered by Mr. TANCREDO:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fee and costs, notwithstanding any other provision of law; and

(2) the Attorney General is authorized to provide legal assistance to the school district or other government entity that is defending the legality of such memorial service.

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, difficult as it is to believe, there are people and organizations that would attempt to prevent parents and students from seeking the comfort of their Creator when dealing with the horror of a situation like the one that we experienced in my hometown of Littleton, Colorado.

The amendment I have sponsored clarifies the position of the Congress with regard to these issues. It declares that a fitting memorial on public school campuses may contain religious speech without violating the Constitution. It puts Congress on record with respect to the constitutionality of a permanent memorial or memorial service that contains religious speech. The amendment does not specify what kind of memorial that would be appropriate. That decision is for local schools and communities.

It states that it is fitting and proper for a school to hold a memorial service when a student or teacher is killed on school grounds, and that it is fitting and proper to include religious references, songs and readings in such a service. Prayer, reading of scripture or the performance of religious music can be included in a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on campus.

The amendment also allows for the construction of a memorial that includes religious symbols or references to God on school property.

Mr. Chairman, there are many examples in our government of proper and constitutional references to religion. Chaplains of the Armed Forces conduct memorial services, yet do not compromise the establishment of religion by the government. Both the House and Senate conduct opening prayers before each legislative day, and Arlington Cemetery has signs identifying it as a Sacred Shrine and Hallowed Ground.

The amendment specifically mentions that religious songs may be sung at such memorials without violating the Constitution. Two Federal appeals courts that have taken up the issue both have ruled that school choirs may sing religious music. The Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have "The Lord Bless You and Keep You" as a signature song.

In the same way, erecting a memorial that contains religious references such as a quote from the scripture or a religious symbol from the deceased's religious tradition would not violate the Establishment Clause of the Constitution.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual and regrettable circumstance.

In either case, if a lawsuit is brought forth, parties are required to pay their own legal fees and costs, and the Attorney General is authorized to provide legal assistance to defenders.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. NADLER) seek to control the time in opposition to the amendment?

Mr. NADLER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 10 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are three things wrong with this amendment. First, it is substantively wrong and it is obnoxious to the spirit and the letter of the first amendment of the religious freedom provision of the Constitution.

The Congress of the United States finds that the saying of a prayer or the placing of a memorial which includes religious symbols and motifs on the campus of a public school to honor the memory of someone who was slain does not violate the first amendment.

Well, the first problem is, it may very well violate the first amendment. The courts have held that organized prayer in a school or at a commencement or in a service at a school does violate the first amendment, and certainly the placing of a religious symbol which may offend some people, some future students, maybe even some current students or some future teachers. Imagine if there were a Muslim symbol that may be offensive to Christians or a Jewish symbol or Christian symbol offensive to others or some minority religion. Of course the minority religion would not get its symbol placed there because the local school board would not do that. That is the point. We do not discriminate and we do not make minority religions feel tolerated. They are equally American as anyone else, minority or majority, and that is why the Constitution prohibits an establishment of religion, and the courts have held that precisely what the sponsor of this amendment wants is an establishment of religion, and Congress saying it is not so does not make it not so. That is the first problem with this amendment.

The second problem with this amendment is that the Congress cannot declare what the Constitution means and what violates the Constitution and what it does not. We have accepted since 1803 the case of Marbury v. Madison; everybody learns it the first week in constitutional law in law school or college. It is that the Supreme Court interprets the Constitution and says what the Constitution means and it is not the province of Congress. We determine what the law is. We write the law, but we do not find whether the law violates the Constitution.

We should endeavor in making laws to try to not make laws that contravene the Constitution, but it is the job of the courts, not our job, to determine what does violate the Constitution.

And thank God we have a judiciary to protect the individual rights of Americans. That is why we have a Bill of Rights. The judiciary interprets the Bill of Rights and protects the individual rights of even unpopular people, and it is not the business of this Congress to declare that something does or does not violate the Constitution and try to tell the Supreme Court you are wrong.

The third problem is with the attorneys fees provision of this bill. This amendment says that any lawsuit claiming that this type of a memorial or memorial service violates the Constitution, each party shall pay its own attorneys fees and costs, notwithstanding any other provision of law, and the Attorney General is authorized to provide legal assistance to the school district.

So because the author of this amendment wants this type of service, wants this type of religious prayer or memorial, if someone thinks it is unconstitutional, if someone thinks his or her or someone in that community thinks his or her religious community has been violated and he goes to court to sue the school district, the Attorney General is authorized to support the school district, the Attorney General thinks it is unconstitutional, he is not authorized by the terms of this amendment to oppose the school district to represent the plaintiff or to come in on the side of the plaintiff, and not withstanding any other provision of law, each party should pay its own attorneys fees. So even if the plaintiff, thinking that his, believing that his or her religious liberty and religious rights under the Constitution were violated, goes to court, the court agrees, it goes up on appeal, the appeals court agrees and the Constitution is upheld, he cannot get his attorneys fees.

This is trying to say religious minorities have no rights and certainly not the rights to prevail in court and have the losing party pay their attorneys fees. Only the popular side can get its attorneys fees paid. It is a violation of fundamental American fairness and, I submit, unconstitutional and unworthy of this Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

There are a number of differences that exist in this particular amendment and what it refers to in terms of the kind of religious liberty that it is designed to allow, or at least put the Congress on record that supports a particular expression of religious freedom. The gentleman indicates that there have been a number of cases already heard that have been decided against the expression of religious points of view in schools. That is true, but the significant difference here is that in each one of the court cases that have come down on that side of the issue, they have talked about the fact that there is a captive audience in a particular location in a classroom; and if that is the case, if this audience is held captive by the environment, by the situation in which they are placed, that it is indeed unconstitutional to advance some sort of religious preference.

But that is not the case with anything that we are talking about here in terms of a memorial or a memorial service. There is no one that is there because they have to be there. No one is forced by any sort of law to participate. It is simply an expression of a religious preference, a religious point of view, a degree of religiosity that exists in a community and has every right to be expressed.

There is nothing in the Constitution, it seems to me, or in the first amendment that suggests that that expression should be hampered. All this amendment does is to put the Congress on record that it supports that particular point of view.

□ 2230

In terms of it making a claim that school boards and school districts will automatically reject certain "minority" religions, whatever that might be, I do not know where there is proof of that particular statement. I do not know exactly even what the definition of "minority religions" might be, but we leave that, of course, up to school boards and school districts.

Mr. Chairman, there is a right, or there is nothing in this amendment that restricts anyone from taking this thing to court. Of course, it does, as my colleague indicates, suggest that if one loses, one has to pay their own court costs. Again, I do not see anything really wrong with that.

In general, this is not really the kind of issue that should spark a debate, it seems to me, over the essence of the First Amendment, because it is patently clear, at least to me, that we are not doing anything in this amendment that forces anyone to accept one sort of religious ideology. Again, the Constitution guarantees the freedom of religion, of religion, to express one's religious ideas.

In a situation like we faced in Colorado, I must tell the Members that without that ability to express that particular faith, I do not know where any of us would be. And there were people and organizations that really argued against that sort of expression.

I have a letter here that was written by a parent of one of the individuals who was killed in Columbine, a young lady by the name of Cassie Bernall. This was written by her father, Brad Bernall, in support of this amendment when a similar amendment was offered in the Senate by my colleague, Senator ALLARD.

He said, "My wife, Misty, and I both believe any Columbine incident memorial should memorialize each individual in a personal way. Everyone knows, thanks to a good job by the media, that Cassie was a very strong Christian. To leave this facet of her persona out would be to mis-memorialize her and others."

I think the statement is accurate, and I believe that this Congress should go on record in support of it.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT), the distinguished ranking minority member of the subcommittee.

Mr. SCOTT. Mr. Chairman, if this amendment becomes law, those who complain of violations of their free exercise rights under the Constitution because the public authorities excluded religious observances, they could get their attorney's fees paid, but those who are complaining about excessive injection of religion would not have the same kinds of rights.

Mr. Chairman, this amendment has significant constitutional implications. It needs deliberation and should not be an afterthought on a juvenile justice bill. I would hope it would be defeated.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Colorado for yielding time to me.

Mr. Chairman, I very much appreciate the gentleman's effort. What is more precious to someone, if we are talking about their memory, than talking about their beliefs, the things for which they were willing to live and the things for which they were willing to die?

Yes, we know about Cassie Bernall, who was asked, do you believe in God; yes, and because of that she was killed. For those who do not want the memory of the religious beliefs to be commemorated at the memorial that they leave behind, I invite them to go across the Potomac River to Arlington National Cemetery, where Members will find row upon row upon row of religious symbols chosen by people who were gone to mark their graves. Some may be crosses, most are, and some may be emblems of another faith, such as stars of David.

But to say that when one is gone, the memory of one's faith must be gone, too, is not the American way. I urge Members to support this amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, my colleague who just spoke on the floor of the House gave us a passionate plea. As a mother, I acknowledge that no one can speak to the pain of the parents who have lost a child or the tragedy of Columbine in Littleton, Colorado. I appreciate my good friend, the gentleman from Colorado (Mr. TANCREDO) in his attempt to bring honor to that memory.

It is now 10:35 p.m. at night, and we are now seeking to amend the Constitution and to change the rights of Americans throughout this land who have come to understand that the First Amendment indicates that Congress will make no law respecting the establishment of religion.

I am unsure of the intent of this initiative, inasmuch as communities can come together and express themselves and their religious beliefs in any way they so desire. It is established, however, that we cannot make a religious standard publicly by the government.

So I would say to the gentleman from Colorado, it would be nice if we could deliberate and begin to refine his desires as it relates to giving honor to the deceased, but to amend the Constitution and to extinguish rights of those who may have opposition to the expression of a particular religion is unconstitutional.

This amendment will have a chilling effect on claims that could be filed to challenge the constitutionality of religious displays or activities in public schools. Let us do the right thing, maintain the sanctity of the Constitution, respect those who are deceased, and not amend this Constitution late into the night on a juvenile crime bill.

Mr. TANCREDO. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise to simply make a clarification of some statements that were made earlier. That is that the Congress of the United States does not have the authority to speak on the constitutionality of issues, but rather that must be left in the hands of the Supreme Court.

I would simply remind my colleagues of the oath of office that each Member takes. That is, that I, name of Member, do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

At no time here does this say that Members of Congress will in fact support and defend the Constitution according to what the United States Supreme Court or any other Federal court says.

Secondly, the issue has been brought up with regard to the 1803 decision of Marbury vs. Madison, but as Lewis Fisher, senior specialist in separation of powers at the Congressional Research Service reminds us, Chief Justice Marshall's decision in Marbury represents what many regard as the definitive basis for judicial review over congressional and presidential actions, but Marshall's opinion stands for a much more modest claim.

In fact, the specialist goes on to say that "Marshall and the Supreme Court did not require Jefferson to actually seat the magistrate in question, not because of any constitutional problems, but because they simply realized that Jefferson and Madison would simply disregard their writ."

As Chief Justice Warren Burger noted, the court could stand hard blows but not ridicule, and the ale houses would rock with hilarious laughter had Marshall issued a mandamus that the Jefferson administration ignored. Please support the gentleman's amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am as religious as anyone else, so I do not take a back seat to anyone when we talk about religion. But I do stand up for the Constitution. It is amazing what I have heard here today, the assault on the Constitution, on First Amendment rights, on freedom of religion; the basic First Amendment rights, the 10 amendments to the Constitution that hold this democracy in good stead.

The gentleman can talk about the Constitution all he wants, but he cannot amend it on this floor tonight, on this piece of legislation. Even the most right-wing of Supreme Court Justices will not allow what the gentleman is trying to do. This speaks to the heart of religious freedom.

No, we do not want to intrude on anybody's rights by having religious memorials and symbols on our schools. The gentleman would not like it if someone denigrated his religion or tried to dominate school property with their religion. The gentleman can speak all he wants to tonight on this crime bill, and the gentleman can assault the Constitution if the gentleman would like, but I guarantee Members, even if the majority of this Congress votes for religious symbols on memorials any time, anyplace, anywhere, they are going to lose in the Supreme Court, because no matter how right-wing those Justices are, they respect the Constitution. They know the Constitution, and they are going to hold that Constitution up and keep it from being defied and dismantled by the likes of Members who do not understand what a democracy is all about.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, despite the good intentions of the gentleman from Colorado (Mr. TANCREDO) in offering this amendment, I cannot believe at 10:30 in the evening, with more staff members than Members on the floor of the House, the gentleman from Indiana just rewrote the Constitution of the United States.

I would suggest that Article III, Section 1 and Section 2 are very clear, that this body, this House, has no right to declare any action or law constitutional or unconstitutional. If the gentleman can show me where in this Constitution right now we have the authority to declare something as constitutional or unconstitutional, I will support this amendment. But I am confident it does not. We cannot rewrite 200 years of history in 5-minute debates on the floor of the House.

Mr. Chairman, I would suggest that Mr. Madison and Mr. Jefferson spent 10 years debating the important principles of the separation of church and State because they realized how fundamental it was to the law of this land.

Yet, late at night, with so few Members on this floor, we are debating that same principle, given not 10 years, not 10 months, not 10 weeks, not even 10 hours of committee hearings, but 10 minutes per side to debate this fundamental issue. That kind of short-shrifting of the Constitution and the Bill of Rights and the first 16 words of the Bill's amendments leaves numerous unanswered questions, not the least of which are who decides how many memorials can be on a public school campus, government employees? Who decides what those symbols can be, which religions are okay? Are wiccan symbols okay? How about satanic symbols?

This does not do respect to our Constitution and Bill of Rights, no matter how well-intended the author is.

Mr. TANCREDO. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. With all due respect to the gentleman from Texas (Mr. EDWARDS) regarding Mr. Madison and Mr. Jefferson, Mr. Jefferson was actually no party to the United States Constitution nor the ratification of the Bill of Rights, because he was in service in France at the time.

But with regard to what the gentleman said about Article III of the Constitution, actually it says nothing with regard to the constitutionality itself. In fact, Chief Justice John Jay, the original Supreme Court Justice, relinquished his Chief Justiceship because he did not believe the Supreme Court would actually carry the weight of the debate with regard to separation of powers and the importance of the issue of the Supreme Court and the judicial system.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

The gentlewoman from California (Ms. WATERS) said something with which I can agree. She referenced the first amendment, and she said that it guarantees freedom of religion, freedom of religion.

What does that mean? How much more clear could it have been put: Freedom to express one's own religious ideas, freedom to practice one's religion.

□ 2245

It is a statement so clear that it is difficult for me to understand how people can put obstacles in the way of that freedom, and yet that is exactly what has been done. Even in Colorado, that is what has been suggested should be done in cases where the most horrific tragedies have occurred, that we should put obstacles in the way of people expressing their own religious preference and seek God's help.

This amendment hopes to change that experience.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the memory of the victims' religious beliefs can certainly be commemorated and eulogized without offending the Constitution.

The prayer can be said at a memorial on school property after school hours if attendance is voluntary but not if attendance is compulsory.

The legal fees clause of this amendment is clearly aimed at biasing the legal systems against people with a different view of the First Amendment than that held by the sponsor of this amendment. For these reasons, especially the last one, this amendment offends the Constitution, offends the Bill of Rights, offends religious liberty and ought to be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

It is now in order to consider amendment No. 25 printed in Part A of House Report 106–186.

It is now in order to consider amendment No. 26 printed in part A of House Report 106–186.

AMENDMENT NO. 26 OFFERED BY MR. DEMINT

Mr. DEMINT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 26 offered by Mr. DEMINT:

Add at the end the following:

TITLE —LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES

SEC. . LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES.

Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended—

(1) by striking "In" and inserting "Except as otherwise provided in this subsection, in";

(2) by striking ", except that" and inserting ". However,"; and

(3) by adding at the end the following: "Attorneys' fees under this section may not be allowed in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from South Carolina (Mr. DEMINT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my freedom of expression in schools amendment is to ensure that a student's First Amendment right to freedom of religious expression is protected. This amendment is important to school safety, because what we value and believe, as children and adults, directly impacts how we act. It is, therefore, essential that students not be discouraged from participating in positive, faith-based activities or exercising their freedom of religious expression.

As many of us know, public schools are being intimidated into suppressing religious expression by the threat of costly litigation. This litigation often arises from a confusion between a school allowing religious expression by a student, which is protected, and a school sanctioning and endorsing religion, which violates the establishment clause.

Only a few weeks ago, with graduation exercises having been completed around the country, there were valedictorians and class presidents who were actually physically removed from the stage, their speech censored, not because it contained vulgarity or obscenity but because it contained constitutionally protected, student- initiated religious expression.

This has taken place in both California and Minnesota this year. The Indiana Civil Liberties Union wrote a letter threatening to sue any high school or college in the State if they allowed prayer at graduation ceremonies. The letter said, you will pay your own and our attorney's fees, an amount that could run as high as $250,000.

How can schools take this risk? It is much easier just to tell the students not to pray than to risk spending this amount of money.

In cases from Michigan to Maryland to Indiana, so-called civil liberties groups have threatened principals and school boards with lawsuits because of legitimate student religious expression. This is happening because such cases were made exempt by Congress from the common legal practice of each side paying its own attorney's cost. Schools that are accused must face the additional threat, if they lose, that they must also pay the other side's legal fees. This provides a perverse incentive for schools to silence the speech of students rather than to face a punitive lawsuit.

Congress created the one side loser pays exception to the normal practice in order to encourage the defense of civil liberties. However, this exception is now being used as a weapon to suppress these very liberties. The current incentive is for schools to silence student religious expression rather than fight for student constitutional rights. My amendment simply corrects the mistake and returns such cases to the normal practice of each side paying its own fees. Such cases should be decided on the merits, on a level playing field, not by threats and bullying.

Mr. Chairman, Congress has set a clear precedent for this amendment. In 1996, Congress passed and the President signed the Federal Courts Improvement Act. This bill included a provision that exempted certain cases brought against judicial officers from the attorney's fees requirement. It amended the identical section I am amending. The bill passed the Senate by unanimous consent, was brought to the House floor by unanimous consent and passed on a voice vote.

Let me quote a portion of the rationale provided by the Senate Committee on the Judiciary report on the bill. The risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair day-to-day decisions of the judiciary in close or controversial cases. The same risk of burdensome litigation is threatening our public schools and more. It is threatening the First Amendment rights of our students.

I urge my colleagues to support this reasonable and well-crafted amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment has a very clear and pernicious purpose. Put simply, if one agrees with the sponsor of this amendment on the role government should play in religion and the government violates their rights, they get their day in court and if one wins the government that violated their rights can be ordered to pay their attorney's fees, but if someone disagrees with the sponsor's views and the government violates their rights and they win their case, that is to say a court finds that their constitutional rights are violated, then the court may not under any circumstances order the local authorities to pay attorney's fees.

It does not matter how extreme the violation of one's rights. It does not matter how much it costs to protect one's rights in court. It does not matter how much the local authorities drag their feet or drag down the case to make it more costly or burdensome for someone. None of that matters. A person has to pay the costs and pay a dear price if one disagrees with the sponsor of this amendment.

There is only one effect this amendment will have, and that is to silence dissent against the local majority. Perhaps some people like that idea. Perhaps it is politically popular to stick it to religious minorities, but that is not what this country is supposed to be about. Perhaps the proponents of this amendment should go back to school and do a little homework on the First Amendment.

Both of the religion clauses of the First Amendment were put there to protect religious freedom. The establishment clause, as unpopular as it is in some circles, protects all of our rights to religious liberty to those who would commandeer the power of the State to promote mere particular religious views. Where those views are the views of the majority, that may be politically popular but it is not a stand in defense of religious liberty.

Remember, we are not talking here, despite what the sponsor of the amendment said, about frivolous lawsuits. We are talking about victorious lawsuits, lawsuits which persuaded the courts that they were right, that the plaintiff's constitutional rights were violated by the local government. The judge said, they were right and now this amendment says, but one cannot get their attorney's fees anyway; only the people who agree with the sponsor or with the local majority can get their attorney's fees.

This is not right. It is an attempt to bias the courts, to bias the courts financially against people who would sue on the basis of the establishment clause, and frankly the courts ought to be neutral. They ought to interpret the Constitution, and if someone's rights are violated and they win that fact in court, if the law provides for attorney's fees, then they ought to get it. We should not bias the case one way or the other, as this amendment would try to do, to stifle dissent and to stifle minority religious views.

Again, this amendment is obnoxious to the First Amendment and ought to be defeated.

Mr. DEMINT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I am intrigued by the comments of the earlier gentleman saying that he was deadly opposed to the fact that the United States Congress should not impose its will on local authorities but it is quite well enough for the United States Supreme Court to do that.

Mr. Chairman, I rise in strong support of the DeMint amendment. It is time that America stop the making of constitutional law by extortion. Let me give an example. In 1992 the Supreme Court in Lee v. Wiseman decided, wrongly I believe, that local graduation prayer conducted by schools was unconstitutional.

In March of 1993, the Indiana Civil Liberties Union wrote to educators in Indiana threatening a lawsuit should the school have any type of prayer at graduation. Let me quote from that letter:

> We know that a few school boards are trying to find a way around the Supreme Court ruling. If you decide to hold graduation prayer anyway, as a matter of principle, four things will probably happen. We will sue both the school corporation and any individuals who approved and authorized graduation prayers. We will win. The Supreme Court has already decided the issue. You will pay your own and our attorney's fees, an amount that could run as high as a quarter of a million dollars. Your insurance will not cover it because it is a deliberate violation

of law so the money will come directly from property taxes.

That is not what our founders intended. It was wrong in 1976 to give an incentive for coercing public officials to act in opposition to the wishes of their constituents. It is right to put some sanity back into this legal process. Constitutional law should be by deliberation and not extortion.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, first I want to say that I am sorry that the gentleman from Colorado (Mr. TANCREDO) decided not to offer the second amendment he had a right to offer. I think he must have realized that offering that amendment, which he had put in there, to circulate the pamphlet put out by the Department of Education on religious rights would have undercut much of the argument we get from the other side, because we were eagerly looking forward to supporting his amendment. Somebody probably tipped him off and that is why he decided to not to offer it, because that pamphlet from the U.S. Department of Education makes clear how broad the right of children is in the schools to engage in appropriate religious exercise within the framework of the Constitution. So they thought better of it and they must have read the pamphlet and realized that it strengthens the case of the other side.

Now I did also want to bring poor Thomas Jefferson back from France, to which he was exiled by the gentleman from Indiana (Mr. HOSTETTLER), while he was Secretary of State. The gentleman from Indiana (Mr. HOSTETTLER) said Thomas Jefferson had nothing to do with the ratification of the Bill of Rights because he was serving in France.

If he was serving in France during that period, he was serving as Secretary of State because he was not the ambassador to France while he was Secretary of State and that is when they did the Bill of Rights. So the gentleman's history is not much not better than his constitutional law. His constitutional law seems to misunderstand the principle. Yes, we take an oath that we are bound by the Constitution. We should not transgress it. I wish that oath meant more to people around here sometimes.

But when there is a decision by the Supreme Court, it is binding on us. The gentleman from Indiana (Mr. HOSTETTLER) appears to want to disregard that. A Supreme Court opinion is binding.

Finally, I want to note that the author of this amendment does not appear to have much faith in the amendment before him of the gentleman from Colorado (Mr. TANCREDO). It does exactly the same thing.

Now apparently what we have here is the Republican leadership has found a way around the FEC, not the Constitution. They found a way to help people with their campaigns.

The gentleman from Colorado (Mr. TANCREDO) offered an amendment, thanks to the Committee on Rules, and it included the very same provision of this amendment, but this gentleman also wanted to offer it.

So what is two amendments that say the same thing in a bill that is kind of crazy anyway?

Now, of course, if we had a functioning Committee on the Judiciary which could contemplate these issues, we would not have this kind of scramble.

That is the final point. Should we or should we not have a situation where public officials deliberately violate the Constitution to have to pay in a lawsuit? Well, maybe they should be allowed not to have to do that, but why pick and choose?

The Republican Party controls the Committee on the Judiciary. If the gentleman thinks it is wrong that we have a situation where public officials who have violated the Constitution have to pay the legal fees of those whose constitutional rights they violated, and were so found by the Supreme Court, why did not the gentleman have a hearing, why did not the gentleman have a subcommittee markup, all these exotic things we used to have?

This is a politically constructive process that is putting together a Rube Goldberg of a bill.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana, to bring Thomas Jefferson back.

□ 2300

Mr. HOSTETTLER. Mr. Chairman, will the gentleman from Massachusetts tell me where the Secretary of State was serving as a Member of the House of Representatives or a Member of the Senate while the amendments to the Constitution were being offered?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman from Indiana said he was in France. The gentleman from Indiana needs a lot of explaining. He said that Thomas Jefferson was in France during the ratification of the Bill of Rights. He was not in France during the ratification of the Bill of Rights.

Mr. HOSTETTLER. Mr. Chairman, he was in France.

Mr. FRANK of Massachusetts. Mr. Chairman, he had, in fact, been serving as the Secretary of State. I did not say he was in the House or the Senate. I was contradicting the statement of the gentleman from Indiana that he had nothing to do with the ratification of the Bill of Rights because he was in France.

As a matter of fact, Thomas Jefferson here in the United States as Secretary of State and James Madison as a Member of Congress talked to each other.

It was the gentleman's statement, and, again, I understand the gentleman wanted to change the subject, he said, among his many errors, that Thomas Jefferson was in France during the ratification of the Bill of Rights; and he was wrong by about 4,000 miles which, by his standard, is not so bad.

Mr. DEMINT. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I just want to be clear for the RECORD, is it the intent of the gentleman from South Carolina (Mr. DEMINT) that his amendment, when he uses the term "students' religious expression," that the term "students' religious expression" includes student prayer?

Mr. DEMINT. Yes, Mr. Chairman.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise tonight in support of the students whose first amendment right to religious freedom is being suppressed because his or her school is intimidated by the threat of a costly lawsuit.

I support the DeMint amendment for children like first-grader Zachary Hood who was told by his teacher that he could read his favorite story to his class.

Zachary was extremely excited about the chance to read to his class, and he chose Jacob and Esau, a story about two brothers who quarrel and then make up. The story never even mentions God. However, because it is from the Bible, the teacher would not allow Zachary to read.

What kind of society do we live in that allows the Columbine killers to produce a class video of themselves in trench coats gunning down athletes in a school hallway, yet young Zachary is not allowed to read a story about two brothers, which happens to be from the Bible, to his class?

A member of our own staff shared with me her experience a few years ago as a 10th grade student. She was assigned to write a fictional account of an historical figure. Horror of all horrors, she chose Jesus Christ as her subject. While the English teacher admittedly could not find one single grammatical error in the entire 17-page paper, she claimed she had to fail this student for choosing Jesus as her historical figure.

For many students, faith is an essential part of who they are. Why are we asking them to leave this part of themselves outside the door to the school? Why? Because schools are bullied by big organizations which are suppressing student religious expression at taxpayer expense.

I urge my colleagues to support the DeMint amendment.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I would simply like to observe that all of the preceding discussion of the preceding speaker and much of the discussion of the preceding speakers on the other side is irrelevant to this amendment.

This amendment, unlike the amendment of the gentleman from Colorado (Mr. TANCREDO), does not deal with what happened in Columbine, does not deal with memorial services. It is even more brazen. All it says is that someone who complains in court that his constitutional rights were violated on the establishment of religion clause dealing with school prayer, if he wins that suit, cannot have his legal fees paid for.

So all it says on one side of the issue, one can have one's legal fees paid for; on the other, one cannot. It is simply biasing the courts, and, therefore, it is against the Constitution.

Mr. DEMINT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I rise in strong support of the amendment, and I want to continue along what the gentleman from Pennsylvania (Mr. PITTS) talked about.

This first grader was promised, because of the ability to read well and because the child worked hard, that he could read as a reward whatever story he wished to read. Now, there is no question in my mind that the teacher committed two serious problems. First of all, she reneged on her promise. Secondly, she missed a golden opportunity to have them discuss what it means to take advantage of someone who is disadvantaged. She had a golden opportunity to talk about greed and have them discuss greed.

All of these thing could have been done. There is no question in my mind that she could have done it, and any court would have said that was perfectly all right, even if he included the word "Bible" and the word "God," which he did not.

But it is the fear, it is the fear of the school district, not only must they pay if they lose for their own expenses, they must pay for the other expenses. They do not have any money for books. They do not have any money for buildings. They do not have any money for anything because they are constantly in court. With the Supreme Court ruling of a week or 2 ago, they will be in court all the time.

So let us level the playing field. Either both sides pay each other, or one side pays theirs, the other pay side pays theirs, but do not make it double indemnity for them.

Again, she missed a golden opportunity. I am sure the courts would have said she was perfectly in her right to allow the child to read that. But it is the fear, it is the intimidation. It appears to me that if we want to be fair about this, we will level the playing field so everybody has an equal opportunity.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the amendment of the gentleman from South Carolina (Mr. DEMINT), my freshman colleague this evening.

I did not want to miss this golden opportunity. See, this is a golden opportunity for the gentleman's side of the aisle to encourage litigation. As we talk about tort reform, as we talk about not lifting the caps to allow people to litigate about tort issues, we want to give people the opportunity to go into court to litigate something that the Supreme Court has already decided. Usually, when we want to go into court and decide an issue, it is an issue that has not already been litigated by the Supreme Court.

This is a golden opportunity this evening for us to waste our time instead of getting on to the issues that we ought to be getting on to this evening, which are dealing with gun control, dealing with gun safety.

So, Mr. Chairman, I rise in opposition to the motion, because it is a waste of time to discuss the issue. I am a religious person just like anyone else, but I learned about God, Jesus Christ at Bethany Baptist Church, 10518 Hampton Avenue, through the support of my minister and my mother; and every one else can do the same.

Mr. SCOTT. Mr. Chairman, I yield myself 2½ minutes, the balance of the time.

Mr. Chairman, I think this discussion has pointed out the need for the amendment that we skipped. The gentleman from Colorado (Mr. TANCREDO) had an amendment that would have required parents to be notified of the availability of the Education Department's brochure, "Religious Expression in Public Schools: A Statement of Principles." Had that been taken up, that information would have gone out, and people would know what they can do and what they cannot do.

This amendment right now does not require everyone to pay his own legal fees. It requires that those who agree with the gentleman from South Carolina (Mr. DEMINT) can get their attorney fees paid; but if one disagrees with the issue, then one cannot.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I know of no provision in the current law that would allow the school district to recover attorneys fees from a plaintiff who sued them challenging religious expression by the student. Is it not correct that the current law only allows the plaintiff to recover fees, but does not permit the school district which is defending the suit to make a recovery of legal fees?

Mr. SCOTT. Mr. Chairman, reclaiming my time, that is exactly right. But Congress does not decree that one can get one's attorneys fees if one sues under a premise that the gentleman from South Carolina (Mr. DEMINT) agrees with. But if one sues on something he disagrees with, one cannot get one's attorneys fees. It does not say that.

□ 2310

Mr. Chairman, this kind of amendment has significant constitutional implications. We ought not be taking it up as an after-thought to a juvenile justice bill that started out as a noncontroversial, bipartisan, constructive, research-based bill. Yet here we are, after 11 o'clock at night, talking about complex constitutional issues, trying to make law, and trying to make law in an unprecedented fashion, where we get attorneys fees if we agree with the gentleman from South Carolina but we do not get attorneys fees if we do not.

Mr. DEMINT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from South Carolina.

Mr. DEMINT. Mr. Chairman, just a quick clarification. Congress created this exemption, and it is certainly within our right to change it.

This is an exemption. All we are asking for is a level playing field when two parties go to court. Right now, it is set up that if the schools lose, they pay both. If they win, they pay their own. There is no way for them to win. They are under a threat that is too big a risk. We just want it to be the standard normal practice.

The CHAIRMAN. Time of the gentleman from Virginia has expired. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. DEMINT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 21 offered by the gentleman from Florida (Mr. STEARNS); amendment No. 22 offered by the gentleman from Iowa (Mr.

LATHAM); amendment No. 23 offered by the gentleman from California (Mr. ROGAN); amendment No. 24 offered by the gentleman from Colorado (Mr. TANCREDO); and amendment No. 26 offered by the gentleman from South Carolina (Mr. DEMINT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by four 5-minute votes.

The vote was taken by electronic device, and there were—ayes 293, noes 134, not voting 7, as follows:

[Roll No. 216]

AYES—293

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—134

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2333

Ms. PELOSI and Mr. CROWLEY changed their vote from "aye" to "no."

Mr. GANSKE, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. PASCRELL, Mr. BALDACCI, Ms. SANCHEZ, Mr. DEUTSCH and Mr. REYES changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. The Chair requests all Members to remain within the Chamber.

AMENDMENT NO. 22 OFFERED BY MR. LATHAM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceeding were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 3, not voting 7, as follows:

[Roll No. 217]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell

Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Ehrlich
Gonzalez
Paul

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2340

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 243, not voting 7, as follows:

[Roll No. 218]

AYES—184

Aderholt
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Danner
Davis (VA)
Deal
DeMint
Deutsch
Diaz-Balart
Doyle
Dreier
Duncan
Dunn
English
Everett
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hobson
Holden
Horn
Hunter
Hyde
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kasich
Klink
Knollenberg
Kucinich
Lampson
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Mascara
McCollum
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Mica
Miller, Gary
Mollohan
Moore
Morella
Myrick
Ney
Norwood
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Sandlin
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shows
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—243

Abercrombie
Ackerman
Allen
Archer
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Ganske
Gejdenson
Gilman
Gonzalez
Goodling
Green (WI)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hastings (WA)
Hefley
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (OK)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pelosi
Petri
Phelps
Pickett
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Stark
Strickland
Stupak
Sununu

Sweeney
Talent
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2349

Messers. QUINN, DOGGETT, BERRY, BENTSEN, CAMP, PORTMAN, HILL of Montana, and Ms. PRYCE of Ohio and Mrs. CUBIN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2350

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 127, not voting 7, as follows:

[Roll No. 219]

AYES—300

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—127

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berkley
Berman
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Porter
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Wexler
Weygand
Woolsey

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2357

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. DEMINT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 189, not voting 7, as follows:

[Roll No. 220]

AYES—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John

Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

□ 0003

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 27 printed in part A in House Report 106–186.

Mr. ISTOOK. Mr. Chairman, the next scheduled amendment to be offered was one which I was to offer. However, I do not intend to offer it because the previous amendment, the DEMINT amendment, was adopted by the House.

My amendment had some similarities with the DeMint amendment. It would have stated that a plaintiff who sued to try to stop voluntary student prayer in public schools would not be entitled to collect attorney fees from the school district. However, since the DeMint amendment concerned religious expression, and certainly prayer is one of those religious expressions, my amendment is unnecessary because my objective was covered in fact in a broader way by the DeMint amendment.

Therefore, I do not wish to offer my amendment at this time.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 28 printed in part A of House Report 106–186.

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 28 offered by Mr. ADERHOLT:

Add at the end the following new title:

TITLE —RIGHTS TO RELIGIOUS LIBERTY

SEC. . FINDINGS.

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

SEC. . RELIGIOUS LIBERTY RIGHTS DECLARED.

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Alabama (Mr. ADERHOLT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the recent shootings in Littleton, Colorado, provide an unfortunate picture of the terror infested in our schools today, children killing children in the halls of our schools, children who do not understand the basic principles of humankind.

Today, I offer the Ten Commandments Defense Act amendment. This amendment would protect America's religious freedom by allowing States, and I repeat that, allowing States to make the decision whether or not to display the Ten Commandments on or within publicly owned property.

As Members of Congress, we have the privilege and the weighty responsibility to make laws for our country which honor the individual, laws that foster value and establish basic guidelines of right and wrong; do not steal, do not lie, do not kill. We are fortunate to live in a country in which the very First Amendment of our Constitution guarantees the freedom of religion.

This does not mean freedom from religion. Rather, it means that we are free to live as we choose; we are free from the tyranny which stifles our expression of faith.

The founders wisely realized that in a free society it is imperative that individuals practice forbearance, respect and temperance. These are the very values taught by all the world's major religions and the Ten Commandments and our Constitution underscore these values.

While this amendment does not endorse any one religion, it states that a religious symbol which has deep rooted significance for our Nation and its history should not be excluded from the public square.

As I look behind me in the House Chamber here tonight, I see other religious symbols. In the balcony there are reliefs of great lawgivers throughout history. Blackstone, Jefferson, Hammarabbi, and the list goes on. However, on the main door to this Chamber is the relief of Moses, the most prominent place in the Chamber. He looks directly at the Speaker.

Above the dais, are the words, in God we trust and each day in this Chamber we open with prayer by our Chaplain. Religious expression is not absent from this public building, and it is not fair to say that public buildings in each of the States are precluded from recognizing this heritage.

The Ten Commandments represent the very cornerstone of Western civilization and the basis of our legal system here in America. To exclude a display of the Ten Commandments and suggest that it is in some way an establishment of religion is not consistent with our Nation's heritage. This Nation was founded on religious traditions and they are integral parts of the fabric of American culture, political and societal life.

This amendment today is not just about the display of the Ten Commandments. It is also about our Nation's children and the role that values play in our national life. Our Nation was founded on Judeo-Christian principles and by our Founding Fathers.

I realize that many things need to happen to redirect this overwhelming surge toward a violent culture. I also understand that simply posting the Ten Commandments will not change the moral character of our Nation overnight. However, it is one step that States can take to promote morality and work toward an end of children killing children. The States we represent deserve the opportunity to decide for themselves whether they want to display the Ten Commandments. This is consistent with the Tenth Amendment to the Constitution, which says those powers not given to the Federal Government are reserved for the States.

I ask my colleagues to join me in giving the States the power to decide whether to display the Ten Commandments, which are the very backbone of the values and the nature of our society.

Mr. Chairman, I reserve the balance of my time.

□ 0010

Mr. SCOTT. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, our rich tradition of religious diversity is a cornerstone of American constitutional rights. Rather than trying to honor and promote that tradition of religious diversity by focusing on the Ten Commandments, this amendment seeks to elevate one particular religion over all others. This singling out of one religion is contrary to the American ideal of religious tolerance and is blatantly unconstitutional.

By contrast, the Chamber of the Supreme Court, one of the best traditions of our religious diversity, the Ten Commandments, depicts Hammurabi, Moses, Confucius, Augustus, Mohammed and others as those who have given the philosophy and law, and does so in a manner that honors the diversity of our religious experience.

The amendment before us today is unconstitutional because it is inconsistent with the first amendment. The case law clearly establishes that placing religious articles such as the Ten Commandments outside the context of other secular symbols, in a government establishment is a violation of the Establishment Clause.

In Stone v. Graham, in 1980, the Supreme Court struck down a Kentucky law requiring the posting of the Ten Commandments in public schools. Another case, in 1994, the 11th Circuit Court of Appeals found a courtroom display of the Ten Commandments to be unconstitutional.

For more than 200 years, we have survived as a government of laws and court interpretations of those laws, and now is not the time on a juvenile justice bill to be debating complex constitutional principles that have nothing to do with juvenile crime.

Mr. Chairman, I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, we have awoken to a day in which hatred is overlooked, violence is glorified, and random acts of indecency are tolerated. I fear that this has led to a generation that no longer understands the difference between right and wrong.

This segment of our youth population has abandoned the notion that human life should be treasured. It saddens me to conclude that many of these youth are, by their own account, morally destitute. Regrettably, Americans have witnessed a series of heart-wrenching incidents of youth violence, casting light on the magnitude of our Nation's problem.

I do not support the Aderholt amendment because I want to impose religion in our schools. I strongly support this amendment because our States should have the opportunity to expose their students to a timeless code which, I believe, could instill ageless values.

I have given much thought to why some of my colleagues are so resistant to the proposal of the gentleman from Alabama (Mr. ADERHOLT), and, frankly, I remain incredulous. Do some truly believe that teaching our children that lying, stealing, and killing is wrong? Listening to some of my colleagues on the other side of the aisle, one might conclude that the amendment of the gentleman from Alabama (Mr. ADERHOLT) would tear at the fabric of our Nation.

It is amazing to me that many of these same Members will, no doubt, vehemently defend the right of commercial vendors who wish to distribute pornography, filth, and violence to our children, and yet rail against States that wish to allow their school districts the right to post the 10 basic tenets of the Judeo-Christian tradition.

Mr. Chairman, when will we as a Congress humbly acknowledge that this Nation was founded on a simple principle of trust in God? We need to get our priorities straight. I support the freedom of religion, and I support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment again attempts to say that the Congress finds what is constitutional and what is not. It finds to be constitutional what the courts of the land, which have the power and the duty under our system of finding what is constitutional, this says what they have found to be unconstitutional is constitutional. It is usurpation of the power of the courts, number one.

Number two, it says the courts, constituted and ordained and established by the Congress, shall exercise the judicial power in a manner consistent with the foregoing declarations. God forbid, the courts should exercise the judicial power in accordance with the courts' understanding of the Constitution, first of all; and, second of all, with the laws, not with opinions expressed and findings of Congress.

Third, public buildings shall have the Ten Commandments. The Ten Commandments say a number of things. I think most people who talk about them do not really know what they say. It says, "I am the Lord, thy God, who has brought thee forth from Egypt. Thou shalt have no other Gods before me, for I, the Lord thy God, am a jealous God, visiting the sins of the fathers on the children even unto the third and fourth generations."

Do most religious groups in this country really believe that God visits the sins of the fathers on the children to the third and fourth generations? I think not.

"Thou shalt not work on Saturday." Most Christian denominations have changed it to Sunday. Do we want to say they are wrong, with the power of the State behind them, the Christian groups are wrong, they ought to be changed back to Saturday? That is what the Ten Commandments seems to say.

I am not expressing a view on religion, but the States should not take a position on that by putting that in the courtroom or the schools.

Let me ask a different question: Whose Ten Commandments? Which version? The Catholic version? The Protestant version, or the Jewish version? They are different, you know. The Hebrew words are the same, but the translations are very different, reflecting different religious traditions and different religious beliefs.

Are our public buildings to be Catholic because the local Catholic majority votes that the Catholic version found in the Douay Bible should be in the public buildings? Or perhaps they should be Protestant because the local majority decides that the Saint James version of the Ten Commandments, which is very different from the Catholic version. Or maybe the Jews have a majority in the local district, and they decide the Messianic version should be in the public buildings.

It was precisely to avoid divisive questions like this that the first amendment commands no establishment of religion; and that is what this ignorant amendment would overturn. I urge its defeat.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, this is a copy of the Ten Commandments that hangs on the wall of the office of the gentleman from Georgia (Mr. BARR), Representative from the Seventh District. This has been hanging on our wall for close to 5 years now, since I was sworn in as a Member of this Chamber.

Not one time have we had somebody that has walked into that office, seen these Commandments, fallen down on their knees and say, I must pay homage to whatever religion the gentleman from Georgia (Mr. Barr) is. There is nothing in these Ten Commandments that reaches out and grabs somebody and forces them to abide by any particular religious belief.

I challenge anybody on the other side to tell me what in these Ten Commandments they find so objectionable. Do they find so objectionable that it says, Thou shalt not kill? Would they object to having those words, and no more, inscribed on the halls of our schools so that our children are reminded that thou shalt not kill? I dare say no.

It mystifies me what they find so objectionable in the Ten Commandments. They say, oh, this is not the time, Mr. Chairman, this is not the time in this bill about youth violence. I challenge them, if this is not the time, what in God's name is the time? When in God's name, Mr. Chairman, is it time; when we have children killing children in our schools, killing teachers in our schools is the time?

Is it the time when we have another tragedy in schools? Will it be time when we have more teachers killed? Will it be time when we have more weapons of destruction being taken into our schools? Maybe then it would be time. But I say, Mr. Chairman, it is time now.

As was spoken eloquently in testimony before the House of Representatives Subcommittee on Crime on May 27, 1999, in a poem penned by one of the parents of the victims of two of the Columbine High School shootings victims, Darrell Scott, he sent a poem which now hangs on our wall next to the Ten Commandments. He says in closing, "You fail to understand that God is what we need!" We do need God. I urge the adoption of this amendment.

In the past, America had one room school houses where moral teaching and strong discipline were a part of each day's lesson. At the same time, we had very few gun control laws on the books. In those days, violence in schools was largely limited to playground scuffles.

Today, we have numerous gun control laws. We also have schools where students are forbidden to pray in class or refer to the Lord, where Bible stories cannot be read, and where teachers cannot discipline students. At the same time, we are forced to fight a rising tide of juvenile violence that would have been unthinkable a few short years ago. Coincidence? Not likely.

One of the most egregious examples of the disconnect between common sense and government is the policy many governments have been forced to adopt, banning public display of the Ten Commandments.

Mr. Chairman, some on the other side of the aisle keep saying that Republicans are working on behalf of the NRA. Their irrational argument against something as simple and nonsectarian as displaying the Ten Commandments proves that many in the Democrat party have been bought and paid for by the trial lawyers. And, those lawyers are getting what they paid for judging from the lengths some are willing to go to in order to keep moral teaching out of our schools.

Frankly, I'll take protecting the rights of law abiding citizens over working to protect the views of special interests any day. What kind of society allows its students to make videos about violence, but won't allow teachers to put a poster on a wall with the words "Thou shalt not kill" written on it? Trial lawyers and intimidating federal bureaucrats have dictated school policies for too long. Enough is enough.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, after hearing the last statement on the floor, I am reminded of a statement made by the 18th Century American Baptist preacher, John Leland, who fought mightily for a religious liberty amendment in the Bill of Rights when he said, "Experience has informed us that the fondness of magistrates to foster Christianity has done it more harm than all the persecutions ever did. Persecution, like the lion, tears the saints to death, but leaves Christianity pure. State establishment of religion, like a bear, hugs the saints, but corrupts Christianity."

Mr. Chairman, what is wrong with this picture? Our Founding Fathers decided that the issue of religious liberty, the concept of separating church and State in America was so important it should be the first 16 words of the Bill of Rights.

But here we are, after midnight, more staff people on this floor than Members of this House, debating with the gracious allowance of 10 minutes on each side, 10 minutes to debate an issue that is fundamental to the point. It is the very beginning of the foundation of our Bill of Rights and the first amendment.

□ 0020

That is wrong.

Now, I would suggest it is absolutely disingenuous to suggest that tonight is a debate about the goodness of the Ten Commandments. I am a Christian, I would say to my colleague, the gentleman from Georgia (Mr. BARR). I am not going to debate my level of Christianity versus anyone else's. It is not my place in my Christianity to judge anyone else. But that is not what this debate is all about. This debate is whether government has the right to use its resources to push its religious views on other free citizens of this land.

And do not listen to my words tonight. Listen to what the Supreme Court said. The Supreme Court has clearly stated in its cases that the preeminent purpose for posting the Ten Commandments on the schoolroom walls is plainly religious in nature.

This debate does disservice to the Bill of Rights and the principle of religious liberty.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Alabama (Mr. ADERHOLT) for yielding me this time and for his leadership.

This debate is about what is going on with our kids in America, and that is why it is part of the juvenile justice bill. And there are millions and millions, probably the overwhelming majority of Americans, who believe part of this is the lack of moral teaching and the moral influence which we have sucked out of our system in this country.

I am tired of hearing tonight on the floor about how neutral our Founding Fathers were and this and that. The fact is we have lawgivers all around this body, and all their heads are sideways on this side, and all their heads are sideways on that side, except for one. Moses is looking straight down on the Speaker of the House. And up above the Speaker of the House it says "In God We Trust." And it is Moses looking here, not all these on this side and not all these on this side. They are part of a tradition, but this is the central tradition. We have denied and sucked out the central tradition.

We now have diversity, and in the schools we allow posting of posters from the Hindu background, from the Mexican background, prayers from Indian faiths, but not the Ten Commandments. In Congress, Members who are interested can get and have the different plaques, the stone plates, and I hope we do not drop these because I do not want to bring any bolts of lightning down on us, of the Ten Commandments. We can put these in our offices. We can have Moses staring down here, but these things apparently are dangerous for our children. We would not want them to have other gods. We would not want them to learn about killing and stealing. Apparently, this is more dangerous than whether they can wear Marilyn Manson T-shirts, whether they can have posters in the schools advertising rock concerts. Anything goes pretty much in the schools as long as it is not the Ten Commandments.

That is what we are concerned about, is the stripping of the religious freedom for the central part of our culture, not trying to deprive other people of their rights. I am fine with posting different versions of the Ten Commandments, if that is what it takes. We are not trying to restrict other people's rights. We are trying to bring the rights back for the central faith of this country.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I am a protestant, a Baptist in particular. I am not of the Jewish faith, I do not practice Judaism, I do not practice the Muslim faith, I do not know anything about Buddhists. I respect each of those. But when I send my child to school, I expect my child not to be influenced by anybody else's religion. I expect to teach my child in my house what I would like to teach him about religion. While I respect everybody's religion, I do not want it imposed on my child where I send him to school.

Now, my colleague thinks it is all right to have the Ten Commandments. I do not know what is synonymous to that in any of these other religions. I know one thing. I do not want anybody else's religion displayed by way of their commandments in the classroom where my child is, maybe teaching him something different than what I would teach him.

As far as I am concerned, I teach my child that God is God. It may be Jehovah, it may be Allah, it may be something in other religions. But that is the point. The point is this is a Nation where we are allowed to practice whatever we would like to practice. It is central and basic to our democracy. It is installed in our Constitution. It is sacrosanct. It is the most precious thing that we can have, freedom of religion.

When the gentleman talks about the Ten Commandments, he is talking about something that is central to Christianity. Why in God's name would he want that to be the symbol of everybody's religion? The fact of the matter is, he would not like it if somebody else imposed something else on his child. So he has got to see it in a more comprehensive way.

It is unconstitutional. It flies in the face of the Constitution of this land and it should not be done.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, I respect the fact that there are Members who have come to this floor arguing the Constitution on a juvenile crime bill because they see no other hope for them or for the children of America. And I would simply say to the gentleman from Alabama (Mr. ADERHOLT), although I respect his desires and his appreciation for the Ten Commandments, it is important to hold in high regard the Constitution of the United States.

The Constitution requires that we establish no religion. The gentleman from Georgia (Mr. BARR) has asked, "When in God's name." Well, the gentleman has the Ten Commandments, and I would hope that wherever the gentleman from Georgia goes he offers to those who will hear him his belief in the Ten Commandments. And that is what we need to give our children in America, the opportunity for them to choose their beliefs.

For this to be allowed, if the gentleman is attaching it to the juvenile crime bill, he must be saying, put the Ten Commandments in our schools. Well, in our schools, as evidenced by the statement of the Secretary of Education, that I wish the gentleman from Colorado (Mr. TANCREDO) would have offered, we allow our students to express themselves, no matter what their religion is. They can gather voluntarily and pray to their respective gods. If they want to acknowledge the Ten Commandments, do so, and I support them in doing so. I happen to believe in the Seventh Day Sabbath, but if someone does not agree with that, then they have every right to not be forced to do so.

I would say, Mr. Chairman, that the Constitution is violated by that amendment, and I would ask it be defeated.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Amendment I of the Constitution says the Congress shall make no law respecting an establishment of religion. Obviously, picking one religious symbol establishes that religion.

Mr. Chairman, to the extent this measure may be constitutional, if it is constitutional, we do not need it. If it is not constitutional, it does not make any difference whether we pass it or not. We are wasting time. We ought to get back to juvenile crime. We should not be taking up this measure at 12:30 at night. I would hope we would get back to the serious consideration of juvenile crime.

Mr. NADLER. Mr. Chairman, I ask unanimous consent, in view of the importance of this subject, that the time for debate be extended by 1 hour.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

Mr. ADERHOLT. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, furthers proceedings on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) will be postponed.

It is now in order to consider amendment No. 29 printed in part A of House Report 106-186.

□ 0030

AMENDMENT NO. 29 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 29 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. RELIGIOUS NONDISCRIMINATION.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

"RELIGIOUS NONDISCRIMINATION

"SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

"(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment which I am offering along with my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), to expand the principle of religious nondiscrimination to faith-based providers that may desire to compete for contracts and grants provided through juvenile justice funds.

This principle is known as charitable choice and was first included in the welfare reform legislation that became law in 1996. That passed this House by an overwhelming margin, passed the Senate by an overwhelming margin, and was signed by the President of the United States.

In 1998, this principle was also extended to community services block grant legislation. This passed the House by an even bigger margin, passed the Senate by an even bigger margin, was signed by the President of the United States.

Today this House should extend this principle which treats faith-based organizations fairly if they choose to compete to provide juvenile justice prevention services, as well.

Unfortunately, some have raised concerns about this approach which treats fairly faith-based groups on the basis of a distortion of church-state relations.

Now, interestingly, the leading Republican contender for President George Bush, the Governor of Texas, has been a leader in this. But even more interestingly, Vice President GORE has come to speak out on charitable choice, as well.

In Atlanta, at the Salvation Army, on May 24, he said, "I believe the lesson for our Nation is clear. In those instances where the complete power of faith can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction and gang violence, we should explore carefully-tailored relationships with our faith community so that we can use approaches that are working best."

If my colleagues look at his campaign home page, it specifically says that "Vice President Gore and his presidential campaign supports the concept of charitable choice, which the President of the United States has signed in two other bills."

It is hard for me to understand why anybody would oppose this amendment since both parties' leading contenders, since the current President of the United States, since both Houses of Congress have adopted it. And I hope we will pass this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is now getting worse. Instead of having 10 minutes on each side of the aisle to debate the fundamental issue of separation of church and State, we now only have 5 minutes; 5 minutes in the middle of the night, with very few Members here, to discuss something that was so important, that was embedded in the very foundation of the Bill of Rights, the principle of separating government's power from the right of citizens in this country to exercise their own religious beliefs.

I would make a suggestion. If it were my intent to undermine the religious tolerance for which we have great pride and respect in America, for intent to undermine that tolerance and to create a Northern Ireland in the United States of America, where one religion is pitted against another, let me tell my colleagues how I would do it.

I would put billions of dollars out on the table and tell churches and synagogues that they ought to compete now for that money to help administer social programs.

Five years from now we will have the Baptists arguing with the Methodists, with the Catholics, with the Jews, with the Hindus, with the Muslims, over who got their proportional share of the almighty Federal dollar.

Since we were not given the privilege of having even a 10-minute debate in committee on this fundamental issue, I would hope the author of this amendment would clarify to this House before we vote on this crucial point whether this will allow money to go directly to pervasively sectarian religious institutions.

Mr. Chairman, I would be glad to yield to the gentleman if he would answer that question.

Mr. SOUDER. Mr. Chairman, this has exactly the same language that my colleague voted for in the human services authorization and that he voted for personally in the welfare. It is the same language.

Mr. EDWARDS. Mr. Chairman, it is the same language that not 5 or 10 Members of this House knew was in the welfare reform bill. And I was here on the floor of the House at 1 a.m. in the morning the last time we debated this. But would the gentleman please answer my question? It is a good-faith question to the gentleman.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I will answer the question here. I apologize for seeming to avoid it, but in fact it was debated. It was a major debate in conference and was aired nationally in the media.

This would allow money directly to go to those groups. They cannot service just their groups. They do not have to change their internal operations. They cannot proselytize with any of the money or they would lose the grant.

Mr. Chairman, I yield 1½ minutes to my friend and cosponsor, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, the gentleman from Indiana (Mr. SOUDER) and I read what we vote for, and we are offering this charitable choice amendment to level the playing field for faith-based organizations by giving them the opportunity to compete with other private entities and providing juvenile justice services.

Religious organizations we know play a critical role in every community and offer unique ways in dealing with young people's needs. These organizations should have the right to compete for these grants.

The charitable choice amendment empowers faith-based organizations to participate in providing juvenile services, but at the same time it guarantees tolerance of the religious beliefs of individuals participating in those programs.

It gives the beneficiary of services the right to object to receiving services from a religious organization and find an alternative provider. No recipients of juvenile justice services will be forced to accept services from a faith-based provider.

Under current law, any organization who is eligible and receiving a grant from the Federal Government cannot discriminate against a beneficiary because of religious affiliation. And this amendment would apply that standard to faith-based providers, as well.

In addition, it clarifies that a religious provider receiving grant money may not discriminate against an employee because of religious affiliation.

This proposal respects religious diversity even as it attracts new perspectives for treating juvenile offenders.

I challenge my colleagues to look into their heart and support this provision.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am sorry that the gentleman did not yield to my question before because I am not sure what this language means.

If it means only that a church or a synagogue can get money to run a hot lunch program or to run a housing project, so long as it does it in a nonsectarian and non-religious basis and does not mix religion into it, then that is the current law and we do not need it and we should vote against it because it is unnecessary if that is all it means.

But if it means, as I suspect it means, that if the Federal Government runs a hot lunch program that the first whatever church of east Oshkosh can apply for a grant and can get that grant and can say to people who want to eat the hot lunch, the condition of their getting the hot lunch is that they listen to their religious sermon, if it means, as I suspect it does, that the Congress believes that faith-based methodology, a belief in God, a belief in particular religious doctrines, helps cure drug addicts and, therefore, we want the churches to do this, then that is a per se violation of the separation of church and State, it is an obvious violation of the First Amendment of the establishment of religion, and it leads to exactly what the gentleman from Texas (Mr. EDWARDS) was talking about a few minutes ago.

The most contentious thing we do here is decide what percentage of transit funds or highway funds New York gets as opposed to Pennsylvania or Indiana. We have our fights here about that.

Can my colleagues imagine if we have the annual appropriations fight because the Committee on Appropriations thinks the Methodists ought to get 6.2 percent and the Baptists 7.8 percent, but of course the Baptists think they ought to get more and the Methodists think they ought to get more and the Baptists less?

It is the most divisive thing I can imagine in this country and it is exactly why the Founding Fathers said no establishment of religion. We do not want to get into those religious wars that have driven Europe apart and have driven Asia apart, and this is the road that that amendment leads us down.

Mr. SOUDER. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Indiana (Mr. SOUDER) has 1 minute remaining. The gentleman from Virginia (Mr. SCOTT) also has 1 minute remaining.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make it clear that this amendment, as did the amendments in the previous two bills, prohibits any funds from being used for sectarian worship, instruction or proselytization, including conditional. It also specifically forbids discrimination with regards to beneficiaries of services.

I would suggest that, while this is not much time to do this, this Congress, with 346 votes and with 256 votes, previously passed this, that the main differences of opinion seem to be on the other side of the aisle, also with their President and Vice President. And perhaps what they really need is a conference on their side and at the White House to discuss their differences.

□ 0040

This Congress has already spoken twice, and I hope we will speak a third time in favor of charitable choice.

Mr. Chairman, I include the following for the RECORD:

[From USA Today, June 1, 1999]

GORE GOES PUBLIC WITH HIS FAITH AS HE PUSHES CHURCH CHARITY PLAN

(By Cathy Lynn Grossman)

Vice President Gore's recent push to expand government partnerships with religious groups reflects a deep religious faith not everyone knows about him, he says.

"I don't wear it on my sleeve," he told religion writers in a conversation at the White House on Friday. But, he added, "The purpose of life is to glorify God. I turn to my faith as the bedrock of my approach to any important question in my life."

Gore said in a speech May 24 that he wants to expand "Charitable Choice," the 1996 Republican-sponsored legislation that lets religious groups apply for government contracts to supply welfare-to-work services. Gore wants to add programs that combat drug abuse, homelessness and youth violence.

As the presidential campaign gets under way, the proposal is a move to the political center for Gore. It is similar to some ideas long discussed by Texas Gov. George W. Bush, the front-runner for the Republican nomination. And, as Gore's strategists worry about whether he carries a taint from Clinton administration scandals, it is a way to showcase his commitment to his faith and religious values.

The Interfaith Alliance, a coalition of religious groups that often sides with the administration, raised concerns that involving religious groups in government programs could lead to regulation of those groups.

Barry Lynn, director of Americans United for Separation of Church and State, is skeptical about a requirement that churches separate their social services from their religious services. "I don't think there's any way you can give funds to a church and tell them they cannot use them for evangelism," Lynn says.

Gore avoids the word "evangelism" as he reiterates the Charitable Choice rules. Faith-based groups are not allowed to proselytize or require religious participation or commitment from clients, and comparable, nonreligious services must be available in the area.

Despite the objections, Gore sees a broad social consensus recognizing the value of faith in guiding people's lives. "This is not any great blinding insight from moi," he joked.

Asked how his beliefs affect his life, Gore first responded by reading rapidly from the final page of his 1992 book Earth in the Balance: Ecology and the Human Spirit: "My own faith is rooted in the unshakable belief in God as creator and sustainer, a deeply personal interpretation of, and relationship with, Christ."

Asked again, he lists his churchgoing Southern Baptist childhood, education in an elite Episcopal school, a year in a seminary after service in Vietnam and a life of reading religious philosophers.

Gore is known as a champion of science, but he sees no separation between his cerebellum and his soul: "You can have the Earth circle around the sun and still believe in God."

[From Brookings Institution, Brookings Review, Mar. 22, 1999]

NO AID TO RELIGION?

(Ronald J. Unruh and Heidi Rolland)

As government struggles to solve a confounding array of poverty-related social problems—deficient education, un- and underemployment, substance abuse, broken families, substandard housing, violent crime, inadequate health care, crumbling urban infrastructures—it has turned increasingly to the private sector, including a wide range of faith-based agencies. As described in Stephen Monsma's When Sacred and Secular Mix, public funding for nonprofit organizations with a religious affiliation is surprisingly high. Of the faith-based child service agencies Monsma surveyed, 63 percent reported that more than 20 percent of their budget came from public funds

Government's unusual openness to cooperation with the private religious sector arises in part from public disenchantment with its program, but also from an increasingly widespread view that the nation's acute social problems have moral and spiritual roots. Acknowledging that social problems arise both from unjust socioeconomic structures and from misguided personal choices, scholars, journalists, politicians, and community activists are calling attention to the vital and unique role that religious institutions play in social restoration.

Though analysis of the outcomes of faith-based social services is as yet incomplete, the available evidence suggests that some of those services may be more effective and cost-efficient than similar secular and government programs. One oft-cited example is Teen Challenge, the world's largest residential drug rehabilitation program, with a reported rehabilitation rate of over 70 percent—a vastly higher success rate than most other programs, at a substantially lower cost. Multiple studies identify religion as a key variable in escaping the inner city, recovering from alcohol and drug addiction, keeping marriage together, and staying out of prison.

THE NEW COOPERATION AND THE COURTS

Despite this potential, public-private cooperative efforts involving religious agencies have been constrained by the current climate of First Amendment interpretation. The ruling interpretive principle on public funding of religious nonprofits—following the metaphor of the wall of separation between church and state, as set forth in Everson v. Board of Education (1947)—is "no aid to religion." While most court cases have involved funding for religious elementary and secondary schools, clear implications have been drawn for other types of "pervasively sectarian" organizations. A religiously affiliated institution may receive public funds—but only if it is not too religious.

Application of the no-aid policy by the courts, however, has been confusing. The Supreme Court has provided no single, decisive definition of "pervasively sectarian" to determine which institutions qualify for public funding, and judicial tests have been applied inconsistently. Rulings attempting to separate the sacred and secular aspects of religiously based programs often appear arbitrary from a faith perspective, and at worst border on impermissible entanglement. As a result of this legal confusion, some agencies receiving public funds pray openly with their clients, while other agencies have been banned even from displaying religious symbols. Faith-based child welfare agencies have greater freedom in incorporating religious components than religious schools working with the same population. Only a few publicly funded religious agencies have been challenged in the courts, but such leniency may not continue. While the no-aid principle holds official sway, faith-based agencies must live with the tension that what the government gives with one hand, it can take away (with legal damages to boot) with the other. The lack of legal recourse leaves agencies vulnerable to pressures from public officials and community leaders to secularize their programs.

The Supreme Court's restrictive rulings on aid to religious agencies stand in tension with the government's movement toward grater reliance on private sector social initiatives. If the no-aid principle were applied consistently against all religiously affiliated agencies now receiving public funding, government administration of social services would face significant setbacks. This ambiguous state of affairs for public-private cooperation has created a climate of mistrust and misunderstanding, in which faith-based agencies are reluctant to expose themselves to risk of lawsuits, civic authorities are confused about what is permissible, and multiple pressures push religious organizations into hiding or compromising their identity, while at the same time, many public officials and legislators are willing to look the other way when faith-based social service agencies include substantial religious programming.

Fortunately, an alternative principle of First Amendment interpretation, which Monsma identifies as the "equal treatment" strain, has recently been emerging in the Supreme Court. This line of reasoning—as in Widmar v. Vincent (1981) and Rosenberger v. Rector (1995)—holds that public access to facilities or benefits cannot exclude religious groups. Although the principle has not yet bet applied to funding for social service agencies, it could be a precedent for defending cooperation between government and faith-based agencies where the offer of funding is available to any qualifying agency.

The section of the 1996 welfare reform law known as Charitable Choice paves the way for this cooperation by prohibiting government from discriminating against nonprofit applicants for certain types of social service funding (whether by grant, contract, or voucher) on the basis of their religious nature. Charitable Choice also shields faith-based agencies receiving federal funding from governmental pressures to alter their religious character—among other things assuring their freedom to hire staff who share their religious perspective. Charitable Choice prohibits religious nonprofits from using government funds for "inherently religious" activities—defined as "sectarian worship, instruction, or proselytization"—but allows them to raise money from nongovernment sources to cover the costs of any such activities they choose to integrate into their program. Clearly, Charitable Choice departs from the dominant "pervasively sectarian" standard for determining eligibility for government funding, which has restricted the funding of thoroughly religious organizations. It makes religiosity irrelevant to the selection of agencies for public-private cooperative ventures and emphasizes instead the public goods to be achieved by cooperation. At the same time, Charitable Choice protects clients' First Amendment rights by ensuring that services are not conditional on religious preference, that client participation in religious activities is voluntary, and that an alternative nonreligious service provider is available.

THE FIRST AMENDMENT AND THE CASE FOR CHARITABLE CHOICE

Does Charitable Choice violate the First Amendment's non-establishment and free exercise clauses?

We think not. As long as participants in faith-based programs freely choose those programs over a "secular" provider and may opt out of particular religious activities within the program, no one is coerced to participate in religious activity, and freedom of religion is preserved. As long as government is equally open to funding programs rooted in any religious perspective whether Islam, Christianity, philosophic naturalism, or no explicit faith perspective—government is not establishing or providing preferential benefits to any specific religion or to religion in general. As long as religious institutions maintain autonomy over such crucial areas as program content and staffing, the integrity of their separate identity is maintained. As long as government funds are exclusively designated for activities that are not inherently religious, no taxpayer need fear that taxes are paying for religious activity. While Charitable Choice may increase interactions between government and religious institutions, these interactions do not in themselves violate religious liberty. Charitable Choice is designed precisely to discourage such interactions from leading to impermissible entanglement or establishment of religion.

Not only does Charitable Choice not violate proper church-state relations, it strengthens First Amendment protections. In the current context of extensive government funding for a wide array of social services, limiting government funds to allegedly "secular" programs actually offers preferential treatment to one specific religious worldview.

In setting forth this argument, we distinguish four types of social service providers. First are secular providers who make no explicit reference to God or any ultimate values. People of faith may work in such an agency—say, a job training program that teaches job skills and work habits—but staff use only current techniques from the social and medical sciences without reference to religious faith. Expressing explicit faith commitments of any sort is considered inappropriate.

Second are religiously affiliated providers (of any religion) who incorporate little inherently religious programming and rely primarily on the same medical and social science methods as a secular agency. Such a program may be provided by a faith community and a staff with strong theological reasons for their involvement, and religious symbols and a chaplain may be present. A religiously affiliated job training program might be housed in a church, and clients might be informed about the church's religious programs and about the availability of a chaplain's services. But the content of the training curriculum would be very similar to that of a secular program.

Third are exclusively faith-based providers whose programs rely on inherently religious activities, making little or no use of techniques from the medical and social sciences. An example would be a prayer support group and Bible study or seminar that teaches biblical principles of work for job-seekers.

Fourth are holistic faith-based providers who combine techniques from the medical and social sciences with inherently religious components such as prayer, worship, and the study of sacred texts. A holistic job training program might incorporate explicitly biblical principles into a curriculum that teaches job skills and work habits, and invite clients to pray with program staff.

Everyone agrees that public funding of only the last two types of providers would constitute government establishment of religion. But if government (because of the "no aid to religion" principle) funds only secular programs, is this a properly neutral policy?

Not really, for two reasons. First, given the widespread public funding for private social services, if government funds only secular programs, it puts all faith-based programs at a disadvantage. Government would tax everyone—both religious and secular—and then fund only allegedly secular programs. Government-run or government-funded programs would be competing in the same fields with faith-based programs lacking access to such support.

Second, secular programs are not religiously neutral. Implicitly, purely "secular" programs convey the message that nonreligious technical knowledge and skills are sufficient to address social problems such as low job skills and single parenthood. Implicitly, they teach the irrelevance of a spiritual dimension to human life. Although secular programs may not explicitly uphold the tenets of philosophical naturalism and the belief that nothing exists except the natural order, implicitly they support such a worldview. Rather than being religiously neutral, "secular" programs implicitly convey a set of naturalistic beliefs about the nature of persons and ultimate reality that serve the same function as religion. Vast public funding of only secular programs means massive government bias in favor of one particular quasi-religious perspective—namely, philosophical naturalism.

Religiously affiliated agencies (type two), which have received large amounts of funding in spite of the "no aid to religion" principle, pose another problem. These agencies often claim a clear religious identity—in the agency's history or name, in the religious identity and motivations of sponsors and some staff, in the provision of a chaplain, or in visible religious symbols. By choice or in response to external pressures, however, little in their program content and methods distinguishes many of these agencies from their fully secular counterparts. Prayer, spiritual counseling, Bible studies, and invitations to join a faith community are not featured; in fact most such agencies would consider inherently religious activities inappropriate to social service programs.

Millions of public dollars have gone to support the social service programs of religiously affiliated agencies. There are three possible ways to understand this apparent potential conflict with the "no aid to religion" principle. Perhaps these agencies are finally only nominally religious, and in fact are essentially secular institutions, in which case their religious sponsors should be raising questions. Or perhaps they are more pervasively religious than they have appeared to government funders, in which case the government should have withheld funding.

The third explanation may be that these agencies are operating with a specific, widely accepted worldview that holds that people may need God for their spiritual well-being, but that their social problems can be addressed exclusively through medical and social science methods. Spiritual nurture, in this worldview, is important in its place, but has no direct bearing on achieving public goods like drug rehabilitation or overcoming welfare dependency. Such a worldview acknowledges the spiritual dimension of persons and the existence of a transcendent realm outside of nature. But it also teaches (whether explicitly or implicitly) a particular understanding of God and persons, by addressing people's social needs independently of their spiritual nature. By allowing aid to flow only to the religiously affiliated agencies holding this understanding, government in effect has given preferential treatment to a particular religious worldview.

Holistic faith-based agencies (type four), on the other hand, operate on the belief that no area of a person's life—whether psychological, physical, social, or economic—can be adequately considered in isolation from the spiritual. Agencies operating out of this worldview consider the explicitly spiritual components of their programs—used in conjunction with conventional, secular social service methods—as fundamental to their ability to achieve the secular social goals desired by government. Government has in the past considered such agencies ineligible for public funding, though they may provide the same services as their religiously affiliated counterparts.

Some claim that allowing public funds to be channeled through a holistic religious program would threaten the First Amendment, while funding religiously affiliated agencies does not. But the pervasively sectarian standard has also constituted a genuine, though more subtle, establishment of religion, because it supports one type of religious worldview while penalizing holistic beliefs. It should not be the place of government to judge between religious worldviews—but this is what the no-aid principle has required the courts to do. Selective religious perspectives on the administration of social services are deemed permissible for government to aid. Those who believe that explicitly religious content does not play a central role in addressing social problems are free to act on this belief with government support; those who believe that spiritual nurture is an integral aspect of social transformation are not.

The alternative is to pursue a policy that discriminates neither against nor in favor of any religious perspective. Charitable Choice enables the government to offer equal access to benefits to any faith-based nonprofit, as long as the money is not used for inherently religious activities and the agency provides the social benefits desired by government. Charitable Choice does not ask courts to decide which agencies are too religious. It clearly indicates the types of "inherently religious" activities that are off-limits for government funding. The government must continue to make choices about which faith-based agencies will receive funds, but eligibility for funding is to be based on an agency's ability to provide specific public goods, rather than on its religious character. Charitable Choice moves the focus on church-state interactions away from the religious beliefs and practices of social service agencies, and onto the common goals of helping the poor and strengthening the fabric of public life.

A MODEL FOR CHANGE

Our treasured heritage of religious freedom demands caution as we contemplate new forms of church-state cooperation—but caution does not preclude change, if the benefits promise to outweigh the dangers. Indeed, change is required if the pervasively sectarian standard is actually biased in favor of some religious perspectives and against others.

For church and state to cooperate successfully, both must remain true to their roles and mission. Religious organizations must refrain from accepting public funds if that means compromising their beliefs and undermining their effectiveness and integrity. Fortunately, Charitable Choice allows faith-based agencies to maintain their religious identity, while expanding the possibilities for constructive cooperation between church and state in addressing the nation's most serious social problems.

[From the Georgetown Journal, Winter, 1997]

CHARITABLE CHOICE: TEXAS AND THE CHARITABLE CHOICE PROVISION OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

(Lillemor McGoldrick)

(Summary: * * * In Texas, contracting with faith-based organizations to provide social services is nothing new. . . . For example, at the Texas Department of Human Services (TDHS) approximately 10% of all contracts for delivery of services to clients are already with faith-based organizations * * * One of the primary barriers to working with faith-based organizations is the common perception that, by either contracting with the state or accepting publicly funded vouchers, the faith-based group will have to sacrifice aspects of its religious integrity. . . . TDHS has held many local town meetings to encourage partnerships with smaller, locally-based charities, examined its contract language for potential bias and barriers, assessed its current contracts, and worked to connect grassroots organizations with one another. . . . While the effect of the new laws and agency efforts to promote Charitable Choice in Texas is not yet measurable, the intent is clear. Texas is embracing its tradition of working with faith-based organizations to help those in need receive assistance. Depending on who you talk to, this could be a partnership made in . . . . well, Heaven.)

In Texas, contracting with faith-based organizations to provide social services is nothing new. Well before the Charitable Choice provision of the Personal Responsibility and Work Opportunity Act of 1996 was introduced, Texas has been making the choice to involve faith-based social service providers in its welfare system. For example, at the Texas Department of Human Services (TDHS) approximately 10% of all contracts for delivery of services to clients are already with faith-based organizations. In some categories of contracts, this number has consistently been much higher. Forty percent of contracts for Refugee Assistance programs, and 50% of contracts for Repatriation programs, are with faith-based vendors. While the recent Charitable Choice provision did not introduce Texas to a new way of looking at social service distribution, it did emphasize the need to pursue and nurture new and existing partnerships with faith-based groups and to renew Texas' commitment to work with these organizations.

On December 17, 1996, in direct response to both the Charitable Choice provision and the release of the Governor's Task Force on Faith-Based Community Service Group Report, Faith in Action, Texas Governor George W. Bush, Jr. issued an Executive Order directing state agencies to take affirmative steps to use faith-based organizations to provide welfare-related services. The Governor, asserting that "government does not have a monopoly on compassion," encouraged state agencies to welcome the participation of faith-based organizations in the distribution of welfare-related care. At the TDHS, the response was immediate. On January 30, 1997, the TDHS Charitable Choice Workgroup was formed to assess the current status of TDHS contracts and faith-based groups, to identify barriers to contracting with these groups, and to recommend the most effective ways to fully implement Charitable Choice. Less than four months later, on April 9, 1997, the TDHS Workgroup hosted the Statewide Working Conference on Charitable Choice, which was attended by over 200 individuals from faith-based, community and state organizations.

From its own investigations and from input received at the Statewide Conference, the Charitable Choice Workgroup promulgated recommendations to ensure that no real or perceived barriers exist that could discourage faith-based organizations from working with the state in the distribution of social services. One of the primary barriers to working with faith-based organizations is the common perception that, by either contracting with the state or accepting publicly funded vouchers, the faith-based group will have to sacrifice aspects of its religious integrity. The Charitable Choice Workgroup has sought to assure faith-based organizations that religious social service providers are not required to secularize their programs when working with state agencies. TDHS has held many local town meetings to encourage partnerships with smaller, locally-based charities, examined its contract language for potential bias and barriers, assessed its current contracts, and worked to connect grassroots organizations with one another.

In June 1997, Governor Bush further promoted Charitable Choice by signing four bills into law that encourage religious organizations to provide welfare-related social services to needy Texans by quelling fears that the presence of state money will destroy the religious mission of faith-based organizations. One of the new laws authorizes the private accreditation of religious childcare centers, so that these childcare centers do not have to be licensed by the state. The accrediting agency does, however, have to be approved by the State Department of Protective and Regulatory Services.

Another law encourages prisons, juvenile detention centers and law enforcement agencies to use the services of faith-based organizations in rehabilitation programs. The Governor also signed a bill exempting chemical dependency programs run by religious groups from state licensure and regulations. The final law provides legal immunity to individuals who donate medical supplies and equipment to nonprofit medical providers.

While the effect of the new laws and agency efforts to promote Charitable Choice in Texas is not yet measurable, the intent is clear. Texas is embracing its tradition of working with faith-based organizations to help those in need receive assistance. Depending on who you talk to, this could be a partnership made in * * * well, Heaven.

[From the Georgetown Journal, Winter, 1997]

CHARITABLE CHOICE: MARYLAND'S IMPLEMENTATION OF THE CHARITABLE CHOICE PROVISION: THE STORY OF ONE WOMAN'S SUCCESS

(James D. Standish)

(Summary: . . . As "charitable choice" funding has become available, faith-based welfare-to-work programs have had to make difficult choices. . . . While the church community has been generous in its support of these charitable efforts, Payne Memorial was the first faith-based program in Maryland to apply for state funding under the charitable choice program. . . . One of the first clients to benefit from Maryland's charitable choice program was Marsha Beckwith. . . . The staff at Payne even assisted her in setting up interviews. . . . Despite these concerns, Maryland is committed to charitable choice as part of its overall effort to decentralize welfare-to-work programs. Connie Tolbert, a spokesperson for the Maryland Department of Human Resources, says that Governor Parris Glendening is very enthusiastic about the charitable choice program. . . . Because Maryland's goal is to place the administration of the charitable choice program at the local level, the State divides the federal grant into mini-block grants to each county which then decides how best to use the money. . . . According to Ms. Tolbert, charitable choice funding helped the State to meet the federally mandated goal of getting 25% of its base year welfare recipients employed or into work training by the end of 1997. . . .

Jonathan Friedman's Note, "The Charitable Choice Provision of the Federal Welfare Act and the Establishment Clause," addresses the many constitutional issues implicated by the Charitable Choice Provision of the Welfare Act of 1996. Under the new Welfare Act, Charitable Choice not only permits states to provide social services through contracts and voucher arrangements with charitable and religious organizations, but also allows these organizations to maintain their religious character while administering social services.

The following three essays look at Charitable Choice as it is, or may be, implemented. Through these essays many voices emerge: the voice of a benefit recipient who receives social services through a faith-based provider, the voices of directors of charitable organizations that provide social services, the voices of states embracing Charitable Choice, and the voice of a grassroots advocate cautioning against the Charitable Choice movement. Hopefully, these essays will provide a fuller understanding of what Charitable Choice means in practice.)

As "charitable choice" funding has become available, faith-based welfare-to-work programs have had to make difficult choices. Two such programs in Baltimore, both working to transfer people from the welfare rolls onto corporate payrolls, have made different choices. Accepting state funds under "charitable choice" has allowed at least one organization to create remarkable successes.

The Payne Memorial AME Church has an active ministry providing food, clothing, emergency loans, child care, and assistance with job placement to Baltimore's poor residents. While the church community has been generous in its support of these charitable efforts, Payne Memorial was the first faith-based program in Maryland to apply for state funding under the charitable choice program. According to Marilyn Akin, the Executive Director of the Payne Memorial Outreach program, the church's program fits right in with the state program's goals; "The state does not know how it [can move enough] people off welfare . . . to reach its goals. In addition, everyone has been disappointed with past jobs programs. There is now a feeling that faith-based organizations may be able to provide . . . a dimension that the state programs were unable to provide."

So far the application and administration process of the program does not appear to be entangled in bureaucracy. Payne Memorial's application for funds was less than twenty-five pages in length, far less burdensome than applications to other programs with which Ms. Akin has had experience. The application was sent to the Baltimore City Department of Social Services, then on to the State Board of Public Works which approved the proposal. The program operates under a contract model: the church receives a payment for each person who finishes the Payne Memorial job training process, an additional payment for each trainee it places in a community job for thirteen weeks, and a further payment if the trainee is still in that job after twenty-six weeks. The only frustration Ms. Akin reports is the delay between the time that the church invests in the recruitment and training, and the time of the payment. As with most charities, she notes, Payne Memorial does not have a large cash reserve so the time delay creates cash flow problems.

In sum, however, Ms. Akin and the church staff are very excited about the program. They view it as one more way in which the church can achieve its mission of helping those in need, by helping people who cannot be effectively served by any government program. The charitable choice funds have enabled the program to expand dramatically in size. Denise Harper, Assistant Director of the program, notes that although church members have invested an impressive $150,000 in the program to date, this amount is dwarfed by Payne's $1.5 million, two-year contract with the state.

One of the first clients to benefit from Maryland's charitable choice program was Marsha Beckwith. Ms. Beckwith came to Payne Memorial after completing another faith-based program. She had spent five years on public assistance, and needed help in moving back into the work world when a friend told her about the new program at Payne Memorial AME Church. Although the program was so new that no one at the social services office knew about it, Ms. Beckwith managed to obtain a referral and enrolled in the program.

Ms. Beckwith knew she needed to improve her skills, especially her computer skills, in order to re-enter the workforce. The program at Payne not only gave her computer instruction, but also provided her with instruction on how to approach the job search process, on how to behave on the job, and general training related to the workplace and the type of self-discipline necessary to find and keep a job. The staff at Payne even assisted her in setting up interviews. Ms. Beckwith interviewed with a dean at Johns Hopkins University, explained Payne Memorial's program, and noted that she was its first graduate. The dean was enthusiastic about the Payne Memorial program and Ms. Beckwith's success. In offering her the job, the dean commented that Marsha would have to "set an example of what graduates of the program can do in the workplace." Ms. Beckwith has now been working for over two months at Johns Hopkins University, and is setting just the type of example the people at Payne hoped for. Not only is her work progressing well, but she now also volunteers at Payne, helping and encouraging others who are going though the process she has completed. She is pleased that she can be a role model, but gives the credit to God.

Before enrolling at Payne, Ms. Beckwith had gone through a Christian rebirth. "I had strayed away from God, but He directed me to Payne Memorial. He has opened many doors for me. It has not been easy, but I always know who to call now," she says. She is emphatic, however, that the program at Payne does not push religion on its participants. "I benefited from the faith-based principles. But many of the clients are worldly people with little religious interest. . . . Religion isn't pushed on you at Payne—faith is there if you want it. But you can go through the program without being a Christian. As Payne receives state money, they can't force the religion on clients." She notes that some participants may feel uncomfortable with the standards of the program, though, which include strict dress requirements and a ban on the use of profanity.

Ms. Beckwith's story may help others make the transition from welfare to work more easily. She has been asked by the Transportation Research Board, a think-tank based in Washington, D.C., to participate in a conference on the transportation problems faced by people seeking to leave the welfare rolls. It is an issue with which Ms. Beckwith is intimately familiar; she presently takes eleven buses twice a week to get to work, visit her church and assist at Payne. Waiting for buses eats up much of her day. The wasted time and the cost of public transportation are problems facing many people who attempt to join the workforce.

While the staff at Payne Memorial are very encouraged by Ms. Beckwith's story, they realistically note that she is an exceptionally motivated participant. It is unclear how many more clients will share Ms. Beckwith's success, but as welfare funding and availability are reduced, Ms. Beckwith's success story will need to be replicated thousands of times. The ability of welfare participants and organizations like Payne Memorial to ensure this replication is speculative at best, particularly if the economy declines in the future. But for now, this one woman's remarkable transition to independence provides hope that charitable choice can help to break the pattern of welfare dependency.

Despite the positive experience of Payne Memorial, not all faith-based providers are ready to take the plunge into state funding. Genesis Jobs is a multi-faith organization that specializes in training unemployed people and placing them in jobs. Emily Thayer, Director of the program, says that Genesis Jobs has not applied for any state funding. "When we look for funding," she states, "we look for support from private donors. We have had fifteen other organizations call us to ask whether we would partner with them in their application for the charitable choice funding. We have agreed to help them, but we are not looking for any funds ourselves." Ms. Thayer acknowledges, though, that the new charitable choice provisions open the door to public funding for organizations like hers. "Until now, if we were faith-based, the government had an allergy to us . . . this releases us from the bondage of never taking public funds."

Ms. Thayer's reasons for staying away from state funds are practical. The extra funds would boost an organization attempting the mammoth task of meeting the needs of Baltimore's unemployed, but state funds come with strings attached. "We simply don't have the resources to make the grant applications. Maybe more importantly, with any state program, there are always compliance issues," she notes. With only five full-time employees at Genesis Jobs, it is not surprising that Ms. Thayer is unwilling to divert staff attention to the application process, and to ensuring compliance with program rules that may constantly be in flux. She also feels that focusing the attention of her small organization on applying to governmental programs and complying with their regulations will dim its focus on moving people from welfare into work. She states simply "We're here to do what government can't." For Genesis Jobs, that means relying exclusively on funding from the private sector.

Along with the practical difficulties of accepting state funds, there are concerns that the use of state dollars to support church-based organizations will blur the separation of church and state. In time, state funding may corrupt churches that become dependent on state money, and may draw religious groups into politics to ensure that the money supply does not disappear. Churches that take state money may need to make difficult choices down the road, either to reduce dramatically their social programs, or to compromise their religious beliefs to accommodate state regulations. Critics of charitable choice also point to examples of churches being forced to rename their programs, or to turn pictures of Jesus to face the wall, as evidence that state regulations may force programs to compromise their religious convictions. But proponents of charitable choice insist that with the new law, and with a new appreciation for what church-based programs can do for welfare recipients, states will accommodate some religious expression in government-funded programs.

Despite these concerns, Maryland is committed to charitable choice as part of its overall effort to decentralize welfare-to-work programs. Connie Tolbert, a spokesperson for the Maryland Department of Human Resources, says that Governor Parris Glendening is very enthusiastic about the charitable choice program. "In the past," she notes, "we've never really placed any expectation on welfare recipients. The churches are in the communities, they know the welfare recipients and they are able to work with them. By partnering with these community based programs, we can be much more effective." Because Maryland's goal is to place the administration of the charitable choice program at the local level, the State divides the federal grant into mini-block grants to each county which then decides how best to use the money. Along with providing for job development centers, like the one run by Payne Memorial, charitable choice funds are being used by church-based groups to administer child-specific state benefits and transitional-support benefits. According to Ms. Tolbert, charitable choice funding helped the State to meet the federally mandated goal of getting 25% of its base year welfare recipients employed or into work training by the end of 1997. By October 1997, the state had already reduced its welfare rolls by 36%. Despite the controversy and practical hurdles, charitable choice seems to offer a new hope to Maryland's policy-makers and its poor. Whether that hope will be fulfilled remains to be seen.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

I would ask the gentleman from Indiana if the legislative intent is to overturn the present state of Supreme Court law or to read this amendment in the light of the present state of the Supreme Court law in terms of pervasively sectarian programs.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I want to confess up front that I do not understand all the details and implications of what the gentleman is saying.

Mr. SCOTT. Mr. Chairman, my question is whether the gentleman wants this amendment read under the present state of the Supreme Court interpretations or whether the amendment is designed to try to overturn Supreme Court decisions in funding religious organizations.

Mr. SOUDER. The amendment speaks for itself, and that will obviously be determined by who this administration and others would make the grants to, and their potential would be challenges if, in fact, people believe it is not within the current interpretations of the Supreme Court.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, considering the important nature of this issue, I ask unanimous consent that we be allowed an additional 30 minutes to try to answer the questions that the author of the amendment just said he could not?

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

It is now in order to consider Amendment No. 30 printed in part A of House Report 106-1-86.

AMENDMENT NO. 30 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 30 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

"NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS

"SEC. 299J. None of the funds appropriated to carry out this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this Act or of the parents or legal guardians of such juveniles.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very straightforward and simple, speaks for itself. My amendment reads simply:

None of the funds appropriated to carry out this act may be used directly or indirectly to discriminate against, denigrate or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this act or of the parents or legal guardians of such juveniles.

I believe that we have had cases that are marginal and difficult to sort through, but that in our enthusiasm to fix some problems often we go to the other extreme, and in the case of the juvenile justice bill, some programs designed to reduce the potential for youth violence by promoting tolerance have the effect of undermining the religious beliefs of children and their parents. Sometimes the promotion of tolerance overrides the religious beliefs of students and their parents. Instead of merely encouraging people of all backgrounds and preferences to get along in a civil society, the programs attempt to actually change the moral beliefs that are taught at home. My amendment protects the religious freedom of young people and their parents or guardians by simply stating that none of the funds used to carry out this act may be used to discriminate against or otherwise undermine the participant's religious beliefs.

I also want to thank the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GOODLING), who have worked for the past month to try to work out compromise language. I am not unhappy with the compromise language we have. I reserve my right to offer an amendment, which I have. I believe that the compromise that is in the base bill is an acceptable compromise. I believe this is a little more direct, and that is why I offer this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is the gentleman from Virginia opposed to the amendment?

Mr. SCOTT. Mr. Chairman, I am opposed to the amendment and claim the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, allow me to speak briefly on my opposition to this amendment.

"The Office of Juvenile Justice and Delinquency Prevention from producing literature which would discriminate against, denigrate or otherwise undermine the religious or moral beliefs of any juvenile or adult in the programs authorized in this bill" is certainly just simply too broad and too vague, it is too equivocal. The nature of this amendment could be construed to admit any category, race, religion, gender, sexual orientation from inclusion in hate crimes. At a time when violence against gays and minorities is becoming more frequent there is no place for benign legislation. We must have strong and direct legislation in an effort to rid our Nation of hate crimes.

And I would also like to say that I add my remarks regarding the previous amendment that undermines the major precepts that our Nation was founded on, the separation of church and state. The previous amendment seeks to incorporate religion into our justice system. Both of these entities have distinct places in our society and are not to be combined. Religious freedom is a core of our Nation and must be preserved at all costs. Charitable choice is simply going to be divisive.

With that I express my opposition to both of these amendments.

Mr. SOUDER. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, someone will say, "But, BILL, tomorrow morning at 8 o'clock you will be in the Congressional prayer breakfast. How can you oppose this amendment?"

Mr. Chairman, the reason I oppose this amendment is because, God willing, I will be in the Congressional prayer breakfast tomorrow morning, and my religion tells me that when we make an agreement, whether it is with the minority or with anyone else, it is a good faith arrangement, and if it is going to be broken, then I should have the opportunity to tell the minority as a matter of fact before their opportunity to offer amendments is precluded because they are not printed in the RECORD.

I understand that apparently this was going to be made in order by somebody a week ago. Well, if that is true, then I should have had the courtesy of knowing so I could tell the minority that what we agreed to in good faith is now broken. Therefore they should go and offer all their amendments.

What the minority agreed to was that they would not offer gun language, they would not offer hate language, if as a matter of fact we settled on something that the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) agreed to and I modified which said materials produced or distributed using funds appropriated to carry out this act for the purpose of preventing hate crime should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.

That is what they agreed to, and, as I said, my religion tells me that I should be here right at this particular time opposing this amendment because we are breaking an agreement that we had with the minority in the committee. I cannot operate a committee that way. I have to lose all my respect on either side of the aisle if, as a matter of fact, I do not keep my word.

So I would ask everyone to oppose the amendment simply because we are breaking faith with an agreement that we negotiated in good faith.

Mr. SOUDER. Mr. Chairman, I reserve the balance of my time. We had a number of speakers earlier in the day, but at this point I have no additional speakers, but I reserve the balance because I may want to talk.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, among the allowable uses of funds of the Juvenile Justice Act are funds that can be used to create programs to prevent hate crimes, to prevent crimes that are based on prejudice. It is a good program. The Federal Government, the Office of Juvenile Justice and Delinquency Prevention, contracted with an organization to create a curriculum, and some of my friends in the various religious communities looked at some of that curriculum, and they said, "You know, we think they went a little bit too far. In this curriculum they were meant to say that there are ways that religious organizations can become intolerant and promote intolerance, and it appeared to some that that curriculum was generalizing in a way that some folks felt offended by, as if religion implied some kind of intolerance and bias.

☐ 0050

So I worked very hard with the Traditional Values Coalition, with the gentleman from Indiana (Mr. SOUDER) and with the gentleman from Pennsylvania (Mr. GOODLING) and with my good friend, the gentleman from Virginia (Mr. SCOTT), and we crafted language, language in the Goodling amendment that we will offer tomorrow. It has been accepted by the Republican side, it has been accepted by the Democratic side, and it has been accepted by the administration. It is only marginally different than the language that the gentleman from Indian (Mr. SOUDER) offers, and the gentleman is gracious in his comments to acknowledge that.

Mr. Chairman, we think that we need a "no" vote on this Souder amendment tomorrow, because we think that eliminating that amendment and taking the agreed-to language to conference is the simplest and most direct way to resolve this very contentious issue, and so we will be asking Members on both sides of the aisle tomorrow to vote in the negative.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment is an impossible amendment to know what it means or to enforce. It says, no funds should be used directly or indirectly to discriminate against, denigrate, or otherwise undermine the moral beliefs of juveniles who participate in these programs. Who knows what the religious or moral beliefs of the juveniles that participate in these programs are.

When I went to school, I was taught the Declaration of Independence in school, that all men are created equal. I was taught that we should not discriminate on the basis of race, creed, color or sex, and that we should not denigrate other people because of their religious views. The Reverend Louis Farrakhan says that whites are devils and that Judaism is gutter religion. Suppose adherents of his religion are juveniles that participate in these programs. Are we to use funds that would undermine their beliefs by teaching that all men are created equal, that we should respect each other because his adherents are among those who participate in these programs? That is what this says.

The fact is, it is impossible to know whose beliefs we are offending, because no one inquires, nor should we inquire, of the beliefs of juveniles who come into these programs.

So this amendment is simply nonsense in what it says. I do not know, it may have a well-intended purpose, but the way it is written, it is impossible of enforcement, impossible of understanding, and perverse in its operation, and ought to be rejected.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to this amendment.

I would hope that even if my colleagues on the other side of the aisle do not agree with those of us who believe that this is a real infringement, and we believe that it is confusing, and we believe that this is an attempt by some to get rid of the values that we have built up dealing with intolerance, et cetera. Just do it because the gentleman from Pennsylvania (Mr. GOODLING) asks you to do it, and he says that you are breaking faith with Members on this side of the aisle when you said you would not do this kind of thing.

I too do not know what you mean about the religious beliefs of any juvenile or adult in the program. I do know that at one time there was a religion that taught that black people did not have souls. So I do not know what the gentleman is talking about. He is tinkering with something that he does not know what he is doing.

I would suggest that the gentleman needs to get out of the business, number one, of trying to interject religion into government and trying to get it paid for by government, your teachings, et cetera. I would suggest that the gentleman back off all of this, because he is placing us in the kind of situation where there will be confrontation around these kinds of issues.

I would simply say to my colleagues on the other side of the aisle that they have gone too far, and they are treading on the dangerous realm of the unknown and they should not do that. I would hope that my colleagues would take the wise advice of the gentleman from Pennsylvania (Mr. GOODLING) and drop this amendment this evening.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Let me reiterate here that I am not simply going to stand in front of this body and say that this is an extremely clear amendment, and it will obviously go to conference, and we have been working on this language. But I had an uncomfortability, though I signed off on the amendment, as to what exactly people were objecting to on this, because the inverse of this is that one believes that one can discriminate against, denigrate, and undermine the religious and moral values. I am not arguing exceptionalism, and I understand the danger here is that this could protect exceptionalism.

What we are concerned about, many Americans of many different faiths is that, in fact, there is an overt attempt on a number of very difficult issues in our society where there has not been a moral resolution or unlike what has happened in racism, unlike what has happened with sexual abuse or different things, but where there has not been resolution to therefore use in the name of neutrality the imposition of other people's moral views. I do not understand, as I asked in the hearing, why we have to take a stand and why we cannot say people morally differ on this, but regardless of one's moral views, one has no right to harass, to physically assault, to do anything to denigrate another individual, even if one believes their behavior is immoral. Because what we need is a civil society that understands and respects individuals, but we do not need a school system or a society that undermines those basic principles.

Mr. Chairman, I appreciate, as I said, the negotiations that went on, and I want to make it clear. I never gave up my right to offer an amendment, though I did not think my amendment would be made in order, and we do have some confusion. But I did not break any word in the process of the negotiations.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the gentleman has said that he really does not know what this amendment does, is that correct?

Mr. SOUDER. Mr. Chairman, I know exactly what the amendment does, but I agree that it could be falsely interpreted by some people.

Ms. WATERS. Would the gentleman agree that the Constitution of the United States of America basically protects religious freedom?

Mr. SOUDER. Mr. Chairman, I believe the Constitution was designed to do that, but it is not currently doing so.

Ms. WATERS. Mr. Chairman, if the gentleman will continue to yield, does the gentleman believe that if that is what the Constitution is designed to do, that we should all respect that, not try and rewrite the Constitution, not try and recreate ways by which we can basically say some religion is all right, and some is not all right?

Mr. SOUDER. Mr. Chairman, if I could reclaim my time, I absolutely do not believe we should ever say as a person who grew up in an evangelical church, and I understand the wall of separation was meant to protect the evangelicals from a State church. I have no interest in a State church.

But I also believe that it did not mean to exclude religion from the public arena, and I view it as trying to reclaim the religious freedom that our Founding Fathers gave us, not to impose any one sectarian approach. And, with the diversity of religion in this country, which we did not necessarily have at the beginning of our Nation to the same degree, we need to respect that. But part of that respect is to say, we also have a majority religion that is being stomped on.

Ms. WATERS. Mr. Chairman, if the gentleman would yield to me once again, would the gentleman agree that if we kept religion out of our public schools, we would not have this worry? If we followed the intent of the Constitution for separation of church and state where we were not in any way teaching, imposing religion on anybody at any time, we would not have this worry?

Mr. SOUDER. Mr. Chairman, reclaiming my time, there is a difference between imposing and saying we meant to exclude it. The Founding Fathers all debated religion at all times. It is a fundamental part of all of us, and should be. What we should respect is the diversity of other people's points of view. It was not meant to exclude from the public arena, or in fact we do have a religion which is secular humanism.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 1 minute remaining.

Mr. SCOTT. Mr. Chairman, I yield myself the remainder of my time.

We do not need to restate all of the examples of hate crimes that have been perpetrated over the last few years, or even few weeks and months. Hate crime prevention programs constitute an allowable use of the money under the Juvenile Justice Delinquency Prevention Act. We ought not sabotage the hate crime prevention programs by getting into a situation where one has to have anyone's religion that believes that certain groups are not to be respected or to be disrespected, in fact. That is where some of the hate comes from.

What these programs do is to try to teach people, as the gentleman from New York mentioned, that people are equal and ought to be respected. If one's religion tells us something different, we still ought to be able to have hate crime prevention programs so that we can reduce the incidence of hate crimes.

Mr. Chairman, I would hope that this amendment would be defeated. We have language in there that orders us to be respectful of people's religion, but if we have religions that just hate people, then we ought to be able to go along with hate crime prevention programs anyway.

□ 0100

The CHAIRMAN pro tempore. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

Mr. McCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCOLLUM) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, had come to no resolution thereon.

APPOINTMENT AS MEMBER OF COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Without objection, and pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member to a 2-year term on the Commission on International Religious Freedom on the part of the House:

Rabbi David Saperstein, Washington, DC.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMAS (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

ADJOURNMENT

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes a.m.), the House adjourned until today, Thursday, June 17, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2618. A letter from the Director, Office of Legislative and Intergovernmental Affairs, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Applications for Contract Market Designation, Audits of Leverage Transaction Merchants, and Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2619. A communication from the President of the United States, transmitting a request for funds to support critical national security activities; (H. Doc. No. 106–83); to the Committee on Appropriations and ordered to be printed.

2620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report of the exercise of U.S. rights and responsibilities under the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.

2621. A letter from the Acting Assistant Secretary of Defense (Force Management Policy), transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements; to the Committee on Armed Services.

2622. A letter from the Chairman, National Credit Union Administration, transmitting the proposed rule on Prompt Corrective Action; to the Committee on Banking and Financial Services.

2623. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program (RIN: 1840–AC57), pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2624. A letter from the Secretary, Department of Education, transmitting Notice of Funding Priority for Fiscal Years 1999–2000 for a Disability and Rehabilitation Research Project, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2625. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priority for Fiscal Year 1999 for a Disability and Rehabilitation Research Project, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2626. A letter from the Office of Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priority for Fiscal Year 1999 for a Disability and Rehabilitation Research Project; to the Committee on Education and the Workforce.

2627. A letter from the Acting Assistant, General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Classified Matter Protection and Control Manual; to the Committee on Commerce.

2628. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State of Kansas [KS 078–1078; FRL–6361–8] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2629. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Complaint Procedures [Docket No. RM98–13–000; Order No.] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2630. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000; to the Committee on Commerce.

2631. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 99–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2632. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed Manufacturing License Agreement with Norway, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2633. A communication from the President of the United States, transmitting the report on progress toward a negotiated settlement of the Cyprus question, covering the period February 1, 1999, to March 31, 1999, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2634. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report to Congress on Government of Cuba compliance with the U.S.-Cuba migration agreements of September 1994 and May 2, 1995; to the Committee on International Relations.

2635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–78, "General Obligation BONDS and BOND Anticipation Notes for Fiscal Years 1999–2004 Authorization Act of 1999," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–76, "Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Act of 1999," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–77, "Children's Defense Fund Equitable Real Property Tax Relief Act of 1999," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–75, "Bethea-Welch Post 7284, Veterans of Foreign Wars, Equitable Real Property Tax Relief Act of 1999," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–70, "Ben Ali Way Act of 1999," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-69, "Criminal Code and Clarifying Technical Amendments Act of 1999," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2641. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2642. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting a vacancy notice within the Department; to the Committee on Government Reform.

2643. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the Annual Report of the Coastal Zone Management Fund; to the Committee on Resources.

2644. A letter from the Secretary of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1936, and for aircraft insured under the authority of chapter 433 of title 49, United States Code, pursuant to Public Law 104-201, section 1079(a) (110 Stat. 2670); jointly to the Committees on Armed Services and Transportation and Infrastructure.

2645. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. Contributions to the Korean Peninsula Energy Development Organization; jointly to the Committees on International Relations and Appropriations.

2646. A letter from the Secretary of Transportation, transmitting the Department's fourth report in the series entitled "Effectiveness of Occupant Protection Systems and Their Use.," pursuant to Public Law 102-240, section 2508(e) (105 Stat. 2086); jointly to the Committees on Transportation and Infrastructure and Commerce.

2647. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to make permanent the exemption of the Railroad Retirement Board trust funds from the payment of full commercial rent for real property occupied by the agency; jointly to the Committees on Transportation and Infrastructure and Government Reform.

2648. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Social Security Act to provide for the provision of new hire information to the Railroad Retirement Board; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

2649. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2000, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 592. A bill to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; with an amendment (Rept. 106-188). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial Services extended for a period ending not later than June 17, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEPHARDT:

H.R. 2235. A bill to establish a Commission on the Bicentennial of the Louisiana Purchase and the Lewis and Clark Expedition; to the Committee on Resources.

By Mr. LAFALCE (for himself, Ms. Kilpatrick, and Mr. Meeks of New York):

H.R. 2236. A bill to authorize the Secretary of Health and Human Services to make grants in the form of forgiveable capital advances to help preserve community hospitals experiencing financial difficulties; to the Committee on Commerce.

By Mr. GILMAN (for himself, Mr. Walsh, Mr. McHugh, and Mrs. Kelly):

H.R. 2237. A bill to authorize the Secretary of Agriculture to provide emergency assistance to apple producers and onion producers in the State of New York who incurred extensive crop losses in 1998; to the Committee on Agriculture.

By Mr. BALDACCI:

H.R. 2238. A bill to authorize the provision of waivers to allow welfare-to-work funds to be used to cover the start-up costs of forming alliances designed to enable small businesses to purchase discounted health insurance for their employees among whom are individuals eligible for assistance under a welfare-to-work program; to the Committee on Ways and Means.

By Mr. CHAMBLISS (for himself, Mr. Berry, Mr. Pickering, Mr. Bishop, Mr. Cooksey, Mr. Hayes, Mr. Kingston, Mr. Boyd, Mr. Everett, Mr. Norwood, and Mr. Shows):

H.R. 2239. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration, and for other purposes; to the Committee on Agriculture.

By Mr. COYNE (for himself, Mr. English, Mr. Hilliard, Mr. Levin, Mr. Sanders, Mr. Saxton, and Mr. Smith of New Jersey):

H.R. 2240. A bill to amend title XVIII of the Social Security Act to revise payment amounts to home health agencies under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mrs. Johnson of Connecticut, Mr. Hayworth, Mr. English, Mr. Davis of Florida, Mr. Peterson of Minnesota, and Mr. Larson):

H.R. 2241. A bill to amend the Balanced Budget Act of 1997 to limit the reductions in Federal payments under the Medicare prospective payment system for hospital outpatient department services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Shays, Mr. Sensenbrenner, Mrs. Johnson of Connecticut, Mr. Deal of Georgia, Mr. Whitfield, Mr. Norwood, Mr. Smith of New Jersey, and Mr. Cooksey):

H.R. 2242. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 2243. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on International Relations.

By Mr. HUNTER:

H.R. 2244. A bill to prohibit United States assistance to the Republic of Panama if a defense site or military installation built or formerly operated by the United States has been conveyed by the Government of the Republic of Panama to any foreign government-owned entity, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTOSH (for himself, Mr. Moran of Virginia, Mr. Portman, Ms. McCarthy of Missouri, Mr. Castle, Mr. Condit, and Mr. Davis of Virginia):

H.R. 2245. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself, Mr. Moran of Kansas, Mr. Tiahrt, Mr. Nethercutt, Mr. Stearns, Mr. Hoekstra, Mr. Rahall, Mr. Hostettler, Mr. Peterson of Pennsylvania, Ms. Millender-McDonald, Mr. Kolbe, Mr. Paul, Mrs. Myrick, Mr. Barrett of Nebraska, and Mr. Markey):

H.R. 2246. A bill to amend the Balanced Budget Act of 1997 to prohibit the Secretary of Health and Human Services to require the collection of data from home health agencies furnishing services under the Medicare Program under the OASIS data collection program from non-Medicare patients, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS:

H.R. 2247. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") to exempt small business concerns from certain liability under that Act; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself and Mr. STUPAK):

H.R. 2248. A bill to provide for the establishment, use, and enforcement of a consistent and comprehensive system for labeling violent content in audio and visual media products; to the Committee on Commerce.

By Mr. WICKER:

H.R. 2249. A bill to establish the Corinth Unit of Shiloh National Military Park in the vicinity of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 2250. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of Coastal Plain, and for other purposes; to the Committee on Resources.

By Mr. FILNER:

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress with regard to "In Memory" Day; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Ms. LEE, Mr. NADLER, Mr. COYNE, Mr. WAXMAN, Mr. SANDLIN, Mr. FARR of California, Mr. HINCHEY, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. THOMPSON of Mississippi, Mr. ENGEL, Mr. SERRANO, Mr. BRADY of Pennsylvania, Mr. BLAGOJEVICH, Mr. WATT of North Carolina, Ms. PELOSI, Mr. FILNER, Mr. BORSKI, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. LAFALCE, Mr. CAPUANO, Mr. HASTINGS of Florida, Ms. KILPATRICK, Ms. DELAURO, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MATSUI, Mr. DEFAZIO, Mr. OBERSTAR, Mr. MOAKLEY, Mr. RANGEL, Mr. PAYNE, Mrs. NAPOLITANO, Ms. BROWN of Florida, Mr. MCGOVERN, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. CUMMINGS, Mr. WEINER, Mr. BROWN of California, Mr. CLAY, Mr. GEJDENSON, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. JACKSON of Illinois, Mr. VENTO, Mr. CROWLEY, Ms. BALDWIN, Mr. FALEOMAVAEGA, Mr. TIERNEY, Mr. TOWNS, Mr. FROST, Mr. KUCINICH, Mr. MCDERMOTT, Mr. BONIOR, and Mr. BECERRA):

H. Con. Res. 135. Concurrent resolution expressing the sense of Congress with regard to preserving and expanding Medicare; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself, Mr. CUNNINGHAM, Mr. ARMEY, Mr. FOLEY, Mr. BOEHLERT, Mr. FRANKS of New Jersey, Mr. UPTON, Mr. BURR of North Carolina, Mr. SUNUNU, Mr. FRELINGHUYSEN, Mr. GREENWOOD, Mr. WYNN, Mr. POMBO, Mr. HORN, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. BURTON of Indiana, Mr. MCNULTY, Mr. STEARNS, Mr. SHOWS, Mr. KING, Mr. ROMERO-BARCELO, Mr. BROWN of Ohio, Mr. MURTHA, Mr. BAIRD, Mrs. KELLY, Ms. SLAUGHTER, Mr. BORSKI, Mr. DICKEY, Mr. SHAYS, Mr. HASTINGS of Florida, Mr. BROWN of California, Mr. QUINN, Mr. HINCHEY, Mr. BOYD, Mr. COOK, Mr. MCINTOSH, Mr. DIAZ-BALART, Mr. HOBSON, Mr. FROST, Mr. CANADY of Florida, Mr. THOMPSON of Mississippi, Mr. DAVIS of Florida, Mr. MCGOVERN, Mr. BILBRAY, Mr. BARTON of Texas, Mr. EHLERS, Mr. FILNER, Mr. BALDACCI, Mr. ENGLISH, Mrs. MORELLA, Ms. MILLENDER-MCDONALD, Mr. BILIRAKIS, Mr. KLECZKA, and Mr. FOSSELLA):

H. Res. 211. A resolution expressing the sense of the House of Representatives regarding the importance of raising public awareness of prostate cancer, and of regular testing and examinations in the fight against prostate cancer; to the Committee on Commerce.

By Mr. BLAGOJEVICH:

H. Res. 212. A resolution expressing hope for a peaceful resolution to the situation in Kashmir; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Res. 213. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honoring American farm women; to the Committee on Government Reform.

By Mr. HEFLEY:

H. Res. 214. A resolution expressing the sense of the House of Representatives regarding the United States share of any reconstruction measures undertaken in the Balkans region of Europe on account of the armed conflict and atrocities that have occured in the Federal Republic of Yugoslavia since March 24, 1999; to the Committee on International Relations.

By Mr. LAMPSON (for himself, Mr. SANDLIN, Mr. PALLONE, Mr. DIAZ-BALART, Mr. BECERRA, Mr. ORTIZ, Mr. REYES, Mr. GREEN of Texas, and Mr. BENTSEN):

H. Res. 215. A resolution expressing the sense of the House of Representatives with regard to the return of Saif Ahmed; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

113. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 4 HD1 SD1 memorializing the United States Congress to expand and make permanent the temporary Visa Waiver Program established under the Immigration Control and Reform Act of 1986; to the Committee on the Judiciary.

114. Also,a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 203 memorializing the United States Congress, the President of the United States, and the Secretary of Health and Human Services to support Hawaii's Congressional Delegation's Effort to Amend the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISTOOK introduced A bill (H.R. 2251) for the relief of Renato Rosetti; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. PICKETT and Mr. CRANE.

H.R. 137: Ms. MILLENDER-MCDONALD, Mr. OLVER, and Mr. WEINER.

H.R. 170: Mr. CALVERT.

H.R. 194: Mr. PETERSON of Pennsylvania.

H.R. 263: Mr. FROST.

H.R. 274: Mr. BARCIA, Mr. SPRATT, Mr. BECERRA, Mr. DAVIS of Virginia, Mr. BOSWELL, Mr. CAPUANO, Mr. BROWN of Ohio, and Mr. FORD.

H.R. 275: Mr. BAKER and Mr. FROST.

H.R. 330: Mr. HEFLEY and Mr. BARR of Georgia.

H.R. 354: Mr. SHAW.

H.R. 382: Mr. EHLERS.

H.R. 405: Mr. OWENS, Mr. MCCOLLUM, Mr. DIAZ-BALART, and Mr. DAVIS of Florida.

H.R. 408: Mr. BEREUTER.

H.R. 423: Mr. KUYKENDALL.

H.R. 456: Mr. MCCOLLUM.

H.R. 483: Mr. GORDON.

H.R. 488: Mr. NEAL of Massachusetts and Mr. DAVIS of Illinois.

H.R. 534: Mr. ROTHMAN, Mr. GARY MILLER of California, and Mr. HUTCHINSON.

H.R. 546: Mr. TOWNS.

H.R. 566: Ms. SLAUGHTER.

H.R. 599: Mr. ROMERO-BARCELO.

H.R. 623: Mr. BALLENGER, Mr. BARCIA, Mr. BLUNT, Mr. CAMP, Mr. COBURN, Mr. COLLINS, Mr. CRAMER, Mr. DICKEY, Mrs. EMERSON, Mr. EVERETT, Mr. FRELINGHUYSEN, Mr. GOODLING, Mr. GUTKNECHT, Mr. HILLEARY, Mr. ISTOOK, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LATHAM, Mr. LINDER, Mr. HILL of Montana, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Mr. SCARBOROUGH, Mr. STUPAK, Mr. TERRY, Mr. THORNBERRY, Mr. TURNER, Mr. WAMP, and Mr. YOUNG of Alaska.

H.R. 653: Mr. RYAN of Wisconsin.

H.R. 691: Mr. GILMAN.

H.R. 728: Mr. PRICE of North Carolina and Mr. RAHALL.

H.R. 730: Mr. PRICE of North Carolina.

H.R. 750: Mr. GONZALEZ.

H.R. 772: Mr. HILLIARD.

H.R. 777: Mr. ROMERO-BARCELO and Mr. BARRETT of Wisconsin.

H.R. 798: Mr. DIXON, Mr. FROST, Mr. GREEN of Texas, Mr. KIND, and Mr. DAVIS of Illinois.

H.R. 827: Mr. INSLEE and Mr. JEFFERSON.

H.R. 828: Mr. SAWYER.

H.R. 844: Mr. HOSTETTLER, Mr. PRICE of North Carolina, Mr. STUMP, Mr. CARDIN, Mr. MICA, Mr. HYDE, Mr. GREENWOOD, Mr. CAMP, Mr. CHAMBLISS, Mr. DEUTSCH, Mr. GOODE, Mr. ACKERMAN, Mr. SWEENEY, Mr. SHOWS, Mr. DREIER, Mr. POMEROY, Mr. LATOURETTE, Mr. WEINER, Mr. NEY, Mr. PICKERING, and Mr. WATT of North Carolina.

H.R. 850: Mr. SAWYER.

H.R. 884: Mr. PALLONE.

H.R. 886: Mrs. MALONEY of New York.

H.R. 979: Mr. CLAY, Mr. GREEN of Wisconsin, Ms. DELAURO, Mr. HOEKSTRA, Mr. MCGOVERN, Mr. PASTOR, Ms. SLAUGHTER, Mr. LANTOS, Mr. GEJDENSON, and Mr. EVANS.

H.R. 997: Mr. BROWN of Ohio, Mr. CAPUANO, Mr. GIBBONS, Mr. BOSWELL, Ms. BALDWIN, Ms. NORTON, and Mr. FORD.

H.R. 1042: Mr. BLUNT.

H.R. 1070: Mr. SIMPSON.

H.R. 1096: Mr. GEJDENSON.

H.R. 1105: Mr. SANDLIN and Mrs. TAUSCHER.

H.R. 1109: Mrs. MALONEY of New York.

H.R. 1111: Mr. GORDON and Mr. DEUTSCH.

H.R. 1144: Mr. BARR of Georgia.

H.R. 1172: Mr. WICKER, Mr. BURTON of Indiana, Mr. FORBES, Mr. PICKETT, Mr. DUNCAN, Mr. SESSIONS, Mr. MCCRERY, Mr. SPRATT, Mr. STARK, Mr. MALONEY OF CONNECTICUT, MR. PEASE, Mr. MCINTOSH, Mr. KINGSTON, Mr. BLUMENAUER, Mr. KUCINICH, Mr. LUCAS of Oklahoma, Mr. OBERSTAR, Mr. RUSH, Mr. LAFALCE, Ms. SLAUGHTER, Mr. CAMP, Mr. LEVIN, Mr. BARRETT of Nebraska, Mr. SIMPSON, Mr. LOBIONDO, and Mrs. NORTHUP.

H.R. 1180: Mr. MORAN of Kansas.

H.R. 1193: Mr. BORSKI, Ms. STABENOW, Ms. RIVERS, Mr. KIND, Mr. SMITH of New Jersey, and Mr. NETHERCUTT.

H.R. 1200: Mr. OWENS.

H.R. 1215: Mr. WALDEN of Oregon.

H.R. 1221: Mr. LIPINSKI, Mr. BLUMENAUER, Mr. CANADY of Florida, Mrs. MALONEY of New York, and Mr. HOLT.

H.R. 1256: Mr. PAUL and Mr. REYNOLDS.

H.R. 1261: Mrs. NORTHUP, Mr. NEY, and Mrs. FOWLER.

H.R. 1271: Mrs. MORELLA, Ms. MCKINNEY, Ms. WOOLSEY,, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. HILLIARD, Mr. MEEHAN, Mr. ABERCROMBIE, Mr. STARK, Ms. PELOSI, Mr. OLVER, Ms. MALONEY of New York, Mr. SANDERS, and Ms. MILLENDER-MCDONALD.

H.R. 1275: Mr. DOOLEY of California, Ms. PRYCE of Ohio, Mr. PHELPS, Mr. METCALF, and Mr. THOMPSON of California.

H.R. 1287: Mr. BOEHLERT and Mr. MCHUGH.

H.R. 1291: Mr. GUTKNECHT, Mr. RUSH, Mr. SWEENEY, Mr. SKELTON, and Mr. WEINER.

H.R. 1292: Mr. GARY MILLER of California, Mr. BRADY of Pennsylvania, and Mr. WEINER.

H.R. 1299: Mr. BONIOR.

H.R. 1337: Mr. PORTMAN and Mr. JEFFERSON.

H.R. 1344: Mr. CLYBURN, Mr. CRAMER, Mr. ADERHOLT, and Mr. NETHERCUTT.

H.R. 1358: Mr. EHLERS.

H.R. 1386: Mr. HAYES.

H.R. 1389: Mr. GOODLATTE, Mr. LATHAM, Mr. PHELPS, and Mr. BUYER.

H.R. 1429: Mr. MARKEY.

H.R. 1433: Mr. LAMPSON, Mr. RODRIGUEZ, Mr. DICKS, Mr. ORTIZ, Mr. REYES, Mr. HINOJOSA, Mr. TURNER, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Ms. BROWN of Florida, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mrs. THURMAN, and Mr. HASTINGS of Florida.

H.R. 1505: Mr. NORWOOD and Mr. PALLONE.

H.R. 1511: Mr. KUCINICH, Mr. WELDON of Florida, and Mr. BEREUTER.

H.R. 1535: Mr. SANDERS and Mr. THOMAS.

H.R. 1586: Mr. LUCAS of Oklahoma.

H.R. 1592: Mr. WALDEN of Oregon, Mr. BAKER, and Ms. STABENOW.

H.R. 1598: Mr. HYDE and Mr. GREEN of Texas.

H.R. 1600: Ms. MCKINNEY and Mr. KUCINICH.

H.R. 1614: Mr. BEREUTER.

H.R. 1621: Mr. WU, Mr. EVERETT, and Mr. FRANK of Massachusetts.

H.R. 1632: Mr. BARRETT of Wisconsin.

H.R. 1648: Ms. ESHOO, Mr. LANTOS, and Mr. SNYDER.

H.R. 1732: Ms. BERKLEY and Mr. MINGE.

H.R. 1775: Mr. WEYGAND, Mr. ROTHMAN, Mr. DAVIS of Florida, Mr. MEEHAN, Mr. PALLONE, Mr. FOSSELLA, and Mr. EHLERS.

H.R. 1777: Mr. THOMPSON of California and Mr. WALSH.

H.R. 1795: Mr. PRICE of North Carolina, Mr. BARTON of Texas, Mr. TRAFICANT, Mr. TAYLOR of North Carolina, and Mr. BACHUS.

H.R. 1841: Ms. ROS-LEHTINEN.

H.R. 1850: Mr. SMITH of New Jersey, Mr. RYAN of Wisconsin, and Mr. LOBIONDO.

H.R. 1874: Mr. BLUNT.

H.R. 1926: Mr. WYNN, Mr. SAXTON, Mr. BILIRAKIS, Mr. PETERSON of Minnesota, and Mr. PALLONE.

H.R. 1932: Mr. CAMP, Mr. BEREUTER, Mr. CHABOT, Mr. LATOURETTE, Mr. SHAYS, Mr. LIPINSKI, Mr. CAMPBELL, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. MCKEON, Mr. PETRI, Mr. VENTO, Mr. SAXTON, Mr. OXLEY, Mr. HULSHOF, Mr. MCCRERY, Mr. WELDON of Pennsylvania, Mr. EHRLICH, and Mr. VITTER.

H.R. 1941: Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. JEFFERSON, Mr. ROEMER, and Mr. STARK.

H.R. 1993: Mr. SNYDER, Mr. LAFALCE, and Mr. JEFFERSON.

H.R. 2004: Mr. PALLONE.

H.R. 2014: Mr. PALLONE, Mr. ROTHMAN, Mr. PASCRELL, Mr. MALONEY of Connecticut, and Mr. SHAYS.

H.R. 2028: Mr. GARRY MILLER of California, Mr. ADERHOLT, Mr. BLILEY, Mr. BARTLETT of Maryland, Mr. BAKER, and Mr. BURTON of Indiana.

H.R. 2038: Mr. CAMP.

H.R. 2056: Mr. SALMON, Mr. MCINTOSH, and Mr. LAHOOD.

H.R. 2057: Mr. DEMINT.

H.R. 2091: Mr. MCGOVERN.

H.R. 2096: Mr. SANDERS and Mr. WEINER.

H.R. 2202: Mr. GILCHREST and Ms. DEGETTE.

H.J. Res. 2: Mr. GREEN of Wisconsin.

H.J. Res. 15: Mr. GREEN of Wisconsin.

H.J. Res. 21: Mr. PETERSON of Minnesota.

H.J. Res. 29: Mr. DEAL of Georgia.

H.J. Res. 55: Mr. BRADY of Texas, Mr. MCINTOSH, and Mr. CRANE.

H. Con. Res. 21: Mr. MEEKS of New York.

H. Con. Res. 58: Ms. ROS-LEHTINEN and Mr. STUPAK.

H. Con. Res. 60: Mr. MCGOVERN, Ms. SLAUGHTER, Ms. SANCHEZ, Mr. YOUNG of Alaska, and Mr. ETHERIDGE.

H. Con. Res. 119: Mr. SHERMAN and Mr. STUMP.

H. Con. Res. 128: Mr. INSLEE, Mr. KNOLLENBERG, Ms. MCKINNEY, Mr. EWING, Mr. MCNULTY, Mr. HOLT, Mr. LOBIONDO, Mr. WEYGAND, Mr. HASTINGS of Florida, Mr. FOLEY, and Ms. LEE.

H. Con. Res. 130: Ms. DEGETTE, Ms. WATERS, Mrs. JONES of Ohio, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. ROMERO-BARCELO, Ms. KILPATRICK, and Mr. WEXLER.

H. Con. Res. 133: Mr. HASTINGS of Florida and Mr. SHOWS.

H. Res. 16: Mr. PETERSON of Minnesota.

H. Res. 41: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 94: Mr. INSLEE, Mr. DOYLE, Mr. CUMMINGS, Mr. GARY MILLER of California.

H. Res. 115: Mr. JEFFERSON.

H. Res. 183: Mr. GRAHAM.

EXTENSIONS OF REMARKS

TRIBUTE TO JODY HALL-ESSER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute today to Mrs. Jody Hall-Esser Chief Administrative Officer for the city of Culver City, California. On July 9, 1999, Mrs. Hall-Esser will retire from city government capping a distinguished career spanning a quarter of a century in public service to her community. To honor Jody for her many years of exemplary service to the citizens of Culver City, a celebration in her honor will be held at the Culver City City Hall on Wednesday, July 7. As one who has worked closely with this extraordinary and selfless public servant for many years, and who possesses first-hand knowledge of her outstanding service to our community, I am pleased to have this opportunity to publicly recognize and commend her before my colleagues here today.

Jody has served in many capacities since joining the Culver City government in 1971. She was initially hired as the first Director of the Culver City Senior Citizens Center, a position she held for a few years before leaving to work in the private sector. In 1976 she returned to the city as the first Housing Manager in the Community Development Department, where she spent the next three years designing and executing Culver City's rent subsidy and residential rehabilitation loan and grant programs. She also is credited with implementing the construction of the city's first rental housing development for the low-income elderly citizens of Culver City.

In 1979 Jody was named Community Development Director and Assistant Executive Director of the Culver City Redevelopment Agency. For more than a decade, she headed the city agency tasked with Planning, Engineering, Redevelopment, Housing and Grants operations. Among her many accomplishments were establishment of the Landlord-Tenant Mediation Board; the Art in Public Places Program; and the Historic Preservation Program.

Jody was appointed Chief Administrative Officer and Executive Director of the Redevelopment Agency in 1991. For the past nine years, her many responsibilities have included implementing public policy mandates promulgated by the Culver City City Council, as well as managing the city's human, financial, and material resources. She has compiled an impressive and enviable record of accomplishments, despite seeing the city through a period of civil unrest, a major earthquake, damage caused by torrential rains, and a severe economic recession. While just one of these occurrences would test the tolerance of most individuals—not Jody Hall-Esser. She merely redoubled her efforts to ensure that the residents of Culver City received the necessary local, state, and federal resources they needed to remain afloat.

Jody Hall-Esser is an exceptional woman and her presence around city hall will be sorely missed. She has made enormous contributions to Culver City and leaves a legacy that will stand the test of time.

It has been a privilege to work with her, and it is a special pleasure to have this opportunity to highlight just a few of her exemplary achievements with my colleagues. On behalf of the residents of the 32nd Congressional District of California, I salute her and publicly thank her for her numerous contributions to our wonderful city and for her outstanding public service career.

Congratulations, Jody! I wish you, Jack, and your family a future that is filled with great joy, good health, and abundant prosperity. You've earned it!

TRIBUTE TO GENERAL DENNIS J. REIMER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SKELTON. Mr. Speaker, today, I wish to recognize the outstanding service to our Nation of General Dennis J. Reimer, the Army's 33rd Chief of Staff who will retire on June 21, 1999. General Reimer's career spanned over 36 years during which he distinguished himself as a soldier, leader, and trusted advisor to both the President and the U.S. Congress.

As chief of Staff, General Reimer prepared our Nation's Army well for the challenges of the 21st Century. He leaves the Army trained and ready, a disciplined force that supports our Nation and its interests in 81 countries around the globe. In a period fraught with leadership challenges, General Reimer defined the Army's values of Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage throughout the total force. As a result of his efforts, he created a seamless force which maximizes the unique and complementary capabilities of its three components—Active, Army Reserve and National Guard, creating a "Total Army." He can take great pride in the Army's accomplishments and preparedness. General Reimer created the vision and set the stage for the Army of the 21st Century, a strategically responsive force.

Throughout his career, General Reimer distinguished himself in numerous command and staff positions with U.S. Forces stationed both overseas and in the continental United States. In Asia, he served two tours of duty in Vietnam and a tour in Korea. In Europe his assignments included Commander, Division Artillery and Chief of Staff of the 8th Infantry Division. General Reimer's stateside assignments included serving as the Commanding General, 4th Infantry Division, at Fort Carson, Colorado, and Commanding General, Forces Command, at Fort McPherson, Georgia. Since June 1995, General Reimer has served in his present assignment as the 33rd U.S. Army Chief of Staff.

Mr. Speaker, General Reimer has dedicated his life to our soldiers and our Nation. He has served our Nation with honor and distinction. I know the Members of the House will join me in paying tribute to this outstanding American patriot and wishing him well upon his retirement from the Army. He is truly a "Leader of Leaders" and will be sorely missed.

HONORING THE CENTRAL CALIFORNIA HISPANIC CHAMBER OF COMMERCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Central California Hispanic Chamber of Commerce for their past successes and continued effort to encourage small business development in the San Joaquin Valley.

I want to congratulate the 1999 Board of Directors for the Central California Hispanic Chamber of Commerce at their 15th Annual Installation of Officers Dinner and Gala. The Board members are: *Executive Committee*: Gilbert Servin-President, Danny Parra-President Elect, Rosemarie Rosales-Secretary, Gustavo Corona-Treasurer. *Board Members*: Leonel Alvarado, Santiago Guvera, Olivia Hastings, Gloria Morales Palacios.

Mr. Speaker, I congratulate the Central Valley Hispanic Chamber of Commerce for 15 years of outstanding service. I urge my colleges to join me in wishing them best wishes for many more years of continued success.

WHEAT PRICES LOW IN COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, every year since being elected to Congress, I have participated in a wheat tour sponsored by the Colorado Association of Wheat Growers and the Colorado Wheat Administrative Committee.

Typically, I have reported to this House, the findings of the tour. However, this year, I will be content to submit to the RECORD a newspaper article written by Jean Gray, publisher of the Haxtun-Fleming Herald. The article

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

clearly describes the challenge facing wheat growers and requires no additional comment.

Mr. Speaker, America's wheat growers have suffered record-low prices for three years running. I hereby commend the account of Jean Gray to all Members and submit it now for the RECORD.

[From the Haxtun-Fleming Herald, June 9, 1999]

CONGRESSMAN SITS AT THE TABLE OF FARMERS

(By Jean Gray)

Even as agriculture struggles with low commodity prices, American farmers continue to do what they do best, feed the human race.

A prime example occurred this past Saturday, June 5, as 65 people sat down to a luncheon at the home of local producers, Richard and Cathy Starkebaum. The occasion was a visit to the area by United States Congressman Bob Schaffer (R-Colo.) Schaffer's visit was sponsored by the Colorado Association of Wheat Growers and the Colorado Wheat Administrative Committee.

This was the third-annual CAWG/CWAC tour. Prior to Schaffer's being elected to Congress, his predecessor Wayne Allard participated in the event. According to Jay Wisdom, president of CAWG, the tour has been held in the southern part of the state the last two years. "Congressman Schaffer asked that it be held in northeastern Colorado this year," said Wisdom. "And Rich graciously agreed to host it."

The visit started with a tour of some area wheat fields and culminated with the buffet lunch of barbecue-beef sandwiches, potato salad, baked beans and condiments provided by caterer Joyce Schepler of Fleming.

Thanks to recent rains, the wheat in northeastern Colorado appears healthy with full heads of grain, but prices remain depressed. Darrell Hanavan, executive director of CAWG/CWAC, said that one of the first things the group did that morning was to go through the history of the wheat market. "What we discovered is that wheat prices are at the lowest level since 1991–92," said Hanavan. On Saturday, the wheat market closed at $2.25 per bushel, according to Jan Workman, Grainland Cooperative, Haxtun. Workman said the Coop's records show that wheat was at $2.34 per bushel on July 15, 1991, and on July 15, 1990, it was at $2.56 per bushel. Workman said she has seen wheat at $2.20 and $2.13 at harvest time, but could not recall the years.

Wisdom explained to those attending that CAWG is a dues-paying organization that lobbies government, both on the state and federal level, on issues that affect wheat producers. He pointed out that Schaffer is the wheat leader for the State of Colorado in Washington. "The rest of Congress looks to Congressman Schaffer for advice when they vote on ag-related issues," said Wisdom.

He also reported that there have been some success in Colorado recently, specifically with the passage of two pieces of state legislation that offer tax relief to producers. "That will help because we desperately need an influx of money into the ag community," said Wisdom.

Wisdom was referring to House Bills 99–1002 and 99–1381. Both were passed during the 1999 legislative session, and both take effect on July 1, 1999. The two bills are expected to offer $6.2 million in tax relief to Colorado farmers.

House Bill 99–1102, which was partially sponsored by District One State Senator Marilyn Musgrave, exempts farm equipment from state sales tax.

Senator Musgrave was also involved in sponsoring House Bill 99–1381, which exempts chemicals used in the production of agriculture products from state sales tax. State Representative Diane Hoppe, 65th District, also helped sponsor the measure. Phillips and Logan counties are located in both the 65th House District and Senate District One.

Wisdom said that CAWG is also working on getting some legislation passed that will make crop insurance more beneficial to farmers. "We are trying to get a safety net program set up," said Wisdom. "It is tough out there."

CAWG has done a good job in its lobbying efforts over the past two years, said Wisdom. "But there's a lot of resistance out there right now. Agriculture is hurting and Congressman Schaffer knows it, so this is your chance to hit him up about your issues."

Brad Barth, a Larrar producer who serves as president of CWAC, thanked Schaffer for his strong support of the wheat industry and said the group is looking forward to working with the Congressman on future issues.

Congressman Schaffer, 36, is originally from Cincinnati, Ohio, but now resides in Fort Collins. He and his wife, Maureen, have four children ranging in age from three to 11. He currently serves on the House agriculture committee.

Barth noted that there are only five members of Congress who represent larger agriculture areas than Schaffer does.

Schaffer told the group that attending these tours helps him represent the ag community better. "When I am standing on the House floor talking about the farmers I just met, and the fields that I just walked, it gives me a lot more authority when I talk about agriculture issues." He added that he needs input from producers like them to do his job well. "With the wide range of topics we deal with in Washington, sometimes agriculture can be overlooked," said Schaffer.

With respect to the American people's apathy to the recent scandals coming out of Washington, Schaffer said the reason most give is that the economy is doing so well. "Most feel as long as the economy is doing well they could care less about the scandal and corruption that is going on," said Schaffer.

He added, however, that while the economy is good for most segments of the business community, that is not true in agriculture. "The biggest reason is trade," said Schaffer. "When it comes to cars, computers, and other hi-tech manufacturing, the United States is doing well because they have worked hard at opening those areas of trade. But when they sit down with a representative from these other countries, they have to offer some kind of trade in return. The only thing these other countries have to offer is agriculture products, so American farmers have gotten a bad rap."

He added that it is a big political battle. "One that we have to be prepared to fight." He said one way to fight is through organizations like CAWG/CWAC and he encouraged them to join and participate.

PRESIDENT CLINTON ADDRESSES INTERNATIONAL LABOR ORGANIZATION CONFERENCE—REAFFIRMS AMERICAN COMMITMENT TO INTERNATIONAL LABOR RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LANTOS. Mr. Speaker, today at the Geneva Conference of the International Labor Organization, President Clinton became the first President of the United States to address the International Labor Organization (ILO) in Geneva. In this particularly excellent address, the President reaffirmed in the strongest terms the commitment of the United States to the ILO and to the protection of international labor rights.

The ILO—an organization established in the aftermath of World War I and affiliated with the United Nations after its creation in 1945—is in the forefront of the fight to assure that workers have the right to organize, the right to bargain collectively, the right to a safe work place, and the rights to speak out and to assemble in the defense and protection of these rights.

Mr. Speaker, President Clinton also called attention in particular to the fight of the United States against abusive child labor. In far too many places around, children are forced to work unconscionably long hours, which interferes with their education and limits their future opportunities. More serious is the exploitation of children in pornography and prostitution, which happens in many places around the globe. Children are recruited by some governments and by some political movements to serve in military conflicts, and we must work to end that pernicious practice. Children also work in hazardous and dangerous occupations where they risk their lives, their health, and their future.

Mr. Speaker, I urge my colleagues to support the request of the President to the Congress to provide $25 million in funding to help create a new arm of the ILO to work with developing countries to put basic labor standards in place to assure workers in these countries basic health and safety protections as well as assuring them the right to organize. I also urge support of the President's request to the Congress for $10 million to strengthen U.S. bilateral support for governments seeking to raise their own fundamental labor standards. I also urge support for the President's requests for funding of programs to reduce child labor.

Mr. Speaker, I ask that President Clinton's outstanding address to the International Labor Organization be placed in the RECORD, and I urge my colleagues to give thoughtful attention to his excellent remarks.

REMARKS BY THE PRESIDENT TO THE INTERNATIONAL LABOR ORGANIZATION CONFERENCE

THE PRESIDENT. Thank you very much, Director General Somavia, for your fine statement and your excellent work. Conference President Mumuni, Director General Petrovsky, ladies and gentlemen of the ILO: It is a great honor for me to be here today with, as you have noticed, quite a large

American delegation. I hope you will take it as a commitment of the United States to our shared vision, and not simply as a burning desire for us to visit this beautiful city on every possible opportunity.

I am delighted to be here with Secretary Albright and Secretary of Labor Herman; with my National Economic Advisor Gene Sperling, and my National Security Advisor Sandy Berger. We're delighted to be joined by the President of the American Federation of Labor, the AFL-CIO, John Sweeney, and several of the leaders of the U.S. labor movement; and with Senator TOM HARKIN from Iowa who is the foremost advocate in the United States of the abolition of child labor. I am grateful to all of them for coming with me, and to the First Lady and our daughter for joining us on this trip. And I thank you for your warm reception of her presence here.

It is indeed an honor for me to be the first American President to speak before the ILO in Geneva. It is long overdue. There is no organization that has worked harder to bring people together around fundamental human aspirations, and no organization whose mission is more vital for today and tomorrow.

The ILO, as the Director General said, was created in the wake of the devastation of World War I as part of a vision to provide stability to a world recovering from war, a vision put forward by our President, Woodrow Wilson. He said then, "While we are fighting for freedom we must see that labor is free." At a time when dangerous doctrines of dictatorship were increasingly appealing the ILO was founded on the realization that injustice produces, and I quote, "unrest so great that the peace and harmony of the world are imperiled."

Over time the organization was strengthened, and the United States played its role, starting with President Franklin Roosevelt and following through his successors and many others in the United States Congress, down to the strong supporters today, including Senator HARKIN and the distinguished senior Senator from New York, PATRICK MOYNIHAN.

For half a century, the ILO has waged a struggle of rising prosperity and widening freedom, from the shipyards of Poland to the diamond mines of South Africa. Today, as the Director General said, you remain the only organization to bring together governments, labor unions and business, to try to unite people in common cause—the dignity of work, the belief that honest labor, fairly compensated, gives meaning and structure to our lives; the ability of every family and all children to rise as far as their talents will take them.

In a world too often divided, this organization has been a powerful force for unity, justice, equality and shared prosperity. For all that, I thank you. Now, at the edge of a new century, at the dawn of the Information Age, the ILO and its vision are more vital than ever—for the world is becoming a much smaller and much, much more interdependent place. Most nations are linked to the new dynamic, idea-driven, technology-powered, highly competitive international economy.

The digital revolution is a profound, powerful and potentially democratizing force. It can empower people and nations, enabling the wise and far-sighted to develop more quickly and with less damage to the environment. It can enable us to work together across the world as easily as if we were working just across the hall. Competition, communications and more open markets spur stunning innovations and make their fruits available to business and workers worldwide.

Consider this: Every single day, half a million air passengers, 1.5 billion e-mail messages and $1.5 trillion cross international borders. We also have new tools to eradicate diseases that have long plagued humanity, to remove the threat of global warming and environmental destruction, to lift billions of people into the first truly global middle class.

Yet, as the financial crisis of the last two years has shown, the global economy with its churning, hyperactivity, poses new risks, as well, of disruption, dislocation and division. A financial crisis in one country can be felt on factory floors half a world away. The world has changed, much of it for the better, but too often our response to its new challenges has not changed.

Globalization is not a proposal or a policy choice, it is a fact. But how we respond to it will make all the difference. We cannot dam up the tides of economic change anymore than King Knute could still the waters. Nor can we tell our people to sink or swim on their own. We must find a new way—a new and democratic way—to maximize market potential and social justice, competition and community. We must put a human face on the global economy, giving working people everywhere a stake in its success, equipping them all to reap its rewards, providing for their families the basic conditions of a just society. All nations must embrace this vision, and all the great economic institutions of the world must devote their creativity and energy to this end.

Last May, I had the opportunity to come and speak to the World Trade Organization and stress that as we fight for open markets, it must open its doors to the concerns of working people and the environment. Last November, I spoke to the International Monetary Fund and World Bank and stressed that we must build a new financial architecture as modern as today's markets, to tame the cycles of boom and bust in the global economy as we can now do in national economies; to ensure the integrity of international financial transactions; and to expand social safety nets for the most vulnerable.

Today, I say to you that the ILO, too, must be ready for the 21st century, along the lines that Director General Somavia has outlined.

Let me begin by stating my firm belief that open trade is not contrary to the interest of working people. Competition and integration lead to stronger growth, more and better jobs, more widely shared gains. Renewed protectionism in any of our nations would lead to a spiral of retaliation that would diminish the standard of living for working people everywhere. Moreover, a failure to expand trade further could choke off innovation and diminish the very possibilities of the information economy. No, we need more trade, not less.

Unfortunately, working people the world over do not believe this. Even in the United States, with the lowest unemployment rate in a generation, where exports accounted for 30 percent of our growth until the financial crisis hit Asia, working people strongly resist new market-opening measures. There are many reasons. In advanced countries the benefits of open trade outweigh the burdens. But they are widely spread, while the dislocations of open trade are painfully concentrated.

In all countries, the premium the modern economy places on skills leaves too many hard-working people behind. In poor countries, the gains seem too often to go to the already wealthy and powerful, with little or no rise in the general standard of living. And the international organizations charged with monitoring and providing for rules of fair trade, and enforcement of them, seem to take a very long time to work their way to the right decision, often too late to affect the people who have been disadvantaged.

So as we press for more open trade, we must do more to ensure that all our people are lifted by the global economy. As we prepare to launch a new global round of trade talks in Seattle in November, it is vital that the WTO and the ILO work together to advance that common goal.

We clearly see that a thriving global economy will grow out of the skills, the idea, the education of millions of individuals. In each of our nations and as a community of nations, we must invest in our people and lift them to their full potential. If we allow the ups and downs of financial crises to divert us from investing in our people, it is not only those citizens or nations that will suffer—the entire world will suffer from their lost potential.

It is clear that when nations face financial crisis, they need the commitment and the expertise not only of the international financial institutions, they need the ILO as well. The IMF, the World Bank and WTO, themselves, should work more closely with the ILO, and this organization must be willing and able to assume more responsibility.

The lesson of the past two years is plain: Those nations with strong social safety nets are better able to weather the storms. Those strong safety nets do not just include financial assistance and emergency aid for poorest people, they also call for the empowerment of the poorest people.

This weekend in Cologne, I will join my partners in the G–8 in calling for a new focus on stronger safety nets within nations and within the international community. We will also urge improved cooperation between the ILO and the international financial institutions in promoting social protections and core labor standards. And we should press forward to lift the debt burden that is crushing many of the poorest nations.

We are working to forge a bold agreement to more than triple debt relief for the world's poorest nations and to target those savings to education, health care, child survival and fighting poverty. I pledge to work to find the resources so we can do our part and contribute our share toward an expanded trust fund for debt relief.

Yet, as important as our efforts to strengthen safety nets and relieve debt burdens are, for citizens throughout the world to feel that they truly have a hand in shaping their future they must know the dignity and respect of basic rights in the workplace.

You have taken a vital step toward lifting the lives of working people by adopting the Declaration on Fundamental Principles and Rights at Work last year. The document is a blueprint for the global economy that honors our values—the dignity of work, an end to discrimination, an end to forced labor, freedom of association, the right of people to organize and bargain in a civil and peaceful way. These are not just labor rights, they're human rights. They are a charter for a truly modern economy. We must make them an everyday reality all across the world.

We advance these rights first by standing up to those who abuse them. Today, one member nation, Burma stands in defiance of the ILO's most fundamental values and most serious findings. The Director General has just reported to us that the flagrant violation of human rights persists, and I urge the ILO governing body to take definite steps. For Burma is out of step with the standards of the world community and the aspirations of its people. Until people have the right to shape their destiny we must stand by them and keep up the pressure for change.

We also advance core labor rights by standing with those who seek to make them a reality in the workplace. Many countries need extra assistance to meet these standards. Whether it's rewriting inadequate labor laws, or helping fight discrimination against women and minorities in the workplace, the ILO must be able to help.

That is why in the balanced budget I submitted to our Congress this year I've asked for $25 million to help create a new arm of the ILO, to work with developing countries to put in place basic labor standards—protections, safe work places, the right to organize. I ask other governments to join us. I've also asked for $10 million from our Congress to strengthen U.S. bilateral support for governments seeking to raise such core labor standards.

We have asked for millions of dollars also to build on our voluntary anti-sweat shop initiative to encourage the many innovative programs that are being developed to eliminate sweat shops and raise consumer awareness of the conditions in which the clothes they wear and the toys they buy for their children are made.

But we must go further, to give life to our dream of an economy that lifts all our people. To do that, we must wipe from the Earth the most vicious forms of abusive child labor. Every single day tens of millions of children work in conditions that shock the conscience. There are children chained to often risky machines; children handling dangerous chemicals; children forced to work when they should be in school, preparing themselves and their countries for a better tomorrow. Each of our nations must take responsibility.

Last week, at the inspiration of Senator Tom Harkin, who is here with me today, I directed all agencies of the United States government to make absolutely sure they are not buying any products made with abusive child labor.

But we must also act together. Today, the time has come to build on the growing world consensus to ban the most abusive forms of child labor—to join together and to say there are some things we cannot and will not tolerate.

We will not tolerate children being used in pornography and prostitution. We will not tolerate children in slavery or bondage. We will not tolerate children being forcibly recruited to serve in armed conflicts. We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance. These are not some archaic practices out of a Charles Dickens novel. These are things that happen in too many places today.

I am proud of what is being done at your meeting. In January, I said to our Congress and the American people in the State of the Union address, that we would work with the ILO on a new initiative to raise labor standards and to conclude a treaty to ban abusive child labor everywhere in the world. I am proud to say that the United States will support your convention. After I return home I will send it to the U.S. Senate for ratification, and I ask all other countries to ratify it, as well.

We thank you for achieving a true breakthrough for the children of the world. We thank the nations here represented who have made genuine progress in dealing with this issue in their own nations. You have written an important new chapter in our effort to honor our values and protect our children.

Passing this convention alone, however, will not solve the problem. We must also work aggressively to enforce it. And we must address root causes, the tangled pathology of poverty and hopelessness that leads to abusive child labor. Where that still exists it is simply not enough to close the factories where the worst child labor practices occur. We must also ensure that children then have access to schools and their parents have jobs. Otherwise, we may find children in even more abusive circumstances.

That is why the work of the International Program for the Elimination of Child Labor is so important. With the support of the United States, it is working in places around the world to get children out of business of making fireworks, to help children move from their jobs as domestic servants, to take children from factories to schools.

Let me cite just one example of the success being achieved, the work being done to eliminate child labor from the soccer ball industry in Pakistan. Two years ago, thousands of children under the age of 14 worked for 50 companies stitching soccer balls full-time. The industry, the ILO and UNICEF joined together to remove children from the production of soccer balls and give them a chance to go to school, and to monitor the results.

Today, the work has been taken up by women in 80 poor villages in Pakistan, giving them new employment and their families new stabilities. Meanwhile, the children have started to go to school, so that when they come of age, they will be able to do better jobs raising the standard of living of their families, their villages and their nation. I thank all who were involved in this endeavor and ask others to follow their lead.

I am pleased that our administration has increased our support for IPEC by tenfold. I ask you to think what could be achieved by a full and focused international effort to eliminate the worst forms of child labor. Think of the children who would go to school, whose lives would open up, whose very health would flower, freed of the crushing burden of dangerous and demeaning work, given back those irreplaceable hours of childhood for learning and playing and living.

By giving life to core labor standards, by acting effectively to lift the burden of debt, by putting a more human face on the world trading system and the global economy, by ending the worst forms of child labor, we will be giving our children the 21st century they deserve.

These are hopeful times. Previous generations sought to redeem the rights of labor in a time of world war and organized tyranny. We have a chance to build a world more prosperous, more united, more humane than ever before. In so doing, we can fulfill the dreams of the ILO's founders, and redeem the struggles of those who fought and organized, who sacrificed and, yes, died—for freedom, equality, and justice in the workplace.

It is our great good fortune that in our time we have been given the golden opportunity to make the 21st century a period of abundance and achievement for all. Because we can do that, we must. It is a gift to our children worthy of the millennium.

Thank you very much.

TRIBUTE TO RETIRING MIDDLE SCHOOL PRINCIPAL TOM HAYES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career in teaching has come to an end. The Honorable Tom Hayes, Principal of Lexington Middle School, recently retired after 34 years as a teacher, coach, counselor, and administrator.

Mr. Hayes started teaching in the Lexington school system as a student teacher in the spring of 1965. He was offered a contract to teach full time in the fall of the same year. Mr. Hayes served as a teacher, coach, and counselor until 1986, when he left Lexington to take a position in the St. James School District. In 1993, Mr. Hayes found his way back to Lexington to serve as principal at the Middle School.

Mr. Hayes educated Missouri's youth and enjoyed watching his students grow and mature into adults. He is also gratified when the young people he taught come back to him years later as adults to thank him. As a coach, he coached multiple championship teams, both in football and wrestling. Through hard work focusing on fundamentals, he helped average athletes develop into skilled players.

Although Mr. Hayes has retired from the Lexington School District, he is still an active community member as the Mayor of Lexington, Missouri.

Mr. Speaker, Mr. Hayes had an outstanding career in education, and he will surely be missed by everyone at Lexington Middle School. I wish him and his wife Sherry all the best in the days ahead. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. ENGEL. Mr. Speaker, fellow colleagues, I rise in support of the Bond Price Competition Improvement Act of 1999. The Committee on Commerce and Subcommittee of Finance, of which I am a member, has held a number of hearings to review the process and competition in mutual fund fees and bond prices.

Witnesses repeatedly testified that transparency of corporate bonds was poor. Witnesses also revealed that individual purchasers of the same bond from the same dealer at approximately the same time may be given widely divergent prices.

Mr. Speaker, fellow colleagues, improved transparency of the bond market would lead to improved bond prices for investors, and increased transparency would assist the relevant regulators with development of an audit trail.

In today's ever changing global economy, information is our most valuable resource. By improving the information available to investors, leading to more competitive prices for bonds, we hope to eliminate price discrimination and promote a more fair and competitive market.

The Bond Price Competition Improvement Act, which is supported by the NASD, SEC and Bond Market Association has many advantages. However, the three economic benefits that I am mostly enthusiastic about are:

1. It will bolster investor protection by providing investors with better opportunities to monitor the behavior of the entities that make markets in secondary securities;

2. It will help improve market liquidity by boosting investor and market confidence in a market; and

3. It will enhance market efficiency by boosting the price discovery process of moving toward the "optimal price" for a particular security.

Market power invested in one bond dealer enables the dealer to charge prices that are higher than those that would be available in a fully competitive market. Due to the lack of transparency in the current bond market dealers sometimes offer the same bond to different customers at significantly different prices. This price discrimination is facilitated by the lack of pricing information to investors.

I am convinced that improved transparency in the corporate debt markets as addressed in the Bond Price Competition Improvement Act will eliminate this practice.

I would like to commend my fellow colleagues on the Commerce Committee, committee staff, and legislative staff on working together to draft this important bill and I hope that we can continue to work together in this spirit of bipartisanship in the future.

Mr. Speaker, Congress is at its best when we work together to solve problems such as these. The American people deserve nothing less. The Bond Market Price Competition Act of 1999 is an important piece of legislation that will preserve this country's place as a leader of bond market transaction in the international marketplace.

I urge my colleagues to vote in favor of this bill.

INTRODUCTION OF THE OUTPATIENT PRESERVATION ACT

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. FOLEY. Mr. Speaker, I was (and still am) a proud supporter of the Balanced Budget Act and its attempts to bring about greater fiscal discipline to save Medicare from bankruptcy. However, when we passed this bill, we did so with the understanding that Medicare services to seniors would not be harmed.

Sadly, the current form of the prospective payment system (PPS) for hospital outpatient services such as surgery, radiology, clinical services, emergency room care, chemotherapy, and psychotherapy makes drastic cuts in payments so that many hospitals may be forced to limit or discontinue outpatient services that patients depend on. Initial projections show that when the PPS is fully implemented, some hospitals stand to lose between 40 and 50 percent of their revenue. This could have a devastating effect on the availability of certain services. For many individuals, outpatient care is a safer, more convenient, and less costly alternative to being admitted overnight to a hospital for a minor procedure. I do not want to see patients' choice of health services and care settings limited.

Today, I am introducing the Hospital Outpatient Preservation Act. This legislation will put a limit on the Medicare payment reductions hospitals receive under the outpatient PPS for the first three years it is in place. This bill will allow hospitals to gradually reorganize their budgets and operational structures in order to smoothly transition to the new payment system without having to eliminate services. It is my intention that this bill will preserve the intent of the Balanced Budget Act to enforce fiscal responsibility in the Medicare system, while preventing any negative consequences that drastic revenue reductions would have on hospitals and their patients.

IN HONOR OF CELESTICA OF COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to congratulate Celestica, a Ft. Collins company determined to provide total customer satisfaction, superior value, quality, and technological leadership through designing electronic memory solutions and manufacturing printed circuit boards. This prosperous corporation has not only benefited itself, but its community as well. Celestica currently employs 1,000 Colorado citizens, and has grown strong enough to add 500 new jobs to the Ft. Collins area. Celestica workers provide jobs in nine countries and employment opportunities for over 15,000 worldwide while generating economic growth and health benefits.

Mr. Speaker, Celestica is successful because it strives to meet its customers' needs, guarantee long-term value and have innovative ideas for products. For this reason, it is obvious why Celestica is the third-largest electronics manufacturing company in the world.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. CLAYTON. Mr. Speaker, on rollcall No. 187, the Souder amendment—to "prohibit any fiscal year 2000 funding for military operations in the Federal Republic of Yugoslavia," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District Office Director. Had I been present, I would have voted "nay."

HONORING JOSHUA VANDIVER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, I rise to honor Mr. Joshua Vandiver of Swink, Colorado, a student at Swink Junior-Senior High School. He has received an outstanding recognition of being a Presidential Scholar. I am pleased to take a moment and extend Joshua congratulations for his phenomenal academic prowess, artistic success, scholarship, leadership, and involvement in school and community. He possesses the key to success because the attributes of his personality, hard work and persevance are strong and long lasting. With these skills Joshua Vandiver will prosper in the future.

HONORING SYLVIA LASK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ENGEL. Mr. Speaker, Sylvia Lask, a tireless advocate for her community and a woman who has worked with me for all of my elected life, is celebrating her 65th birthday, an occasion to celebrate her and all the wonderful things she has done. She has worked with me from my start in the New York State Assembly, but even more, she has been a great friend. She developed a specialty in the area of mental health while at my Assembly office and her dedication led her to join me in late night visits to State psychiatric hospitals to check on the care of the patients. Currently she is Chair of the New York State Board of Visitors of Psychiatric Hospitals and is a member of the Board of Bronx Municipal Hospital. She also led her building in the Co-op City rent strike. Her caring and concern have won her the affection and appreciation of virtually everyone she has come in contact with. She is also a State Committeewoman for the 82nd A.D. She is a committed Zionist and Jewish causes are her passion. She is an ardent supporter of the Kibbutz movement. She dearly loves her two children, Marc and Vicki. When I picture Sylvia in my mind I see her dancing around a campfire at a Kibbutz. She is a very dear friend and I join all in wishing her a very special birthday.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 189, the Skelton amendment—"prohibiting any funding for combat or peacekeeping operations in the Federal Republic of Yugoslavia," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District

Office Director. Had I been present, I would have voted "yea."

HONORING DONNA WHEELER TEACHER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to commend the work of an extraordinary teacher from the Fourth District of Colorado, Ms. Donna Wheeler. Ms. Wheeler teaches at Swink Junior-Senior High School in Swink, CO. Teachers provide one of the most valuable services to society educating students. By promoting integrity, knowledge, proficiency, and wholehearted interest in her students, Ms. Wheeler has proven her ability as an educator. Caring and talented teachers are of immense worth in our society and proficient teachers are the backbone of the Republic. It takes a very dedicated person to encourage children. Ms. Wheeler has set an example each of us can follow to nurture our nation's youth in becoming responsible adults. I congratulate Ms. Wheeler.

HONORING MOUNT VERNON HEIGHTS CONGREGATIONAL CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ENGEL. Mr. Speaker, this year, the good parishioners of the Mount Vernon Heights Congregational Church celebrate the church's 100th anniversary. The history of the church is actually longer when we remember that it was in 1892 that its meetings began in the Garden Avenue School. The church became fully organized in 1896 with the Rev. F.B. Kellogg named pastor of the new church. By the following year the congregation had grown so large that it moved to a barn on Bedford Avenue and, on July 4th of that year, the new church was dedicated.

By 1910 the church has become self-supporting and in 1916 construction on the current building was started. The church, a New England colonial design reflecting a post Civil War spirit of unity and self determination, was completed by 1922. Subsequently a sanctuary was added as well as tower chime.

The Mount Vernon Heights Congregational Church has always practiced community activism as well as charitable works and community projects, such as its youth seminars and elderly centers.

The church also is part of the annual pulpit exchanges in which ministers from 19 churches deliver sermons at sister churches.

The church is justly proud of its fellowship of many denominations and its ministers of many differing ethnic and social backgrounds. The Rev. Maximilian Bernard Surjadinata, pastor since 1988, was born in Indonesia. I warmly congratulate the Mount Vernon Heights Congregational Church on its centenary and for its wonderful accomplishments in those hundred years.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 190, the Shays amendment—"to reduce troop levels in Europe from 100,000 to 25,000 by fiscal year 2002; excludes troops assigned to Greenland, Iceland, Azores, and those serving for more than 179 days under a military-to-military program; and does not apply in the event of war or attack on NATO member nation," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District Office Director. Had I been present, I would have voted "nay."

THANK YOU BUFORD RICE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor Mr. Buford Rice, administrator and executive vice president of the Colorado Farm Bureau. Mr. Rice has announced his plans to retire September 1, 1999, after 38 years of distinguished service to the agriculture industry.

Raised on an irrigated farm in the Yellowstone River Valley of eastern Montana and later graduating from Montana State University, Rice began his career with the Montana Farm Bureau in 1961 as an area field services director. In 1972, he became the executive secretary for the North Dakota Farm Bureau and in 1976 he accepted the offer to serve as public affairs director for the Colorado Farm Bureau. Rice was named manager of the Colorado Farm Bureau in 1979 and was promoted to administrator/executive vice president in 1990.

Rice and I first met and quickly became friends while I was serving in the Colorado State Senate. Through our professional relationship, I gained tremendous respect for his knowledge of agriculture issues and dedication to the survival of the farm and ranch industry. Because of his passion for the tradition of farming, Rice has always looked forward to going to work every morning these many years.

Currently, Rice serves on various public and private councils and advisory committees. Some of those include the Colorado Public Expenditures Council Board of Directors, Colorado Extension Advisory Committee, CSU Livestock Leaders Council, External Committee—CSU Institute on Environment and Natural Resources and the Colorado Public Lands Multiple Use Coalition.

He and his wife Darlyne reside in Littleton, CO, and have two children, four grandchildren and two step-grandchildren.

Buford Rice is a man who embodies the western tradition of what is good about this great country—sound land and water conservation practices, private property rights, and most importantly, preservation of the family farm. The state of Colorado owes Buford Rice a great debt of gratitude for his life-long work on behalf of the agriculture community. Thank you Buford.

HONORING RHONDA (RANDI) WEINGARTEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ENGEL. Mr. Speaker, today I would like to praise a woman who has accomplished much. Rhonda (Randi) Weingarten is the new president of the 130,000-member United Federation of Teachers, the largest local union in the United States. She is also vice president of the 960,000 member American Federation of Teachers, the UFT's national affiliate and is a member of the Board of Directors of both the New York State United Teachers and the New York City Central Labor Council.

From 1986 to 1998 Randi served as counsel to UFT President Sandra Feldman, taking a lead role in contract negotiations for teachers and other school employees. When Ms. Feldman became president of the American Federation of Teachers, Randi was selected to serve as president. She has a B.S. from Cornell and graduated cum laude from the Benjamin N. Cardozo School of Law. She was also an adjunct professor at Cardozo from 1986–91. She first became affiliated with the UFT when working for a prestigious law firm which had the union as a client.

She has served as legislative assistant for the New York State Senate Labor Committee and as a mediator on disputes originating in the New York Criminal Court. She has served as a member of the board and then as chairperson of the Health Insurance Plan of Greater New York. She is also a certified teacher of social studies and American History.

Randi continues to advance the cause of education in New York. I look forward to working with her to keep that education of our youth as the highest priority of the people and our governments at every level.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 188, the Weldon amendment—to "provide $7.3 million for the operation and maintenance of space launch facilities and require a study of space launch ranges and requirements," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District Office Director. Had I been present, I would have voted "yea."

IN MEMORY OF BETTY DESANTO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of one of Cleveland's greatest softball players, Betty DeSanto.

Betty DeSanto has been a dedicated sportswoman all her life. She has been a part of many softball teams and has won countless city titles. She was even inducted into the Greater Cleveland Sports Hall of Fame in 1984 and the Greater Cleveland Slow Pitch Hall of Fame in 1991.

Betty DeSanto was a person who not only played the sport well, she exemplified great sportsmanship. As the assistant manager and later as the manager of the Cudell Recreation Center, she organized various sports teams and encouraged both boys and girls in their athletic pursuits. She is an inspiration to all who participate in sports and with a little dedication, love and heart you can go on to achieve greatness.

My fellow colleagues, please join me in honoring this great sportswoman, Betty DeSanto. She was a very talented athlete and she will be greatly missed.

HONORING DR. GARY SCHNEIDER UPON HIS RETIREMENT

HON. JOHN J. DUNCAN, JR

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DUNCAN. Mr. Speaker, Dr. Gary Schneider, one of the foremost experts on forestry at the University of Tennessee, Knoxville, is retiring this year.

Dr. Schneider has been an asset to the University for many years, having served as a Professor and Head of the Department of Forestry, Wildlife and Fisheries. Currently, he serves as the Associate Dean of Agricultural Sciences and Natural Resources at UT.

Mr. Speaker, Dr. Schneider has also served as a consultant for many organizations including, the U.S. Department of Energy, U.S. Forest Service, U.S. Agency for International Development and many others. Additionally, he has published several academic articles.

Dr. Schneider has advanced the study of forestry and related fields during his tenure at the University of Tennessee, and I know that his leadership and expertise will be missed.

Mr. Speaker, I know that I join with his friends, family and colleagues in congratulating Dr. Gary Schneider for an outstanding career at the University of Tennessee, Knoxville.

A TRIBUTE TO THE TEMPLE PATROL OF THE TUSCAN MORNING STAR LODGE NO. 48

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Temple Patrol of the Tuscan Morning Star Lodge No. 48, located in Philadelphia. The Temple Patrol was originally formed in 1990 to provide a communal protective service for members attending meetings at the Prince Hall Masonic Complex. Since its formation, the Temple Patrol committee has grown to over 30 members and has received many accolades for its valuable safety services.

The Temple Patrol has been so successful that only one criminal incident has been recorded in its area of operations since its inception. The Tuscan Morning Star Lodge No. 48 has received high praise due to the success of the Temple Patrol; it was awarded Ex-Large Lodge of the Month on several occasions and even Ex-Large Lodge of the Year. In addition to these past recognitions, I would also like to commend these gentlemen who bring peace to the streets through their self-sacrifice.

Once again, Mr. Speaker, I would like to commend the efforts of the members of the Tuscan Morning Star No. 48 Temple Patrol committee. I wish them luck in the future and thank them for all their hard work that has made the streets of Philadelphia safer.

HUMAN RIGHTS LEADERS SUPPORT HUMAN RIGHT INFORMATION ACT, H.R. 1625

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LANTOS. Mr. Speaker, recently I introduced in the House The Human Rights Information Act (H.R. 1625). This legislation has already found strong bipartisan support with over 50 of our distinguished colleagues joining as original cosponsors of this bill.

When our legislation was introduced, prominent human rights leaders and victims of human rights abuses joined us at a press conference announcing the legislation. Their comments about the Human Rights Information Act and their personal and professional insights regarding this legislation are particularly helpful.

Mr. Speaker, I ask that the statements these human rights leaders made regarding the Human Rights Information Act be placed in the RECORD. These outstanding statements are by Dr. William F. Schultz, Executive Director of Amnesty International USA; Adriana Portillo-Bartow, a Guatemalan mother whose eldest two daughters were kidnapped and disappeared and have not been seen for the past 17 years; Sister Dianna Ortiz, a Roman Catholic nun who was abducted, tortured and repeatedly raped by members of the Guatemalan security forces; and Carlos M. Salinas, the Advocacy Director for Latin America and the Caribbean of Amnesty International.

STATEMENT OF DR. WILLIAM F. SCHULTZ, EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL USA

Good afternoon. I'm Dr. William F. Schultz, Executive Director of Amnesty International USA. I join my esteemed colleagues today to support legislation that addresses the tragic legacy of political violence: torture, assassinations, "disappearances," and massacres. This legislation will put criminals behind bars and help families heal from their devastating losses at the hands of brutal torturers and thugs.

Over the past few decades, we witnessed immense suffering in Guatemala and Honduras. The fierce counterinsurgency campaign by Guatemalan military governments beginning in the 1960s left 200,000 dead or "disappeared" according to the Guatemalan Truth Commission. The campaign became one of a "scorched earth strategy" in which hundreds of villages were wiped out in what the Trust Commission called acts of genocide. Thousands of men, women and children were killed—often after brutal torture or in more than 600 wholesale massacres, according to the Commission. Thousands more were "disappeared"—never to be seen again.

The politically-driven violence in Honduras during the 1980s resulted from a deliberate strategy by the government and military to treat non-combatant civilians as military targets. This "dirty war" meant torture, assassination and "disappearance" for student activists, teachers, journalists, trade unionists, human rights lawyers and leftist politicians.

Out of the ashes of this bloody history has risen legislation vital to the promotion and protection of human rights—not only in Honduras and Guatemala but in every country in the world. The Human Rights Information Act orders the declassification or release of U.S. government documents about human rights violations when the U.S. receives a request from a bona fide truth commission or judicial authority. It will give survivors of torture and "disappearances" information about who was responsible for their abuse and the reasons why they were targeted. It also will allow family members to recover the remains of their "disappeared" loved ones.

Amnesty International is proud to support the Human Rights Information Act and our activists are ready to mobilize for its passage. Last year, we brought over 100,000 petitions and letters to Congress—and we will bring 100,000 more this year, if need be. I believe that every American watching the Kosovo crisis unfold would support this Act as a means to ensure justice for the thousands of refugees we see on our television screens each day.

There are three compelling reasons why Congress must pass this Act.

First, the Human Rights Information Act is profoundly pro-family. The Act will help families torn apart by torture, assassination or "disappearances" heal and find some measure of closure in the wake of brutality.

Second, the Human Rights Information Act will fight crime. The perpetrators of human rights violations are responsible not for dozens or even hundreds of brutalities but for tens of thousands of crimes against humanity. As a great forensic anthropologist Dr. Clyde Snow said, "[t]he great mass murderers of our time have accounted for no more than a few hundred victims. In contrast, states that have chosen to murder their own citizens can usually count their victims by the carload lot. As for motive, the state has no peers, for it will kill its victim for a careless word, a fleeting thought, or even a poem." Assassins, torturers, those who order the brutalities and those who cover them up, however, are rarely punished, sometimes amnestied and often never prosecuted. Successful prosecutions will punish and put behind bars human rights violators who may still be involved in criminal activity. And it will send an unequivocal message that human rights violations will not be tolerated.

Third, the Human Rights Information Act will strengthen democracy. It will deter future violators and strengthen the rule of law. It will tell the world that no one is above the law and it will restore citizens' confidence in their legal institutions.

The wounds from atrocities committed in Guatemala, Honduras and many other countries cannot heal until the whole truth about human rights violations is revealed. Families and survivors need to know—and have the right to know—who ordered the killings, why their loved ones were tortured and killed, and where to find their "disappeared" loved ones. If simply telling the whole truth, as the Human Rights Information Act will do, helps thousands of families heal from some of the worst crimes known to humanity, how can we not reveal it?

Statement of Ms. Adriana Portillo-Bartow, a Guatemalan Mother

My name is Adriana Portillo-Bartow and I am a survivor of the war in Guatemala. I am also a mother who for the last 17 years has had to live without knowing the truth about the whereabouts of her two oldest daughters, kidnapped and disappeared by Guatemalan security forces in 1981.

My daughters Rosaura and Glenda, 10 and 9 years old at the time of their disappearance, were detained, together with my 70 year old father, my step-mother, one of my sisters-in-law, and my 18 month old sister, on September 11, 1981, by a large group of military and police forces. They have never been seen or heard from since.

I waited 15 years for the appropriate political conditions to exist in Guatemala so I could begin the search for the truth about the whereabouts of my disappeared family. I have been back to Guatemala eight times since December 1996, when the Final Peace Accord for a Firm and Lasting Peace was signed.

Eight trips to Guatemala I have made in my pursuing of the truth, without any results. On each of my trips I have met with the Guatemalan Presidential Human Rights Commission, I have met with the Guatemalan Human Rights Ombudsman Office, I have met with many non governmental human rights organizations. I have met with U.S. Embassy officials. I have even tried pursuing the truth through the Guatemalan judicial system, which everybody knows does not work. The case of my disappeared family is Illustrative case #87 in the Historical Clarification Commission's report "Guatemala: Memory of Silence". And no one has been able to help me, or has wanted to help me.

Because of that, now, more than ever, I am hunted by the memories of my disappeared father, of my little daughters, and of my other relatives. For the past seventeen years I have not slept, unless through the use of artificial means, because I am afraid of waking up to a nightmare of my disappeared children being eaten by dogs and vultures. Some days I am hunted by images of their bodies abandoned in shallow graves in a clandestine cemetery, somewhere in Guatemala. Other days I am hunted by the possibility of my little daughters and sister having been given up for adoption—illegally—to a family in a foreign country.

When will I be able to leave my torment behind? When will I be free from the ongoing torture it means for me not knowing what became of my daughters? When will I be able to be at peace with myself? Only the day I find out the truth about what happened to my disappeared family. Only the day I am able to recover their remains for a proper and dignified burial.

The passing of the Human Rights Information Act by Congress is of critical importance to the relatives of the disappeared in Guatemala. It can offer people who find themselves in the position I am now the real possibility of learning the truth about the whereabouts of their disappeared relatives. It can offer mothers like me an end to the painful and everlasting effects of the most sophisticated form of torture; the disappearance of our children. Furthermore, it can offer mothers like me the possibility of family reunification if our children survived—and if they didn't, the opportunity to bury them and mourn their loss in a healthy and dignified manner.

President Clinton acknowledged on March 10 of this year, while in Guatemala, that the involvement of the United States in the horrors that took place during the war was wrong, and that it had been a mistake that must not be repeated again. He said that the United States must and will continue to support the peace and reconciliation process in Guatemala. Truth and Justice are the foundation of Peace. The passing of the Human Rights Information Act by Congress is a very concrete step that can be taken, for the United States to truly play a historical role in the process towards reconciliation and an everlasting peace in Guatemala.

As a Guatemalan, and as the mother and sister of three little girls that disappeared during the long war in Guatemala I feel that the contribution of the United States to the suffering of the Guatemalan people constitute a moral obligation to assist all of us, relatives of the disappeared, in our search for the truth about the whereabouts of our loved ones. Only the day the full truth of what happened is known, and dealt with, will we be able to say that the suffering the Guatemalan people has endured for so many years is finally a tragedy of the past. Only the day we know the full truth will we be sure that the "mistake" President Clinton referred to will not be repeated again—in Guatemala or in any other country of the world.

Statement of Sister Dianna Ortiz, a Roman Catholic Nun

Let me begin by thanking Representatives LANTOS and MORELLA for inviting me to share my thoughts on the importance of the Human Rights Information Act. Two days ago it became all the more evident to me that we must do everything in our means to make certain this bill is enacted. Let me share with you some of my story.

In November of 1989, I was abducted, tortured and repeatedly raped by members of the Guatemalan security forces. During my detention, just as my torturers were readying themselves to rape me yet again, a man came into the clandestine cell, a man my tortures referred to as Alejandro, and their boss *[jefe]*. He was tall; he was fair-skinned; and he spoke poor Spanish with a heavy North American accent. He gave explicit orders to my torturers, which they obeyed, and he warned me not to say anything about my torture—telling me—in American English—that if I did, there would be consequences.

For nearly a decade, I have spent the majority of my waking hours trying to learn the truth of what happened on November 2, 1989. I have spoken openly of what I witnessed and experienced at the hands of the three Guatemalans and Alejandro. In turn, I have been told that I must be mistaken: The U.S. Government would never conspire with human rights violators, let alone provide them leadership. It has even been suggested to me that I am "obsessed" with Alejandro. I have been advised to concentrate on my Guatemalan abusers alone, instead of tainting the reputation of the U.S. Government. But no one will answer my two single questions: Why was there an American in a Guatemalan secret prison, giving orders to torturers? Who authorized him to be there?

No one in Guatemala will tell me the truth. And no one in the United State will tell me the truth. For nearly ten years, I have gone from one battlefield to another—asking for the truth for myself and for the people of Guatemala. Following the advice of so many people, I went through all the proper channels. I filed charges in Guatemala and cooperated with Guatemalan government investigators, traveling to Guatemala on numerous occasions to testify and participate in judicial reconstructions. I soon learned that justice in Guatemala is a mirage. The judicial system did not work then—and does not work now. The investigation of the murder of Monsenor Gerardi is a clear example of how impunity continues to reign.

The next battlefield was in my homeland—the United States. Even in my country of origin, government officials refused to provide me with information. and so I thought—file a FOIA request—you're sure to get answers. Documents were released—but they contained no information of substance. In August of 1995, I was told that the Justice Department had begun a serious and impartial investigation of my case. Putting aside my feelings of mistrust, I took the risk of working closely with the investigators. This entailed being interviewed by investigators for more than forty hours; having to relate every detail of the humiliation and cruelty I suffered at the hands of my tortures; going into dangerous and painful flashbacks brought on by the detailed questions. Under such prolonged stress, I lost a portion of the ground that I had gained in my recovery.

But I steeled myself and did all I could for as long as I could to help the investigation along. I hoped that, this time, I might be told the truth. There were warning signs, however—signs that I was wrong. One of the DOJ attorneys openly yelled at me and accused me of lying. And as I heard about the investigators' interviews with my family and friends, it became clear that I was being cast as the culprit, that I was the one being investigated, not those responsible for the crimes against me. After giving almost all of my testimony, I made the decision to disengage myself from direct participation in the DOJ investigation.

Perhaps I am a coward—but I could no longer subject myself to the retraumatization brought on by the investigators' questions and their abusive treatment. They had my testimony in detail and the sketches I had made with the help of a forensic artist. The responsibility for finding the truth lay with them.

Shortly after taking this step, I learned that the Justice Department had concluded its investigation. What did the Justice Department officials conclude after a year of investigating my case? What did they glean from the countless hours I and my friends and family spent pouring out our hearts to them? I don't know. I'm not allowed to know. Investigators made a report of more than 284 pages—and classified it. They cited a need to protect "sources and methods"—and MY privacy. How thoughtful of them. Investigators assured me that this report would be kept so secret that it would be seen only by the Attorney General, the Deputy Attorney General and the official in charge of the investigation. Four copies of this report exist, they told me, and they are under lock and key.

I have since learned that the classified report was made available to few privileged people, including former ambassador Thomas Stroock, who is not even associated any longer with the U.S. Government. This is how the DOJ protected my privacy.

The investigation has not helped me one iota and has not helped the American people. The report is about the event that shattered my life, about the event that tore my past from me. The report is about the event that destroyed my sense of myself, my relationships with others and my relationship with God. The report was about the event that has stolen my ability to sleep and to feel safe in the world. I am the one who is tormented by all the questions surrounding that event. And now I have even more. Why is it that the Justice Department refuses to answer my questions? Who are they protecting? What are they covering up?

On June 26th, 1998, I filed a FOIA request, asking the U.S. Government to declassify the report. Again, I allowed myself to hope. During President's Clinton visit to Guatemala, I allowed that hope to grow. Mr. Clinton publicly acknowledged U.S. complicity in human rights violations. Finally, I thought, our government has owned up. The need for secrecy is obsolete. I'll get the report.

Two days ago, I learned from my attorney that the FOIA officer for the U.S. Attorney General's Office denied my FOIA request in full. Why? To protect their sources and methods? What sorts of methods? Torture? To protect the identities of my Guatemalan torturers and the American, Alejandor? Why is it that those who commit human rights violations merit protection while those of us who suffer these abuses at their hands receive none?

Perhaps only another survivor who has been betrayed again and again by her government can know what I feel standing here. I'm tried and all I want to do is close my eyes and not wake up. I literally had to force myself to come here today. The feelings of disillusionment and aloneness are enough to overwhelm me. But I am here.

The words that resound in my head over and over again are: "The truth will set you free." Those words are found in scripture. Ironically enough, these same words are etched on the entrance to that cathedral of secrecy, the CIA. I believe the truth would set me free. I will never feel safe in my own country until I know exactly what the role of my government was in my abduction and torture. How can I feel safe? How can anyone feel safe, if the truth is being concealed? If this is a country concerned with righting the wrongs of the past and the wrongs of our world, our government has nothing to lose by disclosing the truth. It owes that much to the survivors of the political violence we sponsored in Guatemala, Honduras and countless other countries. It owes that much to those of us who paid the taxes. The secret prison was in Guatemala. The prison of secrecy is here. The Human Rights Information Act could be the key.

Statement of Carlos M. Salinas, the Advocacy Director for Latin America and the Caribbean of Amnesty International

I think it's clear that there is real momentum for passage of the Human Rights Information Act—and why shouldn't it be this way?

In the last Congress, the bill went from introduction to mark-up in less than a year even though most observers were surprised that it even got a hearing! But what most observers did not count with the perseverance of Congressman Lantos, Congresswoman Morella, Chairman Horn, then-ranking member Kucinich, and all of their incredibly dedicated and hard-working staffs. The observers did not count on the fact that there were many others ready and willing to add their names and prestige to this effort for truth and justice—so many more than 100 House members became co-sponsors in less than a year! Many observers underestimated the tenacity and perseverance of amazing people like Adriana Portillo-Bartow, Jennifer Harbury, Sister Dianna Ortiz, Meredith Larson, Dr. Leo Valladares Lanza, and so many others.

Washington conventional wisdom, continuing to insist that true intelligence reform is destined to oblivion, did not count on the fact that the yearning for truth and justice is a million times greater than the strongest bureaucratic inertia, that the search for truth will always overpower obfuscation and stonewalling, and that the American people and its elected representatives know and are committed to truly putting people first, to truly strengthening families, to truly fighting crime.

And so, thanks to tens of thousands of voices from Hawaii to Florida, and Maine to Alaska, we hear the message: pass the Human Rights Information Act. This message is supported by organizations like the Latin America Working Group, the Guatemala Human Rights Commission/USA, the Washington Office on Latin America, the Religious Task Force on Central America and Mexico, I could go on and on!

So we begin anew our quest for the truth, our quest for justice, with the knowledge that both republicans and Democrats, Chairs and Ranking members, have shown and are showing their support for a bill that could rend the web of secrecy and lies that keep the public from finding out what it is entitled to know, that keep family members from healing and reaching closure, that keep criminals, mass murderers, torturers, and assorted thugs on the streets, well, we gotta stop that and we will change the law. This law is for you, Dianna. This law is for you, Jennifer. This law is for you, Adriana. This law is for you, Anne [Larson, mother of human rights worker Meredith Larson who survived a stabbing attack in Guatemala City in 1989]. Indeed, this law is for all of us, for a better tomorrow, for a more just today.

IN HONOR OF FRANK VICKERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor one of the USWA's most respected leaders, Frank Vickers. Over the past 30 years, Frank Vickers has dedicated his life to work extremely hard for the Steel Workers of Ohio. He joined the USWA in 1957, and since that time he has served as Local 5684 President, District 30 Organizing Coordinator, Ohio Legislative Coordinator and the Ohio Legislative Representative.

Frank has chaired USWA negotiations with LTV Steel, Timken, American Steel Foundries, Amsted Industries, Armco, Inc. and Republic Engineered Steels. Frank has also served as Vice President of the Cincinnati AFL-CIO Central Labor Council.

Frank Vickers has been a dedicated USWA worker for the last 30 years. In that time he has made tremendous strides in improving the productivity of the USWA. Through his efforts the USWA has expanded their influence all over the country in order to benefit the steel workers.

Frank has not only been a successful advocate for steelworkers but has also been a dedicated family man. His efforts are greatly appreciated by all the members of the USWA. He is not only a hard worker, but a good friend to all.

My fellow colleagues, please join me in honoring this dedicated man, Frank Vickers, for 30 years of serving the Steelworkers. I would like to wish Frank the best of luck and good fortune in the future.

A FAVORITE SON GOES TO WASHINGTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PELOSI. Mr. Speaker, I commend to my colleagues the following article about one of our very own, Congressman GEORGE MILLER of California, who this year marks his 25th year of service in Congress.

This article poignantly captures GEORGE's commitment to public service and his unwavering belief in our system of government. As GEORGE says in this article, being a Member of Congress "is a privilege. It's what makes me get up in the morning and go to work, knowing in one fashion or another you're going to get to be a participant in our Democratic system. It sounds really corny, except it's really energizing."

This article also presents comments from the people who do not share GEORGE's views but who bestow upon him their respect for his integrity, his candor, and his unrelenting pursuit of what he believes to be right for this country.

[From the Contra Costa Times, June 6, 1999];

A Favorite Son Goes to Washington—Repeatedly

By Daniel Borenstein

Washington—Despite George Miller's limp from his surgery, the 6-foot-4-inch congressman sets the brisk pace as he and fellow liberal Rep. John Tierney of Massachusetts cross the Capitol grounds.

The pair lament the high prescription drug prices Americans without health insurance are forced to pay. To Miller, it's a political weapon to embarrass Republicans with ties to drug companies.

And it's a wrong that could be righted—if the Democrats were in the majority. "It sure would be fun if we could get this place back," he says.

Meet George Miller, ambivalent congressman.

On the one hand, he loves throwing political grenades across the aisle and watching Republicans squirm. On the other, he longs for days before the 1994 elections when Democrats ruled the House of Representatives.

Those were days when he wrote landmark legislation on water subsidies, nutritional aid for poor pregnant women, foster care and offshore oil drilling. These days, he tries to defeat Republican bills.

Miller, D-Martinez, was first elected to the House a quarter-century ago, at age 29. Today he is 54. Of the 435 House members, only 17 have been there longer.

He came to Washington with the Watergate class of 1974, one of 75 new Democrats elected to the House three months after President Nixon resigned. Only six remain in the House.

Although most of the players have changed, the game continues. And Miller, who played linebacker in school and belongs to the minority party in Congress, is once again playing defense.

"On offense, you've got control of the game, you know when the ball is going to be hiked, you know what the play is," he says. "On defense, you've got to try to anticipate, you've got to think about it. You've got to stop things from happening."

A mischievous smile spreads under his white mustache. "Sometimes," he says, "it's more fun."

Miller's time on the floor is up, but he won't stop talking.

Rep. William Goodling, R-Penn., chairman of the Education Committee, raps the gavel repeatedly. Finally, he slams it down with a thunderous bang that echoes through the cavernous hearing room in the Rayburn House Office Building.

"Oh, bang it again if it will make you feel better," Miller says.

"I'll bang it and I'll bang it on your head," Goodling snaps back, then threatens to have the sergeant at arms remove him.

This is what Miller calls "calculated chaos."

Later, he marches out of Rayburn House, across South Capitol Street, into the Longworth Building—bypassing the metal detectors as members of Congress are entitled to do—and into the elevator. All the time ranting about the Republicans.

He checks the elevator lights to see what floor he's on and realizes the man next to him is watching Miller complain to a reporter.

"Never mind us," Miller says with a smile. "I'm pontificating."

A BIG BARK

Miller is a top Democratic pontificator. With his booming voice, imposing physical presence and quick debating skills, he has become a liberal voice for, and within, the party.

"Nobody out-barks George when he's trying to make a point," says Leon Panetta, former congressman and former White House chief of staff.

Panetta knows Miller well. He served in Congress with him, lived in Miller's row house 2½ blocks from the Capitol for about eight years and played basketball with him in the House gym.

In some ways, Miller is the same on and off the court, Panetta says. "If he felt somebody hit him wrong, he'd tell him, he'd yell at him, and sometimes he'd stomp off, and everybody knew George was pissed." But, "stay out of his way for an hour and you'd be fine."

There was little doubt you'd want him on your team. "When he plants himself under the basket there aren't a hell of a lot of people who are going to go through him."

These days, the Democrats plant Miller on talk shows, at news conferences and on the House floor. He is one of about 15 House Democratic leaders who meet almost daily in a small windowless conference room in the Capitol to plot strategy.

Last month, when, in the wake of the Littleton, Colo., high school shooting, the Senate passed new gun laws, Miller insisted House Democrats push for the same without delay, despite warnings from some Democrats that there could be political fallout from the gun lobby.

When former Speaker Newt Gingrich, R-Ga., was facing accusations he used tax-exempt money for political purposes, Democrats sicced Miller on him, dispatching him to make the case on every national television show from Washington that was interested.

When Miller couldn't get the House to take up campaign finance reform, he used delaying tactics that forced Members to repeatedly drop what they were doing and rush to the House floor to vote on motions to adjourn. It was what the Los Angeles Times called "Miller's guerrilla war."

POLITICAL BLOOD

It's little wonder Miller thrives on politics. He was reared on it.

His father, George Miller, Jr., was a state senator who became chairman of the powerful Senate Finance Committee. Today, the bridge spanning the Carquinez Strait between Benicia and Martinez bears his name.

George Miller III was born in Richmond on May 17, 1945. He was one of four children, and the only boy. About five years later, the family moved to Martinez.

When he was still a baby, his father was first elected to the Legislature. The Miller household was as political as they come.

"When I was younger, it was race relations. We had people coming to our house to get counseling and encouragement from my father to get involved one way or the other, organizing to send people to the South, the Freedom Riders.

"When I was older, in college, it was the free speech movement, the war in Vietnam. Those were the debates that took place in our living room."

When he was in high school, his father would drive by the bus stop in the morning.

"He said, 'What's going on in school?' I said, 'Nothing,' 'Get in the car. Don't tell your mother.' And I'd go up and follow him around. Sit in on meetings in the governor's office, or sit on the floor in the state Legislature, run errands for him, and get to know people.

"And watch and listen and watch and listen."

A LEARNING EXPERIENCE

Shortly after midnight on New Year's Day 1969, Miller's father had a heart attack and died. He was 54.

Looking back, Miller says, that time is a blur. He had just started law school in the fall and he and his wife—Cynthia, who was his sweetheart at Alhambra High School in Martinez—had two young boys.

"I don't think I really had a chance to mourn my father's death the way I would have liked to have," he says.

He was soon running in the special election to replace his dad. Though Miller was just 23, then-Assemblyman John Knox, D-Richmond, and Democratic Party leader Bert Coffey, friends of Miller's father, felt he was the best shot to keep Republicans from gaining a majority in the Senate, which at the time was evenly divided between Democrats and Republicans. He beat Supervisor Tom Coll of Concord and banker Fortney Stark of Danville in the Democratic primary. But then he had to face John Nejedly, who had been a district attorney for 11 years.

Miller was outmatched. "There was no record," Nejedly recalls. "The only thing that could be said was he was his father's son."

The voters agreed. Nejedly trounced him and served in the state Senate for the next 11 years.

Miller went to work in Sacramento as legislative assistant to then-Sen. George Moscone. While working in the Capitol, Miller completed law school.

OFF AND RUNNING

He says he would probably be practicing law today had Democratic Rep. Jerry Waldie not decided to run for governor in 1974.

"I had been to Washington once," Miller recalls. "I thought back east was Reno." But law school had taught him how much influence he could have in Washington. "There was a real sense you could bring about change."

Coffey, who had been his father's longtime political ally, conducted a poll and found the young Miller had a shot. With that, Miller was off and running.

"He was still young, but now he was experienced and ready," says Philip O'Connor, his campaign manager in 1974. "He had five years in Sacramento."

This time, the bigger battle was expected to be the primary, in which Miller faced a local labor leader and Concord City Councilman Dan Helix.

"His previous run against Nejedly helped him a lot," says Helix. This time, "he came over as someone who had studied the issues. He was articulate. He showed a good sense of humor. He was relaxed."

Miller won the primary and defeated Republican Gary Fernandez, Richmond's vice mayor, in the November general election by 56-44 percent.

It was the last time Miller received less than 60 percent in a congressional election. Blessed by reapportionments for the 1980s and 1990s that continued to leave him a heavily Democratic district, Miller has never had another tough election challenge.

Sanford Skaggs, the prominent Walnut Creek attorney who chaired Fernandez's campaign in 1974, says Miller could easily survive in a less Democratic district.

"I respect him a lot for his attitudes and honesty and devotion to public service," says Skaggs. "Even though I disagree on some of his major positions, I think his motives are pure. He could survive in a tougher district."

BANKING ON HIS NAME

The most valuable thing his father left him, Miller likes to say, is his good name.

He also left his son his political connections. The senator was not only one of the most influential members of the Legislature, he was also former chairman of the state Democratic Party and one of the early supporters of Rep. Phil Burton.

He supported Burton when he ran for Assembly in 1956. "Burton never forgot the kindness," writes Burton biographer John Jacobs. "Miller had helped legitimize his candidacy."

Burton went on to Congress, where he became one of the most influential liberals ever to serve in the House. When young Miller ran for Congress, Burton, a prolific fundraiser, helped the kid. Miller remembers seeing Burton work a crowd that year on his behalf at a political event for U.S. Sen. Alan Cranston in San Francisco's Fairmont Hotel.

"He was raising money, literally taking it right out of people's wallets," Miller recalls. "He was saying, 'What are you going to do for the kid?' He came to me and said, 'You need to raise money for George Miller.' I said, 'I am George Miller.' He said, 'Wait a minute,' and then he went on to the next guy."

When Miller arrived in Washington, Burton took him under his wings. "Phil was really his great mentor," Panetta recalls. "It was as close to a blood relationship as you can get."

Burton made sure he and Miller were on the same two committees, then called Interior, which handles environmental issues, and Education and the Workforce. Those are the same assignments Miller holds today, although Interior is now called Resources.

And Burton taught Miller the ropes. "First and foremost, he taught me the place isn't on the level," Miller says. "What you hear is not always what's being said and what you see is not always what's being done. You really have to increase your abilities to observe and dissect information."

Burton also taught Miller how to bridge the partisan gulf. Known for being loud and brash, Burton cribbed together bipartisan coalitions to pass some of the most significant park bills in the nation's history. He made sure his bills had something in there for everybody.

Where Burton doled out parkland as a way to reward supporters or punish opponents, Miller reaches across the aisle with fiscal enticements.

John Lawrence says Miller's approach has often been through economics. Lawrence went to work for Miller's campaign in 1974 while he was a UC-Berkeley doctoral student, followed him to Washington and has worked for him ever since.

"It's been as much how much it tears at your wallet as how much it tears at your heartstrings," Lawrence says. "From a fiscal standpoint, George has always been very attuned that these programs have to make economic sense."

It's a concept embraced by Rep. Dan Miller, R-Fla. The two Millers are not related and are far apart on most issues. But they are the lead sponsors of the bill to end sugar subsidies, which they call corporate welfare that stimulates overproduction of sugar, and pollution, in the Everglades.

When it comes to sugar subsidies, cheap mining of federal lands or building roads in national forests. Dan Miller says he and his East Bay colleague find common ground in their opposition.

"I'll come at it from a fiscal perspective, he'll come at it from an environmental perspective, but we agree."

STAYING POWER

The reality is that the Miller-Miller bill has almost no chance of passage in this Congress. But George Miller is used to that.

Most of his legislative accomplishments have come after years of persistence. "He's had a lot of staying power," says Lawrence. "That has served him well. That's what is largely responsible for his reputation as a legislator."

It also helped that he was in the majority party for his first 20 years in Congress. It was then that he won passage of some of his most significant legislation, including:

Poor pregnant and postpartum women and their infants receive free food and nutritional supplements.

Oil drilling rights on federal lands are now awarded by competitive bidding, replacing lotteries that gave the rights away for almost no fee.

The federal government shares revenue it receives from off-shore oil drilling with the affected state. In California, the money is earmarked for education.

Federal matching grants are available for local programs that aid victims of domestic abuse.

Parents who adopt foster children receive federal money for a youngster's care. Previously, funds were cut off when a foster child was adopted, leaving a disincentive for adoption that kept a child from being bounced from home to home.

WATER WARS

Miller's toughest and biggest legislative victories have been in his battle with California farmers over water. It culminated in 1992, when Congress passed legislation co-written by Miller and then-U.S. Sen. Bill Bradley, D-N.J.

The bill is Miller's "legacy," says one of its opponents, Dan Nelson, executive director of the San Luis & Delta-Mendota Water Authority.

"He is thought to be the father of that legislation. It has fundamentally changed the way we do business. Some of it good and needed and some of it, frankly, punitive or inequitable."

The Miller-Bradley bill overhauled the distribution of federal water in California.

Farmers lost the open-ended contracts for cheap water and now face tiered pricing that encourages conservation. For the first time, using water to restore fish life in San Francisco Bay and the Delta became a priority.

Many California farmers hate the bill, which dramatically drove up their water costs. And they blame Miller.

"He's got a long history of vilifying and terrorizing agriculture, which has given him a bigger-than-life place in the eyes of farmers," says Jason Peltier, manager of Central Valley Water Project Association.

Though Peltier has fought Miller for years, he admires the political skills the congressman displayed as he masterfully pushed through the bill.

The water reforms weren't left by themselves in the legislation, but packaged with dozens of major projects for 16 Western states. The lessons from Miller's mentor were being used.

"We needed the ornaments on the Christmas tree," Lawrence says. "We learned a great deal at Phil Burton's knee."

CLINTON CLASHING

Those were heady times for Miller. He had just ascended to chairman of the House Interior Committee, the post Burton had held until his death in 1983.

With Bill Clinton's defeat of President Bush in 1992, Miller was about to lead the House's environmental committee while his party controlled Congress and held the presidency.

Miller was even being mentioned as a possible interior secretary in the new Democratic administration. He took himself out of the running, however, saying he didn't want the post.

It's unlikely he would have fit in. The Clinton administration has been a disappointment to him on environmental issues.

"They get a little weak in the knees when the pressure gets turned up," Miller says.

Most recently, Miller was sharply critical of a Clinton administration decision to weaken the standards for labeling tuna "dolphin-safe." Miller, who fought for the original standards, says the latest move will increase the number of dolphin caught in tuna nets.

"You have to look at all of this on a continuum," he says. "The clock doesn't run out and you win or lose. Things ebb and flow in politics, and that's what makes it frustrating to some extent because it's never static."

A HAVEN IN MARTINEZ

Miller is also in continuous motion.

He usually rises Monday morning in Martinez, gets on a plane and heads for Washington. Barring a congressional trip to Brazil, Japan or the Northern Mariana Islands, come Thursday night or Friday, he returns to the district.

That's the way he's done it for the past 25 years. For a few years, his family lived with him in Washington, but his late hours during the week and the need to be back in the district on the weekend led to even less time together.

During that period, the family bought the Washington row house, where Miller still stays when he is in the capital.

The two-bedroom, two-story, pale green brick house with the chipped paint and overgrown front yard in the middle of urban Washington is a striking contrast to Miller's suburban Martinez home nestled under towering trees.

Martinez is his sanctuary. "It really is the one place where I can just relax," he says, "because I know on Sunday night or Monday morning I have to get back on an airplane and go back to Washington."

The house is just down the road from the house he grew up in. His mother, now in her mid-80s, still lives nearby. The house is also where his two boys grew up.

They're both grown now. In 1996, the oldest, George Miller IV, tried to follow his father and grandfather by running for the Assembly. He lost in the Democratic primary to Contra Costa County Supervisor Tom Torlakson, whose campaign slogan was "His own record, his own name."

Once again, a young Miller was beaten because voters felt he had little to offer other than a family name.

THE FUTURE

Certainly, that can no longer be said of the congressman. At a time when many Democrats can only win by moving to the center, Miller clings to his liberal roots.

"He has never apologized for it," says Lawrence. "He has never taken to the term progressive."

Although he's been in Congress nearly 25 years, he's relatively young for a senior congressman. The 17 House members who have been there longer are all at least 60.

On the other hand, his mentors—his dad, Burton, Moscone and Coffey—are all dead. And Miller is the same age his father was when he suddenly died from a heart attack.

It all makes him think about his future. Sitting with his sleeves rolled up and his tie loose as he adds hot sauce to his enchilada at a restaurant half a block from his Washington home, he reflects on life in the capital.

"The loneliness factor, the empty house factor, it just wears on you," he says. "But with all the stress and the strain and the long hours, I still think it's worth it."

Miller still loves to be a political player. He ticks off the issues he had worked on that very day: child labor and sweatshops, sugar subsidies, the war in Kosovo, Sierra forests, Delta water, education standards.

"I've never taken the honor of being a member of Congress lightly," he says. "It is a privilege. It's what makes me get up in the morning and go to work, knowing in one fashion or another you're going to get to be a participant in our Democratic system. It sounds really corny, except it's really energizing."

The bottom line is that there's no sign Miller will retire any time soon. Indeed, he's making plans for the next phase of his congressional career.

Rep. William Clay, D-Mo., the ranking Democrat on the Education and the Workforce Committee, announced last month that this will be his last term. Miller is in line to succeed him, to lead the Democrat's education agenda in the House. And to become committee chairman if Democrats win back a majority. Miller has put out word he wants the job.

But to get it he will have to give up his ranking position on the Resources Committee. Central Valley water leaders are quietly gleeful.

"I'm excited for him to go pursue other areas," Peltier says. "It also excites me that if the Democrats take control of Congress again, he won't be breathing fire on us immediately."

Nelson concurs. "Someone will just have to warn all the education people just what they're in for. It will not be status quo."

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TURNER. Mr. Speaker, on rollcall No. 50, I was absent because of my participation in a congressional delegation trip to Russia with members of the House Armed Services Subcommittee on Military Research and Development for the purpose of discussing with the Russian Duma pending anti-missile defense Legislation. Had I been present, I would have voted "yes" on H.R. 819.

INDIAN COLONEL: TROOPS "DYING LIKE DOGS"

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TOWNS. Mr. Speaker, all of us have been following with alarm the Indian attack on the Kashmiri freedom fighters at Kargil and Dras. India has been losing many of its troops in this desperate effort to crush the freedom movements within its borders. Casualties are mounting. The soldiers they sent to discharge this dirty war are demoralized. According to the Associated Press, an Indian colonel said that Indian troops "are dying like dogs." A corporal is quoted as saying "Even in war we don't have such senseless casualties."

Unfortunately, Mr. Speaker, most of these troops are Sikhs and other minorities sent to die for India's effort to suppress the freedom of all the minorities. These Sikh troops should not be fighting for India; they should be working to free their own country.

Now there has been a new deployment of troops in Punjab. A mass exodus from villages in Punjab is underway because the villagers are justifiably afraid that India's war against the freedom movements will spread to their homeland.

India reportedly also used chemical weapons in this conflict, despite being a signatory to the Chemical Weapons Convention. India has a record of escalating the situation with regard to weapons of mass destructions. India began the nuclear arms race in South Asia by conducting underground nuclear tests.

There are steps that we can take to make sure that this conflict does not spread and that all the peoples and nations of South Asia are allowed to live in freedom. We should impose strict sanctions on India, the aggressor in this conflict. We should stop providing American aid to India and we should support a free and fair vote on national self-determination not only in Kashmir, Punjab (Khalistan), Nagaland, and the other countries held by India.

I thank my friend Dr. Gurmit Singh Aulakh for bringing this situation to my attention, and I urge India to allow the basic human right of national self-determination to all the people of South Asia.

Mr. Speaker, I place the Associated Press article on the conflict in the RECORD.

"WE ARE DYING LIKE DOGS," SAID ONE [INDIAN ARMY] COLONEL

BLACK MOOD HOVERS OVER KASHMIR

(By Hema Shukla)

DRASS, KASHMIR—June 11, 1999 (AP): On the eve of talks aimed at ending a month of fighting in Kashmir, a black mood is settling over Indian army camps on the front line. Casualties are mounting. Troops are ill-equipped for high-altitude fighting. The task, they say, is close to suicidal.

Since early May, the army has mobilized its largest fighting force in nearly 30 years against what India says are infiltrators from Pakistan who have occupied mountain peaks on India's side of the 1972 cease-fire line in disputed Kashmir.

On Saturday, Pakistan will send its foreign minister to New Delhi to discuss whether the fighting can be ended. India says that regardless of the talks it will persist until the last intruder is killed or flees back to Pakistan.

In daily briefings in New Delhi, military spokesmen report the fighters are being driven back. Indian airstrikes are punishing them, peaks are being recovered, the "enemy" is taking casualties in the hundreds. India's official casualty rate on Friday stood at about 70 dead and 200 wounded. The story on the front is much different.

In the fading evening light in a forward artillery camp, at checkpoints along a road under steady artillery bombardment, in bunkers where men shelter from showers of shrapnel, soldiers and junior officers grimly tell stories of death and defeat on the mountains. No one can say how many have died, but no one believes the official toll.

Amid the gloom, however, the Indian troops show a gritty determination to fight and a conviction that the opposing forces must be evicted at all costs. "We have a job to do and we will do the best we can," said one officer. "We will do our duty."

India says the guerrillas in Kashmir are mostly Pakistani soldiers, a charge Islamabad denies.

On Friday, India produced what it said were transcripts of telephone conversations between two Pakistani generals that proved Pakistan was involved in the fighting. In a transcript from May 26, army chief Pervez Musharraf tells another general that Prime Minister Nawaz Sharif was concerned the fighting could escalate into a full-scale war.

"We gave the suggestion that there was no such fear," Musharraf said he told Sharif, according to the transcript. "Whenever you want, we can regulate it."

Pakistan called the transcripts false. "This can't be given any credence or weight," Pakistan army spokesman Brig. Rashid Quereshi said.

As officials traded charges, heavy fighting continued in Kashmir. The guerrillas are entrenched on the mountain peaks defending their positions against soldiers scaling steep slopes, constantly exposed to gunfire and rocket-propelled grenades. "We are dying like dogs," said one colonel. Recapturing the peaks, said another officer, is "almost a suicide mission." None of the officers could be quoted by name, and senior officers who earlier briefed journalists on condition of anonymity have been ordered not to speak.

"This is worse than war. Even in war we don't have such senseless casualties," said M. Singh, a corporal and a veteran of India's campaign in Sri Lanka in the 1980s. Some of the casualties are from "friendly fire," either from Indian artillery or aerial bombing meant to provide cover to the advancing troops, officers said. The risk increased after the air force began high-altitude bombing to stay out of range of shoulder-fired anti-aircraft missiles. Indian troops wade through chest-high snow. The wind is so strong soldiers must be tied to each other with rope so they don't get blown over a cliff. Their opponents can pick them off with rifles or simply send boulders cascading down the mountain on top of them. One major said his unit was returning down the mountain when it came under withering fire from above. The soldiers dove into the icy water of a Himalayan river to escape.

Some forward units are living on one meal a day, the soldiers said. Mess camps in the rear cook puris—deep fried flat bread—but by the time it is delivered to the front it is frozen and can barely be chewed. The only drinking water is melted snow. There is no chance to pitch tents on the slopes. The men sleep in the open.

Few troops have had time to adjust to altitudes of 14,000 feet or more, where the air is thin and every exertion, every upward step, leaves strong men gasping.

Despite the difficulties, the tremendous pressure to recapture the peaks continues.

RECOGNIZING CART

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognized the Center for Advanced Research and Technology (CART) for their efforts in developing a new model for high school education. CART is a joint project of the Fresno and Clovis Unified School Districts in California.

CART is a collaborative effort between these diverse school districts to develop a new model for high school education. Fresno Unified shares the challenges of urban districts, poverty, gang violence and diversity. Clovis Unified is an affluent district, serving a student population that is college bound. By creating the Center For Advanced Research and Technology the Fresno and Clovis school districts are committed to changing the way high school curriculum is designed and delivered.

In the wake of tragedies at Columbine High School in Denver, and Heritage High School in Conyers, GA, our entire nation has focused their energy on determining why these tragedies occurred. We must look at our nation's high schools. High schools persist in organizing instruction subject by subject with little effort to integrate knowledge to fit a precise time frame. High school graduates must be better prepared to compete for jobs, ready to move on to higher education and able to function in an increasingly technological society. High school education must be restructured to meet the present and future needs of students. Students need and require more and different instruction in science, mathematics and English, coupled with the emerging tools of technology.

The Fresno and Clovis school districts are addressing the need to revamp our nation's high schools. These districts have resolved to commit the resources, share the decision-making, and leverage the assets of both communities to fundamentally change the way the high school curriculum is designed and delivered. The goal is to restructure the high school experience in a way that will contribute to the academic success and ultimately the success in life of all students.

CART is moving forward as they celebrate a groundbreaking ceremony for this project in Fresno. The Center for Advanced Research and Technology represents the nation's largest, most comprehensive high school reform effort to date. CART is focused specifically on the high school program for eleventh and twelfth grade students. The Fresno and Clovis school districts are partnering with business and industry to create a real-world, real work environment.

CART's long-term, community-based projects will engaged students in complex, real world issues that have meaning to the students and to the participating community partners. Through these projects, students achieve simultaneous outcomes by acquiring essential academic knowledge, practicing essential skills, and developing essential values.

A major component of the CART vision is active partnerships with business and industry, and higher education. Leaders from business and industry are involved with CART at all levels providing leadership and fiscal support, consulting on instructional design, and collaborating as instructors and mentors.

Mr. Speaker, the Center for Advanced Research and Technology represents a commitment from the Fresno and Clovis School Districts, the business and education community, parents and students to restructure a high school to provide real world academic and business centered programs designed to contribute to the academic success and ultimately the success in life of all students. I urge my colleagues to wish CART continued success in their effort toward better education.

CRISIS IN KOSOVO (ITEM NO. 10) REMARKS BY JEFF COHEN OF FAIRNESS & ACCURACY IN REPORTING (FAIR)

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, on May 20, 1999, I joined with Representative CYNTHIA A. MCKINNEY, Representative BARBARA LEE, Representative JOHN CONYERS and Representative PETER DEFAZIO in hosting the fourth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing Congressional Record transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Jeff Cohen, a columnist and commentator who is founder of the organization Fairness & Accuracy In Reporting (FAIR). Mr. Cohen appeared at this Teach-In with Seth Ackerman, a Media Analyst at FAIR. Mr. Cohen is the author of four books and appears regularly as a panelist on Fox News Watch. He has also served as a co-host of CNN's Crossfire. Prior to launching FAIR in 1986, Mr. Cohen worked in Los Angeles as a journalist and a lawyer for the ACLU.

Mr. Cohen presents a superb critique of how the media is covering the War in Yugoslavia, describing the importance of the words and concepts that are being deployed. He talks about the reluctance of the media to even use the term "War," and the concerted attempt to demonize Slobodan Milosevic. He decries the fact that the media has not paid sufficient attention to the legality of the war, the destruction of the civilian infrastructure, and the steady stream of NATO propaganda that the media has adopted without question. Following this presentation are several documents—one from London's The Independent Newspaper and the other from FAIR—which further document these points.

PRESENTATION BY JEFF COHEN OF FAIRNESS & ACCURACY IN REPORTING

It's not a glamorous job, but someone has to monitor Geraldo and Christopher Matthews every night, and that's what we do at FAIR. Seth Ackerman, my colleague, and I, and a bunch of staff members monitor the nightly news, the talk shows, the print press.

We were monitoring Chris Matthews on May 4, and he was railing against President Clinton for trying to dump the war and its failures on Secretary of State Albright. Matthews questions "is that gentlemanly conduct, to dump this on a woman?" It was the same show when he was interviewing Senator MCCAIN and Matthews said, "Are we going back to that old notion of the president as a leader, not a consensus builder?' Senator MCCAIN: "I hope so." Matthews: "John Wayne, rather than Jane Fonda?" MCCAIN: "That's my only chance." Matthews: "Cause, you mean, you're not running as Alan Alda here?" Senator MCCAIN: "No." Matthews: "You're running as John Wayne, more or less." MCCAIN: "That's the only way I can succeed." Matthews: "Well, you're doing well. Thank you Senator MCCAIN." That's what we call a journalistic wet kiss. It's particularly unusual here from two guys who are trying to be so macho at the time.

The first problem with the war coverage is that many mainstream media outlets, especially network TV, are loathe to even call it a war. It reminds me of the first day of the Panama invasion before the government had signaled to the media that it was ok to call it an invasion. So you had mainstream media calling it a military action, an intervention, an operation, an expedition, a military affair. One TV anchor even referred to it as an insertion. I think that a more accurate explanation might be "the most unusual and violent drug bust in human history"—but no one put that heading on it.

So look at today. What are the logos? CNN: 'Strike against Yugoslavia.' Fox News: 'Conflict in Kosovo.' The Consensus winner used at CBS, NBC, and ABC: 'Crisis in Kosovo.' I would argue that there had been a crisis in Kosovo. It went on throughout 1998, but no one in any of these networks could find time for even a one hour special on what was then a crisis in Kosovo. That's because that was the year of "All Monica, All The time." So when there was just a "crisis in Kosovo," TV didn't cover it. Now that it's a war, TV won't acknowledge it's a war. The White House and the State Department will not use the word "war"—and then the media adopt the euphemisms from the government, they're acting more as a fourth branch of government than they are as a fourth estate, and that's very dangerous.

We need only think back to the early years of the 1960s when U.S. government officials would refer to Vietnam as a "police action." At best it was the "Vietnam conflict." And in the early years of the 1960s many mainstream media followed the government lie and did not call it a war until many American soldiers began dying. So words matter.

Then we have the problem with this war of who the enemy is. As usual in our mainstream media, the U.S. is not making a war against a country, Yugoslavia, but against one individual. His name is Slobodan Milosevic. On TV the air war is not something that's terrorizing lots of people in what were once modern cities. It's basically a personalized soap opera. You had Catherine Crier on Fox News on May 5, seemingly with a broad smile on her face, saying "The bombing intensifies. Just how much can Slobodon stand?"

Anchors talk to military experts about how badly Milosevic has been hurt, how badly he has been humiliated. You'll hear an anchor say to a military expert, "How much have we punished Milosevic?," and you expect that the anchor might get up from behind the anchor desk and show that they're wearing a U.S. Air Force uniform, but they're not. They're using the term "we" as if they're an adjunct to the military.

We heard the same thing during the Iraq war. "How much are we punishing, humiliating, hurting Saddam Hussein?" We know now that probably one of the only people in all of Iraq who was assured of a safe place to sleep and three square meals a day, and a warm home, was Saddam Hussein. And similarly, Milosevic may well be one of the most safe and secure people in Yugoslavia today.

Now the understandable goal of the White House and the State Department and their propaganda is to demonize Milosevic. Propaganda simplifies issues as it tries to mobilize action. But journalism is supposed to be about covering a story in all its complexity. On that score, Journalism has largely failed. You'll remember the Newsweek cover photograph, with the picture of Milosevic and the headline: "The Face of Evil" Then you had the Time magazine writer who writes about Milosevic almost as a sub-human—with "reddish," piggy eyes set in a big, round, head." Now, assumedly, Milosevic had the "reddish, piggy eyes set in a big, round, head" going back many, many years. But it's only when the American war machine goes into war mode that this particular writer at Time magazine goes into war propaganda mode.

The good news with the end of the Lewinsky story is it ended the wall-to-wall parade of attorneys. The bad news, with the beginning of this war, is we've begun the wall-to-wall parade of military analysts. On March 24th, for example, Margaret Warner introduced her PBS NewsHour panel with, "We get four perspectives now on NATO's mission and options from four retired military leaders."

The problem with retired generals is that they're rarely independent experts. They have a tendency to become overly enthusiastic about how smart and accurate our weapons are. You remember all the false hype from the militar experts during the Guld War about the Patriot missile, a missile that was an object failure during that war. And you might remember NBC News did a blowing report about the Patriot, and Tom Brokaw said it was "the missile that put the Iraqi Scud in its place." Completely false. Brokaw neglected to mention that his boss, General Electric, made parts for the Patriot missile, as if makes engines for many of the aircraft like the Apache helicopters that are in the Balkans right now.

Military experts don't remember that it was only last summer when a cruise missile aimed at an alleged terrorist train camp in Afghanistan went four hundred miles off course into the wrong country the country of Pakistan. If we think about it, in the last nine months, the United States has bombed four countries intentionally. It's also important to remember that the U.S. has bombed an equal number of countries by mistake.

Military experts know a lot about anti-aircraft technologies, they know a lot about bomb yields, but they don't know much about the politics or history of the region. What's needed more in the mainstream media are experts on Yugoslavia and the Balkans.

And what we need is a real debate about the war. Because of the split among the politicians here in Washington, there's been slightly more debate over the war, for example, the Gulf War. That's not really saying a lot. Our organization, FAIR, has posted on our website (www.fair.org) a full study of two prestigious TV news shows and the range of debate or non-debate during the first two weeks of this war. I'm talking about PBS's NewsHour and ABC's Nighline. If you look at that study, you'll see that in the first two weeks of this war, opposition to the bomb war was virtually inaudible and when it was heard it was mostly expressed by Yugoslav government officials with thick accents, or Serbian Americans. On Nightline there was only one panelist who was critical of the bombing, and that a Yugoslav government official.

It's partly because of the marginalization of substantive critics of the war that there has been not enough attention in the mainstream media focused even on the legality of this war under international law. What will happen under our Constitution next Tuesday when the sixty day period elapses on the War Powers Act and President Clinton has not won Congressional authorization? That should be an issue that's a raging debate in the American media today. I haven't even seen it in a footnote in today's newspapers. Maybe I missed one.

There's been not enough attention paid in the mainstream media to the environmental damage in the region from U.S. bombs striking petrochemical factories and fertilizer facilities and oil refineries.

There has been not enough attention in the mainstream media paid to NATO's targeting of civilian infrastructure. Whether, for example, the bombing of the broadcast stations, which is a clear violation of the Geneva Convention, was really aimed at keeping video of NATO's civilian victims off the television sets in the western countries. I have a hunch that was its real motive.

Not enough mainsteam media attention has been paid to the use, or possible use, by the United States of radioactive depleted uranium rounds.

Not enough attention has been paid to NATO's propaganda, and a steady stream of claims that have turned out to be false. The Independent newspaper, based in London, on April 6, 1999, published an article collecting about eight of these falsehoods. I would argue that from our monitoring, the mainstream media in Europe have been more independent in their coverage of this war, more skeptical in their coverage of this war, than the U.S. mainstream media.

And there has not been enough attention paid to the events immediately before the war. The best estimate of how many people had died in Kosovo in all of 1998 was 2000 people. That's a serious human rights crisis. It's also less than the number of people who died in homicides in New York City in 1992. We need to look at the events that immediately led up to this war.

[From the Independent, April 6, 1999]

A WAR OF WORDS AND PICTURES

NATO CASTS DOUBT ON THE VERACITY OF YUGOSLAV WAR REPORTING, BUT IS OUR OWN MEDIA ANY LESS GUILTY OF PROPAGANDA?

(By Philip Hammond)

It takes two sides to fight a propaganda war, yet critical commentary on the "war of words" has so far concentrated on the "tightly controlled" Yugoslav media. We have been shown clips from "Serb TV" and invited to scoff at their patriotic military montages, while British journalists cast doubt on every Yugoslav "claim".

But whatever one thinks of the Yugoslav media they pale into insignificance alongside the propaganda offensive from Washington, Brussels and London.

"They tell lies about us, we will go on telling the truth about them," says Defense Secretary George Robertson. Really? Nato told us the three captured US servicemen were United Nations peacekeepers. Not true. They told us they would show us two captured Yugoslav pilots who have never appeared. Then we had the story of the "executed" Albanian leaders—including Rambouillet negotiator Fehmi Agani—whose deaths are now unconfirmed.

When the Albanian leader Ibrahim Rugova, who was said to be in hiding, turned up on Yugoslav television condemning Nato bombing, the BBC contrived to insinuate that the pictures were faked, while others suggested Rugova must have been coerced, blackmailed, drugged, or at least misquoted.

They told us the paramilitary leader Arkan was in Kosovo, when he was appearing almost daily in Belgrade—and being interviewed by John Simpson there. They told us Pristina stadium had been turned into a concentration camp for 100,000 ethnic Albanians, when it was empty. Robertson posing for photographers in the cockpit of a Harrier can't have been propaganda. Only the enemy goes in for that sort of thing.

Nato's undeclared propaganda war is two-pronged. First, Nato has shamelessly sought to use the plight of Albanian refugees for its own purposes, cynically inflating the number of displaced people to more than twice the UN estimate.

Correspondents in the region are given star billing on BBC news, and are required not just to report but to share their feelings with us. As Peter Sissons asked Ben Brown in Macedonia: "Ben, what thoughts go through a reporter's mind seeing these sights in the dying moments of the 20th century?"

Reports from the refugee centers are used as justifications for Nato strategy. The most striking example was the video footage smuggled out of Kosovo said to show "mass murder". The BBC presented this as the "first evidence of alleged atrocities," unwittingly acknowledging that the allies had been bombing for 10 days without any evidence.

Indeed, for days, the BBC had been inviting us to "imagine what may be happening to those left in Kosovo". After watching the footage, Robin Cook apparently knew who had been killed, how they had died, and why. Above all, he knew that the video "underlines the need for military action".

The second line of attack is to demonise Milosevic and the Serbs, in order to deflect worries that the tide of refugees has been at least partly caused, by Nato's "humanitarian" bombing. Parts of Pristina have been flattened after being bombed every day for more than a week. Wouldn't you leave? And what about those thousands of Serbian refugees from Kosovo—are they being "ethnically cleansed", too? Sympathy does not extend to them, just as the 200,000 Serbian refugees from Krajina were ignored in 1995. Instead, the tabloids gloat "Serbs you right" as the missiles rain down.

The accusations levelled against the Serbs have escalated from "brutal repression" to "genocide", "atrocities" and "crimes against humanity", as Nato has sought to justify the bombing. Pointed parallels have been drawn with the Holocaust, yet no one seems to notice that putting people on a train to the border is not the same as putting them on a train to Auschwitz.

The media have taken their cue from politicians and left no cliche unturned in the drive to demonise Milosevic. The Yugoslav president has been described by the press as a "Warlord", the "Butcher of Belgrade", "the most evil dictator to emerge in Europe since Adolph Hitler", a "Serb tyrant" a "psychopathic tyrant" and a "former Communist hard-liner".

The Mirror also noted significantly that he smokes the same cigars as Fidel Castro. Just as they did with Saddam Hussein in the Gulf war, Panorama devoted a programme to "The Mind of Milosevic".

Several commentators have voiced their unease about the Nato action from the beginning. But press and TV have generally been careful to keep the debate within parameters of acceptable discussion, while politicians have stepped up the demonisation of the Serbs to try to drown out dissenting voices. The result is a confusingly schizophrenic style of reporting.

The rules appear to be that one can criticize Nato for not intervening early enough, not hitting hard enough, or not sending ground troops. Pointing out that the Nato intervention has precipitated a far worse crisis than the one it was supposedly designed to solve or that dropping bombs kills people are borderline cases, best accompanied by stout support for "our boys". What one must not do is question the motives for Nato going to war. Indeed, one is not even supposed to say that Nato is at war. Under image-conscious New Labour, actually going to war is fine, but using the term is not politically correct.

The limits of acceptable debate were revealed by the reaction to the broadcast by SNP leader Alex Salmond. Many of his criticisms of Nato strategy were little different from those already raised by others, but what provoked the Government's outrage was that he dared to compare the Serbs under Nato bombardment to the British in the Blitz. Tony Blair denounced the broadcast as "totally unprincipled", while Robin Cook called it "appalling", "irresponsible" and "deeply offensive".

The way Labour politicians have tried to sideline critics such as Salmond is similar to the way they have sought to bludgeon public opinion. The fact that Blair has felt it necessary to stage national broadcasts indicates the underlying insecurity of a government worried about losing public support and unsure of either the justification for or the consequences of its actions.

Audience figures for BBC news have reportedly risen since the air war began. Yet viewers have been ill-served by their public service broadcaster. The BBC's monitoring service suggested that the "Serb media dances to a patriotic tune". Whose tune does the BBC dance to that it reproduces every new Nato claim without asking for evidence? Just as New Labour has sought to marginalise its critics, so TV news has barely mentioned the protests across the world—not just in Macedonia, Russia, Italy and Greece—but also in Tel Aviv, Lisbon, San Francisco, Chicago, Los Angeles, Toronto, Sydney and elsewhere. Are we to suppose that these demonstrators are all Serbs, or that they have been fooled by the "tightly controlled" Yugoslav media?

[FROM THE FAIRNESS & ACCURACY IN REPORTING, MAY 5, 1999]

SLANTED SOURCES IN NEWSHOUR AND NIGHTLINE KOSOVO COVERAGE

A FAIR analysis of sources on ABC's Nightline and PBS's NewsHour during the first two weeks of the bombing of Yugoslavia found an abundance of representatives of the U.S. government and NATO, along with many other supporters of the NATO bombing. Opponents of the airstrikes received scant attention, however; in almost all stories, debate focused on whether or not NATO should supplement bombing with ground troops, while questions about the basic ethics and rationales of the bombing went largely unasked.

FAIR's survey was based on a search of the Nexis database for stories on the war between March 25 and April 8, identifying both guests who were interviewed live and sources who spoke on taped segments. Sources were classified according to the institutions or groups they represented, and by the opinions they voiced on NATO's military involvement in Yugoslavia.

Of 291 sources that appeared on the two shows during the study period, only 24—or 8 percent—were critics of the NATO airstrikes. Critics were 10 percent of sources on the NewsHour, and only 5 percent on Nightline. Only four critics appeared live as interview guests on the shows, 6 percent of all discussion guests. Just one critic appeared as a guest on Nightline during the entire two-week time period.

The largest single source group, 45 percent, was composed of current or former U.S. government and military officials, NATO representatives and NATO troops.

On Nightline, this group accounted for a majority of sources (55 percent), while providing a substantial 39 percent on the NewsHour. It also provided the largest percentage of live interviewees: 50 percent on Nightline (six of 12) and 42 percent on the NewsHour (24 of 57). (Numerous U.S. aviators who appeared on Nightline's 3/29/99 edition were left out of the study, because their identities could not be distinguished.

Overall, the most commonly cited individuals from this group were President Bill Clinton (14 cites), State Department spokesperson James Rubin (11) and NATO spokesperson David Wilby (10). Of course, these sources were uniformly supportive of NATO's actions. A quote from the NewsHour's Margaret Warner (3/31/99) reveals the homogeneity of a typical source pool: "We get four perspectives now on NATO's mission and options from four retired military leaders."

Former government officials were seldom more critical of NATO's involvement in Yugoslavia. Cited less than one-third as often as current politicians, former government officials mainly confined their skepticism to NATO's reluctance to use ground troops. Bob Dole (Nightline, 3/31/99) voiced the prevailing attitude when he said, "I just want President Clinton ... not to get wobbly."

Albanian refugees and KLA spokespeople made up 18 percent of sources (17 percent on the NewsHour, 19 percent on Nightline). while relief workers and members of the U.N. Commission for Refugees accounted for another 4 percent on NewsHour and 2 percent on Nightline. Sources from these groups also provided 4 percent of live interviewees on the NewsHour and 25 percent on Nightline.

These sources stressed the Kosovar refugees' desperation, and expressed gratitude for NATO's airstrikes. Said one KLA member (Nightline, 4/1/99), "The NATO bombing has [helped and] has been accepted by the Albanian people." Although one refugee (Nightline, 4/1/99) suggested otherwise—"We run away because of NATO bombing, not because of Serbs"—all other sources in this group either defended or did not comment on NATO's military involvement in the conflict.

Those most likely to criticize NATO—Yugoslavian government officials, Serbians and Serbian-Americans—accounted for only 6 percent of sources on the NewsHour and 9 percent on Nightline. Overall, only two of these sources appeared as live interviewees: Yugoslav Foreign Ministry spokesperson Nebojsa Vujovic (Nightline, 4/6/99) and Yugoslav Ambassador to the United Nations Vladislav Jovanovic (NewsHour, 4/1/99). This group's comments contrasted radically with statements made by members of other source groups, e.g., calling NATO's bombing "unjustified aggression" (Nightline, 4/6/99), and charging that NATO is "killing Serbian kids." (NewsHour, 4/2/99).

On Nightline, no American sources other than Serbian-Americans criticized NATO's airstrikes. On the NewsHour, there were seven non-Serbian American critics (4 percent of all sources); these included schoolchildren, teachers and college newspaper editors, in addition to a few journalists. Three out of the seven American sources who criticized the NATO bombing appeared as live interviewees, while the rest spoke on taped segments.

Officials from non-NATO national governments other than Yugoslavia, such as Russia's and Macedonia's, accounted for only 2 percent of total sources (3 percent on the NewsHour, 0 percent on Nightline) and added only four more critical voices overall. Only twice did a government official from these countries appear as a live interviewee (NewsHour, 3/30/99, 4/7/99).

Eleven percent of sources came from American and European journalists: 7 percent on Nightline, 13 percent on the NewsHour. This group also claimed 17 percent of all live interviews on Nightline and 40 percent on the NewsHour. In discussions with these sources, which tended to focus on the U.S. government's success in justifying its mission to the public, independent political analysis was often replaced by suggestions for how the U.S. government could cultivate more public support for the bombing.

Three independent Serbian journalists also appeared—two on the NewsHour and one on Nightline—but they did not add any voices to the anti-bombing camp. Instead, they spoke about the Serbian government's censorship of the independent media. Of a total of 34 journalists used as sources on both shows, only four opposed the NATO airstrikes. Three of these four appeared as live interviewees, and all four appeared on the NewsHour.

Academic experts—mainly think tank scholars and professors—made up only 2 percent of sources on the NewsHour and 5 percent on Nightline. (Experts who are former government or military officials were counted in the former government or military categories; these accounted for five sources.) On the NewsHour, the only think tank spokesperson who appeared was from the military-oriented Rand Corporation, while Nightline's two were both from the centrist Brookings Institution. Just two experts appeared in live interviews on the NewsHour, and no expert source was interviewed live on Nightline. While these percentages reflect a dearth of scholarly opinion in both shows, even the experts who were consulted didn't add much diversity to the discussion; none spoke critically of NATO's actions.

On a Nightline episode in early April that criticized Serbian media (4/1/99), Ted Koppel declared: "The truth is more easily suppressed in an authoritarian country and more likely to emerge in a free country like ours." But given the obvious under-representation of NATO critics on elite American news shows, independent reporting seems to also be a foreign concept to U.S. media.

INTRODUCTION OF THE FEDERALISM ACT OF 1999

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. MCINTOSH. Mr. Speaker, today, I rise to introduce the "Federalism Act of 1999," a bipartisan bill to promote and preserve the integrity and effectiveness of our federalist system of government, and to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs. As James Madison wrote in Federalist No. 45, "The powers delegated . . . to the Federal government are defined and limited. Those which are to remain in the State governments are numerous and indefinite."

In May 1998, President Clinton issued Executive Order (E.O.) 13083, which revoked President Reagan's 1987 Federalism E.O. 12612 and President Clinton's own 1993 Federalism E.O. 12875. The Reagan Order provided many protections for State and local governments and reflected great deference to State and local governments. It also set in place operating principles and a required discipline for the Executive Branch agencies to follow for all decisionmaking affecting State and local governments. The Reagan Order was premised on a recognition of the competence of State and local governments and their readiness to assume more responsibility. In August 1998, after a hearing before the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, which I chair, and the outcry of the seven major national organizations that represent State and local elected officials, President Clinton indefinitely suspended his E.O. 13083 and agreed to work with these national organizations on any substitute Order.

The "Federalism Act of 1999" is being introduced in response to a request for permanent legislation by the leadership of these seven major national organizations. It is a product of several months' work by a bipartisan group of Members together with those national organizations and their leadership to ensure that the legislation includes provisions most needed and desired by them to promote and preserve Federalism. The absence of clear congressional intent regarding preemption of State and local authority has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence of scope of preemption to be determined by litigation in the Federal judiciary.

The "Federalism Act of 1999" has a companion bipartisan bill on the Senate side, S. 1214, the "Federalism Accountability Act of 1999," which was introduced last week. Both bills share nearly identical purposes: (1) to promote and preserve the integrity and effectiveness of our federalist system of government, (2) to set forth principles governing the interpretation of congressional intent regarding preemption of State and local government authority by Federal laws and rules, (3) to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs, and (4) to establish a reporting requirement to monitor the incidence of Federal statutory, regulatory, and judicial preemption.

The "Federalism Act of 1999" establishes new discipline on both the Legislative Branch and the Executive Branch before either imposes requirements that preempt State and local authority or have other impacts on State and local governments. The "Federalism Act of 1999" requires that the report accompanying any bill identify each section of the bill that constitutes an express preemption of State or local government authority and the reasons for each such preemption, and include a Federalism Impact Assessment (FIA) including the costs on State and local governments. Likewise, the bill requires Executive Branch agencies to include a FIA in each proposed, interim final, and final rule publication. The FIA must identify any provision that is a preemption of State or local government authority and the express statutory provision authorizing such preemption, the regulatory alternatives considered, and other impacts and the costs on State and local governments.

The bill establishes new rules of construction relating to preemption. These include that no new Federal statute or new Federal rule shall preempt any State or local government law or regulation unless the statute expressly states that such preemption is intended. Any ambiguity shall be construed in favor of preserving the authority of State and local governments.

Besides instituting this new discipline for the Legislative and Executive Branches and providing new rules of construction for the Judiciary, the bill includes other provisions to recognize the special competence of and partnership with State and local governments. The bill provides deference to State management practices for financial management, property, and procurement involving certain Federal grant funds. The bill also requires Executive Branch agencies, for State-administered Federal grant programs, to cooperatively determine program performance measures under the Government Performance and Results Act with State and local elected officials and the seven major national organizations that represent them.

The McIntosh-Moran-Portman-McCarthy-Castle-Condit-Davis bill is a product of work with the seven major State and local interest groups: the National Governors' Association, National Conference of State Legislatures, Council of State Governments, U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the International City/County Management Association.

INTRODUCTION OF THE FEDERALISM ACT OF 1999

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my colleagues DAVID MCINTOSH, TOM DAVIS, KAREN MCCARTHY, MICHAEL CASTLE and GARY CONDIT, in cosponsoring the Federalism Act of 1999.

This legislation is a logical and necessary extension of the Unfunded Mandate Reform Act that Congress passed in 1995. The Unfunded Mandate Reform Act and the Federalism Act we are introducing today, seek to protect and enhance our federalism system of government. The process and discipline we set forth in the Federalism Act will make federal decision makers more sensitive to state and local concerns and prerogatives. Passage of this legislation will mark a milestone in improvements in our federalism system of government.

Having served in local government, I know first-hand how even the most well-intentioned federal laws and regulations can disrupt state and local programs and initiatives. Like the landmark National Environmental Policy Act, this legislation establishes a process that includes a federalism impact assessment on both the Congress and the executive branch to ensure that we make more informed and rational decisions on new federal laws and regulations that may affect state and local governments.

I will be the first to admit that much of the legislation Congress considers includes some type of federal preemption. I support strong national standards for clean air and water, fair labor standards and public health. Others in Congress may seek to federalize our criminal justice system. All are legitimate preorgatives of the U.S. Congress and under the Supremacy Clause.

I do not suggest we return to the days of the Articles of Confederation or endorse State Rights' advocates for a limited federal government. What I do suggest is that we establish a procedure to ensure that Congress is both well-informed and accountable for major actions that preempt state and local governments. We also need to set forth a process that provides the courts with greater clarity on congressional intent when legal disputes arise between federal and state law.

I know this legislation is not perfect. I look forward to working with my colleagues to ensure that this legislation defines the scope of judicial review and limits the potential for nuisance lawsuits as well as safeguards the rights of Congress to respond promptly to important national initiatives.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 191, H.R. 1401—final passage, "to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my district office director. Had I been present, I would have voted "yea."

TRIBUTE TO THE LATE WILLIAM "BILL" PAVLIS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DUNCAN. Mr. Speaker, our Nation has recently lost a great public servant. On Sunday, May 9th of this year, William "Bill" Pavlis passed away. Bill Pavlis was born in West Virginia and moved to Knoxville, Tennessee, where he lived for 60 years. He attended the old Knoxville High School and then went on to be one of our community's best citizens.

Bill Pavlis was one of the most respected leaders in the Knoxville area. In 1972, he started a very successful specialty food distribution company in Knoxville.

In 1980, Bill Pavlis entered public service as one of the very first members of the newly created Knox County Commission. He spent six years on that body and even served as its Chairman.

In 1990, he was appointed to the Knoxville City Council to serve the remainder of the term of Councilman Milton Roberts.

Mr. Speaker, Bill Pavlis was a great friend to all that knew him. He was always available to the citizens he represented.

Above all, Bill Pavlis was a true family man. Bill and his beloved wife of 49 years, Jamie, raised a wonderful family. His sons, William A. Pavlis, Frank N. Pavlis, George S. Pavlis, and daughter, Christina Pavlis, comprise one of the finest families in East Tennessee.

Mr. Speaker, I am privileged to have known such a fine man. I have included a copy of a Resolution adopted by the Knox County Commission, as well as a statement from Commissioner Leo Cooper and an editorial from the Knoxville News-Sentinel that honor the memory of William "Bill" Pavlis. I would like to call these to the attention of my colleagues and other readers of the RECORD.

RESOLUTION

Whereas, former businessman, Knox County Commissioner and Knoxville City Councilman William "Bill" Pavlis recently passed away at the age of seventy (70), after many years of service and leadership in the Knox County Community; and

Whereas, Bill Pavlis was a native of Logan, West Virginia, where his parents had emigrated from Greece. He was to live in Knoxville for sixty (60) years, where he met his wife of forty-nine (49) years, Jamie, at Knoxville High School, where he was a football player. He founded a specialty food distribution business, A&B Distributing Company, Inc., in 1972, and the business has thrived since; and

Whereas, Bill Pavlis was a notable leader in the community. He served as one of the first nineteen (19) Knox County Commissioners upon his election in 1980. In his six (6) years on this body, he served as Commission Chairman and as Finance Committee Chairman. During his entire tenure of service on the Knox County Commission, he missed only one (1) meeting. He is said to have been proudest, however, of his six years (6) as a member of the Knox County Pension Trust Fund Committee and of his chairmanship of the employees insurance committee. Mr. Pavlis also served as a Knoxville City Councilman, and was considered a strong and popular candidate for mayor; and

Whereas, Commissioner Pavlis, with a reputation of straightforwardness and honesty, also participated in countless civic and spiritual organizations and events. He attended two (2) churches, the Episcopal Church of the Good Shepherd, with his wife Jamie, and the St. George Greek Orthodox Church. As a resident of Fountain City, where he was deeply loved, he contributed toward the construction of a gazebo in Fountain City Park. Always there to help, he often provided assistance to his employees at A&B Distributing; and

Whereas, Bill Pavlis leaves behind a wonderful family, itself carrying on the legacy of community service exemplified by the Commissioner. His wife Jamie was the first woman appointed to the Knox County Jury Commission. He also leaves behind four children, Christina "Tina" Pavlis, William A. Pavlis, Frank "Nick" Pavlis, also a Knoxville City Councilman, and George "Sam" Pavlis. Now therefore be it

Resolved by the Commission of Knox County as follows:

The Knox County Commission wishes to express its condolences to the family and many friends of William "Bill" Pavlis, upon the passing of its fellow Commissioner and great friend.

Be it further resolved, That if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

Be it further resolved, That this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

STATEMENT OF COMMISSIONER LEO COOPER HONORING FORMER COMMISSIONER WILLIAM P. "BILL" PAVLIS

There are no words to truly express the profound sense of loss an entire community feels at the passing of Bill Pavlis.

Bill Pavlis was a man of enormous accomplishments; Bill was successful in virtually every endeavor he undertook in his lifetime. Bill founded and operated a successful business; married an exceptionally lovely woman and raised a beautiful family. Bill was elected to the Knox County Commission and chosen by his colleagues to Chair that body. Bill Pavlis was appointed to serve on the Knoxville City Council, having the distinction of being one of the few individuals ever to serve on both the city and county legislative bodies.

Bill Pavlis lived to see the affection of an entire community and the tradition of public service in the election of his son Nick as City Councilman At Large. One could truthfully say Bill Pavlis was a very lucky man, but I believe his friends were the luckier to have known him and had his friendship.

HE SERVED THE PUBLIC

Knoxville lost one of its finest public servants with the death on Sunday of William "Bill" Pavlis at 70.

Pavlis, who served terms on both the Knox County Commission and the Knoxville City Council, was known as someone who brought people together to work out solutions to problems—a characteristic soundly noted by Mayor Victor Ashe.

Pavlis' parents emigrated from Greece to West Virginia, and Bill Pavlis was born in Logan, W.Va. He lived in Knoxville for 60 years, starting a specialty food distribution company, A&B Distributing Co. Inc., in 1972.

Pavlis was one of the first 19 members elected in 1980 to serve on the new County Commission, the local government entity that replaced the old county court. His six years on that body included a term as finance committee chairman and alter as commission chairman.

He ran unsuccessfully for mayor in 1987 but was appointed to City Council in 1990 to serve the remainder of the term of veteran council member Milton Roberts, who died in office. A run for mayor appeared in the offing in 1991, but Pavlis wisely chose family over a political campaign. "I feel my priorities are in order, and my intentions are good," he said in a News-Sentinel interview at the time. "In spite of that, I just want to spend more time with my wife."

Pavlis was the kind of citizen we all would like to be—working with quiet determination to improve the community, bearing the full responsibilities of a serious businessman,, contributing to his places of worship and engaged in various civic endeavors.

We extend our sympathy to Jamie Pavlis, his wife of 49 years, and to his family and many friends. He will be missed, but our community is a better place for his presence among us.

A TRIBUTE TO MR. LAWRENCE MEINWALD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. GILMAN. Mr. Speaker, I rise today to call to the attention of our colleagues the birthday of an outstanding American and resident of the Town of Goshen, New York, Mr. Lawrence Meinwald. This week Mr. Meinwald celebrates his 85th birthday, and I invite my colleagues to join me in congratulating him and recognizing his incredible life.

Mr. Meinwald, along with his wife, Carolyn, have made lasting contributions to their adopted home of Goshen, New York. Recognizing the importance of preserving Orange County's and Goshen's historic past, and wanting to give back to the country that has given him so much, Mr. Meinwald gave his own money for the complete restoration of several village buildings. In that way he helped to preserve the historic nature of the area for many years to come.

Mr. Meinwald came to America in 1920 as a young boy from Warsaw, Poland. His first ten days in the United States were spent at Ellis Island where he waited to be welcomed into his new home. Ellis Island, the gateway to America and a symbol and part of the great state of New York, had a long lasting effect on Mr. Meinwald. He was so awed by his American welcome to New York that he decided to make that state his home. Mr. Meinwald, like so many others, had come to America to live the American Dream. His American Dream would be fulfilled by hard work and dedication. He built a successful and constructive business career, and as a mature adult, attended and graduated from the City University of New York.

Accordingly, Mr. Speaker, I invite our colleagues to join with me in extending birthday greetings to this outstanding citizen of our nation and an irreplaceable citizen of Orange County, New York, Mr. Lawrence Meinwald.

THE BUILDER GENERATION TO LEAD THE BRIDGER GENERATION TO TRUST THE LORD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SPENCE. Mr. Speaker, I rise to bring to the attention of the House an address that was presented by my constituent, Dr. Al Lutz, to The Veterans' Club in Sun City Hilton Head, South Carolina. I believe that his remarks about the role of chaplains in our military, as well as about the importance of our faith in God, and our duty to train our younger generations of Americans deserve our careful consideration.

MEMORIAL DAY, MAY 31, 1999

THE BUILDER GENERATION TO LEAD THE BRIDGER GENERATION TO TRUST THE LORD

MESSAGE GIVEN AT THE VETERANS' CLUB MEMORIAL DAY CELEBRATION—SUN CITY HILTON HEAD, SOUTH CAROLINA

I appreciate this opportunity to speak today in regard to honoring The Four Immortal Chaplains, because an Army chaplain was very helpful to me. While I was on active duty in Ft. Huachuca, AR, 1955–1957, I came under the ministry of Chaplain John MacGregor, who had been an infantry officer, was converted to Christ, and entered the chaplaincy. He was a man who believed the Bible, preached it and lived it. Seeing his Christ-like character prompted me to enter the Christian ministry forty years ago. The other special help that this chaplain gave was to introduce me to Julie. This year we will celebrate our 40th wedding anniversary.

My wife and I are nearing our one year anniversary residency here in Sun City and enjoying every minute of it. I also have the privilege of being a part of the Veterans' Club.

The Veterans' Club of Sun City has chosen to honor The Four Immortal Chaplains whose brave sacrifice is an inspiring story of personal honor and patriotism. Their heroism of 56 years ago stands today as an eloquent and enduring example of service, fellowship and love.

Chaplains are a very vital part of the United States armed forces. Just as the United States was founded by those who believed in the God of the Bible as the true and living God, so our country has continued in that belief, especially in our military forces.

It is very heartwarming to know that our government considers the ministry of chaplains so vital, that our government pays the salaries of all military chaplains who receive church or synagogue endorsement.

It is also important to know that our government has ordered that each military chaplain is free to practice and teach his own faith as he ministers to the men and women in the military.

Before Desert Storm was initiated, the President of the United States called the nation to prayer, as General Schwartzkopf was preparing the strategy for war. When American troops landed in Saudi Arabia and the General met with the Saudi officials, he was told that Jewish and Christian chaplains would not be allowed on Saudi soil. The General's response to that was basically this, "We will engage in this war only if we have our full chaplain force to go with us." As I mentioned when I spoke for the Veterans' Day program last November, I told of the General calling in his head chaplain, Col. David Peterson, and giving him the orders to work it out so that the chaplains, of all faiths, would be allowed to go with the troops. That was accomplished quickly. Not only that but the General knew that the success depended on the blessing of Almighty God.

He may have been reminded of Proverbs 21:31 which states, "The horse is prepared for the day of battle, BUT deliverance comes from the Lord."

Or Psalm 20:7 "some trust in chariots, and some in horses, BUT we will trust in the name of the Lord our God."

In the early hours before Desert Storm was launched, the General with his command staff present, asked Chaplain Peterson, to lead in prayer for the blessing of Almighty God. Chaplains have been, and I trust always will be, a vital part of our military.

What was it that prompted the Four Immortal Chaplains and what is it that prompts our present day chaplains to volunteer for military duty?

It is obviously a love for country and a desire to serve.

It is also a love for people who need spiritual guidance in peace time, but especially in the time of war. Probably the underlying motivation was and is a sense of God's love for them and their love for God that prompts them to put their lives on the line to minister to the troops. So we honor them!

We can also honor those Chaplains by learning from their motivation and applying it to our lives. Somehow there must be a return to a reverential fear of the true and living God. The Bible states that one of the greatest sins of mankind is this: There is no fear of God before their eyes.

Let me share with you some sobering statistics about those in America, who claim to be Christians:

Among the Builder Generation (Born 1910 to 1946) 61% of them claim to be Christians,

Among the Boomer Generation (Born 1946 to 1964) 39% of them claim to be Christians,

Among the Buster Generation (Born 1965 to 1976) 25% of them claim to be Christians.

But what about the generation Born 1977 to 1995?

Some are calling this generation, the Bridger Generation. They will take us into the 21st Century.

It is estimated that ONLY 4% of them claim that they are Christians.

If those figures are anywhere close to being correct, do we see what lies before us, unless a mighty spiritual awakening takes place?

Somehow a sense of * * * who the true and living God of the universe is, who should be the true and living God of our nation, and who should the Bridger Generation have as its God, must be again instilled in people of our nation.

Somehow we must see that the disrespect for God, the disregard for human authority, and the devaluation of humanity, brought about to a large extent by the Supreme Court officially ruling that God, the Bible and prayer are no longer allowed in the public schools, must be counteracted.

No one can be neutral about his or her religious beliefs. If the true and living God is left out, other false gods of self and pleasure and power, which are often pushed on us by Hollywood and others, will take God's rightful place.

A father of one the murdered teenagers in Littleton, CO was testifying before the government in Washington last Thursday about gun control. What I heard him say was something to this effect, "Returning prayer to the classroom is far more important." We must deal with the root cause and give the root answer rather than just talking about the symptoms or superficial answers. Senator John McCain stated it clearly what is needed: "Faith in God."

It is sad to say that even our country as a whole is feeling the effect of trying to remove God from society by the fact that not nearly enough men and women sense the proper fear of the Lord and a love for country to prompt them to answer the call for military service. It will become harder and harder to find four chaplains who will set the example that they set.

Here is a plea to the Builder Generation: use your retirement years to work with your grandchildren and great grandchildren to help instill within them a genuine love for God, a reverential fear of God, and a solid trust in God, for the glory of God, for their personal good and for the good of our country.

May God help us!! Al Lutz

IN HONOR OF FATHER JOHN WILSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Father John Wilson.

Father Wilson was a former diocesan director of the deaf Apostolate, a longtime pastor of St. Timothy Church in Garfield Heights and was a chaplain for ten years at St. Edward Home in Fairlawn. He was a greatly loved man who was dedicated to helping the deaf community. He began working with the deaf community at his first assignment as assistant pastor at St. Collumbkille Church in Cleveland. When this parish closed, he continued his work with the deaf community as diocesan director of the deaf Apostolate. During his tenure as diocesan director of the deaf Apostolate, Father Wilson built up one of the largest communities in the country.

Father Wilson was a very devoted man who, even when his own health was a risk forcing him to retire as pastor, continued to help the people in his community. This selfless dedication is something that should be recognized, praised and encouraged in our communities today.

My fellow colleagues, please join me in honoring this great man, Father Wilson. He will be greatly missed.

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TURNER. Mr. Speaker, on rollcall No. 52, I was absent because of my participation in a congressional delegation trip to Russia with members of the House Armed Services Subcommittee on Military Research and Development for the purpose of discussing with the Russian Duma pending anti-missile defense legislation. Had I been present, I would have voted "yes" on H. Con. Res. 24.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SHOWS. Mr. Speaker, because inclement weather delayed my connecting flight from Jackson, Mississippi, on Monday, June 14, 1999, I was unable to cast a recorded vote on rollcall No. 204.

Had I been present, I would have voted "yea" to suspend the rules and pass H.R. 1400, the Bond Price Competition Improvement Act of 1999.

IN RECOGNITION OF DR. MARTIN J. MURPHY, JR.

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to pay tribute to Dr. Martin J. Murphy, Jr. who is retiring this year after more than 35 years of dedicated work in the field of cancer research. Dr. Murphy began his remarkable career in the area of cancer research in the late Sixties, when, as a postdoctoral fellow, he joined some of the most prestigious academic institutions in the world. After leaving academia, in 1975, Dr. Murphy joined the Memorial Sloan-Kettering Cancer Center as an Associate Member. There, Dr. Murphy became a Founding Director of the Hematology Training Program, a renowned cancer research program sponsored by the National Institutes of Health.

A laboratory founded by Dr. Murphy at the Memorial Sloan-Kettering Center later became the Hipple Cancer Research Center. This laboratory, under Dr. Murphy's leadership, provided an opportunity for cutting edge research on the molecular and genetic nature of cancer, as it afforded support to physicians and researchers by engaging the National Institutes of Health and various corporate and individual sponsors.

In 1979, Dr. Murphy brought the laboratory to Dayton, where it became part of the Wright State University School of Medicine. The Hipple Cancer Research Center developed into a prime cancer research facility due to Dr. Murphy's leadership and enthusiasm. Dr. Murphy's work also resulted in the establishment of the consortium of hospitals in the United States and Israel which developed clinical protocols for the vaccine treatment of patients with advanced melanoma. Dr. Murphy made seminal discoveries regarding the identity and characterization of the hematopoietic stem calls and the elucidation and purification of the molecules regulating the cell behavior.

While working relentlessly at the Hipple Center, Dr. Murphy founded Alpha Med Press, a non-profit publishing firm dedicated to the publication of world-class research articles in the area of cancer and AIDS research. Dr. Murphy's work in publishing, as well as his tenures at various universities in China, Latin America and South Africa show a dedication to improving health care on a world-wide basis.

Mr. Speaker, I know my colleagues will join me in congratulating Dr. Martin J. Murphy, Jr. for the outstanding work he has done in the last 35 years, and wishing Dr. Murphy a healthy and productive retirement.

TRIBUTE TO DAVID RAAB

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to offer my deep appreciation to a remarkable citizen of both America and Israel, David Raab of Teaneck, NJ, who will soon be moving to the State of Israel.

As so many people in the Jewish community in New Jersey and across the United States already know, David has been, for decades now, a tireless pro-Israel activist. And through the years, he has shown an almost magical ability to bring people together for the purpose of strengthening America's alliance with their number one ally in the Middle East, the State of Israel. For this, David Raab deserves the admiration and respect of all people who care deeply about the need to ensure the safety and security of Israel and her citizens.

I have known David as a dear personal friend and as an outstanding leader and member of a number of distinguished Jewish organizations. I have also known David as a devoted father and husband, a successful businessman, and an individual committed to making his community and neighborhood a better place to live. In all these respects, David has been supported by his loving wife Leah and his three children, Yitzhak, Aviel and Aliza.

As David and his family prepare to depart for Israel, I want to publicly thank him for the advice and counsel he has generously offered over the years to me and members of this august body on matters concerning Israel and the entire Middle East. Whether it was helping craft a strategy to secure justice for Israel at the United Nations, or helping Members of Congress focus on the need to transfer to the United States those Palestinians suspected of killing Americans in Israel, David's advice has always been highly valued by members of both the U.S. House of Representatives and Senate.

I will miss David and wish him the very best as he begins a new and exciting chapter of his life in the State of Israel.

HONORING MAYOR CHARLES ROONEY, JR., OF SEA BRIGHT, N.J.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PALLONE. Mr. Speaker, in my home state of New Jersey, at this very moment, children and their parents are starting to pack for their weekend at the Jersey Shore. And they are imagining the beautiful beaches and ocean waters that await them and all the fun and good memories that the coming weekend holds.

Most of these weekend visitors take the Jersey Shore for granted, not realizing that there are people who devoted their lives to protecting and maintaining the shoreline for all to enjoy. Foremost among these coastal champions was Charles Rooney, the mayor of Sea Bright, N.J., from 1988 until his death this year. This Sunday, June 20, the people of Sea Bright will rededicate Swing Bridge Park in Sea Bright, N.J., in his honor.

The Sea Bright residents who will attend know well how hard Mayor Rooney worked over a 20-year period—first as a Councilman and then as Mayor—to get the state and federal funds to protect Sea Bright from the many "Nor'easters" that threatened the lives and property of residents. Over the years, these seasonal storms, with their ferocious winds and pounding surf, robbed Sea Bright of its protective seawall and buffer beaches to the point that the town might not have survived another storm season.

My colleagues, you know more about Mayor Rooney and Sea Bright than you realize, because it was to Sea Bright that the New York and national television stations would go for some fearsome footage whenever a hurricane came up the East Coast. Each time, I would talk to a very concerned Mayor Rooney on the phone and later meet him on a tour of the damage and we would agree to press harder and speed up the schedule to repair the seawall and reconstruct the beaches. And, colleagues, it was your vote, year-after-year that helped us finally make the repairs that resulted in the completion of the multi-million dollar Army Corps of Engineers Shore Protection Project along much of the coastline of my district.

Charles Rooney was a man who served his community like no other I know. His eight years as union representative in the Steel Workers Union helped prepare him for the leadership and coalition building skills he would later utilize as Councilman and Mayor. He served as president of the local chamber of commerce and established the senior citizens club, the borough recreation center and the youth program. In November, he was inducted into the League Municipalities "Mayors' Hall of Fame" and in January into the "Elected Officials Hall of Fame" for having served more than 20 years in local government.

There was an amazing personal side to Charles Rooney. He had tremendous character and was himself a character. He used to say that when he took office, the town of Sea Bright was famous for having twenty-one liquor licenses and to reverse the common attitude of "let's party in Sea Bright," somebody had to be tough. It was that toughness that turned Sea Bright back into a beautiful family resort as it was during the glory days at the turn of the century.

It was also his political toughness, combined with his middle-aged entry into long distance running that gave him the nickname of "Iron Man Rooney." Starting at the age of 48, he ran in 17 career marathons, inspired by another shore legend, Dr. George Sheehan, "The Running Doc" of Rumson. Mayor Rooney ran the entire length of the New Jersey

Atlantic Coastline, from Sandy Hook to Cape May in just over four days. As the sponsor of local marathons, "he always cheered the loudest for the people coming in last. He'd be there for the lady running 13-minute miles, when no one else was there. He'd put the biggest smile on her face, making her feel like she'd just won the race," said his son, Charles Rooney III.

It was appropriate that the dedication of Charles Rooney Swing Bridge Park is taking place on Fathers Day, because Mayor Rooney was the father of so many wonderful environmental improvement projects that enhanced the quality of life in Sea Bright for its residents and others to enjoy. He was also a tremendous role model, not only for his son and daughter, but for all of us in public service who could learn so much from the warm and wonderful way he served the people of Sea Bright.

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TURNER. Mr. Speaker, on rollcall No. 51, I was absent because of my participation in a congressional delegation trip to Russia with members of the House Armed Services Subcommittee on Military Research and Development for the purpose of discussing with the Russian Duma pending anti-missile defense legislation. Had I been present, I would have voted "yes" on H.R. 774

APPLE AND ONION DISASTER LEGISLATION, H.R. 2237

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. GILMAN. Mr. Speaker, the plight of the apple and onion farmers of New York State remains a major concern for many of us in Congress who represent New York State. Following the severe, inclement weather that devastated crops in various Counties throughout our state last year, our farmers found themselves hampered by an ineffective federal crop insurance policy and a bureaucracy that showed very little compassion.

Hardest hit by last year's storm were New York State's apple and onion farmers. Our onion producers in Pine Island, NY in particular, faced catastrophic losses due to a hail storm that passed through the region on May 31st of last year. That storm left many of our farmers with no considerable yields, forcing many to zero out their crops, leaving them without a marketable product.

Faced with last year's losses and still recovering from losses incurred in 1996, our farmers looked to their crop insurance for assistance. What they found instead was an inadequate program that did nothing to assuage the burden that their losses placed upon them.

Regrettably, the Department of Agriculture's response to our farmers plight has been a case of too little, too late. Following last year's hail storm, Congress passed the Omnibus Appropriations Act of 1998, which approved $5.9 billion dollars in disaster assistance for affected farmers nationwide. While payments were made directly and immediately to hog, wheat, cotton and dairy farmers, action to ease our apple and onion farmers plight was much too slow in coming. A sign-up period was enacted by the Secretary for affected apple and onion farmers which was initially to last from February 1, 1999 to May 11, 1999.

The sign-up period proved to be a disaster within itself. Met with poor training, inadequate staffing and numerous delays, our farmers did not see one penny of the disaster assistance until just last week, one year later and months into this year's planting season.

This legislation, H.R. 2237 co-sponsored by Congressman WALSH, provides that the Secretary of Agriculture authorize $40 billion for additional disaster assistance to affected apple and onion farmers in New York State, so that they may fully recover from the damage and losses that they have incurred over the past three years. We look forward to working with the Secretary of Agriculture in the coming months to work towards the implementation of these funds, as well as a thorough revision of the federal crop insurance program, so that we may ensure that the future of our nation's farmers remain prosperous.

H.R. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMERGENCY CROP LOSS ASSISTANCE FOR NEW YORK APPLE PRODUCERS.

(a) ASSISTANCE AUTHORIZED.—In addition to other authorities available to the Secretary of Agriculture to provide assistance to apple producers who incur crop losses, the Secretary may provide assistance under this section to apple producers in the State of New York who incurred losses in 1998 to apple crops due to damaging weather or related conditions.

(b) SPECIAL RULES.—In providing assistance to apple producers under this section, the Secretary shall calculate the amount of a apple producer's payment in a manner that—

(1) does not discount excess juice production;

(2) allows producers in 1998 to use their historical production as a yield basis;

(3) ensures that losses in each marketing category (primary, secondary, and tertiary) are only added together, and not subtracted as currently proposed by the Department of Agriculture; and

(4) uses the 5-year average market price for apples in New York as established by the National Agriculture Statistics Service.

(c) MAXIMUM PAYMENT LIMITATION.—In providing assistance to apple producers under this section, the maximum payment limitation per farm shall be equal to the higher of—

(1) $80,000; or

(2) the product of $1,350 and the total farm orchard acreage.

(d) IMPLEMENTATION.—The Secretary shall issue guidelines for the provision of assistance under this section, which shall be available to affected apple producers not later than 30 days after the date of the enactment of this Act. Subject to the availability of funds for this purpose, the Secretary shall make payments available under this section in an expeditious time frame in order to alleviate the severe financial strain of New York State apple producers.

SEC. 2. EMERGENCY CROP LOSS ASSISTANCE FOR NEW YORK ONION PRODUCERS.

(a) ASSISTANCE AUTHORIZED.—In addition to other authorities available to the Secretary of Agriculture to provide assistance to onion producers who incur crop losses, the Secretary may provide assistance under this section to onion producers in the State of New York who incurred losses in 1998 to onion crops due to damaging weather or related conditions.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible for assistance under this section, the Secretary must conclude that, because of damaging weather or related condition in 1998, the total quantity of the 1998 onion crop that a New York onion producer was able to harvest was less than 65 percent of the producer's historical yield. The Secretary may accept information provided by insurance adjustors or the Cooperative Extension Service to verify a producer's loss in yield.

(c) CALCULATION OF PAYMENT.—

(1) PAYMENT FORMULA.—In providing assistance to an eligible onion producer under this section, the per acre amount of the producer's payment shall be equal to the product of—

(A) .65;

(B) the applicable annual percentage history; and

(C) payment rate.

(2) ANNUAL PERCENTAGE HISTORY.—For purposes of paragraph (1)(B), a producer may select as the producer's annual percentage history either the producer's own historical yield before 1996, per hundredweight, or the New York State average of 298 cwt.

(3) PAYMENT RATE.—For purposes of paragraph (1)(C), the Secretary shall use the 5-year average market price for yellow onions of $15.00 cwt.

(d) IMPLEMENTATION.—The Secretary shall issue guidelines for the provisions of assistance under this section, which shall be available to affected onion producers not later than 30 days after the date of the enactment of this Act. Subject to the availability of funds for this purpose, the Secretary shall make payments available under this section in an expeditious time frame in order to alleviate the severe financial strain of New York State onion producers.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $40,000,000 to carry out this Act.

THE KOSOVO LIBERATION ARMY: A NAIVE VIEW OF A REBEL FORCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues this June 9, 1999, Omaha World Herald editorial that cautions NATO not to underestimate the ambitions of the Kosovo Liberation Army (KLA) after the Serbian forces withdrawal from Kosovo.

THE KOSOVO LIBERATION ARMY: A NAIVE VIEW OF REBEL FORCE

NATO told Yugoslavia it would stop the air war if Serbian forces were pulled out of the province of Kosovo in one week. It's easy to understand why Yugoslavian President Slobodan Milosevic found that idea hard to swallow. He does not want to surrender Kosovo to the Kosovo Liberation Army.

Milosevic sent Serbian soldiers and police into Kosovo to put down a rebellion led by the KLA. The ethnic-Albanian KLA wants independence for Kosovo, whose majority population is ethnic Albanian. Or at least it was before Milosevic, a Serb who obtained political power by exploiting ethnic hatred, managed to kill thousands and expel hundreds of thousands of ethnic-Albanian Kosovars.

News reports say Milosevic nearly succeeded in wiping out the KLA, but the rebels have regrouped. Fueled by recruits from the roughly one million Kosovar refugees Milosevic has created, the KLA reportedly is regaining ground in Kosovo. Some reports indicated that the KLA is helping NATO target Serbian forces in Kosovo.

The KLA and Milosevic's Serbian forces are engaged in the latest round of an ethnic blood feud that is centuries old. Yet here's what NATO spokesman Jamie Shea had to say about a settlement: "As the Serb forces pull out and the NATO forces move into Kosovo, we expect the Kosovo Liberation Army . . . not to try to take advantage of the situation."

Shea must be dreaming. The KLA, in its view, is fighting to liberate its homeland. "The KLA will be the sole force in Kosovo creating institutions," said a KLA spokesman Sunday. "It will be the strongest force influencing the future of Kosovo." The KLA is planning to build a nation of ethnic Albanians in what is now Yugoslavian territory.

Of a proposed NATO peacekeeping force, Shea said, "NATO forces will be operating under strict rules of engagement and, of course, they will not tolerate any hindrance to their mission. More specifically, we hope the (KLA) will renounce violence."

Imagine France announcing in the early 1780s that, upon cessation of the war between England and the American colonies, the colonies would become an autonomous zone within the British empire and would be occupied by a European peacekeeping force. Oh, and the American freedom fighters, it is assumed, would "renounce violence."

NATO's next adversary in Kosovo might be the KLA.

THE MEDICAL MALPRACTICE Rx ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SHAYS. Mr. Speaker, today Representative JIM GREENWOOD of Pennsylvania and I are introducing the Medical Malpractice Rx Act.

The Medical Malpractice Rx Act will prevent the unreasonable and frivolous litigation that has caused many doctors to waste resources on "defensive medicine." According to the Congressional Research Service, many analysts have observed that physicians' fears of malpractice suits have caused them to perform additional or unnecessary tests and procedures that serve to drive the cost of health insurance to unaffordable levels for many Americans.

Malpractice insurance premiums for physicians total over $6 billion annually, and the rate of malpractice cases has doubled over the past ten years.

The Act prevents plaintiffs from recovering 100 percent of damages from one party when multiple parties are at fault and sets a $250,000 cap on noneconomic (pain and suffering) damages. In addition, the Medical malpractice Rx Act allows juries to hear evidence of multiple recoveries paid to plaintiffs.

The Medical Malpractice Rx Act allows trial lawyers a maximum of five years from the date of injury to bring a medical malpractice suit, replacing the often vague current law which permits lawsuits 7–10 years from the date of injury.

Finally, the Act requires the losing party to pay attorney's fees.

It is estimated that the Medical Malpractice Rx Act could save the Medicare program $1.5 billion over 10 years and billions more could be saved on private health premiums. These savings will translate into savings for all Americans.

We must act to ensure Americans have access to affordable health insurance and prevent the cost of insurance from reaching even more exorbitant levels.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this important piece of legislation.

TRIBUTE TO LORA LUCKS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Lora Lucks, an outstanding individual who has dedicated her life to public service and education. She will be honored on Thursday, June 17 for her outstanding contributions to the community during the end of the term party at PS 48 in my South Bronx Congressional district. She is retiring after 23 years as Principal of PS 48.

Born and raised in Brooklyn and a graduate of CUNY Brooklyn, Lora Lucks started her teaching career at Mark Twain Junior High School. She also attended St. John's University and Fordham University where she majored in Education Administration. Thirty two years ago she joined P.S. 48 in the Bronx where she started her supervisory career. For the past 23 years she has served as Principal at P.S. 48 and played a prominent role as a true educational leader. She is responsible for the education and well being of a student body of over 1,100 children and a staff of over 150.

Mr. Speaker, in addition to the daily educational services she provides to the students, Mrs. Lucks has been the Project Director of the Hunts Point Cultural Arts Center for the past 16 years. This after-school program nurtures the artistic talents of and fosters a sense of pride and accomplishment in students within the South Bronx Community. Having forged a strong alliance with businesses, organizations, and foundations, Lora has been able to bring much-needed resources to the school and the children of Hunts Point. The Y.M.C.A.'s Pathways for Youths Program and District 8 sponsored programs are just a few of the wonderful activities offered by the school after school hours. During the course of her principalship, Lora has made Public School 48 the pride of District 8 schools.

Through her years of service she has been given many awards. In 1992 she was honored as the District 8 Supervisor of the year and in 1993 she was the recipient of the Reliance Award for Excellence in Education.

Although not a resident of Hunts Point, she is very active in community affairs. Lora has become a member of the Bronx Borough President's Solid Waste Advisory Board and the Hunts Point Economic Development Corporation.

Mrs. Lucks leaves us with many lessons learned in community service, leadership in education, and wisdom. A talented leader and educator, Mrs. Lucks will continue sharing her knowledge and views with her family and friends.

Mrs. Lucks is married and has two sons, Stuart and Robert, two grandchildren, Arie and Megan, and a daughter-in-law, Charlotte. Her husband, Solomon, is a retired New York City educator and supervisor. He served as the chairman of the Technology Department at Bayside High School for 27 years.

Mr. Speaker, I ask my colleagues to join me in wishing a happy retirement to Mrs. Lora Lucks and in recognizing her for her outstanding achievements in education and her enduring commitment to the community.

TRIBUTE TO MARATHON ASHLAND PETROLEUM

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PHELPS. Mr. Speaker, it is my great honor to rise today to congratulate Marathon Ashland Petroleum on the recognition of their Illinois Refining Division as an OSHA Voluntary Protection Program Star participant. The Voluntary Protection Program promotes partnerships between the Occupational Safety and Health Administration, labor and management and recognizes those facilities that exemplify effective safety and health program management.

Having personally visited Marathon's Robinson, IL, refinery, located in my congressional district, I can attest to the superior quality of its operation and the dedication and talent of its employees. Although I am not surprised to learn that OSHA has recognized Marathon's efforts on behalf of health and safety, I could not be more pleased.

Under the Voluntary Protection Program, management commits to operate an effective program, and employees commit to participate in the program and work with management to ensure a safe and healthful workplace. OSHA regularly evaluates the site and the program's operation to ensure that safety and health objectives are being met, and participants receive the Star designation when they have complied with all program requirements.

Mr. Speaker, I believe the Voluntary Protection represents the best in voluntary partnerships formed to achieve an important mutual goal. I am proud to offer my heartfelt congratulations to Marathon Ashland Petroleum's Illinois Refining Division on reaching the milestone of an OSHA Star designation. Their efforts on behalf of health and safety are deserving of such recognition, and I wish them continued success in the future.

INTRODUCTION OF THE MEDICARE HOME HEALTH ACCESS RESTORATION ACT OF 1999

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. COYNE. Mr. Speaker, today I am introductory the Medicare Home Health Access Restoration Act of 1999. I am introducing this legislation because of the dramatic changes the Interim Payment System (IPS) has made in the way home health care is provided in my home state of Pennsylvania and elsewhere. I am concerned that those changes are making it more difficult for the sickest and most vulnerable Medicare recipients to get the home health services to which they are entitled.

Medicare provides home health services to homebound patients who need skilled nursing care. Many of these patients are recovering from surgery or receiving therapy after a serious illness like a stroke. Home care recipients often suffer from chronic illnesses that require monitoring, like severe diabetes and some mental illnesses. Home health care recipients tend to be the oldest, sickest, and poorest of Medicare beneficiaries. They are disproportionately low-income and over 85. They report being in fair or poor health. Three-fourths of them cannot perform at least one basic activity of daily living, like bathing, cooking, or getting out of bed. Almost half of home care recipients cannot perform 3 or more activities of daily living.

In Pennsylvania, where home care costs and visit frequency have always been lower than the national average, home care visits have declined by over 25 percent since IPS became effective. That means the average home care recipient sees a nurse 11 times less under IPS than she did before, perhaps getting one visit a week instead of two. Over 90 percent of my state's home health agencies reported that they will lose money in the first year of IPS and 6,100 home care workers have been laid off. These changes are causing agencies to provide less care, spend less time caring for patients, and avoid the patients who most need help.

Like most other people who are concerned about the home care benefit, I support the shift to the prospective payment system, which will allow us to pay more accurately for the services beneficiaries receive. But it could be quite a while before PPS is implemented, particularly since the Health Care Financing Administration has temporarily suspended collection of the necessary data. The Interim Payment System is what we have now, and we could have it for a long time. It is affecting patient care now, and I do not believe we can just live with it" for the months or years until the PPS is ready.

The low IPS caps on payments for home health services mean that agencies often can't afford to provide Medicare beneficiaries with the services they need and to which they are entitled. Because the caps are based on individual agency 1994 spending, the problem is particularly serious for historically low-cost agencies. The low-cost agencies were given the lowest caps. Since they have already trimmed the fat from their operations, they are being forced to lay off nurses and cut services. The caps also create wide regional variation, and Medicare beneficiaries in historically efficient areas receiving much smaller benefits.

Because the caps are based on an "average" patient, it is particularly difficult for the sickest patients to access care. The IPS does not acknowledge that some agencies specialize in very sick patients and that some individual patients require so much care that few agencies can afford to serve them. The current system creates an incentive for agencies to avoid admitting the sickest patients or to discharge them early.

The legislation I am introducing today would make several important changes in the IPS. (1) It would gradually move toward a more equitable and reasonable payment level by increasing the payments for efficient agencies, increasing the number of times a home care nurse is allowed to visit a sick patient, and repealing the scheduled 15% cut in payments. (2) It would provide exceptions to the caps for the costliest patients and agencies that specialize in treating them. (3) It would protect beneficiaries from being inappropriately discharged because of the caps.

Medicare's sickest and most vulnerable patients cannot wait much longer for Congress to act. Each day that the current system is in effect, home care agencies close or lay off workers, beneficiaries in states with low caps receive less service than they need, and high-needs patients struggle to find agencies that will serve them. These reductions in the quality and quantity of home care services put patients right back where no one wants them to be—in expensive hospital and nursing home beds.

SUMMARY OF MEDICARE HOME HEALTH ACCESS RESTORATION ACT

Purpose: To restore access to home health services for Medicare recipients whose necessary care has been curtailed or eliminated due to provisions in the 1997 Balanced Budget Act.

MAJOR PROVISIONS

Adjusts per-beneficiary limits to provide fair reimbursement to efficient agencies. The bill would increase the per beneficiary limit for agencies with limits under the national average to 90% of the national average in 1999, 95% in 2000, and 100% in 2001. The bill would also cap payments to providers at 250% of the national average in 1999, 225% in 2000, and 200% in 2001.

Provides exceptions to caps for agencies that specialize in a particular type of hard-to-serve patients AND for individual "outlier" patients. Agencies that can demonstrate to the Secretary that they specialize in treating a much more expensive population will be exempted from the 250% payment cap. All agencies could apply for quarterly "outlier" payments if they treated more costly than average patients. HCFA will also be required to report back to Congress regarding their implementation of the exceptions policy, to ensure that the provisions are implemented in a timely manner and that the relief is reaching agencies.

Increases the per-visit limit to 110% of the median.

Permanently repeals the 15% cut in IPS home health payments. The bill eliminates the 15% cut from the Interim Payment System.

Protects beneficiaries from inappropriate discharge. The bill provides Medicare beneficiaries with a notice of discharge similar to the one provided to Medicare+Choice hospital patients. It requires HCFA to provide information to physicians about how the IPS affects their patients.

Requires a GAO study on the value of home care to the Medicare program. The bill asks the Comptroller General to document the impact that providing home care (or not providing home care) has on other government spending, including Medicare inpatient services and Medicaid nursing home reimbursement.

50TH ANNIVERSARY OF AMERICAN LEGION POST 273, MADEIRA BEACH, FLORIDA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize the 50th anniversary of American Legion Post 273, in Madeira Beach, Florida, which I have the privilege to represent.

Since 1949, American Legion Post 273 has been serving the community of Madeira Beach and Pinellas County. Post 273 has more than 3,100 members, making it the largest post in the Great State of Florida and the 5th largest post in the World. In its 50 years of service, Post 273 has a record of service that is second to none.

Post 273 has many volunteers who perform thousands of hours of volunteer service at the Veterans Affair's Hospital at Bay Pines. Among these activities are an annual Thanksgiving Day dinner for disabled veterans, and a New Years Day luncheon. The Honor Guard at Post 273 has performed at 108 funerals in the past 12 months, and has participated in several other functions including the biannual reading of Madeira Beach's deceased veterans. The Post also provides financial assistance to the families of needy veterans.

The service of Post 273 goes beyond veterans. Post 273 has sponsored 14 students for Boys State, where enterprising young boys are selected in their junior year of high school to go to Tallahassee and participate in a detailed study of Florida's State Government. In addition, Post 273 also sponsors an annual oratorical contest, where boys and girls compete nationwide for more than $18,000 in scholarships. Post 273 also sponsors activities and events that inform the community's young people about child safety, drug and alcohol abuse, and suicide prevention.

In its service to the community, Post 273 has been active in the Special Olympics, giving mentally challenged youth a chance to succeed, assists the American Red Cross with an annual blood drive, has a strong record of environmental protection, as it sponsors a recycling program, and raised money to provide sea oats for the Madeira Beach beach renourishment program.

Finally, I would be remiss if I neglected to mention American Legion Baseball. Each year, the American Legion sponsors approximately 86,000 young men in legion ball. Madeira Beach Post 273 sponsors two teams, providing uniforms, equipment, umpires, and travel funds.

Mr. Speaker, the service that American Legion Post 273 has provided veterans and families in the community of Madeira Beach for the last 50 years is remarkable and I wish all the members much success as they begin their next 50 years of service.

THE FOGGY BOTTOM ASSOCIATION CELEBRATES 40 YEARS OF SERVICE TO THE COMMUNITY, 1959–1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. NORTON. Mr. Speaker, I rise to salute the Foggy Bottom Association as it celebrates forty years of service in one of Washington's oldest neighborhoods. The Foggy Bottom Association is not only one of the oldest, it is one of our most active and valuable associations.

The Foggy Bottom Association's recorded history dates back to 1765 when Jacob Funk, a German immigrant, purchased and subdivided 130 lots between 24th and 19th Streets, NW and H Street to the river. This area, known as Hamburg, was the site of docks, glass factories, breweries, a gas works, and later stately homes and what were known as "alley dwellings." Shortly after World War II, public and private developers moved in, building large residential complexes, highways, government and private office buildings, and cultural and educational centers. At the same time, run-down housing stock was being purchased and rebuilt by a mix of people who formed the core of what is now the Foggy Bottom Association. This organization was dedicated to protecting and promoting the neighborhood.

Today, Foggy Bottom is an unusual mixture of homes, apartment dwellings, churches, hotels, restaurants, small businesses, large institutions and government agencies. Many old, historic buildings have been restored and are open to the public.

Music, art, good fellowship, and lots of history are all part of the anniversary program which culminates on June 19, 1999—the day the Foggy Bottom Association was incorporated in 1959.

Mr. Speaker, I ask the members of this body to join me in celebrating the Foggy Bottom Association and congratulating the membership for their commitment to the preservation and protection of one of our treasured neighborhoods.

CONSEQUENCES OF GUN CONTROL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PAUL. Mr. Speaker, I recommend that my colleagues read today's Washington Times article entitled "Disarming Good People" before voting on unconstitutional and counter-effective gun legislation. Outlined within, are some of the disastrous consequences of enacting more gun control. While the lawmakers demand even more restrictions on the sale, ownership, and the use of firearms, we currently have the highest level of gun control in our Nation's history. Yet only 50 years ago, there were no violent incidents in schools like the recent tragedy. Instead of rushing to disarm the law-abiding, let us first examine the current 20,000 gun laws already on the books for their effectiveness.

DISARMING GOOD PEOPLE

Editor's note: The following is an open letter from 287 economists, law-school professors and other academics to Congress, regarding gun-control legislation before the House of Representatives. Some but not all of the names of the signatories appear here.

After the tragic attacks at public schools over the last two years, there is an understandable desire to "do something." Yet, none of the proposed legislation would have prevented the recent violence. The current debate focuses only on the potential benefits from new gun control laws and ignores the fact that these laws can have some very real adverse effects. Good intentions don't necessarily make good laws. What counts is whether the laws will ultimately save lives, prevent injury, and reduce crime. Passing laws based upon their supposed benefits while ignoring their costs poses a real threat to people's lives and safety.

These—gun control laws will primarily be obeyed by law-abiding citizens and risk making it less likely that good people have guns compared to criminals. Deterrence is important and disarming good people relative to criminals will increase the risk of violent crime. If we really care about saving lives we must focus not only on the newsworthy events where bad things happen, but also on the bad things that never happen because people are able to defend themselves.

Few people would voluntarily put up a sign in front of their homes stating, "This home is a gun-free zone." The reason is very simple. Just as we can deter criminals with higher arrest or conviction rates, the fact that would-be victims might be able to defend themselves also deters attacks. Not only do guns allow individuals to defend themselves, they also provide some protection to citizens who choose not to own guns since criminals would not normally know who can defend themselves before they attack.

The laws currently being considered by Congress ignore the importance of deterrence. Police are extremely important at deterring crime, but they simply cannot be everywhere. Individuals also benefit from being able to defend themselves with a gun when they are confronted by a criminal.

Let us illustrate some of the problems with the current debate.

The Clinton administration wants to raise the age at which citizens can posses a handgun to 21, and they point to the fact that 18- and 19-year-olds commit gun crimes at the highest rate. Yet, Department of Justice numbers indicate that 18- and 19-year-olds are also the most likely victims of violent crimes including murder, rape, robbery with serious injury, and aggravated assault. The vast majority of those committing crimes in this age group are members of gangs and are already breaking the law by having a gun. This law will primarily apply to law-abiding 18- to-21-year-olds and make it difficult for them to defend themselves.

Waiting periods can produce a cooling-off period. But they also have real costs. Those threatened with harm may not be able to quickly obtain a gun for protection.

Gun locks may prevent some accidental gun deaths, but they will make it difficult for people to defend themselves from attackers. We believe that the risks of accidental gun deaths, particularly those involving young children, have been greatly exaggerated. In 1996, there were 44 accidental gun deaths for children under age 10. This exaggeration risks threatening people's safety if it incorrectly frightens some people from having a gun in their home even though that is actually the safest course of action.

Trade-offs exist with other proposals such as prison sentences for adults whose guns are misused by someone under 18 and rules limiting the number of guns people can purchase. No evidence has been presented to show that the likely benefits of such proposals will exceed their potential costs.

With the 20,000 gun laws already on the books, we advise Congress, before enacting yet more new laws, to investigate whether many of the existing laws may have contributed to the problems we currently face. The new legislation is ill-advised.

Sincerely,

Terry L. Anderson, Montana State University; Charles W. Baird, California State University Hayward; Randy E. Barnett, Boston University; Bruce L. Benson, Florida State University; Michael Block, University of Arizona; Walter Block, Thomas Borcherding, Claremont Graduate School; Frank H. Buckley, George Mason University; Colin D. Campbell, Dartmough College; Robert J. Cottrol, George Washington University; Preston K. Covey, Carnegie Mellon University; Mark Crain, George Mason University; Tom DiLorenzo, Loyola College in Maryland; Paul Evans, Ohio State University; R. Richard Geddes, Fordham University; Lino A. Graglia, University of Texas; John Heineke, Santa Clara University; David Henderson, Hoover Institution, Stanford University; Melvin J. Hinich, University of Texas, Austin; Lester H. Hunt, University of Wisconsin-Madison; James Kau, University of Georgia; Kenneth N. Klee, UCLA; David Kopel, New York University; Stanley Liebowitz, University of Texas at Dallas; Luis Locay, University of Miami; John R. Lott, Jr., University of Chicago; Geoffrey A. Manne, University of Virginia; John Matsusaka, University of Southern California; Fred McChesney, Cornell University; Jeffrey A. Miron, Boston University; Carlisle E. Moody College of William and Mary; Craig M. Newark, North Carolina State University; Jeffrey S. Parker, George Mason University; Dan Polsby, Northwestern University; Keith T. Poole, Carnegie-Mellon University; Douglas B. Rasmussen, St. John's University; Glenn Reynolds, University of Tennessee; John R. Rice, Duke University; Russell Roberts, Washington University; Randall W. Roth, Univ. of Hawaii; Charles Rowley, George Mason University; Allen R. Sanderson, University of Chicago; William F. Shughart II, University of Mississippi; Thomas Sowell, Stanford University; Richard Stroup, Montana State University; Robert D. Tollison, University of Mississippi; Eugene Volokh, UCLA; Michael R. Ward, University of Illinois; Benjamin Zycher, UCLA; Todd Zywicki, George Mason University.

CROP INSURANCE EQUALIZATION ACT OF 1999

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. CHAMBLISS. Mr. Speaker, I rise today to introduce the Crop Insurance Equalization Act of 1999. I am honored to have Representative MARION BERRY, Representative CHIP PICKERING, and Representative SANFORD BISHOP joining me as original cosponsors of this comprehensive crop insurance reform legislation.

The need for an effective safety net could not be more obvious. It is imperative that we provide our nation's farmers with a federal crop insurance program that is affordable and workable. Our farmers cannot and should not become dependent on annual disaster bills; in the past nine years, the federal government has spent over $9.5 billion in emergency farm funds. By crafting a strong program that will both increase participation in the program and increase affordability to farmers across the nation, we have sought to eliminate the need for such yearly crop loss disaster aid.

Back in February, Georgia's Eighth District hosted the House Agriculture Committee's Subcommittee on Risk Management, Research, and Specialty Crops for hearings on the federal crop insurance program. During those hearings, I personally witnessed how frustrated farmers and agents are with the program. Simply put, the program does not work for them.

The Crop Insurance Equalization Act of 1999 addresses concerns that have been voiced to the extent possible. This reform package significantly improves the program not only for farmers in the Southeastern United States, but for those across the entire nation. This bill does not simply make cosmetic changes to the program; it focuses attention on the root of the problem by seeking to restore an improved, updated rating system. Beyond reform for the crop insurance program, this bill expands the non-insured assistance program for those who cannot participate in crop insurance.

Crop insurance reform is a top priority for this Congress, and the Crop Insurance Equalization Act of 1999 is a sufficient vehicle for achieving appropriate reform.

TRIBUTE TO JONAS BRONCK APARTMENTS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I rise to pay tribute to Jonas Bronck Apartments for Senior Citizens, which will celebrate its 25th Anniversary of services to seniors and the Bronx community on Wednesday, June 15, 1999.

Mr. Speaker, the history of Jonas Bronck Apartments begins with the merger of one nearly-defunct Lutheran congregation and one small but vibrant Lutheran congregation in the Tremont section of the Bronx 32 years ago. In June of 1967, Pr. Albert O. Wollert, the pastor of Trinity Lutheran Church on East 178th Street, was called to serve concurrently as pastor of St. Thomas English Lutheran Church on Topping Avenue. St. Thomas English Lutheran Church had had a short but fruitful life of 59 years, but due to radical demographic changes in the neighborhood after the Second World War it has dwindled to a remnant of old members.

The young and visionary Pr. Wollert, then 39, saw an opportunity to bring life and service out of the death of a church. Within months Pr. Wollert managed to convince the "old St. Thomas" members to formally join with Trinity. He also managed to convince the members of Trinity to receive the small remnant of "old Saint Thomas" members into Trinity Church, and to name the merged congregation "Saint Thomas Evangelical Lutheran Church of The Bronx." The entire operation was finalized on December 12, 1967, and on Christmas Eve the two congregations worshiped together for the first time. From this time forward the church on East 178th Street, the current location, would be known simply as "St. Thomas Lutheran Church."

On June 3, 1968, the "old Saint Thomas" building, which is still standing at its original location, was sold to Bethany Church and Missionary Alliance. For over a year, the St. Thomas Congregation considered investing the proceeds in different types of projects.

After many adjustments and readjustments, and some help from then-Governor Nelson Rockefeller, the plans for a building to be called Jonas Bronck Apartments for Senior Citizens were approved, and a combination of state and federal funding was secured. Final approval was received on April 24, 1970, from the New York State Division of Housing and Community Renewal.

Mr. Speaker, on May 5, 1974, Jonas Bronck Apartments for Senior Citizens was formally dedicated and opened its doors to the senior citizens of our Bronx community and the larger New York metropolitan area. Though Jonas Bronck Apartments was the brainchild of a former pastor and the parishioners of St. Thomas Lutheran Church of The Bronx, the 216 unit, 16 story facility for seniors is a success story of cooperation between the private and governmental sectors.

I applaud the commitment and the efforts of everyone involved with Jonas Bronck Apartments for Senior Citizens, its board, staff, and supporters for the assistance they provide to the elderly.

Mr. Speaker, I ask my colleagues to join me in recognizing Jonas Bronck Apartments for Senior Citizens and the individuals who have made 25 years of service possible.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained yesterday returning from my congressional district. Had I been present for rollcall Vote No. 204, I would have voted "yea" on H.R. 1400, the Bond Price Competition Improvement Act of 1999.

TRIBUTE TO RABBI RICHARD A. BLOCK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. ESHOO. Mr. Speaker, I rise to honor Rabbi Richard Block, an outstanding leader of the 14th Congressional District and senior rabbi at the Congregation Beth Am in Los Altos Hills, California for the last twelve years. Rabbi Block steps down as head of this remarkable congregation this weekend to accept the post of President and Chief Executive of the World Union for Progressive Judaism in Jerusalem, the world's largest organization of religiously affiliated Jews.

Rabbi Block was ordained and awarded a Master of Arts in Hebrew Letters at Hebrew Union College-Jewish Institute of Religion in Cincinnati, Ohio in 1982. During his academic career, Rabbi Block earned numerous awards for academic distinction, writing and sermonic excellence.

Upon ordination, he was chosen Rabbi of Greenwich Reform Synagogue in Riverside, Connecticut and in 1987 came to Congregation Beth Am in Los Altos Hills, California.

As senior rabbi he helped create a variety of programs aimed at advancing Jewish education and congregational life. His achievements include: Experiment in Congregation, a unique national partnership aimed at reinvigorating Jewish education and congregational life; the creation of a nationally recognized program to integrate émigrés from the former Soviet Union in Jewish life; the Koret Synagogue Initiative, a collaboration between synagogues, the Koret Foundation and the Jewish Community Federation. Rabbi Block was honored by the Jewish Family and Children's Services of San Francisco with their prestigious 1999 "FAMMY Award", in appreciation and recognition of his extraordinary caring and dedicated community service.

Prior to his rabbinical studies, this remarkable man graduated from the Wharton School at the University of Pennsylvania, as well as the Yale Law School. He served as Editor of the Law Review and as a law clerk to a U.S. District Court Judge. Rabbi Block served in the U.S. Navy's Judge Advocate General's Corps, including a term as Special Assistant U.S. Attorney in San Diego.

Rabbi Block and his wife Susan have been married over thirty years and have two exceptional and loving sons, Joshua and Zachary.

Our community will miss Rabbi Block immensely. At the same time, we are extremely proud of the important work he will take on as President of the World Union.

Mr. Speaker, throughout his remarkable career, Rabbi Richard Block has preached a message of compassion, justice and service to others. Every day of his life he has served as a shining example of these values. It is for these reasons that I urge my colleagues to join me in honoring this noble man of faith and this passionate community leader for his inspired leadership of Congregation Beth Am. We honor him for his eloquent voice for good and his having made our community and our country infinitely better.

HONORING MRS. DORIS SPAIN ON THE OCCASION OF HER RETIREMENT FOR OUTSTANDING SERVICE TO THE TENNESSEE DEPARTMENT OF HEALTH AND THE STATE OF TENNESSEE

HON. BOB CLEMENT

OF TENESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mrs. Doris Spain and her service to the Tennessee Department of Health and the State of Tennessee.

Mrs. Spain will retire from the Tennessee Department of Health after 33 years of faithful service on June 30, 1999. She will be greatly missed.

Mrs. Spain, a native Tennessean, began her career with the Tennessee Department of Health in September of 1966 as a stenographer in the Division of Statistical Services. She now serves as Assistant Commissioner for the Bureau of Health Services, the department's largest bureau, with overall management responsibility for approximately 3,000 employees and an annual budget of $264 million. As Assistant Commissioner, Mrs. Spain directs the delivery of public health services to the citizens of Tennessee through 95 county health departments and 13 central office programs.

Mrs. Spain is a lifetime member of the Tennessee Public Health Association and has served that organization as co-chairperson of the Program Committee, chairperson of the Arrangements Committee, chairperson of the Awards Committee, board member, vice-president, and, in 1985, as president. In 1995, Mrs. Spain served as chairperson of the Awards Committee of the Rural Health Association of Tennessee. In addition, she is a member of the Southern Health Association, the Middle Tennessee Area Health Education Council, the Graduate Medical Program/Public Health Residency Advisory Committee of Meharry Medical College, the Board of Directors of the National Association of City and County Health Officials, the Board of Directors of the Rural Health Association of Tennessee, and the Board of Directors of the Comprehensive Care Center.

Mrs. Spain has been honored numerous times by her peers throughout her career. These awards include: the Distinguished Service Award, Area Health Education Center, 1987; the Distinguished Service Award, Tennessee Public Health Association, 1987; the Alex B. Shipley, MD Award, Tennessee Public Health Association, 1987; the Presidential Award, Rural Health Association of Tennessee, 1995; the Distinguished Service Award, Tennessee Public Health Association, 1997; and in 1990, she was selected to attend the Tennessee Government Executive Institute.

Mrs. Spain has worked tirelessly to improve the quality of public health in the State of Tennessee and has unselfishly served its citizens for over 33 years. Her caring and leadership have benefited not only the Department of Health, but all Tennesseans. She has served as an example to her peers, her friends and her family. For these reasons I honor Mrs. Doris Spain today and wish her the best in her retirement. God bless.

IN RECOGNITION OF CAPTAIN D.L. "PAPPY" HICKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to honor and pay tribute to a true American hero, Captain D.L. "Pappy" Hicks. In a recent trip to Washington, Pappy was honored by Congress for his dedication and service in the Secret Army, which operated in Laos during the Korean and Vietnam Wars.

Pappy was a deep, covert operator in clandestine operations in South Asia from 1959 until 1982. Many of these operations have remained concealed over the years as a result of their top secret nature. American citizens and U.S. troops, alike, were unaware that any fighting was occurring in Laos during the Vietnam War, hence the operations have often been called the "Secret War". The Secret Army was comprised of Hmong and other Laotian Mountain people in cooperation with the Royal Laotian Army and American advisors such as the CIA, U.S. Army Special Forces, and U.S. Army covert operators. Yet, as a result of the covert nature of their service, the men who gave their lives serving in the Secret Army in Laos are not recognized on the Vietnam War Memorial. Their mission was to find potential enemies of the United States operating within the Laotian borders with the North Vietnamese. Reportedly, these men saved thousands of American lives through their efforts; thus, their recent Washington tribute was an emotional one for Pappy.

At the ceremony, Pappy was given a pa'ndua, a ritualistic cloth used to tell the history of the Hmong people, by General Vang Pao, his Laos commanding officer. In his speech, Pappy struggled to fight back tears as he recollected his time in Laos and the injuries he sustained while operating in that area. As he spoke to his fellow soldiers, Pappy remarked, "Ever so often, years after the fact, when we become old men, we who worked in the dark are let out in the light for a moment of glory. For me, this is the day".

Captain Hicks, from the Fourth District of Texas, currently resides in Troup, Texas, with his lovely wife of forty-five years, Marjorie Ann Tupa. Mr. Speaker, as we adjourn today, let us do so in honor of this true American hero—Captain D.L. "Pappy" Hicks.

UPON INTRODUCTION OF THE COMMUNITY HOSPITAL PRESERVATION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LAFALCE. Mr. Speaker, today, I am introducing the Community Hospital Preservation Act. The purpose of this legislation is to provide a financial lifeline to those community hospitals that are struggling for survival.

Hospitals in general are under significant financial pressure from a number of sources, which include Medicare and Medicaid cuts, reductions in managed care reimbursements, and a significant increase in the number of uninsured patients.

Small, non-profit community hospitals are particularly at risk. As non-profits, they lack the access to equity capital that for-profit hospitals have. As smaller hospitals, they lack the economies of scale and negotiating leverage that larger hospitals or chains have in dealing with suppliers, insurers, and managed care firms. In my district, statewide, and nationwide, we are seeing community hospitals cutting health care services, laying off employees, and in too many cases, fighting for survival.

The Community Hospital Preservation Act would help stabilize the finances of these hospitals and keep them operational, by authorizing up to $1 billion a year in capital loans over five years for non-profit community hospitals in financial distress.

Under the legislation, community hospitals are eligible for forgivable capital loans if they are non-profit, have assets of less than $75 million, are experiencing financial difficulties, and are an "essential source of basic hospital health care services" in the local community. The forgivable loans may range from $100,000 to $2.5 million per hospital. Each loan must be matched dollar for dollar with a state, local, or private grant or loan. If the hospital continues to meet annual eligibility criteria, including operational efficiencies, the capital loan will be forgiven over time, and thereby converted into a grant.

Non-profit community hospitals serve an essential public purpose in their local communities. Hospital closures or service reductions adversely affect the families and individuals who rely on that hospital for life-saving care. Hospital closure also undermine the broader economic health of a community. There is clearly a public purpose in maintaining and enhancing these institutions.

Two years ago, as part of the Balanced Budget Act, Congress reduced Medicare and Medicaid reimbursements to hospitals. The same federal government that has taken such actions should be prepared to step in to soften the blow of these cuts for those hospitals most at risk. Both political parties have pledged to set aside trillions to save Social Security for our senior citizens. It is not too much to set aside a tiny fraction of that to save the hospitals that provide essential health security for those same seniors, as well as so many others.

A SALUTE TO RICHARD UMANSKY, MD, DIRECTOR OF THE CHILD DEVELOPMENT CENTER OF CHILDREN'S HOSPITAL OAKLAND

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. LEE. Mr. Speaker, I rise to recognize and honor Richard Umansky's service to children and their families in the East Bay and Northern California. Dr. Umansky is the Director of the Child Development Center of Children's Hospital Oakland and will be retiring at the end of June 1999 after 34 years of dedicated service.

Dr. Umansky has dedicated his career to the provision of quality health care services for infants and children with developmental disabilities and for those with the risk of developmental disabilities.

Throughout his 34 year career with Children's Hospital Oakland, Dr. Umansky has displayed strong and passionate leadership. His highlights include developing and realizing a vision of comprehensive diagnostic and therapeutic services of the highest quality for the child with developmental disabilities; establishing and directing the Children's Hospital Oakland Child Development Center from 1965 to the present with the mission of providing diagnostic, treatment and prevention services for children with or at risk for disabilities, and their families; providing leadership in developing a wide range of service organizations for persons with disabilities, including the Regional Center of the East Bay; working collaboratively with community organizations to effectively link health care with other services for children with disabilities, such as the schools; training hundreds of health care providers, including physicians, public health nurses, NICU nurses, infant development specialists, therapists, nutritionists, psychologists and others; serving as a community and state advocate for improved services and funding for individual children and groups of children with disabilities; conducting and collaborating on basic and clinical research in the areas of child development, medication, behavioral therapies, and nutritional management of children with specific disorders.

Dr. Umansky has made a positive and profound impact on the lives of many individuals and organizations in our community. His leadership skills and dedication will be sorely missed. I proudly join his many friends and colleagues in thanking and honoring him for his remarkable career with Children's Hospital Oakland and extending to him my best wishes on his upcoming retirement.

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, sixteen outstanding young individuals from the 3rd Congressional District of Illinois, who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the past months: George C. Hollich, Jason Staidl, Scott Joschko, Edward A. Distel, Joseph Jania, Erik A. Koster, Robert J. Landers, Jr., Thomas X. Polanski, Geoffrey Nikiel, Daniel S. Kantorski, Steve A. Debnar, Marc T. Sands, David Kantorski, Kyle Rusnak, Mark Dries, and Brian E. Backstrom. These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish them the very best in all of their future endeavors.

VERN STOVER RECOGNIZED FOR LONGTIME COMMITMENT TO BOY SCOUTING

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. OXLEY. Mr. Speaker, I rise today to salute an outstanding community leader who has devoted himself to public service throughout his life: Mr. Vern Stover of Mansfield, Ohio. His dedication in volunteering his time to the Boy Scouts of America has led to his being honored with the Heart of Ohio Council's Good Scout Award.

The Good Scout Award is presented to civic and community leaders who commit to living by the Scout Oath and the Scout Law, and who demonstrate a longstanding commitment to Scouting. In his 14 years as an active Scouting volunteer, Vern has more than proven his commitment and dedication to the Boy Scouts, serving in numerous capacities on various boards and committees. He is currently the chairman of the Council Advisory Board, and is a member of the Council Executive Board and the Council Long-Range Plan Properties Committee. Vern is also a Past Council Commissioner and Past National Council Representative.

Vern is a retired agent of the Federal Bureau of investigation, and currently serves as a common pleas court bailiff. In addition to his extensive work with the Boy Scouts, he also has an active record of community service with SCORE and Rotary.

As a fellow former FBI agent, I am honored to recognize my friend Vern for his exemplary record of public service, and to add my congratulations to that of many others as he receives the Good Scout Award.

A TRIBUTE TO AN OUTSTANDING PAGE, MS. KAREN RENE SCHULIEN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PORTER. Mr. Speaker, I rise today to pay tribute to Karen Rene Schulien who has served with distinction as a House Page from September of last year until the afternoon of Friday June 11, 1999. Karen carried out her duties with a smiling face and a good attitude. She provided near-flawless service, emerging as one of only a handful of pages to not receive a single demerit the entire year! Indeed, on many days, she performed her assignments with such speed that the page directors let her leave early because she had finished all the work they could find for her! Her dedication and hard work, coupled with a friendly demeanor, serve as an example we would all be better for following.

Karen's successes speak to the strengths of the page program. Karen and her fellow pages have had the opportunity to watch historic proceedings in these chambers, including a presidential impeachment, debate on the declaration of war, and the deliberations of the budget process. Without the page program, these exceptional young people would not be able to have such learning experiences. This is a wonderful program, and I am happy to be a part of it.

Mr. Speaker, Karen served with distinction and poise, making all our jobs easier and more enjoyable. I heartily congratulate Karen on her service, and officially thank her for the time and friendship she has offered in service to the U.S. House of Representatives.

TRIBUTE TO DR. E. NEAL ROBERTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BROWN of California. Mr. Speaker, for a number of years now, my colleague Mr. LEWIS of California and I have shared the distinct honor of representing the City of San Bernardino in the House of Representatives. It is a diverse, every-growing and ever-changing community with unique challenges and residents dedicated to working together and to making our local quality of life the best it can be. Today, we wish to recognize the outstanding achievements of a gentleman who has seen the city through a myriad of changes and who has influenced countless lives through several generations. He has served the heart of this city—its public education system—for 45 years.

Dr. E. Neal Roberts has been with the San Bernardino City Unified School District since 1954. He began as a teacher, then served as an elementary school vice principal and principal, then made his way to the district office, holding three assistant superintendent posts. In 1982, he was chosen to be the Superintendent of San Bernardino City Schools, and in an era where superintendents of urban school districts come and go in as little as three or four years, Dr. Roberts dedicated 17 years of vision and commitment to the children in our community.

Dr. Roberts' list of achievements is practically endless. He is the true definition of an educator and a leader. During his tenure, Dr. Roberts led the district to become recognized across the state for developing and implementing outstanding programs in desegregation, student achievement and performance at grade level, school and student safety, and an assessment/accountability system for all K–12 principals and schools. His long list of honors and awards include the University of Redlands Excellence in Teaching Award, a San Bernardino County Schools Distinguished Service Award, the Golden Apple Award, a Living Legend Recognition Award, and a Citizen of Achievement Award from the League of Women Voters.

Yet what distinguishes Dr. Roberts is not his long list of awards, but his spirit of kindness, professionalism and fairness, and his clear dedication to children and to the community. He is deeply admired and respected by many, especially teachers, throughout the city. Dr. Roberts has been an inspiration and guiding force through good times and bad for the City of San Bernardino. He has seen the city through desegregation, working hard for racial equality; through economic downturns and base closures; and through ever-changing demographics that add new challenges for the school system. He has been a steady presence for students and their families and has always given his best to our community.

Dr. Roberts' stewardship has set an outstanding example and we are proud that he is our constituent. When he retires this month he will be sorely missed, yet his legacy will undoubtedly remain for years. We consider ourselves lucky to have worked with Dr. Roberts and extend our sincere thanks and appreciation for his years of remarkable service and our best wishes for the future.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

The House in Committee of the Whole House on the State of the Union has under consideration the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise in opposition to H.R. 1000.

Although I support the reauthorization of the FAA and the Airport Improvement Program, I find the manipulation of the current budget structure in this bill detrimental to the fiscally sound budget process the Republicans have been fighting for, and have achieved, as the majority party.

Why do we want to take a step backwards, back to when this House was governed by a tax and spend policy, in a misguided attempt to drastically inflate a federal agency's budget?

Where is the Republican agenda—the agenda to make the federal government smaller, leaner, more efficient?

It is disappointing to see the bill come before the House today under the slogan of "unlocking the Aviation Trust Fund." Federal trust funds are not your run-of-the-mill trust fund that can be compared to a family or business trust fund. These federal trust funds are authorizations for appropriations, and this has always been the intent since their creation.

But, don't take my word for it. Let me quote a CRS report:

> Whatever their intended purposes, federal trust funds are basically record-keeping devices that account for the spending authority available for certain programs. Although frequently thought of as holding financial assets, they do not.

I repeat: trust funds do not hold financial assets; there is not money in them.

The report goes on to say:

> Simply stated, as long as a trust fund has a balance, the Treasury Department has authority to keep issuing checks for the program, but balances do not provide the treasury with the cash to cover these checks.

So if it's the right policy to take trust funds off-budget, where is the cash going to come from to cover the checks written on the trust fund balances? Are we going to cut funding for our schools, for law enforcement, for environmental programs, for our Veterans? Are we going to increase the debt, raise taxes? I hope not.

And we are not talking about a few dollars. There are over 100 federal trust funds, and this bill deals with only one. But, at the end of FY1997, these trust funds had a combined "virtual balance" of $1.520 trillion—that's one and a half trillion dollars! If we are going to unlock our trust funds because this money was intended for specific purposes, we need to find $1½ trillion to put real money into these funds.

In addition, we simply cannot govern a nation by compartmentalizing our budget through dedicated funding streams. Revenue streams must be spent on the nation's priorities as a whole. You can't run a business by restricting cash flows to expenses directly attributable to their related sales. Can GM effectively compete in the world market if the money they received from selling shock absorbers couldn't be used for maintenance of brake manufacturing equipment? No. GM can't, and neither can the federal government.

We need to take a step back and understand where this road leads us. I understand the supporters of this measure see guaranteed money every year. Wouldn't this be nice if everyone had a guaranteed stream of cash flowing into their coffers every October First? But, that is not the way to run a fiscally responsible government.

Republicans have governed our nation's tax dollars with restraint and have given the taxpayer some of this money back with tax cuts. Let's not sabotage 4 and a half years of work. We should be looking at ways of streamlining federal agencies, not bloating their budgets by creating a mandatory account and increasing the taxes for this account.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 17, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings to examine the black market peso exchange, focusing on how U.S. companies are used to launder money.

SH–216

JUNE 22

Time to be announced

Foreign Relations

To hold hearings on the nomination of Gwen C. Clare, of South Carolina, to be Ambassador to the Republic of Ecuador.

SD–562

9:30 a.m.

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on professional development.

SD–628

Intelligence

Armed Services

Energy and Natural Resources

Governmental Affairs

To hold joint hearings on the President's Foreign Intelligence Advisory Board's report to the President: Science at its

Best: Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.

SD–106

10 a.m.

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings to examine confronting threats to security in the Americas.

SD–562

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Lawrence H. Summers, of Maryland, to be Secretary of the Treasury.

SD–538

Finance

Business meeting to mark up the proposed Generalized System of Preferences Extension Act, the proposed Trade Adjustment Assistance Reauthorization Act, and the proposed U.S. Caribbean Basin Trade Enhancement Act.

SD–215

2 p.m.

Judiciary

To resume hearings on S. 952, to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities.

SD–226

2:30 p.m.

Energy and Natural Resources

To hold hearings to explore the effectiveness of existing federal and industry efforts to promote distributed generating technologies, including solar, wind, fuel cells and microturbines, as well as regulatory and other barriers to their widespread use.

SD–366

Foreign Relations

To hold hearings on the nomination of Richard Holbrooke, of New York, to be the Representative to the United Nations with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations.

SH–216

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings to examine the Older Americans and a National Family Caregiver Support Program.

SD–628

JUNE 23

9 a.m.

Environment and Public Works

Business meeting to mark up S. 1090, to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD–406

9:30 a.m.

Indian Affairs

To hold oversight hearings on National Gambling Impact Study Commission report.

SR–485

10 a.m.

Governmental Affairs

To hold hearings on interagency Inspectors General report on the export control process for dual-use and munitions list commodities.

SD–342

Judiciary

To hold hearings on issues relating to religious liberty.

SD–226

1:30 p.m.

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on issues relating to salmon recovery.

SD–406

2:15 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 503, designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; S. 953, to direct the Secretary of Agriculture to convey certain land in the State of South Dakota to the Terry Peak Ski Area; S. 977, to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land; and S. 1088, to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility.

SD–366

2:30 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on enforcement priorities against criminal aliens.

SD–226

JUNE 24

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the impications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.

SD–366

10 a.m.

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on Title VI.

SD–628

JUNE 29

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.

SH–216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.

SD–366

JUNE 30

9:30 a.m.

Indian Affairs

To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting to consider pending calendar business.

Room to be announced

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR–301

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service Economic Action programs.

SD–366

JULY 1

9:30 a.m.

Indian Affairs

To hold hearings to establish the American Indian Educational Foundation.

SR–485

Energy and Natural Resources

To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.

SH–216

JULY 14

9:30 a.m.

Indian Affairs

Energy and Natural Resources

To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.

Room to be announced

JULY 21

9:30 a.m.

Indian Affairs

To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.

SR–485

JULY 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.

SR–485

AUGUST 4

9:30 a.m.

Indian Affairs

To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health

Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Thursday, June 17, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Washington Johnson II, Maranatha Seventh Day Adventist Church, Jackson, TN.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Washington Johnson II, offered the following prayer:

Let us pray.

Almighty God, who has worked through leaders in all ages to shape the events of history, we pray for the women and men in this Senate today. May they sense Your guiding providence and find wonder in the thought that You have chosen them through the voice of the American people to lead this mighty Nation. While they are here in this historic Chamber, remind them of their accountability to You for every choice which they shall make. May they live humbly and peacefully before You as they lead in making laws to govern our land. May they remember the limitations of human wisdom and power, and may they rely constantly on You, the omnipotent One, for strength and guidance. Dwell in the secret places of their hearts and grant them peace. Reveal Yourself to them; be the unseen Friend beside them in every changing circumstance. And may we all aspire for the day when *nation shall not lift up sword against nation, neither shall they learn war anymore.*—Isaiah 2:4. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. GREGG. Mr. President, today the Senate will be in a period of morning business until 11:20 a.m. Following morning business, the Senate will begin consideration of H.R. 1664, the steel, oil, and gas appropriations legislation, with amendments expected to be offered. Therefore, votes are anticipated throughout the day. Tomorrow, it is the intention of the leader to take up and complete action on the State Department authorization bill. Therefore, votes will take place during Friday's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 11:20 a.m., with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the Senator from New Hampshire, Mr. GREGG, is recognized to speak for up to 40 minutes.

NATIONAL FATHER'S RETURN DAY

Mr. GREGG. Mr. President, Senator LIEBERMAN and I today introduce a resolution which asks that June 20, Father's Day, be further designated as "National Father's Return Day." The purpose of this resolution is to highlight the fact that fathers are needed in the family.

I heard Governor George Bush speak this past weekend in New Hampshire, and one of the things that really resonated with me was that he said the most important job we have is not being a Governor or being a Senator or being head of an assembly line or working at a restaurant; the most important job we have is to be good moms and pops. That is absolutely true. Unfortunately, in our country today, one out of every three children is currently in a household without a father. That has a devastating impact on the manner in which these children perceive life and the manner in which these children are raised.

We all know that in this time of difficult economic activity, where, unfortunately, it does take two parents working to raise a family in many households, there is great stress on the family to begin with and there is always the question of enough family time. There is always the question of having enough time to be with our children and have our children get from their parents the values and the ideas that are so critical.

Coupled with the fact that so many children are being raised in households where there is no father, it is absolutely critical that we refocus ourselves on the importance of the father in the household and that we say to those fathers who maybe have left the household and are not spending the type of time they should with their children, who are not coming back as regularly as they should or not taking the extra initiatives, the extra time it takes to be with their children during periods when it is convenient for both the mother and the father: Think about this, think about what you are doing, and think about your obligations as a father.

So this initiative which we put forward today, this resolution to designate June 20 as National Father's Return Day, has as its purpose to highlight this fact and to say to fathers throughout our Nation, think about your opportunity as a father, not only fathers outside the home but fathers who are still in the nuclear family, think about your responsibilities and make sure you are living up to that obligation, because as a Nation I think we must all understand we are never going to be able to be a nation of values, a nation of moral strength, a nation of purpose, unless we give our children, the next generation, a sense of purpose, a sense of values, and a sense of moral strength. The father plays a major role in accomplishing that.

So this resolution, which I will not read in its entirety, although it is an excellent resolution, I must admit, has as its resolve clause:

> Be it *Resolved*, That the Senate—
>
> (1) recognizes that the creation of a better United States requires the active involvement of fathers in the rearing and development of their children;
>
> (2) urges each father in the United States to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the emotional, academic, moral, and spiritual development of his children;
>
> (3) urges the States to hold fathers who ignore their legal responsibilities accountable for their actions and to pursue more aggressive enforcement of child support obligations;
>
> (4) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, affectionate, family environment.
>
> (5) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who do want to become more engaged in the lives of their children;
>
> (6) to demonstrate the commitment of the Senate to those critically important goals, designates June 20, 1999, as "National Father's Return Day";
>
> (7) calls on fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend National Father's Return Day with their children, and to express their love and support for them.

Then it requests that the President issue a proclamation calling on the people of the United States to observe

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

National Father's Return Day with appropriate ceremonies and activities.

I certainly appreciate the chance to participate in this resolution, which was the idea and the initiative of the Senator from Connecticut, who has so many good ideas in the area of trying to improve family values in our Nation.

So it is a pleasure for me to join with him on this resolution, to be a cosponsor of this resolution, and participate in offering it today.

I reserve the remainder of my time.

ORDER OF PROCEDURE

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that, of the 40 minutes reserved for the minority leader, 10 minutes be yielded to me and 10 minutes to Senator REED of Rhode Island. I assume that would still accommodate the Senator from Connecticut. That would leave 20 minutes.

Mr. LIEBERMAN. I thank my friend from New Jersey. I have access to the time allotted to the Senator from New Hampshire.

Mr. GREGG. Will the Senator from New Jersey allow the Senator from Connecticut to go forward in conjunction with this resolution?

Mr. TORRICELLI. If that is the Senator's wish.

Mr. LIEBERMAN. If it fits the Senator's schedule. I don't expect to take but 10 minutes.

Mr. TORRICELLI. Mr. President, if I could amend my unanimous consent request that Senator LIEBERMAN be allowed to proceed, followed by myself for 10 minutes and Senator REED of Rhode Island for 10 minutes, and, furthermore, that Rebecca Morley, a fellow of Senator REED, be given access to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, and a friendly amendment of 10 minutes for the Senator from Illinois named DURBIN.

The PRESIDING OFFICER. Is there objection, with the suggested amendment?

Mr. GREGG. Mr. President, I further request that be amended to ask that Senator COLLINS have 10 minutes at the conclusion of the Senators who have just spoken.

The PRESIDING OFFICER. To restate the unanimous consent request, the Chair understands the request to be the Senator from Connecticut be allowed to go forward for 10 minutes at this time, followed by the Senator from New Jersey, the Senator from Rhode Island, the Senator from Illinois, and then—

Mr. GREGG. The Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine—each for 10 minutes, respectively.

Mr. TORRICELLI. Mr. President, reserving the right to object, and that Rebecca Morley, a fellow with Senator REED, be granted privileges of the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 10 minutes of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

NATIONAL FATHER'S RETURN DAY

Mr. LIEBERMAN. Mr. President, for most of us, Father's Day, which of course is this coming Sunday, is a special day of love, family, appreciation, a customary time for giving ties and, if you will allow me, for renewing ties of a different sort. But for a staggering number of American children, there will be no ties of either kind to celebrate this Sunday. The sad reality is that an estimated 25 million children—more than 1 out of 3—live absent their biological father, and 17 million kids live without a father of any kind. About 40 percent of the children living in fatherless households have not seen their dads in at least a year; and 50 percent of children who don't live with their fathers have never stepped foot in their father's home.

This growing crisis of father absence in America is taking a terrible toll on these children who are being denied the love, guidance, discipline, emotional nourishment, and daily support that fathers can provide. As dads disappear, the American family is becoming significantly weaker and less capable of fulfilling its fundamental responsibility of nurturing and socializing children and conveying values to them. In turn, the risks to the health and well-being of America's children are becoming significantly higher.

Children growing up without fathers, research shows, are far more likely to live in poverty, to fail in school, to experience behavioral and emotional problems, to develop drug and alcohol problems, to be victims of physical abuse and neglect and, tragically, to commit suicide. It is, of course, not just those children individually who are suffering but our society as a whole. Many mothers and fathers are so busy today that they are less involved in their children's lives than in the past. But this absence is particularly consequential when it comes to fathers, for they play such a critical role in socializing and providing boundaries to children, particularly to boys.

The devastating consequences of father absence for communities—and particularly urban communities—has been broadly documented in a report released just this week by the Institute For American Values and the Morehouse Research Institute. The report was titled "Turning the Corner on Father Absence in Black America." It was discussed in a powerful column by Michael Kelly, which appeared in Wednesday's Washington Post.

I ask unanimous consent that the entirety of Mr. Kelly's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NATIONAL CALAMITY

So now we are four, as along comes Jack, 8 pounds, 4 ounces, to join Tom, who for the record welcomes this development; and now I know what my job will be for the remainder of my days. I will be the man sitting behind the driver's wheel saying: Boys, listen to your mother.

This is a good job, and one of the better things about it is the nice clarity it lends to life. Fathers (and mothers) relearn that the world is a simple enough place. They discover that their essential ambitions, which once seemed so many, have been winnowed down to a minimalist few: to raise their children reasonably well and to live long enough to see them turn out reasonably okay. This doesn't seem like a great deal to ask for until you find out that it is everything to you. Because, it turns out, you are everything to them.

We know this not just emotionally but empirically. We know—even Murphy Brown says so—that both fathers and mothers are essential to the well-being of children. Successive studies have found that children growing up in single-parent homes are five times as likely to be poor, compared with children who have both parents at home. They are twice as likely (if male, three times as likely) to commit a crime leading to imprisonment. They are more likely to fail at school, fail at work, fail in society.

What, then, would we say about a society in which the overwhelming majority of children were born into homes without fathers and who grew up, in significant measure, without fathers? We would say that this society was in a state of disaster, heading toward disintegration. We would say that here we had a calamity on a par with serious war or famine. And, if that society were our own, we would, presumably, treat this as we would war or famine, with an immediate and massive mobilization of all of our resources.

Of course, this society is our own. Of black children born in 1996, 70 percent were born to unmarried mothers. At least 80 percent of all black children today can expect that a significant part of their childhood will be spent apart from their fathers.

Millions of America's children live in a state of multiplied fatherlessness—that is, in homes without fathers and in neighborhoods where a majority of the other homes are likewise without fathers. In 1990, 3 million children were living in fatherless homes located in predominantly fatherless neighborhoods—neighborhoods in which a majority of the families were headed by single mothers. Overwhelmingly, those children were black.

These figures, and most of the others that follow, come from a report, "Turning the Corner on Father Absence in Black America," released to no evident great concern this week by the Morehouse Research Institute and the Institute for American Values.

As the report notes, things were not always thus. In 1960, when black Americans

> lived with systemtic oppression, 78 percent of black babies were born to married mothers, an almost mirror reversal of today's reality. In the 1950s, a black child would spend on average about four years living in a one-parent home. An estimated comparable figure for black children born in the early 1980s is 11 years. According to the research center Child Trends, the proportion of black children living in two-parent families fell by 23 percentage points between 1970 and 1997, going from 58 percent to 35 percent.
>
> The disaster of black fatherlessness in America is part of a larger crisis. In every major demographic group, fatherlessness has been growing for years. Among whites, 25 percent of children do not live in two-parent homes, up from 10 percent in 1970. Overall, on any given night, four out of 10 children in America are sleeping in homes without fathers. (True, in the past few years, the number of out-of-wedlock births has begun to fall, but that trend is too nascent and too modest to much affect the situation.)
>
> Some people think all of this matters. One is David Blankenhorn, a liberal organizer who learned realities as a Vista volunteer and who 11 years ago founded the Institute for American Values, co-author of this week's report. It is Blankenhorn's modest suggestion that fathers are necessary to children, that their abdication on a large scale is calamitous to the nation and that the people who run the nation should do something serious about this.
>
> The man who currently runs it is not a factor here; he does not do serious. What about the men who would run it? Al Gore says nothing; he is too busy fighting the loss of green spaces in Chevy Chase. Bill Bradley preaches about racism but is silent about the ruination of a race. George W. Bush is full of compassionate conservatism, but he won't say quite what that is. And so on. History will wonder why America's leaders abandoned America's children, and why America let them do so.

Mr. LIEBERMAN. Mr. President, I want to say just a few words on the jarring statistics from that report and column for my colleagues. Of African American children born in 1996, 70 percent were born to unmarried mothers. At least 80 percent, according to the report, can expect to spend a significant part of their childhood apart from their fathers.

We can take some comfort and encouragement from the fact that the teen pregnancy rate has dropped in the last few years. But the numbers cited in Mr. Kelly's column and in the report are nonetheless profoundly unsettling, especially given what we know about the impact of fatherlessness, and indicate we are in the midst of what Kelly aptly terms a "national calamity." It is a calamity. Of course, it is not limited to the African American community. On any given night, 4 out of 10 children in this country are sleeping in homes without fathers.

At the end of this column, Michael Kelly asks: How could this happen in a Nation like ours? And he wonders if anyone is paying attention.

Well, the fact is that people are beginning to pay attention, although it tends to be more people at the grassroots level who are actively seeking solutions neighborhood by neighborhood. The best known of these groups is called the National Fatherhood Initiative. I think it has made tremendous progress in recent years in raising awareness of father absence and its impact on our society and in mobilizing a national effort to promote responsible fatherhood.

Along with a group of allies, the National Fatherhood Initiative has been establishing educational programs in hundreds of cities and towns across America. It has pulled together bipartisan task forces in the Senate, the House, and among the Nation's Governors and mayors. It has worked with us to explore public policies that encourage and support the efforts of fathers to become more involved in the lives of their children.

Last Monday, the National Fatherhood Initiative held its annual national fatherhood summit here in Washington. At that summit, Gen. Colin Powell, and an impressive and wide-ranging group of experts and advocates, talked in depth about the father absence crisis in our cities and towns and brainstormed about what we can do to turn this troubling situation around.

There are limits to what we in Government can do to meet this challenge and advance the cause of responsible fatherhood because, after all, it is hard to change people's attitudes and behaviors and values through legislation. But that doesn't mean we are powerless, nor does it mean we can afford not to try to lessen the impact of a problem that is literally eating away at our country.

In recent times, we have had a great commonality of concern expressed in the ideological breadth of the fatherhood promotion effort both here in the Senate and our task force, but underscored by statements that the President, the Vice President, and the Secretary of Health and Human Services have made on this subject in recent years. Indeed, I think President Clinton most succinctly expressed the importance of this problem when he said:

> The single biggest social problem in our society may be the growing absence of fathers from their children's homes because it contributes to so many other social problems.

So there are some things we can and should be trying to do. I am pleased to note our colleagues, Senators BAYH, DOMENICI, and others have been working to develop a legislative proposal, which I think contains some very constructive and creative approaches in which the Federal Government would support financially, with resources, some of these very promising grassroots father-promotion efforts, and also encourage and enact the removal of some of the legal and policy barriers that deter men from an active presence in their children's lives.

Another thing I think we can do to help is to use the platform we have on the Senate floor—this people's forum—to elevate this problem on the national agenda. That is why Senator GREGG and I have come to the floor today. I am particularly grateful for the cosponsorship of the Senator from New Hampshire, because he is the chairman of the Senate Subcommittee on Children and Families. We are joined by a very broad and bipartisan group of cosponsors which includes Senators BAYH, BROWNBACK, MACK, DODD, DOMENICI, JEFFORDS, ALLARD, COCHRAN, LANDRIEU, BUNNING, ROBB, DORGAN, DASCHLE, and AKAKA. I thank them all for joining in the introduction of this special resolution this morning, which is to honor Father's Day coming this Sunday, but also to raise our discussion of the problem of absent fathers in our hopes for the promotion of responsible fatherhood.

Senator GREGG indicated this resolution would declare this Sunday's holiday as National Fathers Return Day and call on dads around the country to use this day, particularly if they are absent, to reconnect and rededicate themselves to their children's lives, to understand and have the self-confidence to appreciate how powerful a contribution they can make to the well-being of the children that they have helped to create, and to start by spending this Fathers' Day returning for part of the day to their children and expressing to their children the love they have for them and their willingness to support them.

The statement we hope to make this morning in this resolution obviously will not change the hearts and minds of distant or disengaged fathers, but those of us who are sponsoring the resolution hope it will help to spur a larger national conversation about the importance of fatherhood and help remind those absent fathers of their responsibilities, yes, but also of the opportunity they have to change the life of their child, about the importance of their fatherhood, and also help remind these absent fathers of the value of their involvement.

We ask our colleagues to join us in supporting this resolution, and adopting it perhaps today but certainly before this week is out to make as strong a statement as possible and to move us one step closer to the day when every American child has the opportunity to have a truly happy Father's Day because he or she will be spending it with their father.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey, Senator TORRICELLI, is recognized for 10 minutes.

Mr. TORRICELLI. Thank you, Mr. President.

THE CHILDREN'S LEAD SAFE ACT

Mr. TORRICELLI. Mr. President, in our constitutional government, it is the Congress that is entrusted to reflect both the desires of our people and it was envisioned that it is this Congress that would be the most responsive to immediate public need.

But there has arisen in recent years both a frustration with the Congress and a tendency to rely upon other institutions. Patterns emerged in the fight against tobacco and the health care crisis that have come from citizens, aggrieved parties who have relied upon the Federal courts to redress their grievances. Indeed, the same pattern is now occurring with regard to the problems of gun violence and the inability of Congress to respond to the legitimate needs of controlling these dangerous weapons in their design and in their distribution, leading citizens to, once again, rely upon the Federal courts.

I rise today because there is now a third rising frustration with the American people that is leading them to the Federal courts rather than to the Federal Congress. I am addressing the problem of lead poison.

Victims of lead poisoning are suing corporations that have manufactured this paint before its residential use was banned in 1978, recognizing that lead today is the leading health hazard to children in many communities around America.

Despite all of our efforts in the last 20 years to ban lead paint to protect American children, there are still estimated to be 890,000 children in America who suffer from elevated levels of lead poisoning in their blood. This lead poisoning in America's children leads to physical impairment, mental impairment, and severe behavioral problems in children. In extreme cases, this leads to comas, mental retardation, brain damage, and even death.

In 1992, the Congress made a commitment to our children. It was our collective judgment we would mandate that States test every child under 2 years of age in America, using Medicaid, to determine the level of lead poison. This mandatory screening would limit the dangers of lead to children with the highest risk of exposure. We felt confident, because 75 percent of the highest risk children were already in Federal health care programs.

There was a recognition that these children were five times more likely than other children in America to be exposed to lead and to have these potential impairments because they lived in older housing and were less likely to have access to health care. The fact of the matter is that, despite 20 years of congressional good intentions and this mandatory program through Medicaid, children in America are not being protected. A recent GAO report indicates that two-thirds of children on Medicaid have never been tested for lead. Over 400,000 children with high lead in their blood are unidentified, and these children need our help.

Just like in the tobacco cases, and now with the gun cases, citizens are frustrated. The Congress expressed good intentions. It legislated. But there is no response. Indeed, citizens now are left with the thought of having nothing happen, or to pursue their grievances in the Federal courts. The Congress has not provided an answer. That is why Senator REED and I have introduced the Children's Lead Safe Act, S. 1120.

This legislation would ensure that every Federal program which serves children at risk in our country is testing them for lead. We are not asking. We are not hoping for the best. We are requiring an answer, and that every child in a Federal program today—Head Start and WIC—be involved; ensuring that we know whether or not these children have high lead levels; recognizing that every day that goes by and that every year of development of these children leaves them at risk for brain damage, developmental problems, or even death.

Our legislation requires that WIC and Head Start centers determine if a child has been tested. It guarantees that Medicaid contracts explicitly require health care providers to adhere to Federal rules for screening and treatment. It requires that States report to the Federal Government the number of children on Medicaid who have been tested. At long last, we will require the testing, ensure there is funding for the testing, and then finally know how many children are at risk and the nature of their risk.

This legislation will also ensure that States and Federal agencies have the resources. This is not a mandate without a financial alternative. Reimbursement to WIC and Head Start will be provided for screening costs; and, indeed, we go further and create a bonus program to reward States for every child screened above 65 percent of the Medicaid population. But, indeed, screening, reimbursement for screening, and mandatory screening is only part of what Senator REED and I would provide.

Finally, we will do this: expand Medicaid coverage to include treatment for lead poisoning. If we identify a child who has an elevated lead poisoning level, that child is given immediate treatment before brain damage, paralysis, or learning disabilities become permanent.

Second, we improve information on lead poisoning so parents who live in older housing in our older cities where the risk is greatest know how to identify the dangers, change the living environment, and deal with the problem. We encourage the CDC to develop information-sharing guidelines to health departments, drug test labs, and official health programs.

These are all part of a comprehensive program to fulfill the promise that this Congress made 20 years ago to deal honestly with the problem of lead poison: Inform parents, give health care alternatives, assure that children in programs such as WIC and Head Start actually are given the screening that they know is necessary and that they deserve.

I hope the parents and advocacy groups which are now going to the Federal courts on the well-beaten path of tobacco advocates and gun control advocates before them can now have confidence that this Congress will not wait on the sidelines in frustration, recognizing that a program we implemented 20 years ago is not working; we are now demanding and providing the resources for a mandate that, indeed, can have meaning for the life of these children and for their parents.

I urge our colleagues to recognize the advantages of S. 1120. I hope Members join with Senator REED and me in offering this worthwhile and important program to deal with lead poison.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Rhode Island.

Mr. REED. Mr. President, I am pleased today to join my colleague from New Jersey, Senator TORRICELLI, to discuss the issue of childhood lead poisoning and discuss the legislation we introduced.

Over the last 20 years, the United States has made significant progress in reducing lead exposure, particularly among our children. We have enacted bans on lead-based paint, lead solder in food cans, and the deleading of gasoline. As a result, blood lead levels in the United States have decreased by 80 percent. That is good news.

However, what is not good news is the fact that there are an estimated nearly 1 million preschoolers who have excessive lead in their blood, making lead poisoning one of the leading childhood environmental diseases, if not the most significant environmental disease that affects children today.

Today, lead-based paint in housing is the major source of this exposure to our children. It has been estimated that approximately half of America's housing stock, roughly 64 million units, contain some lead-based paint. Twenty million of these homes contain lead-based paint in a hazardous condition—paint which is peeling, cracked, or chipped.

Children typically get exposed to this, and young children particularly, while playing on floors that have minute particles of lead, from opening and closing windows, particularly old windows, because of the paint in the runners which crack when the window is opened or closed. Thousands of particles of lead are set off in the atmosphere, and children ingest these particles.

Children also ingest lead in backyards in older neighborhoods where cars were worked on 20 years before but in the ground there are still significant quantities of lead.

This is particularly a problem in my home State of Rhode Island, because we have a rather old housing stock; 43.7 percent of our houses and homes were built before 1950 when lead paint was ubiquitous; it was used everywhere. HUD estimates that 80 percent of pre-1950 homes used lead paint. There are only five States that have a higher percentage of older homes—those built before 1950—than Rhode Island. In Rhode Island this is a significant problem.

Nationally we have found that 1 in 11 children has elevated blood levels. In Rhode Island it is one in five. Nationally this is still a problem. This is not just an issue that pertains to the Northeast or to some parts of the country. It cuts across every sector of this great Nation.

Another example from the Rhode Island experience: In 1998, 15,000 Rhode Island children entering kindergarten had their blood levels screened; 3,000 of these children had elevated lead in their blood systems. That is an unacceptable percentage. We would like to see zero elevated lead levels but certainly not 3,000 out of 15,000.

The impact is unfairly borne by minority children, low-income children. African American children are five times more likely than white children to contact lead poisoning. In Rhode Island, 14 percent of white children screened in 1998 had elevated lead levels, 36 percent of African American children, and 29 percent of Hispanic children. This is an environmental disease that is correlated highly with low income. Poor housing unduly affects minority children throughout the country.

We also know that exposure to lead leads to health problems for children. It also has a profound impact on their educational development, because lead will attack the central nervous system and upset cognitive functions. It is a pernicious disease which will lead to impairment of educational ability and intellectual ability.

One of the ironies of our program is that we spend very little relative to lead problems, but we are spending millions and millions and millions on special education. In fact, there is not one of my colleagues who has not heard his or her local school superintendent or the Governor say: We have to support special education; we have to reduce these costs. We can if we have a health care system that reacts and screens for lead in children.

These lead-affected children are more likely, because of educational complications, to drop out of school. In fact, it has been estimated that they are seven times more likely to drop out of school if they have elevated blood lead levels. We continue to pay for special education through dropouts, through young people who do not have the skills to participate fully in our economy.

It is our responsibility to do something. As my colleague, Senator TORRICELLI, mentioned, we have in the past instructed all the Federal health care programs to screen children and to treat children, but we have not been able to measure up to the task we have given them. We have not been able to effectively screen all the children. Certainly we haven't been able to treat all these children.

We do have solutions: First, we have to make parents more aware, and also we have to insist upon comprehensive screening and treatment for children who are at risk.

In January 1999, the General Accounting Office reported that children in federally funded health care programs such as Medicaid, WIC programs, and the Health Centers Program are five times more likely to have elevated blood levels than children who are not in these programs. The report also found—this is substantiated by what Senator TORRICELLI said and underscores the need for action now—that despite longstanding Federal requirements over 20 years, two-thirds of the children in these programs, more than 400,000, have never been screened at all, even though it is our policy that they all should be screened—400,000 children.

Our legislation, the Children's Lead Safe Act, will ensure that all preschool children who are enrolled in Federal health care programs who are most at risk for lead poisoning are screened and receive appropriate followup care. We know that early detection of lead exposure is critical to the success and the health of that child.

We also know that unless you screen the child, you will not know if that child requires extensive follow-on care. If we do the screening, as for years we have said we must, we will go a long way toward taking the first step in reducing this problem, finding out who is exposed, and getting those children into appropriate care.

We want to ensure there are clear and consistent standards for the screening, that we don't have a hodgepodge of different standards, that we have a program that is sensitive to the latest scientific information.

In addition to comprehensive screening, we are also going to insist on clear and consistent standards that will be applied by every health care provider who is screening these children.

Another aspect of the legislation is to have a management system in place that follows these children.

As an aside, I had an interesting conversation just a few weeks ago with a physician from Los Angeles who is an expert in asthma, which is another environmental childhood disease of significance. He has created a special program with a mobile laboratory which goes to each school. One of the key factors for the success of his program is that not only does he treat the child, but there is an elaborate information system to follow the course of that child. In fact, what he found is that without this elaborate followup, this information system that can monitor the results and the progress of children, initial treatment is seldom effective.

If we begin to insist upon comprehensive screening, as we have said we wanted for 20 years, if we go ahead and require that there be universal screening standards that are applied everywhere, if we have a system of information that will follow these children and ensure that they get the care, and ultimately we provide the resources for the care, we can go a long, long way to do what we have wanted to do for decades, to ensure that every child in America is not exposed to lead and, if they are, they are treated properly and effectively.

If we do these things, the payoff is going to be dramatic. We are going to have healthier children. We are going to have children who are more able and willing to learn. We will, I hope, reduce the dropout rate because, I remind my colleagues again, a child with elevated lead blood levels is seven times more likely to drop out.

In sum, we are going to be able to spare children from a disease which is entirely avoidable. That is why we are so enthusiastic about the legislation we are proposing. Both Senator TORRICELLI and I believe this is a sensible, efficient way to do what we all want to do. We also believe in the long run—and I know this is said about so much legislation, but this certainly must be the case—this will be saving not only the children but will be saving dollars in special education and in dropout prevention.

In many ways we are paying right now for a problem that not only could be addressed but effectively resolved. So I encourage all my colleagues to join us to ensure our legislation becomes law and that an unnecessary disease affecting children, the No. 1 environmental disease affecting children in this country, can be eradicated and will go the way of many other childhood diseases because we took action.

Mr. President, I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that order be changed and Senator COLLINS now be recognized for 10 minutes and I follow her with 10 minutes. Senator DORGAN will follow me, and we will see if there is any remaining time in morning business beyond that.

The PRESIDING OFFICER. Without objection, it is so ordered. Under those circumstances, the Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleague from Illinois for his courtesy.

(The remarks of Ms. COLLINS and Mr. DURBIN pertaining to the introduction of S. 1231 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, is there time remaining under Senator COLLINS' 10-minute allocation?

The PRESIDING OFFICER. There is no time.

Mr. DURBIN. I ask unanimous consent to be allocated 5 additional minutes, for a total of 15 minutes, and then Senator DORGAN for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. DURBIN. Mr. President, it is interesting. Prior to my speech, the Senator from New Jersey and the Senator from Rhode Island talked about lead poisoning and public health. The Senator from Maine has discussed Medicare, and now I want to discuss the Patients' Bill of Rights. There have been three speeches in a row on health care. It sounds like a pretty important issue to me.

Frankly, for many Americans, it is the most important issue. But the sad reality is that the Senate spends a lot of time on speeches when it comes to health care and almost no time when it comes to debating legislation to make things better.

If you are watching this proceeding or are within the sound of my voice and you can say in the last year I had a problem in my family with health insurance coverage or I know someone in my family who did, do not believe you are in the minority. In fact, almost 50 percent of Americans say they have had problems with their managed care health insurance.

What kind of problems? Coverage. If there is a problem, a medical problem, will the managed care policy cover it with the care that is necessary, or do you have to go out and hire a lawyer?

On the question of emergency room access, if you belong to a managed care plan, they might tell you, incidentally, you are supposed to go to St. John's Hospital and not Memorial Medical Center and you find yourself in a predicament where Memorial Medical Center is closer to your home in an emergency situation, you better check your policy. You might have just done something, by going to the wrong hospital, in the view of that insurance company, that is going to cost you and your family some money. That should be changed.

Basically, an individual in a family situation who has a medical necessity, a kid who has fallen down with a broken arm or something very serious should not have to fumble through the glove compartment to figure out which hospital to go to for emergency care. That is something we need to address.

The Patients' Bill of Rights proposed by the Democratic side is an attempt to try to address obvious inadequacies when it comes to health insurance and health care in America. I have given a couple of examples—coverage under a health insurance policy and the question of which emergency room you can use. There are many others.

For instance, most people believe when they sit down in the doctor's office, the doctor is being honest with them, the doctor is telling the truth, the doctor is giving his or her best medical judgment. In fact, that relationship and that conversation is really so honored in law, that in a courtroom it is considered a confidential relationship—the doctor-patient relationship. Yet, what has happened is there is another party in the room, although invisible. That other party is a bureaucrat from an insurance company. Many doctors, when they lean over the table and say, you know, I think this is what your son needs, or this is what your wife will need, are not giving you their best medical advice. They are telling you what the health insurance company will pay for and what it will not pay for.

One of the things we address in the Patients' Bill of Rights is ending this physician gag rule. Please, in America, allow doctors to practice medicine. Do not let clerks and insurance companies make crucial medical decisions.

The Illinois State Medical Society invited me several years ago to accompany a local doctor in Springfield, IL, to a hospital and spend a day making rounds. I was a little nervous about it because, frankly, I do not have any business in a hospital room unless I am being treated. But they invited me, and it turned out that most of the patients were happy to see a politician wandering around with their doctors.

But the thing that was an eye-opener at St. John's Hospital in Springfield was when the doctor I was accompanying decided he wanted to keep a patient in the hospital over the weekend. The lady was in her sixties. She had been diagnosed with a brain tumor that was causing her dizziness. She lived alone.

The doctor said: I'm afraid that if she went home over the weekend before the Monday surgery to remove the tumor, she might fall down and hurt herself. We would have to postpone the surgery. I want to keep her in the hospital so we can take care of her and watch her, and then on Monday perform the surgery.

I am a layman, but that sounded perfectly reasonable.

Before he could make that decision, though, he had to get on the phone and call a clerk at an insurance company in Omaha, NE. You know what the clerk said? "No. Send her home. Tell her to come back Monday morning for the brain surgery."

This doctor could not believe it. He stood at this nurse's station, on that same floor, arguing with that clerk for half an hour. Finally, he slammed the phone down and said: I'm keeping this woman in the hospital. We'll appeal this later on.

What that doctor faced is repeated every day all across America where people who are sitting with these books of insurance regulations are making the decisions—the life-and-death decisions—that we count on when we take ourselves or our family in for medical care.

This has to come to an end. It has to change. We have to say, basically, that health insurance in this country is not going to be driven just by the bottom line in reducing costs, but by the top line of quality medical care; we are not going to take health care away from the professionals and give it to the insurance bureaucrats.

There is legislation pending before the Senate which engages this debate, which says this, the greatest deliberative body in America, is going to come down and debate, once and for all, how to make it right for American families. That bill is mired down in the process and cannot be brought to this floor. As a result, we stand before you today—and I know Senator DORGAN is going to address this as well—in frustration.

What is it we are doing here that is more important than making sure health insurance and health care in America is of the highest quality? We spent 5 days, 5 legislative days, debating the protection of computer companies. Well, it is an interesting challenge in terms of liability and their protection. Can't we spend 5 hours debating whether or not 150 million American families have health insurance protection? Isn't that worth our time and our debate?

Oh, there are differences of opinion here. I see things one way and some on the other side may see it another, but that is what the legislative process is about. Yet, we cannot seem to bring it to the floor so that we can have an honest debate to help America's families.

The other day I called on the Senate majority leader, the Republican leader, TRENT LOTT, to call up this bill before the Fourth of July. We have the bill out there. We know what the issues are. Let's have the debate. Yet, he was not sure he could. I hope he changes his mind. I hope those who were listening to this speech, and others, will decide that it is worth calling their Senators and their Congressmen and telling them: Yes, do something about health insurance.

Incidentally, in the case I mentioned earlier, where that insurance company clerk told the doctor to send the lady home, that if that clerk guessed wrong, and that lady went home, fell down the stairs and had a serious injury, do you know who is liable for that? Do you know who would have to answer in court for that insurance clerk's decision? The doctor—not the insurance company, the doctor.

That is what is upside down, because in America we are all held accountable for our actions. But by a quirk in the Federal law, health insurance companies—many of them are not held accountable for their conduct, not held accountable for their decisions.

Are the doctors upset about this? Are hospitals upset? Wouldn't you be if you wanted to do the right thing for the patient, and the insurance company makes the decision, a wrong one, the patient is injured, and the person sued ends up being the doctor or the hospital?

Frankly, in this country we are all held accountable for our actions. Why should health insurance companies be any different? If they knew they had to answer for their decisions, I think they would make better decisions. I think they would be more sensitive and more responsive. That is one of the key areas of disagreement between Democrats and Republicans on this bill.

Should it be debated? I think so. I would like a vote on it. Let's decide whether health insurance companies shall be held accountable like every other company in America. For some reason, the leadership here in the Senate does not want us to debate this issue. That is a sad reality.

They have come up with a bill, incidentally, which really only covers a third of Americans who are covered by health insurance. So many other Americans just do not have a chance.

Let me give you an example of what I am talking about. If you worked for AT&T, you would be covered by the Republican bill; General Electric, covered by their bill; Wal-Mart, covered by their bill. But other small business employees would be left behind to fend for themselves. Family farmers—I have a lot of them in Illinois—they pay for their own insurance, they pay a lot for it; they would not be protected by the Republican bill. Public school teachers, policemen, women firefighters, in fact all State and local employees would not be covered by the bill that is being proposed by the Republicans.

This is worthy of a debate. Are we going to have a Patients' Bill of Rights that helps all Americans, or are we going to slice off a third of them and say: Well, we're worried about you; we're not worried about your neighbor?

That is worth a debate. That is worth a vote. What is holding this up? It is a decision by some that, before we take this issue under consideration, there has to be an agreement to limit the number of amendments. The Democratic leadership is prepared to limit those amendments. Let's bring it down to a 5-day debate or a 6-day debate. Let's go at it, and go at it seriously.

Yet, I think the underlying reason for the delay is something more serious. There is an old friend of mine and former boss, State Senator Cecil Partee of Chicago, IL, who used to say: In politics, for every decision there is a good reason and a real reason. Well, the good reason is the time of the Senate. The real reason is that many Senators on the other side of the aisle don't want to be forced to vote on some of these tough questions. The insurance companies tell them to vote one way, and they know that when they go back home they cannot explain that vote. That, to me, is the bottom line.

I mentioned the other day in debate a former Congressman, now passed away, a great friend of mine, Mike Synar, who was a Congressman from Oklahoma. He said: If you don't want to fight fires, don't be a fireman. If you don't want to vote on tough issues, don't be a Member of Congress.

These are tough issues, but they are important issues. The American people deserve our best judgment in bringing this debate forward in a Patients' Bill of Rights, to bring it to the floor of the Senate.

Do you remember the debate on gun control? A lot of phony amendments were considered for a week. Finally, they were rejected and a real bill was passed. It is important to do the same thing with the Patients' Bill of Rights.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota has 10 minutes.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to extend my time by 5 minutes. I see no one else on the floor.

The PRESIDING OFFICER. Objection is expressed by the Chair as a Member of the Senate.

Mr. DORGAN. Mr. President, I will then, at the end of morning business, ask that morning business be extended if necessary.

I have waited to listen to my friend from Illinois, Senator DURBIN, and to add my voice to this call for a debate on the Patients' Bill of Rights. What is the Patients' Bill of Rights? And why is it necessary?

The Senator from Illinois just described the invisible partner in the doctor's examining room or the hospital room. I want to read about this invisible partner because I think it is quite interesting.

A couple of years ago, we had a hearing here in the Congress on the House side. Late in the day, long after the television cameras had been packed up and the lights had been turned off and the crowd had left, a woman came to testify. I want to read part of her testimony. She was a doctor. She said:

> My name is Linda Peeno. I am a former medical reviewer and medical director for three managed care organizations. I wish to begin by making a public confession: In the spring of 1987, as a physician, I caused the death of a man.
>
> * * * * *
>
> Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred: I was "rewarded" for this. It brought me an improved reputation in my job, and contributed to my advancement afterwards. Not only did I demonstrate I could indeed do what was expected of me, I exemplified the "good" company doctor: I saved a half million dollars!
>
> Since that day I have lived with this act, and many others, eating into my heart and soul. For me, a physician is a professional charged with care, or healing, of his or her fellow human beings. The primary ethical norm is: do no harm. I did worse: I caused a death. Instead of using a clumsy, bloody weapon, I used the simplest, cleanest of tools: my words. The man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. This man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. When any moral qualms arose, I was to remember: I am not denying care; I am only denying payment.

This from a doctor who served in a managed care organization, making the decisions about whether a patient and a doctor can continue to receive and provide care. That is the invisible presence in that hospital room—someone 1,000 miles away making a decision about profits and losses. This woman says: As a doctor, I caused a man's death and was rewarded for it.

Is this the way medicine should work? The Patients' Bill of Rights says no. Our bill says that every patient in our country, has the right to know all of their medical options, not just the cheapest treatment options. Today many doctors are gagged, told by the managed care organization, you dare not tell that patient what their range of medical options are, because we will not provide coverage for some of the more expensive ones, even though they might be the option that saves that patient's life.

Our Patients' Bill of Rights says let's correct that. Our Patients' Bill of Rights says, when someone is in need of an emergency room and needs medical treatment on an emergency basis, they have a right to get that care.

Not all managed care organizations say that is the case. Jacqueline Lee was hiking in the Shenandoah mountains. She tripped and fell off a 40-foot cliff. She had serious injuries from that fall—fractures in her arms, pelvis, her skull. She was unconscious. She was airlifted by helicopter to an emergency room, unconscious, with fractures in many bones in her body. The HMO said it would not pay the more than $10,000 in hospital bills for Jacqueline Lee because she hadn't gotten prior approval for her emergency room treatment.

Think of that. Here is a woman hauled in on a gurney unconscious to an emergency room. The HMO says: Well, we won't pay that bill because you didn't get prior approval for emergency room treatment.

Is there a need for a Patients' Bill of Rights? Is there a need to correct this kind of thing? Of course there is.

Now, the Republicans say: We have a Patients' Bill of Rights. Yes, they do; they sure do. Their Patients' Bill of Rights covers some Americans, covers about 48 million Americans. But there are 113 million Americans who are not covered by their Patients' Bill of Rights.

The Senator from Illinois asked the question: Why can't we bring the bills to the floor and have a debate? The answer is, because some want to control every nuance on the floor of the Senate. They want to control who speaks, when they speak, whether you can offer an amendment, what your amendment says. We have put up with that for far too long.

Speaking only for myself, we are done putting up with it. This is not the way the Senate works. The Senate doesn't have, as the House does, a Rules Committee that becomes the prison for all the amendments and then the warden decides which amendments get let out the door. That is not the way the Senate works.

I have just prepared an analysis of how the Senate has been handling these issues in recent years, compared with the history of the Senate. It is very interesting. Lately, the strategy is to bring a bill to the floor and do what they call "fill the tree," so Senators can't offer any amendments. The only way you can offer an amendment is if the majority leader says: Let me see your amendment. If I like it, you get to offer it; if I don't, you can't offer it.

That didn't happen in the past in this Senate. That is not the way the Senate works. Somebody needs to tell the folks who run this place that we are not going to let them continue to run the Senate that way. We demand that the Patients' Bill of Rights be brought to the floor of the Senate, and we demand the right to offer our amendments. We demand the right to debate them. We say to those who seem to want to keep the doors locked on good public policy issues like this: If you intend to keep doing that, then you are not going to do much business around here.

While folks are brought into emergency rooms unconscious and told by HMOs: We won't pay because you didn't get prior approval, we are told we can't correct it with a Patients' Bill of Rights. While we have doctors who come to testify before the Congress and say: I am responsible for the death of a person because I withheld treatment and I was rewarded for it under the current system, we are told we don't have the time on the floor of the Senate to bring up a Patients' Bill of Rights, or, if we do have the time, we are going to demand that you get preapproval for your amendments by someone on the other side of the aisle who puts forward a bill that is just a shell.

This Senate is sleepwalking on important issues. We ought to do much better for the American people than to sleepwalk on issues dealing with health care and the Patients' Bill of Rights and education and so many other important issues.

I will come tomorrow to the floor to talk about the farm crisis. This Congress is sleepwalking on the farm crisis as well.

I would like to say to my friend from Illinois, the Patients' Bill of Rights should have been passed by the last Congress. We have been more than patient on this issue.

I ask the Senator from Illinois—I would be happy to entertain a question about the delay here—it seems to me there has been plenty of time to do this. There is just not the will by some to want this to come to the floor.

Mr. DURBIN. If the Senator will yield, I really have two questions.

First, related to the fact that we both have large rural populations in our State, as the Senator from North Dakota understands, the tax laws do not help family farmers pay for their health insurance as they should. We have worked together to try to have full deductibility of health insurance. The family farmer, self-employed person trying to get health insurance coverage has to pay more out of pocket than anyone who works for a corporation, for example, because of our tax laws.

We have the Republican version of this issue, the Patients' Bill of Rights, which doesn't cover these same family farmers and give them protection. So they pay more for their insurance, higher premiums. They pay more out of pocket for it and don't get protection from the Republican Patients' Bill of Rights, whereas the Democratic Patients' Bill of Rights provides this protection.

Mr. DORGAN. If I might also make the point, the Congress has already said Medicare and Medicaid patients will get basic protections. Members of Congress get this protection in their own health care program. If it is good enough for all of those interests—and it is, and necessary—why is it not good enough for the 113 million Americans whom the Republicans say ought not get this help with their Patients' Bill of Rights?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMAS. Mr. President, I ask unanimous consent to utilize the remaining time on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

SOCIAL SECURITY LOCKBOX

Mr. THOMAS. I thank the Chair.

Mr. President, I am encouraged by what my friends on the other side have said. On an issue they wouldn't let us talk about yesterday—that is called Social Security—they talk about wanting to get things to the floor and get it done—yesterday every one of them voted against moving forward with the lockbox to do something with Social Security. It is a little bit incongruous with what they are saying today. That is one of the real major issues we need to talk about.

I might add, over the last couple of years there has been a Patients' Bill of Rights on the floor. It has been offered. The reason it hasn't gone anywhere is because the other side has to have amendments that have no relevance to the bill, and go on and on. If they would like to pass something, I suggest to them we put something out there, stick to the issue and do it. I see they have disappeared.

Let me talk about Social Security. It seems to me it is one of the things we are focused on; it is one of the things that is on our Republican list to complete this year. We are probably not going to reform Social Security in this session, so we do need to make a move, and the move is the lockbox—to take the surplus that is now all Social Security that comes in this year and seek to ensure that it is used for that purpose. For a very long time, this has not been the case. The money that has come in for Social Security, of course, has been put into Government securities, and has been spent for other things. For the first time in 25 years, we have a surplus, even though it is Social Security. So it is time, I believe, to do something to put that money aside for the purpose for which it is extracted from you and me as taxpayers.

Is the lockbox the ultimate solution? Of course not. But it is a way for us to control what that money is used for, to stop the idea, which the President supports, of $158 billion in expenditures on other issues using Social Security money.

Everyone knows that we have to do something if we intend to have Social Security in the future for the young people who are now starting to pay, as well as paying the beneficiaries that we now have. It wasn't many years ago that Social Security was thought to be the third-rail politics and nobody could touch it, otherwise they would be dead. Now we come to the realization that if we want to continue this program over the years—particularly so young people beginning to pay and who have many years to look forward to will get some benefit—we have to do something. The sooner we do it, the less drastic the change will have to be. I think most everyone would agree that is a fact.

In the year 2014, Social Security will begin to run a deficit. So we need to look forward to that time. The options are fairly easy to understand. One, of course, is that you could raise taxes. I don't know of many people, given the 12 percent of our payroll that we now pay, would want to increase that. For many folks in this country, Social Security withholding is the highest tax they pay, and it is a substantial one. The other, of course, is to change the benefits, change the age, and do those kinds of things. There may be some tinkering with that, but basically the benefits will not be changed.

It leaves a third option, which I think is a good one, and that is to take the money that we have paid in—each of us—a certain percentage of that becomes an amount of money that is in our account, and it can be invested in equities, which returns a higher yield. That is really the third option that we need to look at. The opportunity to do that is probably somewhere ahead of us. So the lockbox, then, becomes the important thing now—to put that money aside so that we don't spend it.

There are, in my opinion, other reasons for doing that as well. This is one of the big debates here, as you can tell by listening just a few moments ago. There are those who want more and more Government spending, and others would like to restrict the size of the Federal Government, to move more of the decisions back to counties and States and individuals. That is the debate—a legitimate debate between those who want more taxes and more spending and those who would like to have a smaller Government, to bring it down to only those essential things. When you have a surplus, that is very difficult to do.

So if we are talking about maintaining a budget, which we are very proud of, having spending caps, in which the budget ceiling has been the largest contributor to having a balanced budget, if we are interested in doing those things, those are all part of setting aside this Social Security money. Over time, hopefully, in the future, as this surplus extends not only to Social Security, but to the regular operational budget, we will have an opportunity to have some tax reform and to return some of this money to people so they can spend it for their families, so they can spend it to do some of the things our friends were just talking about a few moments ago.

I think it is very important that we take it up. We have voted three times now to move forward with the lockbox. We asked to be able to go forward with this. Each time our friends on the other side of the aisle have said no. Everyone on that side of the aisle voted no yesterday. They said, no, we don't want to set the money aside, but they are up today saying here is where we want to make new expenditures of billions of dollars. There is something incongruous about that. We need to make some decisions about where we are.

I think Republicans have four pretty well-defined goals we are working toward. One is Social Security—not just to say save Social Security, as the President has said, and not do anything, but to actually do something.

Two is to do something about education. We have moved forward to do that. We have the Ed-Flex Program, for one, that has moved decisions back to the schools boards and the States and counties where they ought to be for educational decisions.

We are talking about tax reform. We need to have tax reform. I noticed last night somebody did a study of the whole world, and we are the second highest in the world on estate taxes, topped only by Japan. It is time that we did some tax reform and some of those things. Then security, of course, for the benefit our country, we have done a great deal on that, in strengthening the military.

I hope we will stop just talking about these things and actually do something. I'm talking about going forward with issues. We had a chance yesterday to go forward with an issue, and we had 45 votes against it. I hope we can move forward. One of the most important items in this country is Social Security, and the first step would be lockbox.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

SOCIAL SECURITY LOCKBOX

Mr. DASCHLE. Mr. President, I don't know how much time is left in morning business, but I will use whatever leader time is required. I want to have the opportunity to respond to my good friend, the Senator from Wyoming, about some of the comments he made with regard to the Social Security lockbox and a couple of other issues he has mentioned. He mentioned Democrats' unwillingness to support the efforts to bring up the Social Security lockbox. Let me make sure that everyone understands we are very desirous of having the opportunity to have a good debate about the lockbox.

It is particularly propitious that probably the master of Senate procedure is on the Senate floor, because I want to talk just a moment about the difference, which is more than just a semantical difference, between a cloture vote that is designed to stop amendments and a cloture vote that is designed to stop a debate, a filibuster. There is no filibuster going on here. A filibuster is actually designed to bring debate to a close. When 60 Senators have voted accordingly, we have time remaining and then, ultimately, there is a final vote. There is a big difference between bringing the debate to a close and offering cloture motions and proposing that the Senate preclude the opportunity for Senators to offer relevant amendments.

That has been the case on the Social Security lockbox from the very beginning. For whatever reason, our Republican colleagues continue to believe that what the Senate needs is a rules committee. Every day in the House Rules Committee, decisions are made based upon the content of amendments, which amendments are appropriate and which amendments are not. The Rules Committee makes that decision, and then the rule is presented to the House Membership. They vote on whether they accept the rule or not. Based upon the content of those amendments, they make decisions as to whether or not there will be amendments to a certain bill. In their wisdom, the Founding Fathers chose not to allow the Senate to be bound by such constraints, that a Senator, with all of his power and authority and responsibility, ought to have the right to come to the floor and offer an amendment. But what our Republican colleagues continue to insist upon is that they act as an ad hoc rules committee. They want to see our amendments first. They want to approve our amendments first. And only then will they allow our amendments to be considered once they have been given their approval.

I ran for the Senate in 1996 because I wanted to be able to be a Senator, not a House Member. I want to be a Senator, and I want all the responsibilities and privileges and rights accorded to me as a Senator from South Dakota. That means the ability to offer an amendment.

On the lockbox, it is very simple. Whether you agree or not, we think the Medicare trust fund and the Social Security trust fund ought both to be locked up; we ought to treat them the same. We are dealing daily with the viability of the trust fund on Medicare, and if we can't ensure that viability of that trust fund, then I must say we haven't done our job.

We are saying, as Democrats, give us the right to offer an amendment on Medicare. Let's lock up that lockbox as well, and let's have a good debate about whether that makes good public policy or not. That is the issue.

The Republicans come to the floor; they file cloture to deny us the right to offer an amendment on Medicare—I must say also, to deny us the right to offer amendments that really mean lockbox when we say that is what we want.

They have a provision in their bill. I must say, it is amusing to me, but it says it is a lockbox unless we say we are for reform, and in the name of reform we can unlock the box, including privatizing Social Security. They have that in their bill. They want to be able to privatize Social Security, and they want to be able to ensure that, even if they have now voted for a lockbox, in the name of reform they can unlock it just by saying: We want to offer a reform amendment, and we will so unlock the box.

I am puzzled by the admonitions of our colleagues. I am sorry the Senator from Wyoming is no longer on the floor, because I really hope we can set the RECORD clear. Democrats want to vote on a lockbox. But we want that lockbox to mean something. We want it to include Medicare, and we want the right to offer amendments to do just that.

That is what this debate is about. There is a difference on a cloture vote between ending a filibuster and denying Senators the right to offer amendments.

We will continue to fight for our rights, regardless of the issue and regardless of how much concern it may bring to some of those on the other side who seem to be determined to lock us out.

I know the distinguished Senator from West Virginia is here. He is anxious to begin the debate on a very important bill.

I am hopeful we can pass this legislation today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1664, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this measure is not at the moment covered by any time agreement, is it?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, this is an appropriations bill. I believe Mr. STEVENS at some point in the afternoon will be on the floor to manage the bill. Mr. DOMENICI, who is very deeply involved in this bill as well, and who is on the Appropriations Committee, will be on the floor and will, as between himself and Mr. STEVENS, manage the bill. I am not managing the bill, but until one of those Senators comes to the floor, I have a few things I can say about it.

First, I thank the majority leader for making it possible for us to take up this bill at this time. I also thank the minority leader for his cooperation in that regard.

I thank the majority leader for keeping his word with respect to calling up this matter. I will have possibly a little more to say about that later, so I will explain what I mean in having said that.

I thank Mr. STEVENS, who was chairman of the Senate side of the conference, which occurred on the emergency supplemental appropriations bill a few weeks ago. I thank the House chairman of the conference, Mr. BILL YOUNG of Florida, for his many courtesies that were extended upon that occasion, and for his fairness in conducting the conference, and for his cooperation in helping to work out a way in which we could at that point let the emergency supplemental appropriations conference report be on its way and be sent back to the House and Senate for the final consideration of both of those Houses. I thank him for his efforts in bringing about an agreement whereby that emergency supplemental appropriations bill was let loose—if I may use that term—from the chains which at the moment had it locked in an impasse in conference.

The provision in this bill, which is before the Senate, and in which I am very interested, is what we refer to as the "steel loan guarantee provision." There is a similar provision which Mr. DOMENICI was able to include in the bill, and it is similar to the steel loan guarantee except that it has to do with oil and gas. It provides a loan guarantee program for the oil and gas industry. He will more carefully and thoroughly explain that part of the bill later on.

Both of these provisions had been included in the emergency supplemental appropriations bill. Both of these provisions were in the emergency supplemental appropriations bill when it passed the Senate. Senators had an opportunity, when the emergency supplemental appropriations bill was before the Senate, to offer amendments to the steel loan guarantee language and to the oil and gasoline guarantee language. Senators had that opportunity.

No amendments were offered to those provisions when that bill was before the Senate. Those provisions were put into that bill when that appropriations bill, the emergency supplemental appropriations bill, was marked up in the Senate Appropriations Committee. Therefore, those provisions, as I have already said, were included in the bill when it reached the floor, when it came before the Senate. The Senate passed the bill. No amendments were offered to those provisions at that time.

That bill went to conference with the House in due course. It was a period of several weeks before the House-Senate conference took place on that bill. When the conference did occur, these two provisions—the steel loan guarantee provision and the oil and gasoline guarantee provision—were gradually put off until the very end of the conference.

The conference on that bill lasted for several hours over a period of 3 or 4 days. But it was the wish of both Chairman YOUNG and the chairman of the Senate conferees, Chairman STEVENS, to delay consideration of those two parts of the bill until other matters in the bill, other differences between the two Houses, had been resolved. As a consequence, as I say, it was toward the very end that we finally got around to those two provisions, the loan guarantee provisions.

In the conference, a vote occurred on the steel loan guarantee provision late one evening. I think the vote really occurred after midnight, so it was 12:30 or 1 o'clock in the morning of the next day that we finally voted on the steel loan guarantee provision, which had been written in the Senate Appropriations Committee, which had come before the Senate, which had been adopted by the Senate.

When that vote occurred, all of the Democratic conferees on the House side voted to accept the steel loan guarantee provision which was in the Senate bill; three of the Republican House conferees voted to accept the steel loan guarantee provision. So by a vote, I believe, of 13–10, the conference adopted the steel loan guarantee provision.

The next day when the conferees met, a motion was made to reconsider the vote that had occurred the previous late evening and the motion to reconsider carried. Two of the Republican House Members of the conference switched their votes from the previous position of supporting the steel loan guarantee to their new position of opposing that guarantee. As a consequence, my steel loan guarantee provision lost, I think, by a vote of 12–11. It lost by one vote.

An impasse prevailed. Senator DOMENICI's oil and gas loan guarantee provision had been rejected by the House conferees; on the second vote, the steel loan guarantee provision, which I had authored, was rejected by the House conferees. There was an impasse. The House conferees wouldn't give and the Senate conferees wouldn't give.

Therefore, rather than see the emergency supplemental appropriations bill die in conference, I suggested we have a recess and try to work out an agreement whereby we could find a way to let that emergency supplemental appropriations bill fly with its wings out of the conference, go to the President's desk. In that bill, there were appropriations for the military in Kosovo, there was a pay increase for the military, and there were various and sundry disaster relief provisions which were intended to help people in South and Central America and in the United States, as well—American farmers and so on. It was certainly not my desire to kill that bill; it was not my desire to delay.

I said: Let's have a recess, Mr. Chairmen—addressing my remarks to the two chairmen—let's have a recess and see if we can't work things out.

We had a recess and met down below, on the next floor of this Chamber, where we stand now. I met in the Appropriations Committee room with the House chairman, Mr. YOUNG, the Senate chairman, Mr. STEVENS, being present, along with the House minority, the ranking member of the House Appropriations Committee, Mr. OBEY, being present, and with the Senate minority or ranking member of the Senate Appropriations Committee, myself, being present, together with a couple of other House Members representing the majority and the minority and a couple of other Senate Members representing the majority.

It was there that we agreed to take our hands off the emergency supplemental appropriations bill and let it go to the President and be signed. We wanted a commitment that these two provisions which had worked their way through the legislative process, coming before the Senate, going to conference, be given a chance to pass and become law aside from the emergency appropriations supplemental.

I talked with our majority leader, Mr. LOTT, and our minority leader, Mr. DASCHLE. They both agreed that it was very important to let the emergency supplemental appropriations bill be on its way and that they would help me and Mr. DOMENICI soon get a freestanding appropriations bill up before the Senate which would have in it the steel loan guarantee provision and the oil and gas loan guarantee provision.

With that assurance from the two leaders here, I proceeded to ask Mr. YOUNG, the chairman of the House conferees, if he and Mr. OBEY and Mr. CALLAHAN, a Republican member of the House conference, could proceed to talk with the Speaker of the House and get a commitment out of the Speaker that would let us deal with a freestanding appropriations bill that would give these two provisions I referred to a chance for consideration in both Houses, and hopefully for passage in both Houses.

The Speaker committed himself to calling up the bill within 1 week if it came over from the Senate; committed himself, secondly, to appointing conferees in the normal fashion so that there would not be stacked conferees; committed himself, thirdly, to having a vote on a conference report on the measure promptly.

With those commitments, we let the emergency supplemental appropriations bill fly on its way to the White House and the Oval Office where it was signed into law.

Now came the time for the leadership and the Senate to keep its commitment. It did. That is what I was referring to when I thanked the majority leader a few minutes ago for having kept his word. He and Mr. DASCHLE kept their word. Of course, as we all know, the main responsibility and power rests with the majority leader in the Senate in things of this kind. Mr. LOTT arranged for us to call up this bill, have this bill before the Senate now. Cloture was invoked on it last Friday by an overwhelming majority, 71–28, on the motion to proceed. The motion to proceed was then adopted by voice vote. So the bill is before the Senate this afternoon.

I see my good colleague, Mr. DOMENICI, is on the floor, ready to proceed. Let me just add one or two things.

Having made the explanation here as to where we are, how we came to be here, let me say that because of the circumstances which have been obtained from the beginning and which I have outlined and which resulted in the two provisions in this bill having already been before the Senate, having passed the Senate, without amendment in the Senate, I would hope there would be no amendments to this bill by the Senate today.

The Senate has already had its chance to make a run at these two provisions. Senators have already had their chances to offer amendments to these two provisions when they were before the Senate in the emergency supplemental appropriations bill. Now the majority leader has carried out his commitment of helping to get the bill up. The minority leader has carried out his commitment. I hope we will have the support of the two leaders, but they have carried out the spirit of their original commitment.

Now the commitment by the Speaker remains. But he didn't make a commitment to this bill if it is loaded down with a lot of amendments when it goes back over there. He did not make any commitment on that score. Whatever we put into this bill, whether it be nongermane or germane, he made no commitment on that kind of thing. He made a commitment with respect to these two provisions, the steel loan guarantee and the oil and gas loan guarantee.

I want the Speaker to keep his commitment, but I want him to be able to keep his commitment. I don't want us to load this bill down with nongermane amendments and send them back over there. We can't expect the Speaker to keep his commitment on that kind of thing, because he didn't make any such commitment. He only made a commitment with respect to these two provisions. That is not saying that the two provisions cannot be improved. Perhaps they can be. And I may support an improvement. I think, if they were improved upon, the Speaker would, I have a feeling—I haven't talked with him—would still feel that came within his commitment. But we can't bring in an amendment by every Tom, Dick, and Harry and add it and let it run the gamut of whatever the subject matter may be, nongermane, and expect the Speaker to take this bill up within 3 days, or whatever it was, promptly after it goes over there.

So help us to help the Speaker to keep his commitment. I urge all Senators to be conscious of the facts as I have attempted to state them and see that we have an obligation. I think the Senate has an obligation, having passed these two provisions once, and in the face of losing my grip on the emergency supplemental appropriation bill. I had that bill in these two fists, and so did Mr. DOMENICI. We didn't want to kill that bill. But we let that bill go, as we should have done. After all, we are all interested, first of all, in our country, and we want to see legislation passed that is in the best interests of our country. Senator DOMENICI and Senator STEVENS and I, and other Senators on the conference, came to that conclusion. We did the right thing.

Now I think Senators have some obligation. I understand their rights. Senators have a right to offer any amendments they want. There is no rule of germaneness in the Senate with respect to circumstances as they prevail at this moment. But it seems to me there is an unwritten obligation on the part of Senators to play fair, and to play fair here is to let our provisions be debated, and if they can be improved upon, fine. But let's not muddy the waters by offering amendments that are not germane, because when we do that, as I say, we can't expect the Speaker just to take anything we send over there and let his commitment earlier govern his actions.

I think that is about all I have to say at the moment. I will have more to say on the steel loan guarantee provision later. Mr. DOMENICI, as I have already indicated, can far better explain the somewhat similar loan guarantee on the oil and gas provision.

I do have a luncheon I am supposed to attend. I am supposed to speak there now. I have discussed this with my friend. Senator DOMENICI has indicated that, if he can, he would watch the floor and help me to be away a little while. He has to be away some, too, as does Mr. STEVENS.

Having said that, I thank all Senators for listening. I thank my friend from New Mexico, who is a valiant comrade and colleague and formidable opponent and a very worthwhile and desirable supporter. I prefer to be on his side rather than not. I thank him for all of the courtesies and considerations that he has given to me in this bill, as well as in thousands of other instances in which we have worked together.

Mr. DOMENICI. Mr. President, before the Senator yields, could I have a little exchange so we could make the case that is very important, the case that the Senator just made?

Mr. BYRD. Yes. Yes.

Mr. DOMENICI. The urgent supplemental that passed the Senate, and the supplemental that included the Byrd-Domenici guarantee program, was not a frivolous supplemental.

Mr. BYRD. No.

Mr. DOMENICI. It was a big, powerful, tough supplemental, and urgent.

Mr. BYRD. Right. Exactly.

Mr. DOMENICI. Why? Because the President asked for $6.5 billion to replenish funds for the Kosovo engagement, which was being taken—by operation of law, nothing illegal about it—from other military needs. That is the way these things happen. The request was: Help us replenish it; give us the money.

Now, the point you have made is, we were in conference over that bill to which the Senate had seen fit to add $6 billion more for defense because we were so worried about preparedness, operational maintenance, and spare parts. So it was not just $6.5 billion urgent for defense; it was almost $12 billion.

Now, what you have said, my friend from West Virginia, you said we had a right, as conferees—and we had support—to say, let's get our part of this decided in this conference. And what would have happened? We could still, perhaps, be locked up in conference and the urgent money would be yet not decided upon, which funding, in fact, has already been signed by the President and is operating to help our military.

Mr. BYRD. Absolutely.

Mr. DOMENICI. We decided, at the request of our chairman, Senator TED STEVENS, to find a way to let that urgent bill go and relinquished our right to bring that back in disagreement, if we wanted, and have some more votes on the issue.

I have done that in my life. The Senator has done it a number of times: OK, we are going back to the bodies again and vote again. They would have had to have voted on our amendment there.

Mr. BYRD. Precisely, they would have.

Mr. DOMENICI. They would under law, under the rules. We said we would give that up, provided—and you stated the proviso. The proviso was that we be here today, just as we are, with this bill freestanding. We now have it here properly, over long threats for long debates, because the Senate overwhelmingly said: Let's get on with it; even if we don't vote for it, we want to get on with it.

So it's urgent that everybody know it's here again with the Senate already having voted for it.

Mr. BYRD. Yes. Yes.

Mr. DOMENICI. They voted for that bill, with large, large support, which had our amendments on it.

Mr. BYRD. Yes.

Mr. DOMENICI. So the Senate already voted for this.

Mr. BYRD. Yes.

Mr. DOMENICI. Then it is over there in conference. We have a right to keep it there.

Mr. BYRD. Yes.

Mr. DOMENICI. We have a full-blown argument between the House and Senate. We said, no, the defense money is more urgent. That was the national interest.

Mr. BYRD. That is right.

Mr. DOMENICI. So we said, OK, we will do that, but we ought to have a vote someday.

Mr. BYRD. Absolutely.

Mr. DOMENICI. That is why we are here, and that is why you are saying: Why do we have to have so many votes on items that are not germane to this bill? This is completing a job that was started in the Senate and it broke off in the conference in the interest of a bigger problem—to wit, adequate funding of defense—but we had a commitment we would get a vote.

Mr. BYRD. Yes.

Mr. DOMENICI. I am not saying we had a commitment that it would pass. That is our job, with the help of Senators.

Mr. BYRD. No. No.

Mr. DOMENICI. I am not suggesting the leader or anybody said there would be no amendments.

Mr. BYRD. No. No.

Mr. DOMENICI. We are talking about what is next, what is fair, what is the follow-on to what we did, remembering all the time that whatever arguments are made, the Senate voted overwhelmingly to pass the bill.

Mr. BYRD. It did.

Mr. DOMENICI. With these two guarantees in it.

Mr. BYRD. Yes. I yield the floor, but may I say before yielding that the bill that is before the Senate is here through orderly procedures, it having been reported from the Senate Appropriations Committee in due course, and that is where we are now. I thank the distinguished Senator.

Mr. DOMENICI. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair. I have sought recognition to support this bill, because I believe that a real need has been shown for these loan guarantees, certainly for the steel industry, and I believe for the oil and gas industry as well.

Senator BYRD and Senator DOMENICI have outlined the procedures which were followed in the Appropriations Committee, and I was part of that conference. The conference worked one night until past midnight, and this provision was the subject of debate.

Coming in the Senate bill, the House of Representatives accepted it after some substantial consideration, and then, as has been specified, some votes were changed. The Speaker of the House of Representatives was not pleased with this provision. The House of Representatives then changed its position after having agreed to this amendment. Then we were faced with a very difficult problem of a stalemate as to what would happen with the Senate insisting on this provision and the House opposing it. We were faced with the need to get this emergency supplemental appropriations bill to finance the military operations in Kosovo.

The meeting finally eventuated in a very small session in S–128 downstairs where Senator STEVENS was present, Senator BYRD was present, and I was present representing the Senate. There were a few of the House Members. It was a very tough bargaining session.

Senator BYRD finally agreed, in the interest of moving the bill, and we all agreed, to take this particular amendment off in order that the provisions as to financing the military operation in Kosovo could go forward. The arrangement was made that this other legislative vehicle would be available to bring the bill back up for consideration by the Senate.

Senator DOMENICI has just outlined the absence of a commitment on the vote, and I think that is, candidly, a generous position. There is a basis for contending that this amendment should be placed in the same position where it was prior to being taken off the earlier bill. If that is to be so, then this amendment will be agreed to and it will go back as the Senate's position for a conference with the House, with the House having first accepted it and then having rejected it.

Whatever may eventuate in this Chamber today obviously remains to be seen in accordance with our rules.

On the merits, I believe that is a sound proposal. The steel industry has been very hard hit over the past several decades with dumped and subsidized steel coming into the United States. The dumped steel ought not be tolerated. It is against our trade laws. It is against international trade laws. But, the dumping continues in great volume.

That dumping has, in the immediate past, cost the jobs of thousands of steelworkers and caused tremendous lawsuits to the steel industry, which is a threat not only to the economy and to jobs and to profits, but also a threat to national security.

It is one thing to have dumped steel coming from Russia at the present time where the Russian economic situation leads them to sell at virtually any price to get dollars, but if a national emergency arises, are we going to get steel from Russia?

We have dumped steel from Brazil, from Korea, from Japan, and other countries. In times of national emergency, are we going to rely on those other countries as a source of supply?

The steel industry once had some 500,000 workers and was an enormous industry in the United States. Over a period of time, that number has dwindled down to about a third—less than a third, actually—about 150,000 workers. The steel industry has capitalized with some $50 billion to be very competitive. But you cannot compete against dumping. You cannot compete against a seller who will sell at any price. That is why the steel industry is in the very serious condition it is today.

Mr. BYRD. Mr. President, will the distinguished Senator yield without—well, I guess the RECORD will have to show an interruption.

Mr. SPECTER. I yield to the Senator from West Virginia for any purpose under any circumstance.

Mr. BYRD. Mr. President, I thank the distinguished Senator. He is always a gentleman.

Mr. SPECTER. I retain my right to the floor. I had a lengthy debate with Senator BYRD about that many years ago when you had to retain your right to the floor. Senator BAYH has been patient, and I am glad to yield unconditionally.

Mr. BYRD. I merely want to thank the distinguished Senator for his support in this matter. He comes from a State and represents people who are very much like my State and my people. He understands the problems of the steel industry and the fact that many steelworkers have been laid off, others have lost their jobs permanently.

I have to leave to be elsewhere for an hour or so. I will not be able to listen to the Senator's speech. That is why I interrupted him, to apologize for not being here to hear his speech, but to thank him for speaking, thank him for his support in this matter, and also to express my exceedingly high regard for him as a Senator, as a gentleman, and as someone who is dedicated, sincere, conscientious, and always courteous and helpful.

Mr. SPECTER. I thank the distinguished Senator from West Virginia for those kind remarks. Our seats are pretty close on the Senate floor as evident if the television picture catches both of us, and I am sure it will. I walk over very frequently to confer with Senator BYRD on constitutional issues. Occasionally, he calls me his attorney general. He just gave a nod in the affirmative——

Mr. BYRD. Absolutely, I admit to that.

Mr. SPECTER. I only got to be a district attorney. Senator BYRD and I have a long, unguarded border with southern Pennsylvania and northern West Virginia. We intend to keep it that way, especially if we can keep the steelworkers employed.

I will be relatively brief, and I know the Senator from Indiana is waiting to speak and the Senator from New Mexico. The Senator from New Mexico has spoken. If I know his practice, he may speak again. There may be some additional occasion.

We have had a very grave time in the steel industry with the loss of jobs. This is a relatively modest proposal. It is a loan guarantee proposal, and the borrowers have to provide collateral. The borrowers have to pay the fees.

I believe this program can be administered in a way that the loan guarantees will not be called into play. That, of course, is a speculative matter. The reality of the situation is, if the companies cannot borrow commercially and have to have a loan guarantee, there is some element of risk. But I believe that is a fair proposition.

The loan guarantee has been structured in a way to provide for collateral; that is, assets will have to be put up by the borrowing companies. Collateral means to fall back on if the borrower defaults; the collateral can be used to satisfy the loan.

The payment of fees is another provision to save the Government of the United States costs. The situation has been recognized by the House of Representatives when it voted in overwhelming numbers, close to 290 votes, in favor of the steel quota bill; less than half of that in opposition.

I have pressed legislation over the years which would provide for an equitable remedy to stop dumped goods from coming into the United States. In the early 1980s I had a legislative proposal to provide for injunctive relief, where the injured party could go into court and get relief within the course of a few weeks instead of many months or even years, which we now have under the procedures of the International Trade Commission. That legislation is pending now. It has been revised to provide for duties instead of injunctive relief to be GATT consistent.

I believe the companion provision here offered by Senator DOMENICI on loan guarantees for the oil and gas industry is solid, especially for the small producers who have had a very difficult time.

Years ago, my father had a used oil field supply business in Russell, KS. It really was a junkyard. At that time I had some experience with the small producers in the oil patch. I know that they have difficult times, too, and that this loan guarantee program makes sense there as well.

I thank my colleague from Indiana for awaiting my recognition here. I thank the Chair and yield the floor.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Indiana is recognized.

Mr. BAYH. Thank you very much, Mr. President.

I commend my colleague from Pennsylvania for his very persuasive remarks. This is a major industry in both of our States. We both share a commitment to dealing with this issue. So I appreciate your leadership very much, I say to Senator SPECTER.

Mr. President, I rise today in support of the Emergency Steel Loan Guarantee Act. I would like to begin by commending our colleague, Senator BYRD, who had to leave for just a brief period of time for other pressing matters. I commend him for adopting an approach that is not just good for West Virginia, not just good for the steel industry, but good for the Nation.

Senator BYRD's dedication to doing what is right for America, and not just the narrower parochial concerns, was evidenced very clearly in the colloquy we heard between Senator DOMENICI and Senator BYRD in which Senator BYRD was going to accommodate the national interests in allowing a supplemental appropriations bill to go forward at a time our Nation was involved in military action abroad. That is indicative of his lengthy record of national leadership.

As further evidence that the approach favored by Senator BYRD and Senator DOMENICI, and others of my colleagues, is the correct approach, I am pleased to identify several Governors who have written to endorse this legislation. The list will demonstrate that it has broad regional support from the East to the West, from the North to the South. Not only my own Governor of the State of Indiana, but the Governor of Maryland, the Governor of Pennsylvania, the Governor of Illinois, the Governor of West Virginia, the Governor of Iowa, the Governor of Utah, and the Governor of South Carolina have written to express their strong, unequivocal support for taking immediate action to address this very critical situation.

Likewise, I urge that this bill be passed expeditiously and without amendment. We have a crisis on our hands. It is very important that we not get bogged down in other extraneous matters but that we move this legislation forward unencumbered.

I sometimes wonder what citizens think when they view us at our work here. We have prerogatives, of course. We have rights, of course. But it is important at this time, with the situation in the oil and gas industry, with the situation in the steel industry, that we move this bill forward cleanly and expeditiously and, I for one would hope, without amendment.

I know something about this issue, having served as Governor of my State for 8 years and now in the Senate. Indiana happens to be the largest steel-producing State in the United States of America, producing more tons of steel than any of our 49 sister States. We currently have approximately 30,000 working men and women employed in the steel industry in Indiana. These are good-quality jobs, with high wages, high benefits, the kind of employment around which you can raise and support a family and a decent quality of life.

Many communities in our State, particularly in northwest Indiana, are dependent upon the health and vigor of this industry for their very livelihoods. The last 20 years or so have not always been good times for the steel industry across our State or across our country. In my State alone, over the last 20 years we have seen tens of thousands of jobs disappear. Our market share has shrunk. Perhaps some of this was inevitable, but perhaps some was not.

There was a point in time when the industry had to acknowledge its fair share of the blame for the state of affairs. They perhaps had been too complacent, had not made the investment in the latest technology and equipment to be world-class competitive. But those days and those arguments no longer apply.

This industry and the workers who labor within it have invested hundreds of millions of dollars, billions of dollars, in the very latest kinds of equipment, the latest technology. If you tour the steel mills across our State, and elsewhere, they are state of the art, world class, world competitive. We are in a position today where we can produce steel of the highest quality, at an internationally competitive price, if it is fair competition.

But, as we all know, since last year the competition has been anything but fair. Given the collapse of currencies across Southeast Asia, many of those countries were desperate—desperate to export their steel and to gain hard currency under any terms, in any circumstances. A flood of illegal—and I stress "illegal"—imports began to come across our shores.

Just this week, our Government has indicated that Japan has been involved in illegal trade practices. And there were other countries cited for this activity before that. This is just the latest evidence of the kind of unfair and illegal trade competition we have been facing since at least last year.

The consequences have been very damaging. We have had several companies go out of business, thousands of jobs lost; and once these companies shut their doors and close down, once their jobs are lost, in all likelihood they will be permanent losses to our economy, with consequences to these families and these communities that go way beyond the economic toll.

This legislation is a balanced approach to dealing with this problem. It is fair to taxpayers, because the costs are offset with reductions elsewhere. It requires the loans to be repaid in only 6 and a half years, which is a relatively short period of time for major loans of this nature. There is a panel established to scrutinize every loan before it is given to make sure that the recipients are creditworthy and, in fact, that the taxpayers will be ultimately repaid.

Before closing, I will say just a couple more words about this bill because, as I mentioned, the consequences are national. In my own mind, they deal with trade and other industries as well. I personally believe that free and fair trade and competition is good for our country. It is good for consumers—with higher-quality, lower-cost goods at their disposal. It is good for our economy, because it forces us to be competitive and productive. In the long run, it leads to the most efficient allocation of resources.

But when trade is illegal, when other countries undertake steps that are not fair, are not just, and, any economist would say, in the long run do not lead to an efficient allocation of resources or a good deal for consumers or working men and women in this country, that is the kind of thing where we must take a stand.

If I am to go back to the citizens of my State and argue why free trade is in our best interest, it must go hand in hand with vigorous enforcement of current law and helping those industries that have been targeted by illegal activity. I emphasize that the pernicious effects of this illegal dumping will last a long time after the dumping has stopped.

Many of our companies have been permanently weakened. If we do not take these steps to allow them to get back on their feet, to allow them to overcome the consequences of this sort of illegal activity, who can say who will be next? Quite possibly, one of our foreign competitors will say: I'll pay a few fines in the short run, bear that short-run cost to permanently, in the long run, weaken American competitors.

That is not right. This loan guarantee program will allow these companies that have been harmed by this illegal activity to get back on their feet, to regain their competitive standing, so that we will have free and fair competition moving forward.

So, in conclusion, this is a bill of national consequence, not just to any one State or region; its interests go way beyond the steel and natural gas and oil industries to affect literally the long-term well-being and competitiveness of the American economy as a whole. That is why I strongly urge my colleagues to adopt this legislation, to do it now, and to do it without amendment.

Thank you, Mr. President, for your patience, your time. I thank Senator DOMENICI for his leadership on this issue, and many others as well.

I am now pleased to yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is the first time I have had a chance to say this on the floor, but while you were in the House serving in various positions, there was a Senator here with the same last name as the junior Senator from Indiana—Birch Bayh. He sat right over there.

Many a time we were on the floor arguing, debating, sometimes agreeing, sometimes disagreeing. So he can read it in the RECORD, I say to my good friend, former Senator Birch Bayh, he did a great job in producing such a son. He was always so proud of him, telling me about him. I am very pleased I have a chance to serve with him. I look forward to that, because I think he has a marvelous, level head, and very good common sense. I say that as if that is an exceptional quality around here. I didn't mean to say that. If that is what I said, it is OK.

Mr. BAYH. The Senator could not have given me higher praise, Mr. President. For that, I am personally and eternally grateful. It has been a privilege for not only me but for my family to serve with you. You have always been a man of decency, courage and honesty. For that, we are very grateful. I look forward to serving with you for many years. On behalf of both my father and myself, I thank you for your courtesy.

Mr. DOMENICI. Mr. President, I just want to put the word out, Democrat or Republican, whoever has amendments, this bill is subject to amendment. Senator BYRD has expressed the desire that we try to keep it to germane amendments, but that is not the rule. It is up to Senators. I am here on the floor. While many may think I don't have to eat, because other Senators are slimmer than I, and could probably go without lunch more often, I would like to be working. I hope we have something to do. I urge that people get their amendments to the floor and start discussing them. There are a number of them that we want to talk about, with Senators GRAMM and NICKLES, whenever they are prepared to discuss items with us.

I am going to suggest the absence of a quorum. I do have a few minutes I could use up with some comments about oil and gas, this bill, but I truly ask, if there are no Senators that want to offer amendments or speak, I will send word to the leader that we should have a recess for a few minutes to see if we can get some amendments to the floor. In any event, somebody will be here one way or another waiting.

Before I finish and ask that my request for a quorum call be announced, I note the presence of the junior Senator from Alabama. I wonder if he would want to comment on something.

Mr. SESSIONS. I would like to comment on the bill, but if we could have a few minutes for a quorum call, that would be good.

Mr. DOMENICI. You may have as much time as you like.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, what is the parliamentary situation? Senator DOMENICI is managing the time. Are we ready to hear a statement from Senator SESSIONS and waiting on an amendment to be offered?

Mr. DOMENICI. There are no time limits, I say to the Majority Leader. We were waiting for amendments.

Mr. LOTT. I encourage Senators who are working on amendments to come to the floor. I know of two or three amendments that are being prepared. Perhaps one of them could go ahead and be offered. There is at least one that would be pretty simple. It would be to strike the emergency provisions. So it doesn't take a lot of preparation. We could go ahead and continue to make progress.

We need to finish this bill today. If we do not get our work done during the daylight hours, we will be here tonight. That is OK, if we have to do it, but if it is not necessary, it would be preferable we work during the day. I know the Senate likes to return to its nocturnal habits, but I hope that will not be the case. If there are two or three or four good amendments to be offered, let's bring them out on the floor. Let's have an hour debate, and let's vote. Then let's get to final passage on this issue.

I am glad that Senator SESSIONS is here and Senator DOMENICI. I know we all need to get a bite to eat. If we could keep this moving along, I think it would save us some time tonight. I thank our colleagues for their cooperation.

I will go and make a call to Senators that I know have amendments. I urge them to come on out and have the amendments offered, and then we could make some progress.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished leader. I am trying very hard to stay here and do my part, and I hope Senators will heed his admonition. We would like to finish.

I yield the floor.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I think we need to make a couple of things clear today about the bill before us and why it is so important to so many people.

First, I am a strong supporter of free trade, trade that is free and fair. I believe this bill is completely consistent with those basic principles. But while we engage in free and fair trade, many countries in the rest of the world do not abide by those same principles. We have trade laws to address this, but, as the distinguished Chair knows, they are slow to address the kind of serious economic injury that faces many companies and communities in America.

We can't afford to lose more industries to illegal trade practices, particularly the two we propose to offer short-term support to today: oil and gas and steel.

Second, I believe this is a reasonable response to a terrible crisis that threatens more than just companies but whole communities across America. This bill does not propose quotas. Indeed, it is GATT legal, and it is intended to provide only a short-term loan guarantee.

This is not some radical idea. Federal loan guarantees are used every day in the farm industry, the housing industry, the small business community, and for foreign countries. So let's be clear about how anathema this is to our free trade principles, because we do this all the time.

Third, this program is not a Federal handout or Federal grant or Federal award or Federal subsidy which Congress provides daily and, I might add, to millions of companies and organizations and industries in this country. It is a short-term loan guarantee program that provides that every dime—yes, every dime—is paid back. Contrary to some representations, the risk of the default is not that great, according to the Congressional Budget Office. Based on these calculations of cost, however, the program has also been completely offset.

Finally, I think it needs to be reemphasized that this program is not going to solve long-term problems that may face some companies in this industry. That is not what this is about. It is about trying to minimize the serious economic side effects that illegal trade practices have exacted on several companies in the steel industries. If this program helps one company get through this tough time until our trade laws address these illegal practices, and if it saves one community in America, it will be worth it.

Mr. President, I believe Americans deserve to be treated fairly—and not inordinately suffer the consequences of our inability to minimize and protect against continuous and systematic illegal trade practices of other countries.

I urge my colleagues to support this short-term loan guarantee program, and I thank the Senators from West Virginia and New Mexico for their leadership in this area.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am pleased to join with the senior Senator from Alabama as we support this piece of legislation that I believe will help the American steel industry. It is not an industry that has stuck its head in the sand, that has failed to modernize, that is not competitive. The steel industry has gone through very difficult times and has, in fact, been able to make itself competitive and is able to sell steel products in this country cheaper than foreign imports can be sold here. That is good for America because it means that Americans are working to produce that steel. It is an important thing for this country.

I really want to say that I have visited Gulf State Steel in Gadsden, Alabama, where my wife grew up. It is the largest employer there, 1,800 or so people. I have visited there at least three times and I felt the fire in that furnace. I met with the people who work there. They are producing steel at world class competitive prices, and they are continuing to get better. They are going to continue to get better. But we have had this circumstance of a crisis around the world in foreign countries, desperate for American dollars, and they have sold their steel here below cost.

You may say, well, that helps the automobile industry, or whatever. Maybe you could make that argument. It is an economic argument that people like to make. But I suggest, and believe strongly, that what is happening is we have a potential in this period of dumping to destroy significant segments of our steel industry, which will in the future, and soon, be competitive again. Do you see what happened? Through these cut-rate imports, sold below cost, it can sink companies like Gulf State Steel. They are struggling to survive. Many of these people have been working at that steel mill for many, many years. Some of them are children of people who worked there. If they weren't competitive, OK; but they have been competitive. They have made the needed changes, and this short-term dumping has the ability to sink those companies. This loan program, I believe, will deal with that.

There is no doubt that dumping has occurred and that it has materially injured this industry. There is no doubt that the Clinton administration knew that illegal dumping was occurring, and they failed to take the kind of decisive action that would have ended the problem months ago. So I am offering my support for this bill, which will take a modest step toward helping steel companies and small oil and gas companies who have been victimized by illegal dumping.

The Department of Commerce has determined that illegal dumping of steel into the U.S. market began in 1997. During the fourth quarter of 1997, there were 7 million tons of steel imported. But within a year, that number had totaled 11 million tons, which is a 55 percent increase. Is that explained because of some technical breakthrough by foreign competitors that reduced their costs? Did American steel companies who have been on the cutting edge of efficient production suddenly revert to outdated production methods? Did U.S. steelworkers, who produce more steel per worker than any other in the world, lose their edge? The answer is no.

U.S. steelworkers and companies did not lose a share of the market because of inefficiency or a sudden improvement in the competitors' efficiency. The steel that came into our market was below production cost prices because countries like Russia, Brazil, Japan and Indonesia were subject to a currency crisis and needed U.S. dollars. Because the administration had a history of not enforcing these trade laws, sometimes as a back doorway to implement foreign policy goals, our overseas competitors saw an opportunity to dump steel and get this hard currency. Unfortunately, our foreign policy goals came at the expense of steelworkers and their families. Despite repeated calls from Congress, including myself, there has been an insufficient response to date.

Even in the face of indisputable evidence that dumping was occurring, we have not stopped the wave of illegal imports flooding our shores. In November of 1998, the U.S. International Trade Commission, an independent commission that examines illegal trade practices, determined that dumping as defined in that agreement was in fact occurring. It was not until 4 months later, and over a year after the problem was first identified, the Department of Commerce finally began to enforce trade laws and placed a tariff, a preliminary dumping margin, on steel imported for Brazil and Japan in February of 1999. This enforcement action was narrowly focused and left out some of the biggest countries, such as Russia, which were found to be dumping steel on the U.S. market. Adding insult to injury, the Secretary of Commerce entered into a suspension agreement with Russia. The practical effect of this was to end the Department of Commerce and the International Trade Commission's trade investigations of Russia. It did nothing to discourage future dumping by Russia or any other country. In fact, the suspension agreement may have actually rewarded Russia for its illegal trade practices by sending the stark message that there is no adverse consequences for committing or attempting to commit trade crimes against the United States. The worst that may happen if you commit trade crimes against the U.S., under this climate, is a polite request through a suspension agreement to please stop.

The administration's actions have been too little too late. The suspension agreement should be viewed as an ineffective method. This action will undoubtedly lead to additional dumping by other countries. Thousands of good jobs in this country have already been lost. The pattern of poor action and inaction taken by this administration will undoubtedly set groundwork for future job losses and create a crisis that we need to be concerned about.

The United States must not sit idly by and allow its economic strength to be damaged by consistent, unfair trade practices. We must respond to that. In Alabama, there are a number of steel companies that have been injured. Gulf State Steel, as I mentioned, in Gadsden has been directly impacted by imports. As a result, employees and families have been faced with increasing uncertainty about the future of their very facility. The production methods used and the caliber of the workforce at Gulf State and other steel plants—many of them are in Alabama—make this industry one of the most efficient in the world. Alabama steelworkers can compete effectively with other countries in the United States and indeed throughout the world. The current financial problems faced by our domestic steel makers are not the result of poor management, outdated equipment, or an underskilled workforce; rather, it is the direct consequences of illegal dumping of foreign imports into the United States. If Gulf State Steel was to cease operations as a result of illegal dumping, it would force dismissal of nearly 2,000 workers. According to an economic impact study conducted by Auburn University, the economic impact of a plant closing would be staggering to Etowah County, which has already seen one plant close of 1,300 people. Direct job losses would exceed 1,800 workers. Indirect job losses would total 3,020. Statewide job losses would total 4,820, and the overall economic impact on Etowah County would exceed $300 million. This is just one example of the crisis dozens of steel companies now face throughout the United States.

The steel, oil and gas loan bill we are considering today is a modest solution to assist these companies that have been already injured by illegal trade practices.

It is not a handout. It is not corporate welfare. It is a loan program designed to give these companies which might otherwise be faced with bankruptcy—some are faced with bankruptcy right now—an opportunity to recover the damages they have suffered at the hands of unfair trade practices.

While this bill would authorize a highly qualified board to offer heavily secured loans to the distressed owing up to $1 billion, it will not cost $1 billion. The Congressional Budget Office has put the total cost at $247 million. The Congressional Budget Office takes into account the fact that some companies which might receive loans have been damaged beyond the point of recovery, which could result in some defaults. But the cost of inaction is much greater. In Etowah County alone, Auburn University's economic study put the cost of bankruptcy for just this one steel company at over $300 million. This figure doesn't even account for the tremendous social costs associated with the loss of jobs and income to families employed by this company.

I want to say I support free trade. I do not believe in providing unjustified economic assistance to companies. I don't believe in erecting unwise and unjustified trade barriers.

This bill would not hurt free trade. It would instead provide modest assistance to the companies and their employees who have been injured by the rampant proliferation of illegal trade practices that we have permitted to occur, and that this administration has permitted to occur too long.

I believe that we have a situation much akin to maybe people on the edge of water, a body of water. The water doesn't reach their level, and they have been able to survive and live for a long time. But a giant wave comes along one time, and the wave hits them with such an impact that they are knocked down and they are destroyed. We have had a wave of illegal imports. It has been declared by an agency to be illegal. That wave that hit our country has destabilized and undermined the strength of a number of different steel companies and, therefore, jeopardized the jobs of many Americans and incomes to the country.

When you are in bankruptcy, it is hard to get a loan. It is hard to get financing if you are in bankruptcy, or on the verge of it. So this would allow these companies to get this income to continue to operate.

Once we end the dumping, we are going to be back to a circumstance in which they can continue to operate and make a profit, as they were before this occurred.

I believe it is justified.

I see the senior Senator from West Virginia, Mr. BYRD, who has worked so hard, and Senator DOMENICI and others. I am pleased to support him in this effort. I believe that somehow, some way, when this thing is over, we will have been able to provide some assistance to these companies to enable them to survive and continue to be productive contributors to our Nation's economy.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I also thank the very distinguished Senator from Alabama, Mr. SESSIONS, for his comments and for his work on this bill. I thank, as well, Mr. SHELBY, the senior Senator from Alabama, for his support and for the work that he has contributed to this legislation.

I feel very good about having their support. They are both very able Senators, and they are utilizing their talents in the best interests of the Nation in supporting this legislation.

American steelworkers earn their daily bread by the sweat of their brow. That is in accordance with the edict that was placed upon man when God evicted Adam and Eve from the Garden of Eden. Steelworkers are earning their daily bread by the sweat of their brow amid the glow of productive glass furnaces filled with molten steel. American fortunes were built on their backs. Their collective might forged a national defense and a national economy second to none.

Today, after almost 20 years of downsizing and rightsizing and modernizing, just 160,000 steelworkers are employed in state-of-the-art American steel mills, compared to some 400,000—400,000—in 1980. The industry, which retooled to adapt to international market changes, is now a world class—a world class—competitor, even while adhering to high U.S. safety, labor, and environmental standards. But the ranks of American steelworkers, it appears, are in danger of future cuts that could undermine their ability to support U.S. priorities.

This situation is not, as some would have us believe, due to a failure of the steel industry to economize or to increase efficiency. America's steel industry serves as a model in the art of modernizing to enhance competitive prowess. America's steel producers have sacrificed, they have trimmed, and they have automated, investing nearly $60 billion in the process. In return, they have been forced to compete on a playing field that is tilted—tilted—by the weight of the unfair and illegal trade practices of foreign competitors.

Last year, a record 41½ million tons of cheap and illegally dumped steel flooded the U.S. market. Piles of this foreign-made, below-cost steel amassed at our ports. It drove U.S. producers to drop prices, to impose layoffs, to shut down furnaces, and to slow down production.

Those cold mounds of steel represented an 83-percent increase in the amount of steel imported into this country—83 percent over the 23 million tons, on average, imported in each of the previous 8 years.

Contrary to some reports, this Congress was notified of signs of a potential flood of both legal and illegal steel imports in January 1998. I, in conjunction with the Senate steel caucus leadership, have worked during this year and a half to lay a foundation that would provide meaningful help to the U.S. steel industry. The chairman of that steel caucus is Senator SPECTER, and the ranking member, or vice chairman, is my colleague from West Virginia, Senator JAY ROCKEFELLER. I have joined the Senate steel caucus in writing numerous letters to the administration and in holding hearings and discussions to provide testimony about the impact of the crisis.

I commend Mr. SPECTER and my colleague, Mr. ROCKEFELLER, on the work that they have done.

Although prices for steel have been dropping below domestic manufacturers' costs to produce due to the flood of imports, the U.S. market still offers an outlet for surpluses generated by very sharply depressed demand in Asia and elsewhere. A poor market is better than no market, so rather than idle their own furnaces and mills, foreign exporters are flooding the U.S. market. The United States was the principal destination in 1998 for Japanese-finished steel mill exports that were diverted from the depressed Asian market—to the tune of 4.2 million tons of the 4.7 million tons that Japan had exported to Asia just 1 year earlier.

In 1996, Japan exported just 18,190 net tons of hot-rolled sheet steel to the United States each month, on average, a modest increase over 1995. But, in 1997, that figure of 18,000 net tons rose to 43,095 net tons each month, on average. From January through September 1998, that average monthly figure had skyrocketed to 192,812 net tons. Over the same period, however, the value of each ton of Japanese hot-rolled sheet steel fell, from $460 a ton in 1995, to $409 in 1996, to $367 in 1997, to $295 a ton in 1998. At the same time, Japan's domestic market remains virtually closed to foreign steel, allowing Japanese steel mills to command unusually high prices at home.

A similar story can be told in the case of Russian hot-rolled sheet steel. In 1995, the average monthly import volume was 46,661 tons. In 1996, that figure had climbed to 67,587 tons per month. In 1997, it was 165,268 tons per month, and from January through September 1998, the average monthly import volume of Russian hot-rolled sheet and plate-in-coil steel was 286,311 tons. At the same time, the price per ton fell from $316 in 1995 to just $240 in 1998. That is a lot of cheap steel to absorb, and that is just one particular type of steel product.

Our government's response to this threat was to handle cheating—cheating—foreign competitors with kid gloves due to concerns that the economies of those foreign nations have been in distress.

Now, who pays our way here? Who pays the fare for our trip from Sophia, WV, to Washington, DC? Who pays the fare from Arkansas to Washington, DC? Who pays the fare from Kansas, for those who represent Kansas in the Congress, to Washington, DC? Not those foreign competitors, I can assure you, as far as I am concerned. They don't pay our way. They don't pay our fare. They don't pay us. We are not on their payroll. The people of West Virginia send me here, and the road that leads to Washington leads back home.

I am going to be first, last, and always interested in the people of our own Nation who look to us for leadership, look to us to help them with their problems—not the foreign competitors.

The argument has been made that caution must be exercised so as not to push these teetering economies over the edge. I understand concerns about the intertwined economies of an increasingly global marketplace, but my heart will not bleed for cheaters. My heart aches for those American men and women who have worked and sacrificed and followed the rules, only to have their futures and the futures of their families, their communities, and their steel industry thrown into question.

The illegal dumping of steel on American shores is real. It is not imaginary. It is not something we are just dreaming about. It is not something we are seeing visions about. It is real. The crisis does exist.

Our domestic steel industry has been seeking remedy through antidumping and countervailing trade cases. The Commerce Department has ruled on or is investigating cases against Japan, Russia, Brazil, South Korea, France, Italy, India, and Indonesia. On June 11, just last Friday, the International Trade Commission, by a 6–0 ruling, found that imports of dumped hot rolled steel from Japan are "materially injuring or threatening material injury" to the U.S. steel industry.

Based on this determination, duties will be retroactively applied to imports from Japan that enter the United States after February. 19, 1999, but the international trade system established to help domestic manufacturers recover from trade-induced damage has thus far failed our steelmakers. The process is too painfully slow.

When I was a boy I read a book, "The Slow Train Through Arkansas." We are talking about a slow process here, and it has failed our steelmakers. The process is too painfully slow to avert long-term financial disaster for many U.S. steel mills.

One of the opponents to this bill said the other day: Well we have a process here.

Yes, we have a process. I am saying it is too painfully slow to avert long-term financial disaster for many U.S. steel mills.

That is why we have come to the floor with this bill, this provision that will help in the short-term. Damage must be done before a case can even be filed. Now, that is the process; damage must be done before a case can even be filed, and the investigation and the adjudication takes months.

Even if our steel companies succeed in getting our trade laws to support them by levying tariffs on unfair competitors or otherwise reducing their attempts at undercutting our domestic market, these steel mills will not receive any of those tariffs to make up for their losses or to help out their workers. The damage has been done. The damage has been done.

At best, they will get an eventual reduction of illegal imports that will allow them to compete in their own country, at least until some other nation decides to flood our markets. It is not fair. It is not right. It is not right for our steel industry. It is not right for our steelworkers. It is not fair to our steelworkers. Nor will communities that are hard hit by layoffs and threats of layoffs receive any direct compensation from the tariffs that are paid by illegal dumping. The damage has been done.

The little community of Weirton has been hard hit. The Weirton Steel Company employed 14,000 men and women a few years ago; today, it is down under 5,000. The Weirton Steel Company is the lifeblood of Weirton, WV. Without it, the community would be dead, dead, dead!

There are other communities. But these communities, as I say, that are hard hit by layoffs—and there have been additional layoffs at Weirton; 800 steelworkers laid off since last November because of this illegal dumping of below-cost steel into American ports by those foreign countries that wave their nose at the trade laws. Communities hard hit by layoffs and threats of layoffs will not receive any direct compensation from the tariffs paid by illegal dumpers. Now, that is the process. They say, well, let the process work.

The recent years of uncertainty that deterred people from buying houses, buying cars, buying anything they might have to finance longer than their job might last, no one can make up for those kinds of losses that ripple through a community, affecting jobs, affecting lives that are directly linked to a steel mill paycheck.

This crisis may not be abating, as some would have us believe. Foreign steel markets are not yet rebounding to their previous levels, and oversupply remains very high. Nearly all of the recent import declines are due to antidumping cases against just three countries. Historically, such cases have eventually caused increased imports from other exporters and for other steel products. We have seen that in this instance, as well.

When the Commerce Department investigates import surges of a particular type of steel from a single source, that exporter temporarily cleans up his act. You see, he gets religion fast. He cleans up his act with regard to that particular type of steel. But he makes up for it. The right hand doesn't know what the left hand is doing in that case. While he cleans up that act, he makes up for it by flooding the U.S. market with a different steel product that is not under investigation, or another nation steps in to fill the opening provided by tariffs placed on a foreign competitor.

So no sooner is one dog leashed than another dog is on the attack. For many months, manufacturers and steelworkers lobbied and protested and cried: "Help me, Cassius, or I sink!"

They protested and tried every conceivable approach to draw the U.S. Government's attention to their plight, and their pleas were met by dawdling and disbelief.

We cannot afford to continue hemming and hawing, as the fires die down in the blast furnaces at Weirton, WV, or in Illinois or Indiana or Missouri or Alabama or Pennsylvania or Ohio. This is an emergency. That is why it was put into an emergency appropriations bill. It requires urgent action. We have responded to emergencies in other industries and in other nations; why can we not respond to a critical situation in our own steel industry?

Do you remember the story of Joseph and Mary, who went from Nazareth up to Judea to pay their taxes? They went to Bethlehem. Their baby was born and wrapped in swaddling clothes and laid in a manger. Why was it laid in a manger? Because there was no room at the inn. There was no room for the baby at the inn. It had to be laid in a manger because there was no room for Joseph and Mary and the baby at the inn. No room at the inn. So to the steelworkers, there is no room for the steelworkers at the inn, no room at the inn.

This crisis cannot be merely dismissed as a West Virginia matter, as some sought to do earlier. I know the word went around, well, this is just to help workers in West Virginia; this is just to help Senator BYRD from West Virginia. That is not the case. That is not the case.

So this crisis cannot merely be dismissed as a West Virginia matter. This is a national matter. It affects Kentucky. It affects Virginia. When one industry hurts in this country, the whole country hurts. When steelworkers are thrown out of jobs, there is a great ripple effect. When jobs are lost in Indiana and Illinois and West Virginia, it hurts in Kentucky. It hurts in Virginia. This is a national matter involving an industry that stretches across the Nation.

When you see those television pictures of the tanks in the Balkans, those tanks are not made of pasteboard. They are not made of nylon. They are not made of plastic. They are made of steel. I know what it is to weld that steel, having welded in the shipyards in World War II. It was this mighty country with its steel mills and its experienced steelworkers and its efficient steel companies that made the ships to carry the manpower and the weaponry to Europe in World War I and in World War II. Let another war come. We will send tanks of pasteboard?

The ill effects that have been visited upon this industry loom in Utah, Illinois, Arkansas, Missouri, Pennsylvania, Ohio, Alabama, California, and other States. It touches the lives of all Americans. Just read the newspapers and the trade publications from around the Nation.

Bankruptcy looms for Gadsden, AL, based Gulf States Steel. Last month, Laclede Steel shut down its Alton, IL, pipe and tube plant, putting 200 employees out of work because of high levels of imports.

In April, FirstMiss, a Pennsylvania steel producer of high-grade specialty steel, announced plans to shut down, putting 140 people out of work.

These are Americans. These are people of flesh and blood, just as you and I are flesh and blood.

Geneva Steel Company of Vineyard, UT, filed a Chapter 11 bankruptcy in February, citing the surge in steel imports as the cause of its financial distress. Geneva Steel employs roughly 2,400 workers in Utah making hot-rolled and plate steel. In December 1998, Geneva officials had conceded that they would be unable to make January's interest payments on senior notes.

Bethlehem Steel officials announced in January that the steel import crisis caused them to decide to close two plants—in Washington, PA, and Massillon, OH—and eliminate a total of 540 jobs. Not surprisingly, no buyer could be found for the Massillon mill, given the poor market prospects.

In November 1998, Bethlehem Steel temporarily shut down facilities in Burns Harbor, IN, and Steelton, PA; it cut back shifts at facilities in Sparrows Point, PA, and idled production lines in Coatsville, PA, that employed 1,000 people, all because of unfair, illegal competition from imported steel, and unfair competition from foreign countries.

The Scriptures say that charity begins at home. We don't want charity. We simply want a fair, level field so the American steelworkers, whose efficiency is as great or greater than that of any other workers in the world, can make their way, can earn by the sweat of their brow their daily bread.

I have been in the Senate 41 years. I have never turned my back on any other State or any category of people in this country who are hard up and who are out of work and who need help in order to earn their bread by the sweat of their brow.

Whether it is in my State or not, if it is somewhere else in America that an industry, that the farmers need help, that the farmers need loans, that the homebuilders need loans, I am here to help, always have been. I do not say it does not help my people. I do not say that. The chain is as strong as its weakest link. I say help them if it is on the west coast, if it is on the east coast, if it is in the North or the South—wherever. If it is America, count me in.

In November, LTV officials announced that the company would permanently close some operations at their Cleveland Works facility, eliminating 320 jobs, because, in part, of dumped imports. The previous month, LTV had temporarily laid off an additional 320 workers on a different production line. U.S. Steel also cut back operations in November, laying off several hundred of the 850 workers at the Fairless, Pennsylvania, plant. These are not West Virginia plants, but if it hurts Pennsylvania; it hurts me; it hurts West Virginia.

National Steel announced the idling a blast furnace producing 1.1 million tons of iron at its Great Lakes Division last October, reducing the steelmaking capacity there by 25 to 30 percent. Last September, California Steel Industries reported that it had lost 15 to 20 percent of its sales volume, and had reduced production operations proportionally. Also last September, Illinois-based Acme Metals, Incorporated, filed for chapter 11 bankruptcy protection, halting production at a new, $370 million slab caster designed to take advantage of its high-quality blast furnace operations while linking it to low-cost, mini-mill style casting and rolling equipment. So much for modernizing to remain competitive! We have done it. The steel industry has done it. They have modernized the steel mills. The lesson steel makers have learned is that their investment decisions to remain modern and efficient can be undercut at any time by foreign producers driven by their own interests, or subsidized by their own governments, to increase their market share by driving under the domestic competition.

I could go on, but I think I have made my point. These American steel companies are suffering not only from the kind of depressed export market that has led the administration and this Congress to provide emergency relief to our Nation's farmers, but also from unfair, below-cost imports that are squeezing our steel industry out of our domestic market. Why is it this Congress can so readily support funding for direct low-cost loans to farmers—and I am for that—in order to help them survive the tough times, but some Members balk at providing loan guarantees to allow an equally critical industry—one that is necessary to maintain a robust defense as well as a robust economy—to obtain market rate loans to restructure debt and tough out a battle against depressed markets and unfair competition? I confess that I simply do not understand this logic.

Help the farmers. We have heard that cry from the steeple tops, and my vote has been there. I do not have large farms in West Virginia, but when the call comes to help the farmers, my vote has been there. I have never opposed help for all the farmers.

I have been on the Appropriations Committee 41 years, Mr. President. You do not find me opposing aid to farmers just because West Virginia does not have big farms. Why provide loans and grants for foreign governments? What is the logic in the U.S. Government providing loans, direct loans in many instances, guaranteed loans and grants to people in foreign lands, foreign governments? Why help them, when there is no room at the inn for American steelworkers?

Think of it. I would be ashamed—ashamed—to deny our own people when we do not deny foreign governments. I have a list of the direct loans. I have a list of the guaranteed loans. I have a list of the outstanding loans to foreign governments. And then a Senator will stand in this Chamber and vote against guaranteed loans for an American industry, the steel industry, steelworkers, steel families. I know some Senators do not like to hear it, but listen to me. If you do not hear me, you will hear from them, the people for whom there is no room at the inn.

Opponents of this loan guarantee program would have us believe that this is an excessively costly solution to a nonexistent problem. It is neither. The loan guarantee program outlined in this bill would provide qualified steel producers access to loans through the private market that are guaranteed by the federal government in the same way that the federal government now guarantees loans made to homebuilders, farmers, even foreign governments. These guarantees are needed because banks, seeing the same flood of low-priced imported steel, are not willing to make loans or restructure existing debt when their collateral—the steel made and sold by the borrowers—is so devalued. both the Congressional Budget Office and the Office of Management and Budget, acting under the credit reform provisions of the Budget Enforcement Act, have calculated the budget authority estimates of this program at only $140 million, reflective of the fairly low risk of default and the value of the potential collateral to be offered. This cost, as has been stated time and again, is fully offset.

The steel loan guarantee program will be established and administered by a distinguished board of directors—namely, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce, who will serve as chairman of the board. This board will be given flexibility to determine the percentage of the federal guarantee, the appropriate collateral, as well as the loan amounts and interest rates.

This board will disburse loans of not less than $25 million, subject to a waiver, and not more than $250 million to any one company, and the total amount of all guarantees will not exceed $1 billion. As the loans are paid off, funds will become available for additional lending. All loans, however, must be repaid within 6 years, with interest.

This loan guarantee program is GATT-legal. We are still playing fair. We are not subsidizing our steel industry. We are not undermining someone else's domestic steel industry by dumping steel at below production cots. This program would operate within the international trade rules.

This emergency loan guarantee program is an important tool to help these companies deal with the immediate effects of this crisis as they pursue their legal cases and as other legislative remedies are being considered. By itself, this program will not solve this crisis, but it is needed to ensure that these companies can make it through some very tough times and keep their employees—our fellow citizens—working.

Which of you, the Scriptures say, if your son asks for bread, will give him a stone? Which of you, being a father, if your son asks for fish, will give him a serpent? Which of you, if your son asks for an egg, will give him a scorpion?

When I say to Senators, these steelworkers are our fellow Americans, our fellow citizens, they are asking for the opportunity to earn their daily bread, in the sweat of their brow, are we going to give them a stone?

So, what do we have to lose here by ensuring that funding is available for a crisis that our own Department of Commerce verifies is upon us? If the money is not needed, not one red cent will be dispersed from the Treasury. But if we do not act, and steel companies start to go under, you can bet that we will not be able to act quickly enough to save some of those companies, some of those jobs, and some of those steel towns that will be pulled under by the rip current of our failure to respond.

It cost us at most $140 million to act decisively now to avert a crisis that is within our shores. Our failure to act will surely cost us much more as a nation. I speak not only of the tangible costs of inaction—in increased unemployment, cuts in services, and bank losses, in addition to increased spending for welfare, food stamps, Medicaid, housing assistance, child care assistance, community adjustment assistance, worker adjustment assistance, and so forth, but also of the intangible costs. What does it mean if we let our steel industry fail? What does it mean if we allow it to be sliced away mill by mill by mill until only the biggest survive? What does it mean for our future to have another critical defense component delivered from a ship arriving from distant shores? Ships from distant shores will bring the steel. Can our space launch capacity be held hostage to specialty materials and components produced overseas? Can a new stealth bomber still be produced without a foreign partner?

What does it mean when we let trade theory or consideration for foreign trading partners allow us to tie our own hands and let foreign competitors unfairly or illegally pull the rug out from under American citizens? Should American steelworkers and their families go on unemployment or even welfare in order to allow foreign steelworkers to retain their jobs? I do not think so.

I think our people should come first, as far as I am concerned. This country has been very charitable to the rest of the world. This Nation has helped other nations when disasters came upon them. This Nation has helped other nations to rebuild after destructive wars. But we should not ask this Nation to give up its industries and ship those industries overseas. We should not ask our steelworkers to give up their jobs in order that steelworkers somewhere else, thousands of miles away, across the deep waters, may have their jobs.

The people who send us here place a trust in us. Those who send us here can bring us back home. They ought to bring us home if we do not listen to their pleas. They place a trust in us that we will stand for issues important to them, their lives, and their livelihood.

I cannot, in good conscience, turn my back on America's steelworkers, just as I cannot turn my back on the oil and gas workers. And I cannot turn my back on the farmers in this country. But I hope that each of you will not turn your back on our steelworkers. The time will come when you may come to my door, saying: I need your help. I may have that rollcall on how you voted when the steelworkers needed your help, when their families needed your help in order that they might have bread to eat, clothes to wear, and the other necessities of life. Let's not forget we have to help one another.

The questions for every Member of Congress are these: do we care if we have a domestic steel industry? Does it matter? Or should we throw in the towel and allow foreign competitors to chip away at our steel industry until we are forced to depend on foreign steelmakers for our every steel need in the next century? Let us not dither. Let us not believe there is no problem here. Let us not play politics.

Let's leave philosophy to Socrates and to Plato and the other great philosophers. Let's tend to things closer to home. Let us act. I urge the adoption of this legislation.

My colleague, my friend, PETE DOMENICI, who is on the floor at the moment, who represents the great State of New Mexico, will speak for oil and gas. I fully support him—fully support him. What affects his oil and gas industries affects me and my people, affects West Virginia.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Texas.

Mr. GRAMM. Mr. President, I first say to our colleagues that Senator NICKLES and I, who are on the other side of this issue, have been at the Finance Committee where we have been holding a hearing on Larry Summers, who has been nominated to be Secretary of the Treasury. As a result, it has taken until now for us to get the opportunity to participate. Because this is the most significant confirmation since either one of us has been on the Finance Committee, we did not have the luxury to miss that hearing. So if we have inconvenienced our colleagues by being late, I apologize.

I also say that one of the things that is always hard about our business—and our business is a noble business; it is American democracy at work—is that you do not get to choose your allies. If I had an opportunity to choose my allies based on their ability and knowledge and persuasiveness, I would never undertake any battle where I did not have Senator BYRD and Senator DOMENICI on my side. The problem is that when the Lord handed out ability, He did not distribute basic philosophy and values and also a reading of the facts in the same way He distributed ability, at least from this Senator's own point of view.

I find myself, which happens from time to time and never creates happiness on my part when it does, fundamentally disagreeing with two of our most able Members and two Members of the Senate for whom I have a deep affection and a deep respect.

What I would like to do today is the following: I would like to try to outline the changes that I believe should be made in the bill. Let me make it clear that I am not for this bill. I see this as harkening back to another day, the days of the Carter administration, where we were basically trying to engage in industrial policy. I will talk more about that in a minute.

But if we are going to pass the bill, there are some things we should do—and I hope we will do—that could dramatically improve the bill. So what I would like to do today is talk about those amendments and try, for the convenience of our colleagues, to outline the amendments that I see that we would present today.

I can't speak for any other Member of the Senate. There may be others, besides Senator NICKLES and I, who have been working on these amendments together, who would want to come over and offer amendments. But to sort of give an outline, I would like to go through and outline what I think is wrong with the bill in terms of what could be improved by amendment. I would like to talk about each of those amendments and try to explain why they make sense so everybody would sort of get the lay of the land of the battlefield that we are likely to contest today and vote on today.

I would then like to try to talk about the problem in the steel industry, because Senator BYRD has spoken with such passion and conviction that, if you are going to oppose what he is trying to do, you have an obligation to explain why you disagree. So I will try to at least give you the view through the lens that I have in looking at this problem as to where I am coming from and why I think as I do.

Then it would be my proposal to either offer the amendments that I have outlined and simply have them there so anyone could debate them or, if Senator NICKLES comes over, then we could go back and forth. But it is not my objective to try to delay the process. It is pretty clear what I would like to at least have the Senate make a decision about today.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. DOMENICI. I need to get consent on behalf of the leader. It will take 30 seconds.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be considered as original text for the purpose of further amendment, provided further that no points of order will have been waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Now that I have the floor, I wonder if my friend will engage in a little discussion with me for a moment. I think the approach you have just spoken of will be a good one for the Senate.

I am somewhat familiar—I will be more familiar when you are finished with your discussion of your four points—with what kind of amendments you are seeking. I believe it is possible we could sit down with Senator BYRD and work on all of those amendments. Some of us have been thinking about some of those amendments, even without you offering them; and some of them make eminent good sense to me.

So if you will do that, if you will discuss them, I am certain that unless there are other Senators beyond you and Senator NICKLES, what you are talking about, even if we do not agree, we are not going to be here late tonight on those, if we can get them done. The question is, are there others? And we don't know about that. There may be; there may not be.

It may be that we cannot vote on some of these because of some other matters that are beyond our control. But I do not think we need time at 10 tonight to debate the ones you are talking about. We will understand them very soon, and we will start working with you and see what we can do.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank Senator DOMENICI and say, in complying with his wishes, that what I will do is simply go through and talk about four areas that I think we need to work on to improve the bill. Then I want to talk a little bit about the underlying amendment and about steel and about my different perspective on the problem than Senator BYRD has.

First of all, this bill has an emergency designation in it. What does that mean? What it means is this bill will be exempt, because of that emergency designation, from the budget caps that we set out in law and that we reinforced when we adopted the budget this year. To the degree to which that emergency designation allows us to spend beyond the cap, that expenditure will take money away from the budget surplus, every penny of which is Social Security trust fund money.

The way the bill is written, it is written in such a way that it does make some effort to try to deal with the cost of the program. In doing so, it is not effective, because it doesn't lower the spending caps to pay for this bill.

My first objection—without getting into all of the delicacies of the budget which aren't really important to this—is the following: We have a surplus today in terms of the books of the Government. But we do not really have a surplus in the sense that if we had to keep our books like the private sector does, where we had to take into account all the liabilities that we are incurring by guaranteeing Social Security benefits in the future, if we had to use what accountants call "accrual accounting," we would be running a huge deficit. It creates a problem because now, as virtually everybody in America, I hope, knows, we are collecting more in Social Security taxes than we are spending on Social Security, so we are running a surplus and the Social Security trust fund would tend to grow as a result of that surplus.

But much to my distress, and I believe it would be distressing to the American people, if everybody understood it, it seems like weekly we spend more money, every penny of which comes out of Social Security, so that effectively we are plundering Social Security to pay for other programs.

Now, you can argue the merits or the demerits of this loan program. I will tend to argue the demerits. But even if you thought this program had great merit, I think it is bad policy, and wrong, to take the money out of Social Security to pay for it.

So the first effort that Senator NICKLES and I will undertake is that there is a budget point of order in the budget against any emergency designation for non-defense discretionary spending, when that discretionary spending would, in this case, take money out of Social Security.

So the first thing we intend to do, or at least we intend at some point during this process, is to raise that budget point of order to strike the emergency designation out of this bill.

Let me make two points about that. No. 1, it won't kill the bill. What it will say is: You have to pay for the bill, because every penny you spend on these loan guarantees is money that you are not going to have to spend on something else. If we do not strike the emergency designation, then the money we spend on the loan guarantees will basically come out of Social Security; and since we have on several occasions, and will again, be debating whether or not to put the Social Security money in a so-called lockbox, I can't, in good conscience, keep voting to say we are putting it in a lockbox when we keep turning around and spending it.

I have a little bit of trouble taking a position one day that we are protecting Social Security money and, a day or two later, supporting spending it.

So the first issue we need to deal with is the issue of whether we should eliminate any possibility that this money would come out of Social Security. We can do that by raising the point of order that the bill has an emergency designation, and if that is successful, or if an agreement should be reached to simply take the emergency designation out, then any money this bill spends is money under the spending caps that can't be spent on anything else.

So if we are successful there, what we will have done is, for all those who believe this bill is a very good idea, or even a good idea, we will have set up a situation where it has to be paid for. I believe that is prudent public policy, and I think it should be done.

The second amendment we would be offering is an amendment to change the makeup of the board that will be making the loans. Let me remind my colleagues, and anybody else who is following this debate, that the reason these loan guarantees cost money is that we don't expect some of the loans to be repaid. The whole reason this loan guarantee package costs money—the reason we expect it to cost $140 million—well, that is the steel number. One of the reasons we expect this program, in total, to cost $270 million over the next 2 years is that we expect many of these loans not to be paid back.

That recognition leads to three changes we want to make in these loans, and they are the other three amendments.

No. 1, we don't think these loans ought to be made by the Secretary of Labor and the Secretary of Commerce. We believe we should have a board that is made up of people who have expertise in finance and who can guarantee two things: One, that we maximize the chances that the taxpayer will be paid back—I don't know how anybody can object to that—and, two, to the maximum extent we can, that we take politics out of the decisionmaking.

So a proposal we will make will be a proposal to change the board that will end up making the loan and overseeing the credit transaction, overseeing the payment of the loans when they are due, and the collection of the principal and interest. Rather than having the Secretary of Labor and the Secretary of Commerce, we would propose to have the chairman of the board of the Federal Reserve Bank and the Chairman of the Securities and Exchange Commission, and then have them, together with the Secretary of the Treasury, giving us a three-person board, all of whom will have expertise in finance and loans and investments.

So that we can try to achieve two objectives, both of which are important: No. 1, try to make the loans in such a way that we maximize the chances that they are going to be paid back, because that saves the taxpayers money. Secondly, to the maximum extent possible, we don't want politics to play a role in who gets these loans if you want them made. It is one thing to say they should be made, but it is another thing, I think, to set up a structure where we are almost guaranteeing that the announcements of these loans will be political announcements rather than financial decisions that are made where the board represents, in a fiduciary way, the interest of the American taxpayer.

So the second amendment we will undertake will be to change the makeup of the board to go to Alan Greenspan, Chairman of the Federal Reserve Bank, as the effective chairman of the board; and then we will have the Chairman of the Securities and Exchange Commission and the Secretary of the Treasury serving on the board. I think by doing that we will maximize the chances of achieving our objective of maximum fiscal responsibility and minimum politics.

A third amendment we will offer is an amendment having to do with the maximum guarantee of a loan. It is virtually unheard of for the Government to guarantee 100 percent of the loan, because by guaranteeing 100 percent of the loan, we take any risk away from the lender. If the lender is not responsible for any portion of the loan, the lender has no effective monetary interest in trying to see that the borrower has the ability to pay it back—has both the capacity and the will. In virtually every program in the Federal Government that I am aware of, loan guarantees are such that the Government does take on some of the risk in order to encourage lenders to lend, but it always—in virtually every case—leaves the lender with some residual risk, to try to encourage them to be responsible.

The proposal we will make is that no loan will ever be guaranteed for more than 80 percent, so that anybody who is making this loan will have to incur a risk of 20 percent. Needless to say, if you are making a $10 million loan and you are going to have to eat $2 million of it if it is not paid back, you are going to be a lot more judicious in making the loan than if somebody else is going to absorb the entire $10 million of loss if it is not paid back.

So I think this is simply a good Government amendment. Again, if you believe these loans should be made, then they should be made in a way that doesn't take money from Social Security, which has an oversight board made up of people who have fiduciary responsibility, and who have the expertise and knowledge related to it, and who won't be political; and, finally, the loans themselves should be such that the actual lender has some stake in the loan being paid back.

The fourth amendment we will offer today will be an amendment aimed at the minimum loan level. For some reason—and I don't understand it—the authors of this amendment have put a minimum on the amount of loan that could be made. The minimum is quite large.

So the net result of that, it seems to me, would be to tilt the lending toward specific would-be borrowers and to arbitrarily take loans away from small companies that might qualify but that might not be either willing or able to borrow the minimum amount.

So the fourth amendment we propose offering today would be an amendment that says we will strike the minimum amount and then we will let the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and the Chairman of the Federal Reserve Bank Board decide, based on the applications that are available, who has the best creditworthiness, not who would be the biggest borrower.

So those are the four issues that, it seems to me, there should be relatively little debate about.

No. 1, don't take the money out of the Social Security trust fund.

No. 2, appoint a board of people who know something about lending and who will be good stewards of the taxpayers' money and who won't play politics in making the loans.

No. 3, don't guarantee 100 percent of the loan.

When a bank is making a loan, require them to undertake some of the risk. After all, they are going to get the benefits of the interest payments.

We propose not guaranteeing more than 80 percent of any loans. The additional advantage of that is that we could lend more money. If you think this lending is a good idea, then I don't see how you could be against spreading it more widely.

Finally, we strike the provision of the bill that sets the minimum amount, since there is no logic to saying that we will not lend to small business.

I mean, if there is any modern entity that has taken on the same political appeal that Thomas Jefferson's independent farmer had in 1800, it is a small independent businessperson.

If you think making these loans is a good idea, how can it make any sense to deny those loans to small business?

Those are the four amendments that we would like to deal with today. There are other amendments we are looking at, but these four are so clear-cut and so necessary that I wanted to put them out on the table early this afternoon.

It is my understanding that perhaps Senator DOMENICI and Senator BYRD would want to sit down and talk about these. I think the sooner we can do that, the sooner we can start moving.

Finally, I want to respond to Senator BYRD on the steel issue in explaining how I see it so differently.

It is an interesting thing to me. The longer I live, the more I discover that when people disagree with you, there are almost two reasons. There is generally one of two reasons why they do, and sometimes both reasons. One is they have a different lens through which they see the world and view things and value things, and that leads to a different conclusion. Our founders, Jefferson, for example, recognized that good people with good intentions come to different conclusions.

But a second reason that people often differ is a different perception of the facts.

Let me just talk for a minute about the facts and why I believe that there will be disappointment if these loans are made, and why it is likely that to the extent that if the problem was real, it probably would not be solved by these loans.

Second, I want to argue that at least in terms of steel—I wish I could say the same about oil and gas—but at least in terms of steel I believe that the crisis is past.

Let me try, without holding my colleagues up, to just simply run through this real quickly.

Mr. DOMENICI. Will the Senator yield to me for a moment?

Mr. GRAMM. Yes. Certainly.

Mr. DOMENICI. First, I want the Senator to know that more times than not this past year we have been on the floor on the same side. There is an interesting result, which I will not share with anybody when that happens.

Mr. GRAMM. We always win.

Mr. DOMENICI. But, on this one, I had a different view. I think before finishing today, by working with Senator NICKLES and Senator BYRD we can bring this closer to some of the basic concerns.

We will not get around to the notion that we will make guaranteed loans. In any event, we can't do that, but that would mean we give up our fight, I think, on some other issues. We can make the lending of them more objective—make it so there is a little bit of risk the borrower takes, and also we will discuss with Senator BYRD the makeup of the board. I can't say much about that. We have to talk about it.

I am going to go to an appropriations meeting, and I will be back in 15 or 20 minutes. I know Senator NICKLES is here. I shared the same concerns with him. I understand he agrees not to offer amendments. We will have a meeting with Senator BYRD, and we will see what we can do about the Senator's amendments. I don't know about other amendments.

I yield the floor.

Mr. WELLSTONE. Will the Senator yield for 10 seconds?

Mr. GRAMM. I would be happy to yield.

Mr. WELLSTONE. I thank the Senator.

I wonder whether or not Senator DOMENICI is going to come back and speak. I wonder whether Senator NICKLES wants to speak. I wonder if I can address the Senate, after Senator NICKLES and Senator DOMENICI, and be allowed to speak on this bill.

I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, how long does the Senator intend to speak?

Mr. WELLSTONE. Twenty minutes.

Mr. DOMENICI. Go ahead of me. I have already spoken once. Let's change the order.

Mr. WELLSTONE. After the Senator from Texas and the Senator from Oklahoma, I follow?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, let me try to explain why I look at the steel problem and see it so differently than our dear colleague from West Virginia.

First of all, let me just review the facts that nobody disputes.

In 1980, we had 459,000 Americans who were employed in the steel industry. Today, we have 163,000 Americans employed in producing steel. So employment between 1980 and 1997 declined from 459,000 to 163,000 people.

If you just looked at that number, you would say, well, domestic steel production must be just falling completely through the floor; that we must have a disaster in the domestic steel industry.

The plain truth is that while employment fell from 459,000 steelworkers to 163,000 steelworkers, the production of steel in the United States actually went up by 56 percent. In fact, on average, since 1980 we have seen about a 9,000-job-a-year decline in the number of people working in steel production. Because of technological change, we are using fewer workers to produce more steel.

The complaint that is being lodged where it is being demanded first this week that we have the government guarantee loans to the steel industry and then next week where we impose a quota on steel imports triggering a trade war—remember, we have 40 people using steel in jobs for every one person making steel—all of that legislative effort is due to a belief that we lost 10,000 jobs this year in the steel industry. We have lost 9,000 a year every year since 1980.

One of the reasons, despite all of this talk about the rush of imports and unfair trade practices, that the steel industry has never filed a section 201 claim is in part because of an inability to demonstrate that the problem is imports.

In fact, in 1997 when we had the surge in imports, we had the largest domestic steel production in American history. In fact, in 1997 we produced 105 million tons of raw steel, which is an all-time record in steel production.

Why did imports surge in 1997 when domestic production was at an all-time high, where in fact some analysts believe that we had overcapacity utilization in 1997? What happened was the economy was exploding, for which we all rejoice. We were creating 7,500 jobs a day, which still continues to this day. Thank God. As a result, people are buying cars at record rates, people are building houses at record rates, and we are approaching 70 percent of Americans who own their own homes. They are buying refrigerators, washing machines, and dryers. All of those products use steel.

We had a record level of domestic production and a record level of demand. What happened? We imported steel to fill the gap.

I think it is also important to note that in 1998, the last year where we have records, production was still near an all-time record with 102 million tons. In fact, the steel industry earned profits in 1998 of $1.4 billion.

I am not complaining about that. If I could snap my fingers and make those profits $10 billion or $14 billion, I would do it —or $140 billion. I don't have any objection to profits.

But the point I want to make is that in this period where the argument is being made that steel is collapsing and that we are being drowned by imports, other than on wire rod, no steel company in America filed a 201 complaint about imports producing a loss of business for them, or costing jobs in their industry.

When they don't file the 201 complaint, it suggests that they didn't have a case.

Here is the point I am making: 9,000 jobs a year have been eliminated because of technological change where production has grown by 56 percent. We are having the greatest economic boom in American history. We are creating 7,500 jobs a day. We have towns, and I'm very grateful that my hometown is one of them, where university students go after class to have a beer, and they have impressment gangs who come around and try to drag them off to factories.

We are creating 7,500 jobs a day. In the name of 10,000 jobs that were probably lost because of technological change, we are being called upon to go back to the 1970s, to the policy of Jimmy Carter, and have the Government start lending money where we are guaranteed in advance we will lose $270 million on the loans upfront. Of course, the default when Jimmy Carter was President was 77 percent. If we had that kind of default rate, the loss would be many times the $270 million.

We are creating more jobs in a day and a quarter than we are talking about, and we are jeopardizing those jobs by getting Government in exactly the kind of situation we are begging the Japanese to get out of: Getting America into crony capitalism, where we are trying to institute industrial policy, where Government is making decisions instead of the credit markets.

Second, we are getting ready next week under exactly the same heading to debate a provision that would literally start a trade war which could destroy millions of American jobs when there is not hard evidence these jobs have been lost because of imports.

Finally, as if all that were not enough, if the problem really existed, it has already been solved. American imports of steel have declined 28 percent since November of 1998. Russian imported steel is down by 96.6 percent; Japanese steel is down by 74.4 percent; Brazilian imports are down by 24.4 percent; and Korean imports are down by 46.8 percent. Imports from all countries are down dramatically.

Even if this was a problem, as normally happens in these political debates, we are a year late.

I am sympathetic to this problem. I am very sympathetic because my State is affected by these problems. The point is, we are not going to fix these problems by having the Government come in and lend money to an industry as it did when Jimmy Carter was President.

Some people said the other day that when Jimmy Carter was President, we had to do it because the inflation rate was in double digits and interest rates were at 21½ percent. That is true. But were inflation rates in double digits and interest rates 21½ percent because we had Government trying to run the economy? Isn't that what we changed in the 1980 election?

I don't want to go back to the policies of the Carter administration. This is 1999. That is why I am not for this provision. It is not because I'm not sympathetic to someone who lost a job in the steel industry. If that job was lost due to technological change—and the evidence is pretty overwhelming that it was—do we benefit anybody by lending money when we know that a substantial default on the loans will occur?

It seems to me what we need to be doing is to try to promote economic growth where people can find jobs and, hopefully, better jobs than they lost. When you have technological change in one industry that eliminates jobs and you have new technology in others, that creates jobs.

This is a tough issue. It is always easy and, I think, always tempting to try to say if anybody in America loses a job for whatever reason that the Government ought to do something about it. I remind my colleagues that in a day and a quarter we create more jobs in the private sector of the economy with the economic policies of open trade and private capital allocation and basic free enterprise; we are creating more jobs in a day and a quarter than anyone is claiming that steel has lost in the last year.

We have to weigh this point. Isn't it distinctly possible under those circumstances that we could lose more jobs by starting a trade war or getting Government into industrial policy than we will save by doing those two things? Then those jobs might be lost anyway as a result of continued technological change.

It is because I am concerned about working Americans, it is because I am concerned about keeping this recovery going, it is because I want to keep creating 7,500 jobs a day that I am not for these loan guarantees.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Texas. I hope his speech is one that all Members of the Senate have listened to. I happen to agree with him, I think this bill is a mistake.

I spoke on this bill. We only had 5 minutes before we voted on this. The first debate we had on this was actually 10 minutes for the proponents, 10 minutes for the opponents. That was the only debate we have had on the floor of the Senate. That was on a motion of cloture. For people who don't know what that is, it is a motion to proceed to debate the bill.

I told the proponents of the bill, Senator BYRD and Senator DOMENICI, I will object to the bill; I will debate against it; I will offer amendments against it. However, I will not filibuster it. If they get cloture, they get cloture.

They got cloture. I lost. I happen to think I was right on the issue.

I will follow through. I said I would amend it. I told Senator BYRD I would not offer a bunch of dilatory amendments. I will not go into extraneous matters. I will try to make a bad bill better. I don't think this is a good bill. I don't think it should pass. I don't think it should become law. I will work to see that it doesn't. This is one step in the process.

Let me say why I think this is a bad bill. I have great respect for Senator BYRD and Senator DOMENICI. They are very effective legislators. They have convinced a lot of people we should move forward. My compliments to them. I don't happen to think they are right on this bill.

Looking back at loan guarantees, the last time we did this we actually ended up having net loan guarantees of $290 million and defaulted on $222 million. That is a default rate of 77 percent. That means taxpayers had to write a check for $222 million out of a total loan guarantee of $290 million. That is a terrible, terrible failure.

I will mention a couple of things. That is a failure by my words, but it is a failure according to Members of previous administrations.

I will just give you a couple of comments:

> Less than a decade later, all 5 loans [talking about steel loans] are in default.

And the Commerce Department's Economic Development Administration, in an internal memorandum notes:

> By any measurement, EDA's steel loan program would have to be considered a failure. The program is an excellent example of the folly inherent in industrial policy programs.

They are exactly right. Other countries do not do this. They believe in the private sector. We believe in it. We believe in developing private capitalism. Let bankers take risks, have investments, have the right to succeed and the right to fail.

Now we are on the floor of the Senate and we say, wait a minute, not in steel or not in oil and gas; those are two vital industries. I agree these are vital industries, but I do not think this bill will help them one iota. It did not help in 1978 and 1979. It cost taxpayers millions of dollars; it was a boondoggle, it was a failure. Why should we repeat it? We know better.

I am sympathetic when people say we have lost jobs and these are really tough times. I will tell you, it is a lot tougher in the oil patch than it is in the steel industry, and I think that is the reason Senator DOMENICI offered his amendment. The oil patch lost 50,000 jobs; the steel industry lost 10,000. But I do not think this is the right solution to help the oil patch. If I did, I would support it. I have been pretty supportive of the oil patch in my tenure in the Senate, but Government loan guarantees is not the solution.

I have talked to our producers. I have talked to the people. They do not want it, they do not need it, and it will not help to have a Government loan guarantee. It will not help. That is not the solution.

Not everybody in the oil patch and not everybody in the steel industry is losing money. There are 16 big steel companies, 12 of which are profitable. A lot of them do not even want it. A lot of them do not need it. What will they do, if one company gets a loan guarantee and gets a subsidized low-interest loan, say, at 6 percent and they are paying 9 percent? They will say: Wait a minute, we are in a competitive field. How in the world can we allow this company, a competitor, to go out and borrow money with the Government guaranteeing it? They get a lot better interest rate. We are competing with them. When they are doing it, we had better do it.

So we are, in effect, going to give U.S. Steel or Bethlehem Steel a loan guarantee? Those are companies that are probably doing fine, and they probably do not want this. I doubt they do. I hope they do not. Are they going to let their competitors go in and get a competitive advantage? So maybe there will be a race to grab some of this money. We should not be exposing taxpayers to that kind of risk.

We should not be circumventing the marketplace. We know the Secretary of Labor, Alexis Herman, is a great lady. I have great respect for her. But I don't think she knows better than bankers in the United States whether a loan should be made or not; or, for that matter, the Secretary of Commerce or the Secretary of the Treasury. This bill says they know better, frankly, than all the bankers, all the capitalists in this country. The Secretary of Labor, the Secretary of Commerce, and the Secretary of the Treasury would be making the loans for a billion and a half dollars. They are going to guarantee, the Federal Government, we will back that loan up. If it fails, we will write a check. That is what this bill does.

You cannot say the bill is without cost. It has been estimated the bill could cost taxpayers $270 million. That is not an insignificant amount of money. That is a guess. That is an absolute guess. If we have default rates like we had 20 years ago, it will be over a billion dollars Uncle Sam will be writing a check for. I do not have a great deal of confidence the Secretary of Labor or the Secretary of Commerce can make the right decisions.

This bill has a provision that allows the Government to guarantee basically 100 percent of the loan. That doesn't make any sense. When you get into a loan guarantee, most of our Federal programs guarantee 70 percent, 75 percent, 80 percent, in some cases 90 percent. Almost all small business loans are guaranteed at 90 percent or less. This bill says there can be 100 percent. What sense does that make?

I mentioned that we are going to offer some amendments to make some changes. I am hopeful the sponsors of this legislation will support us in an effort to adopt those changes. Let me just go over some of the amendments I think will make a bad bill less bad. It still will not make it, in my opinion, worthy of passage, but as I told the sponsors, I am not going to filibuster the bill indefinitely. I am going to offer some germane amendments.

One will be to change the composition of the board. Instead of having the Labor Secretary and the Commerce Secretary and Treasury Secretary make these decisions, the Treasury Secretary would be a member of the board, and he would serve as chairman—in addition the Chairman of the Board of Governors of the Federal Reserve System and the Chairman of the Securities and Exchange Commission would serve. They would replace the Secretary of Labor and the Secretary of Commerce.

It does a couple of things. It gets politics out of it for a lot of purposes. The SEC and the Fed are not as politically in tune as a Cabinet-level Secretary. I think it offers a little more balanced business perspective. I think it would complement the board and make it a better board. So that would be one amendment. Hopefully, it will be passed.

Another amendment would be to establish an 80-percent maximum loan guarantee. Instead of having a 100-percent loan guarantee, the maximum would be 80 percent. So the Federal Government, if this board says okay to a steel company or an oil company, we are going to lend up to $100 million, the maximum exposure of the Federal Government on that $100 million loan will be $80 million. That means a private financial institution which is lending the other $20 million has something at risk, and if it fails, they will lose a little bit of money too. It will make people a little more prudent when they start applying this idea of using Government money or Government guarantees. So, hopefully, that will pass.

We have another amendment that would strike the minimum loan levels. Some people say: Why did you have the board set up? We did not pass this bill. It passed the Senate one time but not with a direct vote. It never went through any authorizing committee. It did not go through the Banking Committee in the House or the Senate. No one has looked at it. Basically, this has been crafted and it really has not been scrutinized. I think we are pulling out some of the deficiencies of the bill.

One of the deficiencies in the underlying bill says we will have minimum loan levels. In steel, the lowest, smallest loan they could make would be $25 million. Small steel companies, don't apply. This is for big steel. In other words, the loan levels in this package—as drafted, would have to be between $25 million and a maximum of $250 million. That is what the Federal Government guarantees. It would not guarantee a $10 million loan or a $5 million loan. We want to strike the minimum levels for both steel and oil and gas.

It says, for iron ore, the minimum level was $6 million; oil and gas, the minimum level loan guarantee would be $250,000. I probably have more small producers in my State than any State, with the possible exception of Texas, and why in the world would we have a Federal loan guarantee program? But, oh, if you can't borrow at least a quarter of a million dollars, don't apply. Does that make any sense?

We have thousands of producers in our State. Frankly, most of our wells produce about 2 barrels a day, 2.5 barrels a day. If we are going to help people, are we really going to say, you have to be pretty big before we are going to help you? I don't think that makes sense. So we are going to have an amendment to strike the minimum loan levels. I think that would be important.

One other amendment I hope and expect we will be successful in passing, would be to strike the emergency spending designations in the bill or make a point of order that emergency spending does not lie. I hope, if anybody in this body is going to make statements such as "we want to protect Social Security, and we don't want to spend those Social Security revenues," they better support this amendment. Because I want to make sure everybody understands, when we are talking about striking the emergency section, what it means. If you have the emergency section in there, it means the budget doesn't apply. It means we are going to add that amount of money to the caps. It means you are going to be taking that money out of the surplus and, in this case, 100 percent of that money is the Social Security surplus. So you are raiding the Social Security surplus, raiding the Social Security funds in order to be giving loan guarantees to steel and oil and gas.

I do not know if that sells in Minnesota, but it doesn't sell in Oklahoma. It is ludicrous to say we are going to have an emergency designation on this. An emergency basically means the budget does not apply. Maybe some people do not want to have a budget.

We just passed a big bill for Kosovo. We declared it an emergency. It was a net of $13 billion. We said it was an emergency; the budget cap doesn't apply. Some people say that was wartime, it is understandable, and so on, even though we increased the numbers rather significantly. That is one thing. Are we going to do it 2 weeks later and say that now we have an emergency steel loan program; we are going to have to declare that an emergency? Are we going to have to do that every 2 weeks? How many times are we going to declare an emergency? If we are going to do it every 2 weeks, let's just stop the charade and don't even have a budget.

Just forget having a budget. It is not necessary. We can just appropriate whatever money we want to spend and see how much it is at the end of the year. That, in effect, is what we are doing when we repeatedly declare something an emergency.

We are going to make a point of order on the emergency provision, and I hope we will be successful. I am going to venture to say on all four amendments, we will be successful. I expect we will be.

I appreciate the fact that Senator DOMENICI has communicated to us already he is willing to see if we can work something out on these amendments. It is vitally important we do so.

We do not really believe in this concept of industrial policy where the Federal Government is going to supersede the private sector and make financial decisions. Some countries try that. Communist countries try it. Socialistic countries try it. Frankly, it does not work very well. Look at third world growth rate and see how many jobs they create. They do not work well.

Why would we start doing it? We tried it 20 years ago, and it was a dismal failure, a total, complete failure. Basically what they are saying is we want to replace the marketplace with political wisdom. It is a serious mistake. Again, my State has had percentagewise as big a job loss as any, and I still think it would be a serious mistake.

Finally, obviously, big steel has a lot of clout. We are considering this bill, and there is another bill which just went through the Finance Committee dealing with section 301. Then there is a bill that the House has already passed dealing with steel quotas. I believe the majority leader said we are going to be voting on that next week. There will be a cloture vote on whether we should take it up. I urge my colleagues to vote no on cloture and defeat the steel quota bill.

Today I asked Mr. Summers, who is the nominee for Secretary of the Treasury, what his position is on the bill. In the past, we heard the President was against it. He said his advisers will be recommending the President veto it. That is the right position. They should veto it.

One has to ask a couple of questions: Do you believe in GATT, the General Agreement on Tariffs and Trade, which has made it possible for us to have a greater economic activity worldwide? If you believe in it, the steel quota bill is totally, completely inconsistent with GATT. Totally. Our trading partners would retaliate.

If you think if we pass this steel quotas bill, that it is going to protect steel jobs, it will not, because there will be retaliation. The retaliation in many cases will be: We are not going to buy some of your other products.

You may think we are saving a few steel jobs, but the net result is we are going to lose a lot more jobs throughout the economy—not a few, a lot more—and maybe even start a real trade war. That is a serious mistake. We should not do that.

I urge my colleagues, if you believe in free trade, if you believe in GATT, if you believe in negotiations—that does not mean we cannot take retaliatory action if somebody is dumping. The administration has already imposed antidumping tariffs on Brazil and Japan. There are proper avenues to do that. A steel quota is not one, and loan guarantees is not one.

I urge my colleagues to support the amendments that Senator GRAMM and myself, and I believe Senator McCAIN, will be offering shortly this afternoon. Maybe we can have them agreed to. If not, I hope we will have votes and they will be adopted. I urge my colleagues to vote no on final passage on this bill.

Mr. GRAMM. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. GRAMM. I want to be quick because I know our dear colleague is waiting. When the Senator talked about the minimum, he may have misplaced a decimal point. Under this bill, the minimum loan is $25 million for steel.

Mr. NICKLES. That is correct.

Mr. GRAMM. The second thing I want to know, is the Senator aware that mining has been added to where the loans can now go to iron ore companies as well with a $6 million minimum?

Mr. NICKLES. I did not mention that in my statement. The Senator is exactly right. Under the iron ore loan guarantee, the minimum loan is $6 million, a maximum loan of $30 million.

Mr. GRAMM. I congratulate the Senator. His remarks were excellent. I agree with every point he made, and I believe a couple of things are important. This is not going to be the last one of these we do if we do this one. If we have already expanded this to iron ore, and we have steel and it was expanded in committee to oil and gas, does anybody doubt, if we pass this one, that 2 weeks from now, we are going to be back passing another one and another one and another one?

Mr. NICKLES. Good point.

Mr. GRAMM. The amazing thing is that we are getting the Government involved in allocating credit at a time when we are creating jobs at a record rate on net of 7,500 jobs a week.

Finally, I ask the Senator if he is aware that in a Los Angeles Times article in March, it pointed out there is expansion in the steel industry in that seven new plants will come on line this year, but each one of them, very interestingly, will employ 200 or fewer people. What is happening is, these small companies, with a small number of employees producing specialized products, are really outcompeting the bigger companies.

In looking at the assessments by Wall Street, they are bullish on steel in general, and the three companies which have gone bankrupt, they say have gone bankrupt because they are too highly leveraged and they bet on technology that did not pay off.

Mr. NICKLES. I appreciate the Senator's comment. I was not aware of the article. I am aware of the fact the steel industry as a whole is not doing all that bad. I mentioned, I believe, in my comments that 12 out of 16 of the larger companies are all profitable. Not all companies, but several companies are profitable.

The Senator mentioned seven new plants. I was not aware of that. That is an excellent point. I do not think they are clamoring for Washington, DC, to give them a loan guarantee. I have not had them knocking on my door saying give us a loan guarantee. If they do, I certainly would not want to be an investor. If somebody in the steel industry is knocking on the door saying, we need the Government to give us a loan guarantee, that is a bad sign, poor management, and they are in serious trouble.

Mr. GRAMM. I thank my colleague.

Mr. NICKLES. I thank my friend and colleague from Minnesota, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I say to both my colleagues, actually sometimes coming down and waiting to speak is positive. You get to hear people, as my colleague from Texas said, who see it through different lenses, who see it a different way.

What I want to do is, first of all, try to bring this debate back to people and talk about it in very personal terms as it affects people in my State of Minnesota. Then I want to speak to what I believe has been a political economy argument that has been made, and I take sharp exception with what my colleagues have had to say.

As to Minnesota, believe me, the loan guarantees in this legislation will be much appreciated in my State of Minnesota.

My colleagues also mentioned the iron ore mine operations and the steel loan guarantee program sets a $30 million ceiling for iron ore companies. That is going to be particularly important to the Iron Range in northern Minnesota.

One hears a lot in the media about the Goldilocks economy we have. I heard some of my colleagues talk about this Goldilocks economy and how great it is; it is a booming economy, we are just humming along. For many of our people in Minnesota, especially on the Iron Range in northeast Minnesota, this Goldilocks economy is much too cold.

Already, 10,000 workers have lost their jobs due to a flood of illegally dumped imports. This is the worst crisis the steel industry has faced since the mid-1980s when 28,000 people left the Iron Range in Minnesota for good. We do not want to let it happen again. That is what this debate is about: people's lives, about whether or not we are going to see more broken lives, more broken dreams, more broken families. Now, all these statistics that my colleagues have been laying out, they affect real people in real communities. The surge of steel imports over the past year or so threatens thousands of people in northern Minnesota because iron ore mining is the mainstay of the Iron Range economy.

I thought what I would do, since we have heard all these abstract economic theories laid out here, is tell you a little bit about the Iron Range, about the communities, about the people whose future we hold in our hands.

Let me repeat that. I want to talk about the people and the communities of the Iron Range, because we hold their future in our hands.

More than 20,000 jobs in northern Minnesota depend on the iron ore industry, though less than a third of those workers actually work in the mines. The industry purchases over $876 million in goods and services annually from nearly 200 Minnesota communities, and it contributes more than $1 billion annually to our State's economy. The taconite production tax provides nearly $100 million annually for the support of Iron Range counties, cities, townships, and school districts, and it provides funding for economic development and property tax relief as well.

Most of this country's iron ore reserves are in the form of low-grade taconite found on the Mesabi Range of Minnesota. There is no shortage of taconite. In fact, the Mesabi Range holds about 200 years worth of pellet reserves. But the challenge has been to continue mining and processing taconite in a cost-efficient way.

I agree with my colleagues when they talk about the importance of being able to compete. No question about it. Back in the 1980s, the industry was told they had to modernize in order to compete with foreign steel. And they did just that. They played by the rules of the game. They poured $1 billion of investment into modernization, and they shed 10,000 jobs. As a result, the industry now has only 6,000 workers, and this industry is the world's most efficient.

With the boom in the national economy, some people in the Iron Range were starting to hope that they could dig their way out of the debt they piled up during the 1980s, make an addition to their house, save some money for their kids' college education, and attend to some of the needs they had too long neglected. But sadly, because of the steel crisis, many of those dreams have proved to be short-lived.

In 1998, LTV Steel Mining Company in Hoyt Lakes, MN, was forced to reduce its fourth quarter production by 360,000 tons, an equivalent of 66 jobs. Employees at US-Minntac in Mt. Iron, MN, were forced to make concessions last fall to prevent 133 layoffs. Employees at EVTAC in Eveleth, MN, now have nothing left to give. EVTAC permanently laid off 168 employees, a quarter of its employees, when it shut down one of its two pelletizing furnaces last week. EVTAC is fighting hard to stay out of Chapter 11. Two other Iron Range taconite facilities, Butler Taconite and Reserve Mining Company, both closed under similar circumstances in the mid-1980s. We do not want to go through that again.

The workers who were laid off at EVTAC, and workers throughout the Iron Range, and steelworkers all across the country are all looking to us for some help. That is where they should look. This crisis is not their fault. They were told to modernize and they did. This crisis is the result of illegal dumping. Unless we want to see a repeat of the 1980s, we must act.

Again, this piece of legislation, this loan guarantee is a good first step, but it is only a first step. Soon we are going to be considering legislation introduced by Senator ROCKEFELLER which will provide even more effective relief. I will be joining Senator ROCKEFELLER, and other Senators will be joining him, Democrats and Republicans. I heard some of my colleagues speak to that legislation, and I want to respond to some of their arguments.

It is unfortunate that we are in this difficult situation. We should have acted sooner. U.S. trade laws and the WTO recognize the legitimate need of every country to prevent extraordinary import surges such as this one from destroying its industrial infrastructure and eliminating thousands of jobs. Under section 201—let me be bipartisan in my critique—the administration could have imposed the same remedies as now provided in the Rockefeller bill.

Steelworkers played by the rules when they modernized their industry, and steelworkers paid the price for that modernization. They made the sacrifice. Steelworkers also played by the rules when they asked for Section 201 relief. But they didn't get it. The administration was implored for months to take action under section 201, and it chose not to do so. Now foreign steel exporters are the ones breaking the rules.

The question is not who is playing by the rules but, rather, which rules the administration chooses to apply. Now, my colleagues—as it turns out, Republican colleagues, though I am being critical of my administration, a Democratic administration—my colleagues talk about how this crisis is all the result of Adam Smith's invisible hand. But that is not quite the political economy that we are looking at.

The administration did not hesitate to slap 100-percent tariffs on imports from the EU when a top campaign contributor to both parties, Carl Lindner of Chiquita Bananas, had a trade complaint. Lindner's dispute with the EU hardly even involves American jobs. It concerns bananas grown in Central America. But we were there for them. Now when American steelworkers ask for existing trade laws to be applied, they're given short shrift. The message this sends to American manufacturing workers is that they are not a priority.

Moreover, this administration went the extra mile, working through the International Monetary Fund, to organize bailouts for Wall Street investors when their risky investments turned sour in Indonesia, Brazil, Korea, Russia and Mexico. But when American steelworkers asked for similar consideration under existing trade rules, they get short shrift.

So my colleagues come out here on the floor and they say this bill is terrible. The government getting involved in any kind of loan guarantees? This is the government running the economy.

That's hardly the case. When steelworkers say: How about some relief for us, how about some consideration for us under existing trade rules, my colleagues come out here on the floor and they say, this would lead to trade wars. This would do damage to Adam Smith's invisible hand. We can't do that.

I didn't hear those same colleagues when it came to the IMF organizing a bailout for the Wall Street investors when their investments went bad in Indonesia or Korea or Russia. I didn't hear the same colleagues come out and say: Oh my gosh, we have a government institution that's involved. When it's these Wall Street interests, it is fine. But when the workers ask for some support, it is not so fine.

The administration is concerned that limiting imports from Brazil, Japan and Russia could hurt their slumping economies. I have some sympathy for that argument. We should all be concerned about reviving growth in these countries. But American steelworkers are not a foreign aid charity. They should not be asked to pay the ultimate price, to pay with their jobs, for the failure of this administration's foreign economic policy. And I might add—given what some of my colleagues have said on the other side—I think the failure in foreign economic policy is also a failure of the Congress.

When the Clinton administration, working through the IMF, helped bail out Wall Street investors in Brazil, Russia, Indonesia, Korea and Mexico, it committed public resources. It didn't ask Wall Street to pick up the tab by itself, even though the major industrial institutional investors were by far the biggest beneficiaries of the bailout. The administration and some of my colleagues on the other side are now asking steelworkers to pay a price that they would never ask of Wall Street.

I hope we can pass that Rockefeller legislation next week. I hope the White House will withdraw its opposition and sign it into law. I heard my colleague from Oklahoma say that he had talked to Secretary Summers and he said the administration was going to veto this bill. I hope they will change their mind.

I say to the administration, you were there for the big investors when their investments went sour in some of these other countries. You used public money to help bail them out. You ought to have the same concern for steelworkers and working families in our country.

But we need to do even more than that. We need to widen our focus a little bit and address the root causes of this crisis. I heard my colleague from Texas speak about what has gone wrong, and I want to quarrel with his interpretation of international political economy. I think we should be working to change the rules of the global economy so that these kind of devastating crises do not keep happening.

I am not worried, like my colleagues are, about these loan guarantees. They will make a difference to an important industry in our country and will be important to so many working families. What I am worried about is our failure to make some changes in this global economy so we don't keep having these devastating crises happening over and over again. I am surprised I have not heard my colleague talk about this at all.

The long-term solution to this crisis is restoring economic growth around the world. The steel crisis was precipitated by the collapse of global demand following the Asian crisis, and worsened by the economic crises in Russia and Brazil. Excess steel production is being dumped in the United States because our country is one of the few economies in the world that is growing right now. Only when we have global economic growth, only when this growth revives, will foreign steel producers consume more of their own steel production and find export markets other than the United States.

Although the administration claims to be working to revive foreign demand, its actions speak louder than its words. In fact, I believe its policies are marching in the opposite direction. They have tended to promote a "race to the bottom"—a global trade competition that rewards those countries that can attract foreign capital by advertising the lowest labor, lowest environmental, and lowest safety standards, rather than raising environmental and labor and safety standards overseas.

When my colleague from Texas talks about the international economy, I will simply say, no wonder we are in trouble with these trade agreements that don't make sure there are some environmental standards and fair labor standards that other countries have to live up to. What you have is a situation where those countries have a workforce that can't buy anything. There is no demand for what we produce.

Those countries tried to export themselves out of the crisis, and our working families are hurt both ways. We are hurt because we can't export to those countries, because the people there don't have any money to buy. At the same time, we are competing against people who are working under exploitive, grinding labor conditions. This is the race to the bottom.

Why in the world has this administration not adopted a trade policy that makes much more sense for working people in this country, and for working people in other countries as well? Why, when my colleagues come to the floor, do they continue to talk about this international economy as if it were a level playing field? We dare not speak about any fair labor standards or environmental standards or any safety standards.

Despite recent encouraging economic news, there is compelling evidence that something is fundamentally wrong with the world economy. First, it is becoming increasingly obvious that the global economy cannot tolerate ever-increasing inequality among countries and within countries. Policies that lead to the replacement of good-paying union jobs with jobs that pay subsistence-level wages only contribute to growing and dangerous imbalances in the global system. Widening inequality at home and abroad depresses the consumer demand necessary to fuel our economic growth. We need to encourage foreign countries to raise their wages and increase demand, so they can consume more of their own production and stop dumping surplus production on our markets.

Similarly, I believe we must reexamine the orthodox view that export-led development is the key to prosperity. Not everyone can rely on export markets for their economic growth. The entry of subsistence-wage China into global competition makes this all too clear. Somebody has to buy all of those exports. For too long the United States has been the buyer of last resort, absorbing excess production from all the export powerhouses. While cold war responsibilities obliged us to play that role in the past, we cannot do this forever. If we want to have a manufacturing sector in our own country, we should aim to make exports a complement, rather than a substitute, to healthy domestic demand.

Third, we must come to grips with the related problem of overcapacity and excess production. For various reasons, in industry after industry, gluts have developed in the world economy. The problem of overcapacity is now made worse by the recession and deflation in Asia, Russia, and South America. We need progrowth, stimulative economic policies to restore some of that lost demand. Simply absorbing excess foreign production in the U.S. market is not a solution. We cannot indefinitely run record trade deficits that hollow out American industry, put American workers out of work, and lead to growing economic inequality.

Finally, I believe this administration must rethink its zealous commitment to unfettered capital flows, despite the fact that this is a top priority of the U.S. financial interests. Numerous economists have agreed that misguided Treasury, IMF, and OECD promotion of capital account liberalization was an important cause of the Asian crisis. The enormous amount of capital sloshing around the globe at lightning speed injects too much instability into the world economy, and it magnifies the dangers of capital flight, which the IMF cites as justification for plunging Brazil and other economies into deep recession.

Instead of placing a priority on the interests of Wall Street investors, the Clinton administration and some of my Republican colleagues should look out more for the interests of average Americans, such as American steelworkers. Its top priority should be Main Street, not Wall Street. It should ignore Wall Street's demands for more IMF austerity overseas, which is designed to safeguard Wall Street investments but ends up creating problems that are later dumped on the backs of American workers. The administration should promote worker rights overseas, rather than demanding antilabor changes in foreign countries' labor laws—as it has done for years, to the applause of Wall Street. And it should promote policies that reduce economic inequality overseas by ensuring that the growth is more broad-based and less lopsided.

By promoting more robust, more balanced growth, stronger unions, and more widely shared prosperity overseas, we can help create enough foreign demand so that these countries can consume more of their own production and stop dumping their excess production on our markets. That is the core problem. Looking out for average working people here in the United States and overseas is a win-win proposition.

We need a change in policy. Last month, our trade deficit reached record levels. Without a change in course, I am afraid this administration will simply repeat the mistakes of the late 1970s and 1980s, when over 350,000 steelworkers lost their jobs and 28,000 workers left the Iron Range for good.

This is why I speak on the floor of the Senate, not just to support this loan guarantee legislation today, which we need and which is important, but also to support the bill Senator ROCKEFELLER will bring to the floor next week that I intend to be out here supporting.

I am afraid that this administration's solution to the global economic crisis, and I am afraid given what I heard my colleague from Oklahoma and my colleague from Texas say on the floor of the Senate, that their solution to the global economic crisis will be to ask Americans to continue absorbing more and more imports. Their solution will be to ask—mainly unionized—manufacturing workers to look for jobs elsewhere.

Mr. President, this is no solution at all.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator DEWINE. Does he want to speak?

Mr. DEWINE. I would like to speak for about 10 minutes.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio and that I be recognized when he finishes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from New Mexico. I will try to be brief.

I rise today to support the bill my colleague from New Mexico, Senator DOMENICI, and Senator BYRD, have brought to the floor. This bill has great significance in my home State, but I think it also has great significance for this country.

I rise today to express my strong support for this bill. Our steel industry today is in trouble. Why? I think as we engage in this debate we need to start at the beginning of the story.

To my colleagues who have risen on the floor this afternoon opposed to this bill, I would point out one thing that I think their comments have failed to reflect; that is, we are here today because of illegal activity. We are here today because of illegal dumping of steel into the United States. That is an uncontroverted fact. That is what the truth is. That is what the finding has been. Steel has been dumped repeatedly, month after month after month, and it has been dumped illegally. That has been the findings. That is why we are here today.

Last year, U.S. steel producers had to withstand an onslaught of illegally imported steel. In 1998, 41 million tons were dumped. That represented an 83-percent increase of imported steel for the previous 8 years. In other words, if you took the previous 8 years and looked at the amount of imported steel on the average for those 8 years, what you would find is that when we got to 1998, and compared 1998 to the previous 8 years, it went up 83 percent. That is a phenomenal increase in the importation of steel. It is no accident. This was clearly dumped.

Many steel companies are, obviously, reporting financial losses, most attributable to the high levels of illegal steel imports. It has been estimated that 10,000 Americans—10,000 workers, 10,000 families—have already lost their jobs because of this illegal dumping. The Independent Steelworkers predict job losses as high as 165,000, if steel dumping is not stopped.

I introduced a bill. Some of my colleagues in the Senate have introduced other bills—Senator BYRD, Senator ROCKEFELLER, Senator SPECTER, Senator SANTORUM. It is legislation that we will be taking up shortly. I believe it is time for action. All eyes of this country and the world are today on the Senate. The question is, Will we respond to this crisis?

Certainly a good first step would be the adoption of the bill before us, Senator BYRD's steel emergency loan guarantee program. This loan program is designed to help troubled steel producers that have been hurt by the record levels of illegally imported steel. For many companies, this program is the only hope they have to keep their mills alive and their workers working.

Specifically, the program would provide qualified U.S. producers with access to a 2-year $1 billion revolving guarantee loan fund. In order to qualify, steel producers would be required to give substantive assurances that they would repay the loans.

A strong and healthy steel industry is absolutely vital to our country. It is vital to our national defense. This bill has a lot to do with national defense. It is essential, if we are going to have the national defense we want—if we are going to have the security we want in this country—that we always have a vibrant, energetic, tough steel industry. This bill speaks to that issue.

This bill also has to do with an even bigger issue; that is, whether or not in this country we are going to continue to make things and manufacture things and be producers.

There are some people who have been quoted—some people even in this administration who have been quoted—saying things which would give you the impression they really do not care if we produce things anymore, that being a service-driven economy and an information-driven economy is enough. While service is good and information is good, and they produce jobs, we still have to produce. We still must be a manufacturing country, if we are going to retain our greatness.

Fortunately, today, our steel industry is a highly efficient and globally competitive industry. It wasn't too many years ago that the critics of the steel industry, sometimes very correctly, would criticize the industry. They would say: You are fat, you are flabby, you are not tough enough, you are not lean enough, you have to invest, you have to modernize, and you have to do things differently.

As a result of that, and as a result of some very tough times in the 1970s and 1980s, the steel industry in this country did that. They did it. They invested billions of dollars. They modernized. They made the tough and the hard decisions that they had to make to be efficient. Yes, the workers made sacrifices as well. The unions made sacrifices as well. Everyone knew they had to pull together. It was not always easy, but the result is that we have a steel industry today in this country that is better than any steel industry in the world.

If you strip away the subsidies by other countries that are subsidizing their steel industries, you will find that we can compete with any company in the world—with any country in the world—in the production of steel.

Yet, despite all of this great effort, despite this modernization, our steel producers face a number of unfair trade practices and market distortions that are having devastating impacts in Ohio and other steel-producing States. That is not just MIKE DEWINE speaking. Those are the findings that have been made.

I have heard about this crisis firsthand from industry and labor leaders. In fact, I have looked into the eyes of steelworkers, whether it be in Steubenville, OH, or in Cleveland, OH, or in other places. All they want is a fair chance to compete and a fair chance to recover from the illegal dumping that has already taken place.

One of the things I point out is that one of the reasons for this bill, despite our other bills that we hope to pass in this session, is they do not in any way stop the illegal dumping that has already taken place, and has taken place for well over a year. So this bill is needed to rectify some of the problems that have been created by this illegal dumping.

Many steel companies are in serious trouble and are in desperate need of immediate assistance. The short-term loans that would be provided under this program will provide that very assistance without burdening taxpayers, because if steel plants close, if workers lose their jobs, taxpayers would be forced to pay for unemployment compensation, food stamps, Medicaid, housing assistance, Medicare, and on and on and on, all of which will certainly exceed the total cost of this program.

Again, the steel companies are required to repay the loan within 6 years, provide collateral, and pay a fee to cover the cost of administering the program.

I am a free trader. I believe free trade, though, does not exist without fair trade. Free trade does not mean free to subsidize. Free trade does not mean free to dump. Free trade does not mean free to distort the market. That is exactly what has been taking place month after month after month.

Our trade laws are designed to enforce these basic principles. However, the current steel crisis underscores flaws and weaknesses in our current laws. I am, therefore, pleased the majority leader has indicated he has reserved time within the next several weeks to deal with many of these other problems, and to look at some of the remedies, proposed remedies that I and some of my colleagues have proposed.

The House has already acted. I believe it is time for us to act. Today we have an opportunity to help an industry that throughout its long and illustrious history has been there for our country, has been there for our national defense. We should pass the bill and commit to adopting meaningful legislation to deal with the steel import crisis.

I thank my colleague, Senator DOMENICI, for his leadership on this bill, Senator BYRD for his tireless efforts, Senator ROCKEFELLER and the other members of the Senate steel caucus who have worked on this issue.

This bill will help. This bill will save jobs. This is about our national security.

I emphasize how important I think it is as our colleagues consider the merits of this bill that they remind themselves of one basic fact: We are in the Senate today to consider this bill because illegal dumping took place and it took place month after month after month after month.

The steel companies, the steelworkers did nothing wrong; they did everything right. They modernized, they made the sacrifices. They want the opportunity to compete. Given that free opportunity, they will not only compete, they will win.

I thank my colleague for yielding time to me.

Mr. DOMENICI. Under the order, I am to proceed. I note the presence of Senator ROCKEFELLER and I will yield to him in 1 minute.

In my case, on behalf of oil patch—not Exon and Texaco; these loans do not apply to them—the question has been asked: Why them? As if the United States and the Congress of the United States has not helped businesses that are in bad shape, that are regional or national in nature. And I have no complaints about that help.

Let me suggest that since 1993 we have, under supplemental appropriations as an emergency measure, appropriated $12.8 billion for agriculture assistance. That is not oil patch. I voted for agriculture and I live in a modest agriculture State. I was told that it would help, so I voted for it.

Natural disasters, the kind that you can hardly avoid calling a disaster, but I think oil patch is a disaster. I will explain that further in my remarks following Senator ROCKEFELLER.

Let me talk about natural disasters. People wonder whether emergency designations are useful in this country. In the same period of time, 1993 through 1998, we have spent $36.1 billion for natural disasters without batting an eye. Some of them cost $5 billion.

We are concerned about oil patch, especially the small people whose businesses are right down at rock bottom, and the patch isn't flourishing so the bankers are wondering whether they should loan to them. We want them to know we are concerned.

I will discuss the numbers. Oil patch, oil rig, oil well drilling, and related activities in America have lost more jobs in the past 10 years than any American industry. Our dependence continues to come down. We are starting to close wells off so they cannot ever be used, because they are too small and too expensive because the price is too low. The companies that work them are going to go broke. We think some are viable and banks might look at them and say with this kind of approach, although the banks will have to risk something under the new approach, we think it might help a few.

We have had $36.1 billion in declared emergencies for related damage in natural disasters, $12.7 billion for agriculture, and some Senators think it should have been double that already.

I have not been called upon to vote on whether that is enough or not. I listen when we are presented with problems and I do what I can for a part of America's economic sector. That is why I said if we are going to help steel—and I think we ought to do that; I have heard some wonderful Senators discuss why we should—I thought we ought to say something to the oil patch of the United States, since the same kinds of problems are occurring in Hobbs, NM, Eunice, NM, medium and small towns in Texas, Oklahoma and elsewhere, and across the oil patch States of this land.

I yield the floor.

Mr. ROCKEFELLER. I thank my friend from New Mexico.

Mr. President, in a sense what we have now is the torch being passed. Any number of Senators have described—and I will not, therefore, try to repeat any of that—how this whole steel crisis, not to mention the oil patch crisis, has developed.

It started in 1997. In the history of recorded trade statistics, as long as our country has been keeping trade statistics, there has never been an import surge of the magnitude, in any commodity at any time, as there has been in the last 2 years in steel. It started off with three countries; it is now all over the world.

The Secretary of Commerce put out a release saying it is wonderful the steel crisis is over. I wonder where he has been.

We should understand that the steel crisis is deep. If you take the first quarter of 1999, the first 3 months of 1999, and compare that to the worst possible months of the steel crisis, the first quarter of 1998, last year, the total improvement which the administration keeps trying to talk about—I think they know it is wrong and the administration realized it hasn't done anything about this problem and it will be paying a price for it—the total decline from the 1998 first quarter to the 1999 first quarter is a total of 5 percent worldwide on all steel. That is going from the worst steel statistics in history and a 5-percent decrease. That could go right back up.

The torch has to pass from the administration protecting our national trade laws, protecting free and fair trade, to us. Now we have to do something about it because they have declined to.

I have been to everybody all the way up to the President and Vice President on a number of occasions. Expressions of interest but no results, no action taken.

This affects the lives of my people; it affects the lives of people in many States. I hate to see that.

I used this analogy on the Finance Committee. Football is a rough sport, as is international trade. International trade is a rough sport. Everybody is trying to get the advantage of everybody else and undersell. In football, you can get hurt—any individual player, a large or small player. They have rules. That is why we have rules. That is why they have referees.

If you are a linebacker and you charge through the line and you get through and you hit the quarterback on the helmet with your elbow, you are penalized. You know that beforehand and you may get thrown out of the game for that.

If you are inbounds and you are a pass catcher and you run out of bounds, that is no good. You jump offside, you get penalized.

Everybody knows the rules. The more they play the game, the more they know what the rules are. That is what has kept the integrity of the game, because of its predictability. Secondly, it kept a lot of people from getting their heads taken off and knees broken. Football is tough anyway, as is international trade.

So, there are rules. We have rules in international trade too. And we set them; the Congress set them and the administration set them in previous years. It is the Trade Act of 1974. It sets out a whole series of these rules. The administration keeps saying we are going to abide by the rules; we are abiding by the rules; we plan to abide by the rules. Of course, they are not. So the torch is passed to us. And there are a couple of points there I need to make.

The bill is incredibly important. There is also a bill going to be taken up on a cloture vote next week, on steel quotas, which is incredibly important. It is very important for my colleagues and their staffs to understand; the vote this afternoon on this excellent bill of Senator BYRD and Senator DOMENICI and the bill next week which deals with imports are totally separate and different; that if you vote for this one, it does not mean it solves the import problem, or if you vote for that one, it doesn't solve the financial problem that this bill helps with. They are separate bills.

So anybody who says, I voted today for Byrd-Domenici; therefore, I do not have to worry about next week because we have taken care of the problem, does not understand there are two totally different subjects. I cannot make that point strongly enough. This one is about the finances of companies that are going under, giving them a chance at commercial rates, repayable—to go to banks, because they cannot now borrow, and to be able to borrow a little bit, to survive a little bit longer—whether it is the steel mill or the oil patch. That is terribly important for the viability of those industries.

Then, equally important, since this bill has nothing to do with the import problem which created all of this—that is what next week's vote has to do with, the problem of the imports and how do we adjust the import problem on a short-term basis to bring some fairness to what we like to call free trade but which is practiced virtually only by us. It used to be practiced by Hong Kong. I don't know how they are on it now. But it is practiced by nobody else in the world. So all the steel comes into us: India, up 72 percent; Indonesia, 60-something—it doesn't matter where you go, the numbers are up, because they know, the word is out, if you want to dump subsidized or underpriced steel in the United States, they will take it. So it puts people out of work. It does not matter to them. They will go ahead and take it.

That is what I call the best way to destroy the possibility of a national coalition for a trading system, which I believe in. I am somebody who has always voted for fast track and somebody who believes in engaging the world. I have worked very hard within my own State—which is not particularly an international State in its viewpoint, being landlocked in the mountains, so to speak—to make my people understand the global economy is part of their economy, we are all part of each other's economies, and we can sell products to other countries and they can invest in West Virginia, and this is all good; so we are all part of an international trading system.

But there have to be rules in that. If you allow the quarterback to have his head given a concussion, it is very important the referee be there. But the referee usually does not have to be there, because people know what the price will be: You will get tossed out of the game or you will get a penalty of 15 yards. So all kinds of fair play is carried on on the football field, because people know what the rules are.

Again, the torch is passed to us, and I think we have two duties. One is, we have to pass this excellent bill this afternoon. We should have passed it much earlier when it was the subject of earlier consideration. Then it got done in, in conference. I am terribly glad Senator BYRD, my senior colleague, and Senator DOMENICI, have combined forces to help on this.

Frankly, it is important to combine forces sometimes on bills around here, because there are only 16 States that are major producers of steel. I do not know how many States produce oil, but I suspect there are not that many. So this is a very good opportunity for us to give those companies a chance to go to the bank, to get some money to be able to exist for a few more months or another year or so. It is not going to do anything about the import problem, which is the real cause of the devastating human crisis in steel.

So we, as a legislature, as a Congress, have to decide, as the House has already decided by an overwhelming margin, that steel is important to

America. This is not just a question of West Virginia or Ohio or Minnesota or other places; this is a national crisis. Senator DOMENICI has said, I don't know how many times: When Members on my side of the aisle—the other side of the aisle—come up to me and say I have this milk support problem, I have this farm support problem, I have this food support problem, I have whatever it is, I am always there. I am always there, because I believe it is as if you built the interstate system in this country and, because Pennsylvania is bigger than West Virginia, you made it four lanes in Pennsylvania but you only made it two lanes in West Virginia and then it went back to four lanes in Ohio. That would not be very smart. No. 1, it wouldn't fulfill the work of a national defense highway system. No. 2, it would cause massive traffic jams.

So we understand we are all part of each other's destiny. West Virginia, insofar as I have been able to determine, has no oceans on our boundaries, but we pay taxes to support the Coast Guard. That is as it should be, because we have an obligation to each other, as West Virginia does to those who use the Coast Guard on coastal areas in different parts of the country. So that is part of our compact in America. It is part of our contract with each other, that when a region needs help, when an industry needs help, if there is a reason and possibility of doing so, you try to do that.

This one is particularly good because it helps companies get money they cannot otherwise get. The international trade situation is more complex and, in the longer run, will probably do more to solve the problem, because it actually deals with the level of imports. It says to other nations, we are not going to be Uncle Sucker forever, or, in this case, at least for a period of 3 years. It is not radical. People think, what are we doing this for?

What is interesting is that over the years the average foreign imports of steel into the United States—over the last 30 years, let's take it—is probably less than 20 percent. Less than 20 percent is usually what foreign countries export into this country, what we therefore import into this country; less than 20 percent of all the steel we use comes from other countries. That is the way it has been. That is perfectly acceptable as a figure.

Interestingly enough, in the bill coming up next week, that figure can range as high as 23 percent, certainly no lower than 18 or 19 percent. It is only for 3 years. But it is a way of saying we in America, if we are going to get into this, deeper and deeper into the international trading system, we really do care about our rules. We really do think about our quarterback's head. We think the chop blocking, which can break a young man's knees or legs, is wrong, and there are rules about that. We actually passed those rules in the Congress, and the President signed them all in a previous era, and they apply today, and we all live by them—except that we do not.

So, in closing, I want to say these are two distinctly important decisions we are going to be making in separate weeks on separate bills. The one today is filled with merit. It is tremendously important. It is part of the comprehensive solution to the problem.

But, then again, the one next week is the one that deals with imports, and it is the only one that deals with imports. So we need to do both of those so no Senator thinks that, because that Senator has made a particular vote on one day, he does not have to face up to the same situation on another day, because they are entirely different problems that each bill addresses.

This is a matter of high urgency in the part of the country I come from. I was Governor of West Virginia for 8 years, and I dealt in 1982 and 1983 with 21-percent unemployment. That is not a whole lot of fun, when 1 out of every 5 people you pass does not have work. There is not a family in West Virginia that is not accustomed to not having work or has not dealt with it.

We are on the way back, but we are going to get knocked down if this steel import crisis continues. I do not want that to happen to Ohio. I do not want that to happen to Pennsylvania. I do not want to have that happen to Arkansas, Utah, Texas, or any other State. I do not want that to happen. It does not have to happen, and it is not even a budget matter. It is a matter of fair trade, fair play, rules that we have passed and by which we should live.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thought I had reserved under my UC request my right to speak, but I was mistaken. As we called on other people, I did not repeat my request. There is no unanimous consent agreement recognizing me. I understand the Senator from Arizona wants to offer an amendment, so I yield the floor.

Mr. MCCAIN. Mr. President, I will be glad to wait until Senator DOMENICI finishes his remarks.

Mr. DOMENICI. I have finished my remarks, I say to the Senator.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 685

(Purpose: To restrict the spending of any money for these programs until they are authorized by the appropriate Committees and the authorization bill is enacted by Congress)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 685.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, between lines 17 and 18, insert the following:

(c) Notwithstanding any other provision of this Act, no amount appropriated or made available under this Act to carry out chapter 1 or chapter 2 of this Act shall be available unless it has been authorized explicitly by a provision of an Act (enacted after the date of enactment of this Act) that was contained in a bill reported by the Committee or Committees of the Senate with jurisdiction over proposed legislation relating primarily to the programs described in section 101(c)(2) and 201(c)(2), respectively, under Rule XXV of the Standing Rules of the Senate or the equivalent Committee of the House of Representatives.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is pretty straightforward. It restricts the expenditure of funds for loan guarantee programs until the appropriate committees have authorized the expenditures for these programs and these authorizations have been approved by the Congress.

In other words, with this amendment, we carry out what is supposed to be the procedures of the Senate, and that is, before taxpayers' dollars are expended, they are authorized.

All of my colleagues know that this loan program for steel, oil and gas companies has been inserted into the appropriations bill, and it has not gone through the authorizing committee process.

The legislation creates an unnecessary and unwarranted loan program for steel, oil and gas industries. Once again, Congress is seizing an opportunity to engage in the all-too-common game of pork barrel politics. The bill was originally intended to address the President's request of $6 billion for the war in Kosovo but quickly became a vehicle for a hasty and ill-conceived program to subsidize the steel, oil and gas industries.

The bill creates a $1 billion loan guarantee program to support the domestic steel industry and a $500 million loan guarantee program for oil and gas companies. These programs will provide loan guarantees of up to $250 million for any domestic steel company,

$10 million for any oil and gas company that "has experienced layoffs, production losses, or financial losses."

I do not take lightly the value of these industries to our Nation, nor do I disagree that in the case of steel imports, illegal dumping of foreign steel has occurred. However, I question the wisdom of creating an emergency loan program to subsidize an industry that finds itself in trouble. We set a dangerous precedent by opening the Federal Treasury to industries facing economic difficulties.

Specifically, I have three problems with this measure. There is no need for these substantial loan programs. The legislation is fundamentally flawed, and using the appropriations process to enact this measure circumvents the normal authorization process. These elements are common in all three loan programs. I will focus my comments on the steel loan program because I believe it is the driving force behind this matter and the most egregious.

First, I seriously question the need to create such a substantial loan guarantee program. During today's debate, I am certain my colleagues will forewarn and have forewarned the dire consequences to the steel industry if we fail to enact this legislation. As my colleagues hear these predictions, I ask you to keep a few facts in mind.

In 1998, the U.S. steel industry produced 102 million tons of steel. This was only slightly below the record of 1997 of 105 million tons, making it the second highest production year since 1980. This record production year resulted in earnings of $1.4 billion. Furthermore, 11 of the 13 largest steel mills were profitable. These numbers make it difficult for me to understand the need to create a $1 billion loan program.

Even if there were a steel crisis, it is certainly over. Citing Commerce Department statistics, the White House recently stated that during the first quarter of 1999, overall steel imports returned to the traditional pre-crisis levels. In fact, imports were down 4 percent in comparison to 1997. Again, the need for this program at this point eludes me.

My second concern is that the bill will result in the needless loss of taxpayers' funds. Supporters argue that this measure is paid for with budget cuts and administrative fees. They point out the program guarantees loans and does not actually lend money. This assertion ignores the history of such loan programs.

In the mid-1970s, the Economic Development Administration operated a similar program for the steel industry. The result of that program was disastrous for the taxpayers. Steel companies defaulted on 77 percent of the dollar value of their guarantees. An analysis of that loan program by the Congressional Research Service concluded that loans to steel companies represent a high level of risk. Nevertheless, we are poised today to provide an additional $1 billion in guarantees. I find it ironic that at a time when the American public is demanding reform of our public institutions, we offer them the failed economic policies of the 1970s.

The measure also fails to require that losses triggering access to the loans relate to the so-called steel crisis. Therefore, companies that lost production as a result of the 54-day GM strike will also be eligible for the loan program.

Furthermore, the program could benefit companies that suffer losses after the steel crisis was over. Companies that suffer losses or layoffs in 1999 or even the year 2000 are eligible for the program. Many of the losses suffered by steel companies are the normal result of operating in a competitive global market.

The measure also fails to set terms, conditions, or interest rates for the guarantees. Instead, it leaves these critical decisions to the discretion of the board making the loans. The only guidance given to the board is that the terms should be reasonable. These provisions are problematic and will likely result in taxpayers guaranteeing bad loans.

Finally, I have serious concerns about how this provision was brought to the Senate floor. I will remind my colleagues that our forebears intended the Senate to be a forum for reasoned and informed debate. Unfortunately, some Members choose to legislate complex and controversial matters in appropriations bills. The result is a hasty review of legislation with very little time to identify and discuss its implications. It also denies the committee of jurisdiction the ability to review these important measures, which will require the commitment of millions of taxpayer dollars.

The amendment that is at the desk will restrict the expenditure of funds for the loan guarantee programs until the appropriate committees have explicitly authorized the expenditure for these programs.

Authorizing on an appropriations bill has become an all too common event in the Senate. However, this is one of the most egregious examples of legislating on an appropriations bill I have seen since I have been in Congress. Out of the more than 20 pages of text in the bill, only 23 lines contain appropriations language. The rest of the bill goes on to authorize a $1 billion loan guarantee program for steel companies and a $500 million loan guarantee program for oil and gas companies.

These programs will place at risk hundreds of millions of taxpayer dollars. It will do so without a hearing, without testimony from those affected by it, and without the consideration of those who have the most experience with loan guarantee programs.

I point out also that this legislation is complex and controversial. My colleagues will offer amendments today which attempt to resolve some of these issues, but this process is inadequate and is not a substitution for the authorization process.

The appropriate authorizing committee should be allowed to examine the provisions of this bill. They can most appropriately determine what remedies, if any, should be taken to help the domestic steel, oil, and gas industries. Instead, these loan guarantee programs are simply being rushed upon us on the Senate floor without proper consideration.

This amendment requires that the measure go through the normal authorization process that every other measure should go through. I hope my colleagues will support the amendment.

I listened carefully to the words of the Senator from West Virginia, who is an individual I admire and appreciate. He is a person of great compassion. I believe I share that compassion, whenever there are changes or layoffs in industries that for one reason or another are unable to compete in what is now becoming increasingly a global marketplace.

I also am happy to say I will support job training programs, ways for workers to make a transition into other lines of business and work, retraining, and other public-private partnerships, of which there are many in America today.

But there should be one lesson that the 1970s and 1980s and early 1990s have taught us, and that is the economy of the world is undergoing a profound and fundamental change. We are changing from what once was an economy based on the steel industry, the oil industry, the railroads, the automobile industries, the product of the industrial revolution, to one which is rapidly evolving into a high-tech information, technology-based economy.

I refer my colleagues to the testimony of Alan Greenspan to the Joint Economic Committee in the last few days. It is a very illuminating discussion of the transition that America's economy is undergoing.

This transition overall has led to the strongest economic period in the history of this country. There is literally a kind of prosperity that, thank God, is affecting this country which is providing jobs and opportunities that we literally have never seen before in our lifetimes. That is the good news.

But the bad news is there are industries which, for a broad variety of reasons—which we have seen throughout history, as certain industries have been replaced by others—either cannot compete or there is not a need for the product that they manufactured.

I remember once visiting Pittsburgh, PA, once one of the heartlands of the steel industry in America, and seeing where there had once been steel mills; and there were the ensuing environmental problems associated with that. Now high-tech industries, that are clean industries, are employing people at equal or higher salaries.

People in Pittsburgh went through a wrenching change. I remember in the State of California, and to a lesser extent my State, when we started cutting back on defense spending in the early 1990s. Literally hundreds of thousands of people lost their jobs because of the cutbacks in defense spending.

Now I travel to California and see a booming economy, an incredibly, unbelievably, booming economy, both in my State and the neighboring States. What happened? It went through a very wrenching and difficult experience going from a defense-dependent industrial base to now a high-tech information technology base.

It was not an easy transition. Hundreds of thousands of people lost their jobs in California. But I know of no one who said: Keep spending this level of defense money and prop up these industries forever, because we don't want them to lose jobs because they're going through difficult times.

I have the greatest sympathy for any steelworker who is out of a job. I will do everything I can to help in retraining, in job opportunity, and education for those workers. But if there should be one lesson we learned in the 1970s and 1980s, it is that you cannot keep industries in business with Government subsidies, because if they cannot compete without them, over time they will not be able to compete with them.

As much as I admire and respect the Senator from West Virginia, he and I have a profound philosophical difference of opinion about the role of Government. He said we should help whatever industry is in trouble. Yes, we should help, by trying to take care of the displaced workers, but not by keeping obsolete or noncompetitive industries in business when we have the ability to transition into much higher-paying jobs and better industries that provide advancements in technological improvement for all of our lives.

I often have the pleasure of debating my dear friend and colleague from South Carolina, Senator HOLLINGS, who makes an impassioned plea for the textile industry in South Carolina, and bemoans, laments the great dislocation that took place there. I had the pleasure of going to the BMW plant which, thanks to a great degree of effort by Senator HOLLINGS, located in Columbia, SC. There are more jobs, higher-paying jobs, expanding jobs, and much better working conditions at the BMW plant than there were in the textile mills.

The transition is going on. The transition is going on at an even more rapid pace than any of us in this body ever anticipated, and as a fundamental change from an industrial-based economy to one which is now increasingly technological-based.

Those that take advantage of this opportunity and make the transition will grow and prosper. Fifteen years ago there was hardly a Member of this body who new where the Silicon Valley was; now everybody in America knows where it is.

Recently, in the past few weeks, a corporation called Global Crossing announced they were going to merge with U.S. West, one of the largest telecommunications companies in America. Three years ago, Global Crossing did not exist as a corporation. This same story can be repeated throughout America's economy.

We should not be spending our time authorizing on appropriations—not even authorizing. We should not be spending our time appropriating money to subsidize companies and corporations with loans which history shows us had a 77-percent default the last time we did it.

What we should be doing is making every effort we can, as a Government, to help them make the transition, which sooner or later they will inevitably go through. Because over time, the harnessmakers, once the automobile was invented, went out of business. It will happen here, too.

Again, I want to point out that I will do everything I can to help any worker who is displaced. I will support Government programs that work. I will especially support public-private partnerships, which have been largely successful, to provide America with the educated workforce necessary to take advantage of this incredible change that is going on in America and the world, in which America leads.

But to go back to a failed program of subsidized loans, in which in the 1970s the steel companies defaulted on 77 percent of the dollar value of their guarantees, and eventually ended up, by the way, in just as bad shape as they were in before they received those guarantees and defaulted on all those loans, I think is a serious mistake, a failure to recognize that, as societies change and industries change, and as evolution goes on, to try to have Government intervene and subsidize is not a success.

That is why I oppose this amendment, not only on the grounds of the procedures involved, which I find, as an authorizing committee chairman, offensive, but the concept and the idea that somehow this will succeed, I believe, flies in the face of all historical data, and, by the way, also flies in the face of what we Republicans are supposed to stand for.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the vote be delayed until the majority and minority leaders agree as to the time for the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to offer support for the legislation that is brought to the floor this afternoon and to make a few comments about the legislation itself. Let me especially comment on the subject of steel.

I come from a State that doesn't produce any steel. North Dakota is predominantly an agriculture State. But the roots of the problems that confront our steel industry, in many ways, are common to the roots of the problems that confront a number of industries in our country today, especially and including family farmers.

I haven't heard the news this afternoon, but I understand that the monthly trade deficit results are to be announced today. My expectation is that the announcement today will conclude that we have another record monthly trade deficit, probably the fourth in a row, probably $20 billion that we have gone in the hole in this country in our trade relations. This probably amounts to somewhere between $250- to $300 billion a year just in trade in goods and services. The deficit in trade in goods will be much higher than that, perhaps over $300 billion.

What does that mean? It means that this country has to borrow in order to finance its trade deficit. It means, at least in the field of economics, to the extent there are any certainties, that this country will have to repay this trade deficit at some point in the future through a lower standard of living. Is it a problem? Is it of concern? Apparently not to many people, because there is not much discussion about it. I think it is a very serious concern to this country.

People make the point that we have a good economy and we have prospered. That certainly is the case. Unemployment is very low. Inflation is almost nonexistent. Believe me, the Federal Reserve Board is on its hands and knees with magnifying glasses searching for signs of inflation. If they don't exist, the Board will try to find them. They are so concerned about it. But homeownership is nearly at a record high; new housing starts are nearly at a record high. There is a lot of good news in this country's economy.

But there are clouds on the horizon because of this trade deficit, a record high trade deficit. And it is rising rapidly. We have a trade deficit with China that is very substantial; an annual trade deficit with Japan somewhere in the neighborhood of $50- to $60 billion—in fact, about the same level with China. We have a trade deficit with Canada, a trade deficit with Mexico, and the list goes on.

Some come to the floor and say, well, we must be required to compete. I say, absolutely. If the family farmers I represent can't compete with others in the world, then we are not going to make it. But the question is not, will we or shall we compete; the question is, what are the rules of competition? How do we compete? Are we to say, let's tie our hands behind our backs? Then we will see how well we do. Is that competition?

For example, you run a manufacturing plant in this country, and you produce widgets. We say: You must compete with all other widget makers in the world. By the way, you have to pay a living wage, a minimum wage. By the way, you cannot dump your chemicals into the rivers and into the air. By the way, you cannot hire 10-year old kids. By the way, you can't pay them 14 cents an hour. And, by the way, your factory must be safe.

Well, the widget maker says: Well, we know that we fought about that for 75 years and lost all those fights. We have to pay a minimum wage. We have to have safe workplaces. We have to abide by child labor laws. We have to abide by antipollution laws, and we don't like it. So what we are going to do is pole vault right over this geographical barrier and go to another country somewhere else in the world. We are going to hire kids. We are going to pay them peanuts and put them in unsafe plants. We intend to dump our chemicals in the air, and we intend to pollute the streams. We are going to produce the same widgets, and we are going to send them back to Pittsburgh, Fargo, Los Angeles and Kansas City and sell them there.

I ask the question: Is that fair competition? Is that what people mean by competition? You must be able to compete, and if you can't compete, quit? You must be able to compete, and if you cannot compete, go broke? Is that fair competition?

The answer is, of course, it is not fair competition. We have fought for three quarters of a century in this country over these issues. People died on the streets from gunfire, marching for their rights as workers to organize for better wages, for safer working conditions, for all of these issues.

Now, some say: But it is a global economy; you just don't understand. Competition now is not with the rules that we would describe as reasonable. The rules are whatever you can find anywhere in the world if you are a producer. That represents fair competition?

Where I come from, that is not fair competition.

I frankly admitted, when I started, I do not know much about the steel industry. We do not produce steel in my State. I do not expect we will in the future ever see a strong economy that does not have manufacturing activities in automobiles and steel and other things that represent the central tenets of a strong economy. I don't think you can decide that you will have a strong economy if your manufacturing base is gone.

I get in the car and turn on the radio and drive to work. The news report on the radio tells about America's economic health. It is always about what we consume, not what we produce. It is always about the economic health as measured by what we consumed last month. Consumer spending is up. Spending is this; spending is that.

That is not a sign of economic health. What you produce is a sign of economic health. What you produce determines who you are and how you are doing.

I find it interesting—I know Mr. Greenspan is on the Hill today testifying, and I know Wall Street will weigh every word he says for some nuance about what the Fed might do with interest rates. The stock market will rise or fall like a bobber in the ocean, based on what Mr. Greenspan says.

You ask Mr. Greenspan, and he will have to admit it—so will the governors of the Federal Reserve Board—does a heart attack or a car accident represent economic growth to an economist? The answer is, of course. Heart attacks and car accidents represent economic growth in the data that economists use to determine how well our country is doing. Because a car accident means someone must fix a fender; a heart attack means someone is employed in emergency rooms.

So you ask yourself: What do these economists tell us? What do they mean? What does it say about our country? What do they measure?

Family farming is why I came to the floor today. Family farming suffers, too. We have steel manufacturers in trouble and going out of business. We have people being laid off. So the Senator from West Virginia says we ought to be concerned about that. We should.

Is a steel plant like a harness for a two-hitch team, destined to be gone forever from the landscape of this country because it can be done elsewhere much less expensively? I don't think so. I don't think anyone in this country would suggest that our country—with the kind of economic power and might that we have—is a country that ought to do without a strong manufacturing sector or a country that ought to do without a strong steel manufacturing capability.

Then what about farming? When we talk about farming, people say: Well, the farmer must compete. It is agriculture, some monolith called agriculture.

It is not that in my State. It is families. It is not just families planting some wheat that they hope to harvest in the fall. It is families that live out on the land, that help create a small town, that help provide economic sustenance on that main street, that organize the church, that support the school, that support the charities. That is what family farms are all about. Some people may say that you can get rid of all of those families. America will be farmed. Corporate farms can farm America from California to Maine, hardly stopping to put some gas in the large tractors they would use to pull those plows. But it would not be the same because corporate farming isn't going to stop at a small town in Hettinger County to say: Let me help form that church, or that school, or help nurture Main Street, or help with a lifestyle that really breeds family values.

I hear people stand and talk about family values all the time on the floor of the Senate. There is nowhere in this country that nurtures family values any better than on the family farm. I am not saying they are better than anybody else, but I am saying that families living in the rural reaches of our country, with a yard light illuminating that life, they are the ones who really do it alone—except when there is trouble, all of their neighbors are there to help. That is the way farmers in a rural neighborhood are.

We will lose something very important in this country if we decide that family farmers don't matter. A North Dakota author named Critchfield wrote a good number of books. He was a world-renowned author who came from Hunter, North Dakota, a tiny town near Fargo. He wrote a book called "In Those Days." It is the finest book I have ever read about small-town life and the rural lifestyle—a wonderful book. He wrote his next book about the rural lifestyle in a different way, and he said something I never really thought much about before. He talked about the nurturing of values, family values, the nurturing of shared responsibility, and caring. This country really always had its roots in rural America; it would roll from the farm to the small town to the big city as America grew. We have lost farmers who have moved to small towns and who have moved to big cities. We have had a refurbishment of the value system of our country coming from its seedbed in rural America. I wonder what would happen at some point if we decide that that seedbed of family values in rural America really doesn't matter, that America can as easily be farmed by large corporate enterprises with no lights and no homes and no stopping in small towns.

Well, this discussion today is about steel and oil, but especially about steel. I am talking about agriculture because I want to talk about the common thread that exists on these issues.

I just heard my colleague from Arizona speak, and he is a close friend and someone whose views I admire. We have disagreed from time to time. On this issue of trade, we find ourselves in somewhat different camps, I think, because we probably see it a bit differently. I don't, for a moment, dispute that it is a global economy. The times are changed. But I also believe that this country has every right, on behalf of its producers, to decide it will fight for values such as fair wages and safe workplaces and a good environment—to fight for those things that we have fought for in this country for over 75 years. We have a right also to fight for that in our international trade agreements. We regrettably do not do that.

Our country, interestingly enough, has a leadership position on trade matters. We go out and negotiate a lot of trade agreements. Did you know that we almost never enforce an agreement? My biggest complaint with our trade officials is that they negotiate bad agreements. If that weren't bad enough, they fail to enforce even the bad agreements. Go down to the Department of commerce, where they are required to enforce trade agreements, and ask yourself how many people in this Government, in the Department of Commerce, are around with the responsibility of enforcing our trade agreements with China. Does anybody know? Or Japan? Anybody know? I will tell you the answer. Six or seven people are tasked at the China desk with enforcing our trade agreements with China. It is the same with Japan. We have a nearly $60 billion trade deficit with China, and about the same with Japan, but slightly less. We have a handful of people whose job it is to enforce our trade agreements. Why? Because our mindset has always been to go negotiate new agreements because we want to trumpet the success in negotiating a new agreement, but we don't want to mess around with enforcing the old ones. That results is a lot of folks who are angry, because the last trade agreement that was negotiated was not a very good one and, in any event, it wasn't enforced.

So we ended up with a trade agreement called NAFTA, the North American Fair Trade Agreement, with Canada. A miserable agreement. It turned a trade surplus that we had with Mexico into a big trade deficit. It doubled the trade deficit we had with Canada. I know it will tire anybody who has heard me say it, but not long after the trade agreement with Canada, we had a flood of Canadian grain coming across our border and undermining the market for our family farmers. Our State university said it cost our farmers in North Dakota over $200 million in lost income.

I drove up to the border with a fellow named Earl in an orange truck that was about 10 years old. In this 10-year-old orange two-ton truck we took a couple hundred bushels of durum wheat. We saw 18-wheel trucks coming in our direction that were full of Canadian grain coming south. On a windy day, the grain trucks drop a lot of grain on the road. Our windows were getting hit all along the way by Canadian grain dropping off the huge semi trucks coming south. After seeing dozens of them, we pulled up to the Canadian border with Earl and his orange truck and a couple hundred bushels of durum wheat, saying we want to take this North Dakota durum into Canada, knowing that millions of Canadian bushels are flooding into our country. Earl Jensen and I didn't get across the border with that durum wheat because you could not get it into Canada. Our border was open to the Canadian grain producers, flooding our country and undercutting our markets, but their border wasn't open to us. Another fellow who was with us brought along some beer. That is, after all, liquid barley. Beer comes from, in most cases, barley, and you liquefy barley. He was going to take barley, in liquid form, into Canada. No, you can't do that. How about a used clothes washer? Can't do that. The list goes on.

I sat up at that border understanding firsthand why our farmers have a right to be so angry. Who on earth would negotiate a trade agreement with Canada that says let's have a one-way circumstance across the board? You can bring all your products south and flood us with your grain, but, by the way, when your little orange truck comes north with Earl and Byron, we are not going to let you through. That is not fair competition. That is not the trade relationship we expect that would result in fair competition. So my experience is that we have a right, it seems to me, in our country, to be mighty upset about the current circumstances that exist for family farmers and unfair trade agreements or in trade agreements that even if they were fair are not enforced. We have a right to be upset with respect to the circumstances with steel. My colleague who spoke previously said undoubtedly there may be dumping of steel. I will bet there is. I guarantee you there is dumping of grain in this country.

I asked the GAO to get the data from Winnipeg and Montreal. Those folks thumbed their nose and said: Do you think you are going to get that out of us? Not in a million years. We don't intend to give you one figure with respect to the sales we are doing secretly in this country. That's the Canadian Wheat Board. That would be illegal in this country, selling at secret prices in this country. They said to GAO that there is not a chance, you are not going to get numbers out of us.

Is there a reason for people to be angry and sore about this? Of course. Do American producers have a right to ask the question of whether this country will stand up for fair trade? I am absolutely full up to my neck with folks who say that anybody who speaks the way I just spoke is a protectionist. I want to plead guilty to saying that I want to protect our economic interests and demand fair competition. If that is what being a protectionist means, I will plead guilty. In fact, I demand credit. I want to protect this country's economic interests. I also believe in expanded trade and trade relationships that are growing and are healthy. I believe in and demand and expect fair trade relationships. I expect our trade negotiators not to go out and lose in the first 24 hours of every single negotiation.

The Senator from Texas is on the floor. There is a lot of beef in Texas. We had a big beef agreement with Japan 20 years ago. You would have thought we had won the Olympics when we announced we had this beef agreement with Japan. Everybody celebrated. Guess what? We are getting more beef into Japan. More American beef is going into Japan. But there is now a 50-percent tariff on American beef going to Japan. They negotiated a 50-percent tariff. That will be ratcheted down over time, but it snaps back with increased quantity.

Would anyone here ever expect we would have a 45-percent tariff on a product and not be ridiculed in the world community by it? That is exactly what we negotiated with Japan. It was declared a success. Our trade negotiators thought it was just great.

We have such lowered, dimmed expectations of our trading partners that we don't even try. Part of that is because for the first 25 years after the Second World War almost all of our trade relationships were about foreign policy. We could beat anybody with one hand tied behind our back. It was easy. We negotiated trade relationships that were almost exclusively foreign policy initiatives. But in the second 25 years, it was different. For that reason, as better competitors developed—Japan, Europe, China, and others—our trade negotiators didn't change much. Most of our trade negotiating is still disguised as foreign policy, regrettably. It is not fair to our producers.

That is why the initiative was brought to the floor today with respect to steel. We don't produce steel in North Dakota, but I am well aware of unfair trade. I am well aware of the inability to provide remedies and to seek remedies for unfair trade. Certainly our producers understand that every day in every way they have to face unfair competition, and no one seems willing or able to do anything about it.

That is the frustration. It is a frustration, in my judgment, that produces the kind of proposition that is brought here to the floor of the Senate today. Is it a reasonable, modest proposition?

Yes. Is it a proposition that jumps over the ditch here on this? No. Of course, it is not. It is not that at all. It is modest, in my judgment, reasonably thoughtful, and is something Congress should pass.

The reason I took the time to come to the floor is to say this: Following this legislation, we will come in next week to the floor of the Senate once again on the subject of family farmers. Family farmers are now in a circumstance where they are facing Depression-era prices and are going out of business in record numbers.

It is almost impossible to go to a meeting in farm country and listen to those farmers, who have invested their lives and their dreams and their hearts in that land, who stand up and pour out their souls and then begin to get tears in their eyes when they talk about being forced off the land they love.

I told my colleagues recently of the woman who called me and said her auction to sell her family farm produced on that day a circumstance where her 17-year-old refused to get out of bed—refused to come down and help her with the auction sale. She said it wasn't because he is a bad kid, or it wasn't because he was lazy; it was because he was so heartbroken that he wasn't going to be able to farm that he just could not bear to be present at the auction sale of their farm. His dad had recently died. They were forced to sell, and he simply couldn't bear to watch the sale of that family farm.

A 6-foot-4-inch fellow stood up at a meeting. He had a beard. He was a big, burly guy. He said his granddad farmed. He farmed. He said his dad farmed. It was in their blood. Then his chin began to quiver, and his eyes began to water. But he said: I am going to have to sell out. He would like to continue, and he couldn't. And he couldn't continue to speak, because this is more than just a job. It is a lot more than just the term "agriculture."

Again, I come to the floor to talk about family farming, because this question today relates to what we are going to talk about—agriculture, and fundamentally unfair trade policies that undermine our family farmers for which there is no remedy.

You go to the trade ambassador's office to seek a remedy. You go to the Commerce Department to seek a remedy. I guarantee you, industry after industry, you can prove the dumping, and you will not get relief. You will not get a remedy. That is, in my judgment, the weakness and the shortcoming of our trade laws.

Let me end by saying again that we must find a foreign home for almost half of what we produce in a State like North Dakota. I am not someone who wants to shut borders or restrict trade, but I darned well insist on behalf of the producers that I represent, just as the Senator from West Virginia and the Senator from New Mexico insisted today, I insist that this country stand up for the economic interests of its producers, at least demanding fairness and competition in international affairs. As we deal with a global economy, we ought to be able to provide that kind of fairness for American producers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, you are going to hear an announcement in a moment from the two authors of the bill that is pending that we have worked out an agreement on the four amendments that were discussed earlier. I will leave it to them to talk about it.

It appears we would have this vote on an extraneous matter, and then either accept the vote on the four previous matters discussed or have a rollcall vote. But before we get into all of that, I wanted to say that I am supportive of the amendment offered by the Senator from Arizona.

One of the problems we increasingly have in the Senate is that it is so hard to pass an authorization bill that we are reaching the point where almost every legislative action originates in one of two committees—the Finance Committee, which engages in direct spending through entitlements, and the Appropriations Committee, which appropriates money.

We have before us a bill that really should be under the jurisdiction of the Banking Committee. We are for all practical purposes appropriating without authorizing, or, one could say, authorizing within the Appropriations Committee. As I said to Senator STEVENS, maybe I ought to start reporting appropriations bills to the Banking Committee and try to bring them to the floor of the Senate.

But Senator MCCAIN's amendment really brings home a very important point; that is, we have committees that have jurisdiction in these areas. We undercut the Senate when we don't recognize it.

A policy, I think, that is ultimately quite independent of the issue we are talking about today but relevant to this amendment is that the sooner we can get back to having authorizing committees authorize and having appropriations committees appropriate the better off we will be.

I am in support of this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am not sure of the procedure. But I would like to offer an amendment at this time.

I ask unanimous consent to lay aside the pending McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 686

(Purpose: To amend the pending committee amendment to H.R. 1664)

Mr. MURKOWSKI. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 686.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"SEC. .GLACIER BAY STUDY.—The Secretary of the Interior shall, in cooperation with the Governor of Alaska, conduct a study to identify environmental impacts, if any, of subsistence fishing and gathering and of commercial fishing in the marine waters of Glacier Bay National Park, and shall provide a report to Congress on the results of such study no later than 18 months after the date of enactment of this section. During the pendency of the study, and in the absence of a positive finding that a resource emergency exists which requires the immediate closure of fishing or gathering, no funds shall be expended by the Secretary to implement closures or other restrictions of subsistence fishing, subsistence gathering, or commercial fishing in the non-wilderness waters of Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105-277)."

Mr. MURKOWSKI. Mr. President, less than 3 months ago this body adopted my amendment allowing commercial fishing and subsistence gathering, which consists primarily of gathering sea gull eggs in Glacier Bay. That issue came before this body, and passed 59 to 40.

It went to conference, along with the issue of the steel and oil and gas guarantees that are under discussion before this body.

I am here on behalf of the little people. I can't stand here and compete on the broad issues of steel dumping or the impact the decline of the price of oil has had on our stripper wells; or the economies of those areas dependent on steel, West Virginia and New Mexico; or oil and gas, as in Oklahoma. I stand here on behalf of a few of the native people of my State, the Huna Tlingit Indians, who have lived for centuries with access to an area known as Glacier Bay, which is one of our premier national parks.

Clearly, this issue is not in proportion with the importance of steel dumping, or the decline in the price of oil. I come before this body representing this small group of indigenous American Alaskan Indians who have been dependent on a subsistence lifestyle for thousands of years.

Glacier Bay is a large area in the northern end of the archipelago of southeastern Alaska. It is a magnificent area. Visitors in the summertime arrive on cruise ships. It is a great way for a visitor to enjoy this magnificent, scenic site. However, it is a very short season, roughly Memorial Day to Labor Day.

The rest of the time, the area has been utilized by very small, individual fishing vessels that are bound by the resource management of the Alaska Department of Fish and Game.

In conference, there was a concern expressed by various House Members as to whether the fisheries resource in Glacier Bay could be maintained and the impact commercial fishing would have on that resource. As a consequence, I have changed my amendment. My previous amendment simply allowed commercial fishing and subsistence gathering to remain in Glacier Bay until the court determined whether the State had the right to manage these waters within the State of Alaska.

I have now changed the amendment to propose a moratorium for 18 months. During that time, there would be a joint study between the State Department of Fish and Game and the Park Service to study the impact of this small amount of commercial fishing and subsistence gathering on Glacier Bay, and to make a determination whether there was any detrimental effect. If there was, obviously, it would cease.

It is interesting to note that the matter before the Senate is associated with a matter of substantial cost, because we are talking about dumping steel, we are talking about addressing relief, we are talking about oil and gas, we are talking about some type of relief for the stripper wells. It is my understanding that steel, oil, and gas amendments might amount to as much as $300 million.

I point out to my colleagues, there is zero cost associated with my amendment—no cost whatever. There is justice to residents of these communities of Alaska.

Let me describe the communities. Gustavus has 346 residents and is adjacent to Glacier Bay; 55 of those residents are actively engaged in fishing. Elfin Cove, outside the bay, has 54 people; 47 are engaged in fishing. Huna, which is a Tlingit Indian village directly across from Glacier Bay, has 900 people; 228 are in the fisheries. Pelican City has 187 residents; there are 86 in the fisheries.

These communities have no alternative. They can't go anyplace else. What is the justification for the attitude of the Park Service? There has not been one public hearing held—not one. They did not advertise for witnesses to determine the impact. They simply made an administrative decision and said we are closing it.

Let me show another chart demonstrating where commercial fishing is allowed by statutory law in National Parks: Assateague, in Virginia; Biscayne, in Florida; Buck Reef, in the Virgin Islands; Canaveral National Seashore, in Florida; Cape Hatteras, in North Carolina; Cape Krusenstern, in Alaska; Channel Islands, CA; Fire Island, NY; Gulf Islands, MS; Isle Royale, in Michigan; Jean Lafitte National Park, LA, to name several. But they have made a decision to close the fishing in my State of Alaska.

It is interesting, further, to note some of the other activities they allow in the park, because it reflects the attitude of the Park Service and the manner in which they initiate an action.

The Park Service saw fit some 3 months ago to initiate what was basically a raid on commercial fishing in Glacier Bay. They used Park Service personnel, they boarded the boats that were fishing there, they had sidearms, and they simply said they were going to close this area. The area was not, in fact, closed. Those fishermen had a right to be there at that time. That was a pretty heavy tactic to use, but they saw fit to use it.

Our Governor indicated his wish, as did our State and our legislature, that commercial fishing be allowed to continue in Glacier Bay.

To add insult to injury, the people of Glacier Bay have been dependent on the gathering of sea gull eggs since time immemorial. One wonders why they would need sea gull eggs. Frankly, it is very difficult to raise chickens in Alaska. There is a lot of rain. This is a typical village in Glacier Bay. This is an 1889 photo. That village is no longer there, but this is the kind of village they used to have. You see there, they are drying the fish and so forth. The Huna villages today are not like that by any means—but the point is these people still live in a subsistence lifestyle.

What I want to say here is just the other day the Park Service decided to prohibit, if you will, what it had ignored previously and that was the gathering of sea gull eggs for harvest in Glacier Bay. They apprehended a Huna native for gathering sea gull eggs. I do not know how long they kept the sea gull eggs, but a couple of days later they gave them back to the Huna Indian Association. What is the consistency of this? I do not know that there is any, and it points out the Park Service is aggressively hostile to something that other agencies have seen fit to recognize as unique to the character of the subsistence lifestyle of the native people of Alaska.

It should be remembered that Canada and the United States reached an agreement several years ago allowing native people to take birds and eggs during the spring. That agreement was recognized by an amendment to the Migratory Bird Treaty. It has been nearly 2 years since the Senate approved the amendment to the treaty. What this amendment did was recognize the need of the native people to take birds and eggs in the spring, because in the fall those birds are gone. The reason is very simple; cold weather has come and the birds have left.

The State Department has not yet exchanged the instrument of ratification with Canada. This is the final formal exchange of documents necessary to put the new treaty into effect. Canada is eager to complete the process because the new treaty language is needed to comply with changes in its Constitution. I'm told the delay is due to the bureaucratic failure of the Department of the Interior to implement new regulations. Some of the State Department officials think that is needed before final documents are exchanged. I, personally, see no reason for the delay.

The point I want to make is an obvious one. The U.S. Fish and Wildlife Service has recognized the necessity of the native people of Alaska, being dependent on subsistence, to take birds and eggs in spring, including sea gull eggs. But the Park Service—another branch of the Federal Government—has chosen to enforce a prohibition against taking sea gull eggs. What is the justification for that? I do not know, unless it is a very aggressive Park Service. But, clearly, if the U.S. Fish and Wildlife Service sees fit to allow a modest taking of eggs and migratory birds for subsistence purposes, you would think the U.S. Park Service would recognize and honor and appreciate the tradition of the Native Alaskans and allow this to take place. Still, that is not the case.

I ask unanimous consent to have printed in the RECORD a press clipping from the Juneau Empire covering the story on the apprehension of the individual who was accosted by the Park Service for gathering, for subsistence purposes, sea gull eggs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GULL EGGS CONFISCATED

JUNEAU—National Park Service officials seized several dozen gull eggs from a Hoonah man in Glacier Bay National Park over the weekend.

Dan Neal, 46, his son and a family of five visiting from Illinois came ashore Saturday on Marble Island. They landed near two U.S. Geological Survey biologists doing research on a glaucous-winged gull colony.

The biologists informed Neal and his companions they couldn't legally collect eggs there, and the group left, Glacier Bay Chief Ranger Randy King said.

Park Service employees later stopped the boat, and Neal reluctantly surrendered the eggs, King said.

Gathering gull eggs is prohibited by international treaty and federal regulations throughout Alaska. However, the harvest of gull eggs is an important cultural tradition for Hoonah Tlingits.

The Park Service and the Hoonah Indian Association are exploring ways the tradition might continue.

> "Our cultural and traditional uses in our ancestral homeland are deeply woven into our very being," said Ken Grant, the association's president, who urged tribal members to refrain from collecting eggs until the Park Service finishes its studies.

Mr. MURKOWSKI. In my amendment I propose this joint study take place, and it is quite legitimate to ask, Where is the money going to come from? For some time now the Park Service has been generating revenue from cruise ship receipts from a recreation fee demonstration program. They have approximately $2.8 million, of which $435,000 is unencumbered at this time. It is my suggestion this be used for the Park Service's joint evaluation, along with the State of Alaska, to study the renewability of the fisheries resources in Glacier Bay.

Somebody might ask, Why should a Glacier Bay moratorium be attached to this bill—an appropriations bill? I hope the appropriators recognize this is a legitimate appropriations amendment. It is setting parameters for the expenditure of funds being appropriated. Further, the moratorium is a time-honored and time-tested device. This moratorium simply amends last year's appropriation bill which terminated the fishing in Glacier Bay. If fisheries can be closed on an appropriations bill and the field of participants can be narrowed in an appropriations bill, then it is not out of place to use the same process for a follow-up measure, and that is what we have done. This is a legitimate appropriation amendment setting parameters for the expenditure of funds being appropriated.

This belongs in this package because it went over to the House and Senate conferees as part of the supplemental package, along with steel and oil. It was a part of those issues that were considered.

But as we look at the issue of equity here, there is no question this amendment is an amendment substantially different from the previous amendment inasmuch as it gives a moratorium of 18 months in which to evaluate, in a joint study, the renewability of the fisheries resource. As evidenced by the concern of the conferees in the House, Senator STEVENS and I—I was given the opportunity in that conference to make a personal presentation. But that was a different amendment. That was simply to allow fishing to continue until such time as the court determined who had jurisdiction. This amendment sets to rest the concerns relative to the renewability of that resource by authorizing this joint study.

It also recognizes, in a sense, there is no real trustworthy information on the impact of fishing or subsistence use in Glacier Bay on the ecosystem. Opponents have argued from time to time there may be some consequences, but they have offered no real proof. On the other side, it is impossible to prove the negative that fishing has no lasting impact.

Before fishermen are permanently removed or restricted, which will have irreversible consequences for the fishermen, the processing companies and the communities affected, I think it is appropriate to actually test the hypothesis that fishing is detrimental in some way. That is why we have altered our amendment to require this 18-month study.

My worst fear, as I have indicated, about the Park Service harassment of the Alaska Native people, was realized this last week when they seized several dozen sea gull eggs from a Native resident of Hoonah, one particular resident. This was unwarranted harassment by the Park Service. I think it represents an insensitive, arrogant attitude and is reminiscent of the Indian policies of the 1800s, where we were simply driving individuals off the land they had traditionally had access to. Only passage of my amendment will end this harassment.

Again, this is only a few hundred people, but they have no other appeal. They do not want to live off welfare. They have no other place to go. There is no reason why they should be excluded from fishing in this area, as we recognize the Park Service allows fishing in the 16 other national parks. I have had letters from local residents repeatedly assuring me that previously they had been under the assumption the Park Service had no intention to eliminate the traditional use, including fish and subsistence gathering.

Why do they enforce such an action in Glacier Bay and not enforce it in the 16 other areas where they allow it by statute? This fishery consists of a small number of small vessels. They do a little salmon, crab, halibut, bottom fishing. It is important to the people, as I have indicated, of Elfin Cove, 34 people, Hoonah, 228 people, who fish.

There have been provisions that Senator STEVENS has been able to prevail on, allowing Federal funding for fishermen as a consequence of them losing the right to fish. The letters I have ask me why the Park Service is mandating they can no longer fish. Why isn't the Government more sensitive to their particular needs? Why is the Government singling them out when they have no place else to go? These are hard questions to answer.

This is a situation of justice. These little people are crying out, and they are crying out in the only voice they have, and that is the voice of the Congress of the United States.

That is basically where we are. It is my understanding there may be an effort to table this legislation. I personally cannot understand why the amendment would not be accepted and sent over with the rest of the package. Again, I appeal to fairness and equity and recognize, unlike the steel issue and the oil issue, this has absolutely no cost. This is simply an 18-month study on the merits of the resource—that is simply all it is—so these people can continue their rightful pursuit of their traditional use of fish and game.

Mr. GRAMM. Will the Senator yield?

Mr. MURKOWSKI. I will be happy to yield to my friend from Texas.

Mr. GRAMM. I know the Senator from Arizona wants to vote on his amendment, but I want to ask you a question, having sat here and listened. You are talking about Glacier Bay, and you showed a map of it. This is a far off place where, except for a very short period of the year, it is cold and frozen; right?

Mr. MURKOWSKI. That is pretty much the case; that is correct.

Mr. GRAMM. You have Native Americans who live by fishing and gathering and eating sea gull eggs; right?

Mr. MURKOWSKI. They have traditionally gathered sea gull eggs in the spring of the year. They depend on fishing throughout the year.

Mr. GRAMM. You have bureaucrats in Washington who may have never been to Glacier Bay suggesting that maybe, instead of eating sea gull eggs, they might raise chickens?

Mr. MURKOWSKI. It is pretty hard to do in that climate, but I am no expert on chickens.

Mr. GRAMM. They have never tried going to Glacier Bay and raising chickens, have they?

Mr. MURKOWSKI. I do not think they want to do that, with 200 inches of rain.

Mr. GRAMM. To make a long story short, what you are really saying is you have Native Americans who are trying to eke out a living by fishing and by eating sea gull eggs, and you have bureaucrats in Washington who may have never been there, certainly would never go live there, who are saying that somehow they have the right to force them to change their way of life, with the idea that somehow it is more their business what happens in Glacier Bay than it is the business of people who live there; right?

Mr. MURKOWSKI. That is pretty much the case. They say fishing is a commercial activity, but if you look at this tour boat entering into the bay with 1,200 passengers, that obviously is a pretty significant commercial activity.

There was a cruise vessel that had an accident in Glacier Bay the other day. It hit a rock. As far as I know, it is still on the rock. It leaked a little fuel—a few gallons. They are working on it. They are going to get it off. There is not going to be damage to the ecology or the environment. Nevertheless, that is a commercial activity.

Mr. GRAMM. I intend to vote with the Senator. I hope everybody will. Your amendment really makes the point that there is no end to the arrogance of people in Washington who are trying to tell people in a completely different part of the country, which they know nothing about, how to live their lives and claiming that somehow this bay belongs more to them than it does to people who have lived there for a thousand years. Not only are you representing your constituency, but you are speaking out on behalf of a concern, not in as clear a way, not in as glaring a way, but that many people in other parts of the country share. The last time I looked, there was no shortage of sea gulls on the planet.

Mr. MURKOWSKI. I have observed that as well. I thank my friend from Texas.

Mr. GRAMM. I thank the Senator.

Mr. MURKOWSKI. Mr. President, I will make one more point—I am sure there are others who want to be heard—relative to an inconsistency. That is, again, the U.S. Fish and Wildlife Service allows migratory bird taking in Alaska in the spring, and they have seen fit to do that, recognizing the subsistence needs of those native people, and egg gathering as well. But the U.S. Park Service, just within the last 2 weeks, has indicated they will not allow sea gull egg gathering in the park. We have two different agencies with two different jurisdictions, I grant you that. But it is definitely an inconsistency.

Again, for those who are wondering what this issue is doing in the middle of steel and oil, I simply appeal to the floor managers to recognize the action that was taken when it was sent over to the House. Unlike steel and unlike oil, which did not have a vote on this floor, this issue had a vote. We had a good vote. As a consequence of that, it belongs in the package that is going back. Some may argue the intricacies of procedure, but a deal is a deal, and I made a commitment to my colleagues that I would bring this up again, and I intend to bring it up again and again because there is an injustice here.

If we are able to prevail on a tabling motion, why, then we run the risk of what may happen to it in the House. I urge the floor managers to take this amendment.

It is my intention to ask for the yeas and nays. I do not know what the procedure is, but it may be that the leaders want to delay voting on this matter until such time as they determine it is appropriate. I appeal to my colleagues to take the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At the moment, there is not.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, in light of the fact the Senator from New Mexico wants to speak on this amendment, I ask for the regular order.

With all due respect to my friends, we were going to vote 45 minutes ago.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I ask for the regular order.

Mr. STEVENS. Will the Senator yield?

AMENDMENT NO. 685

The PRESIDING OFFICER. The regular order is the McCain amendment No. 685.

Mr. STEVENS. Mr. President, I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 685. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania, Mr. SANTORUM, is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut, Mr. DODD, is necessarily absent.

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—64

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Cleland
Cochran
Conrad
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Specter
Stevens
Thurmond
Torricelli
Wellstone
Wyden

NAYS—34

Abraham
Allard
Ashcroft
Brownback
Bunning
Burns
Chafee
Collins
Coverdell
Craig
Crapo
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hutchinson
Kyl
Lott
Mack
McCain
Murkowski
Nickles
Roth
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Voinovich
Warner

NOT VOTING—2

Dodd
Santorum

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alaska is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized in order to offer a unanimous consent agreement regarding amendments; that following that I be recognized in order to make a short statement and move to table the Murkowski amendment No. 686, with no amendments in order to the amendments prior to the vote on that motion to table. I also ask unanimous consent that following the vote on the motion to table, if that amendment is tabled, the bill be read for the third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate, at 9:30 a.m. on Friday, June 18, and that paragraph 4 of rule XVIII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, point of inquiry. I don't mean to object. When does the Senator intend to have a vote on the tabling motion?

Mr. STEVENS. Immediately after I make that motion.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for another 5 minutes on the amendment, which is the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do object. Would the Senator at least let me be able to get the other amendments out of the way first?

Mr. MURKOWSKI. I have no objection, even though my amendment is the pending business—reserving my right to have 5 minutes on my pending amendment.

Mr. STEVENS. I have no objection. I amend my request to ask that prior to the motion to table and my comments, my colleague be recognized for 5 minutes. Let's get the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The total sequence is now agreed to, Mr. President?

The PRESIDING OFFICER. Correct.

AMENDMENT NO. 687

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. DOMENICI, Mr. BYRD, Mr. GRAMM, and Mr. NICKLES, proposes an amendment numbered 687.

The amendment is as follows:

On page 7, beginning on line 3, strike all through line 7.

On page 10, beginning on line 23, strike all through page 11, line 2.

On page 34, beginning on line 14, strike all through 16.

On page 9, after line 17, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 36, after line 23, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 48, beginning on line 9, strike all through line 17.

On page 6, line 7, strike all through line 13, and insert the following:

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—

(1) IN GENERAL.—There is established a Loan Guarantee Board, which shall be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System, who shall serve as Chairman of the Board: and

(C) the Chairman of the Securities and Exchange Commission.

On page 33, line 17, strike all through line 23, and insert the following:

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(a) the Secretary of Commerce

(B) the Chairman of the Board of Governors of the Federal Reserve System who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

On page 32, strike lines 10 and 11, and redesignate the remaining subparagraphs and cross references thereto accordingly.

Mr. DOMENICI. Mr. President, could we have a minute or two to explain that amendment?

Mr. STEVENS. I withdraw the request.

I ask unanimous consent that Senator DOMENICI, Senator GRAMM, and Senator NICKLES be permitted 5 minutes each to explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, in the interest of time, I will explain only one amendment, and I will let my colleagues pick up the others. If they want to repeat what I have said, fine.

Essentially, many Senators on this side have complained that this was an emergency measure, and that one way of looking at an emergency measure was that this bill might use some of the Social Security surplus. The emergency clause has been stricken. It is not in there anymore. As a consequence, this money is spent out of the regular allocation: Truth in budgeting, as you call it. It does not come out of the trust fund because it is paid for like any other program.

If you are wondering how much for this year's appropriation, it is $19 million. So we have to find $19 million within the $1.8 billion budget of the United States. So we don't have to take any money out of Social Security. That is the only point I want to make.

We fixed three other things other Senators were concerned about. I will let Senator NICKLES or Senator GRAMM explain those. I don't need the remainder of my time. Whatever I have left, I yield back.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my colleagues and, in particular, Senator BYRD, Senator DOMENICI, and Senator STEVENS, for working with Senator GRAMM, myself, and others to try to make this a better bill. Senator DOMENICI mentioned one, we strike the emergency provision. That basically means there is $270 million estimated cost by CBO of this bill, and it was declared emergency. We are striking that. That means we won't be raising the caps. I think that is important; I don't think we should be calling everything an emergency, as I stated, and busting the budget. I appreciate the cooperation in striking that section.

We did a couple of other things. The bill originally said that the loan guarantees would be made up to 100 percent. We limited that now to a maximum loan guarantee of 85 percent. The lending organization, or bank, is going to have to put up 15 percent, with some risk. It may be 25 or 30 percent, but they will have to put up at least 15 percent. I think that is a good amendment.

We changed the composition of the board. Originally, the lending board was comprised of the Labor Secretary, the Treasury Secretary, and the Commerce Secretary.

We changed that. We said, well, we will keep the Secretary of Commerce on, but we will change it and add the Chairman of the Federal Reserve Board and the head of the SEC—I think, again, trying to take politics out of it, trying to put people on the board that are more interested in economics and making good financial decisions, and not have it be so political.

We also have another amendment that would strike out the lower loan limits. The bill originally said in steel the loan range would be from $25 million to $250 million. We dropped the $25 million lower limit. In other words, now a steel company can get a $5 million loan, or a $10 million loan, or a $1 million loan; it won't have to be at least $25 million.

We did the same thing for ore, which had a $6 million minimum loan level. Now that can be smaller. For oil and gas, I believe, there was a $250,000 minimum. We struck that minimum as well.

I think the combination of amendments we have had make this a better bill. I appreciate the fact that leaders who are promoting this bill have agreed to these amendments. I think it improves it. I am still going to vote no on final passage. I really do not think the Federal Government should be in the loan guarantee business for steel, or for oil and gas, and for the iron ore companies. But I do appreciate their consideration of these amendments.

I urge my colleagues to support them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I have a question for the Senator from Oklahoma about his amendment. I am wondering if there is anything in his amendment that would correct one problem I see in the bill, which is that it occurs to me, if that a steel company, for example, has an existing loan with some private bank—once this program goes into effect and that loan is in bad shape, the bank can encourage that steel company to apply for a new loan under this program and get that Federal guarantee, and thereby you are transferring that risk, or at least 85 percent of it, from that bank that otherwise would take the hit to the taxpayers.

Is there anything in the amendment that the Senator knows of, or anything in the original bill, that would prevent that kind of shenanigan?

Mr. NICKLES. To respond to the question of my friend and colleague—I think it is an excellent question—we didn't fix that problem. The Senator is exactly right. This bill still leaves it open where you can have a bad loan, or basically you are going to have that refinanced with the Government guaranteed loan; i.e., a steel company would have a $100 million loan. Maybe they are paying a high interest rate—maybe 12 percent. Maybe that loan is in jeopardy. Maybe they are having a hard time making payments on it.

We haven't fixed that yet. That is an amendment some of us have been talking about. It wasn't in this package we just agreed to.

Mr. FITZGERALD. What about if there is a loan out there to one of the small oil and gas companies, and the president and owner of the company have personally guaranteed the loan? Would they be in a position now, with this new loan program, to apply for a new loan under this type of guarantee program, get that new loan issued, and replace their personal guarantees with the Government guarantees so the owners and major shareholders, who could be very wealthy individuals, would be taken off the hook by the taxpayers?

Mr. NICKLES. I think, again, my colleague from Illinois is pointing out a shortcoming that is in the bill. It has not been fixed by the amendments that were offered. Quite possibly, maybe the Senator from Illinois will have an amendment, and maybe the principals that are engaged in this might support it.

I will be happy to work with the Senator to see if we can't correct that problem. But we haven't stopped anybody from refinancing a bad loan, or maybe a self-interest loan, as the Senator discussed. I personally think those mistakes should be corrected. We have taken four good steps to make it better. But we need some additional amendments to solve that problem.

The PRESIDING OFFICER. Under the agreement, the amendment is agreed to.

The amendment (No. 687) was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that the time for Senator GRAMM be reserved for a later time today. He is not here at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, if I may, I think I have some time on the bill to respond to the Senator from Illinois, to a certain extent.

With Alan Greenspan on the board managing this program—if I could have the attention of the Senator from Illinois—and the head of the SEC on the program making the regulations concerning these loans, the fact that the Senator has raised this issue on the floor I am sure will not miss their attention.

Mr. President, my colleague has 5 minutes. Then I am recognized after that. Is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Alaska is recognized.

AMENDMENT NO. 686

Mr. MURKOWSKI. Mr. President, it is my understanding that my amendment on Glacier Bay is the pending amendment before the body.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I thank the Chair.

I am disappointed to learn that my senior colleague intends to table the amendment. On the other hand, I know that he very much supports the continued fishing and subsistence harvest in Glacier Bay. Nevertheless, we are faced with a situation here where the issue is kind of caught, if you will, between two major issues; namely, the guarantee on steel and the guarantee on oil. The reason it belongs here is because we voted on it in the supplemental in which we also had the steel and oil matters. We voted on it and passed it 59 to 40, and it went over to the conference. It was the same conference that addressed the Glacier Bay issue that addressed steel loan guarantees and the oil guarantee, which, I might mention, cost $270 million. My amendment costs absolutely zero.

I hope my colleagues will accept the amendment. But they may see fit not to. As a consequence, I believe we have an injustice occurring in Alaska for those few hundred Alaska Indian people who depend, and have for years and years, on subsistence access in Glacier Bay. The bureaucrats within the Park Service moved in and simply said: We are going to close it, and that is it.

We have been able, through the efforts of Senator STEVENS, to get remuneration for the potential loss of their rights. But the fact is, on this chart we have 16 national parks where commercial fishing is allowed.

I encourage my colleagues to reflect on the vote that prevailed, 59 to 40, to allow fishing in Glacier Bay. But this is a different amendment. I changed my amendment. Previously, we were going to wait until there was a determination by the State to decide who had jurisdiction. That was going to go to the courts. My current amendment is simply an 18-month moratorium to allow the State to work with the Park Service to evaluate whether or not the resource is in danger. The funding for that is available within the funds for the Park Service.

I ask unanimous consent that statements by Alaska's Lieutenant Governor Fran Ulmer, by Myron Naneng, a respected member of the Migratory Bird Treaty negotiating team, and by the Director of the Fish and Wildlife Service, Jamie Clark, be printed in the RECORD with regard to the specifics of allowing migratory bird hunting in the spring on Federal lands in Alaska, as well as egg gathering.

MIGRATORY BIRD TREATY ENFORCEMENT INCONSISTENCY

Unlike recent Park Service actions, the Fish and Wildlife Service has had a longstanding policy that is sensitive to subsistence use of migratory waterfowl, and shows that the Fish and Wildlife Service understands its importance to rural Alaskans.

During a Sept. 25, 1997, Senate hearing on the Migratory Bird Treaty, Alaska's Lt. Governor, Fran Ulmer, noted: ". . . much of the traditional harvest of migratory birds in rural Alaska has taken place, and continues to take place, during the closed-season portion of the year. In Alaska prohibitions on traditional hunting practices have been enforced on a very limited basis."

Myron Naneng, representing the Alaska Native Migratory Bird Working Group, and one of the treaty negotiators, said: "I want to begin by expressing our deepest appreciation for the leadership and commitment (former Fish and Wildlife Service chief) Mollie Beattie demonstrated as head of the U.S. negotiating team. She showed an uncommon understanding of the nutritional and cultural aspects of the Native subsistence way of life, and her actions showed her confidence in Native people as responsible caretakers and managers of their subsistence resources."

The current Director of the Fish and Wildlife Service, Jamie Clark, had this to say: "Native people have continued their traditional hunt of migratory birds in the spring and summer, and neither government has rigidly enforced the closed season given the realities of life in the arctic and subarctic regions."

Elsewhere in her testimony to the Senate Foreign Relations Committee, Clark called the Fish and Wildlife Service's policy "discretionary non-enforcement." It was—and is—the only way to make the best of a bad situation until the treaty amendments can be put into effect.

If the Fish and Wildlife Service has the good sense to use "discretionary non-enforcement" everywhere else, then that option certainly is open to the National Park Service.

Unfortunately, NPS has instead chosen to ignore both the needs of the local people and Congress' clear desire to allow reasonable spring harvesting.

Mr. MURKOWSKI. Mr. President, finally, I believe that as an authorizer I have been caught, if you will, in this continued dilemma of the appropriators.

I remind you that we have not had hearings on the issue of steel, nor hearings on the issue of oil, as far as this guarantee package is concerned.

It reminds me of an issue that occurred last year with respect to the appropriations process. The Clinton administration decided to acquire Headwaters in Northern California for $315 million and the New World Mine Site in Montana at a cost of $65 million. That is $380 million. It did not go through my committee of jurisdiction, the Energy and Natural Resources Committee. These decisions last year were made with no congressional involvement. The administration sought to bypass the authorizing committee entirely and have the appropriators essentially just write the check for the purpose. We are seeing more and more of this.

As an authorizer, I think we have a job to do, and we are either going to do our job or we might as well give it to the appropriators.

As chairman of the authorizing committee, I want the opportunity for the committee to carefully review the merits of this acquisition. Instead, $380 million went right out. As a consequence, we are seeing similar things today with regard to the merits of the loan guarantee on oil and steel.

Ultimately, my arguments failed last year. The authorizations and funding were included in the 1998 Interior appropriations bill, much to the administration's delight. There were never any hearings. There was never any open debate for any type of public review.

My little deal represents a few hundred Native people in Alaska, appealing, if you will, for 18 months to study the impact of their modest fishing and subsistence gathering, and they are depending upon the Senate in this regard because they have no other place to turn. Give them money if you want, but they don't want handouts. They are a proud people; they want the right to continue to do what they have done.

I encourage my colleagues to recognize what is happening here. I hope some day we go to a 2-year budget process.

I appreciate the consideration of all my colleagues.

Mr. STEVENS. Mr. President, I note the Senator from Texas has returned. I ask unanimous consent his time be restored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. We have a bill before the Senate. Perhaps some believe the

Government ought to be lending money to American industry; I don't, so I am not for the bill.

We have put together an amendment which I believe improves the bill.

No. 1, we strike the emergency designation so none of the money will come out of the Social Security trust fund.

No. 2, we set up a board made up of the Secretary of Commerce, the Chairman of the Federal Reserve Bank, and the Chairman of the Securities and Exchange Commission. Alan Greenspan would be Chairman. It is a major move towards taking politics out of the determination of who gets the loan.

We require that the lender put up 15 percent of the capital, take 15 percent of the risk, so that the Government does not end up eating the entire loss if there is a loss. Obviously, if you are lending money, you are going to have to make up part of the loss; you will do a better job than if you are lending somebody else's money. We take the minimums out of the bill, so small business can compete for the money.

Finally, we have agreed on language that will put a focus on trying to make loans to maximize the chances that the loans will be paid back and, to the maximum extent possible, take politics out of the process.

This does not make it a good bill, in my mind. I am not for it, but I think it improves it.

I thank the two authors of the bill for working for people, who were not for their bill and were not going to vote for it, to try to make it better. I thank my colleague for giving me an opportunity.

Mr. BYRD. I ask unanimous consent I be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I was one of those who worked on the amendments. I thank those who participated. I thank Mr. DOMENICI. I thank Mr. GRAMM and Mr. NICKLES. We all met, and I agreed on the amendments. I think they were good proposals. I think overall they improved the bill.

I thank all Senators who were engaged in the efforts. I thank the chairman of the Appropriations Committee for his fine cooperation.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask that Senator FITZGERALD be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I take the Senate back to the time we were in conference. We were in conference a long time on the supplemental appropriations bill with concerns about Kosovo and other vital areas of our national defense policy.

In conference on that bill, we worked late into the night on a series of matters. We had a vote on the Byrd and Domenici amendments. As a matter of fact, the House voted to accept the Byrd version of that loan guarantee program and rejected the version from Senator DOMENICI.

The Senate had not voted at that time. I conferred with Senate conferees and we told the House we insisted on our amendments. The House came back and voted again. At that time, it rejected both amendments. We were stalemated.

We went into the night the next night and through the day. It was about 9:30, 10 o'clock and I asked Senator BYRD if he would consider a suggestion I had. We had a second supplemental in our committee, and we had not conferred on that. It was a bill that was passed by the House and is a viable bill to send back to the House as another supplemental appropriations bill. I asked Senator BYRD if he would consent to take his amendment off of the bill that was pending in conference. I assured him that when we reconvened after the recess I would move the committee to put the steel loan guarantee on that bill and report it to the Senate. I made the same request to Senator DOMENICI. Both of them agreed.

We then conferred with the leadership of both the House and Senate. At that time, it was clear that if this proposal of having these two loan guarantee programs on the supplemental and sending it back to the House had any other amendment, it would not be sent to conference in the House.

I remember well Senator BYRD asked me at that time: What are you going to do if the bill gets to the floor and this amendment is offered that would not be germane to either of these two loan guarantee programs, which under the circumstance would lead to the bill not being sent to conference in the House, by the House?

I said: Senator, as chairman of the Appropriations Committee, I will personally move to table any amendment that is not germane to the bill if it is reported by our committee.

We are at this position now. We have adopted the germane amendments. I congratulate all concerned for working that out. I was constrained to move to table the amendment of the Senator from Arizona. I thank the Senate for tabling that amendment.

The last amendment is the amendment of my colleague that I cosponsored when the bill was before the Senate before. I say to the Senate, in all sincerity, the word of a Senator has to be kept, no matter what the price. I know I will read in my papers in Anchorage and throughout Alaska tomorrow about this, which will be deemed a feud between me and my colleague. It is not a feud. I have a responsibility to keep my word.

As chairman of the Appropriations Committee, I move to table the Murkowski amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 686.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania, Mr. SANTORUM and the Senator from Arizona, Mr. MCCAIN, are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—59

Abraham
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Byrd
Chafee
Cleland
Cochran
Collins
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—38

Akaka
Allard
Ashcroft
Bennett
Bond
Bunning
Burns
Campbell
Conrad
Coverdell
Craig
Crapo
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lott
Mack
McConnell
Murkowski
Nickles
Roth
Smith (NH)
Specter
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—3

Dodd
McCain
Santorum

The motion was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will make one clarifying statement relative to the vote that was taken and a reference made by my senior colleague to the germaneness of my amendment.

I would like the Record to note that the moratorium that I proposed simply amended last year's appropriations bill which terminated fishing in Glacier Bay. If the fisheries could be closed and the field of participants could be narrowed in an appropriation, then it was certainly not out of place to use the same process for the Glacier Bay amendment, which failed under the tabling motion. I think it was a legitimate appropriation amendment. It set parameters for the expenditure of funds to be appropriated. That is certainly a time-honored, time-tested device.

I recognize all my colleagues were interested in saving their own individual bills, those who are interested in steel, those who are interested in oil guarantees; and, obviously, I was interested in saving fishing in Glacier Bay for native people.

But, hopefully, there will be another day. I will continue to work to convince my colleagues of the merits of my position. I particularly want to thank and recognize the explanation offered by my senior colleague, Senator STEVENS, who had indicated to me sometime ago he would move to table any amendments on this pending matter. That was certainly addressed as well by Senator BYRD. I appreciate and respect their opinion.

We will still be fighting for the native people associated with fishing in Glacier Bay.

Mr. BYRD. Mr. President, if the distinguished Senator will yield?

Mr. MURKOWSKI. I am happy to yield to my good friend.

Mr. BYRD. As the distinguished Senator from Alaska will recall, I voted with him previously. But as I explained earlier today, had we amended this bill with a nongermane amendment, it would have killed the iron and the oil and gas guarantee bill. It would have been dead. Because the Speaker made no commitment to help bring up a bill that would have other matters included in it. He only made his commitment with regard to the iron and oil and gas guarantee. So I thank the Senator.

I had to vote against the Senator from Alaska on this occasion because I wanted to save the bill before the Senate.

Mr. MURKOWSKI. I certainly accept my good friend's explanation. I hope I will have another opportunity to bring the issue up and garner his support on its merits.

I thank the Chair. I thank my colleagues.

Mr. BURNS. Mr. President, I rise today with mixed feelings. On one hand I desperately want to do everything possible to help out America's oil patch. My state has lost thousands of jobs over the last decade and our small independent oil and gas producers are being forced out of the business. Our oil towns are now ghost towns and oil development plans for Montana are far and few between. I would love nothing more than to find a way to help out this vital segment of Montana's economy.

Unfortunately, I do not believe that the piece of legislation is the best course of action. With all due respect to my colleague, Senator DOMENICI, I cannot support any legislation that dips us deeper into the Social Security fund. We have made a stand. We will not continue to dip into this fund and put a further cramp on a system already strained to its breaking point. One step here, another there, and the next thing you know the pledge is gone, and along with it a promise I have made to my fellow Montanans.

It is a hard, hard decision, but I know that Montanans will support me. I have already heard from many of them on this vote. I have called some of my independent producers and asked them if this is the course of action they need us to take right now. Some of them originally supported the program, but more often than not I heard an answer that made me even more proud to know these men and women. They told me that they don't want a handout, and this legislation doesn't address the heart of the problem. The problem in oil country is pretty simple. The federal government is running us off the land and ensuring we can't make a profit.

If you want to help the true independents out there, the Montana businesses, and the other producers who live in the communities, then you better look at royalty relief and streamlining the process to keep our marginal wells in production. You need to let us get to the oil and gas, and you need to be there working with producers, not against them. The Bureau of Land Management, the Department of the Interior, and the United States Forest Service need to change. We don't need to set up a loaning bureaucracy to place more restrictions on our producers and rope them into more capital investment in a market of uncertainty.

Passing this legislation without addressing the heart of the problem is the same as increasing someone's credit limit because they are on the edge of bankruptcy. You have to address the problems of price and access versus production cost, you can't just give them more lead rope and hope the market rebounds to allow them to repay their loans.

Additionally, the legislation before us says you are only eligible for loans under this proposal if credit is not otherwise available, and you can ensure repayment. Well, that sounds like we are talking out of both sides of our mouths. To make matters worse, the legislation dictates that you have to let the General Accounting Office take a full look at your company's records. Not many Montanans that I know want the federal government having full access to their books as a bargaining chip in their effort to get a loan. The other big problem is that the Guarantee Board is made up of appointees of the Clinton-Gore Administration. I believe the real problems facing our producers are political. Would this legislation only make this problem worse? The administration has a known political agenda that is attempting to move all economic activity off our public lands. They are locking it up piece by piece. Will this agenda infect the decision process as to who gets loans? A lot of our interest is on public land and I don't want to have to face the possibility that some of my producers would be discriminated against because they operate on public land.

I know that my colleagues who support this measure mean well, and they are looking for a way to respond to the pain in the oil patch as quickly as possible, but this is not the way to do it. We need to rally behind a consensus bill that gives tax relief and helps lower the cost of production. We need to stand firm on royalty rates, and we need to continue pushing our Cabinet agencies to stop running our producers off the land. We can extract oil and gas responsibly, and our nation depends on it. Unfortunately, the agenda of the current administration is blinded by politics and is set on completely ignoring the reality of what is good both for the West, and for the security of our nation.

No matter what the outcome of the vote today, I hope it does not distract us from working together to find a real solution. If the legislation passes, I don't want to hear that we have fixed the problem. If it fails, I hope those of us who understand the problems facing our oil and gas producers can come together and work towards passing legislation that goes to the core of the problem.

Mr. BREAUX. As a cochair of the Congressional Oil and Gas Forum, I would like to take a few minutes to discuss the importance of America's small, independent oil and gas producers and the importance of this oil and gas loan guarantee program to their survival.

Over time, oil and gas production in the lower 48 states has become the province of independent producers. The so-called majors are more likely to operate in the offshore deepwater and in Alaska. The independents' share of production in the continental U.S. has increased from about 45 percent in the mid-1980s to more than 60 percent in 1997.

Independents are a different element of the oil and gas production industry than majors. Most producers operating in the lower 48 are small producers. They don't have the resources of majors such as refineries and chemical operations to buffer them during periods of low oil prices, such as those over the last year and a half.

As a result, independents finance their operations differently than majors. Independents generate 35 percent of their capital primarily from financial institutions. Low oil prices have made banks reluctant to make loans to the industry. This program would unlock the access to capital that is the lifeblood of this industry.

Independent producers have suffered significantly from the current price crisis. These statistics show the impact low prices have had since October 1997:

Domestic production has dropped below six million barrels per day—from 6.4 million to 5.8 million barrels per day. That's the lowest production since 1951.

More than 56,000 jobs lost out of an estimated 340,000 total industry jobs—that's more than 16 percent.

Although prices are improving, an additional 20,000 oil and natural gas jobs are at risk of being lost.

Since October 1997, 136,000 oil wells (25 percent of the U.S. total) and 57,000 natural gas wells have shut down. Many will never operate again.

Mr. President, $2.21 billion in lost federal royalties and state severance and production taxes. In my state, falling royalty and severance tax revenue have caused Governor Mike Foster to order a $30 million freeze on state government hiring and spending to head off a budget shortfall. The rate of growth in Louisiana sales and personal income taxes has fallen in recent months as laid-off energy workers reduce their spending.

Mr. President, $25 billion in lost economic impact associated with shut down oil and gas wells.

U.S. production down 651,000 barrels per day to 5.88 million, the lowest level since 1951.

Operating rig counts have hit historic lows. From November 1997 through April 1999, the domestic drilling rig count dropped 50 percent. The rig count is a quick measure of the level of activity in the industry. While most of this drop has been in the oil side of the business—about a 60 percent drop—the natural gas side of the industry has seen a 40 percent decline.

Capital budgets for oil and natural gas development are down 25–30 percent with the biggest cuts in the U.S. Most independents are drilling new wells.

Faced with these stark problems, the oil and gas loan guarantee program provides a two-year, GATT-legal, $500 million guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the associated oil and gas service industry (drilling contractors, well service contractors, tubular goods, etc.)

The OMB estimates that the program will cost $125 million. The cost is fully offset by funds from the Administration's travel budget.

Loan guarantees are an approach that the Federal Government has used to help recovery of key domestic industries or cities in times of severe crisis. They have been used for Chrysler Corporation and New York City. The Department of Agriculture operates an ongoing loan guarantee program for farmers that addresses their problems during low commodity prices. Here, the concept would provide bridge financing to allow independent producers and the oil industry supply business to recover from the current price crisis.

Independent producers throughout the country continue to suffer severe economic distress. Recovery will be neither quick nor easy. This Emergency Oil and Gas Loan Guarantee Program will save jobs and businesses. It will contribute to the continued viability of the independent producing industry and U.S. national security.

I urge my colleagues to support this legislation.

Mr. BINGAMAN. Mr. President, I cosponsored the oil and gas loan guarantee program on the emergency supplemental because I believe this is an important and necessary program to ensure independent producers are able to continue operating in the United States. This program is available only to small producers who do not own refineries of any size. No major oil company is eligible.

We are currently importing well over 50 percent of our oil needs. The Energy Information Administration projects that by 2020 we will be importing 65 percent of the oil we consume. The independent oil and gas producers, those companies eligible for this program, have remained committed to domestic production. They are the backbone of our domestic oil supply. They do not import oil, and they do not sell gasoline. Every barrel these independents produce generates jobs, tax and royalty revenues and eliminates another barrel of imports.

Oil prices were as low as $7 per barrel in New Mexico a few months ago. Although prices have recovered somewhat, small producers were devastated. In addition to the pending loan guarantee program, I believe we need to implement other policy changes to protect our domestic production. Our tax and royalty policies need to be changed to ensure independent oil and gas producers have enough cash flow so they can avoid shutting in production again when prices fall as low as they were recently.

I urge support for this bill.

The PRESIDING OFFICER. The clerk will read the bill for a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I thank my colleagues for their work in the handling of this legislation today. They made a lot of progress. We will vote on final passage first thing in the morning.

A number of Senators have asked about the plan for tomorrow. We do take up the State Department authorization bill after we have final passage of this piece of legislation. There may be a necessary vote or two on amendments, but they will occur, hopefully, as early in the morning as possible, but none later than 11:45. So any of you who have plans to leave at 11:45 or 12 noon, whatever, you will be able to do that.

As usual, we announced we would have a vote or votes on this Friday, but the votes will not occur beyond 12 noon. I hope it will be earlier than that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am glad to yield.

Mr. BYRD. I thank the distinguished Senator from Massachusetts.

I only want to take a few seconds to thank the majority leader for bringing up the bill which the Senate has reached agreement on which will be voted on tomorrow morning, the iron and oil and gas guarantee bill. The leader made a commitment to bring that bill up; he did not make any commitment to pass it. He did not make any commitment to vote for it. But he made a commitment to bring it up, and he has kept his word. I thank him for that.

Mr. LOTT. Thank you very much.

Mr. BYRD. I thank my own leader, and I thank TED STEVENS, the chairman of the Appropriations Committee, and Senator DOMENICI. They have used their usual skill, good humor, and toughness. I think the Nation is better off as a result.

Thank you.

Mr. LOTT. Thank you very much.

Mr. BYRD. I thank the Senator from Massachusetts.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friends and colleagues here from California and Illinois. I intend to use my 10 minutes. I will be glad to respond to questions, but I ask unanimous consent that following my time that the Senator from California be recognized for 10 minutes and the Senator from Illinois be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Thank you, Mr. President.

THE PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will take just a few moments this evening to address the Senate on an issue which our leader, Senator DASCHLE, and others, have spoken to the Senate about in the period of these last few days. I would like to urge that the leadership here in the Senate set a firm time for the consideration of legislation, which I believe is of central concern to families all over this country, known as the Patients' Bill of Rights.

We have taken advantage of the opportunity in the Senate to make a case for the consideration of this legislation. We are very mindful that there are appropriations bills that have to be addressed, but I think this is a matter which is of central importance and concern to all of the families of this country. It does seem to me that we ought to address this question and at least establish a timeframe for which the Senate could debate and finalize its actions on this legislation.

I know there are probably Members wondering why there are several of us who are bringing this to the attention of the Senate again this evening. I would like to just review for the Senate membership what the timeframe has been in the consideration of this legislation since the introduction of the original Patients' Bill of Rights more than 2 years ago.

When we introduced legislation in the Senate over 2 years ago, we thought we would have an opportunity to address it, at least in the final months or weeks of the last session. We were unable to do so. At the very end of the session, the majority leader, at that time, indicated this would be a priority item for the consideration of the Senate.

I thought I would just review briefly tonight the key parts of this legislation and why so many of us are anxious that we have the assurance by the leadership that this matter will be considered by a date certain. If we secure a date, then members will know about it, and the American people will understand it. They will be able to focus on this extremely important health measure, which effectively, when all is said and done, will guarantee that medical decisions in this country are going to be made by the trained professionals and the patients they are treating and not be made by accountants in the various HMOs and insurance companies. When you get right down to it, that is what this legislation is all about.

The Patients' Bill of Rights was introduced over 2 years ago. It was never scheduled in the last Congress, despite our repeated efforts to bring it before the Senate. This year's track record is equally troubling.

On January 19, the majority leader said on the floor of the Senate that it was a priority. On January 27, in an address to the U.S. Chamber of Commerce, the majority leader announced that he expected the bill to come up in May. On March 18, our Health, Education, Labor and Pensions Committee passed a bill on a party-line vote, but a report has just filed today. We passed the legislation out of our committee on March 18. Now we have April 18, May 18, June 18 coming up tomorrow.

On April 15, the majority leader issued a list of bills to be completed by Memorial Day. The Patients' Bill of Rights was not even on that list. On May 19, the majority leader told the National Journal that he hoped to bring up the bill in June, that he had ordered the Finance Committee to move its portions of the bill. But that committee has held 30 hearings this year, not one on the Patients' Bill of Rights, and no markup is scheduled.

Then on May 27, just as the Memorial Day recess was starting, the majority leader said at a press conference that he hoped it could be brought up by the summer.

So we have gone from an announcement in January that it is a priority to a possible scheduling in May, to a possible scheduling in June, and now it is something that might come up this summer. And just today, the Republican leader said flatly that if we asked for a reasonable number of amendments, the answer was no. That is a quote from the majority leader in today's publication of Congress Daily.

We can say, well, what is this really all about? Why should we be giving this consideration? We had the opportunity in the Health, Education, Labor and Pensions Committee to actually mark up a Patients' Bill of Rights in March of this year. It was reported out over the opposition of a number of us on some very important measures.

I will review very quickly with the Members of the Senate in the time that I have tonight—how much time remains?

The PRESIDING OFFICER (Mr. BENNETT). The Senator has 3 minutes 8 seconds.

Mrs. BOXER. You can take 5 minutes from me.

Mr. KENNEDY. I yield myself the 3 minutes then.

Mr. President, listed in this chart are the protections in the Patients' Bill of Rights. First of all, the legislation that we favor covers all 161 million Americans with private health insurance. Those on the other side, whose legislation primarily favors so-called self-funded programs, don't protect anyone in HMOs. But that's the issue here. HMOs are making decisions on the basis of the bottom line rather than the interests of the patients. We want to protect families. The Republican proposal doesn't even cover those individuals in HMOs, because HMOs are not self-funded.

One amendment would allow the Senate to show whether we are really interested in providing protection for all Americans who need it or just for one-third? It seems to me that could be an issue that wouldn't take a great deal of time to be able to understand.

We heard very considerable debate on complicated issues here this afternoon and were able to make resolutions of those measures. Certainly we ought to be able to make a decision on the floor of the Senate whether we are interested in covering all Americans or whether we are interested, as our friends are on the other side, in only covering about a third of those.

So these issues on the chart are the principal differences between the Republican proposal and the Democratic bill. We would make sure we are going to cover all the patients. We would make sure that we are going to guarantee that all patients, including children, are able to get the specialists that are needed to deal with their needs.

We are going to guarantee coverage for routine costs in certain clinical trials. I believe that the next century is going to be known as the century of life sciences. We are committed here, I believe, in the Senate to doubling the research budget in the NIH. Why? Because of the promises of breakthroughs in lifesaving drugs for cancer and Parkinson's disease and Alzheimer's and other conditions. But to get these breakthrough drugs, you have to provide clinical trials. Clinical trials are a key element in terms of bringing the brilliance of our researchers from the laboratory to the bedside.

We want to make sure that individuals who are afflicted with a disease for which traditional treatments offer very little hope for their survival have access to the breakthroughs that can be achieved by clinical trials. If the medical doctor that is treating that patient recommends a clinical trial, we are committed to making sure that clinical trial will be available for that mother, for that daughter, for that child, for whomever it might be in the family that can benefit from it. That is one of the very important aspects in this debate.

It doesn't make a lot of sense on the one hand to be voting for billions of dollars to support research at the NIH to discover breakthrough therapies, but on the other hand not be able to use them. We want to make sure that there is going to be a law, a guarantee, that encourages access for certain patients.

So, we will take the time in the Senate to go over a few of these issues each day and spell out exactly the kinds of protections that we think are needed in a real Patients' Bill of Rights. There are not a lot of them.

When the minority leader indicated there would be probably 20 amendments or so needed on our side, it is no secret what many of those amendments would be. You can look right over this list and see the protections that are guaranteed in our Patients' Bill of Rights and the failings of the one that will be proposed by the opposition.

The bottom line is that over 200 organizations in this country, made up of the best of the medical profession, the best doctors, the best nurses, the patients' organizations, working families and others, universally and uniformly support our proposal. And the other side does not have one, not one organization. There isn't a single medical organization in our country that supports their program. But 200 leading groups support ours. Not because it is Democrat or Republican. It is because ours protects patients.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, if I could, I ask unanimous consent to engage my friend on my time in a couple of questions, reserve the remainder of my time, and then ask the Senator from Illinois if he would go, and then I will close.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. BOXER. Mr. President, we thought there was a breakthrough from our majority leader. We believed we were going to have this Patients' Bill of Rights before us soon. I know we did that with the gun bill. I just want to know where we stand on this. I was listening to my friend. Is it my understanding it is the position of the majority leader that he would not agree to scheduling this Patients' Bill of Rights if we would just offer 20 amendments to it? Is that it? Did he put out a number of amendments he would accept?

Mr. KENNEDY. The Senator is quite correct, according to this morning's edition of Congress Daily. The leader was here earlier this evening and has not refuted it. The Democratic leader has restated it. Here it is. He says, "If they are still insisting on 20 amendments, the answer is no." Then he says, "We don't have but 2 weeks before the Fourth of July."

But, as I understand it, there are some 52 or 53 amendments that are now pending on the legislation we are calling up tomorrow, dealing with the State Department authorization. So 52 amendments are OK for the State Department authorization, but our 20 amendments are not OK for the Patients' Bill of Rights.

Here they are, effectively, on this chart. There is no secret about what we are generally interested in addressing. There may be some changes in some of the language. I think one of the ones that might be missing is something on "drive-through mastectomies," which is not spelled out here. But there is no secret here.

Mrs. BOXER. Mr. President, so that people in this country understand, when it comes to the State Department, which deals with other countries, there doesn't seem to be any problem of the leadership with having 50-plus amendments. But when it comes to the reality and everyday life of our people who are not getting the quality health care they deserve, who want to see HMOs held accountable, who want to be able to go to a specialist, who want to make sure they have the information as to what all the possibilities of treatment are, who want to make sure, if they are, for example, a woman and they go to an OB/GYN and all of those points on there, we can't have that. They would add up to 20, 21 amendments, but we do not have agreement.

I think the American people ought to understand what is going on here. I have to say, in my heart of hearts, as my friend points out, every responsible organization that deals with health care supports this Patients' Bill of Rights—the Democrats' version. So one can only conclude it is the special interests on the other side that are blocking this proposal from coming to the floor. I can't come up with any other answer. I wonder if my friend can.

Mr. KENNEDY. The Senator is quite correct. I mentioned a moment ago—but it bears repeating—that we had the assurance by the majority leader on January 19 and January 27 that this would be a priority, and we expected the bill to come up in May. On March 18, we acted in our Health and Education Committee and reported out what I consider to be a "Patients' Bill of Wrongs." It doesn't provide the protections American patients need. But we ought to have whatever is going to be used out here so we can debate it. The bill from our committee was just filed today. They have had half of March, all of April, May, and half of June—3 months. That gives an indication of what the attitude and atmosphere is here in terms of acting on something that is of central importance to protecting families across this country.

And then, finally, as we heard today, it isn't just to the Senator from California, or from Illinois, or the Senator from Massachusetts, but they are saying no to the families in this country: No, you are not going to be able to have those protections considered. No, you are not going to be able to bring this up. We heard last year from those on the other side of the aisle that we are not going to let you decide what the agenda is going to be.

All we are trying to do is the people's business. It is the business that has been supported by virtually every single major medical and patient organization. It is their business, and their treatment. It is each family's business. That is why I wonder whether the Senator from California, like myself, is troubled by the fact that we can't get this legislation up, why we get a refusal to consider this proposal.

If I could ask the Senator, does the Senator remember that the Democratic leader indicated that, as far as speaking for the Democrats, we could go on sort of a dual track. If it was the judgment of the Republican leadership that we could do their agenda, I know I would be here through the afternoon tomorrow and through the afternoon on Saturday, or in the evenings, of course, next week. We could certainly get a debate and discussion on the various 20 or so amendments needed to pass a good bill. And I am wondering if the Senator from California or the Senator from Illinois remembers when that proposal was put forward. I have been here a number of times when we have followed that procedure.

Mrs. BOXER. Yes, I just heard Senator DASCHLE propose again that we have a late shift. He said many Americans, after they work their day shift, work a late shift. Why don't we do it here in the Senate? Here we are, the Senator from Utah is in the Chair, and he is always ready to work; he is a great worker. We are here ready to work. The people want us to do the business.

I will close my question this way. This happened once before on the minimum wage. I hope the Senate remembers the ending of that. When the Senator from Massachusetts decides to take all his energy and put it to an issue, and we come around and we put our energy and spirit behind an issue, what happens is that eventually the issue will be heard. We did it with the minimum wage. It was a horrible situation, trying to get that before the Senate. But I think we know how to do it. As the Senator from Massachusetts said, if this wasn't an important issue, we would fail in our effort. If this was a frivolous matter, we wouldn't win. But it is important every single day to people.

I have case after case in California—and I hear them coming from around the country—where you have a little child who is your pride and joy. Suddenly, a terrible disease hits and an HMO says: You don't need a pediatric specialist; take him to our cancer specialist. They ask: Has the cancer specialist ever operated on a child before? The answer is: No, but he is good. They say: No; I want the best for my child. I want somebody who knows what it is to examine a little body. Children are not little adults; they are changing, they are growing, they are different. I, on the other hand, am a little adult, but a child is different and they need to have specialties.

Under the bill the Democrats are supporting, that would be a fact. You would have the right to have someone who knows what they are doing. If you want to get a tooth pulled, you don't go to a foot doctor. If you want to treat a child, you go to a pediatric specialist. So this is serious.

I am so happy to be part of this little trio tonight.

Mr. KENNEDY. If the Senator will yield, the proposal advanced by our Republican friends is so bad that you can't even appeal the rights it purports to guarantee. If, for example, you had a child whose doctor recommended a cancer specialist—a pediatric oncologist—and the HMO rejected it, by saying, "No, we are not going to allow you to see that specialist, even if the doctor recommended it," and the parent said, "Well, I want to appeal"; under the proposal reported out of the Labor Committee, that family has no right of appeal, because the right of appeal is defined to deal only with certain decisions and not with regard to individuals' access to specialists. So it effectively excludes from the appeal system a whole range of care and protection that it claims to provide. That is rather a technical aspect. That may take a little time to debate. We can certainly vote on that. But not only don't you get the specialist, you don't even have a right to appeal it even if the doctor says this is what your child needs.

I can say, from a personal point of view, how important these provisions are. My son had cancer, osteosarcoma, and he was given little chance in terms of survival. They told him he needed a pediatric oncologist, and he was able to participate in a clinical trial that worked miracles for him and the other children who participated in it.

Members of the Senate always have very good insurance. We can get into clinical trials, and we can have our specialists. It is always interesting to me that some Members can vote no on these protections when they have it themselves. Then some Members wonder why people are cynical about how they view Members of the Congress.

As you well know, when you become a Member of the Senate, you fill out that little card so you can have the health care coverage that is available to Federal employees. You don't have to take it. But I bet there isn't a Member of the Senate who has refused it.

Yet, they are prepared to deny Americans across the country the kind of protections we have, and that our families have. They don't want to debate this issue.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am happy to join my colleagues from California and Massachusetts. We were on the floor about a month ago and decided that we would like to have the Senate debate the gun issue. I remember the day very well. The majority leader, Senator LOTT, came to the floor and said: You will have your wish. In 2 weeks you will get a vote.

Most people view that as a very historic debate, as America was literally emotionally wrenched over the Littleton, CO, tragedy.

We, finally after a few weeks, addressed it on the floor of the Senate in a debate which culminated in the passage of sensible gun control legislation, when the Vice President of the United States, AL GORE, cast the deciding vote.

We come to the floor this evening, as we have before and will in the future, to urge the leadership of the Senate to again address the issue which is on the minds of American families nationwide.

Senator KENNEDY made an excellent point. We are blessed as Members of the Senate. We are blessed by being considered Federal employees. As Federal employees, we have access to health care, which very few people in America have.

Imagine this for a moment. Once a year, we have open enrollment. We get to make a choice of medical plans. What do we want for our families?

There is a Congressman now who serves from the State of South Carolina in the House of Representatives who decided at age 60 that he wanted a lung transplant. He waited until open enrollment and enrolled in a plan which would cover a lung transplant for him at the age of 60. He signed up for it and went through the operation successfully, and still serves in the U.S. House of Representatives. This was 6 or 8 years ago. But he was able to shop for his health insurance. What a luxury.

How many Americans can do that? Those of us in the Senate and most Federal employees have that option. What we are talking about is giving this kind of protection and this kind of option to many different Americans when it comes to the quality of their own health care.

When we asked the Rand Corporation how important this issue is, they told us that 115 million Americans either have had a problem with their managed care insurance, or a member of their family has had a problem. This is a real concern.

Do you remember the movie "As Good As It Gets" with Jack Nicholson and Helen Hunt? She was so good in that movie and had a little boy suffering from asthma. There was this great scene in the movie where Jack Nicholson decides to pay for a specialist to come see her little boy at their apartment. They are sitting at the table, and Helen Hunt decides to give, in her own earthy way, an expletive definition of managed care. In every movie theater that I have been to where that movie is shown the people started applauding. She knows what she is talking about.

Arbitrary decisions that are being made by bureaucrats and clerks in insurance companies are not good for you or your family.

Senator KENNEDY is talking about the Democratic Patients' Bill of Rights. Senator BOXER of California spelled out the difference between these two.

It gets down to some fundamental things. When you look at it, think about this.

An internist from my hometown of Springfield, IL, a town of about 110,000 people with two excellent hospitals comes in to talk to me. We are in a conversation. He says: You know, I am treating more and more patients for depression. It is something that seems to bother a lot of people, and thank goodness we have many ways to treat it with drugs and therapies that work. He says: You know, a lot of my patients are concerned if it gets into part of their medical record that they have been treated for chronic depression. He says: Of course, they know that if they are in a position where they have to apply for health insurance in the future they may be turned down because they have "a mental illness," a chronic depression, a very common malady among American people.

Shouldn't we during the course of this debate on a Patients' Bill of Rights talk about this kind of prejudice and discrimination against people who have chronic depression? This is something that affects every family. It could.

When we talk about access to health care—Senator KENNEDY made this point, and Senator BOXER as well—the difference between the Republican plan and the Democratic plan is graphic. The Republican plan excludes more than 100 million Americans from protections we are talking about. They cover people that are in a self-funded employer health insurance plan, about 48 million Americans. But look who is left behind—15 million Americans buying individual policies, 23 million State and local government workers, 75 million people whose employers provide coverage through an insurance policy, or an HMO, 75 million people written out of the Republican plan. They leave behind 113 million Americans.

If we are talking about a real bill that addresses the concern of real American families, it should include all.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. DURBIN. I am happy to yield.

Mr. KENNEDY. Basically, the self-funded plans are primarily the largest businesses. Looking at this another way, you will find that people left out of the Republican plan are schoolteachers, police officers, social workers, and small business men and women. How many small businesses have self-funded programs? Virtually none.

Mr. DURBIN. And farmers.

Mr. KENNEDY. And farmers. These are the ones that aren't included in the majority's proposal. These are the ones that the statistics confirm what the Senator from Illinois has said. But when you look behind those statistics about who is covered and who isn't covered, you will find that it is the working families, the small business men and women, and the farmers and the workers who are the ones that aren't included. They certainly should be protected as well as everyone else.

I thank the Senator.

Mr. DURBIN. I thank the Senator from Massachusetts. His point is well taken.

Before we end this debate, let's stop talking about health for a minute and let's talk about politics.

If this is such an important issue, and the debate on this issue is really one where we could have some debates, why are we not considering it on the floor of the Senate?

We spent 5 days debating protection for computer companies against lawsuits—5 days to protect these computer companies. It is an important debate. Can't we spend 5 hours talking about protecting American families when it comes to their health insurance? We are afraid of amendments, the Republicans say. We want to make sure that we have a limited number of amendments—no more than 20 on the side. In fact, that may be too many.

As Senator KENNEDY said, on the next bill we will consider there are over 50 amendments. We haven't disqualified that bill from consideration. We understand that it is important that we do our business and debate these things and vote on them.

The bottom line here is that there are Members on the other side of the aisle who do not want to face votes on these issues. They don't want to have to go home and explain why they stood with the insurance companies and voted against the people they are supposed to represent—the families, the consumers, those who are literally worried on a day-to-day basis as to whether they have health insurance protection.

I think, frankly, they have to face their responsibility on this side of the aisle as we do on our side of the aisle, a responsibility to face a tougher vote, make a choice, go home, and defend your vote. That is the nature of this government.

For them to try to construct some sort of a strategy on the floor to protect themselves from criticism is at the expense of the families across America who do not have adequate health insurance and expect Congress to do something to protect them.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator for his eloquence on this point.

When he said we spent 5 days taking care of the computer industry, I come from the Silicon Valley. I love those people. They are good people. They are the best employers. As a matter of fact, I thought it was a bit insulting to them to think that they need to have all of this special help from us. I think they are going to take care of the problem and stand up to the challenge. They are wonderful people. We took care of them with days of debate. We took care of the steel companies. We just did that. Oil companies—just did that.

I am sitting here thinking what about all these people who write us every day.

I want to ask the Senator a question. Is it not his understanding—because the Senator said this before, and I want the Senator to expound on it—that there are only two groups in America today who cannot be held accountable in a court of law? Could the Senator talk about who those groups are?

Mr. DURBIN. Every one of us as individuals and businesses can be held accountable for our actions. That is understandable. You go out and drink too much, drive a car, get in an accident, and you might be sued. There are two groups, though, that are spared this: foreign diplomats and health insurance companies.

Why in the world would we carve out this kind of protection from liability for this group of health-insurance companies? If they make the wrong decision on coverage, and it is your child who ends up not getting adequate care, or getting a bad medical result, who should be held responsible—the doctor, the hospital, or the insurance company that made the basic decision? I think the insurance company should.

Frankly, if they are held accountable, they will think twice about making the wrong decision. They will make certain that children have access to specialists they need, that people can go to emergency rooms close to home, and when there is a medical necessity there is a continuity of care. If your employer changes health insurance, you have an opportunity to keep that doctor who is so important to you.

One of the most humbling experiences in my life—in the life of virtually anyone—is to sit in a waiting room in a hospital waiting to hear about the surgery on your child. Senator KENNEDY has been through that. I have been through that. It is something I will never forget. You realize that everything you hold dear and close is in the hands of people you have to trust to be the very best specialists, well-trained medical technicians trying to save or improve the life of someone you love so very much.

I think at those moments in our life when we are so vulnerable and pray that we have the very best and brightest helping our children and helping members of the family we love so much, to do the job and do the right thing and bring them home, we need to have the confidence that we have a system that works.

Over 100 million Americans today question whether this system works. They question whether that doctor they want to trust can tell them everything they need to know. They question whether that hospital making a decision can make that decision without worrying about some insurance clerk in some faraway city.

If we do nothing else in the 106th Congress, shouldn't we address this basic gut issue that American families worry about on a day-to-day basis? The 105th Congress came and went with a record no one remembers. This Congress has a chance to act. We may debate a lot of things on the floor of the Senate, but if we don't take up this very fundamental issue, we are missing our responsibility.

This Congress should not be toiling in an atmosphere of partisanship. It shouldn't be afraid to face tough issues. It should come forward and vote for the Patients' Bill of Rights, as Senator KENNEDY and Senator BOXER have said, to make sure families across America receive the protection they deserve.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will address the same subject that my senior colleague from Massachusetts and the Senators from California and Illinois have talked about: The Patients' Bill of Rights.

Our health care system has been a remarkably successful system. We can't forget the fact that over the years the idea of people living longer and healthier has become a reality.

When I was a little boy, all the kids in my neighborhood would come around and press their foreheads to the kitchen window because in our home sat a curiosity, in a certain sense. It was my great grandmother; she was over 80. In the neighborhood, everybody said she was the oldest lady in the world. They hadn't seen anybody over 80. It was a rarity.

These days, of course, somebody who lives over 80 is, thank God, rather commonplace. In fact, on the "Today Show" they used to announce people who celebrated their 80th birthday; then they announced the 90th birthdays; and now they announce the 100th and 105th birthdays. That is, in good part, because of our health care system.

It is a good health care system, there is no question. However, over the last several years it has developed some problems that can be fixed. These are not the intractable problems of how we pay for the costs of new operations that cost tens of thousands and even hundreds of thousands of dollars.

What happened is very simple. Costs were going up. We were basically involved in a cost-plus system. As a result, HMOs developed. HMOs had a good purpose. They were going to "rationalize" the health care system. They were going to keep costs down so that the providers could not raise costs willy-nilly and have a third party pay.

For a while it worked. Costs did decline. It is one of the reasons that our budget is in better shape today than it has been.

However, the pendulum swung too far. In a good effort to reduce costs, HMOs began to go too far. They started assigning important, often life-and-death decisions. They started taking those decisions out of the hands of physicians, out of the hands of hospitals, out of the hands of trained personnel, and putting them in the hands of actuaries.

As a result, day after day after day, injustices are done. We hear stories such as the one I told on the floor a couple of days ago about the young nurse who can barely walk because her HMO would not provide her with an orthopedic oncologist. Instead, she went to a regular orthopedic surgeon. The surgery was performed not well. The tumor grew back. She had to go to an orthopedic oncologist.

How about a simple case where somebody has cancer. The HMO says yes, that is covered. Because of the cancer, they cannot swallow; they cannot eat. The HMO's decision of no dietary supplements being allowed is a ridiculous decision.

How about the times when people go to an emergency room and are told: You are not covered; go somewhere else.

Or when woman after woman after woman is again turned away from going to an obstetrician or gynecologist. A woman is told that osteoporosis, a common woman's disease, is not covered by the HMO, even though diseases that would be just as frequent in men are covered.

On issue after issue after issue, every day across America, scores of people—perhaps hundreds of people—are sitting there in awful situations and are told that not only do they have to deal with their illness but they have to deal with an unfair HMO.

What we seek to do, led by the senior Senator from Massachusetts, is simply to redress that imbalance. This is not radical surgery. We are not trying to totally change the system. We are not even trying to eliminate HMOs. We are simply trying to put in place some basic rules of fairness that seem to most Americans to be called for. We are simply trying to say that the pendulum, which has swung so far over on the side of the actuaries, should move a little bit back to the middle. We are attempting to keep the best parts of HMOs, which deal with cost savings, and at the same time get rid of their most egregious violations. We are on the floor of the Senate simply asking for a chance to debate those issues.

I have now been in the Senate close to 6 months. We had some historic moments in the first few months. Since then, it seems to me no issue is being asked to be debated more, to be discussed, to be legislated upon than this subject. Yet we are told we can't do it. It just does not make sense.

So we must come to the floor of the Senate in the early hours of the morning or the later hours of the evening and make our case. We shouldn't have to. This is a deliberative body that has been known for its great debates, that has been known for the fact that, if a group of Senators feels strongly about an issue, they will get to debate it and vote on it. That has been the tradition for the 200-some-odd glorious years of this body. It is being thwarted on an issue of great importance.

I am sure most of my colleagues in this body do not agree with every position I hold, and I don't agree with every position they hold on HMOs. How in the name of fairness can we refuse to debate the issue? How can we refuse that young nurse who really needs the orthopedic oncologist or that cancer victim who needs dietary supplements or that woman who needs help with osteoporosis? How can we refuse, at least through their elective Representatives, to let their voices be heard?

So we debate tonight simply asking for some vital things. We ask for the ability of patients to be treated in the emergency room wherever that emergency occurs. We ask for the ability of people to get the specialists that are medically called for and that they need, not for excessive use, not for things they do not need, but for things they need. We ask, if that HMO makes an egregious and reckless mistake, for the ability to sue it, not out of malice but out of fairness, out of recompense, and out of a desire to correct an abuse that may have occurred.

As I mentioned, these are not large demands in the grand scheme of things, but they are very important to millions of Americans who either have an ill loved one, or have an illness themselves, or who worry that they might.

So I ask, and I am joined by so many of my colleagues, particularly those of us on this side of the aisle, I ask the majority leader to allow this issue to come to the floor, to allow a full and open debate. I do not know what the results will be, but I can tell you this: If we do that, we will be, indeed, fulfilling our obligation as the people's Senators, as the people's Representatives, and we will be living up to the fine and high traditions of this Senate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I hoped to get over here prior to the time my colleagues left the floor, but let me compliment Senators KENNEDY, DURBIN, BOXER, SCHUMER, and others who participated in the colloquy this afternoon on the Patients' Bill of Rights. We are very hopeful that over the course of the next two weeks the Senate can reach an agreement on proceeding to the bill, the Patients' Bill of Rights.

We will be more than happy to enter into negotiations with our colleagues on the other side of the aisle with one understanding, that we have the opportunity to offer amendments. In fact, we have suggested at least 20 amendments to ensure that we have a good debate. We don't want to have a sham debate on something of this import. On a bill that we will take up tomorrow, the State Department authorization bill, both sides have agreed to consider 52 amendments. We passed the Defense authorization bill a month ago, and we agreed to over 100 amendments. We have reached an agreement on virtually every bill that has come to the floor. In fact, the juvenile justice bill had 35 amendments with over 18 rollcall votes.

But I think the key question is, if tomorrow we can agree, as Republicans and Democrats, to consider 52 amendments on a bill that has, frankly, very little relevance to the day-to-day lives of every American, as important as it is for other reasons, then, my goodness, it would seem to me we could agree to 20 amendments on the Patients' Bill of Rights.

One of the amendments we feel very strongly about offering is an amendment to expand the scope of the bill. I just want to talk briefly about that before I move to another issue. Probably the single biggest difference—I won't say the only big difference, because there are many—but one of the most important differences between the Republican bill and the Democratic bill has to do with what we call scope. By scope, we simply mean who is covered.

By everybody's recognition, the Republican bill covers 48 million Americans. Those 48 million Americans fall into one category: those employed by large businesses that are self-insured.

Those are the only American people today who are covered under the Republican bill.

I have a chart. This is so important. This chart says it so well. This chart shows what the Republican bill does not do, and why we feel so strongly about offering amendments. Mr. President, 48 million Americans are covered through a plan that self-funds insurance within the company. Here are all the people who are not covered; 75 million Americans are not covered who have individual insurance policies or an HMO that is purchased but not funded by their employer. In other words, if you are an employee of a company with self-funded insurance, you are covered. If you work for an employer who contracts with an insurance company or an HMO, you are not covered.

There are only 48 million people in that category—those who work for a self-insured employer. There are 75 million Americans who are working for employers who purchase their insurance through separately-funded insurance companies and HMOs. There are another 23 million Americans who have their insurance through their jobs in State and local governments, and then there are 15 million Americans who have individual insurance plans. All of those people are not covered in the Republican plan. Two-thirds of all of those with health insurance are not covered.

I do not know why they would not be covered under the Republican plan. I am sure our Republican colleagues have a good rationale for not including all of these people. I have heard them say they are covered in some of the State plans. That is the problem.

What if you move from one State to another? The average American family now moves three times in the life of the family as children are growing up. What if you move? What if you get transferred? You may not be covered. How do you know? Are you going to call the State capital and find out? We say: Cover them all. Cover all 75 million Americans who are working for companies that have insurance coverage. Cover all State and local government employees. Cover all people who have individual policies and, yes, cover everybody who is working for a self-insured company.

That is just one of the many differences—and we want to talk more about that in the future—but it is why we ought to have amendments. Some suggest let's just have an up-or-down vote on the Republican bill and an up-or-down vote on the Democratic bill. That will not cut it. We will not have an opportunity to talk about issues like this.

I really hope we will have the opportunity to have that debate in the next 2 weeks. We will have the opportunity, because if we cannot get an agreement, we will be forced then to offer it as an amendment to another bill.

WHO CALLS THE SHOTS ON CAPITOL HILL, THE GUN LOBBY OR AVERAGE AMERICANS?

Mr. DASCHLE. Mr. President, I want to briefly talk about another issue, because it is pending in the House at this time and I think it is very important to talk about the gun control issue.

Last month, the day before the Senate voted to close the gun show loophole, a prominent Republican Senator made a prediction. He said it really did not matter how the Senate voted, because the House would water down any gun restrictions we pass.

That is what was predicted. The gun lobby and its supporters in the House have now made good on that threat. But even though we were warned, we are still stunned that the power of one lobbyist organization can be so demonstrably effective as they appear to have been thus far.

The gun lobby's approach to gun control in the Senate was a sham. It is a sham in the House. The first House Republican leadership announcement was that they would divide the juvenile bill into two separate bills: one focusing on youth crime and culture, the other on gun control.

We all recognize what that announcement was. It was a move to dilute or even kill the modest gun control measures that had passed in the Senate just a few short weeks ago. Now the House Republican leadership has decided not to bring its sham bill to the floor of the House until 8 o'clock tonight, well after the evening news. I think we know why. The pro-gun forces clearly do not want the American public to know what is going to happen after 8 o'clock tonight.

It may be after 8 o'clock tonight when the House begins its gun debate, but it is certainly high noon for those of us who care about this issue. It is time we find out who is going to win this showdown: the gun lobby or the American people.

Littleton, CO, marked a turning point for most Americans, and now we will find out if it marked a turning point for the pro-gun forces on Capitol Hill—or if it is just business as usual. Are we going to make it harder for children and criminals to get guns—or easier? Is it as dramatic a moment, is it as clear a choice as many of us in the Senate believe it is?

Today, we are warning those who are about to vote in the House: The gun lobby tried every excuse and half-measure they could come up with to defeat the modest restrictions in the Senate, and they failed.

Why? Because we know what America wants. America wants to close the gun show loophole. Sham proposals that do not cover all gun shows and allow criminals to get guns are not enough. Weak measures that only allow 24—or even 72 hours—are not enough. Law enforcement must have up to three business days to complete background checks, when necessary, to make sure that guns do not end up in the hands of criminals. Nothing less is acceptable.

The gun lobby says it is, but I guarantee that any family who has lost a child to gun violence will disagree. Listen to your conscience and your constituents, not to the extremist wing of the gun lobby.

I come from gun country. Most South Dakotans feel pretty strongly about guns. They are part of our culture, our heritage. I have owned a gun since I was 8 years old. But even in South Dakota, the vast majority of people believe we need to do more to keep guns out of the hands of children and criminals.

Tonight, the House of Representatives has a chance to build on the conscientious proposals that passed in the Senate. It is a narrow window of opportunity for Congress to act in a way that will make a real difference for our children and for our communities. Let us listen, let us stop the maneuvering, let us do something now. Tonight is the night. Mr. President, 8 o'clock, 9 o'clock, 1 o'clock, 3 o'clock, it does not matter. Do the right thing. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

ENDING ABUSIVE AND EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I will take a few minutes to speak about why I was necessarily absent from voting yesterday and explain how I would have voted had I been here.

For the better part of a decade, I have been working to help end abusive and exploitative child labor around the globe and even in our backyard. I have come to the floor many times over the last several years to speak about this issue, submitting resolutions, working with the International Labor Organization, and others, to do what we can to end abusive and exploitative child labor.

The ILO, the International Labor Organization, estimates that 250 million children worldwide are economically active—that means they are working—and many work in dangerous environments which are detrimental to their emotional, physical, and moral well-being.

Yesterday was a very historic day. For the first time in the 80-year history of the International Labor Organization, the President of the United States addressed that body. The President traveled to Geneva and asked me to accompany him because of my work on this issue.

I cannot really find the words to describe the impact of the President of the United States standing in front of a couple thousand people, all of whom have been working for years to end child labor, speaking as the President of the United States—it was the first time in the history of the ILO that a President ever spoke to this organization—about one issue: child labor.

I could not have been more proud of our Nation and of President Clinton for the words he spoke, for the position he took on this issue. He endorsed this new convention. There is a new convention that was just signed today, a new convention to end the most abusive and exploitative forms of child labor around the globe. We were there. We signed it at the meeting. I am hopeful the President will very soon transmit this new convention to the Senate for ratification.

It was a great speech President Clinton gave to the ILO. I ask unanimous consent to have printed in the RECORD the address by the President of the United States to the International Labor Organization in Geneva, Switzerland, on June 16.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO THE INTERNATIONAL LABOR ORGANIZATION CONFERENCE, UNITED NATIONS BUILDING, GENEVA, SWITZERLAND, JUNE 16, 1999

The **PRESIDENT**: Thank you very much, Director General Somavia, for your fine statement and your excellent work.

Conference President Mumuni, Director General Petrovsky, ladies and gentlemen of the ILO: It is a great honor for me to be here today with, as you have noticed, quite a large American delegation. I hope you will take it as a commitment of the United States to our shared vision, and not simply as a burning desire for us to visit this beautiful city on every possible opportunity.

I am delighted to be here with Secretary Albright and Secretary of Labor Herman; with my National Economic Advisor Gene Sperling, and my National Security Advisor Sandy Berger. We're delighted to be joined by the President of the American Federation of Labor, the AFL-CIO, John Sweeney, and several other leaders of the U.S. labor movement; and with Senator Tom Harkin from Iowa who is the foremost advocate in the United States of the abolition of child labor. I am grateful to all of them for coming with me, and to the First Lady and our daughter for joining us on this trip. And I thank you for your warm reception of her presence here.

It is indeed an honor for me to be the first American President to speak before the ILO in Geneva. It is long overdue. There is no organization that has worked harder to bring people together around fundamental human aspirations, and no organization whose mission is more vital for today and tomorrow.

The ILO, as the Director General said, was created in the wake of the devastation of World War I as part of a vision to provide stability to a world recovering from war, a vision put forward by our President, Woodrow Wilson. He said then, "While we are fighting for freedom we must see that labor is free." At a time when dangerous doctrines of dictatorship were increasingly appealing the ILO was founded on the realization that injustice produces, and I quote, "unrest so great that the peace and harmony of the world are imperiled."

Over time the organization was strengthened, and the United States played its role, starting with President Franklin Roosevelt and following through his successors and many others in the United States Congress, down to the strong supporters today, including Senator Harkin and the distinguished senior Senator from New York, Patrick Moynihan.

For half a century, the ILO has waged a struggle of rising prosperity and widening freedom, from the shipyards of Poland to the diamond mines of South Africa. Today, as the Director General said, you remain the only organization to bring together governments, labor unions and business, to try to unite people in common cause—the dignity of work, the belief that honest labor, fairly compensated, gives meaning and structure to our lives; the ability of every family and all children to rise as far as their talents will take them.

In a world too often divided, this organization has been a powerful force for unity, justice, equality and shared prosperity. For all that, I thank you. Now, at the edge of a new century, at the dawn of the information Age, the ILO and its vision are more vital than ever—for the world is becoming a much smaller and much, much more interdependent place. Most nations are linked to the new dynamic, idea-driven, technology-powered, highly competitive international economy.

In digital revolution is a profound, powerful and potentially democratizing force. It can empower people and nations, enabling the wise and far-sighted to develop more quickly and with less damage to the environment. It can enable us to work together across the world as easily as if we were working just across the hall. Competition, communications and more open markets spur stunning innovation and make their fruits available to business and workers worldwide.

Consider this; Every single day, half a million air passengers, 1.5 billion e-mail messages and $1.5 trillion cross international borders. We also have new tools to eradicate diseases that have long plagued humanity, to remove the threat of global warming and environmental destruction, to lift billions of people into the first truly global middle class.

Yet, as the financial crisis of the last two years has shown, the global economy with its churning, hyperactivity, poses new risks, as well, of disruption, dislocation and division. A financial crisis in one country can be felt on factory floors half a world away. The world has changed, much of it for the better, but too often our response to its new challenges has not changed.

Globalization is not a proposal or a policy choice, it is a fact. But how we respond to it will make all the difference. We cannot dam up the tides of economic change anymore than King Knute* could still the waters. Nor can we tell our people to sink or swim on their own. We must find a new way—a new and democratic way—to maximize market potential and social justice, competition and community. We must put a human face on the global economy, giving working people everywhere a stake in its success, equipping them all to reap its rewards, providing for their families the basic conditions of a just society. All nations must embrace this vision, and all the great economic institutions of the world must devote their creativity and energy to this end.

Last May I had the opportunity to come and speak to the World Trade Organization and stress that as we fight for open markets, it must open its doors to the concerns of working people and the environment. Last November, I spoke to the International Monetary Fund and World Bank and stressed that we must build a new financial architecture as modern as today's markets, to tame the cycles of boom and bust in the global economy as we can now do in national economies; to ensure the integrity of international financial transactions; and to expand social safety nets for the most vulnerable.

Today I say to you that the ILO, too, must be ready for the 21st century, along the lines that Director General Somavia has outlined.

Let me begin by stating my firm belief that open trade is not contrary to the interest of working people. Competition and integration lead to stronger growth, more and better jobs, more widely shared gains. Renewed protectionism in any of our nations would lead to a spiral of retaliation that would diminish the standard of living for working people everywhere. Moreover, a failure to expand trade further could choke off innovation and diminish the very possibilities of the information economy. No, we need more trade, not less.

Unfortunately, working people the world over do not believe this. Even in the United States, with the lowest unemployment rate in a generation, where exports accounted for 30 percent of our growth until the financial crisis hit Asia, working people strongly resist new market-opening measures. There are many reasons. In advanced countries the benefits of open trade outweigh the burdens. But they are widely spread, while the dislocations of open trade are painfully concentrated.

In all countries, the premium the modern economy places on skills leaves too many hard-working people behind. In poor countries, the gains seem too often to go to the already wealthy and powerful, with little or no rise in the general standard of living. And the international organizations charged with monitoring and providing for rules of fair trade, and enforcement of them, seem to take a very long time to work their way to the right decision, often too late to affect the people who have been disadvantaged.

So as we press for more open trade, we must do more to ensure that all our people are lifted by the global economy. As we prepare to launch a new global round of trade talks in Seattle in November, it is vital that the WTO and the ILO work together to advance that common goal.

We clearly see that a thriving global economy will grow out of the skills, the idea, the education of millions of individuals. In each of our nations and as a community of nations, we must invest in our people and lift them to their full potential. If we allow the ups and downs of financial crises to divert us from investing in our people, it is not only those citizens or nations that will suffer—the entire world will suffer from their lost potential.

It is clear that when nations face financial crisis, they need the commitment and the expertise not only of the international financial institutions, they need the ILO as well. The IMF, the World Bank and WTO, themselves, should work more closely with the ILO, and this organization must be willing and able to assume more responsibility.

The lesson of the past two years is plain: Those nations with strong social safety nets are better able to weather the storms. Those strong safety nets do not just include financial assistance and emergency aid for poorest people, they also call for the empowerment of the poorest people.

This weekend in Cologne, I will join my partners in the G–8 in calling for a new focus on stronger safety nets within nations and within the international community. We will also urge improved cooperation between the ILO and the international financial institutions in promoting social protections and core labor standards. And we should press forward to lift the debt burden that is crushing many of the poorest nations.

We are working to forge a bold agreement to more than triple debt relief for the world's poorest nations and to target those savings to education, health care, child survival and fighting poverty. I pledge to work to find the resources so we can do our part and contribute our share toward an expanded trust fund for debt relief.

Yet, as important as our efforts to strengthen safety nets and relieve debt burdens are, for citizens throughout the world to feel that they truly have a hand in shaping their future they must know the dignity and respect of basic rights in the workplace.

You have taken a vital step toward lifting the lives of working people by adopting the Declaration on Fundamental Principles and Rights at Work last year. The document is a blueprint for the global economy that honors our values—the dignity of work, an end to discrimination, an end to forced labor, freedom of association, the right of people to organize and bargain in a civil and peaceful way. These are not just labor rights, they're human rights. They are a charter for a truly modern economy. We must make them an everyday reality all across the world.

We advance these rights first by standing up to those who abuse them. Today, one member nation, Burma, stands in defiance of the ILOs most fundamental values and most serious findings. The Director General has just reported to us that the flagrant violation of human rights persists, and I urge the ILO governing body to take definite steps. For Burma is out of step with the standards of the world community and the aspirations of its people. Until people have the right to shape their destiny we must stand by them and keep up the pressure for change.

We also advance core labor rights by standing with those who seek to make them a reality in the workplace. Many countries need extra assistance to meet these standards. Whether it's rewriting inadequate labor laws, or helping fight discrimination against women and minorities in the workplace, the ILO must be able to help.

That is why in the balanced budget I submitted to our Congress this year I've asked for $25 million to help create a new arm of the ILO, to work with developing countries to put in place basic labor standards—protections, safe work places, the right to organize. I ask other governments to join us. I've also asked for $10 million from our Congress to strengthen U.S. bilateral support for governments seeking to raise such core labor standards.

We have asked for millions of dollars also to build on our voluntary anti-sweat shop initiative to encourage the many innovative programs that are being developed to eliminate sweat shops and raise consumer awareness of the conditions in which the clothes they wear and the toys they buy for their children are made.

But we must go further, to give life to our dream of an economy that lifts all our people. To do that, we must wipe from the Earth the most vicious forms of abusive child labor. Every single day tens of millions of children work in conditions that shock the conscience. There are children chained to often risky machines; children handling dangerous chemicals; children forced to work when they should be in school, preparing themselves and their countries for a better tomorrow. Each of our nations must take responsibility.

Last week, at the inspiration of Senator Tom Harkin, who is here with me today, I directed all agencies of the United States government to make absolutely sure they are not buying any products made with abusive child labor.

But we must also act together. Today, the time has come to build on the growing world consensus to ban the most abusive forms of child labor—to join together and to say there are some things we cannot and will not tolerate.

We will not tolerate children being used in pornography and prostitution. We will not tolerate children in slavery or bondage. We will not tolerate children being forcibly recruited to serve in armed conflicts. We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance. These are not some archaic practices out of a Charles Dickens novel. These are things that happen in too many places today.

I am proud of what is being done at your meeting. In January, I said to our Congress and the American people in the State of the Union address, that we would work with the ILO on a new initiative to raise labor standards and to conclude a treaty to ban abusive child labor everywhere in the world. I am proud to say that the United States will support your convention. After I return home I will send it to the U.S. Senate for ratification, and I ask all other countries to ratify it, as well. (Applause.)

We thank you for achieving a true breakthrough for the children of the world. We thank the nations here represented who have made genuine progress in dealing with this issue in their own nations. You have written an important new chapter in our effort to honor our values and protect our children.

Passing this convention alone, however, will not solve the problem. We must also work aggressively to enforce it. And we must address root causes, the tangled pathology of poverty and hopelessness that leads to abusive child labor. Where that still exists it is simply not enough to close the factories where the worst child labor practices occur. We must also ensure that children then have access to schools and their parents have jobs. Otherwise, we may find children in even more abusive circumstances.

That is why the work of the International Program for the Elimination of Child Labor is so important. With the support of the United States, it is working in places around the world to get children out of the business of making fireworks, to help children move from their jobs as domestic servants, to take children from factories to schools.

Let me cite just one example of the success being achieved, the work being done to eliminate child labor from the soccer ball industry in Pakistan. Two years ago, thousands of children under the age of 14 worked for 50 companies stitching soccer balls full-time. The industry, the ILOS and UNICEF joined together to remove children from the production of soccer balls and give them a chance to go to school, and to monitor the results.

Today, the work has been taken up by women in 80 poor villages in Pakistan, giving them new employment and their families new stabilities. Meanwhile, the children have started to go to school, so that when they come of age, they will be able to do better jobs raising the standard of living of their families, their villages and their nation. I thank all who were involved in this endeavor and ask others to follow their lead.

I am pleased that our administration has increased our support for IPEC by tenfold. I ask you to think what could be achieved by a full and focused international effort to eliminate the worst forms of child labor. Think of the children who would go to school, whose lives would open up, whose very health would flower, freed of the crushing burden of dangerous and demeaning work, given back those irreplaceable hours of childhood for learning and playing and living.

By giving life to core labor standards, by acting effectively to lift the burden of debt, by putting a more human face on the world trading system and the global economy, by ending the worst forms of child labor, we will be giving our children the 21st century they deserve.

These are hopeful times. Previous generations sought to redeem the rights of labor in a time of world war and organized tyranny. We have a chance to build a world more prosperous, more united, more humane than ever before. In so doing, we can fulfill the dreams of the ILO's founders, and redeem the struggles of those who fought and organized, who sacrificed and, yes, died—for freedom, equality, and justice in the workplace.

It is our great good fortune that in our time we have been given the golden opportunity to make the 21st century a period of abundance and achievement for all. Because we can do that, we must. It is a gift to our children worthy of the millennium.

Thank you very much. (Applause.)

Mr. HARKIN. One of the very important things he said in his speech was:

> You have taken a vital step by adopting this new convention. We will do everything we can to join with you.
>
> We will not tolerate children being used in pornography and prostitution.
>
> We will not tolerate children in slavery or bondage.
>
> We will not tolerate children being forcibly recruited to serve in armed conflicts.
>
> We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance. These are not some archaic practices out of a Charles Dickens novel. These are things that happen in too many places today.

The President said:

> I am proud of what is being done at your meeting. In January, I said to our Congress and the American people in the State of the Union address, that we would work with the ILO on a new initiative to raise labor standards and to conclude a treaty to ban abusive child labor everywhere in the world. I am proud to say that the United States will support your convention. After I return home I will send it to the U.S. Senate for ratification, and I ask all other countries to ratify it, as well.

Mr. President, today I had delivered to every office a letter, a cover letter, and a copy of the new convention on the worst forms of child labor. It has all the information in here that Senators and their staffs would need to understand what that new convention is.

I did that because it is my intention to offer a sense-of-the-Senate resolution to the State Department authorization bill stating our support for this historic convention. I hope my colleagues will take the time to look at the material that I sent to their offices. I hope that we can all join together in a bipartisan effort to support this convention. This convention offers a brighter tomorrow for all of our world's children.

Yesterday, because I was in Geneva with the President for this very historic gathering and for this very historic speech by the President of the United States, I was necessarily absence from the Senate floor.

Had I been here, on the military construction appropriations bill, I would have voted yes.

Iowa is deeply saddened that I could not be here to vote on a bill for which I had worked for a long time with Senator KENNEDY and Senator JEFFORDS, and so many others. I am happy to see that it passed the Senate 99–0. Had I been here, it would have been 100–0; and that is the Workforce Incentives Act.

As the chief sponsor of the Americans with Disabilities Act, this was sort of one of the final building blocks of ensuring that people with disabilities not only have the right and the civil rights to go out and get jobs and work, but this bill provides them with the necessary support in the health care that they need. Too often, people with disabilities go out to get a job, and under the Americans with Disabilities Act they can get that job, but then they lose their health care. Because many of these jobs are low-paying, entry-level jobs, they simply cannot afford to take them. So I am really proud that the Senate, in a strong bipartisan fashion, passed the Workforce Incentives Act yesterday. Had I been here I would have of course voted yes.

On the lockbox provision that came up, again, I would have voted no on that because there were no amendments allowed. I feel very strongly that the provision, the loophole that I felt was in the bill, that said that this was only good until Social Security reform was passed, I do not believe was adequate enough. The question is, What reform are we talking about? I think we needed to define the reform before we voted for the lockbox.

On the energy and water appropriations, I would have supported that.

On the legislative branch appropriations, I would have voted yes on that had I been here.

I wanted to state for the RECORD why I was necessarily absent yesterday, and how I would have voted had I been here.

Thank you, Mr. President. I yield the floor.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. JEFFORDS. Mr. President, the time has come. Our friends with disabilities have waited patiently. Our bipartisan coalition has remained united. The last obstacles have been resolved. Assurances have been given. I am referring to yesterday's passage of the landmark legislation, S. 331, the Work Incentives Improvement Act of 1999.

When I came to Congress in January 1975, one of my legislative priorities was to provide access to the American dream for individuals with disabilities. It was not an easy task. I learned quickly that providing access for Americans with disabilities was complicated.

It involved providing access to education, it involved removing physical barriers, and it involved ensuring access to rehabilitation, job training, and job placement assistance. It required obtaining access to assistive technology and health care. Most importantly, access to the American dream for people with disabilities meant gaining the opportunity to choose and to participate in the full range of community activities. Moreover, it involved making sure that the federal government, along with other entities, be made to comply with laws affecting access for people with disabilities. We have made tremendous progress in the last 24 years.

The Individuals with Disabilities Education Act, the Rehabilitation Act, the Americans with Disabilities Act, and the Assistive Technology Act have changed, and will continue to change lives. Children with disabilities are being educated with their peers. No agency or individual, including the Federal Government, can discriminate against individuals on the basis of disability in employment, transportation, public accommodations, public services, or telecommunications. Job training and placement opportunities for individuals with disabilities are ever expanding because of the reforms we achieved in the Work Force Investment Act of 1998. I am proud of these accomplishments.

I began work on the Work Incentives Improvement Act more than 2 years ago. Since then, I have learned a great deal. I suspect the same holds true for the 79 other co-sponsors of this bill. S. 331 addresses a fundamental flaw in federal policy. Individuals with disabilities must choose between working or having health care. This is an absurd choice. Yet, current federal law forces individuals with disabilities to make this choice. People with disabilities want to work, and will work, if they are given access to health care. S. 331 does just that—it gives workers with disabilities access to appropriate health care—health care that is not readily available or affordable from the private sector. People with disabilities want to work, and will work, if they are given access to job training and job placement assistance. S. 331 does just that—it gives individuals with disabilities training and help in securing a job.

Over the past several months, we have all received letters in support of S. 331. I would like to share one such story with you. Don is a 30 year-old man, who has mild mental retardation, cerebral palsy, a seizure disorder, and a visual impairment. Don works, but only part-time.

At the end of his letter, Don wrote:

> The Work Incentives Improvement Act will help my friends become independent too. Then they can pay taxes too. But most of all, they will have a life in the community. We are adults. We want to work. We don't need a hand out, we need a hand up.

S. 331 will give Don and his friends a hand up. Doing so would be good for Don, and good for the nation.

Hard facts make a compelling case for S. 331:

The growth rate of Social Security disability programs between 1989 and 1997 was 64 percent.

Social Security disability cash payments grew from $34.4 billion in 1989 to $62.9 billion in 1997.

For 1997, GAO estimated weekly disbursements in cash payments to be $1.21 billion.

In my state of Vermont, 24,355 Social Security disability beneficiaries are waiting for S. 331 to become law. Nationally, that figure is 7.5 million. Under current law, if these people work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare. There are few if any private insurance options available to these individuals, so only one-half of one percent of the 7.5 million forgo cash payments and federally subsidized health care, and work without health insurance. Would any of us take that risk?

Let's take a closer look at some numbers. As I indicated, there are 7.5 million Social Security disability beneficiaries. Of those who work, very few make more than $500 a month. In fact, of working individuals with disabilities on Supplemental Security Income (SSI), only 17 percent make over $500 per month and only 10 percent make over $1000 per month. Another 29 percent make $65 or less per month.

Let's assume that S. 331 and the companion bill in the House, H.R. 1180 become law, and only 200 Social Security disability beneficiaries in each state work and forgo cash payments. That would be 10,000 individuals across the country out of the 7.5 million disability beneficiaries. The annual savings to the Federal Treasury in cash payments for just these 10,000 people out of 7.5 million would be $133,550,000! Imagine the savings to the Federal Treasury if this number were higher.

Clearly, the Work Incentives Improvement Act of 1999 is targeted, fiscally responsible legislation. It enables individuals with significant disabilities to enter the work force for the first time, re-enter the work force, or avoid leaving it in the first place.

These individuals will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue a career advancement. Individuals who need job training or job placement assistance will get it.

Private insurers will begin to have access to data that describes the health care-use patterns of workers with disabilities, and as a result, will be able to expand or develop appropriate health care packages for individuals with disabilities who work.

I would like to highlight a few of the health care provisions in S. 331. First, S. 331 allows states to expand Medicaid coverage to workers with disabilities and to require the workers, depending on their income, to pay a part or all of the premium for this coverage.

A state that elects to expand coverage receives a grant to support the design, establishment, and operation of infrastructures to support working individuals with disabilities.

The bill also includes a 6-year trial program that permits Social Security Disability Insurance (SSDI) beneficiaries to continue to receive Medicare coverage if they work.

Finally, the legislation includes a time-limited demonstration program allowing states to extend Medicaid coverage to workers who have a disability which, without access to health care, would become severe enough to qualify them for Social Security disability cash payments. This demonstration will produce important information on the cost effectiveness of early health care intervention in keeping people with disabilities from becoming too disabled to work.

S. 331 reflects what individuals with disabilities say they need. It was shaped by input across the philosophical spectrum. It was endorsed by the President in his State of the Union Address. And, it's companion bill H.R. 1180 has recently been reported out of the House Committee on Commerce with unanimous support.

The passage of S. 331 allows responsible change to federal policy and the elimination of a perverse dilemma for many Americans with disabilities—if you don't work, you get health care; if you do work, you don't get health care.

S. 331 is a vital link in making the American dream, an accessible dream, for Americans with disabilities.

Let me tell you about the dream of a young constituent of mine. Her name is Maria, and she faces many daily challenges as a result of her disabilities. She contacted my office to let me know that she is counting on S. 331 being signed into law. Maria is a junior majoring in Spanish at a college in Vermont. She plans to graduate next year, and hopes to attend graduate school to become a Spanish teacher for children and adults from Central and South America.

Maria has her whole life ahead of her. She has dreams, and she has contributions to make. Yesterday's passage of S. 331 made Maria's dreams possible. She will be able to pursue a career without fear of losing the health care she needs.

The enactment of S. 331 is our graduation present to Maria . . . and to the millions of other Americans with disabilities, who also want to work, a sign of our recognition of their right to contribute to the economic and social vibrancy of America.

In closing, I would like to thank my many colleagues who contributed to making yesterday, with a record vote of 99–0, a reality.

First, I must thank my bipartisan cosponsors Senators KENNEDY, ROTH, and MOYNIHAN the original co-sponsors of this bill. Each of them made a commitment many months ago to work together to create a sound piece of legislation to address a real problem for millions of Americans with disabilities. Such commitment represents the best of what the Senate can accomplish when principle is placed above partisanship.

I also thank the additional, original 35 co-sponsors of this bill and the subsequent 45 co-sponsors who represent a total of over three quarters of this body, perhaps a Senate record on health care legislation. Together, we have come to understand the importance of health care and a job to individuals with disabilities. Sometimes the power of common sense and the voices of reason transcend politics and help us to forge new policy that will make America a better place for all of its citizens.

Over the last two weeks, the Majority Leader has been the driving force who urged us to work out policy differences that were delaying floor consideration. We did so through good faith efforts that broadened support for the bill and reduced its overall modest cost. In particular, I want to recognize Senators NICKLES, BUNNING, and GRAMM for their willingness to reach consensus with us on policy without compromising the integrity of the legislation, thus, allowing S. 331 to move forward.

I must strongly thank the over two hundred national organizations that offered time, energy, and ideas to create and support a bill that will improve the quality of life for millions of Americans with disabilities who want to work.

And finally, I would like to thank several individuals and groups who have contributed to the development and to the Senate passage of this legislation. In particular, I would like to thank my staff including Patricia Morrissey, Mark Powden, Paul Harrington, Lu Zeph, Erik Smulson, Joe Karpinski, Leah Menzies, Chris Crowley and the many others who worked long and hard to bring this bill about.

Additionally, I would like to recognize and thank the staff members of the three other primary co-sponsors who took the lead in their offices: Connie Garner from Senator KENNEDY's Staff, Jennifer Baxendell and Alec Vachon from Senator ROTH's staff, and Kristen Testa from Senator MOYNIHAN's staff.

In addition to staff, I would like to recognize the contributions of the Work Incentives Task Force of the Consortium for Citizens with Disabilities who met weekly with staff for over a year to build the consensus necessary to get us here today.

Thank you, Mr. President.

OBJECTIONABLE PROVISIONS IN S. 1186, ENERGY AND WATER APPROPRIATIONS FOR FY 2000

Mr. McCAIN. Mr. President, the energy and water appropriations bill is fundamental to our Nation's energy and defense-related activities, and takes care of vitally important water resources infrastructure needs. Unfortunately, this bill diverts from its intended purpose by including a multitude of additional, unrequested earmarks to the tune of $531 million.

This amount is substantially less than the earmarks included in the FY '99 appropriations bill and I commend my colleagues on the Appropriations Committee for their hard work in putting this bill together. In fact, this year's recommendation is about 60 percent lower than the earmarks included in last year's appropriation bill. My optimism was raised upon reading the committee report which states that the Committee is "reducing the number of projects with lower priority benefits." Unfortunately, while the Committee attempts to be more fiscally responsible, there is a continuing focus on parochial, special interest concerns.

Funding is provided in this bill for projects where it is very difficult to ascertain their overall importance to the security and infrastructure of our nation.

Let me highlight a few examples:

$3,000,000 is provided for an ethanol pilot plant at Southern Illinois University; $300,000 is provided to the Vermont Agriculture Methane project; $400,000 is included for aquatic weed control at Lake Champlain in Vermont, and, $100,000 in additional funding for mosquito control in North Dakota.

How are these activities connected to the vital energy and water resource needs of our nation? Why are these projects higher in priority than other flood control, water conservation or renewable energy projects? These are the type of funding improprieties that make a mockery of our budget process.

Various projects are provided with additional funding at levels higher than requested by the Administration. The stated reasons include the desire to finish some projects in a reasonable timeframe. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the Administration's request, which is responsible for carrying out these projects, and the views of the Appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Another $92 million above the budget request is earmarked in additional funding for regional power authorities. I fail to understand why we continue to spend millions of federal dollars at a time when power authorities are increasingly operating independent of federal assistance. Even the Bonneville Power Administration, one of these power entities, is self-financed and operates without substantial federal assistance.

We must stop this practice of wasteful spending. It is unconscionable to repeatedly ask the taxpayers to foot the bill for these biased actions. We must work harder to focus our limited resources on those areas of greatest need nationwide, not political clout.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need. Indeed, I commend my colleagues for not including any projects which are unauthorized. However, there are still too many cases of erroneous earmarks for projects that we have no way of knowing whether, at best, all or part of this $531 million should have been spent on different projects with greater need or, at worst, should not have been spent at all.

I supported passage of this bill, but let me state for the record that this is not the honorable way to carry out our fiscal responsibilities.

Mr. President, I ask unanimous consent that this list of objectionable provisions in S. 1186 and its accompanying Senate report be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN S. 1186—FY 2000 ENERGY AND WATER APPROPRIATIONS BILL

BILL LANGUAGE

Department of Defense, Army Corps of Engineers

General Investigations

Earmark of $226,000 for the Great Egg Harbor Inlet to Townsend's Inlet, New Jersey.

General Construction

Earmark of $2,200,000 to Norco Bluffs, California.

Earmark of $3,000,000 to Indianapolis Central Waterfront, Indiana.

Earmark of $1,000,000 to Ohio River Flood Protection, Indiana.

Earmark of $800,000 to Jackson County, Mississippi.

Earmark of $17,000,000 to Virginia Beach, Virginia (Hurricane Protection).

An additional $4,400,000 to Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia.

Earmark of $2,000,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, is directed to construct bluff stabilization measures at authorized locations for Natchez Bluff, Mississippi.

Earmark of $200,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate a Detailed Project Report for the Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky, project.

An additional $35,630,000 above the budget request to flood control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

Power Marketing Administrations

$39,594,000 restored to the Southeastern Power Administration above the budget request.

An additional $60,000 above budget request for operation and maintenance at Southwestern Power Administration.

An additional $52,084,000 above the budget request for Western Area Power Administration.

Independent Agencies

An additional $5,000,000 above the budget request is provided for the Appalachian Regional Commission.

An amount of $25,000,000 above the budget request is provided for the Denali Commission.

General Provisions

Language which stipulates all equipment and products purchased with funds made available in this Act should be American-made.

REPORT LANGUAGE

Department of Defense, Army Corps of Engineers

General Investigations

Earmark of $100,000 to the Barrow Coastal Storm Damage Reduction, AK.

Earmark of $100,000 to Chandalrr River Watershed, AK.

Earmark of $100,000 to Gastineau Channel, Juneau, AK.

Earmark of $100,000 to Skagway Harbor, AK.

Earmark of $150,000 to Rio De Flag, Flagstaff, AZ.

Earmark of $250,000 to North Little Rock, Dark Hollow, AR.

Earmark of $250,000 to Llagas Creek, CA.

An additional $450,000 to Tule River, CA.

An additional $450,000 to Yuba River Basin, CA.

Earmark of $250,000 to Bethany Beach, South Bethany, DE.

Earmark of $100,000 to Lake Worth Inlet, Palm Beach County, FL.

Earmark of $100,000 to Mile Point, Jacksonville, FL.

An additional $170,000 to Metro Atlanta Watershed, GA.

Earmark of $100,000 to Kawaihae Deep Draft Harbor, HI.

Earmark of $100,000 to Kootenai River at Bonners Ferry, ID.

Earmark of $100,000 to Little Wood River, ID.

Earmark of $100,000 to Mississinewa River, Marion, IN.

Earmark of $100,000 to Calcasieu River Basin, LA.

Earmark of $500,000 to Louisiana Coastal Area, LA.

Earmark of $100,000 to St. Bernard Parish, LA.

Earmark of $100,000 to Detroit River Environmental Dredging, MI.

Earmark of $400,000 to Sault Ste. Marie, MI.

An additional $400,000 to Lower Las Vegas Wash Wetlands, NV.

Earmark of $75,000 to Truckee Meadows, NV.

Earmark of $200,000 to North Las Cruces, NM.

Earmark of $100,000 to Lower Roanoke River, NC and VA.

Earmark of $300,000 to Corpus Christi Ship Channel, Laquinta Channel, TX.

Earmark of $200,000 to Gulf Intracoastal Waterway Modification, TX.

Earmark of $100,000 to John H. Kerr, VA and NC.

Earmark of $100,000 to Lower Rappahannock River Basin, VA.

Earmark of $500,000 to Lower Mud River, WV.

Earmark of $400,000 to Island Creek, Logan, WV.

Earmark of $100,000 to Wheeling Waterfront, WV.

Language which directs the Corps of Engineers to work with the city of Laurel, MT to provide appropriate assistance to ensure reliability in the city's Yellowstone River water source.

Construction

An additional $1,200,000 to Cook Inlet, AK.

An additional $900,000 to St. Paul Harbor, AK.

An additional $13,000,000 to Montgomery Point Lock and Dam, AR.

An additional $8,000,000 to Los Angeles County Drainage Area, CA.

Earmark of $500,000 to Fort Pierce Beach, FL.

Earmark of $500,000 to Lake Worth Sand Transfer Plant, FL.

An additional $2,000,000 to Chicago Shoreline, IL.

An additional $10,000,000 to Olmstead Locks and Dam, Ohio River, IL and KY.

An additional $2,000,000 to Kentucky Lock and Dam, Tennessee River, KY.

An additional $2,000,000 to Inner Harbor Navigation Canal Lock, LA.

An additional $5,000,000 to Lake Pontchartrain and Vicinity, LA.

An additional $1,000,000 to West Bank Vicinity of New Orleans, LA.

An additional $2,500,000 to Poplar Island, MD.

Earmark of $250,000 to Clinton River, MI Spillway.

Earmark of $100,000 to Lake Michigan Center.

Earmark of $1,100,000 to St. Croix River, Stillwater, MN.

An additional $5,000,000 to Blue River Channel, Kansas City, MO.

An additional $1,000,000 to Missouri National Recreational River, NE and SD.

An additional $8,900,000 to Tropicana and Flamingo Washes, NV.

Earmark of $250,000 to Passaic River, Minish Waterfront Park, NJ.

Earmark of $750,000 to New York Harbor Collection and Removal of Drift, NY & NJ.

An additional $4,000,000 to West Columbus, OH.

An additional $90,000 to the Lower Columbia River Basin Bank Protection, OR and WA.

An additional $10,000,000 to Locks and Dams 2, 3 and 4, Monongahela River, PA.

An additional $1,000,000 to Cheyenne River Sioux Tribe, Lower Brule Sioux, SD.

Earmark of $1,000,000 to James River Restoration, SD.

Earmark of $1,000,000 to Black Fox, Murfree Springs, and Oakland Wetlands, TN.

Earmark of $1,000,000 to Tennessee River, Hamilton County, TN.

Earmark of $800,000 to Greenbrier River Basin, WV.

Earmark of $1,000,000 to Lafarge Lake, Kickapoo River, WI.

Earmark of $400,000 for aquatic weed control at Lake Champlain in Vermont.

An additional $960,000 for various earmarks under Section 107, Small Navigation Project.

An additional $5,675,000 for various earmarks under Section 205, Small flood control projects.

An additional $1,760,000 for various earmarks under Section 206, Aquatic ecosystem restoration.

An additional $1,500,000 for various earmarks under Section 1135, Projects Modifications for improvement of the environment.

An additional $12,500,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

An additional $500,000 to St. Francis Basin, Arkansas and Missouri.

An additional $2,000,000 for the Louisiana State Penitentiary Levee, Louisiana.

An additional $500,000 for Backwater Pump, Mississippi.

An additional $585,000 for the Big Sunflower River, Mississippi.

An additional $5,000,000 for Demonstration Erosion Control, Mississippi.

An additional $2,000,000 for the St. Johns Bayou and New Madrid Floodway, Missouri.

An additional $2,764,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

An additional $1,500,000 for the St. Francis River Basin, Arkansas and Missouri.

An additional $2,250,000 for the Atchafalaya Basin, Louisiana.

An additional $1,000,000 for Arkabutla Lake, Missouri.

An additional $1,000,000 for End Lake, Missouri.

An additional $1,000,000 for Grenada Lake, Mississippi.

An additional $1,000,000 for Sardis Lake, Mississippi.

An additional $31,000 for Tributaries, Mississippi.

Corps of Engineers—Operation and Maintenance, General

An additional $2,000,000 for Mobile Harbor, Alabama.

Earmark of $1,000,000 for Lowell Creek Tunnel (Seward), Arkansas.

An additional $1,500,000 for Mississippi River between Missouri River and Minneapolis, Illinois, Indiana, Minnesota, Missouri.

An additional $525,000 for John Redmond Dam and Reservoir, Kansas.

An additional $2,000,000 for Red River Waterway, Mississippi River to Shreveport, Louisiana.

Earmark of $250,000 for Missouri National River.

An additional $35,000 for Little River Harbor, New Hampshire.

Earmark of $20,000 for Portsmouth Harbor, Piscataqua River, New Hampshire.

An additional $1,500,000 for Delaware River Philadelphia to the Sea, New Jersey, Pennsylvania and Delaware.

Earmark of $800,000 for Upper Rio Grande Water Operations Model.

An additional $100,000 for Garrison Dam, Lake Sakakawea, North Dakota.

An additional $500,000 for Oologah Lake, Oklahoma.

An additional $2,300,000 for Columbia and Lower Willamette River Below Vancouver, Washington and Portland.

An additional $50,000 for Port Orford, Oregon.

Earmark $400,000 for Corpus Christi Ship Channel, Barge Lanes, Texas.

An additional $1,140,000 for Burlington Harbor Breakwater, Vermont.

An additional $3,000,000 for Grays Harbor and Chehalis River, Washington.

Language which directs the Army Corps of Engineers to address maintenance at Humboldt Harbor, CA; additional maintenance dredging of the Intracoastal Waterway in South Carolina from Georgetown to Little River, and from Port Royal to Little River; dredging at the entrance channel at Murrells Inlet, SC; additional dredging for the Lower Winyah Bay and Gorge in Georgetown Harbor, SC.

Bureau of Reclamation—Water and Related Resources

Earmark of $5,000,000 for Headgate Rock Hydroelectric Project.

An additional $1,500,000 for Central Valley Project: Sacramento River Division.

Earmark of $250,000 for Fort Hall Indian Reservation.

Earmark of $4,000,000 for Rock Peck Rural Water System, Montana.

Earmark of $2,000,000 for Lake Mead and Las Vegas Wash.

Earmark of $1,500,000 for Newlands Water Right Fund.

Earmark of $800,000 for Truckee River Operation Agreement.

Earmark of $400,000 for Walker River Basin Project.

An additional $2,000,000 for Middle Rio Grande Project.

Earmark of $300,000 for Navajo-Gallup Water Supply Project.

Earmark of $750,000 for Santa Fe Water Reclamation and Reuse.

Earmark of $250,000 for Ute Reservoir Pipeline Project.

An additional $2,000,000 for Garrison Diversion Unit, P–SMBP

Earmark of $400,000 for Tumalo Irrigation District, Bend Feed Canal, Oregon.

An additional $2,000,000 for Mid-Dakota Rural Water Project

Earmark of $600,000 for Tooele Wastewater Reuse Project.

Department of Energy

Earmark of $1,000,000 is for the continuation of biomass research at the Energy and Environmental Research Center.

Earmark of $5,000,000 for the McNeil biomass plant in Burlington, Vermont.

Earmark of $300,000 for the Vermont Agriculture Methane project.

Earmark of $2,000,000 for continued research in environmental and renewable resource technologies by the Michigan Biotechnology Institute.

Earmark of $500,000 for the University of Louisville to research the commercial viability of refinery construction for the production of P-series fuels.

No less than 3,000,000 for the ethanol pilot plant at Southern Illinois University at Edwardsville.

Earmark of $250,000 for the investigation of simultaneous production of carbon dioxide and hydrogen at the natural gas reforming facility in Nevada.

Earmark of $350,000 for the Montana Trade Port Authority in Billings Montana.

Earmark of $250,000 for the gasification of Iowa switchgrass and its use in fuel cells.

Earmark of $1,000,000 to complete the 4 megawatt Sitka, Alaska project.

Earmark of $1,700,000 for the Power Creek hydroelectric project.

Earmark of $1,000,000 for the Kotzebue wind project.

Earmark of $300,000 for the Old Harbor hydroelectric project.

Earmark of $1,000,000 for a demonstration associated with the planned upgrade of the Nevada Test Site power substations of distributed power generation technologies.

Earmark of $3,000,000 for the University of Nevada at Reno Earthquake Engineering Facility.

An additional $35,000,000 to initiate a new strategy (which includes $5,000,000 for activities at Lawrence Livermore National Laboratory, $10,000,000 for Los Alamos National Laboratory, and $20,000,000 for work at Sandia National Laboratory).

An additional $15,000,000 for the Nevada Test Site.

An additional $15,000,000 for future requirements at the Kansas City Plant compatible with the Advanced Development and Production Technologies [ADAPT] program and Enhanced Surveillance program.

An additional $10,000,000 for core stockpile management weapon activities to support work load requirements at the Pantex plant in Amarillo, Texas.

An additional $10,000,000 to address funding shortfalls in meeting environmental restoration Tri-Party Agreement compliance deadlines, and to accelerate interim safe storage of reactors along the Columbia River.

An additional $10,000,000 for spent fuel activities related to the Idaho Settlement Agreement with the Department of Energy.

An additional $30,000,000 for tank cleanup activities at the Hanford Site, WA.

An additional $20,000,000 to Rocky Flats site, CO.

Total amount of Earmarks: $531,124,000.

FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I rise today to congratulate the chairman and ranking member of the Energy and Water Appropriations Subcommittee, Senators DOMENICI and REID, for the extraordinary work they have accomplished in bringing the FY2000 energy and water appropriations bill to the floor. While this bill funds a number of vastly important national security and economic development programs and initiatives, until this year it has been relatively non-controversial, in part because of the hard work of my colleagues, Senators DOMENICI and REID.

This year, however, they have had to operate under more difficult circumstances. They have had to fashion a bill from extremely limited resources. As reported by the Appropriations Committee, the bill provides $21.2 billion in new budget authority—$12.6 billion within defense activities and $8.6 billion within nondefense. In the defense accounts, that represents a $220 million increase over the President's budget request. In the nondefense accounts, however, it represents a reduction of $608 million from the request. This includes decreases in funding for critical water projects.

As the distinguished chairman of the subcommittee noted in his opening remarks on Monday, this is the first time in his memory—and he has been here many years longer than this Senator from North Dakota—that less funding for water projects is provided than requested in the budget. This is a worrisome situation for many important and worthwhile flood control and other projects in the coming year, but that is also a situation forced upon this subcommittee, indeed on most subcommittees, by the allocations received as a result of staying within the budget caps.

He also noted that he was unable to accommodate all of the funding requests of the members of this body. That was the case with this Senator, but I do want to note that he and his distinguished ranking member were able to fund a number of important flood control and water development projects in my home state of North Dakota.

For instance, as the city of Grand Forks continues its recovery from the devastating 1997 floods of the Red River, the city and State have developed a plan to reconstruct flood control dikes to protect the cities of Grand Forks, ND, and East Grand Forks, MN, from future floods. The city and State are matching Federal funds for this project, but this bill provides $9 million in federal funds for initial construction.

It also funds the President's request of $27 million for the Garrison Diversion project as well as over $2 million in additional funds requested by me and Senator CONRAD for unmet water supply needs on our Indian reservations. The tribes have already reached their funding ceiling under existing authority for these needs and the Bureau of Reclamation has documented over $200 million in critical unmet water development needs on three reservations. These funds will begin to make a dent in these needs.

I am also pleased that the bill recommends $1 million for the Energy and Environmental Research Center, EERC, to conduct research relating to the integration of biomass with fossil fuels in conventional power systems to increase busload renewable electricity generation; development of practical methods for using biomass in advanced power systems; and improvement of efficiency and environmental performance in agricultural processing and forest-based product industries producing food, fiber, and chemicals. These funds will build upon the exciting research already being conducted at the nationally recognized EERC in Grand Forks.

The bill funds the President's request of $5 million to purchase of easements and compensate landowners who in the Buford-Trenton area are unable to farm as a result of flooding and high water tables caused by siltation upriver from the Garrison Dam. In 1998, more than 1000 acres remained under water and represented an economic loss to the farmers and others in this area of hundreds of thousands of dollars. This year, the water level is higher and only continues to grow. This is a Federal responsibility and one which is only beginning to be met. The project was authorized in the 1996 Water Development Act at $34 million and this represents continued progress for buying easements from willing sellers.

Finally, I appreciate the subcommittee's support for an amendment offered by me and Senator CONRAD to add $50,000 for a reevaluation study of the Grafton dikes project by the Army Corps of Engineers. Because the project was de-authorized, this report is needed. While not reauthorizing the project, these funds will help us jump start the process once the project is reauthorized.

Our water supply and flood control needs in North Dakota are many and growing. Not all of our requested needs are met by this bill, but this is a good bill and one I can support. I thank Chairman DOMENICI and Ranking Member REID for their support and look forward to working with them in conference.

I yield the floor.

FISCAL YEAR 2000 MILITARY CONSTRUCTION APPROPRIATIONS BILL

Mr. TORRICELLI. Mr. President, I rise today in strong support of the FY 2000 Military Construction Appropriations Bill. This legislation demonstrates a considerable investment in our military's infrastructure, and a strong commitment to improving the quality of life of our soldiers that will go a long way toward achieving retention and recruiting goals. I especially thank and acknowledge the efforts of the distinguished chairman of the Appropriations Committee, Senator STEVENS, the distinguished ranking member of the Appropriations Committee Senator BYRD, the chairman of the Military Construction Subcommittee, Senator BURNS, and ranking member, Senator MURRAY.

I am particularly pleased that the committee included $1.9 million for the Armament Software Engineering Center, ASEC, at Picatinny Arsenal in my home State of New Jersey. Throughout our Nation's history, Picatinny Arsenal has provided our men and women with the high-technology weapons that have helped achieve our military victories. The new ASEC will consolidate many of the Arsenal's operations, thus enhancing Picatinny's capability to test and upgrade "smart" weapons. In 1998, the Senate supported ASEC by providing funds for the initial design, but unfortunately, the Army has not yet moved forward with the project. I am pleased by the Senate's renewed support of the Center, and look foward to working with the Subcommittee and the Army to ensure that this state-of-the-art facility becomes a reality.

I also express my support for the committee's inclusion of $11.8 million to modernize several facilities at the United States Military Academy Preparatory School, USMAPS, at Fort Monmouth. Currently, the cadets attending USMAPs are housed in substandard facilities which have not been modernized since 1979. This funding will provide for much needed improvements that will allow USMAPS to continue training cadets for the Army and admittance into the U.S. Military Academy at West Point.

I am extremely pleased by the Senate's support of the ACFT/Platform Interface Lab, API Lab, at the Lakehurst Naval Air Warfare Center. The inclusion of $15.71 million for this project will allow for the consolidation of 14 labs and 5 different 40–70 year old facilities to build the new modern API lab. The consolidation of these facilities in one location will result in greater productivity and efficiency, and an increased ability for Lakehurst to fulfill its mission of ensuring our military's aircraft can take off and land safely from all Navy ships.

I thank the committee for supporting several projects at two other critical bases in my State. First, the $5.6 million provided for the Centralized Tactical Vehicle Wash Facility at Fort Dix will increase our ability to prepare military vehicles for missions overseas. Second, the funding for a Consolidated Aircraft Maintenance Hangar, Visiting Quarters and additional units of housing at McGuire Air Force Base will improve the standard of living and increase productivity throughout the base.

Finally, while I am supportive of the projects included in this legislation, I look forward to working with the community to identify additional funding for another important project that was not included in the bill. This project, the National Guard Bureau Training and Training Technology Battle Lab, T3BL, at Fort Dix, will allow the Army National Guard to conduct cutting edge training through the application and use of critical training, aides, devices, simulators, and simulation. Currently, $9.5 million is needed to begin the second phase construction of the lab.

Mr. President, I again thank the distinguished chairman, Ranking Member Byrd, Chairman Burns, and Ranking Member Murray for their commitment and attention to these important issues.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 16, 1999, the federal debt stood at $5,581,245,428,829.42 (Five trillion, five hundred eighty-one billion, two hundred forty-five million, four hundred twenty-eight thousand, eight hundred twenty-nine dollars and forty-two cents).

One year ago, June 16, 1998, the federal debt stood at $5,489,044,000,000 (Five trillion, four hundred eighty-nine billion, forty-four million).

Five years ago, June 16, 1994, the federal debt stood at $4,592,643,000,000 (Four trillion, five hundred ninety-two billion, six hundred forty-three million).

Ten years ago, June 16, 1989, the federal debt stood at $2,783,200,000,000 (Two trillion, seven hundred eighty-three billion, two hundred million) which reflects a debt increase of almost $3 trillion—$2,798,045,428,829.42 (Two trillion, seven hundred ninety-eight billion, forty-five million, four hundred twenty-eight thousand, eight hundred twenty-nine dollars and forty-two cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3750. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3751. A communication from the Executive Director, Governmental Affairs, Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual report for calendar years 1997 and 1998; to the Committee on the Judiciary.

EC-3752. A communication from the Under Secretary, Oceans and Atmosphere, Department of Commerce, transmitting, a report relative to the 1997-98 El Niño event; to the Committee on Commerce, Science, and Transportation.

EC-3753. A communication from the Executive Director, National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-3754. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed manufacturing license for Japan; to the Committee on Foreign Relations.

EC-3755. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed manufacturing license for Portugal; to the Committee on Foreign Relations.

EC-3756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed export license for Egypt; to the Committee on Foreign Relations.

EC-3757. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Office of Child Support Enforcement for fiscal year 1997; to the Committee on Finance.

EC-3758. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 99-28, relative to the People's Republic of China; to the Committee on Finance.

EC-3759. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Department of the Treasury; to the Committee on Finance.

EC-3760. A communication from the Executive Director, Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-3761. A communication from the Chairman, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC-3762. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC-3763. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC-3764. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC-3765. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999, and the management response; to the Committee on Governmental Affairs.

EC-3766. A communication from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting, pursuant to law, the statement on internal controls and the audited financial statement for calendar year 1998; to the Committee on Governmental Affairs.

EC-3767. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Financial Plan and Budget for the District of Columbia for fiscal year 2000; to the Committee on Governmental Affairs.

EC-3768. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design and Fabrication Code Case Acceptability—ASME Section III, Division 1" (Regulatory Guide 1.84, Revision 31), received June 16, 1999; to the Committee on Environment and Public Works.

EC-3769. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Materials Code Case Acceptability—ASME Section III, Division 1" (Regulatory Guide 1.85, Revision 31), received June 16, 1999; to the Committee on Environment and Public Works.

EC-3770. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Inservice Inspection Code Case Acceptability—ASME Section XI, Division 1" (Regulatory Guide 1.147, Revision 12), received June 16, 1999; to the Committee on Environment and Public Works.

EC-3771. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Laboratory Testing of Nuclear-Grade Activated Charcoal" (NRC Generic Letter 99-02), received June 16, 1999; to the Committee on Environment and Public Works.

EC-3772. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; 100% Fee Recovery: FY-1999" (RIN3150-AG08), received June 16, 1999; to the Committee on Environment and Public Works.

EC-3773. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant 'Eriogonum apricum' (inclusive of varieties 'apricum' and 'prostratum')—(Ione Buckwheat) and Threatened Status for the Plant 'Arctostaphylos myrtifolia'—(Ione Manzanita)" (RIN1018-AE25), received June 4, 1999; to the Committee on Environment and Public Works.

EC-3774. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Special Canada Goose Permit"

(RIN1018–AE46), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3775. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL #6361–8), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3776. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6361–9), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3777. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Solid Waste Programs; Management Guidelines for Beverage Containers; Removal of Obsolete Guidelines" (FRL #6362–4), received June 14, 1999; to the Committee on Environment and Public Works.

EC–3778. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District" (FRL #6363–2), received June 15, 1999; to the Committee on Environment and Public Works.

EC–3779. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petitions" (FRL #6363–5), received June 15, 1999; to the Committee on Environment and Public Works.

EC–3780. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Approval and Promulgation of Implementation Plans; Oregon, Correction of Effective Date Under CRA" (FRL #6363–6), received June 15, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–197. A petition from the Attorney General of the State of South Carolina relative to a proposed interstate compact between Georgia and South Carolina; to the Committee on the Judiciary.

POM–198. A resolution adopted by the Board of Commissioners, McNairy County, Tennessee relative to prayer in schools; to the Committee on the Judiciary.

POM–199. A petition from a citizen of the State of Texas relative to redress of grievances; to the Committee on the Judiciary.

POM–200. A petition from a citizen of the State of Texas relative to redress of grievances; to the Committee on the Judiciary.

POM–201. A petition from a citizen of the State of Mississippi relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM–202. A petition from a citizen of the State of Mississippi relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM–203. A joint resolution adopted by the Legislature of the State of Nevada relative to Social Security; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 12

Whereas, The Social Security system provides benefits to 44 million Americans, including over 27 millions retirees, 4½ million people with disabilities, almost 4 million surviving children and over 8 million surviving adults, and is essential to the dignity and security of a large number of the residents of this country; and

Whereas, The Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year thereafter . . . until [trust fund] assets are exhausted in 2029"; and

Whereas, Intergenerational fairness, honest accounting principles, prudent budgeting and sound economic policy all require saving Social Security to ensure that our country may better afford the demands placed on Social Security upon the retirement of the "baby boomer" generation beginning in 2010; and

Whereas, If efforts were expended to save the Social Security system, the national savings would be expanded, interest rates would be reduced, private investments would be enhanced, labor productivity would increase and the economy of this country would grow; and

Whereas, The Social Security system produces an annual surplus that is invested in government bonds and the United States Department of Treasury currently borrows the "surplus," which is projected to approach $100 billion dollars by the end of 1999, and spends this money on programs that are unrelated to Social Security; and

Whereas, The United States House of Representatives introduced a bill into Congress 1 year ago, designated H.R. 3207, that would have created the "Save Social Security First Reserve Fund" into which the Secretary of the Treasury would be required to deposit budget surpluses pending Social Security reform; and

Whereas, This bill was referred to the Subcommittee on Social Security on February 19, 1998, but died in committee; and

Whereas, Similar bills have been introduced to protect the Social Security system, but to date none have been acted upon; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, Taht the members of the 70th session of the Nevada Legislature hereby urge the Federal Government to invest all surplus money from Federal Old-Age and Survivors Insurance for the benefit of the Social Security system; and be it further

Resolved, that such investments must be in public debt securities with suitable maturities and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities; and be it further

Resolved, That the income on such investments must be credited to and form a part of the fund for use in the future; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–204. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to food quality protection; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 132

Whereas, the safe, responsible use of pesticides for agricultural, food safety, structural, public health, environmental, and other purposes has significantly advanced the overall welfare of Hawaii's citizens and the environment; and

Whereas, the 1996 Food Quality Protection Act (FQPA) establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

Whereas, the FQPA requires the U.S. Environmental Protection Agency (USEPA) to ensure that all pesticide tolerances meet these new standards by reassessing one-third of the 9,700 current pesticide tolerances by August 1999, and all current tolerances in ten years; and

Whereas, risk determinations based on sound science and reliable real-world data are essential for accurate decisions, and the best way for USEPA to obtain this data is to require its development and submission by the registrants through the data call-in process; and

Whereas, risk determinations made in the absence of reliable, science-based information is expected to result in the needless loss of pesticides and certain uses of other pesticides; and

Whereas, the needless loss of pesticides and certain pesticide uses will result in fewer pest control options for Hawaii and would be harmful to the economy of Hawaii by jeopardizing agriculture, one of the few industries that has shown great strength during the recent years of the State's flat economy, and fewer pest control options for urban and suburban uses that will result in significant loss of personal property and increased human health concerns; and

Whereas, the needless loss of pesticides will jeopardize the ability of the state and county governments to protect public health and safety on public property and to protect our natural environmental resources, for example, from aggressive alien species; and

Whereas, the flawed implementation of the FQPA is likely to result in significant increases in food costs to consumers, thereby putting the nutritional needs of children, the poor, and the elderly at unnecessary risk; and

Whereas, the Clinton administration has directed the USEPA and the U.S. Department of Agriculture to work jointly toward implementing the FQPA in a manner that assures that our children will be adequately protected and that risk determinations related to pesticide tolerances and registrations will be based on accurate, science-based information; and

Whereas, the cost of developing data to quantify real-world risk is prohibitive and minor use data may not be financed by pesticide registrants and the State and pesticide users may fund studies to support minor users; now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the House of Representatives concurring, that the Legislature of the State of Hawaii does hereby respectfully request that the U.S. Congress direct the Administrator of the U.S. Environmental Protection Agency to:

(1) Initiate rulemaking to ensure that the policies and standards it intends to apply in evaluating pesticide tolerances and making realistic risk determinations are based on accurate information, real-world data available through the data call-in process, and sound science, and are subject to adequate public notice and comment before it issues final pesticide tolerance determinations;

(2) Provide interested persons the opportunity to produce data needed to evaluate pesticide tolerances so that USEPA can avoid making faulty final pesticide tolerance determinations based upon unrealistic default assumptions;

(3) Implement the FQPA in a manner that will not adversely disrupt agricultural production nor adversely affect the availability, diversity of the food supply, nor jeopardize the public health or environmental quality through the needless reassessment of pesticide tolerances for non-agricultural activities; and

(4) Delay the August 1999, deadline until 2001 or until the USEPA, USDA, industry leaders and manufacturers can provide science-based data as to use, application, and residue of the pesticides under review; and be it further

Resvolved, That the Legislature of the State of Hawaii respectfully requests that pesticide registrants and the U.S. Environmental Protection Agency support minor use registrations by reserving a meaningful portion of the risks projected from the use of a pesticide or a class of pesticides for minor uses; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Speaker of the U.S. House of Representatives, President of the U.S. Senate, members of Hawaii's congressional delegation, the Administrator of the USEPA, the Secretary of the U.S. Department of Agriculture, the Governor of Hawaii, the American Crop Protection Association, the American Farm Bureau Federation, and Responsible Industry for a Sound Environment.

POM–205. A resolution adopted by the House of the Legislature of the State of Hawaii relative to The United Nations Children's Fund; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 219

Whereas, a forum is needed to follow up on the recommendations of the Millennium Young People's Congress to be held in October 1999; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and rights of children are the basic foundations that must be established for all children and youth; and

Whereas, Hawaii's location in the middle of the Pacific Rim provides an excellent and strategic location for the meeting place to follow up on the recommendations of the Millennium Young People's Congress, to discuss the health, welfare, and rights of children as basic foundations for all children and youth, and to research pertinent issues and alternatives concerning children and youth and propose viable models for societal application; now, therefore, be it

Resolved, by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, that the United Nations Children's Fund (UNICEF) is respectfully requested to establish a center for the health, welfare, and rights of children and youth in Hawaii and support for the center is respectfully requested from the President of the United States and Congress; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Secretary General of the United Nations Children's Fund, the President of the UNICEF Executive Board, the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

POM–206. A concurrent resolution of the Legislature of the State of Hawaii relative to the nomination of the Chief of Staff, U.S. Army; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 56

Whereas, on April 21, 1999, General Shinseki was nominated by President Clinton to become Chief of Staff of the United States Army; and

Whereas, General Eric Shinseki was born in Lihue, Hawaii, graduated from Kauai High School in 1961, and is a graduate of the U.S. Military Academy at West Point and Duke University; and

Whereas, General Shinseki currently serves as the Vice-Chief of Staff of the United States Army and is also the first Asian-American four-star general having received his fourth star in August of 1997 when he became commanding general of all U.S. Army forces in Europe and was head of the stabilization force in Bosnia-Herzegovina; and

Whereas, General Shinseki's awards and decorations include the Distinguished Service Medal, Legion of Merit, Bronze Star, Purple Heart, and Meritorious Service Medal; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring, that the United States Senate is urged to confirm the nomination of General Eric Shinseki as Chief of Staff of the United States Army; and be it further

Resolved, That a certified copy of this Concurrent Resolution be transmitted to the President of the United States Senate, to Senator Daniel K. Inouye, and to Senator Daniel K. Akaka.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000" (Rept. No. 106–79).

By Mr. COCHRAN, from the Committee on Appropriations, without amendment:

S. 1233: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–80).

By Mr. McCONNELL, from the Committee on Appropriations, without amendment:

S. 1234: An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–81).

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 326: A bill to improve the access and choice of patients to quality, affordable health care (Rept. No. 106–82).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 692: A bill to prohibit Internet gambling, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. DURBIN, and Mr. GRASSLEY):

S. 1231. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 1232. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

By Mr. COCHRAN:

S. 1233. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. McCONNELL:

S. 1234. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. BIDEN, Mr. DEWINE, and Mr. SCHUMER):

S. 1235. A bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 1236. A bill to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 1237. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

By Mr. HUTCHINSON (for himself and Mr. WELLSTONE):

S. 1238. A bill to amend title 38, United States Code, to authorize the payment of dependency and indemnity compensation to the surviving spouses of certain former prisoners of war dying with a service-connected disability related totally disabling at the time of death; to the Committee on Veterans Affairs.

By Mr. GRAHAM (for himself, Mr. Mack, Mr. Bingaman, Mr. Inouye, Mr. Inhofe, Mr. Burns, Mr. Baucus, Mr. Crapo, Mr. Craig, and Mrs. Feinstein):

S. 1239. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. Breaux, Mr. Gorton, Mr. Cochran, Mr. Hutchinson, Ms. Collins, Mrs. Lincoln, Mr. Shelby, Ms. Snowe, Mrs. Murray, Mr. Sessions, Mr. Smith of Oregon, Mrs. Hutchison, Mr. Grams, and Ms. Landrieu):

S. 1240. A bill to amend the Internal Revenue Code of 1986 to provide a partial inflation adjustment for capital gains from the sale or exchange of timber; to the Committee on Finance.

By Mr. ASHCROFT (for himself, Mrs. Hutchison, Mr. Abraham, Mr. Allard, Mr. Bond, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Chafee, Mr. Cochran, Ms. Collins, Mr. Coverdell, Mr. Craig, Mr. DeWine, Mr. Domenici, Mr. Enzi, Mr. Frist, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Hatch, Mr. Helms, Mr. Hutchinson, Mr. Jeffords, Mr. Kyl, Mr. Lott, Mr. McCain, Mr. McConnell, Mr. Nickles, Mr. Roberts, Mr. Sessions, Mr. Smith of Oregon, Mr. Smith of New Hampshire, Mr. Thomas, Mr. Thurmond, and Mr. Shelby):

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. Lott, Mr. Allard, Mr. Abraham, Mr. Coverdell, Mr. Sessions, and Mr. Craig):

S. Res. 124. A resolution to establish a special committee of the Senate to address the cultural crisis facing America; to the Committee on Rules and Administration.

By Mr. LOTT (for himself, Mr. Daschle, Mr. Nickles, Mr. Reid, Mr. Akaka, Mr. Brownback, Mr. Baucus, Mr. Coverdell, Mr. Bayh, Mr. Domenici, Mr. Biden, Mr. Grassley, Mr. Bingaman, Mr. Hutchinson, Mrs. Boxer, Mr. Jeffords, Mr. Breaux, Ms. Snowe, Mr. Bryan, Mr. Specter, Mr. Byrd, Mr. Stevens, Mr. Cleland, Mr. Conrad, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Harkin, Mr. Hollings, Mr. Inouye, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Ms. Mikulski, Mr. Moynihan, Mrs. Murray, Mr. Reed, Mr. Robb, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Mr. Torricelli, Mr. Wellstone, and Mr. Wyden):

S. Con. Res. 40. A concurrent resolution commending the President and the Armed Forces for the success of Operation Allied Force; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. Durbin, and Mr. Grassley):

S. 1231. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999

Ms. COLLINS. Mr. President, on behalf of myself and my distinguished colleagues Senator Durbin and Senator Grassley, I rise today to introduce the Medicare Fraud Prevention and Enforcement Act of 1999. Both of these Senators have been leaders in the fight against Medicare fraud.

This bill will help solve an almost $13 billion problem. According to the HHS Inspector General, waste, fraud, abuse, and other improper payments drained about that much from the Medicare Trust Fund in fiscal year 1998. Fraud and abuse not only compromise the solvency of the Medicare program but also, in some cases, directly affect the quality of care delivered to the 38 million older and disabled Americans who depend upon this program. Although this legislation will not prevent all of the waste, fraud, and abuse that now plagues Medicare, it represents an important step toward a solution to a problem that threatens the financial integrity of this vital social program.

Unfortunately, there is no line item in the budget called "Medicare Waste, Fraud and Abuse" that we can simply cut to eliminate this insidious problem. It is a complicated, difficult challenge to plug the holes that make Medicare at high risk for fraud and abuse.

In May 1997, the Permanent Subcommittee on Investigations, which I chair, started an extensive investigation of the Medicare program. So far, my Subcommittee has held three hearings in an effort to expose fraud and abuse within Medicare.

As the Subcommittee's hearings revealed, we are now seeing a dangerous and growing problem with Medicare fraud. Career criminals and bogus providers with no background in health care are increasingly entering the system with the sole purpose of stealing hard-earned taxpayer dollars from the Medicare Trust Fund. Only tough deterrents can prevent these unscrupulous providers from entering the Medicare system. At the same time, however, we must be careful not to make entry into the Medicare program so difficult that the process deters legitimate health care providers. We owe it to the American public to strike this crucial balance.

During a Subcommittee hearing earlier last year, we heard testimony describing egregious examples of fraud committed by unscrupulous health care providers. For example, two physicians who submitted in excess of $690,000 in fraudulent Medicare claims listed nothing more than a Brooklyn laundromat as their office location. We were also told that over $6 million in Medicare funds were sent to durable medical equipment companies that provided no services; one of these companies even listed a fictitious address that would have placed the firm in the middle of a runway at the Miami International Airport.

While the number of unscrupulous providers in the Medicare program is very small relative to the number of honest providers, these criminals nevertheless are able to steal millions of dollars from Medicare, wreaking financial havoc on the program. This fraud contributes to the tremendous increase in health care expenditures and adversely affects the quality of health care given to our nation's elderly and disabled.

In response to the serious problems identified through my Subcommittee's investigation, Senator Durbin, Senator Grassley, and I are introducing legislation designed to prevent waste, fraud, and abuse by strengthening the Medicare enrollment process, expanding certain standards of participation, and reducing erroneous payments. Among other things, this legislation gives additional enforcement tools to the federal law enforcement agencies pursuing health care criminals.

One of the most important steps this bill takes is to prevent scam artists and criminals from securing the provider numbers that permit them to gain access to the Medicare system. Specifically, this bill requires background investigations to be conducted on all new providers to prevent career criminals from getting involved with Medicare in the first place. In addition, this bill requires site inspections of new durable medical equipment suppliers and community mental health centers prior to their being given a provider number. This will help close the system to those who apply for a provider number from a bogus or nonexistent location. Together, these provisions are designed to make it more difficult for unscrupulous individuals to obtain a Medicare provider number and begin submitting fraudulent claims.

This legislation also requires community mental health centers to meet applicable certification or licensing requirements in their state before they are issued a provider number, and requires the Secretary of Health and Human Services to establish additional standards for such centers to participate in the Medicare system.

In September of last year, Health Care Financing Administration Administrator Nancy-Ann DeParle acknowledged the extensive fraud associated with community mental health centers as she announced a 10-point plan to curb abuses within this program. I applaud Administrator DeParle for taking a step in the right direction, but we can go further.

Our legislation requires each agency that bills Medicare on behalf of physicians or provider groups to register with HCFA and receive a unique registration number. Many billing companies receive a percentage of the claims they submit that are paid by Medicare. Unethical companies, therefore, have a financial incentive to inflate the cost or number of claims submitted. Because billing companies do not have a Medicare provider number, however, it is difficult for HCFA to sanction or exclude them from billing Medicare. Hence, there is little to deter unscrupulous billing companies from submitting inflated claims. This bill makes all companies accountable for their billings through a uniform registration system.

This legislation also provides that Medicare contractors should be held financially accountable for any amounts they improperly pay to excluded providers 60 or more days after being notified of the exclusion. There have been numerous instances in which a Medicare contractor has continued to pay a provider after HCFA had excluded the provider from participating in the program. As a result, excluded providers have sometimes continued to receive unauthorized payments due to the negligence of contractors.

Why should American taxpayers swallow the cost of improper payments when a contractor has been specifically told not to pay a particular provider and yet continues to do so? This bill would help deter such negligence. I realize, however, that this is a complex issue and that this accountability provision may require further refinement.

Under our legislation, providers also would be required to refund overpayments even if they filed for bankruptcy, if the overpayments were incurred through fraudulent means. This money would then be deposited into the Medicare Trust Fund. Some bad actors have used bankruptcy as a shield against repaying Medicare. Essentially, unscrupulous individuals steal literally hundreds of thousands of dollars from the Medicare program, hide or spend it quickly, and then file for bankruptcy protection when they are caught, leaving the Medicare Trust Fund in debt. With this bill, we intend to close this loophole.

Another provision of this legislation aims to halt trafficking in provider numbers. The bill makes it a felony to knowingly, purchase, sell, or distribute Medicare beneficiary or provider numbers with the intent to defraud. Our investigation revealed that there is a growing problem with unscrupulous providers using "recruiters" to fraudulently obtain Medicare beneficiary identification numbers, thereafter using these numbers to bill for services never delivered. This problem must be stopped.

Our legislation will also grant much needed statutory law enforcement authority to qualified special agents of the Department of Health and Human Service's Office of Inspector General. Even though one of their major responsibilities is to enforce federal criminal laws, these special agents have no statutory authority to carry firearms, make arrests, or execute search warrants. The office now operates under a temporary Memorandum of Understanding with the Department of Justice.

This lack of full law enforcement authority jeopardizes the safety of HHS-OIG special agents and witnesses under their protection. As my Subcommittee's hearings have demonstrated, more and more career criminals are becoming involved in health care fraud; this increases the potential danger to the agents charged with investigating these crimes. It is time for Congress to spell out the law enforcement authorities of the HHS Office of Inspector General in a more permanent way.

I am very pleased that Senator GRASSLEY, who has been a leader in the fight against Medicare fraud, waste, and abuse, has agreed to be an original cosponsor of our legislation. Senator DURBIN and I have incorporated into our legislation a valuable proposal that Senator GRASSLEY sponsored, namely requiring the use of Universal Product Numbers ("UPNs") on claims forms for reimbursement under the Medicare program. Senator GRASSLEY, and a bipartisan coalition, introduced this concept as a freestanding bill, S.256, which I cosponsored earlier this year.

These provisions of our legislation would require that a UPN that uniquely identifies the item would be affixed by the manufacturer to medical equipment and supplies. The UPNs would be based on commercially-accepted identification standards, however, customized equipment would not be required to comply with this requirement. Senator DURBIN and I believe that this proposal is complementary to our package of reforms and strengthens the legislation we are introducing today.

Mr. President, the bill we are introducing today represents our concrete commitment to improve the Medicare program by providing additional tools that are needed to combat the extensive waste, fraud, and abuse that plague our nation's most important health care program. The unscrupulous individuals who commit Medicare fraud drive legitimate providers out of business, cost taxpayers vast sums of money, deliver substandard services and equipment, and endanger our elderly by not providing needed services.

We must use common sense and cost-effective solutions to curtail the spreading infection of fraud that threatens the vitality of Medicare. Yet, we must do more. We have a serious responsibility to older Americans across the country and to the nation's taxpayers to protect the Medicare program. We urge our colleagues to join us in this bi-partisan effort to strengthen and improve the Medicare program.

Thank you, Mr. President, and I ask unanimous consent that the bill, a section-by-section analysis of the bill, and four letters endorsing the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Fraud Prevention and Enforcement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Site inspections and background checks.
Sec. 3. Registration of billing agencies.
Sec. 4. Expanded access to the health integrity protection database (HIPDB).
Sec. 5. Liability of medicare carriers and fiscal intermediaries for claims submitted by excluded providers.
Sec. 6. Community mental health centers.
Sec. 7. Limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.
Sec. 8. Illegal distribution of a medicare or medicaid beneficiary identification or provider number.
Sec. 9. Treatment of certain Social Security Act crimes as Federal health care offenses.
Sec. 10. Authority of Office of Inspector General of the Department of Health and Human Services.
Sec. 11. Universal Product Numbers on Claims Forms for Reimbursement Under the Medicare program.

SEC. 2. SITE INSPECTIONS AND BACKGROUND CHECKS.

(a) SITE INSPECTIONS FOR DME SUPPLIERS, COMMUNITY MENTAL HEALTH CENTERS, AND OTHER PROVIDER GROUPS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following:

"SITE INSPECTIONS FOR DME SUPPLIERS, COMMUNITY MENTAL HEALTH CENTERS, AND OTHER PROVIDER GROUPS

"SEC. 1897. (a) SITE INSPECTIONS.—

"(1) IN GENERAL.—The Secretary shall conduct a site inspection for each applicable provider (as defined in paragraph (2)) that applies for a provider number in order to provide items or services under this title. Such site inspection shall be in addition to any other site inspection that the Secretary would otherwise conduct with regard to an applicable provider.

"(2) APPLICABLE PROVIDER DEFINED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in this section, the term 'applicable provider' means—

"(i) a supplier of durable medical equipment (including items described in section 1834(a)(13));

"(ii) a supplier of prosthetics, orthotics, or supplies (including items described in paragraphs (8) and (9) of section 1861(s));

"(iii) a community mental health center; or

"(iv) any other provider group, as determined by the Secretary.

"(B) EXCEPTION.—In this section, the term 'applicable provider' does not include—

"(i) a physician that provides durable medical equipment (as described in subparagraph (A)(i)) or prosthetics, orthotics, or supplies (as described in subparagraph (A)(ii)) to an individual as incident to an office visit by such individual; or

"(ii) a hospital that provides durable medical equipment (as described in subparagraph (A)(i)) or prosthetics, orthotics, or supplies (as described in subparagraph (A)(ii)) to an individual as incident to an emergency room visit by such individual.

"(b) STANDARDS AND REQUIREMENTS.—In conducting the site inspection pursuant to subsection (a), the Secretary shall ensure that the site being inspected is in full compliance with all the conditions and standards of participation and requirements for obtaining medicare billing privileges under this title.

"(c) TIME.—The Secretary shall conduct the site inspection for an applicable provider prior to the issuance of a provider number to such provider.

"(d) TIMELY REVIEW.—The Secretary shall provide for procedures to ensure that the site inspection required under this section does not unreasonably delay the issuance of a provider number to an applicable provider.".

(b) BACKGROUND CHECKS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

"BACKGROUND CHECKS

"SEC. 1898. (a) BACKGROUND CHECK REQUIRED.—Except as provided in subsection (b), the Secretary shall conduct a background check on any individual or entity that applies to the Secretary for a provider number for the purpose of furnishing any item or service under this title. In performing the background check, the Secretary shall—

"(1) conduct the background check before issuing a provider number to an individual or entity;

"(2) include a search of criminal records in the background check; and

"(3) provide for procedures that ensure the background check does not unreasonably delay the issuance of a provider number to an eligible individual or entity.

"(b) USE OF STATE LICENSING PROCEDURE.—The Secretary may use the results of a State licensing procedure as a background check under subsection (a) if the State licensing procedure meets the requirements of subsection (a).

"(c) ATTORNEY GENERAL REQUIRED TO PROVIDE INFORMATION.—

"(1) IN GENERAL.—Upon request of the Secretary, the Attorney General shall provide the criminal background check information referred to in subsection (a)(2) to the Secretary.

"(2) RESTRICTION ON USE OF DISCLOSED INFORMATION.—The Secretary may only use the information disclosed under subsection (a) for the purpose of carrying out the Secretary's responsibilities under this title.

"(d) REFUSAL TO ISSUE PROVIDER NUMBER.—

"(1) AUTHORITY.—In addition to any other remedy available to the Secretary, the Secretary may refuse to issue a provider number to an individual or entity if the Secretary determines, after a background check conducted under this section, that such individual or entity has a history of acts that indicate issuance of a provider number to such individual or entity would be detrimental to the best interests of the program or program beneficiaries. Such acts may include, but are not limited to—

"(A) any bankruptcy;

"(B) any act resulting in a civil judgment against such individual or entity; or

"(C) any felony conviction under Federal or State law.

"(2) REPORTING OF REFUSAL TO ISSUE PROVIDER NUMBER TO THE HEALTH INTEGRITY PROTECTION DATABASE (HIPDB).—A determination to refuse to issue a provider number to an individual or entity as a result of a background check conducted under this section shall be reported to the health integrity protection database established under section 1128E in accordance with the procedures for reporting final adverse actions taken against a health care provider, supplier, or practitioner under that section.".

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate such regulations as are necessary to implement the amendments made by subsections (a) and (b).

(2) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to applications received by the Secretary of Health and Human Services on or after January 1, 2000.

(d) USE OF MEDICARE INTEGRITY PROGRAM FUNDS.—The Secretary of Health and Human Services may use funds appropriated or transferred for purposes of carrying out the medicare integrity program established under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) to carry out the provisions of sections 1897 and 1898 of that Act (as added by subsections (a) and (b)).

SEC. 3. REGISTRATION OF BILLING AGENCIES.

(a) REGISTRATION OF BILLING AGENCIES AND INDIVIDUALS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by section 2(b)) is amended by adding at the end the following:

"REGISTRATION OF BILLING AGENCIES AND INDIVIDUALS

"SEC. 1899. (a) REGISTRATION.—The Secretary shall establish procedures for the registration of all applicable persons.

"(b) REQUIRED APPLICATION.—Each applicable person shall submit a registration application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(c) IDENTIFICATION NUMBER.—If the Secretary approves an application submitted under subsection (b), the Secretary shall assign a unique identification number to the applicable person.

"(d) REQUIREMENT.—Every claim for reimbursement under this title that is compiled and submitted by an applicable person shall contain the identification number that is assigned to the applicable person pursuant to subsection (c).

"(e) TIMELY REVIEW.—The Secretary shall provide for procedures that ensure the timely consideration and determination regarding approval of applications under this section.

"(f) DEFINITION OF APPLICABLE PERSON.—In this section, the term 'applicable person' means an individual or an entity that compiles and submits claims for reimbursement under this title to the Secretary on behalf of any individual or entity.".

(b) PERMISSIVE EXCLUSION.—Section 1128(b) of the Social Security Act (42 U.S.C. 1320a-7(b)) is amended by adding at the end the following:

"(16) FRAUD BY APPLICABLE PERSON.—An applicable person (as defined in section 1899(f)) that the Secretary determines knowingly submitted or caused to be submitted a claim for reimbursement under title XVIII that the applicable person knows or should know is false or fraudulent.".

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate such regulations as are necessary to implement the amendment made by subsections (a) and (b).

(2) EFFECTIVE DATE.—The amendment made by subsections (a) and (b) shall take effect on January 1, 2000.

SEC. 4. EXPANDED ACCESS TO THE HEALTH INTEGRITY PROTECTION DATABASE (HIPDB).

(a) IN GENERAL.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a-7e(d)(1)) is amended to read as follows:

"(1) AVAILABILITY.—The information in the database maintained under this section shall be available to—

"(A) Federal and State government agencies and health plans, and any health care provider, supplier, or practitioner entering an employment or contractual relationship with an individual or entity who could potentially be the subject of a final adverse action, where the contract involves the furnishing of items or services reimbursed by 1 or more Federal health care programs (regardless of whether the individual or entity is paid by the programs directly, or whether the items or services are reimbursed directly or indirectly through the claims of a direct provider); and

"(B) utilization and quality control peer review organizations and accreditation entities as defined by the Secretary, including but not limited to organizations described in part B of title XI and in section 1154(a)(4)(C).".

(b) CRIMINAL PENALTY FOR MISUSE OF INFORMATION.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following:

"(4) Whoever knowingly uses information maintained in the health integrity protection database maintained in accordance with section 1128E for a purpose other than a purpose authorized under that section shall be imprisoned for not more than 3 years or fined under title 18, United States Code, or both.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 5. LIABILITY OF MEDICARE CARRIERS AND FISCAL INTERMEDIARIES FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.

(a) REIMBURSEMENT TO THE SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—

(1) REQUIREMENTS FOR FISCAL INTERMEDIARIES.—

(A) IN GENERAL.—Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following:

"(m) An agreement with an agency or organization under this section shall require that such agency or organization reimburse the Secretary for any amounts paid by the agency or organization for a service under this title which is furnished by an individual or entity during any period for which the individual or entity is excluded, pursuant to section 1128, 1128A, or 1156, from participation in the health care program under this title if the amounts are paid after the 60-day period beginning on the date the Secretary provides notice of the exclusion to the agency or organization, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity.".

(B) CONFORMING AMENDMENT.—Section 1816(i) of the Social Security Act (42 U.S.C. 1395h(i)) is amended by adding at the end the following:

"(4) Nothing in this subsection shall be construed to prohibit reimbursement by an agency or organization pursuant to subsection (m).".

(2) REQUIREMENTS FOR CARRIERS.—Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended—

(A) by striking "and" at the end of subparagraph (I); and

(B) by inserting after subparagraph (I) the following:

"(J) will reimburse the Secretary for any amounts paid by the carrier for an item of service under this part which is furnished by an individual or entity during any period for which the individual or entity is excluded, pursuant to section 1128, 1128A, or 1156, from participation in the health care program under this title if the amounts are paid after the 60-day period beginning on the date the Secretary provides notice of the exclusion to the carrier, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity; and".

(b) CONFORMING REPEAL OF MANDATORY PAYMENT RULE.—Section 1862(e) of the Social Security Act (42 U.S.C. 1395y(e)) is amended—

(1) in paragraph (1)(B), by striking "and when the person" and all that follows through "person)"; and

(2) by amending paragraph (2) to read as follows:

"(2) No individual or entity may bill (or collect any amount from) any individual for any item or service for which payment is denied under paragraph (1). No individual is liable for payment of any amounts billed for such an item or service in violation of the preceding sentence.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to claims for payment submitted on or after the date of enactment of this Act.

(2) CONTRACT MODIFICATION.—The Secretary of Health and Human Services shall take such steps as may be necessary to modify contracts and agreements entered into, renewed, or extended prior to the date of enactment of this Act to conform such contracts or agreements to the provisions of this section.

SEC. 6. COMMUNITY MENTAL HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(ff)(3)(B) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking "entity" and all that follows and inserting the following: "entity that—

"(i) provides the community mental health services specified in paragraph (1) of section 1913(c) of the Public Health Service Act;

"(ii) meets applicable certification or licensing requirements for community mental health centers in the State in which it is located;

"(iii) provides a significant share of its services to individuals who are not eligible for benefits under this title; and

"(iv) meets such additional standards or requirements for obtaining medicare billing privileges as the Secretary may specify to ensure—

"(I) the health and safety of beneficiaries receiving such services; or

"(II) the furnishing of such services in an effective and efficient manner.".

(b) RESTRICTION.—Section 1861(ff)(3)(A) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(A)) is amended by inserting "other than in an individual's home or in an inpatient or residential setting" before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished after the sixth month that begins after the date of enactment of this Act.

SEC. 7. LIMITING THE DISCHARGE OF DEBTS IN BANKRUPTCY PROCEEDINGS IN CASES WHERE A HEALTH CARE PROVIDER OR A SUPPLIER ENGAGES IN FRAUDULENT ACTIVITY.

(a) IN GENERAL.—

(1) CIVIL MONETARY PENALTIES.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title.".

(2) RECOVERY OF OVERPAYMENT TO PROVIDERS OF SERVICES UNDER PART A OF MEDICARE.—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following:

"(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.".

(3) RECOVERY OF OVERPAYMENT OF BENEFITS UNDER PART B OF MEDICARE.—Section 1833(j) of the Social Security Act (42 U.S.C. 1395l(j)) is amended—

(A) by inserting "(1)" after "(j)"; and

(B) by adding at the end the following:

"(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.".

(4) COLLECTION OF PAST-DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACT.—Section 1892(a) of the Social Security Act (42 U.S.C. 1395ccc(a)) is amended by adding at the end the following:

"(5) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 1141, 1228(a) or (b), or 1328 of title 11, United States Code, or any other provision of such title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of enactment of this Act.

SEC. 8. ILLEGAL DISTRIBUTION OF A MEDICARE OR MEDICAID BENEFICIARY IDENTIFICATION OR PROVIDER NUMBER.

Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)), as amended by section 4(b), is amended by adding at the end the following:

"(5) Whoever knowingly, intentionally, and with the intent to defraud purchases, sells or distributes, or arranges for the purchase, sale, or distribution of 2 or more medicare or medicaid beneficiary identification numbers or provider numbers shall be imprisoned for not more than 3 years or fined under title 18, United States Code (or, if greater, an amount equal to the monetary loss to the Federal and any State government as a result of such acts), or both.".

SEC. 9. TREATMENT OF CERTAIN SOCIAL SECURITY ACT CRIMES AS FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 24(a) of title 18, United States Code, is amended—

(1) by striking the period at the end of paragraph (2) and inserting "; or"; and

(2) by adding at the end the following:

"(3) section 1128B of the Social Security Act (42 U.S.C. 1320a–7b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to acts committed on or after the date of enactment of this Act.

SEC. 10. AUTHORITY OF OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) AUTHORITY.—Notwithstanding any other provision of law, upon designation by the Inspector General of the Department of Health and Human Services, any criminal investigator of the Office of Inspector General of such department may, in accordance with guidelines issued by the Secretary of Health and Human Services and approved by the Attorney General, while engaged in activities within the lawful jurisdiction of such Inspector General—

(1) obtain and execute any warrant or other process issued under the authority of the United States;

(2) make an arrest without a warrant for—

(A) any offense against the United States committed in the presence of such investigator; or

(B) any felony offense against the United States, if such investigator has reasonable cause to believe that the person to be arrested has committed or is committing that felony offense; and

(3) exercise any other authority necessary to carry out the authority described in paragraphs (1) and (2).

(b) FUNDS.—The Office of Inspector General of the Department of Health and Human Services may receive and expend funds that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and that are transferred to the Office of Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service. Such equitable sharing funds shall be deposited in a separate account and shall remain available until expended.

SEC. . UNIVERSAL PRODUCT NUMBERS ON CLAIMS FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(A) (a) ACCOMMODATION OF UPNS ON MEDICARE CLAIMS FORMS.—Not later than February 1, 2001, all claims forms developed or used by the Secretary of Health and Human Services for reimbursement under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall accommodate the use of universal product numbers for a UPN covered item.

(b) REQUIREMENT FOR PAYMENT OF CLAIMS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following:

"USE OF UNIVERSAL PRODUCT NUMBERS

"SEC. 1897. (a) IN GENERAL.—No payment shall be made under this title for any claim for reimbursement for any UPN covered item unless the claim contains the universal product number of the UPN covered item.

"(b) DEFINITIONS.—In this section:

"(1) UPN COVERED ITEM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'UPN covered item' means—

"(i) a covered item as that term is defined in section 1834(a)(13);

"(ii) an item described in paragraph (8) and (9) of section 1861(s);

"(iii) an item described in paragraph (5) of section 1861 (s); and

"(iv) any other item for which payment is made under this title that the Secretary determines to be appropriate.

"(B) EXCLUSION.—The term 'UPN covered item' does not include a customized item for which payment is made under this title.

"(2) UNIVERSAL PRODUCT NUMBER.—The term 'universal product number' means a number that is—

"(A) affixed by the manufacturer to each individual UPN covered item that uniquely identifies the item at each packaging level; and

"(B) based on commercially acceptable identification standards such as, but not limited to, standards established by the Uniform Code Council-International Article Numbering System or the Health Industry Business Communication Council."

(c) DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES.—

(1) INFORMATION INCLUDED IN UPN.—The Secretary of Health and Human Services, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a universal product number for a UPN covered item.

(2) REVIEW OF PROCEDURE.—From the information obtained by the use of universal product numbers on claims for reimbursement under the medicare program, the Secretary of Health and Human Services, in consultation with interested parties, shall periodically review the UPN covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to claims for reimbursement submitted on and after February 1, 2002.

(B) STUDY AND REPORTS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the results of the implementation of the provisions in subsections (a) and (c) of section 2 and the amendment to the Social Security Act in subsection (b) of that section.

(b) REPORTS.—

(1) PROGRESS REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed description of the progress of the matters studied pursuant to subsection (a).

(2) IMPLEMENTATION.—Not later than 18 months after the date of enactment of this Act, and annually thereafter for 3 years, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed description of the results of the study conducted pursuant to subsection (a), together with the Secretary's recommendations regarding the use of universal product numbers and the use of data obtained from the use of such numbers.

(C) DEFINTIONS.

In this Act:

(1) UPN COVERED ITEM.—The term 'UPN covered item' has the meaning given such term in section 1897(b)(1) of the Social Security Act (as added by section 2(b)).

(2) UNIVERSAL PRODUCT NUMBER.—The term 'universal product number' has the meaning given such term in section 1897(b)(2) of the Social Security Act (as added by section 2(b)).

(D) AUTHORIZATION OF APPROPRIATIONS.

The are authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions in subsections (a) and (c) of section 2, section 3, and section 1897 of the Social Security Act (as added by section 2(b)).

MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999—SECTION-BY-SECTION SUMMARY

Sec. 1: Short Title: "Medicare Fraud Prevention and Enforcement Act of 1999".

Sec. 2: Site Inspections and Background Checks

Requires the Health Care Financing Administration (HCFA) to conduct a site inspection prior to issuing a provider number for all new providers of durable medical equipment, prosthetics, orthotics or supplies, community mental health services, or any other provider group deemed necessary by the Secretary.

Requires site inspections to include, at a minimum, verification of compliance with all established standards of enrollment relating to a particular provider type.

Requires background checks on all new providers prior to issuing a provider number. the background check shall include a criminal history background check. Grants the Secretary the authority to substitute state licensing procedures for background checks if it is determined that a State's procedures have the same substantive requirements.

Requires the Attorney General to provide criminal background information to the Secretary regarding individuals applying for a Medicare provider number. The Secretary may only use this information for determining eligibility for participation in the Medicare program.

The Secretary may decline to issue a provider number if the Secretary determines, after a background check, that the applicant has a history of acts that the Secretary determines would be detrimental to the best interests of the program or its beneficiaries.

The Secretary shall report all decisions to refuse a provider number as a result of a background check to the Health Integrity Protection Database.

HCFA may use Medicare Integrity Program funds to cover the costs of conducting the site visits and background investigations.

A physician or hospital that provides durable medical equipment, prosthetics, orthotics or supplies incident to an office visit or emergency room visit is exempt from the site visit requirement.

Explanation: Currently, site inspections and background checks are random and typically only occur in certain areas of the country and on certain types of providers. Mandating site inspections and background checks would significantly enhance the ability of HCFA to keep "bad apples" from entering the program. Site inspections must do more than simply verify that a business actually exists at a particular location; they must ensure that the entity meets or exceeds the established participation standards related to their speciality.

Sec. 3: Registration of Billing Agencies

Requires agencies that bill Medicare on behalf of physicians or provider groups to register with HCFA.

Requires HCFA to assign a unique registration number to each billing agency.

Requires that every claim submitted by a billing agency to Medicare for reimbursement include the agency's unique registration number.

Allows the Secretary to exclude a billing agency from participating in the Medicare program if it knowingly submits a false or fraudulent claim.

Explanation: This provision would require HCFA to assign a unique identifying number (similar to a provider number) to each company which would then allow Medicare to sanction or exclude these companies (and principal owners) from billing Medicare. Federal law enforcement agencies have received several allegations involving cases in which billing companies that bill Medicare on behalf of providers submitted fraudulent (upcoded/unbundled/fictitious) claims for payment. Many billing companies receive a percentage of all claims paid by Medicare; therefore, these companies have a financial incentive to inflate the cost or number of claims submitted. This occurs both with and without the knowledge of the provider. Because these billing companies do not have a Medicare provider number (they bill using the particular physician's provider number), HCFA is currently unable to sanction or exclude the companies from billing Medicare.

Sec. 4: Expand Access to the Health Integrity Protection Database (HIPDB)

Allows any entity that bills Medicare to query the HIPDB before hiring or initiating a contractual relationship with a health care provider.

HIPDB is intended to provide a "one stop shop" data base for public information on the imposition of health care sanctions. Includes information such as health care-related criminal convictions, civil judgments, exclusions, and adverse license or certification actions.

Abuse of the information in the HIPDB is a federal felony. Whoever knowingly uses information maintained in the database for unauthorized purposes shall be imprisoned for not more than 3 years or fined under title 18, United States Code, or both.

Currently, the HIPDB is only available to government investigators and health care plans.

Explanation: Expanding access to HIPDB for those entities that bill Medicare will allow for better tracking and accountability of individuals who have received an adverse action; therefore, allowing the employer to make a more informed hiring decision.

Sec. 5. Contractor Payments to Excluded Providers

Requires a Medicare contractor to reimburse the Secretary for any amounts paid by HCFA for claims submitted by excluded providers 60 days after the Secretary has provided notice of the exclusion, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity.

Prevents an excluded provider from directly billing a Medicare beneficiary.

Explanation: There have been numerous instances in which Medicare contractors have continued to pay providers after HCFA had excluded the provider from participating in the program. As a result, excluded individuals and entities have continued to receive Medicare payments due to the negligence of contractor personnel. Instead of draining the Medicare Trust Fund, Medicare contractors should be held financially accountable for any amounts they improperly pay to excluded providers 60 days after they have been notified of the exclusion unless the payment was made as a result of incorrect information by HHS or the excluded provider intentionally concealed or altered its identity so that the contractor could not have known the provider was excluded. By making Medicare contractors liable for such erroneous payments, they will be encouraged to exert greater diligence when reviewing new provider applications and paying claims.

Sec. 6. Community Mental Health Centers (CMHC)

CMHCs must meet applicable certification or licensing requirements of the state in which they are located before they are issued a provider number.

CMHCs cannot serve only Medicare patients.

CMHCs must meet additional standards of participation to be established by the Secretary before they are issued a provider number.

Explanation: This provision is designed to ensure that fraudulent or fly-by-night companies are not allowed to participate in the CMHC program. Recent subcommittee hearings have highlighted the rampant fraud within the CMHC program. CMHCs are paid by Medicare to provide partial hospitalization services to patients that would otherwise have to be admitted for inpatient psychiatric treatment. The program has grown from about $30 million in 1993 to more than $350 million in 1997. Of the approximately 1,500 CMHCs nationwide, more than 250 of these centers are located in the State of Florida. On-site visits to these facilities in Florida by HCFA personnel revealed that many CMHCs did not meet the criteria for a Medicare provider number, numerous patients did not meet eligibility criteria, and many centers were using non-licensed staff to furnish non-therapeutic services. In essence, Medicare was paying for adult daycare, which is not allowed.

Sec. 7: Bankruptcy Protection

Provides that any overpayment which is the result of fraudulent activity is not dischargeable through the bankruptcy process.

Provides that any civil monetary penalty or collection of past-due obligations arising from breach of a scholarship and loan contract are not dischargeable through the bankruptcy process.

Explanation: Under current law, health care providers and suppliers can use bankruptcy as a shield against recovery of Medicare overpayments. A provider or supplier can assert that any overpayment due to the Medicare program is discharged and does not survive the bankruptcy proceeding. Under this proposal, a provider or supplier would be liable to refund overpayments even in bankruptcy if the provider obtained the overpayment by fraudulent means. This money would eventually be deposited into the Medicare Trust Fund. Additionally, any civil monetary penalties levied or past-due obligations arising from breach of a contract entered into pursuant to the National Health Services Corp Scholarship Program, the Physician Shortage Area Scholarship Program, or the Health Education Assistance Loan Program, are not dischargable.

Sec. 8: Illegal Distribution of a Medicare or Medicaid Provider Number or Beneficiary Identification Number

This provision makes it a felony for a person to knowingly, intentionally, and with the intent to defraud, purchase, sell, or distribute two or more Medicare or Medicaid beneficiary identification numbers or provider numbers.

An individual convicted under this seciton shall be fined under Title 18 of the United States Code or, whichever is greater, an amount equal to the monetary loss to the Government, or imprisoned for not more than 3 years, or both.

Explanation: There are no specific statutes that prohibit the purchase, sale or distribution of a Medicare or Medicaid provider number or beneficiary identification (billing) number. This provision would address the growing trend of unscrupulous providers using "recruiters" to fraudulently obtain beneficiary identification numbers in order to bill for bogus services. In addition, this provision will provide penalties for individuals who "steal" legitimate provider numbers and then submit fraudulent claims.

Sec. 9: Define Certain Crimes as Health Care Offenses

Defines criminal violations of the Medicare/Medicaid statutes under section 1128B of the Social Security Act (including the illegal sale or distribution of a Medicare provider number or beneficiary identification number) as "federal health care offenses".

Explanation: The Health Insurance Portability and Accountability Act (HIPAA) established several enforcement tools for deterring health care related crime, including authority for injunctive relief, streamlined investigative demand and subpoena procedures, and property forfeitures. These remedies were made applicable to all "Federal health care offenses". In identifying these criminal provisions, however, some criminal provisions (i.e., kickbacks, false certifications, and overcharging beneficiaries) were inadvertently omitted. This provision defines the aforementioned crimes as well as the offenses enumerated in Section 8 (Illegal Distribution of a Medicare or Medicaid beneficiary identification or provider number) of this bill as Federal health care offenses.

Sec. 10: Authority of Inspector General for the Department of Health and Human Services (HHS)

Gives criminal investigators within HHS' Office of Inspector General the authority to:

Obtain and execute warrants;

Arrest without warrant if—a crime committed against the United States is committed in their presence; or the investigator reasonably believes a felony offense has been committed.

Share in forfeited assets when pursuing a joint investigation with another law enforcement agency.

The authority provided under this section shall be carried out in accordance with guidelines approved by the Attorney General.

Exercise those authorities necessary to carry out those functions.

Explanation: The lack of full law enforcement authority jeopardizes the safety of HHS–OIG agents and witnesses under their protection. HHS–OIG agents currently exercise limited law enforcement authority under a special deputation issued by the Department of Justice through the U.S. Marshals Office. This special deputation allows HHS–OIG agents to exercise only *limited* law enforcement powers. All HHS–OIG agents receive nine weeks of specialized training at the Federal Law Enforcement Training Center. This is the same training required by the United States Marshal Service, United States Secret Service, and numerous other federal law enforcement agencies. More and more career criminals are becoming involved in health care fraud; this increases the potential danger for those agents charged with investigating these crimes. Both the Federal Law Enforcement Officers Association as well as the Fraternal Order of Police support this provision.

Sec. 11: Universal Product Numbers on Claims Forms for Reimbursement

Requires that all Medicare claims forms accommodate a Universal Product Number (UPN) no later than February 1, 2001, in order to receive reimbursement under the Medicare program. The UPN requirement would apply to all durable medical equipment and supplies, orthotics and prosthetics, except for any customized items, billed under the Medicare program.

The Secretary, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a UPN.

The Secretary, in consultation with interested parties, shall review information obtained by the use of UPNs on claims forms and shall adjust the Common Procedure Coding System (Medicare's current coding system) to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

The UPN shall be based upon, but not limited to, commercially acceptable identification standards established by the Uniform Code Council-International Article Numbering System or the Health Industry Business Communications Council. The two Councils are not-for-profit organizations that are currently used by the industry to establish and issue bar codes, but should a similar entity develop, the Secretary retains the discretion to use this as well.

No payments shall be made for claims forms not containing UPNs submitted after February 1, 2002. This grace period provides manufacturers that are not currently using UPNs time to adjust to this new reimbursement system.

The Secretary shall report to Congress no later than 6 months after the date of enactment of this Act on the progress of implementing UPNs on claims forms.

The Secretary shall report 18 months after the date of enactment and annually thereafter for 3 years a detailed description of the results of using the UPN for reimbursement.

Explanation: Currently, HCFA does not know which products it is purchasing. The only identification that is reflected on the claims form is a billing code. The billing code for each individual product can cover a wide range of items. For example, GAO determined that one single Medicare code is used for more than 200 different urological catheters and the wholesale price range of the catheters varies from $1 to $18. The use of a UPN would specifically identify the item and, thus, reduce the likelihood of "upcoding" and combat fraud and abuse in the Medicare program.

HEALTH INDUSTRY
DISTRIBUTORS ASSOCIATION,
Alexandria, VA, February 8, 1999.

Hon. SUSAN COLLINS,
Chair, Permanent Subcommittee on Investigations,
Committee on Governmental Affairs, Washington, DC.

DEAR MADAM CHAIRWOMAN: On behalf of the Health Industry Distributors Association (HIDA), I applaud you for introducing the Medicare Fraud Prevention and Enforcement Act. HIDA is the national trade association of home care companies and medical products distribution firms. Created in 1902, HIDA represents over 700 companies with approximately 2500 locations nationwide. HIDA Members provide value-added distribution services to virtually every hospital, physician's office, nursing facility, clinic, and other health care sites across the country, as well as to a growing number of home care patients.

As a professional trade association, HIDA wholeheartedly supports the rigorous enforcement of laws that ensure that Medicare pays reasonable reimbursement amounts for medically necessary items and services on behalf of Medicare beneficiaries. HIDA has long advocated the responsible administration of the Medicare program, and has repeatedly identified specific abusive or illegal practices occurring in the marketplace to assist the government's anti-fraud efforts. HIDA has also assisted in the development of additional targeted policies designed to aid the government in the administration of the Medicare Program.

The Medicare Fraud Prevention and Enforcement Act is needed to support the integrity of the Medicare Program. HIDA has advocated more stringent standards for Medicare Part B durable medical equipment, prosthetic, orthotic and supply (DMEPOS) providers for a number of years. HIDA believes that that the current Medicare DMEPOS supplier standards are simply insufficient. Importantly, it is not just the de minimus nature of the standards that is deficient, but also the process Medicare uses to determine whether a provider actually meets those standards. The site visits and increased provider scrutiny included in your bill will address our concerns.

By enacting this bill, Medicare will realize an immediate benefit by ensuring that beneficiaries receive DMEPOS services only from legitimate firms. Unscrupulous providers will never have an opportunity to engage in abusive behavior because they will never be able to bill the Medicare program on behalf of beneficiaries. Consequently, these increased standards and enforcement tools will significantly contribute to reducing fraud and abuse in the Medicare program. For these reasons HIDA strongly supports the Medicare Fraud Prevention and Enforcement Act.

Again, thank you for introducing this important bill. Please contact Ms. Erin H. Bush, HIDA's Associate Director of Governmental Relations (703) 838-6110 if we can be of any assistance.

Sincerely,
CARA C. BACHENHEIMER,
Vice President.

PEDORTHIC FOOTWEAR ASSOCIATION,
Columbia, MD, April 27, 1999.

Hon. SUSAN COLLINS,
U.S. Senate, Chair, Government Affairs Permanent Subcommittee on Investigations, Washington, DC.

DEAR SENATOR COLLINS: The Pedorthic Footwear Association (PFA) applauds your leadership and ongoing efforts to combat fraud and abuse in the Medicare program. Your legislation, "The Medicare Fraud Prevention & Enforcement Act of 1999," is encouraging as a positive step forward to strengthen current law and further protect both patients and providers.

PFA strongly shares your concern that only qualified entities should be able to participate and provide health care services to the nation's Medicare patient population. In an effort to protect patients and provide HCFA with improved control of its supplies, PFA greatly appreciates your leadership and introduction of legislation to address these important public policy issues.

The PFA, founded in 1958, is a not-for-profit organization representing professionals in the field of pedorthics—the design, manufacture, modification and fit of footwear, including foot orthoses, to alleviate foot problems caused by disease, overuse, congenital defect or injury. Pedorthists are one of the four professionals recognized by Congress as suppliers of the Therapeutic Shoes for Diabetics benefit.

Shoes are simply apparel for most people, but for individuals with severe diabetic foot disease, shoes are a part of their treatment plan. As such, PFA supports all efforts to ensure that these patients are treated and provided services by qualified individuals. Thank you for your efforts to enhance HCFA's overall ability to accomplish its mission of protecting the health of the patient and the integrity of the Medicare program.

Sincerely,
ROGER MARZANO, C.P.O, C.PED.,
President.

THE AMERICAN OCCUPATIONAL
THERAPY ASSOCIATION, INC.,
Bethesda, MD, May 21, 1999.

Hon. SUSAN COLLINS,
Chair, Permanent Subcommittee on Investigations, Senate Governmental Affairs Committee, Washington, DC.

DEAR MADAM CHAIRMAN: On behalf of the 60,000 occupational therapists, occupational therapy assistants, and students who are members of the American Occupational Therapy Association, I want to express support for your Medicare Fraud Prevention and Enforcement Act of 1999.

As providers whose services are covered under both Parts A and B of the Medicare program, our members are well aware of the importance of assuring that the program is well-run, appropriately administered and monitored and that high standards of quality are maintained, including assurance of the use of qualified personnel.

Your efforts to require scrutiny of new providers can be an important element of an overall improvement in the Medicare program. We are also pleased that your bill recognizes the validity of state licensure as a proxy for background checks.

Thank you for your efforts to promote quality, efficient services under Medicare.

Sincerely,
CHRISTINA A. METZLER,
Director,
Federal Affairs Department.

AARP,
Washington, DC, June 17, 1999.

Hon. SUSAN M. COLLINS,
Chair,
Governmental Affairs Permanent Subcommittee, on Investigations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIR: AARP commends you and your colleague, Sen. Richard Durbin, for introducing the "Medicare Fraud Prevention and Enforcement Act of 1999." Fraud and abuse remain serious problems in the Medicare program that drain valuable funds which could otherwise be used to help strengthen the program for current and future beneficiaries. Your legislation's focus on deterrence is constructive and should significantly improve Medicare's ability to stop fraud by unscrupulous providers before it happens.

The provisions in your bill to require site inspections and background checks of certain providers, to require billing agencies to register with the Health Care Financing Administration, to allow entities billing Medicare to access the Health Integrity Protection Database, and to make it a felony to distribute provider or beneficiary identification numbers are powerful tools that should make those intent on defrauding the Medicare program think twice before attempting to do so.

As we move to strengthen Medicare's ability to identify and eliminate fraud, it is important to do this judiciously so that the vast majority of providers—who are honest and intent on following the rules—are not burdened. The provisions of your bill appear reasonable and seem to reflect this critical balance. While fraud and abuse cannot be completely eliminated, it can be significantly reduced. Your bill will help in this effort.

AARP is pleased to have the opportunity to comment on this legislation and we appreciate the work you and Sen. Durbin have done to reduce the effect of fraud and abuse on the Medicare program and its beneficiaries. We look forward to continuing to work with you and your colleagues in the House and Senate on a bipartisan basis to find effective ways to address this issue.

If you have any questions, please feel free to contact me or have your staff contact Michele Kimball of the AARP Federal Affairs Health Team at 202-434-3772.

Sincerely,
HORACE B. DEETS,
Executive Director.

Mr. DURBIN. Mr. President, in summary, I am proud to be a cosponsor of this bipartisan legislation. I am also proud to be a member of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee, which Senator COLLINS chairs. This has been one of the best assignments I have had in the Senate because Senator COLLINS is not afraid to tackle tough issues. We have gone after the issue of food safety with fascinating hearings which I believe will lead to improving America's food supply and really protecting America's families.

She has shown extraordinary courage in addressing this issue of Medicare fraud. Frankly, it took a very good investigative team and her determination to bring us to this moment where this legislation is being introduced.

Mr. President, 39 million Americans rely on Medicare. If you have a parent or grandparent who is elderly or disabled, they may view Medicare as their health insurance plan. Without it, think where America would be if elderly people and disabled folks had to rely on their own resources to pay for their medical care.

We pay a great deal of money each year in America to keep Medicare, this health insurance plan, solvent and working; about $218 billion a year. What Senator COLLINS is addressing is the fact that we know for a fact that each year we waste anywhere from $13 billion to $21 billion a year. You say: How does that happen? Is it a matter of the bureaucrats moving the paper around, and they get it wrong? No, for the most part, it comes down to people who are setting out to intentionally defraud the Government, and they are so good at it, we lose at least $35 million a day—a day—to these smoothies, these swindlers, these con artists who prey upon the Medicare system as an open pot of money they can reach into and grab.

When Senator COLLINS' investigators went out, they found that some of the people who claimed to be providing medical services and medical equipment do not even exist. The addresses they gave, when we traced them, turned out, if they were true addresses, would be smack dab in the middle of a runway at the Miami International Airport, and no one checked up on it. Year after year, we send out money automatically to these folks without verification.

The legislation I am introducing with Senator COLLINS will really put some teeth in the law and say we are not going to tolerate this anymore. The money that is being taken out of this program is at the expense of the elderly and disabled and certainly at the expense of America's taxpayers.

Can I give one illustration of this? Nursing homes provide care for elderly people who suffer from incontinency. It is something which happens to many older folks. Nursing homes are supposed to provide adult diapers for seniors who find themselves in this predicament. However, one of the groups that we discovered decided they would try to invent a way to bill the Federal Government for these 30-cent diapers that are needed for elderly people, so they changed the name of the diaper to "female urinary collection device" and billed the Federal Government $8 an item: a 30-cent diaper, billed them $8—clearly fraudulent, taking money right out of the Treasury, money that, frankly, should be there for the real needs of senior citizens.

The stories go on and on. With this bill, we try to step forward and say we are going to put an end to it or at least reduce it dramatically. We are going to create incentives for people who take the time, as many seniors should with the help of their families, to go through their medical bills. Really, that is the first line of defense. When a senior under Medicare receives a medical bill, I know it has to be a challenge—it is for me and I am an attorney—they should go through it page by page and look for things that do not make sense. When they discover these things and call into the hotline under Medicare, we can many times track down abuses and fraud and help not only that senior, but every senior and Americans in general.

I salute the Senator from Maine. Her leadership on this issue is absolutely essential.

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 1232. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. COCHRAN. Mr. President, today I am introducing a bill to provide relief to many Federal employees and their families who, through no fault of their own, find themselves the victims of retirement coverage errors.

In 1984, the Federal government made a transition from the Civil Service Retirement System (CSRS) to the Federal Employees Retirement System (FERS). As government agencies carried out the complex job of applying two sets of transition rules, mistakes were made, and thousands of employees were placed in the wrong retirement system—many learning that their pensions would be less than expected. Under the current statutory scheme, federal agencies have no choice but to correct a retirement coverage error when it is discovered, effectively forcing employees into a new retirement plan. Unfortunately, the correction of a retirement coverage error can have a harmful impact on an employee's financial ability to plan for retirement.

This proposal, "The Federal Erroneous Retirement Coverage Corrections Act," provides comprehensive and equitable relief to employees, former employees, retirees, and survivors who are affected by retirement coverage errors. The bill provides individuals with a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law. For each type of retirement coverage error, individuals are furnished the opportunity to maintain their expected level of retirement benefits without a change in their retirement savings and planning. Among other provisions, the bill also provides that certain employees who missed an opportunity to contribute to the Thrift Savings Plan (TSP) due to a coverage error may receive interest on their TSP make-up contributions.

"The Federal Erroneous Retirement Coverage Corrections Act" provides a comprehensive solution to the problems faced by Federal employees due to retirement coverage erros—it does so at a reasonable cost and without creating unnecessary administrative burdens.

I invite my colleagues to support this effort to address a serious problem affecting Federal employees and their families.

Mr. President, I ask unanimous consent that a copy of the section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT—SECTION-BY-SECTION ANALYSIS

The "Federal Erroneous Retirement Coverage Corrections Act" would provide a remedy to federal employees who have been placed in the wrong retirement system.

Section 1: Provides the short title ("Federal Erroneous Retirement Coverage Corrections Act") and the Table of Contents.

Section 2: Defines the terms used throughout the Act.

Section 3: Provides coverage for all errors that have been in effect for at least three years of service after December 31, 1986.

Section 4: Provides that elections made under this Act are irrevocable.

TITLE I: DESCRIPTION OF RETIREMENT COVERAGE ERRORS AND MEASURES FOR RECTIFICATION

This title details the specific types of retirement coverage errors and the remedies provided by the Act.

Subtitle A: Covers employees and annuitants who should have been FERS covered, but were erroneously covered under CSRS or CSRS Offset. These individuals have a choice between correction to FERS or be covered by CSRS Offset. Includes provisions that allow all employee contributions, and earnings thereon, to remain in the TSP account if CSRS Offset is elected.

Subtitle B: Covers employees who should have been covered by a retirement plan (CSRS, CSRS Offset, or FERS), but were erroneously covered by Social Security only. In all cases, coverage is corrected to the appropriate plan so that the employee has retirement coverage.

Subtitle C: Covers employees who should have been covered by Social Security only, but were erroneously covered by CSRS or CSRS Offset. These individuals have a choice between correction to Social Security only or be covered by CSRS Offset.

Subtitle D: Covers employees who should have been covered by CSRS, CSRS Offset, or Social Security only, but were erroneously covered by FERS. These individuals have a choice between remaining in FERS or correction to the appropriate plan. Includes provisions that allow all employee contributions, and earnings thereon, to remain in the TSP account if coverage other than FERS is elected.

Subtitle E: Covers employees who should have been covered by CSRS Offset, but were erroneously covered by CSRS. Coverage is corrected to CSRS Offset to conform with Social Security coverage law.

Subtitle F: Covers employees who should have been covered by CSRS, but were erroneously covered by CSRS Offset. Coverage is corrected to CSRS to conform with Social Security coverage law.

TITLE II: GENERAL PROVISIONS

Section 201: Requires that all government agencies make reasonable efforts to identify and notify individuals affected by retirement coverage errors.

Section 202: Authorizes OPM, SSA, and TSP to obtain any information necessary to carry out the responsibilities of this Act.

Section 203: Provides for payment of interest on certain deposits made by employees that, due to correction of a retirement coverage error, are returned to the employee. Allows retirement credit for certain periods of service without payment of a service credit deposit. Provides that the retirement or survivor benefit is actuarially reduced by the amount of deposit owed.

Section 204: Provides that the employing agency pays any employer OASDI taxes due for the period of erroneous coverage, subject to the three-year statute of limitations in the Internal Revenue Code. OPM will transfer excess employee retirement deductions to the OASDI Trust Funds to fund the employee share of the OASDI taxes. In no case will an employee be required to pay additional OASDI taxes.

Section 205: Provides that certain employees who missed an opportunity to contribute to TSP due to a coverage error may receive interest on their own TSP make-up contributions. "Lost" interest will be paid by the employing agency. Note: Current law already provides that certain employees who missed an opportunity to contribute to TSP due to a coverage error may receive agency matching contributions on TSP make-up contributions, agency automatic one percent contributions to TSP, and interest on both.

Section 206: Provides that employing agencies may not remove excess agency retirement contributions from the Civil Service Retirement and Disability Fund.

Section 207: Requires that agencies obtain written approval from OPM before placing certain employees under CSRS coverage.

Section 208: Authorizes the Director of OPM to extend deadlines, reimburse individuals for reasonable expenses incurred by reason of the coverage error or for losses, and waive repayments required under the Act.

Section 209: Authorizes OPM to prescribe regulations to administer the Act.

TITLE III: OTHER PROVISIONS

Section 301: Makes remedies provided under the Act also available to employees of the Foreign Service and the Central Intelligence Agency.

Section 302: Authorizes payments from the Civil Service Retirement and Disability Fund for administrative expenses incurred by OPM and for other payments required under the Act.

Section 303: Allows individuals to bring suit against the United States Government for matters not covered under this Act.

Section 304: Provides that the Act is effective from the date of enactment.

TITLE IV: TAX PROVISIONS

Section 401: Provides that transfers and payments of contributions under this Act will not result in an income tax liability for affected employees.

TITLE V: MISCELLANEOUS RETIREMENT PROVISIONS

Section 501: Allows portability of service credit between Federal Reserve service and FERS.

Section 502: Provides technical amendments to chapter 84 of title 5, United States Code, that allow certain transfers to other federal retirement systems to be treated as separations from federal services for TSP purposes.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. BIDEN, Mr. DEWINE, and Mr. SCHUMER):

S. 1235. A bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training; to the Committee on the Judiciary.

NATIONAL ACADEMY FOR LAW ENFORCEMENT TRAINING ATTENDANCE LEGISLATION

Mr. LEAHY. Mr. President, I am pleased to introduce with Senators HATCH, BIDEN, DEWINE, and SCHUMER, a bill to provide railroad police officers the opportunity to attend the Federal Bureau of Investigation's National Academy for law enforcement training in Quantico, Virginia.

The FBI is currently authorized to offer the superior training available at the FBI's National Academy only to law enforcement personnel employed by state or local units of government. Police officers employed by railroads are not allowed to attend this Academy despite the fact that they work closely in numerous cases with Federal law enforcement agencies as well as State and local law enforcement. Providing railroad police with the opportunity to obtain the training offered at Quantico would improve inter-agency cooperation and prepare them to deal with the ever increasing sophistication of criminals who conduct their illegal acts either using the railroad or directed at the railroad or its passengers.

Railroad police officers, unlike any other private police department, are commissioned under State law to enforce the laws of that State and any other State in which the railroad owns property. As a result of this broad law enforcement authority, railroad police officers are actively involved in numerous investigations and cases with the FBI and other law enforcement agencies.

For example, Amtrak has a police officer assigned to the New York City Joint Task Force on Terrorism, which is made up of 140 members from such disparate agencies at the FBI, the U.S. Marshals Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco and Firearms. This task force investigates domestic and foreign terrorist groups and responds to actual terrorist incidents in the Metropolitan New York area.

Whenever a railroad derailment or accident occurs, often railroad police are among the first on the scene. For example, when a 12-car Amtrak train derailed in Arizona in October 1995, railroad police joined the FBI at the site of the incident to determine whether the incident was the result of an intentional criminal act of sabotage.

Amtrak police officers have also assisted FBI agents in the investigation and interdiction of illegal drugs and weapons trafficking on transportation systems in the District of Columbia and elsewhere. In addition, using the railways is a popular means for illegal immigrants to gain entry to the United States. According to recent congressional testimony, in 1998 alone, 33,715 illegal aliens were found hiding on board Union Pacific railroad trains and subject to arrest by railroad police.

With thousand of passengers traveling on our railways each year, making sure that railroad police officers have available to them the highest level of training is in the national interest. The officers that protect railroad passengers deserve the same opportunity to receive training at Quantico that their counterparts employed by State and local governments enjoy. Railroad police officers who attend the FBI National Academy in Quantico for training would be required to pay their own room, board and transportation.

This legislation is supported by the FBI, the International Association of Chiefs of Police and the National Railroad Passenger Corporation.

I urge prompt consideration of this legislation to provide railroad police officers with the opportunity to receive training from the FBI that would increase the safety of the American people. I ask unanimous consent that a copy of the bill and letters from the National Railroad Passenger Corporation's Chief of Police, Ernest R. Frazier, and Amtrak's President and CEO, George Warrington, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING.

(a) IN GENERAL.—Section 701(a) of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771(a)) is amended—

(1) in paragraph (1)—

(A) by striking "State or unit of local government" and inserting "State, unit of local government, or rail carrier"; and

(B) by inserting ", including railroad police officers" before the semicolon; and (2) in paragraph (3)—

(A) by striking "State or unit of local government" inserting "State, unit of local government, or rail carrier";

(B) by inserting "railroad police officer," after "deputies,";

(C) by striking "State or such unit" and inserting "State, unit of local government, or rail carrier"; and

(D) by striking "State or unit." and inserting "State, unit of local government, or rail carrier.".

(b) RAIL CARRIER COSTS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

"(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).".

(c) DEFINITIONS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

"(e) DEFINITIONS.—In this section—

"(1) the terms 'rail carrier' and 'railroad' have the meanings given such terms in section 20102 of title 49, United States Code; and

"(2) the term 'railroad police officer' means a peace officer who is commissioned in his or her State of legal residence or State of primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.".

NATIONAL RAILROAD PASSENGER
CORP., POLICE DEPARTMENT,
Philadelphia, PA, March 29, 1999.

Senator PATRICK LEAHY,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am very grateful that you have agreed to support legislation which will allow railroad police officers to attend the FBI Training Academy. Your recognition of the importance of this bill speaks highly of your respect for law enforcement.

The FBI Training Academy offers training for upper and middle-level law enforcement officers. The curriculum focuses on leadership and management training. The completion of this training allows the law enforcement professional to play a significant role in developing a higher level of competency, cooperation, and integrity within the law enforcement community.

Railroad police officers are sworn officers charged with the responsibility of enforcing state and local laws in any jurisdiction in which the rail carrier owns property. In their efforts to provide quality law enforcement services to our transportation systems, railroad police officers should have access to the premier training that is currently offered to other police agencies.

Thank you again for your support of the legislation that will provide FBI Training to railroad police officers. Please do not hesitate to contact me on this issue, or any matter of mutual concern.

Sincerely,
ERNEST R. FRAZIER, Sr., Esq.

NATIONAL RAILROAD PASSENGER CORP.,
Washington, DC, April 6, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I want to take this opportunity to express my thanks for your support of the Amtrak Police by introducing legislation that would allow railroad police officers to attend the Federal Bureau of Investigation Training Academy.

Amtrak relies on its well-trained officers to serve and protect its customers, employees, trains and stations. It is critical that they are afforded quality training opportunities, such as what the FBI Academy offers, to effectively carry out their duties. I am proud that Amtrak has the privilege of working with this fine group of men and women, and I wholeheartedly support any measure that would enhance their job performance.

Again, thank you for your support of passenger rail and the dedicated law enforcement officers who help make safe travel possible.

Sincerely,
GEORGE D. WARINGTON,
President and CEO.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. BINGAMAN, Mr. INOUYE, Mr. INHOFE, Mr. BURNS, Mr. BAUCUS, Mr. CRAPO, Mr. CRAIG, and Mrs. FEINSTEIN):

S. 1239. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

SPACEPORT INVESTMENT ACT

Mr. GRAHAM. Mr. President, today I rise with my colleagues, Senators MACK, BINGAMAN, INOUYE, INHOFE, BURNS, BAUCUS, CRAPO, CRAIG, and FEINSTEIN, to introduce legislation entitled the Spaceport Investment Act.

On May 25th, the Cox Commission Report revealed alarming and longstanding instances of Chinese espionage that have damaged our national security. In addition to the theft of nuclear secrets at our National Laboratories, the Cox Report highlighted assistance provided by U.S. satellite manufacturers to Chinese military and civilian launch vehicles. Mr. President, we have helped to create the conditions leading to this sorry state of affairs. To borrow from Pogo, we have met the enemy, and it is us.

U.S. satellite manufacturers have faced increasing pressure to consider the use of foreign launch vehicles, due to a lack of a sufficient domestic launch capability.

The Cox Report recognized these facts specifically at recommendation number 24. I quote from the Report: "In light of the impact on U.S. national security of insufficient domestic, commercial space-launch capacity and competition, the Select Committee recommends that appropriate congressional committees report legislation to encourage and stimulate further the expansion of such capacity and competition."

Mr. President, we must address this problem.

Last year, along with Senator MACK, I proposed, Congress passed, and the President signed into law the Commercial Space Act. Congressman DAVE WELDON provided crucial leadership in the House on this issue.

The Commercial Space Act helped break the federal government's monopoly on space travel by establishing a licensing framework for private sector reusable launch vehicles. The Act also provided for the conversion of excess ballistic missiles into space transportation vehicles, helping to reduce the cost of access to space.

Mr. President, to follow-up on the Commercial Space Act this year, I plan to introduce a number of initiatives to further help the commercial space industry in this country. The first of these initiatives is my proposal to stimulate infrastructure development by attracting private sector investment capital to our nation's launch facilities. My proposal achieves this purpose by addressing an issue of great importance to our country's commercial space transportation industry—tax exempt status for spaceport facility bonds. The legislation clarifies that spaceports are eligible for tax exempt financing to the same extent as publicly-owned airports and seaports. This bill will stimulate the growth of spaceports in this country by attracting private sector investment capital for infrastructure improvement, leading directly to the expansion of U.S. launch capacity and competition.

Spaceports are subdivisions of state government. They attract and promote the U.S. commercial space transportation industry by providing launch infrastructure in addition to that available at federal facilities. Spaceport authorities operate much like airport authorities by providing economic and transportation incentives to industry and surrounding communities.

The Spaceport Florida Authority was the first such entity, created as a subdivision of state government by Florida's Governor and State Legislature in 1989. Its purpose is to attract space related businesses by providing a supportive and coordinated environment for space related economic growth and educational development. Since its creation, Spaceport Florida estimates that it has been involved in space-related construction and investment projects worth more than $100 million. These efforts include the modification and conversion of Launch Complex 46 from a military to commercial facility. NASA's Lunar Prospector was launched from this site on January 6, 1998, the first launch conducted from a spaceport.

There are presently four spaceports throughout the country in Florida, California, Virginia, and Alaska, and more than ten others are under consideration. States considering the development of spaceports include Mississippi, Texas, New Mexico, Oklahoma, Montana, Nevada, North Carolina, Louisiana, Utah, and Idaho.

Our Nation's commercial space transportation industry includes not only spaceports themselves and providers of launch services, but also companies which develop needed infrastructure for testing and servicing launch vehicles and their components. This industry faces increasing pressure from government sponsored or subsidized competition from Europe, China, Japan, India, Australia, and Russia. The French Government, for example, indirectly provides Arianespace with most of its infrastructure, including real and personal property. In countries with non-market economies, such as China, the government provides all real and personal property as well as labor necessary to build satellites and launch vehicles.

Mr. President, my proposal does not provide direct federal spending for our commercial space transportation industry. Instead, it creates the conditions necessary to stimulate private sector capital investment in infrastructure. This is an efficient means of achieving our ends.

Mr. President, to be state of the art in space requires state of the art financing on the ground.

I urge my colleagues in the Senate to join us in this important effort by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spaceport Investment Act".

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended to read as follows:

"(1) airports and spaceports,".

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

"(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

"(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.".

(c) BOND MAY BE FEDERALLY GUARANTEED.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

"(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

"(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. COCHRAN, Mr. HUTCHINSON, Ms. COLLINS, Mrs. LINCOLN, Mr. SHELBY, Ms. SNOWE, Mrs. MURRAY, Mr. SESSIONS, Mr. SMITH of Oregon, Mrs. HUTCHISON, Mr. GRAMS, and Ms. LANDRIEU):

S. 1240. a bill to amend the Internal Revenue Code of 1986 to provide a partial inflation adjustment for capital gains from the sale or exchange of timber; to the Committee on Finance.

REFORESTATION TAX ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise to offer bipartisan legislation that would help ensure that our Nation maintains its position as a world leader in the forest products industry. I am pleased to be joined by Senators BREAUX, GORTON, COCHRAN, TIM HUTCHINSON, COLLINS, LINCOLN, SHELBY, SNOWE, MURRAY, SESSIONS, GORDON SMITH, KAY BAILEY HUTCHISON, ROD GRAMS, and MARY LANDRIEU.

This industry is vital to the United States' economy. It ranks in the top ten of the country's manufacturing industries, representing 7.8 of the manufacturing work force. It employs 1.5 million workers, with a payroll of $40.8 billion. I ask my colleagues to attempt to imagine a single minute of their day that does involve the utilization of a forest product—from the paper this speech is written on, to the desk and chair in my office, to the lumber in my house, to the box my computer arrives in. Clearly, the health of the world economy is dependent on a vibrant forest products industry.

At the same time, the industry is facing serious international competitive threats. New capacity growth is now taking place in other countries, where forestry, labor and environmental practices may not be as responsible as those in the U.S. Additionally, a recent study using the Joint Committee on Taxation's estimating model shows that the U.S. forest products industry has the second highest tax burdens in the world—55 percent.

The Reforestation Tax Act recognizes the unique nature of timber and the overwhelming risks that accompany investment in this essential natural asset, and attempts to place the industry on a more competitive footing with our competitors. In short, it would reduce the capital gains paid on timber for both individuals and corporations and expand the current reforestation credit. Because it often takes decades for a tree to grow to a marketable size, it is important that we look carefully at the long-term return on investment and the treatment of the costs associated with owning and planting of timber.

The first part of the Reforestation Tax Act would provide a sliding scale reduction in the amount of taxable gain based on the number of years the asset is held (3% per year). The maximum reduction allowed would be 50 percent. Thus, if the taxpayer held the timber for 17 years, the effective tax rate for corporate holdings would be 17.5% and the rate for most individuals would be 10%.

The second part of the bill would encourage replanting by lifting the existing cap on the reforestation tax credit and amortization provisions of the tax code. Currently, the first $10,000 of reforestation expenses are eligible for a 10 percent tax credit and can be amortized over 7 years. No additional expenses are eligible for either the credit or the deduction, meaning that most reforestation expenses are not recoverable until the timber is harvested. The legislation removes the $10,000 cap and allows all reforestation expenses to qualify for the tax credit and to be amortized over a 5-year period. This change in the law will provide a strong incentive for increased reforestation by eliminating the arbitrary cap on such expenses.

These tax changes will provide a strong incentive for landowners of all sizes to not only plant and grow trees, but also to reforest their land after harvest. This is key to maintaining a long-term sustainable supply of fiber and to keeping land in a forested state.

Besides ensuring fairness, the Reforestation Tax Act will encourage sound forestry practices that keep our environment healthy for the future. Timberlands held by corporations help reduce the demand for timber from public lands. Moreover, by sequestering carbon, managed forests help to offset emissions that contribute to the "greenhouse effect." Unfortunately, the current high tax burden on forest assets runs counter to our nation's commitment to preserve and invest in the environment. This bill would encourage reforestation—or reinvestment in the environment—by extending tax credits for all reforestation expenses and shortening the amortization period for reforestation costs and by making investment in timber viable. As we consider policies to counteract global warming and improve water quality, we need to ensure that our tax policy is aligned with and encourages sound forestry practices.

Mr. President, this legislation is supported by labor and business—large and small. I ask unanimous consent that a copy of the bill and a letter signed by over 75 CEOs from the forest products industry and a letter from the United Brotherhood of Carpenters and Joiners of America be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1203. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

"(a) IN GENERAL.—At the election of any taxpayer who has qualified timber gain for any taxable year, there shall be allowed as a deduction from gross income an amount equal to the qualified percentage of such gain.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means gain from the disposition of timber which the taxpayer has owned for more than 1 year.

"(c) QUALIFIED PERCENTAGE.—For purposes of this section, the term 'qualified percentage' means the percentage (not exceeding 50 percent) determined by multiplying—

"(1) 3 percent, by

"(2) the number of years in the holding period of the taxpayer with respect to the timber.

"(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion of (if any) the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) COORDINATION WITH MAXIMUM RATES OF TAX ON NET CAPITAL GAINS.—

(1) Section 1(h) of such Code (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

"(14) QUALIFIED TIMBER GAIN.—For purposes of this section, net capital gain shall be determined without regard to qualified timber gain (as defined in section 1203) with respect to which an election is in effect under section 1203."

(2) Subsection (a) of section 1201 of such Code (relating to the alternative tax for corporations) is amended by inserting at the end the following new sentence:

"For purposes of this section, net capital gain shall be determined without regard to qualified timber gain (as defined in section 1203) with respect to which an election is in effect under section 1203."

(c) ALLOWANCE OF DEDUCTION IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) PARTIAL INFLATION ADJUSTMENT FOR TIMBER.—The deduction allowed by section 1203."

(d) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed."

(2) The last sentence of section 453A(c)(3) of such Code is amended by striking "(whichever is appropriate)" and inserting "or the deduction under section 1203 (whichever is appropriate)".

(3) Section 641(c)(2)(C) of such Code is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction under section 1203."

(4) The first sentence of section 642(c)(4) of such Code is amended to read as follows: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable under section 1202, and any deduction allowable under section 1203, to the estate or trust."

(5) The last sentence of section 643(a)(3) of such Code is amended to read as follows: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account."

(6) The last sentence of section 643(a)(6)(C) of such Code is amended by inserting "(i)" before "there shall" and by inserting before the period ", and (ii) the deduction under section 1203 (relating to partial inflation adjustment for timber) shall not be taken into account".

(7) Paragraph (4) of section 691(c) of such Code is amended by inserting "1203," after "1202,".

(8) The second sentence of paragraph (2) of section 871(a) of such Code is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1203. Partial inflation adjustment for timber."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1998.

UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF
AMERICA,
Portland, OR, May 27, 1999.

Hon. BILL ARCHER,
Chairman, U.S. House Ways and Means Committee, Washington, DC.
Hon. CHARLES RANGEL,
Ranking Minority Member, U.S. House Ways and Means Committee, Washington, DC.

DEAR CHAIRMAN ARCHER AND REPRESENTATIVE RANGEL: On behalf of the United Brotherhood of Carpenters and Joiners of America (UBC), I am asking you to support HR 1083, "The Reforestation Tax Act," introduced by Representative Jennifer Dunn (R–WA).

The UBC represents 500,000 members across the country, including 30,000 sawmill, pulp and paper workers in the forest products industry. Our members manufacture the wood and paper products used around the globe every day and are concerned with the industry's ability to compete in the future.

The forest products industry has changed dramatically over the last decade, and today we find ourselves at a competitive disadvantage in the global market. Foreign companies, whose wages are far below American standards, have easy access to the American market. At the same time they are keeping American products out of their own markets through tariff and other barriers to trade. U.S. negotiators and the U.S. forest products industry are working to lessen this trade threat, but there is obviously no guarantee our foreign competitors will agree to eliminate what is a significant benefit for them. Progress could take additional years our industry may not have.

The U.S. tax code, however, is one area where the U.S. government can help to mitigate these factors. And that is why we ask for your support of the Reforestation Tax Act. HR 1083 eliminates current inequities between our tax code and the tax treatment given to our competitor industries overseas. It levels the playing field for the U.S. forest products industry, ensuring the long-term viability of high-paying, high skilled jobs. The bill also provides incentives for reforestation activities critical to the future of our industry, our workers and our forests.

Please support this legislation that is important to the working men and women in the forest products industry. Thank you for your consideration.

Sincerely,

MICHAEL DRAPER

AMERICAN FOREST &
PAPER ASSOCIATION,
Washington, DC, May 26, 1999.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.
Hon. CHARLES RANGEL,
Ranking Member, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND REP. RANGEL: As the committee begins its work on tax legislation to be considered by Congress later this year, the American Forest & Paper Association (AF&PA), including the undersigned chief executives within the forest products industry, strongly urge you to include in the committee's bill the provisions of H.R. 1083, the Reforestation Tax Act of 1999. Our industry is united in the conviction that this legislation is critically needed to help American companies and workers complete in a global economy, restore equity to the tax code, and encourage future investments in sound, sustainable forestry.

The planting, growing, harvesting and sustained management of timberlands is a vital component of the U.S. economy. The forest products industry employs more than 1.5 million workers, and in 46 states, our industry ranks as one of the top ten manufacturing industries. More than 9.3 million private owners hold and manage more than 390 million acres of timberlands in the U.S.

While our products and businesses may vary, all of us are affected by policies that make it increasingly difficult for U.S. companies and workers to compete in international markets. Just last year, the respected firm of Price Waterhouse Coopers—using the same economic model used by the Joint Committee on Taxation—found that the effective tax rate for U.S. forest products companies was 55%—the second highest among major competitors (Brazil, Canada, Finland, Indonesia, and Japan).

The competitive factors we now face have changed dramatically over the past 10 years. We are not competing on a level playing field with our major international competitors, and this inequity is very obvious in the area of tax.

H.R. 1083 would address some of the government-imposed obstacles to U.S. competitiveness. The legislation would assure that all taxpayers that own timber and manage it sustainably over many years are treated equitably, and it would restore the historical balance in tax rates among various forms of timberland ownership. Additionally, the bill offers incentives to landowners of all sizes to plant and grow trees and to reforest their land after harvest. Thus, H.R. 1083 offers environmentally sound, pro-growth policies to promote sustainable forestry, encourage reforestation and help U.S. workers and companies compete.

The Reforestation Tax Act represents a balanced, bipartisan approach to structural problems that affect an important American industry, and we urge your support for this legislation.

Sincerely,

W. Henson Moore, President & CEO, American Forest & Paper Association.

John Luke, Chairman, President & CEO, Westvaco Corporation.

George W. Mead, Chairman, Consolidated Papers, Inc.

Rick Holley, Chairman, AF&PA, President & CEO, PlumCreek Timber Company.

Kenneth Jastrow, President & COO, Temple-Inland Inc.

David B. Ferraro, President & COO, Buckeye Technologies Inc.

Colin Moseley, Chairman, Simpson Timber Co.

Mark A. Suwyn, President, Chairman & CEO, Louisiana-Pacific Corporation.

Richard E. Olsen, Chairman & CEO, Champion International Corporation.

Jerome F. Tatar, Chairman, President & CEO, Mead Corporation.

Joe Gonyea, II, President & CEO, Timber Products Company.

Thomas M. Hahn, President & CEO, Garden State Paper Company.

Duane C. McDougall, President & CEO, Willamette Industries, Inc.

Alex Kwader, President & CEO, Fibermark, Inc.

R.P. Wollenberg, Chairman, President & CEO, Longview Fibre Company.

William C. Blanker, Chairman & CEO, Esleeck Manufacturing Co., Inc.

Paul T. Stecko, Chairman & CEO, Packaging Corporation of America.

Robert A. Olah, President & CEO, Crown Vantage.

B. Bond Starker, President, Starker Forest Inc.

Leroy J. Barry, President & CEO, Madison Paper Industries.

Raymond M. Curan, President & CEO, Smurfit-Stone Container Corp.

Steven R. Rogel, Chairman, President & CEO, Weyerhauser Company.

John T. Dillon, Chairman & CEO, International Paper Company.

Richard G. Verney, Chairman & Chairman, Monadnock Paper Mills, Inc.

Arnold M. Nemirow, Chairman & CEO, Bowater Inc.,

Marvin Pomerantz, Chairman & CEO, Gaylord Container Corporation.

Edward P. Foote, Jr., President & CEO, Cellu Tissue Coporation.

J.M. Richards, President & CEO, Potlatch Corporation

Bradley Currey, Jr., Chairman & CEO, Rock-Tenn Company.

David C. Hendrickson, President & CEO, FSC Paper Company.

W. L. Nutter, Chairman, President & CEO, Rayonier Inc.

Dan M. Dutton, President & CEO, Stimson Lumber Company.

Wayne J. Gullstad, President, CityForest Corporation.

James H. Stoehr, III, President, Robbins, Inc.

Gerald J. Fitzpatrick, President, Fitzpatrick & Weller, Inc.

J. Edward French, President, French Paper Company.

Jack Rajala, President, Rajala Companies.

Robert D. Bero, President & CEO, Mensaha Corporation.

Gorton M. Evans, President & CEO, Consolidated Papers, Inc.

Gerard J. Griffin, Jr., Chairman, Merrimac Paper Company.

Paul D. Webster, President, Webster Industries.

Edward A. Leinss, Chairman, Ahlstron Filtration Inc.

James L. Burke, President & CEO, Southwest Paper Manufacturing Co.

L. N. Thompson, III, President, T & S Hardwoods Inc.

James E. Warjone,, Chairman & CEO, Port Blakely Tree Farms, L.P.

Richard Connor, Jr., President Pine River Lumber Company, LTD.

Pierre Monahan, President & CEO, Alliance Forest Products, Inc.

L.T. Murray, II, Vice President, Murrary Pacific Corporation.

Stephen W. Schley, President, Pingree Associates, Inc.

Galen Weaber, President, Weaber, Inc.

George Jones, III, President, Seaman Paper Company.

Bartow S. Shaw, Jr., Chairman, Shaw McLeod, Belser, and Hurlbutt

Richard J. Carota, Chairman, President & CEO, Finch, Pruyn & Company, Inc.

William G. Hopkins, CEO, Paper-Pak Products.

A. W. Kelly, President, The Crystal Tissue Company.

Jay J. Gurandiano, President & CEO, St. Laurent Paperboard Inc.

William H. Davis, Chairman, President & CEO, Gilman Paper Company.

Terry Freeman, President, Bibler Brothers Lumber Company.

James F. Kress, Chairman, Green Bay Packaging Inc.

Joseph H. Torras, Chairman, & CEO, Eastern Pulp & Paper Company, Inc.

Charles R. Chandler, Vice Chairman, Greif Brothers Corporation.

D.A. Schirmer, President, Newsprint Sales, Abitibi Consolidated.

J. Edward Woods, President & CEO, Gulf States Paper Corporation.

William B. Johnson, President, Johnson Timber Corporation.

W.T. Richards, Chairman & CEO, Idaho Forest Industries, Inc.

William New, President & CEO, Plainwell Inc.

J.K. Lyden, President & CEO, Blandin Paper Company.

John Begley, President & CEO, Port Townsend Paper Corporation.

Harold C. Stowe, CEO, Canal Industries, Inc.

Thomas D. O'Connor, Sr., Chairman & CEO, Mohawk Paper Mills, Inc.

L.M. Giustina, Partner, Giustina.

Glen H. Duysen, Corporate Secretary, Sierra Forest Products.

Norman S. Hansen, Jr., President, Monadnock Forest Products.

D. Kent Tippy, President & CEO, Little Rapids Corporation.

Bert Martin, President, Frasier Papers, Inc.

Edwin Nagel, President, Nagel Lumber Company, Inc.

William B. Hull, President, Hull Forest Products Inc.

Charles E. Carpenter, President, North Pacific Paper Company.

Edward J. Dwyer, Vice President, Operations, Lyons Falls Pulp & Paper.

Thomas E. Gallagher, Senior Vice President, Coastal Paper Company.

Chris A. Robbins, President, EHV Weidmann Industries, Inc.

Robert Collez, General Manager, Augusta Newsprint Company.

William D. Quigg, President, Grays Harbor Paper, L.P.

Todd W. Nystrom, Vice President & General, Hull-Oakes Lumber Company.

Julius W. Nagy, Vice President, Sales and Marketing, Menominee Paper Company, Inc.

A.D. Correll, Chairman & CEO, Georgia-Pacific Corporation.

John Roadman, President, Banner Fibreboard Company.

Charles S. Nothstine, Vice President, Straubel Paper Company.

NATIONAL ASSOCIATION
OF STATE FORESTERS,
Washington, DC, May 12, 1999.

Hon. BILL ARCHER,
Chairman, House Ways and Means Committee, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to you today in strong support of several important tax proposals that are going to come before your committee in the near future. As you know, the tax code has a major impact on the management of private forest lands, lands which are coming under increasing pressure from a number of directions. As land prices and timber demand escalate, forest landowners are faced with tough decisions about the management of their lands. The current tax code can provide a major disincentive to them to properly manage their lands for long-term forestry benefits including sustainable timber production, soil erosion control, wildlife habitat, and carbon sequestration. Several changes to the tax code can help provide incentives to landowners to reforest their lands and keep them in forest cover for the foreseeable future.

First, we'd strongly encourage you to support the Reforestation Tax Act (H.R. 1083), introduced by Rep. Jennifer Dunn and Rep. John Tanner. This bill provides a lower capital gains rate for timber investments, which recognizes the inherent risks and long-term nature of forest management. It also allows landowners to claim tax credits for all of their reforestation expenses, which are currently limited to $10,000. This will provide a major incentive to landowners to make the investment to reforest, a risky commitment of capital over the long-term which provides numerous societal benefits beyond the landowner's property lines.

Representatives Dunn and Tanner have also introduced the Death Tax Elimination Act (HR 8), which we believe would have a positive impact on forest conservation as well. We encourage you to work with them to ensure that Federal estate taxes do not provide yet another incentive to forest land fragmentation.

In addition, we understand that Representative Rob Portman will introduce the Conservation Tax Incentives Act. This bill will provide a level playing field to rural landowners who want to see their lands protected from development over the long-term, but who cannot afford to simply donate their lands for conservation purposes. This is an extremely low-cost approach that will help public agencies and private land trusts protect working lands and acquire sensitive lands for future generations.

We hope you will also consider providing targeted tax incentives for landowners to manage their lands in ways that benefit species of wildfire that are listed or are candidates for listing under the Endangered Species Act.

The National Association of State Foresters is a national non-profit organization made up of the directors of the State Forestry agencies from all 50 States, several U.S. territories, and the District of Columbia. Our membership supports legislation that helps provide incentives to landowners to engage in long-term, sustainable forest management. We hope you will give the proposals discussed above your strongest consideration.

Sincerely,

GARY L. HERGENRADER,
President.

By Mr. ASHCROFT (for himself, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. JEFFORDS, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MCCONNELL, Mr. NICKLES, Mr. ROBERTS, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. THOMAS, Mr. THURMOND, and Mr. SHELBY):

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, on behalf of the Senator from Texas, Senator HUTCHISON, and myself, I am pleased to reintroduce the Family Friendly Workplace Act. I also am pleased to include a list of 34 colleagues as original cosponsors. It is an opportunity to address a very important need for American families—spending more time together.

Over the past four years, we have been talking about the difficulty that parents have balancing work and family obligations. I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

The second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. We are a culture that says if you work well, you should be paid well. If you have merit, you should be rewarded. If you take risks and succeed—you represent the engine that drives America forward.

The difficult issue that faces us as a nation, is how are we going to resolve these tensions? I think that is one of the jobs, that we have to try and make sure we build a framework where people can resolve those tensions and where Government somehow does not have rules or interference that keeps people from resolving those tensions.

For example, there are a lot of times when an individual would say on Friday afternoon to his boss or her boss, "My daughter is getting an award at the high school assembly today. Can I have an extended lunch hour, maybe just 1 hour so that I can see my daughter get the award? I would like to reinforce, I would like to give her an 'atta girl,' I would like to hug her and say, 'You did a great job, this is the way you ought to work and conduct yourself, it is going to mean a lot to yourself and our family and our country if you keep it up.'"

Right now, it is illegal for the boss to say, "I will let you take an hour on Friday and you can make it up on Monday," because it is in a different 40-hour week. You cannot trade 1 hour for 1 hour from one week to the next. That will make one week a 41-hour week and will go into overtime calculation. Since most bosses do not want to be involved in overtime, it just does not happen.

This tension between the workplace and the home place, juxtaposed or set in a framework of laws created in the 1930's that does not allow us flexibility, is a problem. For example, you might be asked to do overtime over and over and over again, and you do overtime, and then you are paid time and a half for your overtime. But at some point, you would rather have the time than the money. If the employer agreed to it voluntarily—both parties—we ought to let that happen. It is against the law.

Some employers even want to go so far as to help their families by saying instead of doing 1 week for 40 hours, we would be willing, if you wanted to and on a voluntary basis, let the worker average 40 hours over a 2-week period regularly, so you would only work 9 days in the 2 weeks, but you would work 45 hours the first week and 35 hours the second week and have every other Friday off so you could take the kids to the dentist or drop by the department of motor vehicles and get the car licensed or visit the governmental offices that are not open on Saturday. It is against the law to do that now.

What I have described are two ways to tackle these time problems. First, is the option—when you work overtime, to get in time rather than money—if that is what you want to do. Second, you could schedule a work schedule to fill your needs by spreading 80 hours over two weeks to better accommodate your needs and the needs of your families.

Both of these things are available in the Federal Government and for governmental entities. Since 1978, the Federal Government has said it is OK to swap comp time off instead of overtime pay. The Federal Government also said if you want to have some flexible scheduling so that every other Friday or every other Monday is off, that is something we can work with you on.

It is totally voluntary—voluntary for the worker, it is voluntary for the Federal Government employer or administrator. Neither can force the other because we do not want to force people to work overtime or take comp time, but we want to allow Americans to make choices which will help them resolve the tensions between the home place and the workplace, these two values that are in competition.

These potentials, which exist for Federal workers, it occurs to me, ought to be able to be available to workers in the private sector as well, were we not to be locked into the hard and fast rules of the 1930's. That was a time when Henry Ford said, "You can have your Ford any color you want so long as it is black." Things were not quite as flexible then as they are now, and families did not need the flexibility then as they do now. With 70 to 80 percent of all mothers of school-age children now working and two parents working in all those settings, and the tension between work and home, I think we ought to have more flexibility at the option of both the employer and the worker, only when it is agreed to.

That is really the subject of the Family Friendly Workplace Act which we reintroduce today. It is a way of saying we need to allow families to work out the conflict that exists between these important values that are crucial and so fundamental to the success of this culture in the next century, not just fundamental to the success of our culture, but fundamental to the success of our own families.

ADDITIONAL COSPONSORS

S. 56

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 195

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 195, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit.

S. 222

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 326

At the request of Mr. GREGG, his name was added as a cosponsor of S. 326, a bill to improve the access and choice of patients to quality, affordable health care.

S. 329

At the request of Mr. ROBB, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 386

At the request of Mr. GORTON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 400

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 400, a bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 401, a bill to provide for business development and trade promotion for native Americans,and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 434

At the request of Mr. BREAUX, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 541

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 607

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 607, a bill reauthorize and amend the National Geologic Mapping Act of 1992.

S. 613

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 613, a bill to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

S. 614

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 614, a bill to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 674

At the request of Mr. FITZGERALD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 674, a bill to require truth-in-budgeting with respect to the on-budget trust funds.

S. 680

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 707

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 707, a bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

S. 708

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 751

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 821

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 821, a bill to provide for the collection of data on traffic stops.

S. 832

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 880

At the request of Mr. INHOFE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 880, a bill to amend the Clean

Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 944

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 944, a bill to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 978

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1006

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1006, a bill to end the use of conventional steel-jawed leghold traps on animals in the United States.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1023

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1023, supra.

S. 1024

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1025

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1128

At the request of Mr. KYL, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1150

At the request of Mr. HATCH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1203

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1203, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from North Dakota (Mr. CONRAD), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from California (Mrs. BOXER), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE CONCURRENT RESOLUTION 40—COMMENDING THE PRESIDENT AND THE ARMED FORCES FOR THE SUCCESS OF OPERATION ALLIED FORCE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, Mr. REID, Mr. AKAKA, Mr. BROWNBACK, Mr. BAUCUS, Mr. COVERDELL, Mr. BAYH, Mr. DOMENICI, Mr. BIDEN, Mr. GRASSLEY, Mr. BINGAMAN, Mr. HUTCHINSON, Mrs. BOXER, Mr. JEFFORDS, Mr. BREAUX, Ms. SNOWE, Mr. BRYAN, Mr. SPECTER, Mr. BYRD, Mr. STEVENS, Mr. CLELAND, Mr. CONRAD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 40

Whereas United States and North Atlantic Treaty Organization (NATO) military forces succeeded in forcing the Federal Republic of Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas this accomplishment has been achieved at a minimal loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed, deported, detained, or killed by Serb security forces; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress expresses the appreciation of the Nation to:

(A) The United States Armed Forces who participated in Operation Allied Force and served and succeeded in the highest traditions of the Armed Forces of the United States.

(B) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them during the conflict.

(C) President Clinton, Commander in Chief of U.S. Armed Forces, for his leadership during Operation Allied Force.

(D) Secretary of Defense William Cohen, Chairman of the Joint Chiefs of Staff General Henry Shelton and Supreme Allied Commander-Europe General Wesley Clark, for their planning and implementation of Operation Allied Force.

(E) Secretary Albright and other Administration officials engaged in diplomatic efforts to resolve the Kosovo conflict.

(F) All of the forces from our NATO allies, who served with distinction and success.

[(G) The front line states, Albania, Macedonia, Bulgaria and Romania, who experience firsthand the instability produced by the Federal Republic of Yugoslavia's policy of ethnic cleansing.]

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Yugoslav and Serb forces from Kosovo according to relevant provisions of the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) A permanent end to the hostilities in Kosovo by Yugoslav and Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(D) Unimpeded access for humanitarian relief operations in Kosovo.

(4) The Congress urges the leadership of the Kosovo Liberation Army (KLA) to ensure KLA compliance with the ceasefire and demilitarization obligations.

(5) The Congress urges and expects all nations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia and to assist in bringing indicted war criminals, including Slobodan Milosevic and other Serb military and political leaders, to justice.

SENATE RESOLUTION—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO ADDRESS THE CULTURAL CRISIS FACING AMERICA

Mr. BROWNBACK (for himself, Mr. LOTT, Mr. ALLARD, Mr. ABRAHAM, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 124

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on Culture (hereafter in this resolution referred to as the "special committee").

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the causes and reasons for the substantial social and cultural regression;

(2) to make such findings of fact as are warranted and appropriate, including the impact that such negative cultural trends and developments have had on our broader society, particularly in regards to child well-being; and

(3) to explore a means of cultural renewal and make recommendations, including such recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a) (1) and (2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be—

(1) issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman; and

(2) served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbuseable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) USE OF OFFICE SPACE.—The staff of the special committee may be located in the personal office of a Member of the special committee.

SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate prior to December 31, 2000.

SEC. 5. FUNDING.

(a) IN GENERAL.—From the date this resolution is agreed to through December 31, 2000, the expenses of the special committee incurred under this resolution shall be paid out of the miscellaneous items account of the contingent fund of the Senate and shall not exceed $250,000 for the period beginning on the date of adoption of this resolution through March 1, 2000, and $250,000 for the period of March 1, 2000 through December 31, 2000, of which amount not to exceed $75,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the miscellaneous items account of the contingent fund of the Senate.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL, KOSOVO, SOUTHWEST ASIA, 1999

McCAIN AMENDMENT NO. 685

Mr. McCAIN proposed an amendment to the bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 48, between lines 17 and 18, insert the following:

(c) Notwithstanding any other provision of this Act, no amount appropriated or made available under this Act to carry out chapter 1 or chapter 2 of this Act shall be available unless it has been authorized explicitly by a provision of an Act (enacted after the date of enactment of this Act) that was contained in a bill reported by the Committee or Committees of the Senate with jurisdiction over proposed legislation relating primarily to the programs described in section 101(c)(2) and 201(c)(2), respectively, under Rule XXV of the Standing Rules of the Senate or the equivalent Committee of the House of Representatives.

MURKOWSKI AMENDMENT NO. 686

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 1664, supra; as follows.

At the appropriate place in the bill, insert the following:

"SEC. . GLACIER BAY STUDY.—The Secretary of the Interior shall, in cooperation with the Governor of Alaska, conduct a study to identify environmental impacts, if any, of subsistence fishing and gathering and of commercial fishing in the marine waters of Glacier Bay National Park, and shall provide a report to Congress on the results of such study no later than 18 months after the date of enactment of this section. During the pendency of the study, and in the absence of a positive finding that a resource emergency exists which requires the immediate closure of fishing or gathering, no funds shall be expended by the Secretary to implement closures or other restrictions of subsistence fishing, subsistence gathering, or commercial fishing in the non-wilderness waters of Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105-277)."

STEVENS (AND OTHERS) AMENDMENT NO. 687

Mr. STEVENS (for himself, Mr. DOMENICI, Mr. BYRD, Mr. GRAMM, Mr. NICKLES, and Mr. FITZGERALD) proposed an amendment to the bill, H.R. 1664, supra; as follows:

On page 7, beginning on line 3, strike all through line 7.

On page 10, beginning on line 23, strike all through page 11, line 2.

On page 34, beginning on line 14, strike all through 16.

On page 9, after line 17, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 36, after line 23, insert the following new paragraph:

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

On page 48, beginning on line 9, strike all through line 17.

On page 6, line 7, strike all through line 13, and insert the following:

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—

(1) IN GENERAL.—There is established a Loan Guarantee Board, which shall be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

On page 33, line 17, strike all through line 23, and insert the following:

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

On page 32, strike lines 10 and 11, and redesignate the remaining subparagraphs and cross references thereto accordingly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 17, 1999, to conduct a hearing on "Export Administration Act Reauthorization: Emerging Technologies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 17, 1999, at 9:30 a.m. on the following nominations: Johnnie E. Shavers—Inspector General/DOC, Cheryl Shavers—Under Secretary of Commerce for Technology, Kelly H. Carnes—Assistant Secretary of Commerce for Technology Policy, Albert S. Jacquez—Administrator/St. Lawrence Seaway Development Corporation, Mary Sheila Gall—Commissioner/CPSC, Ann Brown—Chairman/CPSC and various noncontroversial Coast Guard promotions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing on Thursday, June 17, 9:30 a.m., Hearing Room (SD-406), to receive testimony on S. 533, the Interstate Transportation of Municipal Solid Waste Control Act of 1999; and S. 872, the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 17, 1999 beginning at 10:00 a.m. in room 216 Hart.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 17, 1999 beginning at 2:00 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 17, 1999 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Research and Evaluation" during the session of the Senate on Thursday, June 17, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting, during the session of the Senate on Thursday, June 17, 1999, at 10:00 a.m. in Senate Dirksen, Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on June 17, 1999 from 2-5 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 17, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BREAD FOR THE WORLD 25TH ANNIVERSARY

• Ms. SNOWE. Mr. President, I rise today to speak about Bread for the World, an organization which has dedicated itself to helping end hunger in the U.S. and throughout the world, and is celebrating its 25th Anniversary this year. I would like to take this opportunity to commend the members of Bread for the World on their 25 years of dedication to helping those less fortunate.

Bread for the World began in 1974 with a small group of Protestants and Catholics who were concerned about hunger. This group of individuals has now become a national movement with 44,000 members representing 40 denominations. In its informational campaigns around the world, and here on Capitol Hill, Bread for the World is a non-partisan organization whose legislative initiatives serve the purpose of providing assistance to those in need and, no less important, a means to provide for oneself.

Children and child nutrition programs have been a principal focus for Bread for the World. In addition, Bread for the World has advocated programs designed to help individuals in need to receive assistance and, ultimately, find a job. During my tenure here in the Senate, and earlier as a member of the House of Representatives, I have worked with Bread for the World on a number of initiatives related to these issues. Last year, the Congress passed and the President signed into law legislation backed by Break for the World, the Africa: Seeds of Hope Act, of which I was an original cosponsor. This law will redirect U.S. resources to small-scale farmers and struggling rural communities in Africa. It also established a revolving loan fund to provide food aid in response to emergency food crises throughout the world.

As a member of the board, I am pleased to commend the people of this fine organization for 25 years of dedicated efforts on behalf of Americans and people around the world who suffer from hunger.•

60TH ANNIVERSARY OF PEOPLE COORDINATED SERVICES

• Mrs. BOXER. Mr. President, I am pleased to offer my enthusiastic congratulations to the People Coordinated Services of Southern California, Inc., which celebrates its 60th anniversary on June 15, 1999.

The People Coordinated Services of Southern California was founded in 1939 as the Church Welfare Bureau of the Church Federation of Los Angeles. During the past 60 years, the People Coordinated Services have provided youth and family services, substance abuse, counseling senior services, and Licensed adult day care. The Agency has grown to serve more than 20,000 clients annually with a budget of more than $4,000,000.

I congratulate the People Coordinated Services of Southern California, Inc. for achieving sixty years of achievement through good deeds and service to the community. I salute them.•

TRIBUTE TO KINGSWOOD REGIONAL HIGH SCHOOL ON BEING NAMED TOP SECONDARY SCHOOL OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor my hometown high school—Kingswood Regional High School for being selected as the 1999 Top Secondary School of the Year by the Excellence in Education Committee. The "Excellence in Education" award is an annual program designed to identify one elementary, middle, and secondary school that is representative of the many outstanding schools in New Hampshire.

Kingswood Regional High School was chosen for this honor because of the dedication and commitment to education by its teachers, parents, and students. Its exemplary community involvement in support curriculum has created an environment conducive to the development of young minds.

I admire Kingswood's commitment to excellence. In recent years Kingswood Regional High School has taken on challenging initiatives with outstanding results. Its achievement of academic excellence based on New Hampshire's 10th grade and SAT testing results, and ensuing Writing Across The Curriculum Project, is to be commended. Technology education is integrated throughout Kingswood Regional's curriculum and it's newly established electronics course will lead to student certification in the electronics field.

The teachers, parents, and students of this school hold a special place in my heart. My wife Mary Jo and I live in nearby Tuftonboro, and I taught history at Kingswood Regional High School. I have had the wonderful opportunity of meeting with both the students and faculty and have established strong and lasting friendships. This close relationship with the Kingswood has allowed me to witness the quality of education that is provided at this school.

As a former Kingswood Regional High School teacher and school board member. I know first hand that this school is truly deserving of this honor. Kingswood Regional High School is a testament to the tradition of molding students into successful adults. I wish to offer my most sincere congratulations and best wishes to Kingswood Regional High School. The school's achievements are truly remarkable. I am honored to represent Kingswood in the United States Senate. Go Knights!•

IN SUPPORT OF GENERAL ERIC K. SHINSEKI'S APPOINTMENT TO THE JOINT CHIEFS OF STAFF

• Ms. MIKULSKI. Mr. President, I rise today in support of General Eric K. Shinseki's appointment as the Army's thirty-fourth Chief of Staff. As a highly decorated officer and a dedicated member of our nation's Armed Forces, I know that General Shinseki will prove to be a valuable member of the Joint Chiefs of Staff.

In his thirty-three years of service, General Shinseki has served the Armed Forces in both the continental United States and overseas. He served in the United States Army Hawaii, as well as at Fort Shafter with Headquarters, United States Army-Pacific. From March 1994 to July 1995, General Shinseki was the Executive Officer of the 1st Squadron of the 3rd Armored Cavalry Regiment at Fort Bliss, Texas.

From August 1997 until November 1998, Shinseki was the Commanding General of the United States Army-Europe and 7th army. He concurrently led NATO soldiers as the Commander of the Allied Land Forces Central Europe in Germany. Additionally, General Shinseki has served as Commander of the Stabilization Force in Bosnia-Herzegovina, and as the Army's Vice Chief of Staff.

As my colleagues know, I am a strong supporter of our men and women in uniform. I understand the difficult sacrifices they make every day in defense of our country—and our ideals. I honor the hard work and commitment that sacrifice demands. Just as they fight for us, I fight for them and federal policies that support them.

As a result of General Shinseki's military service, he has earned the Defense Distinguished Service Medal, a Legion of Merit with oak leaf cluster, a Bronze Star Medal with "V" Device and two oak leaf clusters, a Purple Heart Award with oak leaf cluster, and a Meritorious Service Medal with two oak leaf clusters.

Mr. President, I know that General Eric K. Shinseki will be an instrumental contributor to the Joint Chiefs of Staff. Throughout his career he has shown his capability as a leader. His leadership and his military successes will help him to succeed as the new Army Chief of Staff. I look forward to working with him on the restructuring of TECOM to ensure that Aberdeen remains the home of Army testing. I am happy to know that General Shinseki shares the Maryland delegation's view of how important Aberdeen Proving Ground is to the Army, Maryland, and the United States. I wish General Shinseki the best in his new position.•

PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD "SCIENCE AT ITS BEST, SECURITY AT ITS WORST"

• Mr. DOMENICI. Mr. President, earlier this week the President's Foreign Intelligence Advisory Board released its report on security and counterintelligence operations at the nuclear weapons laboratories of the Department of Energy.

The report's title—Science at its Best, Security at its Worst—neatly encapsulates the Board's findings. This report reiterates and clearly delineates problems within our nuclear laboratories that other reports have also detailed. No one should be surprised.

Let me simply list a few of this newest report's more compelling conclusions:

> At the birth of DOE, the brilliant scientific breakthroughs of the nuclear weapons laboratories came with a troubling record of security administration. Twenty years later, virtually every one of its original problems persists.
>
> The nuclear weapons and research functions of DOE need more autonomy, a clearer mission, a streamlined bureaucracy, and increased accountability.
>
> More than 25 years worth of reports, studies and formal inquires . . . have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs.
>
> Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.
>
> The Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself.
>
> Lastly, the report states: Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

These findings are nothing new.

When Senators KYL, MURKOWSKI, and I introduced our amendment to the Defense Authorization calling for reorganization and streamlining within the Department of Energy, one of the charges leveled against us was that no hearings had been held on this issue. That old, tired claim that "we need more hearings" is used every time Congress tries to act on an urgent matter.

Sometimes that may be true. In this instance, we have undoubtedly destroyed a major forest with all the paper documenting DOE mismanagement in just the past 15 years. We have done studies; we have held hearings; the House has held hearings; we have asked for a review by the GAO, by the CRS, by outside groups, and we must have 25 pounds of recommendations gathering dust right now.

Today, my friend Secretary Richardson is implementing a new round of reforms at DOE. Mr. President, you should know that, while I have been critical of some past Secretaries for failing to give sufficient attention to these matters, Secretary Richardson is clearly indicating a willingness to tackle these issues.

However, Secretaries come and go. Reforms introduced during any specific tenure of a Secretary often do not endure after their departure. The Rudman report states, and I quote, "the Department of Energy is incapable of reforming itself—bureaucratically and culturally—in a lasting way, even under an activist Secretary."

I can tell you from my own experience that it is sometimes hard to figure out just who is responsible in any given situation at DOE. Under the current structure the programs within one office, comply with policies set by a second office, in accordance with procedures set by a third office, verified by a fourth office. When I look at something like that, I have to wonder, "Who is in charge?"

The experts involved in producing the Rudmann Report asked a number of DOE officials to whom they report, who whom they were responsible. The most common response was "it depends."

This myriad of oversight and review does not improve performance. To the contrary, in some cases it diminishes performance. It is my view that it is frequently easier to be an overseer than the responsible party. As overseers have multiplied, the line between oversight and responsibility has been blurred and sometimes disappears. The frequent result is that, when mistakes are made, everyone thinks they were an overseer, and nobody takes responsibility.

Mr. President, the national laboratories, especially the ones in my state, literally saved millions of lives through their work in World War II and during the cold war. They abound with dedicated, patriotic, and truly gifted men and women, working for this nation's security as their top priority. We should not make the labs a scapegoat for an ineffective bureaucracy. We need a fundamental re-emphasis on the nuclear weapons work at DOE, recognizing that the rules and regimes that govern the rest of the DOE cannot be entirely used in the nuclear weapons complex.

I would like to show you an organizational chart of DOE's current structure as it pertains to our nuclear weapons program. This chart is found on page 17 of the new report. As one can readily discern, it's a toss up who or what office might have oversight in a given situation in a maze such at this. Just one glance at this chart makes the point.

The PFIAB Report demands legislative changes. Again, I quote, "The Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself." The PFIAB Report makes some very specific recommendations as to what changes are necessary. The authors recommend that Congress pass and the President sign legislation that:

> Creates a new, semi-autonomous Agency for Nuclear Stewardship.
>
> Streamlines the Nuclear Stewardship management structure.
>
> Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

The organizational chart outlining this new organization looks something like this. This can be found on page 50 of their report.

Creation of a semi-autonomous agency for our nuclear weapons work is precisely what I have been pushing over the last several weeks. Indeed, what I and my colleagues Senator KYL and Senator MURKOWSKI have proposed boils down to a true "Chain of Command" approach, with all the discipline this entails. I truly believe, and today's report confirms, that this approach, if it had been used in the past, may have avoided some of the security problems and will help us avoid them in the future.

The Rudman Report is a significant, timely contribution to the accumulating evidence that we must act to ensure that brilliant science and tight security are compatible within our nuclear weapons infrastructure.

I would like to congratulate Chairman Rudman and the members of the PFIAB for the tremendous contribution their findings will make to the dialog on how to best preserve our nuclear secrets and still maintain the greatest scientific research centers in the world.

The recommendations made in this report parallel what I and my colleagues tried to do several weeks ago. Perhaps this additional evidence will persuade others that it is long past time for Congress to take decisive action. I encourage my colleagues to read the report and draw their own conclusions about the need for organizational reform at DOE.●

HAMILTON HIGH SCHOOL

●Mrs. BOXER. Mr. President, I rise to congratulate the Hamilton High School Academy of Music for receiving a GRAMMY Signature Schools Gold award. The GRAMMY Signature School Awards are presented by the Naras Foundation, Inc., in consultation with a panel of judges composed of music educators and professionals. The Hamilton High School Academy is one of just 250 schools selected for this award nationwide.

The Hamilton High School Academy is a magnet school of the Los Angeles Unified School District, attracting students from throughout Los Angeles for its specialized music programs. Opening its doors in September 1987, the Hamilton High School Academy has provided a comprehensive music program to an ethnically and culturally diverse student body. The program includes coverage of instrumental, vocal, piano, and electronic music. In addition the school features intensive instruction in both the theory and history of music. The Academy also provides a full spectrum of academic classes, which are designed to meet the needs of all students.

The Hamilton High School Academy has received local, regional, and now national recognition. The GRAMMY Signature School Award is a testament to the academic and musical excellence of the Hamilton High School Academy of Music.●

BISHOP NICHOLAS HONORED BY COMMUNITY

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge His Grace Nicholas, Sovereign Bishop of the Diocese of Detroit, who was elected to the Episcopate by the Holy and Sacred Synod of Constantinople.

Bishop Nicholas was born in Glen Falls, NY, in 1953 to Emmanuel and Caliope Pissare. He attended Colgate University and was awarded the prestigious Colgate War Memorial Scholarship. He then attended the Holy Cross Greek Orthodox School of Theology, graduating as the Valedictorian of the senior class in 1978 with a Master's Degree in Divinity.

Bishop Nicholas was ordained as Deacon on July 6, 1991. Then he was ordained to the Priesthood by Bishop Maximos where he was elevated to the rank of Archmandrite on the same day, based on his years of service to the church. He served as Diocese Chancellor of Pittsburgh from 1991 until 1995 and then Chancellor of the Diocese of Detroit from 1996 to 1997.

His Grace Bishop Nicholas of Detroit was elected to the Episcopate by the Holy and Sacred Synod of Constantinople and has been ordained in the Holy Cross Church of Brooklyn, New York. As of April 18, 1999 Bishop Nicholas began his Apostolic work in the Diocese.

Bishop Nicholas continued dedication to our community has had an immeasurable effect on the young and old alike. He truly is a role model of determination and spiritual leadership. I extend Bishop Nicholas the best of luck for his future.•

TRIBUTE TO ARTHUR NELSON

• Mr. SMITH of New Hampshire. Mr. President I rise today to honor Arthur Nelson, of Goshen, New Hampshire, for his dedicated service to his town and the nation.

Arthur has been an important figure in the town of Goshen. His commitment to the community has not gone unnoticed. It is for this reason that he was chosen Honorary Parade Marshall in celebration of the founding of the Goshen Volunteer Fire Department.

In 1939, Arthur helped establish the Goshen Volunteer Fire Department. This was the beginning of Arthur's long and fulfilling career as a public servant to the town of Goshen. Since then he has served as fire warden for fifty years. During those years he had been known to strap on a backpack pump and search reported puffs of smoke. This intense devotion led him to successfully find, and extinguish, many wildfires.

In addition to service to the town of Goshen, Arthur has been an active participant in fire fighting in Sunapee, Croyden, Marlow and Grantham. His concern for the safety of his own community, and those of his neighbors, has brought Arthur a tremendous amount of respect from all who know him. All of these towns join Goshen in recognizing Arthur as a true hero.

Arthur's presence in the Goshen Volunteer Fire Department is not his only contribution to his community. He has been elected and served as a selectman, been a part of the Historical Society and served on the Conservation Commission. Arthur has also been an active member of the Goshen Community Church. Among all of his commitments, Arthur was also able to write a book in his spare time. Foundations of Old Goshen, published in 1980, in a history of the town he loves.

At age 91, Arthur can look back on a fulfilling life in the town of Goshen. His dedication to community service should be used as an example for others. I want to commend Arthur for his commitment to serving his town and country. it is an honor to represent him in the United States Senate.•

PROTECTING THE EARTH'S SOIL FERTILITY JUNE 17—WORLD DAY TO COMBAT DESERTIFICATION

• Mr. JEFFORDS. Mr. President, the gradual but accelerating loss of soil fertility and productive agricultural land worldwide may not be headline-grabbing news. But it is the kind of threat that, if not addressed, will exacerbate global problems of hunger, poverty, migration and conflict over local scarce land and water resources in the 21st century.

The process of soil erosion and severe land degradation, often referred to as "desertification," results from overcultivation, deforestation, improper irrigation and drought. Most Americans are aware of the phenomenon from our own "dust bowl" in the 1930's when hundreds of thousands of farmers were forced to abandon their exhausted land. Today, dust bowls are occurring in more than 90 countries with an alarming annual loss of 10 million acres of productive agricultural land worldwide. Because of our own successful soil and water conservation programs, U.S. businesses, universities and nongovernmental organizations have a crucial role to play in providing technical expertise and support to communities around the world that are fighting land degradation.

Today is World Day to Combat Desertification, which marks the fifth anniversary of a coordinated international initiative to address the land degradation problem. In recognition of this observance, I would like to share a recent Christian Science Monitor op-ed piece on the seriousness of land degradation in Africa written by His Excellency Mamadou Mansour Seck, Senegal's Ambassador to the United States.

I ask that the article be printed in the Record.

The article follows:

Shrinking Forests—Will U.S. Aid in the Greening of World's "Dust Bowls"?

(By Mamadou Mansour Seck)

As a young pilot 40 years ago, flying over my country of Senegal and across Africa's Sahel region, I remember looking down on vast stretches of green fields and forests. Today the view is of a yellowish brown landscape that's growing barren.

Like many African countries, Senegal is losing precious agricultural land to a process of soil erosion and degradation known as "desertification." It occurs when land that receives little or irregular rainfall is overcultivated, overgrazed, deforested, or otherwise stripped of its soil-fixing vegetative cover.

Worldwide, with more than 10 million acres of farm land becoming unproductive each year, "dust bowls" are multiplying and raising legitimate concern about our planet's capacity to feed its rapidly growing population.

In Africa and elsewhere, desertification fuels a downward cycle of poverty and hunger, which leads to migration from rural areas to overcrowded urban centers including those in North America and Europe. Desertification can lead to conflict over scarce resources, threatening to undermine the progress Africa is making toward democracy and economic reform.

But desertification is not inevitable. The U.S. can play a larger role in stemming the tide by ratifying the Convention to Combat Desertification, already ratified by 150 other countries.

The 1994 Convention focuses on food security and poverty reduction. It also promotes African self-reliance, a shift from aid to trade, the sustainable use of natural resources, and the benefits of democratic participation.

The U.S. signed the treaty in 1994, and President Clinton, during his trip last year to Africa, reaffirmed U.S. support for it. But U.S. interests in an economically healthy and politically stable Africa would be well served by ratification by the Senate.

The desertification convention provides a coordinated international framework to channel technical and financial resources to communities where the fight against the interrelated problems of desertification and poverty must be waged.

Under the treaty, developing countries must engage local communities and organizations of farmers, herders, women, and youth in a "bottom up" process to devise national action programs.

Senegal and other desertified countries around the world are now active in this joint public-private planning process. Senegal's capital, Dakar, recently hosted the Second Conference of Parties to the Convention, attended by more than 140 countries.

Much more progress could be made with the help of the U.S., which has successful community-based soil and water conservation programs and is recognized as one of the world's leaders on fighting desertification. The technical resources of American universities, research institutions, and businesses are urgently needed in the Convention-generated partnerships with communities around the world.

Unchecked, desertification will continue to foster food crises, poverty, conflict, migration, floods and other environmental disasters. No nation is immune from the consequences.

Africa's 750 million people look to the U.S. for leadership on many issues, and desertification is one of the closest to our hearts. We look forward to welcoming the U.S. as a full partner to the convention.•

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

On June 16, 1999, the Senate passed S. 1186, the Energy and Water Development Appropriations Act, 2000. The text of the bill follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

General Investigations

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $125,459,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Yellowstone River at Glendive, Montana Study, $150,000;

Great Egg Harbor Inlet to Townsend's Inlet, New Jersey, $226,000; and

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, $50,000:

Provided, That the Secretary of the Army is directed to use $328,000 of the funds appropriated herein to implement section 211(f)(7) of Public Law 104–303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas.

Construction, General

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,086,586,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Part 1 and Part 2, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, London Lock and Dam, Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects, and of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $2,200,000;

Brevard County, Florida (Shore Protection), $1,000,000;

Everglades and South Florida Ecosystem Restoration, Florida, $14,100,000;

St. John's County, Florida (Shore Protection), $1,000,000;

Indianapolis Central Waterfront, Indiana, $3,000,000;

Ohio River Flood Protection, Indiana, $1,000,000;

Jackson County, Mississippi, $800,000;

Minnish Waterfront Park project, Passaic River, New Jersey, $1,500,000

Virginia Beach, Virginia (Hurricane Protection), $17,000,000;

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,400,000; and

Lake St. Clair, Metro Beach, Michigan, section 206 project, $100,000:

Provided, That the Secretary of the Army is directed to use $9,000,000 of the funds appropriated herein to implement section 211(f)(6) of Public Law 104–303 (110 Stat. 3683) and to reimburse the non-Federal sponsor a portion of the Federal share of project construction costs for the flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 provided herein to construct bluff stabilization measures at authorized locations for Natchez Bluff, Mississippi: *Provided further*, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: *Provided further*, That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate a Detailed Project Report for the Dickenson County, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky, project: *Provided further*, That $100,000 of the funding appropriated herein for section 107 navigation projects may be used by the Corps of Engineers to produce a decision document, and, if favorable, signing a project cost sharing agreement with a non-Federal project sponsor for the Rochester Harbor, New York (CSX Swing Bridge), project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $315,630,000, to remain available until expended.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,790,043,000, to remain available until expended, of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities, and of which $1,500,000 shall be available for development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities: *Provided*, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $100,000 of available funds to study the economic justification and environmental acceptability, in accordance with section 509(a) of Public Law 104–303, of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, and to use available funds to perform any required maintenance in fiscal year 2000 once the Secretary determines such maintenance is justified and acceptable as required by Public Law 104–303: *Provided further*, That the Secretary of the Army, acting through the

Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $115,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of funds appropriated herein to fully implement an administrative appeals process for the Corps of Engineers Regulatory Program, which administrative appeals process shall provide for a single-level appeal of jurisdictional determinations.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $150,000,000, to remain available until expended: *Provided*, That the United States Army Corps of Engineers under this program shall undertake the following functions and activities to be performed at eligible sites where remediation has not been completed: sampling and assessment of contaminated areas, characterization of site conditions, determination of the nature and extent of contamination, selection of the necessary and appropriate response actions as the lead Federal agency, cleanup and closeout of sites, and any other functions and activities determined by the Chief of Engineers as necessary for carrying out this program, including the acquisition of real estate interests where necessary, which may be transferred upon completion of remediation to the administrative jurisdiction of the Department of Energy: *Provided further*, That response actions by the United States Army Corps of Engineers under this program shall be subject to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR, Chapter 1, Part 300: *Provided further*, That these provisions do not alter, curtail or limit the authorities, functions or responsibilities of other agencies under CERCLA or, except as stated herein, under the Atomic Energy Act (42 U.S.C. 2011 et seq.): *Provided further*, That any sums recovered under CERCLA or other authority from a liable party, contractor, insurer, surety, or other person for any expenditures by the Army Corps of Engineers or the Department of Energy for response actions under the Formerly Utilized Sites Remedial Action Program shall be credited to this account and will be available until expended for response action costs for any eligible site: *Provided further*, That the Secretary of Energy may exercise the authority of 42 U.S.C. 2208 to make payments in lieu of taxes for federally-owned property where Formerly Utilized Sites Remedial Action Program activities are conducted, regardless of which Federal agency has administrative jurisdiction over the property and notwithstanding references to "the activities of the Commission" in 42 U.S.C. 2208.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center; $151,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

REVOLVING FUND

Using amounts available in the Revolving Fund, the Secretary of the Army is authorized to renovate office space in the General Accounting Office (GAO) headquarters building in Washington, D.C., for use by the Corps and GAO. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefitting programs by collection each year of amounts sufficient to repay the capitalized cost of such renovation and through rent reductions or rebates from GAO.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds are identified in the Committee reports accompanying this Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the U.S. Army Corps of Engineers after the date of enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; and section 211 of the Water Resources Development Act of 1996, Public Law 104–303, shall be limited to a single agreement per project, credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

SEC. 104. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION. (a) IN GENERAL.—The Secretary of the Army shall continue to fund wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota at levels previously funded through the Pick-Sloan operations and maintenance account.

(b) CONTRACTS.—With $3,000,000 made available under the heading "CONSTRUCTION, GENERAL", the Secretary of the Army shall fund activities authorized under title VI of division C of Public Law 105–277 (112 Stat. 2681–660 through contracts with the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $38,049,000, to remain available until expended, of which $17,047,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $12,047,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,321,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, $612,451,000, to remain available until expended, of which $150,000 shall be available for the Lake Andes-Wagner/Marty II demonstration program authorized by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat. 4677), of which $2,247,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,326,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended by Public Law 104–206, is amended further by inserting "1999, and 2000" in lieu of "and 1997": *Provided further*, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, and Public Law 105–245, is increased by $2,000,000 (October 1998 prices): *Provided further*, That $500,000 of the funding appropriated herein is provided for the Walker River Basin, Nevada project, including not to exceed $200,000 for the Federal assessment team for the purpose of conducting a comprehensive study of Walker River Basin issues: *Provided further*, That the Secretary of the Interior may provide $2,865,000 from funds appropriated herein for environmental restoration at Fort Kearny, Nebraska.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $43,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $37,346,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out ecosystem restoration activities pursuant to the California Bay-Delta Environmental Enhancement Act and other activities that are in accord with the CALFED Bay-Delta Program, including projects to improve water use efficiency, water quality, groundwater and surface storage, levees, conveyance, and watershed management, consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $50,000,000, to remain available until expended, of which $30,000,000 shall be used for ecosystem restoration activities and $20,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That no more than $2,500,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: *Provided further*, That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $49,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

SEC. 201. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are:

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the Funds, even in the event of a bank failure.

SEC. 202. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles for replacement only.

SEC. 203. Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 1 passenger motor vehicle for replacement only, $721,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund, and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund: *Provided*, That, $15,000,000, of which $10,000,000 shall be derived from reductions in contractor travel balances, shall be available for civilian research and development.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $327,922,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $200,000,000, to be derived from the Fund, to remain available until expended: *Provided*, That $25,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 6 passenger motor vehicles for replacement only, $2,725,069,000, to remain available until expended, of which $3,000,000 shall be used for Boston College research in high temperature superconductivity and of which $5,000,000 shall be used for the University of Missouri research reactor project: *Provided*, That of the amount provided, $2,000,000 may be available to the Natural Energy Laboratory of Hawaii, for the purpose of monitoring ocean climate change indicators.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $242,500,000 to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed $4,727,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425) as amended: *Provided further*, That not to exceed $5,432,000 may be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds shall be made available to the State and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the State and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $219,415,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $116,887,000 in fiscal year 2000 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $102,528,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

Weapons Activities

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $4,609,832,000, to remain available until expended: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy: *Provided further*, That $10,000,000 of the amount provided for stockpile stewardship shall be available to provide laboratory and facility capabilities in partnership with small businesses for either direct benefit to Weapons Activities or regional economic development.

Defense Environmental Restoration and Waste Management

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 35 for replacement only), $4,551,676,000, to remain available until expended: *Provided*, That of the amount provided for site completion, $1,306,000 shall be for project 00–D–400, CFA Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho.

Defense Facilities Closure Projects

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,069,492,000, to remain available until expended.

Defense Environmental Management Privatization

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $228,000,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,872,000,000, to remain available until expended: *Provided*, That not to exceed $3,000 may be used for official reception and representation expenses for transparency activities and not to exceed $2,000 for the same purpose for national security and nonproliferation activities.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $112,500,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 2000, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $11,594,000; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $28,000,000 in reimbursements for transmission wheeling and ancillary services and for power purchases, to remain available until expended.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,000,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $223,555,000, to remain available until expended, of which $160,286,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

Falcon and Amistad Operating and Maintenance Fund

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,309,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

Federal Energy Regulatory Commission

salaries and expenses

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $170,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $170,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

Department of Energy

Sec. 301. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

Sec. 302. Of the funds appropriated by this title to the Department of Energy, not more than $200,000,000 shall be available for reimbursement of contractor travel expenses, and no funds shall be available for reimbursement of contractor travel expenses that exceed 80 percent of the amount incurred by any individual contractor in fiscal year 1998.

Sec. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy; under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

Sec. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the $30,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

Sec. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date.

Sec. 308. Limiting the Inclusion of Costs of Protection of, Mitigation of Damage to, and Enhancement of Fish, Within Rates Charged by the Bonneville Power Administration, to the Rate Period in Which the Costs are Incurred.—Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

"(n) Limiting the Inclusion of Costs of Protection of, Mitigation of Damage to, and Enhancement of Fish, Within Rates Charged by the Bonneville Power Administration, to the Rate Period in Which the Costs Are Incurred.—Notwithstanding any other provision of this section, rates established by the Administrator, in accordance with established fish funding principles, under this section shall recover costs for protection, mitigation and enhancement of fish, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the period for which such rates are established.".

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,400,000, to remain available until expended.

Denali Commission

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $25,000,000, to remain available until expended.

Defense Nuclear Facilities Safety Board

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,500,000, to remain available until expended.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $465,400,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $19,150,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $442,400,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That $3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $23,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,000,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $0.

Nuclear Waste Technical Review Board

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,150,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

Tennessee Valley Authority Fund

For the purposes of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), $7,000,000, to remain available until expended for operation, maintenance, surveillance, and improvement of Land Between The Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Calleguas, Creek, California, $271,100;

San Joaquin, Caliente Creek, California, $155,400;

Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas $582,600;

Buffalo, Small Boat Harbor, New York, $15,100;

City of Buffalo, New York, $4,000;

Geneva State Park, Ohio Shoreline Protection, $91,000;

Clinton River Spillway, Michigan, $50,000;

Lackawanna River Basin Greenway Corridor, Pennsylvania, $217,900; and

Red River Waterway, Index Arkansas, to Denison Dam, Texas, $125,000.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245, and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Sacramento River Flood Control Project, California (Deficiency Correction), $1,500,000;

Melaleuca Quarantine Facility, Florida, $295,000;

Lake George, Hobart, Indiana, $3,484,000;

Southern and Eastern Kentucky, Kentucky, $2,623,000;

Anacostia River (Section 1135), Maryland, $1,534,000;

Sowashee Creek, Meridian, Mississippi, $2,537,000;

Platte River Flood and Streambank Erosion Control, Nebraska, $1,409,000;

Rochester Harbor, New York, $1,842,000;

Columbia River, Seafarers Museum, Hammond, Oregon, $98,000;

South Central Pennsylvania, Environmental Improvements Program, Pennsylvania, $20,000,000; and

Quonset Point, Davisville, Rhode Island, $120,000.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, $5,500,000, are rescinded.

TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 605. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 606. UNITED STATES ENRICHMENT CORPORATION FUND. (a) WITHDRAWALS.—Subsections (b) and (c) of section 1 of Public Law 105–204 (112 Stat. 681) are amended by striking "fiscal year 2000" and inserting "fiscal year 2002".

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 607. LAKE CASCADE. (a) DESIGNATION.—The reservoir commonly known as the "Cascade Reservoir", created as a result of the building of the Cascade Dam authorized by the matter under the heading "BUREAU OF RECLAMATION" of the fifth section of the Interior Department Appropriation Act, 1942 (55 Stat. 334, chapter 259) for the Boise Project, Idaho, Payette division, is redesignated as "Lake Cascade".

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to "Cascade Reservoir" shall be considered to be a reference to "Lake Cascade".

SEC. 608. Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

"(vii) COST LIMITATION.—The annual cost of this provision shall not exceed $500,000 in 1997 dollars.".

This Act may be cited as the "Energy and Water Development Appropriations Act, 2000".

ORDER OF PROCEDURE

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I have a number of matters before we close up for the evening.

TRIBUTE TO JOHN EDWARDS

Mr. SESSIONS. Mr. President, I just left a marvelous event in which Mr. John Edwards of my hometown of Mobile, AL, was recognized nationally for his selfless service to youth. He had been trained as a boxer and has done some professional boxing.

Mr. Edwards has two children. He trains now 18 to 36 young people in a gym. He works two jobs and trains them on the side. He does more than just teach them boxing; he teaches them how to work, how to save, how to manage money, and the important characteristics that are necessary for life.

He told me, when they come there, the first thing he asks them to produce is a report card. If it is not good enough, he puts them on sort of his own probation, and he works with them to see their grades improve.

I just believe there are more people than we realize in America today who are giving of themselves for other people.

Mr. Edwards shared that. It is important to me because I chair the Youth Violence Committee. Young people are in trouble today, and they need adults who care about them and who will spend time with them. There are people like Mr. Edwards who have done that to an extraordinary degree, and we salute all of them.

I particularly congratulate Mr. Edwards on his commitment to his community and my hometown of Mobile, AL.

COMMENDING THE PRESIDENT AND THE ARMED FORCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 40, introduced earlier today by Senators LOTT, DASCHLE, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 40) commending the President and the Armed Forces for the success of Operation Allied Force.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 40

Whereas United States and North Atlantic Treaty Organization (NATO) military forces succeeded in forcing the Federal Republic of

Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas this accomplishment has been achieved at a minimal loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed, deported, detained, or killed by Serb security forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress expresses the appreciation of the Nation to:

(A) The United States Armed Forces who participated in Operation Allied Force and served and succeeded in the highest traditions of the Armed Forces of the United States.

(B) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them during the conflict.

(C) President Clinton, Commander in Chief of U.S. Armed Forces, for his leadership during Operation Allied Force.

(D) Secretary of Defense William Cohen, Chairman of the Joint Chiefs of Staff General Henry Shelton and Supreme Allied Commander-Europe General Wesley Clark, for their planning and implementation of Operation Allied Force.

(E) Secretary Albright and other Administration officials engaged in diplomatic efforts to resolve the Kosovo conflict.

(F) All of the forces from our NATO allies, who served with distinction and success.

[(G) The front line states, Albania, Macedonia, Bulgaria and Romania, who experience firsthand the instability produced by the Federal Republic of Yugoslavia's policy of ethnic cleansing.]

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Yugoslav and Serb forces from Kosovo according to relevant provisions of the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) A permanent end to the hostilities in Kosovo by Yugoslav and Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(D) Unimpeded access for humanitarian relief operations in Kosovo.

(4) The Congress urges the leadership of the Kosovo Liberation Army (KLA) to ensure KLA compliance with the ceasefire and demilitarization obligations.

(5) The Congress urges and expects all nations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia and to assist in bringing indicted war criminals, including Slobodan Milosevic and other Serb military and political leaders, to justice.

EXECUTIVE SESSION

NOMINATION OF RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION

Mr. SESSIONS. In executive session, I ask unanimous consent, on behalf of the majority leader, that the nomination of Richard Morningstar be discharged from the Foreign Relations Committee, and that the Senate proceed to its consideration. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Richard L. Morningstar, of Massachusetts, to be the Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PRIVILEGE OF THE FLOOR—H.R. 1664

Mr. SESSIONS. Mr. President, on behalf of Senator STROM THURMOND, I ask unanimous consent that the privilege of the floor be granted to Ernie Coggins, a legislative fellow, during the pendency of the emergency steel loan guarantee program and emergency steel, oil and gas loan guarantee program, H.R. 1664.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Utah (Mr. HATCH);

The Senator from Alaska (Mr. MURKOWSKI); and

The Senator from Michigan (Mr. ABRAHAM).

ORDERS FOR FRIDAY, JUNE 18, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 18. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a final passage vote relative to the oil, gas, steel loan program.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask that following that vote, the Senate proceed to the State Department authorization bill under a previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and proceed immediately to a rollcall vote on passage of H.R. 1664. Following that vote, the Senate will begin the State Department authorization bill. Several amendments are expected to be offered. Therefore, additional votes could occur until the hour of 11:45 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment, under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Friday, June 18, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 17, 1999:

DEPARTMENT OF DEFENSE

F. WHITTEN PETERS, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE AIR FORCE, VICE SHEILA E. WIDNALL, RESIGNED.

DEPARTMENT OF THE TREASURY

STUART E. EIZENSTAT, OF MARYLAND, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE LAWRENCE H. SUMMERS.

DEPARTMENT OF STATE

MICHAEL A. SHEEHAN, OF NEW JERSEY, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE. (NEW POSITION)

THE JUDICIARY

MARYANNE TRUMP BARRY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE H. LEE SAROKIN, RETIRED.

JAMES E. DUFFY, JR., OF HAWAII, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE CYNTHIA HOLCOMB HALL, RETIRED.

ELENA KAGAN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JAMES L. BUCKLEY, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate June 17, 1999:

DEPARTMENT OF STATE

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 17, 1999, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF THE TREASURY

JAMES W. WETZLER, OF NEW YORK, TO BE A MEMBER OF THE INTERNAL REVENUE OVERSIGHT BOARD FOR A TERM OF THREE YEARS (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MAY 27, 1999.

HOUSE OF REPRESENTATIVES—*Thursday, June 17, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. WILSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 17, 1999.

I hereby appoint the Honorable HEATHER WILSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Monsignor Richard W. O'Keefe, Immaculate Conception Parish, Yuma, Arizona, offered the following prayer:

Lord of all our endeavors, give to our elected Congressmen and women the courage to follow noble aspirations, strength to support worthy causes, integrity to seek the truth, and in all of their legislative duties, be their inspiration and guide.

Lord, you remember forever Your covenant with us. Even though it was centuries ago that You formed a community of family life with us, still You remain continually faithful. Enable us by Your merciful help to keep faith with You, to renew our covenant at important or difficult moments of our life so that at the end we may receive the promise of the covenant.

Lord, to those who believe in You, You promise kindness and truth, justice and peace. When we are faced with difficulties, increase our faith, but do not lower our ideals. From the least likely places You can bring forth the triumph of Your grace. These things we ask in Jesus name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1905), "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, to be conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1059), "An Act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, and Mr. REED, to be conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 331. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 559. An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on each side.

WELCOME TO REVEREND MONSIGNOR RICHARD O'KEEFE

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Madam Speaker, it is with great pride and it is an honor to introduce to my colleagues and welcome to the House Monsignor O'Keefe from Yuma, Arizona, who is one of Arizona's greatest assets.

Monsignor Richard O'Keefe was ordained as a Roman Catholic priest on June 14, 1959, in Ireland. Two months later he found himself serving as an associate pastor in Douglas, Arizona, and ever since that time has continued to reside in Arizona. For the past 27 years, Monsignor O'Keefe has faithfully served my constituents in Yuma, Arizona, and for the last 17 has served in the capacity of pastor of Immaculate Conception Church.

I have to tell my colleagues that he is a man who works with all segments of the community. He knows how to bring all of us together to solve the problems and bring a better quality of life to our community. His philosophy is that our government, as well as its citizens, must ensure that all residents of Arizona be given equal and fair treatment.

Monsignor's vision and commitment to education is evident, for his tireless work towards building the first Catholic church high school in Yuma. Monsignor O'Keefe is a friend, a confidante and a great asset not only to Yuma County, but to all of Arizona.

On behalf of the Congress, Monsignor, we thank you for your service to your church and to your country.

FOND FAREWELL AND SALUTATIONS TO OFFICER KEITH PICKETT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, all across America we take great pride in the work that our law enforcement personnel offer to our cities, local communities, counties and States. Today on Capitol Hill, we pay tribute to a retiring Capitol Police officer, Mr. Keith

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pickett. Mr. Pickett will be retiring this Saturday after 27 years of dedicated and valiant service to this body.

His on-the-job duties have been coupled with his strong involvement and commitment to the United States Capitol Police Retirement Association, the Fraternal Order of Police, and the American Legion. While serving the American Legion, Officer Pickett worked to raise money for Heroes, a benefit for survivors of slain police officers and firefighters.

Officer Pickett also served his Nation proudly in the United States Army before serving the occupants and visitors of our Nation's Capitol, this very building that symbolizes the freedom he protects. Here, at the center of freedom in Washington, D.C., we all wish Officer Keith Pickett a fond farewell and many thanks for his 30 years of service to the Federal Government.

Officer Pickett, along with all of my colleagues in the House, I salute you for the many years of invaluable service you have provided your Nation and your fellow officers. We offer you our thanks and our best wishes as you enter this new era of your life.

COMMUNITY REINVESTMENT ACT

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, I call to my colleagues' attention the importance of the Community Reinvestment Act, also known as CRA, which is incorporated within H.R. 10, generally described as the Financial Modernization Act.

The House will be considering H.R. 10 in the next several weeks, and I bring to my colleagues' attention the importance of maintaining CRA provisions in H.R. 10, as well as ensuring the modernization of banking securities and insurance functions to include modernization of the Community Reinvestment Act.

Madam Speaker, CRA has been an enormous success in the last two decades in raising and leveraging over $1 trillion in low-interest mortgage counseling for housing and small businesses in our underserved communities. However, the need for this kind of support continues and grows. There are over 5 million Americans in substandard housing, according to a 1998 HUD report which states: There has been a sharp increase in the number of working poor families needing housing assistance, with the total number jumping by 265,000, that is 24 percent, from 1991 to 1995.

We have a housing crisis in this country. One way to meet this crisis is to maintain the CRA provisions in H.R. 10, which are in the Leach-LaFalce language, and also modernize CRA by supporting the Gutierrez amendment to H.R. 10.

SEVEN HABITS OF HIGHLY INEFFECTIVE GOVERNMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this morning let us consider the seven habits of highly ineffective government. Here is a list we can all enjoy, unless, of course, one belongs to the party that has made these seven habits of highly ineffective government what they are most proud of.

Number one, disregard the law of unintended consequences. The 1974 campaign finance "reforms" anyone?

Number two, be compassionate with other people's money. No further comment necessary.

Number three, take credit for the other party's achievements. I think welfare reform would certainly qualify here.

Number four, spend beyond your means. Forty years of liberal Democratic rule where new programs were created without even asking how to pay for them enshrined this into Washington culture.

Number five, demonize your opponent, attack his motives. No such thing as honest disagreements.

Number six, promise tax cuts; pass tax increases once in office. That is how the liberals get elected.

Number seven, expand entitlements that are about to go bankrupt. How do we think Medicare got to where it is now?

SUPPORT THE TAUZIN-TRAFICANT NATIONAL RETAIL SALES TAX

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the IRS sent Joshua Jones a bill for $47,000. They said, Joshua, pay up or else. Joshua was in shock. Madam Speaker, Joshua Jones is 13 years old.

Now, I ask my colleagues, what did Joshua do, mow 50,000 lawns? Sell a million cups of lemonade? Beam me up. Thank God the burden of proof is now on the IRS.

But I have a better solution now for the Internal Revenue Service. Support the Tauzin-Traficant national retail sales tax. No more forms, no more income tax, no more audits, no more bills, no more IRS, and it is that simple. This is not rocket science.

I yield back the dilemma of Joshua Jones.

MEDICARE FUNDING

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, Vice President Al Gore announced his Presidential candidacy yesterday, and in the speech he said, and I quote, "I will make sure that Medicare is never weakened, never looted, never taken away."

How ironic to hear Mr. Gore speak those words at a time when this administration is refusing to spend the funds authorized by Congress to ensure the solvency of the Medicare program.

The Balanced Budget Act of 1997 provided the money to safeguard the health care needs of our Nation's seniors well into the 21st century. Yet, the Clinton-Gore administration is shortchanging Medicare by $20 billion. Let me repeat that. This administration is shortchanging Medicare by $20 billion. This underfunding is creating serious problems in the delivery of health services to the nearly 40 million elderly and disabled Americans who depend on Medicare.

The Vice President could make good on his campaign rhetoric and avert a major health care crisis by persuading the bureaucracy at President Clinton's Health Care Financing Administration to quit shortchanging Medicare and restore the funding to the levels authorized by Congress.

REMEMBER MELINDA FLOWERS BY VOTING FOR COMMON-SENSE GUN MEASURES

(Ms. DeLauro asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLauro. Madam Speaker, Melinda Flowers was 4 years old when she and her 8 year old sister found a .38-caliber pistol in their mother's closet. They did not know the gun was loaded, and they played with the gun, pointing it at various items around the room. The gun went off. Melinda was fatally shot in the forehead.

As of today, Melinda Flowers' death will no longer remain anonymous. She and the 13 youngsters who die every single day because of guns are not nameless, faceless statistics; they are real people, real children who are dying from an epidemic.

Over the course of the next 2 days, Members of this body can choose between two options. They can vote for modest, common-sense gun safety provisions already approved by the United States Senate, or they can vote for a watered-down gun bill.

The mothers and fathers of this country are consistent in their plea for modest gun safety measures. Child safety locks are a simple, inexpensive way to prevent accidental deaths and in no way restrict a person's right to own a gun. Closing the loophole at gun shows will allow law-abiding citizens to get firearms freely, but prevent guns from falling into the hands of criminals.

These are common-sense, modest proposals. Let us do the will of the American people. Let us not forget Melinda Flowers.

NO SEPARATE COMMAND AND NO SEPARATE GEOGRAPHIC AREA FOR MILITARY FORCES IN KOSOVO

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, this Member rises to oppose any kind of accommodationist approach regarding Russian military forces in Kosovo. Russia's gambit at the Pristina airport clearly caught NATO and the Clinton administration off guard. It looks too much like the kind of territorial grab the Soviet Army made at the end of World War II. Moscow declared and demanded that its soldiers have a separate sector to patrol outside NATO's command.

□ 1015

Madam Speaker, Americans must not be deceived by the administration to accept euphemistic rhetoric which will mask the placement of Russian forces in a separate geographic area in Kosovo under a separate command.

President Clinton must not budge. No separate sector under Russian control.

The administration and NATO absolutely must not compromise on this issue. Congress and the American people will be watching. The world will be watching. There must be only one answer to the Russians. No, no, no. Nyet, nyet, nyet.

WHAT POLICY WILL MAKE US SAFER?

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Madam Speaker, I rise today to talk about gun safety and to pose the question, What policy will make us safer? Today in Congress we will debate the issue of gun safety and, most importantly, closing the loophole with respect to gun shows. The issue will be this: Should we be allowed to do a 3-day background check on people who buy guns or should we have a watered-down version that only allows 24 hours?

Law enforcement officials such as the FBI say they need 3 days because sometimes there are thousands of Johnsons and Smiths that they have to run through their computers.

What will make us safer: Taking the 3 days to do a thorough background check so a felon or someone with mental instability does not get a gun, or rushing through for the sake of convenience and letting literally thousands of felons get guns?

These gun shows do not occur at neighborhood arenas or fairgrounds. Oftentimes it is somebody in a pickup truck who shows his guns at a small community. There is nothing wrong with that, but they should have adequate background checks. We have an opportunity to do it today.

Madam Speaker, I urge us to vote for sound, fair, sensible gun control.

LET US FOLLOW NOBLE ASPIRATIONS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask this Congress this morning, What do we tell the mothers and fathers of murdered children? What do we tell those who have seen 13 children die every day? This Congress has an opportunity, as was our prayer this morning, to follow noble aspirations and not follow our political aspirations. Four hundred thousand, **400,000** people were prevented from getting guns under the Brady bill. Two-thirds of them were felons.

To the Republicans who voted for the Brady bill, it is time now to follow noble aspirations and not political aspirations. It is time to join commonsense children's safety and protect them against guns.

Today I will go and talk to constituents who have called me, one who said they will use every penny to defeat me if I vote for gun safety. I ask my colleagues to stand against intimidation, stand for the saving of the lives of those who will go on after us. Tell the mothers and fathers of murdered children that we have the courage to follow our noble aspirations and stand up against the death of children in America.

Vote for gun safety today. Vote for gun safety.

GOP: GUNS OVER PEOPLE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Madam Speaker, a few weeks ago House Republicans said they believed that the United States should not take a leadership role in the world; a war in Europe was someone else's problem, they said. But this week, the GOP says the United States should be the leader of the world. The United States, according to House Republicans, must retain its title as world leader: in murders, assaults and other incidents of gun violence.

I used to think that the Republicans' isolationism simply meant that they closed their eyes to the rest of the world's problems. Now I see that they have closed their eyes to the rest of the world's solutions. The solution to gun violence and crime in every other industrialized nation has been fewer guns; more gun safety laws. It has proven it works.

Sometimes it is hard to figure out what the Members of the GOP stand for. They want us to stand alone in the world, too proud to take a lesson from other countries. They do not want us to stand up for freedom or stand up to an evil aggressor, but at least it is clear what the letters GOP stand for: Guns over people.

AMERICAN TAXPAYERS HAVE A RIGHT TO KNOW WHAT IS GOING ON OVERSEAS, WHO IS PAYING FOR IT, AND HOW FAR THE MILITARY HAS BEEN DILUTED

(Mr. McINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINNIS. Madam Speaker, I was not going to address the House until I heard the previous speaker. I would say to the previous speaker that I would like to show him a poster which I am going to show a little later on, a very violent poster. And, of course, this company contributes maximum contributions to the Democratic National Committee.

Second of all, as the previous speaker brought up, that the Republicans are questioning what kind of action went on in Kosovo. Doggone right we are questioning about that. Who is paying their fair share over there? Are the Europeans doing their fair share of burden sharing? Or once again, is it the taxpayers of the United States of America that are going to pay for all of the action in Kosovo, or the great majority of it?

Let us not kid anybody around here. The American taxpayer and the American citizens want to know what business we have overseas, how we are paying for it, how many of our troops are in danger, how much we have diluted the United States military.

Now, the previous speaker, apparently speaking for the Democratic Party, does not think that is any of our business. Well, I do. I think it is our business. We have the obligation to, number one, see what the mission is and how we complete it.

VOTING TO SUPPORT JUVENILE JUSTICE BILLS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Madam Speaker, later today we will have the opportunity to vote on a bipartisan piece of legislation that stresses both accountability and prevention for juveniles. In my mind, a good juvenile justice bill must have provisions that hold juveniles immediately accountable for their actions.

H.R. 1501 requires States to implement graduated sanctions, ensuring that there is a consequence to each crime committed and that penalties increase with each additional offense.

By making activities such as restorative justice programs and drug courts eligible for funding, H.R. 1501 allows communities to be innovative in how they hold youngsters accountable. These provisions are in line with legislation that I have drafted that would fund activities allowing localities to provide individual attention to nonviolent juvenile offenders, while holding them accountable for their actions.

This legislation is based on successful efforts of the juvenile justice system in one of my counties, Clackamas County. When a juvenile offender is arrested, that juvenile is assessed, evaluated. They work with parents. They work with local police and school officials to come up with proper sanctions.

I look forward to supporting both of these bills.

AMENDMENT TO PROVIDE PROGRAM FOR EARLY IDENTIFICATION AND INTERVENTION WITH MENTAL HEALTH SERVICES FOR YOUNG PEOPLE WHO EXHIBIT VIOLENT TENDENCIES

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Madam Speaker, the bill we are now debating will try young people as adults at age 13. It will provide magic solutions on guns, but it will not allow a debate on my amendment to provide a greatly expanded program for early identification and intervention with mental health services to young people at an early age if they exhibit tendencies that might lead to violence.

At the proper time today, I will ask unanimous consent to allow my amendment to be added to those other amendments that will be debated so that we can at least try to approach this problem in a comprehensive multifaceted way, so that we can deal with the problem of juvenile violence in the most comprehensive and rational fashion.

LET US PASS LEGISLATION TO PROTECT OUR CHILDREN

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, when I visit schools and community centers and meet with parents at Little League games and picnics throughout my Congressional District, I constantly hear that we must do something as a Congress and as a nation about the violence that plagues our schools and streets.

The crime rate in my district and in New York City has declined. Neighborhoods are safer. Kids do not fear gang warfare and schools throughout New York are safe havens for students. Kids may be safe but parents are concerned. They are concerned about the proliferation of guns, of kids getting access to guns without trigger locks, of guns being bought at gun shows without adequate background checks, and of the ability to buy guns over the Internet.

These are the issues that the Democrats want to address, not a bill written in secret by the NRA and brought straight to the floor without an adequate committee hearing.

Why is the bill the House is addressing weaker than its Senate bill? Let us pass legislation to protect our children, make our neighborhoods safer and make it harder for guns to get into the hands of children and criminals.

REQUEST TO MAKE IN ORDER OBEY AMENDMENT TO H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Mr. OBEY. Madam Speaker, I ask unanimous consent that during consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, pursuant to House Resolution 209, the amendment that I have posted at the desk may be considered as though it were the last amendment printed in part A of the Committee on Rules report 106-186.

The SPEAKER pro tempore (Mrs. WILSON). Is there objection to the request of the gentleman from Wisconsin?

Mr. McINNIS. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

A REAL NIGHTMARE: DEMOCRAT TAX INCREASE

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Madam Speaker, last night I did not sleep well. I did not sleep well because I had a nightmare. I dreamed that the Democrats had control of both Houses of Congress, and the worst part of it was even more disturbing than that. In this Democrat majority Congress, the Democrat leadership decided to actually pass into law what they said they would do; in other words, raise taxes.

Millions of Democrats across the country are not liberals. In fact, many of them are quite conservative indeed; especially on fiscal issues. But the Democrat party in Washington, as most people know, is quite liberal, especially the Democrat leadership in Congress.

The House minority leader, the gentleman from Missouri (Mr. GEPHARDT), wants to expand the Federal education bureaucracy in Washington by cutting defense and raising taxes, and the minority leader in the other body, Mr. DASCHLE of South Dakota, stated just this past weekend on CNN's Evans and Novak that tax increases are on the table.

That is why I did not sleep well last night.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1501.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, June 16, 1999, a request for a recorded vote on amendment No. 30 printed in part A of House Report 106-186 by the gentleman from Indiana (Mr. SOUDER) had been postponed.

It is now in order to consider amendment No. 32 printed in part A of House Report 106-186.

AMENDMENT NO. 32 OFFERED BY MRS. EMERSON

Mrs. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 32 offered by Mrs. EMERSON:

Add at the end the following:

SEC. ____. SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video "killing" games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from Missouri (Mrs. EMERSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is interesting to note that Leslie Moonves, the President of CBS television, recently said that while it is not fair to blame the media for the rampage at Columbine, anyone who thinks the media has nothing to do with this is an idiot.

I think Mr. Moonves' comment really sums up why we are offering this amendment today. We have heard a lot about gun shows, pawn shops and ammo clips over the months since the violence at Columbine. We have been told that if we tweak the law a little bit here, or add a new provision to make something else illegal, somehow people who recklessly and purposely gun down others in cold blood will not do it.

Thirty years ago, we had very few gun laws and surprisingly no high school shooting sprees to report every few days or weeks or months, but 30 years ago we also had stricter discipline in schools. School officials did not worry about lawsuits if they expelled a violent child, and parents exerted more control and discipline over their children. They were not afraid to say no to their kids.

Now we have a new gun law every year. We have school officials who are afraid of being sued and we have a Federal law which seems designed to keep violent kids in classrooms, not out of them.

We have an industry that in the name of entertainment produces images of violence that are so graphic and at a pace that makes one dizzy. Why is anyone surprised that in these modern days that some students plan mass murders instead of graduation parties?

I stand here not just as a Member of Congress, I stand here as a mother who is deeply, deeply concerned about the safety and well-being of my children.

□ 1030

I stand here as a neighbor and as a parent of a high school junior who is concerned about the safety and the well-being of my neighbors' kids and my daughter's friends.

The tragedy at Columbine High School and the violence close to schools and close to my district in Paducah, Kentucky, and in Jonesboro, Arkansas, should be a real wake-up call for all of us.

We have got to work together. We have got to work together to give back families a sense of security and control over their own lives. That is what our amendment to the juvenile justice bill seeks to do. It seeks to generate a serious dialogue in our Nation about the negative images that our children are exposed to when they watch television, when they go to the movies, when they play video games, and when they listen to CDs. This dialogue needs to take place in our homes, in our communities; yes, it also needs to take place in the Halls of Congress.

Specifically, our amendment calls on the entertainment industry to recognize the power and the influence it has over our Nation's youth. We ask that the industry does everything in its power to eliminate gratuitous acts of violence in movies, on television, in music lyrics, and in video games.

If we invest the time and the energy to have this discussion, I think we can discover ways to address the factors that contribute to youth violence in America. Now, there may be some things that we can do legislatively, but the bottom line is, quite frankly, much of the solution cannot be legislated.

Our amendment does not create any new laws. It does not create any new regulations. Our amendment does not fund yet another study on the already well-documented impact that violence as entertainment has on our Nation's youth.

I hope that our amendment sends a very clear message to the entertainment industry that Congress and the American people do hold them responsible for the desensitizing images that they market to our children. After all, we would really, really have to be idiots if we think the entertainment industry does not have anything to do with youth violence in America.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California (Mr. BERMAN) seek to control the time in opposition?

Mr. BERMAN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized for 20 minutes.

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment. I do not think anyone in today's modern society can deny the power of the entertainment industry, of the movie industry, of the TV media. We know that this is an industry that can make us cry, that can raise goose pimples on our skin. It can make the hair on the back of our neck stand up. The industry should never deny its power.

In conversations with many executives, they have thought from time to time it was rather foolish for an industry that can convey all of these emotions, that can change the direction of society with uplifting movies, can repeat the history in realistic movies, to deny that power.

But we also know that where we run into trouble with the media industry is where the media industry has access to our children in a vacuum, where the media, the entertainment industry has access to our children in a disproportionate number of hours during the day, when the media and the entertainment industry become substitutes for what families should, in fact, be doing.

Because the same research that tells us rather convincingly that the media can have a very powerful impact on our children, that the entertainment industry can help desensitize our children to violence, to the acts of violence, that it, in fact, can teach them how to perpetrate violence, the same research and additional research makes a very important point.

Where they have strong family bonding, effective teaching of moral values and norms, and effective monitoring of behavior, the effective exposure to violence on TV is probably negligible.

So, really, what this amendment is about is about whether or not we are prepared to choose, whether or not we as families with children and grandchildren are prepared to choose. We can let the media, we can let the entertainment industry become a substitute for our families. We can let our children have access to it without guidelines, without some sense of discipline. We can let it become the teacher of our children, or we can choose to become the teacher of our children. We can let it baby-sit de facto, become the babysitter for our children, provide day care for our children; or, in fact, we can spend time with our children.

We can decide whether or not it becomes a substitute for our reading to our children. We can decide whether it becomes a substitute for our conversations with our children on values, on ethics, on sex. That is the decision that we have to make.

Because it is not the media in and of itself, it is not the entertainment industry in and of itself that creates this problem. It is in combination with the vacuum that is created by families that creates a vacuum, because they, in fact, have made other choices in their life, some out of necessity, some out of neglect, and some because simply that is what they want to do.

But they have made choices, as we have documented time and time again. They are spending less time with their children. They are having fewer conversations with their children. They are spending less time at the breakfast table, at the dinner table, some because they have very long commutes, some because I guess they choose not to spend time with their children.

That is where the problem in this intersection of this very powerful industry comes into play. I do not think they can solve that by having a blanket condemnation of that industry. I do not think they can do that, because I do not think, then, it is realistic to the children who they are trying to address.

They understand the differences between uplifting movies, movies like "Schindler's List," movies like "Star Wars," movies like "Notting Hill," movies that portray life as they see it, and movies that have nothing to do but pursue the exploitation of women, sex, and violence.

Mrs. EMERSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I ask the gentleman from California (Mr. GEORGE MILLER) to take a look at the language of the amendment. It does not, in fact, condemn the industry. It simply asks them to admit that it has a responsibility for the power that violence has on television and its impact on children, but also asks them to sit down with us in serious dialogue.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentlewoman will yield, I thank the gentlewoman. I think that conversation and responsibility also has to take place in our families. That conversation has to take place.

Mrs. EMERSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I thank the gentlewoman from Missouri for yielding me this time.

As a member of the committee and on behalf of the subcommittee chairman and committee chairman, both of whom support the gentlewoman's amendment, I would say that our children are being desensitized by the increase of violence shown on television and in movies and in video games.

According to the American Medical Association, by the time an average child has reached the age of 18, he or she has witnessed something like 200,000 acts of violence on television, including over 16,000 murders. Children are particularly susceptible to the influence of violent subject matter.

The entertainment industry must recognize the power and influence it has over the behavior of our Nation's youth. The entertainment industry should do everything in its power to stop these portrayals of pointless acts of brutality, pointless, by eliminating gratuitous acts of violence in movies and in television and in video games.

Again, on behalf of the committee, I want to very much support and thank the gentlewoman from Missouri (Mrs. EMERSON) for offering this amendment. I think it is appropriate.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

We are in the middle of a historic national dialogue on how to reduce violence in our society and make America a safer place for children to grow up. I believe that the more this dialogue is about finding solutions, and the less it is about fixing blame, the more productive the dialogue will be.

Simply blaming the entertainment industry for youth violence is not productive any more than simply blaming schools or blaming young people in general is productive. Our job is to find practical, effective solutions to the problems of youth violence.

The debate today has largely focused on movies, television, and the Internet and video games. Yes, we should encourage the entertainment companies to take any and all steps to prevent objectionable, violent material from getting into the hands of children. Certainly we should support policies that empower parents to know the contents of movies and video games and help them to steer their kids away from violent, debasing entertainment and towards wholesome and productive pursuits. But we must not fail to address issues that I strongly believe strike nearer to the root of the problem of youth violence.

I am deeply saddened that the Committee on Rules struck down an amendment that would have made a giant step in the right direction. I join my fellow Democrats in urging that the juvenile justice bill do more to help our local communities and local districts to help our kids keep out of trouble when they are most at risk, immediately after school. Yet the Republican leadership said no to providing the resources that will help our kids by providing wholesome and productive after-school activities for our children.

Democrats called for tripling the amount of Federal support for after-school programs, including tutoring and mentoring and healthy recreational activities. We called for filling in the risky hours of the days, the hours after school while the opportunity for more youngsters to improve their schoolwork, grow as responsible citizens, learn values, and build stronger minds and bodies. To me, that seems like a practical and effective solution to the pathology that leads to youth violence. But the Republican leadership said no.

Now I fear that we are on the verge of a marathon demonization of the entertainment industry, a tactic of limited value, especially compared to the real-world practical and effective strategies such as tutoring and mentoring, counseling, and wholesome recreation.

We can rest assured that if we do not make it a national priority to provide for our young people activities that are wholesome and necessary for them to grow into strong, healthy adults, that they will be prey to the temptations of the streets and to other destructive influences.

I urge my colleagues to rein in the urge to simply assess blame to the entertainment industry. Let us all work together as parents. Let us instead focus on protecting our youth by providing the resources they need, especially in the high-risk after-school hours.

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might add quickly here that, while the people in opposition to this amendment keep saying, do not blame any industry, do not blame any industry, we all have to work together, I would ask what they all have been doing blaming the gun industry, then, for all these weeks?

Mr. Chairman, I am very happy to yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentlewoman from Missouri for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment expressing a sense of Congress on this very most important topic.

I would like to thank the gentlewoman from Missouri (Mrs. EMERSON) for her leadership on this issue, because she has pushed, I think, something that needs to be touched; and she has hit it very, very well. I appreciate her leadership in many ways, but particularly here.

Mr. Chairman, while we must take a long, hard look at all aspects of our juvenile justice system, can there be any doubt, any doubt at all, that the entertainment industry is contributing to the culture of violence that manifested itself in Colorado; in Georgia; in Jonesboro, Arkansas; and Paducah, Kentucky?

These senseless acts of schoolhouse violence committed by children against children have rightfully captured the Nation's attention, and it is time for Congress to move forward with comprehensive legislation that addresses the growing epidemic of violent juvenile crime.

Part of this response must include a strong statement against often senseless and graphic violence being peddled by the so-called entertainment industry. They do bear responsibility for what comes out. The point has been made, but it bears repeating. By the age of 18, the average child in the United States will have witnessed 200,000 acts of violence and some 16,000 plus murders through our popular culture.

□ 1045

Mr. Chairman, to call this entertainment stretches the definition of the English language. What it really is is mindless brutality, having the effect of coarsening our culture, with the devastating impact on impressionable young people. The effect of this media is a slow and steady erosion of our fundamental values of decency, honor and respect.

As the elected representatives of this great country, those of us fortunate enough to have the privilege of speaking for our constituents have a duty, I think, and an obligation, to use the bully pulpit that this House affords to say to the entertainment industry "Stop, think, change."

The Emerson amendment calls upon those responsible for our popular culture to acknowledge the enormous influence they have over America's children, to exercise some responsibility and just a little bit of decency when making and marketing their product. We have a duty to enforce and defend the first amendment. Likewise, the entertainment industry has a duty to use judgment, decency and restraint when it comes to our children.

Mr. Chairman, I urge my colleagues to report this very common-sense amendment.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to this amendment, to this language, not because I have any doubts about the sincerity and good intentions of the sponsor, and not because I have any particular disagreement with the substantive words contained in the resolution, but because I believe it is both woefully imbalanced and terribly inappropriate.

The gentlewoman, through her amendment, seeks to select out one industry, excluding a variety of other industries that do the exact same thing, in part, and then chastises that industry in a fashion that she may not intend. She may not be intending to condemn an industry, but I assure my colleagues the passage of this amendment will be reported as a condemnation of an industry.

And what is this industry? This is an industry that produces some of the most powerful teaching instruments available to the people of this country and to the world. And let us talk about them.

Where is the recognition that this is an industry that produced and distributed Saving Private Ryan, teaching Americans and the world about the courage of American soldiers, the commitment to the country's patriotic ideals, to the brutality of war?

Where is the recognition that this is the industry that produced Amistad, revealing a very important segment of the history of slavery in this country? Or Schindler's List, which told the story of the holocaust in a fashion so powerful that people who had never before contemplated what that meant had a new understanding of it?

Where is the recognition that this is an industry that has produced for our children movies like The Little Mermaid, The Lion King, Beauty and the Beast?

Where is the recognition that there is music that has uplifted the spirits and souls of millions and millions of people all around the world?

This is an unbalanced and unfair resolution. Sure, there are irresponsible actors, absolutely there is inappropriate marketing, absolutely there are cases of pointless and senseless brutality being depicted. To select out one industry and exclude all other industries who engage in the same kind of conduct, and to treat it in such an unbalanced fashion is not worthy of this House.

It is no more fair than my offering a resolution attacking the pharmaceutical industry because one drug company marketed a drug they knew to be harmful to people, or condemning the entire construction industry for the role of asbestos. Where do we get off going after an industry in this kind of a fashion without recognizing the good as well as the bad?

These are people that employ hundreds of thousands of people in this country, that contribute tremendous amounts to the education and the inspiration of the American people, as well as the negatives that the gentlewoman points out.

Why does this amendment exclude books and other powerful means of communication that perhaps at times, with specific authors and certain publishers, might engage in pointless acts of brutality? Where do we come off as a Congress of the United States, as the House of Representatives, memorializing and institutionalizing this kind of unbalanced frontal attack on an industry without recognizing the good along with the bad?

I think it is a bad amendment, and even as I agree with specific substantive points in the language, I do not think this body should be adopting this kind of proposal.

Mr. BERMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I ask unanimous consent, if the gentleman from California would be willing, to extend our time 7½ minutes on each side, because we have numerous speakers and not enough time, unless the gentleman from California would like to yield us some of his time. This is an important discussion and I think it is a good one that is worth having.

Mr. BERMAN. Mr. Chairman, reserving the right to object, how much time does each side have remaining?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 9 minutes remaining, and the gentlewoman from Missouri (Mrs. EMERSON) has 11½ minutes remaining.

The gentleman from California (Mr. BERMAN) is recognized under his reservation.

Mr. BERMAN. Mr. Chairman, if I might inquire of the gentlewoman, the unanimous consent request would allow how much more time?

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. Further reserving the right to object, I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, my unanimous consent request would allow each side to have 7½ additional minutes, 15 minutes total.

Mr. BERMAN. That is a lot more time on a very busy day.

Mrs. EMERSON. I think the gentleman would agree it is worthwhile.

Mr. BERMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The CHAIRMAN. The gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from California (Mr. BERMAN) shall each have 7½ additional minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I come to the well today as a Member of the House, but more importantly as the father of a 12-year-old and a 10-year-old stating that there is no more important domestic issue that we could focus our undivided attention on than this issue of children killing other children and what the causes and effects are of this terrible sign in our society.

Almost a thousand studies since 1971 document that mass media influences children who cannot differentiate between reality and fantasy, causing them to be more violent, even causing them to do what does not come natural, and that is to kill another human being. Even rattlesnakes do not kill other rattlesnakes.

Our military had a problem, Mr. Chairman. Colonel David Grossman, a psychologist, a renowned expert in the field of killology, a part of psychology, says that in World War II our soldiers would not even pull the trigger when an enemy was in front of them. Only 20 percent, at most, would actually pull the trigger. It does not come naturally. So they took the bulls off the firing range and put a human figure and they began desensitization techniques and therapy, and by the Korean War it got up to 40 percent. And then technology set in and they used simulators, much like we have today, and by the time of Vietnam, 90 percent of our soldiers would actually kill. It does not come natural.

My colleagues, our children, by the age of 6, are experiencing the same desensitization therapies. Video games, Karmageddon. The video game Doom is used by our military to train soldiers how to kill, and our children are being inundated with these violent products.

Let me tell my colleagues that this week, in a shameless way, the entertainment and mass media industry is working this hill over like no one can believe, around the clock, trying to push back any kind of common-sense approaches, like uniform labeling, so parents will know what is going on. That amendment will be up in an hour and a half, and the entertainment industry is working around the clock to try to defeat any common-sense approaches so that informed parents can make responsible decisions.

But this is unequivocal. These influences are taking our children in the wrong direction. Splatter movies are not responsible. The entertainment industry has a responsibility. We do not want to place blame, but we want people to be responsible. Industries are profiting from trash going into the minds of our children. If it was alcohol or drugs going into our bodies, we would not stand for it, but the same kinds of evil influences are going into the minds of children, so we should not be so surprised when they turn around and act the way they do.

Something needs to be done. Somebody has to stand up for parents and families, not these big special interests with all the money.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS) the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time, and I am happy to join in this discussion.

I had some talk with the maker of this particular amendment and we had not reached much of a conclusion, but now I have. There are several problematical things behind a well-intentioned resolution. First of all, this may be, in the 175 amendments that have been submitted to the Committee on Rules, the only sense of Congress resolution in a huge bill.

In other words, all of these other measures that are approved have a lot to do with something very, very specific. We have measures, and have debated them, to create increased protection for communities and holding juveniles more accountable; we have created entire new systems of punishment for juveniles. We have done a lot of things, but we have not done a sense of the Congress resolution against anybody yet except the entertainment industry.

Now, it is my view that what the entertainment industry really needs is some specific direction from us as to what it is we want them to do. I will shortly have the results of some hearings held in the Committee on the Judiciary in which we had a number of experts, academic, people in the industry, people who are critics of the industry, and industry spokesmen themselves, which I would like to make my colleagues the beneficiary of in terms of the nature of the kinds of things that we can do.

And so a sense of Congress resolution would be great if we were not here dealing with the amendments made in order for the Juvenile Offenders Act of 1999. In other words, this is showdown time. The question is not how we feel about the industry or what we do not like about it, the question is what are we going to do about it. And it is to that idea that a sense of Congress resolution is not what we need. What we need are something like the hundreds of amendments that have come forward out of the dozens of hours of debate on this subject.

The next thing that I think we ought to put in to some kind of perspective is that the gentlewoman mentioned that there are people that do not want to condemn the entertainment industry but they do want to condemn the gun industry. Well, that may be so. There are probably people that want to do one thing or the other, but this is not condemnation time. This is showdown time. This is what we do about the problems that we believe to exist. The Committee on the Judiciary has debated and discussed this for many, many hours, and what we want is not a sense of Congress resolution but something quite specific.

And so I want to point out that we do have an amendment to create an antitrust exemption so that we will be able to work industry-wide in any corrective action that we need.

□ 1100

We also have other recommendations that I will be reporting back to my colleagues.

But for sense of Congress resolutions, I am sorry to say the time has come and gone. We are now in the put up or shut up phase. What is it, assuming that everything you say in the resolution is correct, then what do we do? And that is what the amendments that were granted by the Committee on Rules, the substitute that I will shortly be offering today, all try to do.

It is in that sense that I wanted to make clear the reservations that I have about a sense of Congress resolution at this point in time in these proceedings.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield for a friendly question?

Mr. CONYERS. Mr. Chairman, yes, I yield to the gentleman from South Carolina.

Mr. KINGSTON. Mr. Chairman, although my colleague cannot support this, I do appreciate what he is doing through the format of hearings and looking into it. And I think that he will find, while we all have reservations about one thing or the other, we do want to work any way we can to protect children, give them more positive messages.

I want to say, I think my colleague will find the authors of this amendment are certainly willing to help his committee any way we can in a positive sense.

Mr. CONYERS. Mr. Chairman, we welcome that.

This is not an easy problem. It is a very intractable problem. It is deep within our culture. If we could just single out a couple of people and spank them on the hands or pass a condemnation resolution, I guess my colleagues would feel better about it. But it will not change anything.

What I am here for yesterday and last night, today and tonight and tomorrow, is to try to come to closure with the entertainment industry as to what it is precisely we want them to do. And in that regard, I would welcome the comments of the gentlewoman and working together with her and everything else that we can.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I rise in strong support of the Emerson resolution.

Because, Mr. Chairman, before completing the sixth grade, the average American child has seen 8,000 homicides and 100,000 acts of violence on television and in the movies.

Now, how can we possibly say that this massive exposure to murder and to violence no way influences the minds of young men and women? There is no way we can. And in fact, a recent survey of young American males found that 22 to 34 percent of those young men who had been exposed to this kind of violence and murder actually tried to perform the same crime techniques.

Mr. Chairman, I was deeply moved by the testimony given in the House Committee on the Judiciary by Darryl

Scott, the father of a slain daughter in the Littleton, Colorado, massacre. This remarkable father testified in part, "I am here today to declare that Columbine was not just a tragedy, it was a spiritual event that should be forcing us to look at where the real blame lies." "Men and women are three-part beings," he testified.

He continued, "We all consist of body, soul and spirit. And when we refuse to acknowledge a third part of our makeup, we create a void that allows evil, prejudice and hatred to rush in and wreak havoc."

Mr. Chairman, what the entertainment industry is doing through the mass production of murder and mayhem is destroying the spirit of our children. So we must send a very strong message to this entertainment industry that they must stop the violence that they are thrusting into the minds and the spirits of our children. It is time that the Hollywood elites take the responsibility for the consequences of their actions.

Mr. Chairman, I would like very much to see parents whose children have been killed because of the destructive and violent material have a remedy against profiteers of such material in Federal court.

The CHAIRMAN pro tempore (Mr. QUINN). The Chair would take this opportunity to inform the managers that the gentleman from California (Mr. BERMAN) has 9½ minutes remaining and the gentlewoman from Missouri (Mrs. EMERSON) has 14½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Chairman, I am amazed when I sit over here and listen to people stand up here after the tragedies that we have experienced in this country and say, let us not assess any blame. Mr. Chairman, how do my colleagues think we are going to find a solution?

I used to be a police officer. And when we came up to the scene of a car accident, we did not stand there and say, well, let us not assess any blame. We put a lot of resources into trying to figure out who made the mistake. Was it because of a mechanical problem in the car? Is it because we had a drunk driver? We always assessed the blame. How are we going to find the solution? How are we going to get the bad drivers off the road?

Are my colleagues afraid to stand up? I ask the Democrats, are they afraid to stand up to these kind of video games and tell them it is wrong? The previous speaker said we should not condemn anybody. Well, I am standing here today telling my colleagues, I am condemning this particular game.

We ought to take a look at this, my colleagues, take a look at the game titled "You're Gonna Die." It is made by Interplay Corporation.

Let me go through this in a little more detail. This specific game, and by the way, it is advertised in a magazine. We can find it in any magazine store we want to.

Now, my colleagues may not want to condemn this. But I condemn it. "You're Gonna Die." Six pages centerfold. Do my colleagues know what this game allows us to do? This game allows us to zoom in, take a look at the body parts so that we can observe the exit wounds. My colleagues do not want to condemn this? It is interesting.

Before the President went to Hollywood, he stood in front of the Nation and he condemned Hollywood. Then he goes to Hollywood and he raises millions of dollars. Then he comes back from Hollywood and he condemns Hollywood.

Republicans stand up here today with the resolution of the gentlewoman from Missouri (Mrs. EMERSON) which, by the way, does not put on more laws, does not create new Federal agencies, and does not create a new movie police force outside there. It calls for peer pressure. It says to the industry they have community responsibility.

We stand up here and express concern, and I am surprised that my colleagues are condemning us for this. Do they have another trip going to Hollywood to raise more money in Hollywood?

Let me tell my colleagues, it is interesting about this game. Do my colleagues know what the company that made this game did for the Democratic National Party? They sent them $10,000, the maximum contribution.

These games are nothing but murder simulators. Do my colleagues know what these games are like? Do they want a comparison? Do they want something to condemn? It is like giving the keys to a drunk driver, giving him the keys to a car knowing he is drunk. That is what they are doing with these games.

I urge the Democrats, I urge them from the bottom of my heart, stand up here today and condemn these games with me.

And do my colleagues know what? The industry has been responsive. Disney Corporation voluntarily, and, I commend them, stepped forward and said no more of these games in our facilities. Six Flags stepped forward, no more of these games in our facilities. The City of Denver went throughout their airports, their arcades, and said, get those games out of our arcades.

So the key here, the industry will be responsive. But we have got to be willing to stand up to those people. I am asking the Democrats to put their entertainment bias, whatever, aside and stand up with the Republicans and say, we do condemn these kind of games. We do assess some blame.

Obviously, as the Republicans have stated time and time again, it comes to family responsibility. But there is community responsibility which is a contributing factor.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask the gentleman from Colorado (Mr. McINNIS) if he would remain at the lectern and answer questions on my time.

Does the gentleman know the name of the manufacturer of that video game?

Mr. McINNIS. Mr. Chairman, if the gentleman would yield, I do. It is Interplay Corporation, based out of California. Just for the information of my colleagues, the web site is "www.kingpin.corpse".

Mr. BERMAN. Mr. Chairman, reclaiming my time, I say to the gentleman, then offer a resolution condemning the company that produced this game. Do not give a speech talking about the emptiness of condemnations coming out of the White House when the emptiness and broad-brush condemnations coming out of the Congress are no less offensive and perhaps more so.

The fact is that the gentleman sits here and correctly points out responsible actions taken by members of the entertainment industry, whether it is the Disney company in the context of pulling certain shows off, whether it is ABC not showing R-rated movie commercials before 9 o'clock, whether it is the National Association of Theater Owners taking a voluntary rating system that has been in effect for 30 or 40 years and deciding that they are going to ID every single youthful appearing person who comes to a theater to make sure that no one is getting into R-rated movies without parental consent.

Do not condemn a whole industry for the irresponsible actions and products of a specific company. Mr. Chairman, where does this blanket guilty by association broad-based defamation come from? Get specific. Tell us what they do not like and condemn what they do not like.

Do not sweep a lot of good people under this, a lot of people who work in an industry and produce positive products for America. Do not destroy the manufacturer of a digital game like Tetris because they do not like this particular digital game. Start getting specific and meaningful.

Mrs. EMERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I would like to commend the gentleman from California.

I agree with him. I think it would be despicable to condemn an entire industry for the actions of people. We have got to get to personal responsibility. I am so proud that the Democrats would never condemn an entire industry just based on the actions of people. And I am sure they will not do that when it comes up to the gun issue.

Frankly, when the gentlewoman from Missouri (Mrs. EMERSON) asked me to come here and to talk about this, I said she was not going to need me. This is incredulous. A simple resolution calling on Hollywood to work with the Congress to work with the American people to help families to stave off the violence, not in a condemning way, to ask them to work with us. I told her you are not going to need me.

My colleagues have to be brain dead to oppose this kind of amendment. Anybody who raises children, anybody who is not from some other solar system has got to understand that the impact of violence in the media is harming our children. And so, I appreciate this opportunity.

But think with me, if my colleagues will, some of the things that impact the mind. Has anybody ever seen the bumper sticker "Visualize World Peace"? Do my colleagues know why that sticker has so much impact? Because before we can realize anything, we have got to visualize it.

Think about the golf videos. I took up golf a couple years ago with my son, and we rent these videos so we can perfect our golf swing because we visualize ourselves on the video taking that perfect swing and then we go out on the golf course and we realize it. Well, the same thing happens when we watch something over and over and over again.

The Bible says, "As a man thinketh, so is he." Unless my colleagues are brain dead or bought off, they cannot disagree with that.

The fact is what we see has a direct impact with what we do. And if we immerse ourselves in it enough, soon we become desensitized. And, no, it does not make us do anything. I am not Flip Wilson saying, "The devil made me do it." But the fact is, the more we see something, the more we become desensitized.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I agree with the gentleman. Since all of us are brain alive and have not been bought off, now that we are outraged and we place blame and condemnation, what does the gentleman think else we might want to do today since we are dealing with this juvenile justice bill? Is there something besides just condemning and blaming?

Mr. SALMON. Mr. Chairman, I do not see this as a condemnation. I see this as thoughtful discussion. Because frankly, I think the gentleman would agree, there are no quick-fix solutions. This is a problem within our society that is going to take a lot of hard work, a lot of rolling up our sleeves, a lot of bipartisan work, a lot of work out in the trenches, in the churches, in the neighborhoods, in the families.

Frankly, we ought to look at all options, all options.

□ 1115

That is all I am asking. Let us not close our eyes simply because we want to defend one particular industry.

Mr. BERMAN. Mr. Chairman, could I inquire as to the remaining time on both sides?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from California (Mr. BERMAN) has 7½ minutes remaining; the gentlewoman from Missouri (Mrs. EMERSON) has 8 minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding and for his leadership in opposing this amendment.

I rise to oppose it, and reluctantly, because of the high esteem that I have for the maker of the motion and for her cosponsors of it.

My colleagues from California are tired of hearing my stump speech when I say to people when they ask me, what are the three most important issues facing our Congress and our country, I always say the same thing: The three most important issues we face are our children, our children, our children. Everything we do should be about their well-being and the future that we are providing for them.

That is why it is very interesting for me today to come to the floor and see this blanketed condemnation of the entertainment industry being discussed on the floor. Certainly in the problems that we have in our country and the challenges that our children face, and in the aftermath of Littleton, Colorado, there is enough blame to go around everyplace. I know it is not the intention of the maker of the motion, but to some this amendment might seem like an attempt to deflect the blame from the gun industry and the easy accessibility of guns to another source of the violence in our country.

As a politician, and I use that word with great pride, I myself am very offended at the way the public in a blanket way condemns us. The gentleman from Arizona (Mr. SALMON) said that we are either brain dead or bought off. I do not think that that was an accurate characterization of anybody in this body on either side of the aisle, but I think that the American people may think that of the Congress, and so when we hear Congress mocked, criticized and condemned for insatiable appetite for campaign funds, we are accused of being bought off across the board, I certainly do not think that they are referring to me or to my colleague, or to any individual in this body. Blanket condemnations really, as they say, all generalizations, are false, including this one.

The condemnation of the entertainment industry, I think, is grossly unfair. Should we look into and do research on the impact of violence in the media on children and how they react to it? Certainly. I think if everybody had the goal in mind that this amendment ostensibly has, the Committee on Rules of this body would have allowed the Obey amendment to be considered on the floor as part of this bill. The Obey amendment, the Obey safe schools amendment, talks about safe schools, healthy students, community action grants to prevent violence, alternative schools for at-risk and delinquent youth, 21st century community learning centers, the National Academy of Sciences study on mental health. We have to be looking into the mental aspects of this as well.

The violence that the industry puts out is market-driven. I think that we must look to all of the root causes of the violence in our society. We must look into the home, we must look into how children's consciences are developed, but we cannot, when we are delinquent in all of the other areas, then decide to make life easy on ourselves by giving a blanket condemnation of the entertainment industry.

I do not want to go into the number of jobs it creates and into what it does for the balance of payments and all that, because if they were doing the wrong thing, even that would not justify it. But I will say that our colleagues should oppose it; however good it sounds, it comes to us at the price of freedom.

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume to say to the gentlewoman with all due respect, whom I consider a good friend and for whom I have great respect, there have been a thousand studies in the last 45 years on the issue of violence and its impact on aggressive behavior with children, most all of which have shown a positive correlation.

Mr. Chairman, I yield 3½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, let me say to the gentleman from California and his colleagues that we appreciate the sincerity of this debate. As my colleagues know, this is an element in society today that we are concerned about, and maybe this is not the best vehicle to correct the problem. But I do want to say, it does not condemn the motion picture industry or the entertainment industry. It does have some very positive language in here.

We recommend that alternatives be developed concerning discouraging the exposure of children to violent subject matter. We do think that industry has been irresponsible, and that could be tightened up. We say we want the entertainment industry to recognize its power and influence over the Nation's youth and their behavior, and we want them to do everything in their power to stop the portrayals of pointless acts of brutality.

So while it is too broad for my colleague, it is not as broad as it has been accused of being. But let me say this. While we are discussing it, positive things are happening. I was in the State legislature in Georgia when we debated a mandatory seat belt law. We debated that for 8 years before it was passed, but during the debate the awareness was heightened, and usage of seat belts went up.

I think as long as we are talking about it, as long as the gentleman from Michigan (Mr. CONYERS) is having hearings about it, we are saying, let us bring this up, talk about it, and let us do it freely. This language has been structured by us to make sure that we do not violate the first amendment. This is an urging kind of thing. And it might be too broad for my colleague, but maybe we should come back and do it as a freestanding resolution that could give us a little more leeway on the language.

In recognition, though, the children are watching 20 hours of TV every week and countless hours listening to CDs, computers and videos and so forth, and we are worried that the influences that they are having from them can be negative. By the time a child is a senior in high school, he or she has seen 200,000 acts of violence on TV and 16,000 murders. Research shows overwhelmingly that there is a measurable increase in aggressive behavior from individuals who have been watching violent TV.

Let me just say to my colleagues, I have young children; actually, not so young anymore, a 16- and a 14-year-old, and the gentlewoman from Texas (Ms. JACKSON-LEE)'s son and mine played together at the bipartisan retreat. But Proximity Mines, a video game, this is how the makers of that game describe it in their own advertisement: A wave of shrapnel that can cut a man off at the knees and slice smaller enemies into a pulpy goo. This is what they are bragging about. Another video game, The Firestorm Cannon, delivers a literal rain of firepower.

Eric Harris and Dylan Klebold, the boys who were the perpetrators of Columbine, they were accomplished players of the video game Doom. Well, now there is a new video game Doom, but Doom II, which the promoter and the manufacturer advertises as being bigger, badder and bloodier than the original; this sequel extends the carnage started in Doom.

It is something that we are very concerned about, as I know my colleagues are concerned. I never thought I would be quoting Marilyn Manson, but Marilyn Manson, whose CD, among other things, on his album, AntiChrist Superstar, has these words: The housewife I will beat, the prolife I will kill. I throw a little fit, I slash my teenage wrist, get your gunn, get your gunn.

Yet, what does he have to say after Columbine? He has to say that the media makes heroes out of Klebold and Harris. Didn't be surprised if people get pushed into believing that these people are idols. From Jesse James to Charles Manson, the media has turned criminals into folk heroes.

There is a broad enough spectrum of philosophy here that we can look into this and not be afraid to talk about it.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Michigan (Mr. CONYERS), our ranking member.

Mr. CONYERS. Mr. Chairman, I want to agree with the gentleman from Georgia (Mr. KINGSTON) and let him know that I think out of this discussion we may be justifying even why we had a sense of Congress resolution in a bill this complex. But I would like to turn my colleagues' attention, as along with the author of this measure, to hearings we held in the Committee on the Judiciary on May 13 on youth, culture and violence, and what a panel it was. Well, there were several panels. But involved were Michael Medved, the film critic; Jack Valenti, President of the Motion Picture Association of America; Dr. Dewey Cornell, professor of clinical psychology, University of Virginia; and we are reproducing these hearings.

What Michael Medved, at the same panel with Jack Valenti, suggested is that we desperately need a ratings, universal rating system to cover all elements of pop culture, a clear and consistent means of labeling movies, television, CDs, video games, so that consumers can make much more informed choices on the marketplace. He said, "Even Hollywood's most shameless apologists must face the fact that the current situation with ratings and parental warnings amount to a chaotic incomprehensible mess."

It is from there that I would like to throw this out to the author of the amendment and my friend from Georgia to see if this resonates at all with my colleagues in terms of where we may go from the sense of Congress resolution.

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, I think what the gentleman is saying is very important and a very good idea. I think what I want my colleagues to understand is the purpose of this amendment is really to begin the dialogue on this issue. We do not legislate, we do not make any new laws within the resolution, because it is my personal opinion that this is a huge issue that we must address, and what the gentleman is telling us is definitely an important part of that.

Mr. CONYERS. Mr. Chairman, that is exactly where I want to go from here. I want to legislate. I want to make laws. We do not make doughnuts; that is all we have here, and to me these hearings that we have already had provide a very important way for us to move forward.

The CHAIRMAN. The Chair would inform the managers that the gentleman from California (Mr. BERMAN) has 1¾ minutes remaining; and the gentlewoman from Missouri (Mrs. EMERSON) has 4 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, the entertainment industry and the academic community in study after study really documents this problem. There is no disagreement that this is a problem. I think this debate has been helpful today, and what it calls attention to is the interest of the Congress in seeing the industry do something about the facts they have.

We could give all sorts of studies that show that youth violence does increase, aggressive behavior does increase when viewing, or a preference for violent television alone is part of their lifestyle. According to the national television violence study funded by the cable TV industry itself, who really with that report say to the country, we have a problem here, TV violence has continued to grow, since 1994, violence has increased in prime time broadcasts and basic cable programs. They also say that the way TV violence is depicted encourages children toward aggressive behavior. Sixty-seven percent of the programs carried by the network programs in prime time for cable included violence; 64 percent of those programs included violence in the 1996–1997 season. That violence is often glamorized.

As my good friend, the gentlewoman from California (Ms. PELOSI) said, our business here should be about children, and however we solve this, it should be with the best interests of the children in America. According to a 1995 Mediascope study, perpetrators of violence go unpunished 73 percent of the time. The consequences of the violent action are almost never apparent. Thirty-nine percent of the time violence is depicted as part of humor.

The facts can best be changed by the industry itself. That is what the gentlewoman from Missouri's amendment says. The best solution here is not a government solution, if the industry will take their steps to solve this first. This resolution calls on them to do that. I call on them to do that, and I ask my colleagues to include this important resolution in the legislation that we vote on today.

□ 1130

Mrs. EMERSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the mother of four children, and soon to be 8 children actually, I can think of no greater love, no more profound or pure love than that which I have for my children. There is nothing in the world I would not do to protect them to keep them safe. I will do everything in my power to make sure that happens.

This debate, as everyone has so eloquently said, really goes to the heart and soul of this country. It is about the kind of place that we make for our kids and for their children.

I do not think one of us, not as legislators, not as parents, the gun lobby, the entertainment industry, our community leaders, priests, rabbis, ministers, no one, no one can shirk their responsibility and lay the blame at someone else's doorstep and say it is someone else's fault that our kids are killing kids today.

We live in the greatest country in the world and I think we have to all join hands, put aside our political differences and come down and sit at the table and figure out what is wrong in our society today. It is far more important to do this than to play politics. It is far more important than winning elections.

Quite frankly, I am embarrassed. I am embarrassed that we, as the greatest law-making body in the world, would try to make political points with an issue that is so important and so fundamental to the well-being of our country, and that is the safety and security of our children. I think we should be ashamed of ourselves. We do not need more studies. We do not need more laws. We need to talk. We need everyone at the table. All we are doing with this amendment is asking the entertainment industry to sit down with us.

I will thank my colleagues for their eloquent words, both on my side and their side.

Mr. Chairman, I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I simply want to say I have a better understanding of the gentlewoman's motivations from the debate and appreciate them. I feel that this would be a better and more appropriate resolution if it focused on the bad actors or, in the alternative, recognized the tremendous good that the industry has brought.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank all of the participants and debaters on this issue. First of all, I want to acknowledge all of us who have come to the floor, and parents, who have the understanding and appreciation for our responsibility. So I thank the gentlewoman for allowing us this debate.

I would simply say this: It is a good resolution to get us discussing the issue, but I would simply say to the gentlewoman that what we can do now is to allow the entertainment industry to come to the table, along with some of the other bad actors, because I think it is equally important that we say to the National Rifle Association that all that they have been promoting is not right and they have not been listening to those of us who have said we have to find a way to cease this violence, this gun violence, these actions on the part of our children.

There are so many variables to helping our children understand that violence is not the way to go, and condemnation can occur. We can do this every day on the floor of the House, but will it bring about results?

I would say to my colleagues, let us go back to our districts and go to the retailers of videos and CDs and ask them voluntarily to meet with us and begin to explain to parents how they should instruct their children when they come in to buy CDs and come in to buy videos, and so we have a voluntary cooperation to stop the violence amongst our children.

I hope that out of this discussion that we will find resolutions and that we will not condemn just a certain industry or certain group, that we will ask all of them to come to the table and work with us to be constructive and get the problems solved.

I would like to submit for the RECORD "Religious Expression in Public Schools: A Statement of Principles," by the Secretary of Education.

RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS: A STATEMENT OF PRINCIPLES

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

". . . Schools do more than train their children's minds. They also help to nurture their souls by reinforcing the values they learn at home and in their communities. I believe that one of the best ways we can help our schools do this is by supporting students' fights to voluntarily practice their religious beliefs in schools. For more than 200 years, the First Amendment has protected our religious freedom and allowed many faiths to flourish in our homes, in our workplaces, and in our schools. Clearly understood and sensibly applied, it works"—President Clinton, May 30, 1998.

DEAR AMERICAN EDUCATOR. Almost three years ago, President Clinton directed me, as U.S. Secretary of Education, in consultation with the Attorney General, to provide every public school district in America with a statement of principles addressing the extent to which religious expression and activity are permitted in our public schools. In accordance with the President's directive, I sent every school superintendent in the country guidelines on Religious Expression in Public Schools in August of 1995.

The purpose of promulgating these presidential guidelines was to end much of the confusion regarding religious expression in our nation's public schools that had developed over more than thirty years since the U.S. Supreme Court decision in 1962 regarding state sponsored school prayer. I believe that these guidelines have helped school officials, teachers, students, and parents find a new common ground on the important issue of religious freedom consistent with constitutional requirements.

In July of 1996, for example, the Saint Louis School Board adopted a district wide policy using these guidelines. While the school district had previously allowed certain religious activities, it had never spelled them out before, resulting in a lawsuit over the right of a student to pray before lunch in the cafeteria. The creation of a clearly defined policy using the guidelines allowed the school board and the family of the student to arrive at a mutually satisfactory settlement.

In a case decided last year in a United States District Court in Alabama, (*Chandler* v. *James*) involving student initiated prayer at school related events, the court instructed the DeKalb County School District to maintain for circulation in the library of each school a copy of the presidential guidelines.

The great advantage of the presidential guidelines, however, is that they allow school districts to avoid contentious disputes by developing a common understanding among students, teachers, parents and the broader community that the First Amendment does in fact provide ample room for religious expression by students while at the same time maintaining freedom from government sponsored religion.

The development and use of these presidential guidelines were not and are not isolated activities. Rather, these guidelines are part of an ongoing and growing effort by educators and America's religious community to find a new common ground. In April of 1995, for example, thirty-five religious groups issued "Religion in the Public Schools: A Joint Statement of Current Law" that the Department drew from in developing its own guidelines. Following the release of the presidential guidelines, the National PTA and the Freedom Forum jointly published in 1996 "A Parent's Guide to Religion in the Public Schools" which put the guidelines into an easily understandable question-and-answer format.

In the last two years, I have held three religious-education summits to inform faith communities and educators about the guidelines and to encourage continued dialogue and cooperation within constitutional limits. Many religious communities have contacted local schools and school systems to offer their assistance because of the clarity provided by the guidelines. The United Methodist Church has provided reading tutors to many schools, and Hadassah and the Women's League for Conservative Judaism have both been extremely active in providing local schools with support for summer reading programs.

The guidelines we are releasing today are the same as originally issued in 1995, except that changes have been made in the sections on religious excusals and student garb to reflect the Supreme Court decision in *Boerne* v. *Flores* declaring the Religious Freedom Restoration Act unconstitutional as applied to actions of state and local governments.

These guidelines continue to reflect two basic and equally important obligations imposed on public school officials by the First Amendment. First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity. Generally, this means that students may pray in a nondisruptive manner during the school day when they are not engaged in school activities and instruction, subject to the same rules of order that apply to other student speech.

At the same time, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things, of course, school administrators and teachers may not organize or encourage prayer exercises in the classroom. Teachers, coaches, and other school officials who act as advisors to student groups must remain mindful that they cannot engage in or lead the religious activities of students.

And the right of religious expression in school does not include the right to have a "captive audience" listen, or to compel other students to participate. School officials should not permit student religious speech to turn into religious harassment aimed at a student or a small group of students. Students do not have the right to make repeated invitations to other students to participate in religious activity in the face of a request to stop.

The statement of principles set forth below derives from the First Amendment. Implementation of these principles, of course, will depend on specific factual contexts and will require careful consideration in particular cases.

In issuing these revised guidelines I encourage every school district to make sure that principals, teachers, students and parents are familiar with their content. To that end I offer three suggestions:

First, school districts should use these guidelines to revise or develop their own district wide policy regarding religious expression. In developing such a policy, school officials can engage parents, teachers, the various faith communities and the broader community in a positive dialogue to define a common ground that gives all parties the assurance that when questions do arise regarding religious expression, the community is well prepared to apply these guidelines to specific cases. The Davis County School District in Farmington, Utah is an example of a school district that has taken the affirmative step of developing such a policy.

At a time of increasing religious diversity in our country such a proactive step can help school districts create a framework of civility that reaffirms and strengthens the community consensus regarding religious liberty. School districts that do not make the effort to develop their own policy may find themselves unprepared for the intensity of the debate that can engage a community when positions harden around a live controversy involving religious expression in public schools.

Second, I encourage principals and administrators to take the additional step of making sure that teachers, so often on the front line of any dispute regarding religious expression, are fully informed about the guidelines. The Gwinnett County School system in Georgia, for example, begins every school year with workshops for teachers that include the distribution of these presidential guidelines. Our nation's schools of education can also do their part by ensuring that prospective teachers are knowledgeable about religious expression in the classroom.

Third, I encourage schools to actively take steps to inform parents and students about religious expression in school using these guidelines. The Carter County School District in Elizabethton, Tennessee, included the subject of religious expression in a character education program that it developed in the fall of 1997. This effort included sending home to every parent a copy of the "Parent's Guide to Religion in the Public Schools."

Help is available for those school districts that seek to develop policies on religious expression. I have enclosed a list of associations and groups that can provide information to school districts and parents who seek to learn more about religious expression in our nation's public schools.

In addition, citizens can turn to the U.S. Department of Education web site (www.ed.gov) for information about the guidelines and other activities of the Department that support the growing effort of educators and religious communities to support the education of our nation's children.

Finally, I encourage teachers and principals to see the First Amendment as something more than a piece of dry, old parchment locked away in the national attic gathering dust. It is a vital living principle, a call to action, and a demand that each generation reaffirm its connection to the basic idea that is America—that we are a free people who protect our freedoms by respecting the freedom of others who differ from us.the Baptist, the Catholic, the Jew and many others fleeing persecution to find religious freedom in America. The United States remains the most successful experiment in religious freedom that the world has ever known because the First Amendment uniquely balances freedom of private religious belief and expression with freedom from state-imposed religious expression.

Public schools can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all other students. In so doing our public schools reaffirm the First Amendment and enrich the lives of their students.

I encourage you to share this information widely and in the most appropriate manner with your school community. Please accept my sincere thanks for your continuing work on behalf of all of America's children.

Sincerely,

RICHARD W. RILEY,
U.S. Secretary of Education.

RELIGIOUS EXPRESSION THE PUBLIC SCHOOLS

Student prayer and religious discussion: The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students therefore have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.

Students may also participate in before or after school events with religious content, such as "see you at the flag pole" gatherings, on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen, or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

Graduation prayer and baccalaureates: Under current Supreme Court decisions; school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official neutrality regarding religious activity: Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.

Teaching about religion: Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture) as literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

Released time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching values: Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student garb: Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Students generally have no Federal right to be exempted from religiously-neutral and generally applicable school dress rules based on their religious beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

THE EQUAL ACCESS ACT

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities. Based on decisions of the Federal courts, as well as its interpretations of the Act, the Department of Justice has advised that the Act should be interpreted as providing, among other things, that:

General provisions: Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups. Under the Equal Access Act, a school receiving Federal funds that allows one or more student noncurriculum-related clubs to meet on its premises during noninstructional time may not refuse access to student religious groups.

Prayer services and worship exercises covered: A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

Equal access to means of publicizing meetings: A school receiving Federal funds must allow student groups meeting under the Act to use the school media—including the public address system, the school newspaper, and the school bulletin board—to announce their meetings on the same terms as other noncurriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all noncurriculum related student groups in a nondiscriminatory matter. Schools, however, may inform students that certain groups are not-school sponsored.

Lunchtime and recess covered: A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other noninstructional time during the school day, as well as when it allows students to meet before and after the school day.

Revised May 1998.

List of organizations that can answer questions on religious expression in public schools.

Religious Action Center of Reform Judaism

Name: Rabbi David Saperstein, Address: 2027 Massachusetts Ave., NW, Washington, DC 20036, Phone: (202) 387-2800, Fax: (202) 677-9070, E-Mail: rac@uahc.org, Web site: www.cdinet.com/RAC/.

American Jewish Congress

Name: Marc Stem, Address: 15 East 84th Street, New York, NY 10028, Phone: (212) 360-1545, Fax: (212) 861-7056, E-Mail: Marc-S-AJC@aol.com.

Christian Legal Society

Name: Steven McFarland, Address: 4208 Evergreen Lane, #222, Annandale, VA 22003, Phone: (703) 642-1070, Fax: (703) 642-1075, E-Mail: clrf@mindspring.com, Web site: www.clsnet.com.

National School Boards Association

Name: Laurie Westley, Address: 1680 Duke Street, Alexandria, VA 22314, Phone: (703) 838-6703, Fax: (703) 548-5613, E-Mail: lwestley@nsba.org, Web site: www.nsba.org.

American Association of School Administrators

Name: Andrew Rotherham, Address: 1801 N. Moore St., Arlington, VA 22209, Phone: (703) 528-0700, Fax: (703) 528-2146, E-Mail: arotherham@aasa.org, Web site: www.aasa.org.

National PTA

Name: Maribeth Oakes, Address: 1090 Vermont Ave., NW, Suite 1200, Washington, DC 20005, Phone: (202) 289-6790, Fax: (202) 289-6791, E-Mail: m oakes@pta.org, Web site: www.pta.org.

National Association of Evangelicals

Name: Forest Montgomery, Address: 1023 15th Street, NW #500, Washington, DC 20005, Phone: (202) 789-1011, Fax: (202) 842-0392, E-Mail: oga@nae.net, Web site: www.nae.net.

Freedom Forum

Name: Charles Haynes, Address: I 10 1 Wilson Blvd., Arlington, VA 22209, Phone: (703) 528-0800, Fax: (703) 284-2879, E-Mail: chaines@freedomforum. org, Web site: www. freed omfo rum. org.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 28 offered by the gentleman from Alabama (Mr. ADERHOLT); amendment No. 29 offered by the gentleman from Indiana (Mr. SOUDER); and amendment No. 30 offered by the gentleman from Indiana (Mr. SOUDER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 28 offered by Mr. ADERHOLT:

Add at the end the following new title:

TITLE —RIGHTS TO RELIGIOUS LIBERTY

SEC. . FINDINGS.

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

SEC. . RELIGIOUS LIBERTY RIGHTS DECLARED.

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of

religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 180, not voting 6, as follows:

[Roll No. 221]

AYES—248

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Kuykendall
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Carson
Houghton
McKeon
Smith (NJ)
Thomas

□ 1158

Mr. VISCLOSKY and Mr. TOWNS changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 29 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 29 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. RELIGIOUS NONDISCRIMINATION.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

"RELIGIOUS NONDISCRIMINATION

"SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

"(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 346, noes 83, not voting 5, as follows:

[Roll No. 222]

AYES—346

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin

Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—83

Ackerman
Allen
Baldwin
Berkley
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Cardin
Clay
Clayton
Conyers
Cummings
Davis (IL)
DeGette
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Fattah
Filner
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Horn
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kennedy
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Lee
Lewis (GA)
Lowey
Maloney (NY)
Martinez
McCarthy (NY)
McDermott
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Napolitano
Oberstar
Olver
Pallone
Paul
Payne
Pelosi
Pickett
Rangel
Rothman
Roybal-Allard
Rush
Sanders
Schakowsky
Scott
Serrano
Sisisky
Slaughter
Stark
Tierney
Udall (CO)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wu

NOT VOTING—5

Brown (CA)
Carson
Houghton
Smith (NJ)
Thomas

□ 1208

Mr. DEFAZIO, Mr. HINOJOSA, Ms. BROWN of Florida, Mrs. MCCARTHY of New York and Ms. HOOLEY of Oregon changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 30 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment No. 30 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 30 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

"NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS

"SEC. 299J. None of the funds appropriated to carry out this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this Act or of the parents or legal guardians of such juveniles.".

RECORDED VOTE

Mr. CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

Mr. CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 223]

AYES—210

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cunningham
Danner
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lazio
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner

Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Price (NC)
Pryce (OH)
Rangel
Regula
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Boucher
Brown (CA)
Carson
Houghton
Kolbe
Linder
Smith (NJ)
Thomas

☐ 1217

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 33 printed in part A of House Report 106–186.

AMENDMENT NO. 33 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 33 offered by Mr. MARKEY:

At the end of the bill, insert the following:

SEC. ___. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to minors, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Markey-Roukema-Barrett amendment is very simple and straightforward. It would require the Department of Justice and the Federal Trade Commission to work together to examine gun manufacturers' marketing efforts towards children.

To effectively combat youth gun violence, we must first understand the factors contributing to the culture of violence. Just as we must examine the role the media and the entertainment industry play in glamorizing gun violence, so too must we investigate the firearm industry's targeting of children.

Advertisements and articles such as this one, which encourage parents to "Start 'em young," and depict children toting guns that would be illegal for them to possess, needs to be closely examined and stopped. This is not unusual. Advertisements aimed at children are utilized by Beretta, Browning and Harrington & Richardson Revolvers, to name a few. They appear on-line in gun catalogues and weapons magazines and appeal to a culture where guns and gun violence are considered acceptable.

Mr. Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Madam Chairman, although I am not opposed to the amendment, I ask unanimous consent to control the time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, 13 young people die each and every day from gun violence, from murder, suicides, tragic accidents. Of course, we have heard about the Littleton massacre. Actually, these statistics shows us that there is one Littleton-size massacre every day in our society.

But I really want to thank the gentleman from Massachusetts (Mr. MARKEY) for his leadership here because we pride ourselves in the House that we legislate based on the facts, and that is what the gentleman from Massachusetts, and I and the gentleman from Wisconsin (Mr. BARRETT), a co-sponsor of this amendment, are seeking to do.

This amendment very clearly directs the Federal Trade Commission and the Attorney General to take an in-depth look at the marketing practices of the firearms industry with respect to children.

The gentleman from Massachusetts has outlined it, and he has given a good example about what we are trying to do here. The provision is identical to the action in the Senate. The Senate juvenile justice bill passed by a voice vote back in May, the same provision. It was due to Senators HATCH and BROWNBACK, who are hardly liberal legislators, but they are sensible, common-sense people, who agreed to this.

The marketing of guns to children has become a budding industry in our Nation, shamefully so, I might say. We have seen the examples of advertisements in magazines that are up here; and I am sure the gentleman from Massachusetts (Mr. MARKEY) will reference them later, but I have just one here that I would like to show that graphically illustrates what we are talking about.

This ad ran on the Beretta Web site stating that this new design, on the gun handle and barrel namely, a tie-dyed design is very attractive to young people, and it states, as stated here, "This is sure to make you stand out in the crowd." That is the kind of appeal that they are making to young, innocent people, enticing them to buy an Assault Beretta.

Mr. Chairman, we have been searching for answers for the past 2 days in this House on the epidemic of violence that has plagued our young people, but I think it is too many guns, violent movies, videos, song lyrics, and parents. Well, as far as I am concerned, it is all of the above, but it is about time that we take this action to examine on the facts what is being done to market to our children. We have to help save them from this violence.

We seek to keep guns out of the hands of children, especially those who have a tendency towards violence. I can think of no better way, no more common-sense way for us to get some facts that will guide us in the future to meaningful legislation.

Madam Chairman, I reserve the balance of my time.

Mr. MARKEY. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Madam Chairman, I am pleased to join the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from New Jersey (Mrs. ROUKEMA) in this amendment.

As my colleagues have mentioned, we are asking for a study on the marketing practices of gun manufacturers. As the father of four young children, I want to know if gun makers are targeting kids in an effort to get them interested in guns at a very young age and to guarantee their use as they are growing up.

Madam Chairman, I want to bring to the Members' attention this advertisement for the Harrington & Richardson 929 Sidekick Revolver shown right here. This ad promotes the Sidekick as "the right way to get started in handgunning," and as a "quality 'first-time' revolver." This seems harmless until we realize the ad appears in Insights, the NRA's youth magazine.

This ad clearly illustrates the issue we want to address. It is illegal for anyone under the age of 18 to purchase a handgun, and yet handgun advertisements appear prominently in a publication specifically aimed at those under age 18. We can see from the letters. The young lady here is 14 years old, 15 years old. This is a child's magazine, yet they are marketing handguns to children.

I want to point out that this language was adopted by the Senate last month by a voice vote. So this is a nobrainer. We should adopt this amendment today, and I hope the House will agree to take this very simple and commonsense step.

Mr. MARKEY. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, to show my colleagues how bad this practice is, Senator BOXER made this amendment in the Senate and Senator HATCH accepted it.

These disturbing advertisements and articles bring to mind the all-out assault the tobacco industry made on children through the use of Joe Camel and the Marlboro Man. I think it is wise for Congress to ask the question of whether or not the gun industry, the gun manufacturers, and the NRA are targeting the young children of our country, trying to develop them into a culture of guns and violence, which ultimately manifests itself in crimes or antisocial behavior in our society.

Our amendment is not a panacea. It will not solve all the problems of youth gun violence. It will, however, begin an important dialogue about firearm manufacturers' and marketers' contribution to the high incidence of gun violence and gun deaths among our Nation's children.

Three-quarters of all of the murders of young people in the 26 largest industrialized countries of the world occur in the United States. Three-quarters of all of the murders of the 26 largest industrialized countries occur amongst children in the United States. Does anyone doubt that this kind of advertising helps to perpetuate an atmosphere in which that kind of act is contemplatable? I think not. I think that those who carelessly target the young people of our country with this kind of advertisement must be stopped.

I urge the Members of the House to today embrace this amendment. It is a small but important step in ensuring that the gun manufacturers and the NRA be made accountable for their actions in creating a culture of youth violence within our society.

Madam Chairman, I yield back the balance of my time.

Mrs. ROUKEMA. Madam Chairman, I yield myself the balance of my time to simply comment on the statement of the gentleman from Massachusetts that I think it is callous and irresponsible and totally disingenuous the way they are marketing to our children, and I thank him for his leadership.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 34 printed in part A of House Report 106-186.

AMENDMENT NO. 34 OFFERED BY MR. MARKEY

Mr. MARKEY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 34 offered by Mr. MARKEY:

Insert at the end the following new section:

SEC. . SURGEON GENERAL REVIEW OF EFFECT ON JUVENILES OF VIOLENCE IN MEDIA.

(a) FINDINGS.—The Congress finds the following:

(1) the tragic killings at a high school in Colorado remind us that violence in America continues to occur at unacceptable levels for a civilized society;

(2) the relationship of violent messages delivered through such popular media as television, radio, film, recordings, video games, advertising, the Internet, and other outlets of mass culture, to self-destructive or violent behavior by children or young adults towards themselves, such as suicide, or to violence directed at others, has been studied intensely both by segments of the media industry itself and by academic institutions;

(3) the same media used to deliver messages which harm our children can also be used to deliver messages which promote positive behavior;

(4) much of this research has occurred in the 17 years since the last major review and report of the literature was assembled by the National Institute on Mental Health published in 1982;

(5) the Surgeon General of the United States last issued a comprehensive report on violence and the media in 1972; and

(6) the number, pervasiveness, and sophistication of technological avenues for delivering messages through the media to young people has expanded rapidly since these 2 reports.

(b) COMPREHENSIVE REVIEW REQUIRED.—The Surgeon General, in cooperation with the National Institute of Mental Health, and such other sources of expertise as the Surgeon General deems appropriate, shall undertake a comprehensive review of published research, analysis, studies, and other sources of reliable information concerning the impact on the health and welfare of children and young adults of violent messages delivered through such popular media as television, radio, recordings, video games, advertising, the Internet, and other outlets of mass culture.

(c) REPORT.—The Surgeon General shall issue a report based on the review required by subsection (b). Such report shall include, but not be limited to, findings and recommendations concerning what can be done to mitigate any harmful affects on children and young adults from the violent messages described in such subsection, and the identification of gaps in the research that should be filled.

(d) DEADLINES.—The review required by subsection (b) shall be completed in no more than 1 year, and the report required by subsection (c) shall be issued no later than 6 months following completion of the review.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

□ 1230

Mr. MARKEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment seeks to update the last two reports prepared under the direction of the Surgeon General concerning what the research tells us about how media affects young people.

The President has called for such a report. In fact, the Motion Picture Association has indicated it does not oppose such a report.

When this proposal was introduced as a bill, it attracted 31 cosponsors, led by the gentleman from Indiana (Mr. BURTON) and proving the bipartisan nature of this need. It has been 17 years since the report by the National Institute of Mental Health in 1982, and 27 years since the Surgeon General's report of 1972.

Both reports focused on television's impact on behavior. But since that time, the capacity of the entertainment industry to deliver ever more graphic depiction of violence has vastly increased, and the outlets for delivering these images to children without the intervention of adults has multiplied many times.

Moreover, the research community and the entertainment and interactive media have produced a vast compendium of research polling and analysis, much of it confusing and conflicting, but which is much more relevant to today's world than when it was studied 15 and 30 years ago.

The last Government-sponsored review in 1982 included the following introductory sentence: "We must recognize that children are growing up in an environment in which they must learn to organize experiences and emotional responses not only in relationship to the physical and social environment of the home, but also in relationship to the omnipresent 21-inch screen that talks and sings and dances and encourages the desire for toys and candies and breakfast foods." This notion is now as quaint as it is obsolete.

Over the last 30 years, we have seen a transformation of the media in the United States. We no longer talk about the 21-inch box. We now have the Internet. We now have a cable revolution with dozens of channels, all of them potentially threats to the well-being of children unless there is proper protections, proper safeguards put into place.

So we call upon the Surgeon General to provide the country with a new Surgeon General's report within 18 months which reflects a contemporary crisis. We hope that all of the Members here on the floor today can embrace, I believe, the need for better public health information about the threat to children in our country.

Mr. BURTON of Indiana. Madam Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Chairman, I would just like to have a little colloquy with the gentleman.

I would just like to say that I was going to make some of the same points that my colleague the gentleman from Massachusetts (Mr. MARKEY) just made, but I do not want to be redundant.

I will just say that this is something that is extremely important. As he said, it has been a long, long time since we have had any kind of report or study like this. With the advent of all the new technologies, television becoming so pervasive, the Internet becoming so pervasive, it is extremely important that we in the Congress and the people of this country know where the problems lie. And this report is going to be extremely important in our decision-making process and for the American people.

So I join with my colleague in trying to make sure that this passes with an overwhelming majority. It is the right thing to do, and I do not see why anybody would oppose it.

Madam Chairman, I would like to thank my colleague for taking the initiative on this.

Mr. MARKEY. Madam Chairman, reclaiming my time, only to say that this amendment obviously reflects a long-term concern that the gentleman from Indiana (Mr. BURTON) and I have had for this whole subject area, and I would hope that all of the Members could embrace it today.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Does anyone seek time in opposition?

Mr. MARKEY. Madam Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 30 seconds remaining.

Mr. BURTON of Indiana. Madam Chairman, if we need more time, I would be glad to claim the time in opposition. I ask unanimous consent to do that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MARKEY. Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. BERMAN).

Mr. BURTON of Indiana. Madam Chairman, if the gentleman needs more than 30 seconds, I would be glad to yield him the time.

Mr. BERMAN. Madam Chairman, I thank very much both the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Indiana (Mr. BURTON) for yielding me the time.

I support the amendment. I think establishing the science of the relationship between the depiction of violence and the impacts of media violence are legitimate, are important, and are relevant. And I think both gentlemen have fashioned a proposal that does this, removes all of the rhetoric on both sides and all of the efforts to point blame, and is an investment in real science.

I hope that the NIH study would review the methodologies and the formulas that have been used by the different researchers, study the different conclusions and different statistical models that could be developed from those formulas. And I think questions that have not even been asked before by private researchers, the questions and the relevance of neighborhood violence and what kind of role that plays in terms of family, in terms of the commission of violence, family situations and their relationship to the root causes of violence, all these things, are a matter for investigation, not anecdote, empirical studies, science, not rhetoric.

I urge the adoption of the amendment.

Mr. BURTON of Indiana. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chairman, I thank the gentleman for yielding.

There is one point I hope that the Surgeon General's study does include, because there is an interesting question out here, the issue of depiction of violence through the media and the commission of violent acts, and the distribution of that same media throughout the world, and the existence of a lower violence rate in many other countries and what are the relationships and what are the reasons.

I think this would be worth pursuing, too, because this becomes a part of the debate on the whole question of media violence and its contribution to violence in our society.

Mr. BURTON of Indiana. Madam Chairman, I yield myself such time as I may consume.

I will conclude by saying that I think the point of the gentleman is well-taken, and I think the gentleman from Massachusetts (Mr. MARKEY) and I will try to ask the Surgeon General to include that in this.

I hope anybody in the media who is watching will realize how serious Congress is about finding out the source of a lot of our problems so that we do not have these problems in the future. And if people in the media and the entertainment industry and other industries that have depicted violence and sexual explicitness on television and in the movies in the years past, if they would just of their own initiative start addressing this problem, it might eliminate some of the action that Congress might have to take in the future.

Madam Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Chairman, thank the gentleman very much for yielding.

Again, I want to thank him so much for all the work which he has done. I want to thank Tamara Fucile on my staff for all the excellent work she has done as well in helping to put all this together.

Mr. BURTON of Indiana. Madam Chairman, I want to thank Matt on my staff for all the work he has done as well.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 35 printed in Part A of House Report 106–186.

AMENDMENT NO. 35 OFFERED BY MR. WAMP

Mr. WAMP. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 35 offered by Mr. WAMP:

At the end of the bill insert the following:

SEC. 3. SYSTEM FOR LABELING VIOLENT CONTENT IN AUDIO AND VISUAL MEDIA PRODUCTS.

(b) LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS.—The Fair Packaging and Labeling Act is amended by adding at the end the following:

"LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS

"SEC. 14. (a) It is the policy of Congress, and the purpose of this section, to provide for the establishment, use, and enforcement of a consistent and comprehensive system for labeling violent content in audio and visual media products (including labeling of such products in the advertisements for such products), whereby—

"(1) the public may be adequately informed of—

"(A) the nature, context, and intensity of depictions of violence in audio and visual media products; and

"(B) matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages; and

"(2) the public may be assured of—

"(A) the accuracy and consistency of the system in labeling the nature, context, and intensity of depictions of violence in audio and visual media products; and

"(B) the accuracy and consistency of the system in providing information on matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages.

"(b)(1) Manufacturers and producers of interactive video game products and services, video program products, motion picture products, and sound recording products may submit to the Federal Trade Commission a joint proposal for a system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products.

"(2) The proposal under this subsection should, to the maximum extent practicable, meet the requirements set forth in subsection (c).

"(3)(A) The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among manufacturers and producers referred to in paragraph (1) for purposes of developing a joint proposal for a system for labeling referred to in that paragraph.

"(B) For purposes of this paragraph, the term 'antitrust laws' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

"(c) A system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products under this section shall meet the following requirements:

"(1) The label of a product or service shall consist of a single label which—

"(A) takes into account the nature, context, and intensity of the depictions of violence in the product or service; and

"(B) assesses the totality of all depictions of violence in the product or service.

"(2) The label of a product or service shall specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service in light of the totality of all depictions of violence in the product or service.

"(3) The format of the label for products and services shall—

"(A) incorporate each label provided for under paragraphs (1) and (2);

"(B) include a symbol or icon, and written text; and

"(C) be identical for each given label provided under paragraphs (1) and (2), regardless of the type of product or service involved.

"(4) In the case of a product or service sold in a box, carton, sleeve, or other container, the label shall appear on the box, carton, sleeve, or container in a conspicuous manner.

"(5) In the case of a product or service that is intended to be viewed, the label shall—

"(A) appear before the commencement of the product or service;

"(B) appear in both visual and audio form; and

"(C) appear in visual form for at least five seconds.

"(6) Any advertisement for a product or service shall include a label of the product or service in accordance with the applicable provisions of this subsection.

"(d)(1)(A) If the manufacturers and producers referred to in subsection (b) submit to the Federal Trade Commission a proposal for a labeling system referred to in that subsection not later than 180 days after the date of the enactment of this section, the Commission shall review the labeling system contained in the proposal to determine whether the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

"(B) Not later than 180 days after commencing a review of the proposal for a labeling system under subparagraph (A), the Commission shall issue a labeling system for purposes of this section. The labeling system issued under this subparagraph may include such modifications of the proposal as the Commission considers appropriate in order to assure that the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

"(2)(A) If the manufacturers and producers referred to in subsection (b) do not submit to the Commission a proposal for a labeling system referred to in that subsection within the time provided under paragraph (1)(A), the Commission shall prescribe regulations to establish a labeling system for purposes of this section that meets the requirements set forth in subsection (c).

"(B) Any regulations under subparagraph (A) shall be prescribed not later than one year after the date of the enactment of this section.

"(e) Commencing one year after the date of the enactment of this section, a person may not manufacture or produce for sale or distribution in commerce, package for sale or distribution in commerce, or sell or distribute in commerce any interactive video game product or service, video program product, motion picture product, or sound recording product unless the product or service bears a label in accordance with the labeling system issued or prescribed by the Federal Trade Commission under subsection (d) which—

"(1) is appropriate for the nature, context, and intensity of the depictions of violence in the product or service; and

"(2) specifies an appropriate minimum age in years for purchasers and consumers of the product or service.

"(f) Commencing one year after the date of the enactment of this section, a person may not sell in commerce an interactive video game product or service, video program product, motion picture product, or sound recording product to an individual whose age in years is less than the age specified as the minimum age in years for a purchaser and consumer of the product or service, as the case may be, under the labeling system issued or prescribed by the Federal Trade Commission under subsection (d).

"(g) The Federal Trade Commission shall have the authority to receive and investigate allegations that an interactive video game product or service, video program product, motion picture product, or sound recording product does not bear a label under the labeling system issued or prescribed by the Commission under subsection (d) that is appropriate for the product or service, as the case may be, given the nature, context, and intensity of the depictions of violence in the product or service.

"(h) Any person who violates subsection (e) or (f) shall be subject to a civil penalty in an amount not to exceed $10,000 for each such violation. In the case of an interactive video game product or service, video program product, motion picture product, or sound recording product determined to violate subsection (e), each day from the date of the commencement of sale or distribution of the product or service, as the case may be, to the date of the determination of the violation shall constitute a separate violation of subsection (e), and all such violations shall be aggregated together for purposes of determining the total liability of the manufacturer or producer of the product or service, as the case may be, for such violations under that subsection.

Mr. WAMP. Madam Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. STUPAK), the prime sponsor on the Democratic side of this amendment, be granted 10 minutes' time in support of this amendment and that he be able to yield time to Members in support of this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Tennessee (Mr. WAMP) will control 10 minutes, and the gentleman from Michigan (Mr. STUPAK) will control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Madam Chairman, are either one of these gentlemen opposed to the amendment?

The CHAIRMAN pro tempore. The Chair has not recognized opposition time at this point.

Mr. WAMP. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this act will create a consistent and comprehensive system for labeling violent content in audio and visual media products, including the labeling of products in the advertisements.

The system will consist of a single label that will inform consumers of the nature, context, intensity of violent content, and age appropriateness of such products. The label will specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service. The label will also include an icon or symbol with written text in plain view of the consumer. In the case of video or motion picture programs, the label with appear at the beginning of the program and last for at least 5 seconds.

The act waives antitrust laws, and the industries are given 6 months to work together in developing a standardized product labeling system. The proposal is subject to modification and final approval by the Federal Trade Commission.

In the occasion manufacturers do not submit a labeling system at the appropriate time, the Federal Trade Commission will devise regulations on its own to establish the labeling system.

The act bans domestic sale or commercial distribution of unlabeled products after 1 year in the event that these things are not met. Further, retailers are required to enforce label restrictions on such products and are subject to a fine of up to $10,000 for failure to do so. Manufacturers and producers who violate the labeling system will be subject to these fines each day for every day the product is in the marketing place.

So my colleagues may ask, why is this necessary? We have heard testimony today that there have been almost a thousand studies since 1971 clearly showing that the violence in mass media products such as video games, movies, CDs is now so outrageous that it is having a desensitization effect, a conditioning effect on the young people of America. And this violence is so prolific that young people who cannot differentiate between fantasy and reality are effectively sitting at video games serving as simulators with killing, splattering, exit wounds.

The promotion is now so outrageous that all we are asking for is not to ban these products, but to have a uniform labeling system, much like we have on food safety products, much like we have on cigarettes, where a label will show a responsible parent what is necessary to make an informed judgment about whether to buy this product or take this product home.

I submitted earlier that Lieutenant Colonel Dave Grossman, in a book called "On Killing Provocatively," shows that the desensitization of human beings today, the act of killing happens over time by desensitization, these magazines' media products clearly are causing this to happen to our children, and pointed to the fact that our soldiers even in war are not inclined to naturally kill each other, that typically species do not kill each other. Even rattlesnakes do not kill each other and humans do not kill each other naturally.

We are asking at this defining moment, what is causing our children to kill each other? What evil is manifesting itself when our children will show up in places like Columbine and actually pull the trigger and kill each other?

□ 1245

I would suggest that one of the primary factors is this desensitization that in large part the mass media, and I know their motives are not such but the fact is it is happening where these video games are having such an adverse effect.

Our soldiers in World War II, only 15 to 20 percent according to studies would actually kill each other, would kill the enemy when they were faced with an enemy. So they took the bull's eye off the firing range and they put a human figure so that the desensitization would begin to happen. They tried to break solders down so that they would ultimately pull the trigger. By the Korean War we got that figure up to 40 percent. By the Vietnam War, technology set in and it got up to 90 percent, so that the soldiers would actually pull the trigger, because it is not human, it is not natural for us to kill each other but they are desensitized, much like a pilot is desensitized through simulation for flight training, much like a driver learns how to drive through simulators. Video games have that same effect on small children. This is a catastrophic thing clearly in our society that we need to do something about. These video games need to at least be labeled.

With that, I look forward to a healthy and honorable debate here.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Does any Member seek time in opposition?

Mr. CONYERS. Yes. I do, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 20 minutes.

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

This is an interesting concept here in which we now move the government into the labeling system business and we will now have an all-controlling, omnipotent Federal Trade Commission which will now be directly responsible for the labeling system for video games, movie and sound packages having violent content.

I hope everybody is thinking about what this is going to do in terms of the relationship of the government to commerce in the United States. The Federal Trade Commission has its hands full now. Outside of the Antitrust Division of the Department of Justice, it is the only antitrust division that we have, FTC. So it is with some reluctance that I indicate to my dear friend the gentleman from Michigan (Mr. STUPAK) that this goes a little bit beyond the pale in terms of its overreach. What we are doing is creating a politburo that will move much of the entertainment industry to Washington, D.C. and I think we want to stop and think a minute about what we are doing.

We had an interesting hearing on May 13 on youth and violence. One of the great ideas, and I am not sure if the authors of this amendment are aware, which came out of it was the notion that there ought to be one kind of labeling system for all the entertainment industry. It was advanced by a media critic. It made a lot of sense. At the panel was Jack Valenti himself, representing the movie industry. It is, I think, under active consideration.

What we find is the problem here, instead of trying to see if the entertainment industry will move on our recommendations, is that here we have decided that they are not or they will not or they cannot and we will now do it for them by commanding the Federal Trade Commission to promulgate a government labeling system. This kind of parallels the Hyde amendment that was rejected yesterday. It is a little bit more tailored. But it still is constitutionally suspect because of the vagueness.

Not defining what violence means means that we will be in the courts for quite a long period of time. It is overbroad because it would apply to historical programs and restrict the dissemination of facts. It also may be considered not exactly necessary because the covered industries are using labels and, as I have suggested, they are moving toward even improving them. We have a problem with the V-chip, but I understand from the gentleman from Michigan (Mr. STUPAK) that there may be an amendment that can correct it.

With regard to whether the amendment is premature or not, we are assuming that the entertainment products with violence are automatically harmful to youth and we impose a costly and burdensome labeling system. Might it not be better to wait for the definitive evidence of such links before imposing an intrusive government regulation system? Under the Markey amendment just passed, we decided to have the Surgeon General conduct a study. In another arena we have NIH conducting a study.

So without trying to punt on this, there is the unambiguous scientific evidence that really needs to be brought to bear. I am hopeful that we will consider this with great care.

Madam Chairman, I reserve the balance of my time.

Mr. STUPAK. Madam Chairman, I yield myself such time as I may consume.

My good friend the ranking Democrat on the Committee on the Judiciary has raised a couple of issues I would like to respond to.

Government is already into labeling. This is a label amendment. Government is into labeling. Let me explain. Let us say this is video. Let us say this is music. Let us say this is TV. Let us say this is movies. We have four different packages here and government labels every one of these packages. Everything we consume physically, government labels. On the back of every one of these packages is nutritional facts. It came from the FDA. Every one of them.

What we are saying is whether you are a movie, you are going to have a uniform, consistent standard label so we as consumers, before we consume it, we know what it is. Every one of them, nutritional facts. Every one of them, nutritional facts. Every one of them, nutritional facts. That is what we are asking the entertainment industry to do.

It is suggested that we should wait. For over 30 years the movie industry has been putting forth ratings. They are never the same. They constantly change. There is no enforcement. We have been waiting for over 30 years. Why 30 years ago did they bring up a rating system? Because study after study shows violence, constantly depicted, starting at age 8 makes the impression upon people that it is okay to do what you are seeing on television or what you are listening to in music or what you are seeing in the interactive video games, whatever it may be. In fact, this amendment amends government's Fair Packaging and Labeling Act. That is what we are asking to do in this bill. Government has been labeling and telling us what to do.

What we are asking for, music, video, interactive, television, give us the same, consistent, uniform label. And we let industry determine it. For the first 6 months industry will determine it. As the gentleman from Michigan (Mr. CONYERS) points out, the Federal Trade Commission, FTC, has a right to oversee it. So it is uniform, it is consistent. Yes, we put financial penalties in there if they do not do it, if the producers and distributors do not do it. Why? Because we have been waiting over 30 years.

Madam Chairman, today I am offering my amendment with the gentleman from Tennessee to establish a standardized product, to put a violence labeling system for interactive video games, video programs, motion pictures and music. This is to inform and have a uniform and consistent labeling system which will be a valuable tool before I purchase a video game or music for my sons or let them go to a movie.

I want to thank the gentleman from Tennessee for his hard work on this. It is fair to say we must thank in the other body Senators LIEBERMAN and McCAIN for their tireless effort in this same area. What we are saying here, we require that the manufacturers of products, whatever they are, put forth a uniform label which tells us what is the nature of the movie, or the music, what is the context, what is the intensity, what is the intensity of the violent content and the age appropriateness for these products.

It requires industry to work together, all of them, music, video games, videos, television, to work together to develop a standardized product. And if they cannot, the FTC is going to do it for them.

The amendment bans domestic sale and commercial distribution of unlabeled products after a year. There are already several different rating systems. Just like these packages, each one is packaged differently. That is what the current ratings system is in this country. We say let us put a uniform label, nutrition facts, nutrition for our mind and for our reviewing. That is what we are asking for, create a uniform and consistent labeling system so every parent and every consumer in this country can identify the product's content.

As I indicated, we have the nutritional labels so a consumer understands what is contained in a product he is about to consume. Why should parents and consumers of video games, movies, television and music not know what is the product before they buy them? We need to provide product information to parents and consumers about the violent content of these products to increase our ability to make informed decisions before we give the products to our children. Ultimately, parents have the responsibility to determine what is suitable for their children, to play on their VCR or what game to play, what to listen to and what to watch. However in this increasingly digital age, parents need to be more informed to make educated decisions and let us make it simple, so they know what it is through this labeling, a uniform, consistent label, not ratings but label throughout all of industry so we do not have to go to the music CD and look at one thing and try to figure out what it says and go to the video, and see something else in interactive video games.

I urge my colleagues to vote "yes" on the Wamp-Stupak amendment.

Mr. Chairman, I reserve the balance of my time.

REQUEST TO MODIFY AMENDMENT NO. 35 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I ask unanimous consent that I be allowed to modify the amendment and to explain the modification relative to the V-chip.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. BERMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume. What the modification would simply do after consultation with anyone that is concerned about the V-chip issue is to clearly establish with language in the amendment that the V-chip is not affected in any way, shape or form. There is no relationship to this amendment and the V-chip. The labeling system does not even mention V-chip technology. The product label does not interfere with the V-chip in any way. If anything, it provides a supplement to parents who cannot afford to purchase a new television set or set-top box in order to block V-chip programming. The V-chip is a rating system. The Wamp-Stupak amendment is a plain English labeling system. Parents really want common sense English language product content information and no one should be afraid of this particular amendment. As a matter of fact, relative to the V-chip, this is the same bill that was made in order as an amendment that was dropped in the Senate with bipartisan cosponsors, Senator McCAIN and Senator LIEBERMAN, an original cosponsor, Senator CONRAD, who was the author of the V-chip legislation in the Senate. It has support from Senator LOTT, the majority leader, strong bipartisan support. All the fearmongering about this would affect the V-chip is unjustified.

I really regret that someone objected to our reasonable efforts to make sure in this amendment that their needs were met. They are the ones that asked that we be considerate. We were attempting to do so.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

□ 1300

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Tennessee (Mr. WAMP) for this long-needed legislation.

It is interesting to me to watch two of my friends, the gentlemen from Hollywood, California (Mr. WAXMAN) and (Mr. BERMAN), who have long been real champions of labeling cigarettes with those warning labels, those hazardous-to-your-health labels, and I am sure they think that is a very good idea.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the Constitution, as far as I know, does not say, Congress shall pass no law abridging the manufacture, the marketing, the distribution or the sale of potato chips or cigarettes.

Mr. HUNTER. Mr. Chairman, reclaiming my time, and just to respond to my friend, there is no constitutional problem with having a label on the movie Natural Born Killers which says to parents, "This product contains graphic and intense depictions of violence in the context of criminal activity. This product is inappropriate for consumption by minors under 17 years of age." In fact, that is an exercise of free speech, that is not an inhibition of free speech.

Mr. Chairman, parents are raising their children in a very dangerous world today with respect to the media and Hollywood and the entertainment industry. In the old days, Roy Rogers, when he was the biggest star in the world for children, never did anything to frustrate parents with respect to their goals of raising children who are honest, who are wholesome, and who have values. They did not have to explain why Roy Rogers did something that was horrible or unusual and that they should not follow.

I was looking at this billboard for Natural Born Killers. This stars people, Woody Harrelson, Juliette Lewis, Robert Downey, Jr., and Tommy Lee Jones, who millions of children throughout the world say, I really like her, or I really like him, and they have developed an affection and an admiration for those people. They have not learned to disassociate what those people do on the screen with the person themselves.

What this does for parents, for parents who are so busy today, often having several jobs, very often the mother and the father both working, many times raising children in single families, this gives them some information. This is supposed to be the information age. This tells them that something is graphic violence or graphic sex, and it allows that mom who is walking out the door whose child is going to go with another child somewhere to watch a movie, it enables them to make a decision and say either you can go or you cannot go.

This Wamp-Stupak legislation empowers parents, and the one thing that we have been afraid to do, apparently because of the enormous pressure and the enormous power of Hollywood, is empower parents. That is what we must do, and if this legislation passes, it will accrue to the benefit of every family in America.

Mr. CONYERS. Mr. Chairman, I begin by apologizing to the now long list of Members that want to speak in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

As the author of the legislation that required food labeling of nutritional information on products, I want to tell my colleagues why this is not the same kind of area where government ought to be involved.

I think we have to be very, very careful when government is going to be involved in intruding itself in the expression of ideas. Do we really want the same label to be on Schindler's List that we would have on Natural Born Killers? Do we want to put a chilling effect on entertainment, on literature, on creativity? I think it is inappropriate for government to do this sort of thing, and I thought it was inappropriate for the V-chip, and it never seems to satisfy people, because there seems to be this great desire to move from one label to the next label to start government censorship, and that is precisely the kind of thing that government ought to restrain itself from doing.

I would hope we would vote against this amendment.

The CHAIRMAN. The Chair would inform the Committee that the time of the gentleman from Tennessee (Mr. WAMP) has expired. The gentleman from Michigan (Mr. CONYERS) has 13 minutes remaining; the gentleman from Michigan (Mr. STUPAK) has 4 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

Reluctantly, I have to oppose this amendment. I believe that there are a number of reasons why this is not a good idea. I think, first of all, we have to recognize that all of us believe in labeling. I think every one of the movies that comes out, all of the television shows and so forth should have a label. But that is being done already in a system that is not perfect, but is being done by the industry groups involved.

This legislation, though, would come in and say one size fits all. It would require all of these industry groups to be together on a format, or the FTC would impose a format on them. What is good for country music certainly is not necessarily the same thing that we want for a video game. We have a country music song labeled in the same category with Doom, a violent and graphic game, and that would be totally inappropriate.

I would also think that we would require by this the rerating of hundreds of thousands of existing movies and television programs and so forth, and that is an enormous task and a very expensive one.

Last but not least, I do not think the proposal is constitutional, unfortunately, and I know it will be discussed a lot more later. The reality is that we have a free speech question here, and if there is not an obscenity standard or something like that, there is no way we can label constitutionally by Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN), a ranking subcommittee member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I want to reemphasize the point that if we could analogize movies and music and books and television to potato chips and cigarettes, there would be no constitutional impediment whatsoever to government mandating of a rating system, but we cannot. The first amendment is very specific in its protection here.

In the V-chip legislation that we will hear more about later, there were no criminal penalties. There was a voluntary rating system developed by an industry, enforced by an industry, connected to a technology to make it meaningful.

With respect to the voluntary ratings system in the motion picture industry, with the recent decision of the National Association of Theater Owners, we will now find effective enforcement of a very effective rating system. I urge that this well-intentioned, but unconstitutional proposal be rejected.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, a couple of years ago when ratings for television were discussed and V-chips were discussed, there were bills to do this. For government to step in and establish rating systems, we did the wise thing then, and I ask my colleagues to do the wise thing today. Reject the notion of government ratings.

We took our committee on telecom to Peoria. We took with us Eddie Fritz, we took with us Jack Valenti, the representatives of the movie, cable and the television industries, and we let them meet with parents in Peoria. We let parents talk directly to the industry. Out of it came an industry-agreed-upon ratings system for television that is going to work with the V-chip.

There are ratings right now on video games, ratings on movies. For government to step in and mandate a system would not only offend first amendment rights, it would disturb a very healthy process already going forward with industry and parents and communities around America to set up ratings that we can understand and work with.

The last thing we need to do is have government rerating all that stuff, government interfering with the first amendment in our society. We need more parents to pay attention to what industry is doing to tell them what is in movies, books and videos.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Just in response to the last speaker, I just want to say if it worked so well in television, why is not NBC doing the same system? They are not.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, NBC has its own rating system.

Mr. STUPAK. Oh, really? They do not.

Mr. TAUZIN. Mr. Chairman, if the gentleman will yield, NBC was the one network who felt they were under too much government pressure to adopt a rating system others agreed to. They adopted their own rating systems.

Mr. STUPAK. Mr. Chairman, reclaiming my time, this is the point. If everyone has their own rating system, why can we not put a label so it is consistent, whether it is NBC, CBS, ABC, FX, video games, whatever?

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the amendment, and I am particularly pleased with the feature calling for a uniform system of ratings for video games.

While some media companies have taken action to address this problem, such as Disney, which has removed violent video games from their theme parks, there are many companies that, I believe, are going in the opposite direction, such as the manufacturer of the video game Duke Nukem, advertised on the Internet with the teaser quote: Learn what you can do with pipe bombs, unquote.

The players of this game not only learn to shoot people, but in particular, they learn to shoot women and doing other things that I cannot even speak of on the floor of the House of Representatives.

I do not believe that we can rely on industry to police itself in this arena and that action is necessary, and it is for that reason that I rise in strong support of the amendment.

Mr. WAMP. Mr. Chairman, I ask unanimous consent that the debate be extended by 10 minutes, equally divided, 5 minutes on each side. There are just too many people that need to speak. I know that the House is pressed for time today and that it may be midnight before we finish tonight, but could we please ask the Chair and ask the Members to grant 10 minutes, 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee (Mr. WAMP) that he be granted an additional 5 minutes and that the gentleman from Michigan (Mr. CONYERS) be granted an additional 5 minutes?

There was no objection.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I rise in very strong support of this amendment. As a father of five children and as a grandfather, we all know that content labeling is not working. Just watch the television or see a movie and try to figure out PG, PG 13, R ratings. It is not working. We know that the industry will not regulate itself.

I was one of the Republicans that broke with my party several years ago in support of the V-chip. I remember one Member said the answer is for parents to take care of it, and it is. But there are some people that cannot do it. There are some people whose children are home alone. There are some people that need help. It is violent content. Every Member should look at the video, Doom. Every Member should read the article about "Killology" that the gentleman from Tennessee (Mr. WAMP) sent around.

This amendment is a good idea. This makes a lot of sense. Sometimes what concerns me is that the powerful interests, the lobbyists that control some of these issues can mislead and say whatever and get us to postpone and postpone.

The Wamp-Stupak amendment will help parents, and, even more importantly, I believe it will save a lot of lives. I strongly urge all Members on both sides to support this amendment by an overwhelming vote.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I have to oppose this amendment as it is drafted, as it is being debated out here on the floor. No matter how many times the proponents say as it is drafted that this does not affect the V-chip, the plain language of the amendment says the opposite. Its purpose, "is the labeling of violent content in visual media products." That is what the V-chip does. We won that vote 3 years ago, and then the industry voluntarily, working with parents' groups, constructed a rating system that every parents' group in America supports.

Now, if this amendment is adopted, it jeopardizes that system. A whole new system would have to be constructed under this amendment.

There are going to be 26 million TV sets purchased in America over the next year with a V-chip in it, and 26 million the year after, and 26 million the year after that, all with the ratings system built in that parents support. If this amendment is adopted, it jeopardizes that, because a whole new system would be put in place and potentially jeopardize all of these new TV sets which will not have a ratings system that is in conformity with something that the government sets up.

So that is why the National Association of Elementary School Principals, the American Psychological Association, the Center for Media Education, all of them endorse the V-chip and the system that we now have in place.

□ 1315

It is voluntary. It is being built into TV sets today. It works. Parents want it.

If there is some other new system people want to set up, we will go off and try to do that. But for the 6 hours a day the TV sets are on in America, millions of young parents are buying these TV sets. We should not have a new system. This one works. Vote no on the Wamp amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to my friend, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank my good friend for yielding time to me.

Mr. Chairman, the difference between this label and the label on potato chips is that this label has the government judging expressive content, not MSG content—expressive content and ideas. Those are protected under the First Amendment in ways that MSG content are not.

The way this bill was drafted is very dangerous. It says that the FTC is supposed to determine a system appropriate for the nature, context, and intensity of the depictions of violence. Regarding context, consider that Full Metal Jacket and Apocolypse Now were violent films about Vietnam. Saving Private Ryan was a violent film about the Second World War. The Federal trade Commission is asked to comment about violence in context. If we support the war, perhaps the violence is appropriate. If we do not, perhaps the violence is inappropriate. We see why the First Amendment deals with expressive content differently than MSG content.

Lastly, there is a drafting error. The bill has no maximum to the minimum age; let me repeat, no maximum to the minimum age. Turn to page 7 of the bill. A person "may not sell, in commerce * * * product to an individual whose age in years is less than the age specified as the minimum age * * * for a purchaser * * * of the product * * * under the labeling system * * * prescribed by the Federal trade Commission under subsection (d)."

There is nothing in (d) saying "minor" or "minority." There is a reference to "minor" in A, the findings section, but that only applies to when the industry does its own labeling. There is thus a huge loophole in this bill of an unconstitutional nature—adult access can be limited.

Let me simply conclude that the bill was poorly drafted, and infringes the First Amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Wamp amendment. We all agree that children should not be exposed to music and movies that depict violence or sexual images. But the answer is not to overregulate industries that are already making positive efforts to police themselves.

The motion picture industry has a well-established rating system for warning parents about the content of movies. The television networks have recently begun a similar rating practice. Parents are increasingly making use of the V-chip to keep harmful material away from their kids, and virtually every major recording company complies with voluntary label warnings on their recording that contain material that is inappropriate for children.

Establishing a labeling system with the muscle of the Federal government at the regulatory helm is not the way to help parents protect their kids. Instead, we should continue to work constructively with the entertainment industry to improve ways for parents to limit their children's exposure to harmful material.

Our number one priority must be to protect our children and empower parents. The Wamp amendment provides the wrong approach. I urge my colleagues to vote no on this amendment.

Mr. STUPAK. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, this is a complicated debate, and I know technology is complicated to the Members in this body. But what we are in effect debating today is that we tell our families across America the sodium content in a bag of pretzels, and we will label that. Why should we not label a video game called Sin that teaches, that rewards, that glorifies, showing our children hour after hour after hour on the computer how to destroy people; minute after minute, hour after hour, week after week?

This is Sin. I have played it. I have pulled it down and looked at it. The more people you kill and shoot, the better one's score.

Mr. Chairman, I understand the argument of the gentleman from California (Mr. CAMPBELL) about movies. Movies may desensitize us to violence, and I think that, quite frankly, the amendment of the gentleman from Tennessee (Mr. WAMP) and the gentleman from Michigan (Mr. STUPAK) needs to be improved in that area.

But video games do not desensitize us to it, they glorify it. They reward it. They teach our young people, shoot them again and I will give you 150 more points. And if you shoot their head off, I will give you more points.

This is something that our parents and our families simply need a label on. We are not telling them, have the government take the industry over. We are telling Members in this amendment, try to work together to come up with a voluntary labeling warning for our families.

Some of our parents do not know too much about these games yet. These are new. This industry now on the Internet is a $300 billion industry and growing, and we want to promote the Internet. The Internet has valuable education, resource, and teaching tools, but it also has some dangers.

What we are saying, Mr. Chairman is, maybe Members did not vote for the Hyde amendment yesterday, which went too far.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to give both sides 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, if Members voted against, as I did, the Hyde amendment yesterday, which goes to the heart of our First Amendment and our freedoms, and if Members intend to vote for the amendment of the gentleman from Massachusetts (Mr. MARKEY) which says let us study this and hopefully do something about it in 5 or 6 or 7 years, and Members may have some qualms about this particular amendment and the way it is drafted, however, it starts to address a growing problem in America about the glorification and the teaching and the instruction of violence to our youngest people.

We just say, if we can label pretzels and salt content, let us just warn with the label, in a voluntary way, with our industry working together, about the violent content of our video games today.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me just speak for a moment in objection to the Wamp amendment. The gentleman from Tennessee (Mr. WAMP) is a wonderful father. I see his son Wesley here all the time, and I know he is concerned for his children, and reasonably so.

But there are labels. This is a label that is on records. There are labels on video games. This one is gauged Teen, and it is larger than the Microsoft logo. They have descriptions entirely appropriate to tell what is in this game: Comic mission, animated violence, real violence, informational, use of drugs, use of tobacco, alcohol, gaming, strong language, animated blood, realistic blood, suggestive themes, mature sexual themes.

They do that. They voluntarily do it by category. That is video games.

Videos, R-rated. Another video, PG-13. There are ratings. The very Members that I got elected with in 1994 that wanted to shrink the size of the Federal Government now want to give added responsibility to the FTC and give them more work to do.

I respectfully request that parents get more involved. These video games just do not show up in their homes in the bedrooms while their children play them, they buy them. They get them at the malls. The parents need to join them in their pursuit and purchase of these games.

We could certainly make a lot of commentary today about violence, and I agree, there are some terrible products out there and there are some terrible shows out there. But I suggest that the Americans can vote with their wallets. America can vote with its pocketbook and say no more shows like Jerry Springer. Let us reduce the ratings of those shows so advertisers no longer advertise and it is taken off the air.

But we should allow this system to work as it is in place. It is working.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment. I think it is deeply, deeply flawed. I am not going to reiterate what has been pointed out by my colleagues that have gone to the heart of the flaws of the amendment.

What I would like to do with my remaining time is to do just a very brief congressional classroom sort of history here. How did we arrive here and begin debating what we are debating? There was a bill that was being sent over from the Senate. It was said by the Speaker that he wanted to bring about something that was reasonable on gun control. I think that this is a bob and weave effort, because the bills have been separated out.

What happened in Littleton and on other high school campuses is really engraved in an inextricable way in the Americans' conscience: That is, America's children running outside of their schools with their hands over their heads because there were students inside of those institutions, inside of those classrooms, that were holding guns to the heads of other students.

So the target in my view, today and in our arguments, in our debates, is what we are going to do about guns. The American people and parents across this country did not ask the Members of Congress to come here and trample on First Amendment rights. They want us to do what the Congress can and should do, and that is stay with the target and control and do something about guns going into our children's hands.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), Chair of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, let me first start off by saying we are all concerned about the violence that has taken place in places like Littleton. We are all trying to find out the causes and effects of those acts of violence.

Many of us believe that one of the major causes is the garbage that our children consume. That is why the V-chip was passed a few short years ago.

After the V-chip, and I want to say that I am sure my colleagues, the gentleman from Tennessee (Mr. WAMP) and the gentleman from Michigan (Mr. STUPAK) are well-intentioned, and I know we all agree that we have to do something about the violent content we see in the things our kids are consuming.

The fact of the matter is we passed a V-chip a couple of years ago, 3 years ago, and just yesterday we had a news conference where RCA, the Thompson Company, has just produced 200,000 sets with the V-chip in them. There are going to be millions of those sets produced in the next year. People are buying those sets with the intention of blocking out objectionable material they do not want their children to see.

This legislation would hamper those people being able to do that because the parent groups, working with the industry, have worked out a rating system that has been agreed to. They are going to be able to block out that objectionable material. All of that may go out the window if we come up with a new system with labeling involved and everything else, and a lot of these industry people may back out.

What does that mean? The people that bought those TV sets will not be able to block out that objectionable material because there is going to be a new rating system that is not agreed to. That is what we are concerned about.

I think everybody in this body, everybody in the other body, wants to make sure that we stop the horrible things that are happening in this country, the violence and the things our kids are consuming that is really causing a lot of that. But the way to do it is to do it in a different way than we are talking about today. We should not be doing anything that is going to impede the progress of the V-chip and blocking out of objectionable material, which this would do. If we are going to do it, let us do it a different way.

□ 1330

I tried working with the gentleman from Tennessee (Mr. WAMP) last night, and the gentleman from Massachusetts (Mr. MARKEY) to try to come up with a compromise. We were not able to work it out in that short period of time but we will continue to work with them to try to block objectionable material in the future, but let us not mess with the V-chip or the current system we have.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. I think all of us are trying to strike a balance. We are trying to strike a balance between protecting our children and at the same time protecting our first amendment and protecting the Constitution.

I oppose this amendment because I do not think we have achieved that balance that is going to allow us to achieve both objectives.

I come to this conclusion because what we are trying to do is something that I think is almost impossible, by asking people who are manufacturing records and motion pictures or video games to come together and try to identify one standard that can determine what is something that is very nebulous in terms of what is too violent for our children, what age should children be able to view this material without suffering any undue harm; and it even goes beyond that in infringing upon our constitutional rights because it will inevitably result in the Federal Government setting that standard, which I fear can be characterized as nothing other than censorship.

We need to indeed try to protect our children from violent depictions, but I also think that we have to come to grips, as I think I have with my own family, that that is a responsibility of myself and my wife. I have two daughters who are now in high school, a senior and a sophomore. I admit that they probably have seen violent depictions, but it did not encourage them to go out and murder people or commit acts of violence because they had been embedded with the values which are important to my family and to our community and knew how to respond to that.

I do not think that we need to have our Congress putting in place crutches that are not as important as our families becoming stronger and spending the time with their children to ensure that they embrace the valves of all of us.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, there was a time when it seemed that the TV and the radio were guests in our homes. Now sometimes I think they are intruders, bringing in messages that sometimes undermine the values that we want to impart to our kids. So I fully understand the frustration of my good friends from Tennessee and Michigan that really was the origin, I think, of this well-intentioned amendment.

However, I am afraid that it is going to be counterproductive to our effort to really give parents the tools to get control of these electronics in their home. There was lots of work, compromise, many hours put in to bringing the V-chip legislation to a reality. Now, in just two weeks V-chip televisions are going to be available on the market for parents so they can get control in their own homes. For that reason, I encourage my colleagues to give this legislation, the V-chip legislation and these TVs, a chance to work and to allow parents to have those tools in their homes.

For that reason, I reluctantly oppose this amendment but understand my good friends' frustrations and hope that we can bring their frustrations and this other work together to give parents more tools. This is just the wrong way to do it.

Mr. WAMP. Mr. Chairman, I reserve the right to close.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close as a member of the committee defending the committee position.

The gentleman from Tennessee (Mr. WAMP) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes remaining.

Mr. WAMP. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Tennessee (Mr. WAMP) for yielding me this time.

I would like to bring up two points. We offered an amendment to take care of the V-chip technology, the bogus argument that is being made. Our amendment said it would be absolutely clear that there can be no interoperability requirement with the V-chip requirement. In other words, we want to work with the V-chip and by standardizing the label it will be easier. We offered the amendment. They objected because it is the only ground they could object on the value of our amendment and what we are doing here today.

This is not a rating argument. So then the other argument they brought up is, well, it is a first amendment right. The courts have constantly ruled, and we checked with CRS, although not binding they certainly give us legal guidance and they said there is a compelling State interest to protect the welfare of children.

Government has that right to protect children when there is a compelling state interest. Much like tobacco, much like alcohol, it extends to commercial media products. That is why this is not unconstitutional. That is why it is not in violation of the first amendment. It will not violate the V-chip. Those are bogus arguments. We had the amendments to correct those concerns. They refused to allow us to offer it.

Mr. WAMP. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there are some labels. Most of them are stickers. They come right off on the label. They are not on the product itself. When one takes the package off, they are gone. Some do; some do not. We just ask for a uniform labeling system.

I find it extraordinary that most of the people that are opposing this today are from the State of California or they have some vested interest in legislation that might compete with this.

I do not think so. We have made that clear. But I am not going to defend the entertainment industry because I do think, as Ted Turner said 2 weeks ago, there is a responsibility in the mass media to decrease the amount of violence and this is a common-sense approach to that problem.

One of my predecessors in this House, Estes Kefauver, in 1954, he held hearings in the Senate on whether or not comic books contributed to juvenile delinquency. Today, the comic books of the nineties are video games, folks, and the juvenile delinquents of the 1990s can oftentimes be found behind the barrel of a gun.

These products should be labeled, uniform labeling. It makes common sense. They are going to say free speech.

These are products. This is not art and expression. These video games are a product of market research. Open up one of those PC magazines and see how someone can download the blood splattering. It is gross. It is awful.

Our kids are being filled in the head with poison. We label the food that is bad for them but we are not going to label the poison that goes in their head with a common-sense labeling? This does not violate first amendment rights. Good gracious. It just says, be responsible as an industry. Children are killing children.

I have had enough of it. I am going to side with parents today. I am going to side with children today; not some big special interest with a bunch of money that has been working all week to kill good common-sense legislation.

The family groups have come out today in support of this amendment. Responsible people would support this common-sense approach. I ask my colleagues not to vote with the big fat cats and the special interests. Vote with parents that need to make informed decisions, need to just be able to look. It is the same thing we do with food. It is the same thing we do with cigarettes. Some of the people that have opposed us today wanted the labeling on cigarettes, but what about brutal violence that clearly contributes to the rise in youth violence and killing in America today? It is unequivocal. Nearly a thousand studies document it.

Is the House going to respond or is the House going to sweep this under the rug? I urge support for the Wamp-Stupak amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I only wish that my friend the gentleman from Michigan (Mr. STUPAK) had brought this to the House Committee on the Judiciary where we could have had the kind of discussion that probably would have been more helpful. I hope that we do. This deserves a hearing. The subject is not going away, regardless of the outcome and disposition of the measure today.

I must say, I am looking at a series of Supreme Court decisions that make two things clear. One, mandatory labeling will be viewed by the Court to constitute a system of unconstitutional prior restraints, the very type most disfavored under the first amendment, and I have three cases to cite.

Secondly, the prior restraints, like mandatory labeling, are viewed as censorship and, as such, and a couple more Supreme Court cases, it will not work.

I wish I could say something different. So I want to make sure that we appreciate the constitutional question and the impracticability of an amendment that would cost billions of dollars for the Federal Government to administer and would probably be pretty difficult to enforce.

This proposal will create a fairly large size bureaucracy and enforce a labeling system for all audio and visual media products. It would create an agency that would be tasked with reviewing over 600 motion pictures every year, at least 500 videos and digital video disks that come into the marketplace, and thousands of sound recordings released each year.

Believe me, this is not a subject matter that can be legislated from the floor of the House of Representatives in a committee setting. We need to refer this to the Committee on the Judiciary and any other appropriate committee, and then bring it forward. I would be delighted and I continue my commitment to work on a workable and effective resolution of the labeling problem in the entertainment industry.

Unfortunately, this solution I cannot support.

Mr. MORAN of Virginia. Mr. Chairman, I rise to oppose this amendment.

Let me first say that I applaud the intentions of my colleagues in offering this amendment. I share their concern about excess violent programming and the effect it has on our children. I also agree with them that parents should have more information and not be confused about the meaning of various rating systems between TV, movies, video games and music.

However, as a strong proponent of the V-chip, I am opposed to this amendment.

This amendment could easily destroy the rating sytem that the entertainment industry negotiated with parents groups to work with the V-chip. The V-chip allows parents to control the programming viewed by their children. It works with the TV Parental guidelines developed by the television industry and child advocacy groups.

If the TV ratings system is changed, parents will find that they can no longer block violent programming on their TV sets.

Because of the very problems that the authors of this legislation are concerned about, Congress passed the V-chip law in 1996. This law requires TV manufactures to meet a deadline of incorporating the V-chip into 50 percent of TV's sold in America in the next two weeks. They are on track to not only do this but to also comply with the 100 percent V-chip deadline of January 1, 2000.

If the government steps in to mandate a new rating system after these various industries have begun labeling their products on a voluntary basis, all the progress that has been made to date would be erased.

The historic V-chip rating system agreement was reached between the National PTA, the American Academy of Pediatricians, the Center for Media Education, the American Psychological Association, the National Association of Elementary School Principals and the Motion Picture Association, the National Cable Television Association and the National Association of Broadcasters.

When we passed the V-chip, we agreed to forbear further legislation in this area until it was given time to work. This amendment would undo all of this progress. I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STUPAK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 17-minute vote and will be followed by one 5-minute vote on amendment No. 34 offered by the gentleman from Massachusetts (Mr. MARKEY).

The vote was taken by electronic device, and there were—ayes 161, noes 266, not voting 7, as follows:

[Roll No. 224]

AYES—161

Aderholt
Bachus
Barcia
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Brady (TX)
Bryant
Burr
Callahan
Cannon
Cardin
Castle
Chambliss
Chenoweth
Coburn
Collins
Combest
Cook
Costello
Crane
Cubin
Danner
Deal
DeFazio
DeLay
DeMint
Dickey
Doyle
Duncan
Ehlers
Emerson
Etheridge
Everett
Ewing
Fletcher
Forbes
Franks (NJ)
Frelinghuysen
Gekas
Gilchrest
Goode
Goodling
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Holden
Holt
Horn
Hunter
Hyde
Jenkins
Jones (NC)
Kaptur

Kelly
King (NY)
Kleczka
LaHood
Largent
LaTourette
Leach
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McHugh
McIntosh
McIntyre
Mica
Miller, Gary
Minge
Myrick
Norwood
Nussle
Obey
Ortiz
Pascrell
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rodriguez
Roemer
Rogers
Rothman
Roukema
Ryun (KS)
Salmon
Saxton
Sessions
Shadegg
Shays
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stupak
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thornberry
Tiahrt
Traficant
Turner
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Bliley
Blumenauer
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Camp
Campbell
Canady
Capps
Capuano
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Green (TX)
Gutierrez
Hastings (FL)
Hastings (WA)
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Olver
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pombo
Portman
Quinn
Rangel
Reyes
Reynolds
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Simpson
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Walden
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wu
Wynn

NOT VOTING—7

Brown (CA)
Carson
Houghton
Mollohan
Rahall
Smith (NJ)
Thomas

□ 1404

Messrs. JENKINS, ETHERIDGE, COOK, WISE, COSTELLO, BOEHLERT, FORBES, and HAYWORTH changed their vote from "no" to "aye."

Mr. Herger and Mr. Gutierrez changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on subsequent amendments on which the Chair has postponed further proceedings.

AMENDMENT NO. 34 OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 8, as follows:

[Roll No. 225]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel

Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Barr
Berkley
Bonilla
Goode
Hulshof
Paul
Peterson (MN)
Shadegg
Stump

NOT VOTING—8

Brown (CA)
Carson
Houghton
Mollohan
Nussle
Rahall
Smith (NJ)
Thomas

☐ 1413

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 36 printed in Part A of House Report 106-186.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 36 offered by Mr. GOODLING:

Page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice Reform Act of 1999".

Page 1, strike line 3 and insert the following:

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS

SEC. 101. SHORT TITLE.

Page 1, line 4, strike "Act" and insert "title".

Page 2, line 1, redesignate section 2 as section 102.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 207. Annual report.
Sec. 208. Allocation.
Sec. 209. State plans.
Sec. 210. Juvenile delinquency prevention block grant program.
Sec. 211. Research; evaluation; technical assistance; training.
Sec. 212. Demonstration projects.
Sec. 213. Authorization of appropriations.
Sec. 214. Administrative authority.
Sec. 215. Use of funds.
Sec. 216. Limitation on use of funds.
Sec. 217. Rule of construction.
Sec. 218. Leasing surplus Federal property.
Sec. 219. Issuance of Rules.
Sec. 220. Content of materials.
Sec. 221. Technical and conforming amendments.
Sec. 222. References.

SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 231. Runaway and homeless youth.

SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 241. Repealer.

SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 251. National center for missing and exploited children.

SUBTITLE E—STUDIES AND EVALUATIONS

Sec. 261. Study of school violence.
Sec. 262. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.
Sec. 263. Evaluation by General Accounting Office.
Sec. 264. General Accounting Office Report.
Sec. 265. Behavioral and social science research on youth violence.

SUBTITLE F—GENERAL PROVISIONS

Sec. 271. Effective date; application of amendments.

Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 201. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 202. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 203. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 204. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 205. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 207. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 208. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 209. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(v) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vi) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(vii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(viii) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(ix) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(x) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xi) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

"(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

"(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

"(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of nonstatus offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile—

"(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

"(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

"(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

"(v) detaining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

"(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) in paragraph (22) by inserting before the semicolon, the following:

"; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency",

(P) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(Q) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (23) of subsection (a)".

SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

"(2) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

"(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

"(3) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(8) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

"(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

"(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

"(16) projects which provide for—

"(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

"(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

"(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

"(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

"(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

"(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

"(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

"(20) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

"(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

"(1) propose to carry out such projects in geographical areas in which there is—

"(A) a disproportionately high level of serious crime committed by juveniles; or

"(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

"(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence;

"(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

"(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and "(ix) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES..—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

"(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.".

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

SEC. 214. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 215. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 216. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 217. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 219. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 220. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

"SEC. 299J. CONTENT OF MATERIALS.

"Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.".

SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Technical Amendments.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93-415 (88 Stat. 1132–1143).

(b) Conforming Amendments.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 37891) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 222. REFERENCES.

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

Subtitle B—Amendments to the Runaway and Homeless Youth Act

SEC. 231. RUNAWAY AND HOMELESS YOUTH.

(a) Findings.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) Authority To Make Grants for Centers and Services.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Grants for Centers and Services.—

"(1) In general.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Services provided.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) Eligibility.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Applicants Providing Street-Based Services.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

“(2) provide backup personnel for on-street staff;

“(3) provide initial and periodic training of staff who provide such services; and

“(4) conduct outreach activities for runaway and homeless youth, and street youth.

“(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

“(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

“(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

“(4) provide initial and periodic training of staff who provide home-based services; and

“(5) ensure that—

“(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

“(B) staff providing such services will receive qualified supervision.

“(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

“(1) a description of—

“(A) the types of such services that the applicant proposes to provide;

“(B) the objectives of such services; and

“(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

“(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.”.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

“SEC. 313. APPROVAL OF APPLICATIONS.

“(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

“(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

“(2) which areas of such State have the greatest need for such services.

“(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

“(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

“(2) eligible applicants that request grants of less than $200,000.”.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking “PURPOSE AND”;

(2) in subsection (a), by striking “(a)”; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting “, and the services provided to such youth by such project,” after “such project”.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

“SEC. 341. COORDINATION.

“With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

“(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

“(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.”.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH,”;

(2) in subsection (a), by inserting “evaluation,” after “research,”; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

“SEC. 345. STUDY

“The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

“(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

“(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.”

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

“SEC. 381. REPORTS.

“(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

“(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

“(A) alleviating the problems of runaway and homeless youth;

“(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

“(C) strengthening family relationships and encouraging stable living conditions for such youth; and

“(D) assisting such youth to decide upon a future course of action; and

“(2) in the case of projects funded under part B—

“(A) the number and characteristics of homeless youth served by such projects;

“(B) the types of activities carried out by such projects;

“(C) the effectiveness of such projects in alleviating the problems of homeless youth;

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

“(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

“(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

“(G) activities and programs planned by such projects for the following fiscal year.

“(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

“(1) the evaluations performed by the Secretary under section 386; and

“(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.”.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

“SEC. 386. EVALUATION AND INFORMATION.

“(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 384; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

“(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.”.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(2) ALLOCATION.—

"(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

"SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

"With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs

SEC. 241. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

Subtitle D—Amendments to the Missing Children's Assistance Act

SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2003".

Subtitle E—Studies and Evaluations

SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the

Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered -through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

Subtitle F—General Provisions

SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Education and the Workforce has the responsibility in this legislative process to provide the rehabilitative and the preventive efforts in relationship to juvenile delinquency, juvenile crime. The amendment I am offering today complements and completes H.R. 1501, the Consequences for Juvenile Offenders Act of 1999. The amendment provides a prevention component of a sound two-prong approach to addressing juvenile crime, accountability and prevention. The success of one depends on the success of the other.

The amendment was based on legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD), the Juvenile Crime Control and Delinquency Prevention Act. This legislation was reported by the Subcommittee on Early Childhood, Youth and Families on April 22, 1999.

□ 1415

Mr. Chairman, the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Early Childhood, Youth and Families, the gentleman from Pennsylvania (Mr. GREENWOOD), ranking minority member, the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) deserve a great deal of credit for all the time they spent in crafting a thoughtful bill to address a very difficult problem.

I would also be remiss if I did not thank the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Colorado (Mr. TANCREDO), the gentleman from Indiana (Mr. SOUDER), the gentleman from Tennessee (Mr. FORD) and the gentleman from California (Mr. MILLER) for their efforts to work with us in putting together a bipartisan bill.

Last, but not least, I would like to thank the gentleman from California (Mr. MARTINEZ), who helped craft the original version of H.R. 1818, which passed the House last Congress. And, of course, I would be remiss if I did not thank the staff on both sides for the hours of work that they put into this.

As I have noted, several Members have played a key role in the development of this legislation. For example, the amendment allowed the use of funds in both the formula grant program and the prevention block grant program for after-school programs. There is also a study on after-school programs.

The gentleman from Delaware (Mr. CASTLE), who is a strong supporter of after-school programs, crafted these provisions. Funds may be used for programs directed at preventing school violence. In addition, the Prevention Block Grant includes language allowing local grantees to use funds for a toll-free school violence hotline. The gentleman from Colorado (Mr. TANCREDO), who represents Littleton, Colorado, is the author of that provision.

The amendment I am offering today also includes several provisions dealing with the delivery of mental health services to youth in the juvenile justice system. These provisions include allowing the use of funds in the formula in the block grant programs for mental health services, training and technical assistance for service providers, and a study on the provision of mental health services to juveniles.

The gentlewoman from New Jersey (Mrs. ROUKEMA) is responsible for that legislation, along with the gentleman from California (Mr. GEORGE MILLER).

During the 105th Congress, as I indicated before, we passed this legislation. In fact, we passed legislation twice. At the present time, the major purpose of our amendment is to prevent juvenile crime in the home, in our communities, and in our schools.

The amendment offered today would streamline the current Juvenile Justice and Delinquency Prevention Act, provide greater flexibility to States and local communities in meeting the four core requirements, and consolidate existing discretionary grant programs into a flexible prevention block grant to the States, demanding quality in return for that effort.

Mr. Speaker, throughout the United States, communities are struggling to develop programs to address juvenile delinquency. But no two communities are alike, and solutions must be tailored to fit the needs of local communities. And that is what we have done in this legislation.

Finally, the amendment would provide for the authorization of programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act.

I want to emphasize the fact that there is language here that deals with those who would get overzealous when they are writing curriculum, and it makes very, very clear that when they do that, they do not interfere with one's religious beliefs.

That language says, "Materials produced, procured, or distributed using funds appropriated to carry out this act for the purpose of preventing hate crimes should be respectful of the diversity of deeply-held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance."

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Missouri (Mr. CLAY) seek to control the time in opposition?

Mr. CLAY. Mr. Chairman, I would like to control the time, and I ask unanimous consent to turn the control of the time over to the gentleman from Michigan (Mr. KILDEE) after I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) will control 45 minutes.

Without objection, the gentleman may yield to the gentleman from Michigan (Mr. KILDEE) to control the remainder of the time.

There was no objection.

Mr. CLAY. Mr. Chairman, I rise in support of the Goodling amendment.

This amendment reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. In reauthorization of this 25-year-old act, the amendment retains the four core protections, including the fundamental tenet of the juvenile justice system, that juvenile delinquents shall not be jailed with adult criminals.

In addition to retaining the core requirements, the amendment contains a new juvenile delinquency prevention block grant program. It provides funds to be used for mentoring, for family strengthening programs, for training and employment programs, for mental health services, and other initiatives designed to prevent juvenile delinquency.

The amendment also strengthens the mandate requiring States to reduce the disproportionate number of minorities confined in jails and other secure facilities. States are required to reduce minority overrepresentation by addressing both the lack of prevention programs in minority communities and by addressing racial bias within the juvenile system.

I would like to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their many hours of negotiations and their determination to place substance over politics and produce fair and effective juvenile prevention legislation.

Unfortunately, the Republican leadership has short-circuited the legislative process and are shortchanging the American people.

This is a good amendment, Mr. Chairman. It could have been better. Instead, to appease the right-wing family groups, the Republican leadership has insisted on weakening programs under the act aimed at preventing hate crimes. Politics again rears its ugly head when the Republican leadership prevents meaningful provisions dealing with juvenile gun possession.

Mr. Chairman, despite the shortcomings, this amendment includes thoughtful, effective crime prevention measures that will give juveniles real alternatives. We cannot afford to toss our troubled juveniles into jail and throw away the key. We must intervene first with the strong and flexible prevention measures that this amendment provides.

I support this amendment, and I encourage my colleagues to vote "yes" on the amendment

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from Delaware (Mr. CASTLE), the subcommittee chair.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce very much for yielding me the time.

Mr. Chairman, I also thank all those who worked on this legislation, particularly the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) who did so much good work on it.

Just a few months ago, reports of school violence dominated the national media and focused our attention on the small suburban communities of Springfield, Paducah, Edinboro, Littleton and Jonesboro.

In the wake of these tragedies, men, women, and children across the country joined together and called upon their elected officials to help stem the tide of violence in their schools and their communities.

What followed was a rush of legislation, from guns and video games to parental involvement and school prayer. Everything was on the table. After much discussion, we came to understand that no one approach would have prevented the episodic violence in these schools.

Eventually, cooler heads prevailed, and we realized that a balanced approach, one that incorporated the best ideas of each of these proposals, was our greatest hope to ensure that our schools would never again be a place of death and violence.

As part of this effort, I am pleased to rise in strong support of the juvenile crime prevention amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

This amendment is a product of extensive negotiations between Members on both sides of the aisle, and I am pleased that it comes to the floor with bipartisan support, thanks in large part, as I already mentioned, to the efforts of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT).

This amendment acknowledges that most successful solutions to juvenile crime are developed at the State and local levels by people who understand the unique qualities of the youth in their neighborhood. I believe it goes a long way toward providing State and localities the necessary flexibility to address the problems associated with juvenile crime in their communities.

This amendment also acknowledges that intervention and prevention, such as educational assistance, job training, and employment services programs, are effective tools in reducing and preventing juvenile crime.

In this era of dual-income families, roughly 5 million kids return to an empty house when the school day ends. It is not surprising, then, that juvenile crime increases by 300 percent after 3 p.m. Those that are not engaged in delinquent behavior are sitting, in many cases, in front of the television, the baby-sitter of choice for millions of latchkey kids.

Recent studies have confirmed what we have intuitively known about after-school programs. These programs, such as the athletic or mentoring programs offered by the YMCA and Boys' and Girls' Clubs of America, give our most at-risk children a positive alternative to television, drugs, alcohol, sexual activity and crime.

There is no doubt about the importance of these programs. But our after-school providers and participants need better access to information about the current range of programs and industry "best practices."

For this reason, I am especially pleased that the Goodling amendment incorporates my language to require the GAO to undertake a study to help us better understand the values of after-school programs and the barriers to providing these important services.

In addition, the Goodling amendment underscores the importance of these programs by allowing the States to use prevention funds to extend the reach of our after-school programs. As we all know, even children who enjoy the advantages of caring parents and good schools can just as easily go astray as those that who are disadvantaged.

For all of those reasons, I urge all of us in this House to support this amendment for the benefit of all the children in our country.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Goodling amendment has been the product of over 4 years of work between the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Virginia (Mr. SCOTT), the gentleman from California (Mr. MARTINEZ), the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Mr. GREENWOOD) and myself. It is a product of very extensive negotiation and will gain my support today.

Mr. Chairman, this amendment will provide a much-needed focus on both protection of juveniles in the system and prevention aimed at reducing juvenile delinquency.

The amendment strengthens the important protections provided by the four core mandates in the act. It maintains the protections of sight and sound separation, the reduction of disproportionate minority confinement, and the special consideration of status offenders and adult jail removal, while at the same time deals with the real-life difficulties of dealing with juvenile offenders.

The other critical aspect of this bill is the creation of the Prevention Block Grant, the contribution of the gentleman from Virginia (Mr. SCOTT). The Prevention Block Grant in this legislation sends a strong message that program funds should be used for primary prevention, prevention efforts for those who have yet to encounter the justice system.

This type of focus can save so many of our young people from falling prey to the temptations of violence and destructive activity and is a much-needed component in our efforts to combat juvenile crime.

In closing, I want to recognize the leadership of both the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) on this legislation. I believe that their efforts have taken last Congress's bipartisan reauthorization bill and improved what was already a good product. I personally thank them for their hard work and their close cooperation.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in support of the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of our Committee on Education and the Workforce. I want to commend he and members of his committee for working diligently on this proposal.

While H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, addresses some of the factors that contribute to juvenile crime, this bill does not address ways in which we can work together to create solutions to this growing problem.

Almost everyone agrees that the majority of juvenile crime occurs daily between the hours of 3 to 7 p.m., when schools let out and children are left unsupervised while parents are still at work. Just to make ends meet, most parents have to have two or three jobs. These families need our help, and this amendment does just that.

This bill mirrors my own legislation, H.R. 1430, the Caring for America's Children Act, which provides our Nation's children with substantial afterschool programs designed to help our children make a successful transition from child to adult life and keep at-risk children from choosing violent acts over unsupervised activities.

□ 1430

Empty hands too often lead to crime, but give children something to do with those hands and the number of crimes dramatically drop when an afterschool program is in place, such as sports, the arts, delinquency prevention, tutoring and academic enrichment, literacy, counseling, drug and alcohol abuse prevention, parenting skills, all keys to preventing juvenile crime. If parents are unable to supervise their children, schools and local youth groups that provide care for children during nonschool hours are the next best thing.

This amendment also provides funding for the establishment and maintenance of a school youth violence hotline which will provide children with a way in which to anonymously inform officials of violent crimes that may be committed. Many students are aware of criminal acts before they happen but too often are afraid to come forward for fear of being the victim of an attack.

Accordingly, I am pleased to strongly support passage of this amendment as it is one of the few amendments that actually focuses on true juvenile crime prevention. Accordingly, I urge my colleagues to support the Goodling amendment.

Mr. KILDEE. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. SCOTT) who has made an enormous contribution to this bill.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time. As many of my colleagues are well aware, I have been actively involved in this issue of juvenile crime on both the Committee on Education and the Workforce and the Committee on the Judiciary. From the outset of this discussion I have said that Congress has a decision to make in combating youth violence, that is, we can play politics or we can reduce juvenile crime. As someone who has spent many hours in this effort along with the gentleman from Pennsylvania (Mr. GREENWOOD), I am proud to say that the Goodling amendment reflects a fair and effective legislation rather than a desire to play politics by codifying soundbites. This legislation reflects the commitment to reducing crime by funding proven crime prevention programs.

I am also proud to say that this legislation is sound policy, because it is the result of a deliberate and intelligent process in which we carefully considered the evidence in search of real solutions to juvenile crime. Unfortunately, with other amendments that we have already adopted, it seems that we are back to playing politics. What began as a bipartisan effort in both the Committee on the Judiciary and the Committee on Education and the Workforce has turned into a spectacle. We started with an intelligent, deliberate consideration of the issues and now we have degenerated into a situation where we are slinging soundbites at each other. This is particularly disappointing because we know what works to reduce crime.

We can say, however, that in this amendment, we have the opportunity to reduce crime. We know that prevention works. We also know it saves more money than it costs. For example, early childhood education programs like Head Start not only reduce future crime but also save future money by reducing remedial education requirements, welfare dependency and crime. Job Corps programs reduce future crime and also save more money by increasing employment, reducing welfare and reducing crime. Drug rehabilitation programs reduce crime and save almost $7 to $10 for every dollar spent by reducing crime and health care expenses. So we know what works. We know it works and we know it also saves money. This amendment encourages communities to review the research and develop a community crime prevention plan and to fund those prevention plans, plans that will help communities fight crime and those that are cost effective.

In addition to the emphasis on prevention, this legislation keeps intact several key principles of juvenile justice. Since 1974, there has been a concerted effort to provide fundamental protections for youth who come into contact with the juvenile justice system. Prior to 1974, it was common practice to lock up youth who had committed status offenses, those are noncriminal acts like running away or curfew violations or being truant, acts which are offenses only because of the defendant's status as a juvenile. These children who had not committed a crime were often in need of services and not punishment. In fact, frequently it was their families who needed services and not the juvenile. Nevertheless, these children were being locked up, often in adult jails. As a result, they were increasingly at risk of assault or committing suicide.

The Juvenile Justice and Delinquency Prevention Act of 1974 provided protections for these children. First, the Act required States to divert status offenders from the juvenile criminal justice system and place them in community-based alternatives. As a result, we have seen the suicide rate plummet. Second, this legislation basically continues the underlying principle that juveniles should not be housed with adults. Third, the Act focuses efforts to reduce, without establishing quotas or numerical standards, the disproportionate number of juvenile members of minority groups who come in contact with the juvenile justice system. This provision is important because it requires that States look at why minority youth are overrepresented in secure facilities or receive tougher sentences or are more likely to be jailed for the same kinds of offenses than majority youth. Efforts to reduce the disproportion might include prevention programs, less reliance on racial profiling in law enforcement, or sensitivity training for juvenile justice personnel to ensure equal treatment. In sum, the Goodling amendment maintains the core protections for children and a preventive and forward-thinking approach to juvenile crime.

Finally, I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his leadership in the development of a bill which is serious about reducing juvenile crime. I also want to thank the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their contributions. Also, I would like to thank the staff for their hard work, Alex Nock and Cheryl Johnson, Denise Forte, Ly Nguyen, and also Vic Klatt, Sally Lovejoy and Lynn Selmer for their hard work without which this bill would not have been possible.

Mr. Chairman, while I would have preferred this amendment to be a separate bill, detached from the partisan spectacle being conducted with the rest of the bill, I would urge my colleagues to support the amendment. This is a vote for prevention and a vote to put research and analysis back in the debate on crime.

Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question as to whether or not it is the legislative intent of the bill for the "sight and sound" provision to provide some flexibility but still limit supervised contact between adult and juvenile offenders.

Mr. GREENWOOD. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Yes, Mr. Chairman, in general there should be no contact, physical or otherwise, between juvenile and adult offenders. However, this provision establishes law for the rare occasion where a juvenile would be in physical proximity to an adult offender. We expect these occasions to be accidental and unforeseeable in nature. In these situations, the juvenile must be supervised by a corrections official. We would also expect that States and localities which exceed this authority by allowing these occasions to happen on a regular basis to be found out of compliance by the Office of Juvenile Crime Control and Delinquency Prevention.

Mr. SCOTT. Mr. Chairman, this is a good amendment. I would hope that it be adopted.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREENWOOD), and I also ask unanimous consent that he control the time on this side. He is the other member of the Greenwood-Scott team that we have heard about quite often this morning.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce for yielding control of the time to me and for his kind words as well.

Yes, the gentleman from Virginia (Mr. SCOTT) and I are a team and as you will see, our words are very similar.

Mr. Chairman, the issue before the House and the title of the amendment for which I speak is the Juvenile Crime Control and Delinquency Prevention Act. The purpose of this legislation is to reauthorize and to reform the 25-year-old law which was designed to ensure that juveniles, children under the law who are accused of breaking the law, are treated firmly and fairly. Its purpose is to ensure that to the best of society's ability, these young people are redeemed from lives of crime and instead provided with opportunities to turn their lives around and to become good and productive citizens.

To understand why Congress wrote this law 25 years ago, one needs to become familiar with the problems Congress was trying to solve back then. Prior to 1974, in many States, children were frequently imprisoned right alongside adults. The unfortunate ones were physically and often sexually abused. The more fortunate children were simply tutored by their cellmates into the ways of crime and converted into hardened criminals at a very tender age. What was worse was that a large percentage of the incarcerated children had not even committed acts that would have been considered criminal had they been adults. Children were routinely locked up for running away from home, for truancy or for simply being deemed incorrigible. Before anyone is tempted to believe that those were the good old days when young people were held accountable for their irresponsible conduct, it needs to be noted that many of these kids were running away from terribly dysfunctional homes where they were being abused in the worst of ways. In the old days before the Juvenile Justice Act, alcoholic abusers could molest their daughters and their stepdaughters and then have them arrested for running away until they agreed to go back home to be subjected to more abuse. The sins of the parents were visited upon their children and then the children were punished all over again.

So in 1974, the Congress enacted the Juvenile Justice Act and offered to States financial carrots to reform their ways of dealing with the troubled children of their States. The law establishes core requirements for State juvenile justice systems that States must adopt to qualify for Federal delinquency prevention funds. And since others have specified those core requirements, I will not repeat them.

Most of yesterday's debate centered on the Committee on the Judiciary's piece of juvenile justice law, the so-called sanctions part. The amendment before the House now is the work of the Committee on Education and the Workforce. It is the prevention and the protection part. This year I have had the honor of serving as the prime sponsor of the delinquency prevention legislation. For many months, I have worked with my Republican and my Democratic colleagues to modernize and reform this statute so that we could reauthorize it for another 4 years.

My primary counterpart on the other side of the aisle has been the gentleman from Virginia (Mr. SCOTT). He is a good man. He is a committed advocate for his point of view and for the point of view of his party but he has always been available to my point of view and to the point of view of my party. He has consistently put the welfare of children and the safety of society above partisan advantage, and he has never once succumbed to ideological rigidity.

I also wish to commend the ranking member of the subcommittee the gentleman from Michigan (Mr. KILDEE) for his constant spirit of collegiality and bipartisanship and I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY) for working consistently in good faith to achieve a bipartisan bill.

Our bipartisan work product encapsulated in this amendment recognizes that prevention is the key to reducing juvenile crime. It streamlines current law, provides appropriate flexibility for the States and replaces overly prescriptive Federal requirements with prevention block grants. The amendment also reauthorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, making them more effective in locating missing children and reuniting them with their families.

Mr. Chairman, in the wake of the tragic shootings at high schools in places like Littleton, Colorado; Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania and elsewhere, the Congress has chosen the Juvenile Crime and Delinquency Prevention Act to serve as the legislative vehicle to debate and to enact an extraordinarily wide range of proposals aimed at preventing youth violence and keeping our children safe. From gun control measures to new prohibitions on selling violent entertainment to children to establishing the right of children to pray in school, it is all in the mix, Mr. Chairman. We will, in the herky jerky ways of democracy, sort our way through it all. But I hope it is not lost upon us all that in the midst of this emotionally and politically charged environment, Republicans and Democrats on the Committee on Education and the Workforce worked through our differences and crafted this bipartisan legislation that we offer in the form of this amendment, convinced that within its 103 pages lies reliable and tested wisdom about how best to steer America's troubled children away from crime and how to reclaim these young people who go off on the wrong track.

As we speak in this Chamber, we need to remember that in every community in America, employees and volunteers in juvenile probation programs and in detention facilities are busy at the hard work of reaching into the hearts and minds of children hardened by abuse, neglect and disappointment and they are giving them hope and the esteem, the skills and the confidence to turn their lives around and to go straight.

That is what this amendment is about. We think it is among the most important work that we will do in these 2 days of debate. We commend it to the House for its support.

Mr. Chairman, I reserve the balance of my time.

☐ 1445

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Pennsylvania (Mr. GOODLING) to H.R. 1150.

This is the first opportunity I have had to talk about the then Juvenile Justice Delinquency and Prevention Act of 1973, as it was being conceived by Senator Birch Bayh and was then made into law in 1974. At that time I was president of the YMCAs of the USA, and at that time young people were in trouble, they were on the roads, they were confused. At that time young people were incarcerated with adult offenders.

We have seen many changes come since that time. But I am a bit disappointed that partisanship has once again raised its ugly head, and that out of over 70 Democratic amendments, only 11 of these amendments were adopted by the Committee on Rules. It is more than apparent that politics as usual has prevailed again. Of course, I commend the gentleman from Pennsylvania (Mr. GOODLING) for moving forward with this legislation, but in the Committee on Rules we saw the partisanship come out over and over again.

Let me take this opportunity to bring to my colleagues' attention my primary prevention amendment, which was not adopted by the Committee on Rules. I called for 50 percent of the funds in the prevention block grant to go towards primary prevention programs. As my colleagues know, prevention works. It works because it avoids young people from becoming involved in the criminal justice system. We have seen surveys continually which have proven that prevention works. As a matter of fact, old folks used to say a stitch in time saves nine. An ounce of prevention is worth a pound of cure. It is better to build boys than to mend men; that idle hands are the devil's playground.

But in spite of all of this, we were unable to get the funds put into prevention, and we are using the Republicans' method of intervention. Of course, if it was up to me, I would designate more than 50 percent of the funds for prevention, as I feel that attacking crime prior to when it happens is the only true solution. Nevertheless, we were willing to compromise to meet the majority party halfway, but it was abundantly clear that they have no intentions of doing the same.

Even the Democratic substitute that I and several of my colleagues submitted with the hope of including language about school counselors was not adopted. This, after the horrible tragedy of Columbine. Elementary schools need counseling as well as our middle schools and high schools. Youngsters are crying out for help, but in many instances there is no one there to help them. As a matter of fact, in a typical inner-city high school, we have more full-time military recruiters for the senior class than we have high school counselors.

Our goal is to cut down on juvenile crime; thus, we must ensure our young people the ability to seek services that they need to help them cope with their problems so that they can be out of harm's way of the escalation of violence and tragedy. The increase of funding and actual number of school counselors is a measure that must be taken. I must say, I am utterly baffled as to say why the Republican Party is so hesitant to actually adopt legislation that would actually produce results to help our young people in this country with counseling and other preventive means.

Mr. Chairman, allow me to conclude by calling upon all of the Members of this House to support the Goodling amendment to H.R. 1150. It is my hope that in the future, our political parties could work more closely together, though, in favor of the children.

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I certainly rise in strong support of the Goodling amendment. I especially want to note the leadership of the gentleman from Pennsylvania (Mr. GREENWOOD) on this notable reform.

It goes without saying that we have all become aware of the particular growth of juvenile crime and violence, and Littleton and Conyers, Georgia, and other recent developments have certainly burned those lessons into our minds, and into the conscience of the Congress. I believe, we must respond very appropriately today.

This amendment is a needed response, and I want to stress that it is prevention. If we had understood and applied the intention of this legislation, it is very possible that Littleton would not have happened. Indeed, I was working on the mental health components of this bill before Littleton the massacre did occur. In fact, as we learned later, that Harris and Klebold had been released from parole with glowing reports from the probation officer just 11 weeks before the massacre at Littleton, while at the very time that they were plotting and constructing bombs. Littleton became exhibit A of what we are trying to do in this bill, and particularly the mental health component of it.

In fact, the statistics became real at that point in time. According to the Department of Justice, 73 percent of the youth in the juvenile justice system have reported severe mental health problems.

So it is obvious that this amendment that I was able to get into the bill is essential. It is a screening assessment, a mental health screening assessment and treatment that makes mental health treatment and assessment an allowable use of funds in the Prevention Block Grant.

Mr. Chairman, I will not go into all of the details of the amendment, but I will submit for the RECORD the applicable legislation at this point, particularly as it applies to the projects which would be permitted under the mental health needs.

“PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

“SEC. 241. AUTHORITY TO MAKE GRANTS.

“The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

“(2) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

“(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

“(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

“(3) projects which expand the use of probation officers—

“(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(B) to ensure that juveniles follow the terms of their probation;

"(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

"(16) projects which provide for—

"(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

"(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

"(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

"(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

"(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

"(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placement.".

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105–277 for the Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

Mrs. ROUKEMA. For example, an assessment by a qualified mental health professional. Had this been applied when Harris and Klebold were in the probation system, perhaps it would not have occurred, and people would have diagnosed them with their problems earlier.

I must say that the reforms are long overdue, and they are consistent with everything we know about corrective treatment. Above all, I want to say that these reforms will bring greater security to our schools, greater safety to our communities, and a brighter future for all America's families, and perhaps will save the lives of countless victims who are at risk.

I would also like to point out that in addition to the block grant provision, we have a mental health assessment and a study that I was happy to work with the gentleman from Pennsylvania (Mr. GREENWOOD) on, and that study should give us a great deal of information for the next round of reforms.

Let us all pray, that our efforts here will be the first meaningful step on the way to a complete overhaul of our culture of violence—guns, videos, entertainment and a system that ignores the mental health and educational instruction reforms needed for our estranged and violent prone youth. Remember, "an ounce of prevention is worth a pound of cure."

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking minority member of the committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for all of their hard work in pulling this legislation together. I want to thank them for accepting the language that the gentlewoman from New Jersey (Mrs. ROUKEMA) and I have offered on mental health services and the screening programs within this legislation.

I think that this legislation is key, as the gentleman from Pennsylvania (Mr. GREENWOOD) pointed out in his remarks, to really dealing with the long-term problems within our society and with dealing with chronic delinquency and our best efforts at trying to prevent that behavior. We are here today reacting because of what 6 or 8, 10 kids have done across this country, killing dozens of young schoolchildren, but the fact is, 20 million children went to school last year, or this year, day in and day out and caused relatively little problem.

We do now know from a great deal of study and research that a relatively small group of people contribute rather dramatically to the crime figures among young people in this country. But that same research and those same studies tell us that many of these children come as a confluence of a series of events in their lives, sometimes very early on, because of the status of the mother during pregnancy, because of neurological and biological factors during birth, low verbal ability, neighborhood characterized by social disorganization and violence, parental criminality, substance abuse, inconsistent and harsh parental practices. All of these combined, and the researchers tell us this is a very lethal combination of events in a young child's life. And when they come together, these children who now, in many instances, we are able to diagnose and to look at, and the question is will we be willing to treat them and be able to prevent the kind of horrible activity that they later engage in.

This is a complicated problem and a complicated issue. There is not a silver bullet amendment that will answer this. We can attack Hollywood, we can attack Marilyn Manson, we can attack video games such as Mortal Kombat. What we really know is those are really insignificant if a child has had strong bonding and strong guidance and strong counseling from their parents, and they have a healthy relationship with their parents. But if they do not have that, and they do not have these resources to call upon, and then they engage in that kind of, or are subject to that kind of bombardment from media and from entertainment, they are candidates for serious problems.

So this legislation that the Education and Labor Committee struggled with long and hard, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) especially, I think gives our country one of the best hopes we have in dealing with juvenile delinquency and hopefully preventing juvenile delinquency, because that is really our goal. It is not to be here next year reacting to the next set of violent activities by young people, but it is to give our communities, our schools, and our juvenile justice system the tools to try and treat these children and to prevent this activity from taking place.

Mr. Chairman, I want to commend our committee for working in such a bipartisan fashion to come to this conclusion.

Mr. GREENWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I want to rise to strongly support this bipartisan amendment. I think it is a very solid piece of work out of the Committee on Education and the Workforce.

A lot of folks do not understand how this juvenile justice legislation works in the House, but we have the jurisdiction in the Committee on the Judiciary on juvenile crime matters, which are the base bill of H.R. 1501 here today, and all of the concerns that I have presented in the last few hours of yesterday and some of today over how we need to put consequences back into the law for juveniles and how we need to repair our broken juvenile justice systems around the States.

But an equally important companion part of that, which is what the Committee on Education and the Workforce does and is doing here today, to deal with those programs that are prevention programs, and the Office of Juvenile Justice and Delinquency Prevention, and today we are seeing some major steps in the right direction. The formation of a block grant program instead of having it broken into many pieces; the idea of taking the mandates that are the requirements on the States in order to get this grant program, there are four of them that have been around, core mandates, while protecting and preserving their basic principles, modifying them so that they can become more flexible and manageable and workable in ways that have been criticized in meetings that I have been to all around the country, a major step in improving them in this bill today.

I want to commend the gentlewoman from New Jersey (Mrs. ROUKEMA) for the mental health provisions in here. I worked long and hard with her to try to help encourage the change of the law so that we are able to see juveniles who have mental health problems properly attended in that regard. That is a major part of the causes of the juvenile crime, the violent crime that we are addressing here today.

So I strongly support this amendment, and I am very pleased to be here today supporting it.

Mr. KILDEE. Mr. Chairman, I yield 5½ minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding me this time.

This legislation, which has been offered by the Chair of the House Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), is a reconstruction, redraft of the Juvenile Crime Control Delinquency Prevention Act of 1974.

□ 1500

It is a comprehensive document, 100 pages of great effort on the part of both sides, the majority and the minority, in the Committee on Education and the Workforce.

I want to concur with all the statements that have been made thus far, and compliment the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for their tireless efforts in putting together a bipartisan product.

It is not often, particularly from our committee, where the two sides can come together and have such a substantial agreement on an important piece of legislation dealing with our young people and dealing specifically with the issue of prevention of delinquency.

This is not a matter that has come up since Littleton and school violence, this is a matter that has been under the jurisdiction of this committee for 25 years. These two gentlemen, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) have been laboring for years to put together a piece of legislation that will adapt from the previous enactment and try to comprehend the current circumstances that our young people are living under, the kinds of pressures that they must endure, and the need for a preventative system to be incorporated into our laws.

It is regrettable, Mr. Chairman, that this magnificent piece of work was snatched away from the Committee on Education and the WorkForce and pulled away from the bill that is under consideration for the last 24 hours, child safety and protection. There is no way that this Congress or this Nation can view the matter of child safety and protection only from the punitive aspects. It has to be dealt with from the preventative aspects, of how do we deal with problems before the child has to come into the justice system.

That is what this amendment does that the gentleman from Pennsylvania (Mr. GOODLING) has offered for our consideration. I am here today to rise in very strong support, and urge this House to add this very, very important title II to the bill that is under consideration.

If we fail to enact this title II and agree to the Goodling amendment, we will have left out a significant portion of what this country expects this Congress to do in dealing with child safety and protection. That is, what can we do as a society to prevent our children from coming into harm's way, and how to deal with potential juvenile crime issues.

The Goodling amendment represents responsible, bipartisan legislation that has been carefully worked out by our committee. It passed the subcommittee unanimously. It was about to be reported out to the floor when now we are faced with these circumstances of asking that this entire 100 pages be added to the pending legislation, because without it, we do not have substantial preventative measures.

The goal of this amendment is to reduce crime, but primarily it is the prevention elements of this legislation that are so important. It contains a block grant program that allows States to carry out projects designed to prevent juvenile delinquency, including educational projects, mentoring projects, community-based projects, and many other strong prevention programs.

It maintains the core focus of the Juvenile Justice and Delinquency Prevention Act of 1974, prevention over punishment. We do not need punishment if we can prevent the crime in the first place, and prevent our young people from coming into the system.

If we want to address the real problems of juvenile offenders, we need to put serious efforts into our prevention programs.

I wanted to offer an amendment and went to the Committee on Rules, but I was not given that privilege, to talk about the importance of school counselors. But I am pleased today that this main amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will help in this direction.

The Goodling amendment is an excellent start. It focuses on early intervention, helping our youth before they get into trouble. The Goodling amendment creates a juvenile delinquency prevention block grant program which will allow monies to be allocated for projects in mental health, as we heard our colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA) explain, and the gentleman from California (Mr. MILLER) concur.

It has educational projects, mentoring projects, literacy social service programs, substance abuse, substance abuse, educational scholarships, job training, after-school programs, and a whole other group of programs which the States can pick from in order to deal with their own individualized programs.

I call upon this House to give unanimous consent to the Goodling amendment, because without it the Child Safety and Protection Act of 1999 will not address the significant ways in which this Congress and this country must deal with juvenile crime, and that is to have substantial prevention programs.

Mr. GREENWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON), a very active member of the Committee on Education and the Workforce.

Mr. UPTON. Mr. Chairman, I rise in very strong support for this amendment and sharing a commitment to finding a comprehensive solution to the problem. Education, parental involvement, youth activities, and accountability are just a few of the very important elements of this challenging issue.

The rate of juvenile crime, particularly violent crime, is of growing concern throughout the country. This amendment, a bipartisan amendment, introduced by my colleague and friend, the gentleman from Pennsylvania, acknowledges that prevention is the key to preventing juvenile crime for most of our youth.

This amendment streamlines current law. It reduces burdensome State requirements, and it provides States and local providers with greater flexibility in addressing juvenile crime. The amendment acknowledges that most successful solutions to juvenile crime are developed at the State and local level of government by those individuals who understand the very characteristics of youth in that area.

I know in my district, particularly in Kalamazoo, Michigan, a coalition of local law enforcement officials are working together to beef up enforcement of the State's curfew laws, to identify peak juvenile crime hours, and fight truancy from school.

By working with existing groups such as the Kalamazoo public schools, the Ys, the boys and girls clubs, these groups hope to establish meaningful programming that in fact provide constructive alternatives to street activity.

I know that the YMCA Lincoln Program Center in Kalamazoo in the North Side gives hundreds of kids, and I have visited there, ranging from ages 6 to 16 a safe and positive alternative to life on the streets. More than just a drop-in center, this program instills the values of care, honesty, respect, and responsibility into virtually every single activity.

The prevention components of this amendment would go a long way towards supporting similar delinquency programs and activities across the country.

In closing, Mr. Chairman, in the long run, our work today will have far-reaching effects on the quality of life for our neighborhoods and their children for years to come. I am looking forward to continuing to be involved and motivated in this effort.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a hard-working and knowledgeable member of the committee.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for introducing the Goodling amendment and bringing it here today, which is a true bipartisan effort.

No matter where Members stand on guns, no matter where they stand on the First Amendment, they must, they must stand for activities that prevent youth from committing crimes. If Members do, they will vote for the Goodling amendment.

The Goodling amendment provides funds for the States to enact a comprehensive system of juvenile delinquency prevention. These funds can be used for a variety of prevention activities, such as after school programs, counseling services, anti-gun activity, mentoring, and tutoring. All of these programs are needed and wanted by our youth.

Mr. Chairman, one of the biggest problems we have in this country is that we have too little time for our youth. We are not taking care of them, and we are not listening to them. If a child is lucky enough to have two parents, probably both of those parents are in the work force. They not only work an 8-hour day, they probably commute at least 2 hours beyond that every single day, which results in not nearly enough time for our children and our families.

When youth are ignored, Mr. Chairman, that neglect turns into frustration, which turns into anger, which oftentimes results in violence. This bipartisan amendment expands our community's resources to correct this problem, to work with our youth, to provide needed programs and support for them. It helps juveniles before they get into trouble. It uses Federal funds to prevent juvenile crime, rather than spending money to punish juvenile offenders.

The Goodling amendment invests in our children, and that is the soundest investment this country can make. Stand for our children and vote for this bipartisan amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO). (Mr. TANCREDO asked and was given permission to revise and extend his remarks.)

Mr. TANCREDO. Mr. Chairman, I rise in support of the amendment. I want to also say that, although there have been times when I have disagreed with my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), his commitment to address the problems of youth, the youth in our country, is extremely commendable. I just want to tell him that I sincerely appreciate his efforts on this amendment.

Mr. Chairman, I wish to specifically support that provision of the amendment which deals with giving the ability to schools to use funds for the establishment of safe school hotlines.

It was shortly after the incident in Colorado, after a brief discussion with a colleague of mine, the gentleman from Georgia (Mr. ISAKSON) was telling me about the safe school hotline program that was operating in Georgia. He was telling me of the success of the program. I endeavored to replicate it in Colorado, and was able to do so with the help and participation of a number of organizations, including the State Department of Education and the CBI and AT&T.

I want to speak about the specific issue that I know to be a very positive step in prevention. This is one thing that in fact does give us some ability to control the environment. It gives children the ability to control their own environment and to go back into schools. They are so afraid, and I get many, many calls from parents who talk about the fact that their kids were afraid to go back into schools after this event. This gives children and parents some degree of control over that environment. For that, I say it is the best possible thing that we can do.

I heard many references to Colorado and to specifically Columbine during the debate on this bill. I must say that although I sincerely hope and pray that anything we do in this bill would work to prevent a replication of that incident, that it is also my sincere belief that, frankly, what these two gentlemen were talking about in Colorado, it was not necessarily more counseling they needed, as they had plenty of that, it was an exorcist.

Mr. Chairman, I want to say that I sincerely support the amendment.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I enthusiastically rise to support this legislation, and I thank the gentleman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), for the very fine work that has been done.

If this has been said already, let me just simply repeat it: Prevention, prevention, prevention. That is really what we should be discussing today and over the period of time. That is what this unfortunate crisis of school violence and troubled children should have gotten us to do, and that is to emphasize the need for doing something on behalf of our children.

I am delighted to have joined my colleague, the gentleman from New Jersey, as a member of the Committee on the Judiciary to add the language that talks about mental health resources and risk assessment for our children, so that we are not always looking to lock them up, but we are intervening and trying to provide school counselors, social workers, guidance counselors, school nurses, to ensure that troubled children have somewhere to go; that someone is listening. When I visit my schools, that is what they emphasize, can someone simply listen to us?

The urban scouting program in many of our cities, as I am a member of the Boy Scout Board in our community, they go into inner cities and develop scouting programs there as well, youngsters going into scouting as opposed to going into gangs. The Fifth Ward in Richmond program that takes inner city boys, it takes them and tells them there is more to do in life, they can be what they want to be. The PAL program, boys and girls clubs, these are the emphasis we should have. We should be fighting against gun violence, but attempt giving our children something to do.

In my own school and community, in my own county, these particularly core values are going to be very important, and removing juveniles from jails with adults, because when you put them there, they become murderers, rapists, other things we want our children not to be.

Lastly, let me say that we have a terrible problem in this country. That is the overrepresentation of minorities in the juvenile justice system. It happens every day in Harris County, Texas, that the largest numbers of those going through the juvenile system and being incarcerated are from the minority community.

It is a shame that our juvenile judges in that community only have that to do. With this legislation, we will be able to give them alternatives, preventative programs, programs that give children an opportunity. That is all parents are asking, hard-working parents that work every day that are really trying to monitor their children's behavior, but they have responsibilities that sometimes overwhelm them.

□ 1515

We in the community do not have to take over the parenting but we can certainly emphasize the preventive measures that so many great organizations are doing in our community, and they simply need the incentive in the juvenile justice system and in the educational system to be able to offer alternatives.

I am hoping that Harris County juvenile justice system and the judges in particular in my community will stop locking up our juveniles, stop locking up minorities in an over-percentage as they do, and take advantage of the legislation that has been so wonderfully drafted and provide prevention, prevention, prevention.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT), a member of the Committee on Education and the Workforce.

Mr. DEMINT. Mr. Chairman, I thank the gentleman for this opportunity to rise and speak in favor of keeping the youth of America safe and secure and out of the juvenile justice system. I know the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), many Republicans and Democrats have worked many long hours for many years to put this good legislation together.

The Goodling amendment contains important core principles, such as maintaining the separation of juveniles and adult criminals when they are held at the same facility. But the most essential thing of this amendment addresses how to keep youth out of the juvenile justice system.

How does this amendment do this? We enable schools and community organizations to identify the needs of at-risk youth and to give these organizations the resources they need to craft solutions which best address these specific needs.

This requires communities to work together on behalf of their children. Parents, teachers, schools, community leaders, businesses can band together to address the unique challenges presented to their teams. We should not live in a society in which schools are separated from the communities around them. The most important prevention programs, whether in schools, community centers or other locations, should take into consideration the needs of the youth in the communities.

We already know the best deterrent to youth violence: family involvement. The National Longitudinal Study on Adolescent Health has some amazing but predictable findings. One of the most stabilizing factors in a youth's development is strong family involvement. It keeps them from getting into troublesome activities such as drugs, alcohol, sex or violent behavior.

Some of the programs that communities can put into place as a result of the Goodling amendment encourages family involvement and provides a positive role model as well as positive activities for youth in our Nation. I support and trust parents, school officials, and local community leaders to craft strong juvenile delinquency prevention programs and, as I stated earlier, the primary goal of this amendment is to keep teens out of the juvenile justice system.

Again, I support the adoption of the Goodling amendment, which returns dollars and decisions to communities.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at this time we have before us an excellent bipartisan bill, and our special gratitude should go out to the gentleman from Pennsylvania (Mr. GREENWOOD) and to the gentleman from Virginia (Mr. SCOTT). Both of them have brought not only their expertise to this bill but their deep concern.

That is extremely important, and I deeply appreciate it myself. I know this House appreciates it.

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), another member of the Committee on Education and the Workforce.

Mr. NORWOOD. Mr. Chairman, my thanks go to the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. GOODLING) for offering this amendment, which is much like a past bill we have debated many times. I am delighted we are going to have the opportunity to vote on it today.

The fact is much of what we really have been hearing in the last couple of days, in my opinion, is a lot of political posturing. Many of the bills being offered are offered in order to secure political points, not to really deal with the problem of juvenile violence and violence in our schools.

Well, this amendment actually does. This amendment actually deals with some of the problems and the causes of youth violence and offers, I think, some real help toward solutions of these problems.

Mr. Chairman, this amendment attempts to encourage prevention activities. I think we all recognize that prevention programs can be very helpful with juvenile crime. I do not, for example, for one moment, believe that prevention programs are the solution within themselves. That is not the whole answer. We do need very strong disciplinary actions and we have done so in other parts of this bill, but prevention programs are a part of the mix, a vital part of the mix, especially if we allow our States and cities and localities the time and space in their life to implement those most successful solutions that occur at home.

Mr. Chairman, I believe we do just that with the Goodling amendment, and I want to urge all of our Members to support this.

I would like to remind our Members that on July 15, 1997, most of my colleagues voted for H.R. 1818. That was legislation that is very, very similar to this amendment today, and those that have been around for awhile, I will remind them that the vote was 413 to 14. So they have every good reason to continue their good work from 1997 and vote for this amendment today.

I urge all of our Members to support the Goodling amendment, and again I thank my friends on both sides over here for making this opportunity possible.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have spent much of yesterday and today trying rather desperately to devise a wide range of responses to the school shootings. Some of those we have supported; some of those we have rejected. One other component of the amendment that is before us, that I would like to mention, is the effort of the committee to actually try to understand precisely what happened in each of these terrible school shooting tragedies.

This language before us contains funding, a nominal amount of funding, to get to the National Academy of Sciences, which will put together a group of the country's greatest experts on child development and on the impact of media on the development of children; other specialities in the social services. They will travel to each of the towns where these terrible school shootings have taken place, and they will interview, where possible, the shooters.

They will interview their siblings, their parents, their teachers, their friends, their neighbors. They will pay particular attention to trying to understand the perpetrators' early development, the relationships with their families, community and school experience; the relationship between the perpetrators and their victims; how the perpetrators gained access to firearms; the impact of cultural influences and exposure to the media, video games and the Internet; and other issues that the panel deems important.

What we hope, Mr. Chairman, is that at the conclusion of that study we will have a report that will be useful not only to our committee and to the Congress but to every community and school in the country, as every community tries to grapple with those issues that trouble our youth and to make sure that our children are safe and well nurtured.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Chairman, for the last 2 days we have heard from many of our colleagues talking about what Washington can do to combat crime on our streets. The amendment that I rise in support of goes a long way to achieving this very goal. However, it accomplishes it in a way that combats the crime but leaves Washington out of the combat.

I support this amendment because instead of a Washington-knows-best approach, States and local leadership are given the resources they need to design solutions best suited to combat violence in their streets.

It accomplishes this by streamlining current law, reducing burdensome State regulations and providing States and local communities greater flexibility in addressing juvenile crime.

The Goodling amendment begins with a basic acknowledgment that prevention is the key to stopping juvenile crime for most youth. It also puts teeth into this statement by combining current discretionary programs into a prevention block grant to States and local authorities allowing them broad discretion in how they use these funds.

Mr. Chairman, this amendment is based on a bipartisan bill, H.R. 1150, that I am a proud cosponsor of. This legislation and now this amendment will provide States and local governments the ability to be flexible in their approach while still maintaining a strong preventive record against juvenile crime. I urge my colleagues to support this amendment, and I thank the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership and for bringing this amendment to the floor.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), in yet another demonstration of the bipartisan nature of this work.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding the time, and I apologize for being late to get into the debate.

Mr. Chairman, this amendment I am sure is going to pass almost unanimously, and I intend to vote for it. I think it is a good idea, but I did want to point out that this approach is just absolutely inconsistent with what we did yesterday under the McCollum amendment, when we federalized juvenile crime on the punishment side, and I rose on the floor yesterday to say, look, these are issues that are better dealt with at the local level.

We should not be federalizing juvenile justice. We ought to be localizing juvenile justice. It is ironic that a number of the same people who will be voting for this amendment, which is a good amendment, and recognizing the fact that juvenile justice and prevention is best done at the local level, many of those same people were the folks who voted for the McCollum amendment yesterday, which essentially substantially federalized juvenile justice on the penalty side.

I think that amendment was shortsighted and counterproductive and I think this amendment is a good amendment and is worthy of support. I just wish that more of my colleagues had had this same kind of States' rights spirit and local initiative spirit yesterday when we were debating the McCollum amendment, which should have failed and should have failed by the same margin that this amendment deserves to pass by.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me add one word of personal thanks. Members on both sides of the aisle have congratulated our staff on both sides of the aisle on the committee and personal staff, and I would like to take that opportunity as well. Judy Borger, my legislative director, has worked day and night on this issue for many months, not only this year but last year.

So often the American public has negative thoughts about what happens here in Washington, and I only wish they had a fuller understanding of the gargantuan and Herculean efforts that our staff make when they devote their long evenings, well past midnight and often their weekends, and Judy Borger on my staff has been as instrumental as anyone in the process of perfecting this legislation, and I want to personally thank her.

Mr. Chairman, not only have we provided a bipartisan product but we have done it in less than the time allotted to the debate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GREENWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will be postponed.

It is now in order to consider amendment No. 37 printed in part A of House Report 106–186.

AMENDMENT NO. 37 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 37 offered by Mr. ROEMER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(P) programs that provide for improved security at schools and on school grounds, including the placement and use of metal detectors and other deterrent measures.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. ROEMER), and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

☐ 1530

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to thank our leaders, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) and also acknowledge the very important work of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD).

I want to thank the Committee on Rules for allowing this amendment to be considered on the House floor. I want to thank the gentleman from New Jersey (Mr. ROTHMAN), my cosponsor, who is continually and constantly concerned about school safety and children's issues. I want to thank him for his help and his dedication in helping put together this amendment.

Mr. Chairman, this is a very easy amendment. I am going to ask, hopefully, that both sides accept it. The language in this amendment simply states that, under the bill's juvenile delinquency prevention block grants, that they permit as an allowable use certain school security improvement projects, including the placement and use of metal detectors.

I say this for three or four reasons, Mr. Chairman. First of all, I think all of us agree that the local community and the local school is the best place to decide how to use, in hopefully preventive, in proactive ways, these monies. That is what this amendment says. Let us give the flexibility to the local school to decide if the placement and use of metal detectors is helpful and appropriate.

Secondly, metal detectors have been an effective deterrent in schools. They have worked for the most part effectively in airports. A lot of schools want to use them. Let us have that be an allowable expense.

Thirdly, we have seen from Littleton to Jonesboro, Springfield, Paducah, Pearl, and Conyers, Georgia, that many parents are saying in national polls and in our town meetings they do not feel like our schools are safe enough. This amendment helps provide some of that safety and maintains the local use, the local flexibility to determine that.

Lastly, although this is not scientific, I recently received a letter from 30 of my students back home in South Bend, Indiana. Every single one of those students advocated that we have the option to use metal detectors. So I would hope that, in a bipartisan way, with bipartisan spirit, that this body would accept the Roemer-Rothman amendment.

Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. ROTHMAN), the cosponsor of the amendment.

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman from Indiana (Mr. ROEMER) for yielding me this time. It has been a great privilege and pleasure to have worked with the gentleman from Indiana on this amendment. He has been a leader on so many issues of concern to parents and schoolchildren, and his expertise and his dedication to the area of education is unparalleled in this House, and it has been an honor to work with him. I thank the gentleman from Indiana for allowing me to join with him as a cosponsor of this amendment. I thank the Committee on Rules for allowing our amendments to be joined together.

Mr. Chairman, I rise in support of the Roemer-Rothman amendment. It is very straightforward. This amendment would allow a State or a local government to use this Federal grant money to purchase or lease metal detectors for their public elementary or secondary schools if they so choose.

It is a terrible reality today that our schools are not as safe as they once were. Many children are afraid to go to school because they are afraid they are going to be shot. Tragically, these fears are not unfounded. The school shootings in Conyers, Littleton, Jonesboro, Springfield, Paducah, and Pearl have taught us that children are bringing guns to school. Worse, they are using them to shoot and kill other children.

The schools in America are trying their best to deal with this problem in a variety of ways, but I believe that the only way to ensure that guns are kept out of schools is to install metal detectors.

But as the gentleman from Indiana (Mr. ROEMER) said, not every school will wish to exercise this option, and that is their right and their judgment as a local school district making this kind of local decision. But other school districts may feel that metal detectors are the way to go and are necessary for their districts.

One thing we have learned is that metal detectors work. They have worked in the airports for the last 25 years. When the Federal Aviation Administration, in response to a horrific wave of terrorism that terrorized our Nation, decided to install metal detectors in our airports, they have worked. The amount of guns and terrorism brought on our airplanes has declined dramatically. We can and should have the same result for our schools and schoolchildren.

Did they eliminate terrorism? No. Did they address the root causes of airplane hijackings? No. And so metal detectors in schools will not on their own address all the problems of gun violence or eliminate the root causes of juvenile crime. They will not even force parents or compel parents to spend more time with their children or to take more of an interest in their children's lives, or even to find ways to keep guns out of the hands of their children in the first place. But what metal detectors will do is keep guns out of our schools.

We have, as a body, and as a Democratic Party, tried to address the whole host of reasons for gun violence and juvenile crime. But this amendment deals with keeping guns out of schools.

I will just tell my colleagues a little bit about Elizabeth, New Jersey, my State, where 4 years ago they decided to install metal detectors in the middle schools and the high school. There has not been one single gun brought into those schools since metal detectors were installed.

Why has every school in America that has wished to install metal detectors not done so? Because it is expensive. Walk-through metal detectors can cost up to $8,000 apiece. Hand-held metal detectors can cost several hundred dollars.

Now, as the gentleman from Indiana (Mr. ROEMER) says, this is not a Federal mandate. It is an option for local school districts to make the choice whether to use this Federal grant money for metal detectors or some other safety devices in their own judgment for their own school need.

Some schools will not apply for metal detectors, but those who will should know that they will then have the ability to get some of this Federal grant money for metal detectors which will be effective in keeping guns out of their schools.

Metal detectors are one effective way to make our schools safer, and local school districts should have this choice. I urge the adoption of this amendment.

Mr. GREENWOOD. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for a Member in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania (Mr. Greenwood) is recognized for 10 minutes.

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I simply rise to support the amendment of the two gentlemen. It is consistent with the flexible provisions and with the other provisions that encourage cooperation between communities and schools. We support it heartily and look forward to its passage.

Mr. Chairman, I yield back the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just would conclude by thanking again the gentleman from Pennsylvania (Mr. Greenwood) for his helpful suggestions during the course of the last couple of weeks when our bill made its way to the floor. I again thank the Committee on Rules and the gentleman from New Jersey (Mr. Rothman) for his hard work on this issue.

I encourage the body to show their bipartisan support for this amendment. It is not going to be a panacea for school violence everywhere. Our families are going to do that. Parental involvement in schools are going to help with that. Some preventive school safety measures in this bill might help. Some measures forward on video violence might help. But this is a step in the right direction. I would appeal to both sides to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Roemer).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 38 printed in part A of House Report 106–186.

AMENDMENT NO. 38 OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 38 offered by Mrs. Wilson:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(P)(i) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained; or

"(ii) programs to promote or develop partnerships with established mentoring programs, including programs operated by nonprofit, faith-based, business, or community organizations to provide positive adult role models and meaningful activities for juveniles offenders, including violent juvenile offenders.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New Mexico (Mrs. Wilson) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. Wilson).

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have listened to the debate over the last 2 days, and we have read the underlying bills and the amendments. They do a lot of the things that government does well. We have enhanced sanctions and built prisons. We have authorized States to use this $1.5 billion in block grant money to hire judges, more probation and parole officers and prosecutors, and buy metal detectors and buy computers and computer systems and all of the things that government is pretty good at.

But for all the talk about litigation and gun control, there is one very simple thing that I think we overlooked; and that is the essence of this amendment.

The amendment that I am proposing authorizes States and local communities to use monies for mentorship in partnership with organizations that have established programs for mentorship, whether they be nonprofits or business organizations or faith-based communities, to reach out to kids who are in trouble with the law.

It is not a very glamorous thing, mentorship. It takes a lot of time and a lot of commitment. But it is really the only thing that helps a child turn their life around.

I used to be the cabinet secretary of the State of New Mexico responsible for the juvenile justice system. I want to share with my colleagues some things about the kids that I met there.

Most juvenile delinquents have lives that are outside of our experience. I know a boy who was 14 years old. We used to have a program, and we still do in New Mexico, where kids who are about to be paroled go to dinner with a business person from the community just before they get paroled. They usually go to a steak house or someplace nice for dinner, and the business person buys their dinner, and dinner usually for a boy. Ninety percent of our juvenile delinquents are boys.

A friend of mine went to this dinner and was with a 14-year-old boy from eastern New Mexico. He watched him struggle with a steak. Most of our kids have never had steak before, and he had not. But the thing he was struggling with was how to use a knife and a fork.

I was at the New Mexico Boys School in Springer in one of my many visits there and was being toured around by one of the boys, as I often did. He was a member of a gang, and I asked him about it at the end. He had a 2-year-old son.

I said, "When you leave here, are you going back to the gang?" He said, yes, he was. He explained that his father had been in the gang, and he was in the gang, and it was part of his life. I said, "What about your son?" He said, "No, it has to stop somewhere."

But the father is the role model for the son. Seventy percent of the kids who are incarcerated in this country have little or no contact with their fathers. We would all hope that the parent is the positive role model that they need, that one caring adult in their lives. But so many of these kids do not have that, and it is up to us to find those positive adult role models who can teach a child how to use a knife and a fork, how to become a good man, even if maybe they were not such a good boy.

That is what this amendment is about, Mr. Chairman, is authorizing those kind of programs that bond a community with young people so that they do not throw their lives away and send all of us the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I support the amendment, and I ask unanimous consent to claim the time in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. Scott) is recognized for 5 minutes.

There was no objection.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman from New Mexico (Mrs. Wilson) for this excellent amendment. Because of her extensive background in juvenile justice, she knows what works and what does not work. We know that education works. Giving young people constructive things to do with their time also works, but also the adult interaction that is embodied in this amendment.

☐ 1545

Mr. Chairman, this amendment is perfectly consistent with the amendment that we just adopted and could probably be funded under one of those provisions. But I think it is important to highlight the successes and what the studies have shown about these particular kinds of programs, and for that reason I want to thank the gentlewoman from New Mexico for this excellent amendment and urge the Members of Congress and Members of the House to approve it.

Mr. Chairman, I yield back the balance of my time.

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume, and conclude by saying that I believe we will turn the corner on juvenile crime in this country when organizations like Methodist Youth, or the Baptist Choir, or the Boy Scouts of America start growing exponentially in the neighborhoods where my colleagues and I are afraid to go at night. We will turn this country around one kid at a time, and that is what this amendment offers.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on the Goodling amendment, No. 36, on which further proceedings were postponed.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 2, not voting 8, as follows:

[Roll No. 226]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Bereuter
Paul

NOT VOTING—8

Brown (CA)
Carson
Evans
Houghton
Miller, Gary
Shays
Thomas
Waxman

☐ 1609

Messrs. JACKSON of Illinois, UDALL of New Mexico, and GUTIERREZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BEREUTER. Mr. Chairman, on rollcall No. 226, the Goodling amendment, I inadvertently pushed the "no" button on the voting box; it was my intention to vote "aye" and I want the RECORD to reflect my intent.

The CHAIRMAN. It is now in order to consider Amendment No. 39 printed in Part A of House Report 106-186.

AMENDMENT NO. 39 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 39 offered by Mr. NORWOOD:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. . AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

"(10) DISCIPLINE WITH REGARD TO WEAPONS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL.—Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

"(C) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(D) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

(2) Section 615(k)(1)(A)(ii) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is amended by striking "but for not more than 45 days if—" and all that follows through "(II) the child knowingly possesses or uses illegal drugs" and inserting "but for not more than 45 days if the child knowingly possesses or uses illegal drugs".

Mr. CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, to the chagrin of some of my colleagues, I yield myself as much time as I may consume.

Mr. Chairman, I say that because I have had so much help in support of this amendment from the gentleman from Missouri (Mr. TALENT) the gentleman from Georgia (Mr. BARR) the gentleman from Wisconsin (Mr. PETRI) the gentleman from Montana (Mr. HILL) the gentleman from Arizona (Mr. SHADEGG) the gentleman from Iowa (Mr. NUSSLE) the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Tennessee (Mr. BRYANT) and the list goes on. I thank them greatly for their support and help in bringing this to the floor.

Mr. Chairman, I rise today to begin the debate on a very important reform that will help ensure safety in our school classrooms. When I talk to teachers and principals and superintendents at home, and I talk to them a lot, just like many of my colleagues do, I find that school safety is one of the greatest topics of concern. They are very, very concerned for the safety of themselves and the students, and they are very specific with me about one of the ways we can help them improve school safety at home.

Schools must be allowed to have a consistent policy for disciplining children who bring weapons to school. As it stands now, Federal law requires schools to have two different discipline policies for those who do bring a weapon into the classroom, one policy for disabled students and another policy for non-disabled students.

Current Federal law requires the student who brings a gun to school be suspended from school for a year. We rightly and should have a zero-tolerance policy for guns at school. However, for disabled children, that rule simply does not apply. Schools are not allowed to have the same discipline rule for disabled students.

A disabled student receives preferential treatment when it comes to being punished for bringing weapons to school. For all practical purposes, a disabled student would be suspended for no longer than 55 days and even then must be provided educational services.

My amendment begins the change. It allows schools to have a consistent discipline policy for students who bring weapons into the classroom. It allows students with disabilities who bring a weapon to school to be disciplined under the same policy as a non-disabled student in the exact same situation. It ends the two-tiered discipline policy that is in current law. It sends a message that weapons at school will not be tolerated.

Additionally, this amendment clarifies that school personnel may modify any disciplinary action on a case-by-case basis.

☐ 1615

Let me repeat that. This amendment clarifies that school personnel may modify any disciplinary action on a case-by-case basis. I doubt that there can be a more important job in America today than teaching our children. This is especially true for special education teachers. Education for those with disabilities allow all of our children to have the opportunity to learn and succeed. We are for that. We all are for that. But at the same time, Mr. Chairman, we need to make sure that our teachers and students are protected. We need to be sure they are safe in schools. We need to ensure that our children, disabled and nondisabled alike, have a safe learning environment in their school. Learning itself will soon become a casualty if we do not do this. Make no mistake, a vote for the Norwood-Talent amendment is a vote for school safety. A vote against the Norwood-Talent amendment is a vote against school safety.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 30 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. This amendment guts an historic bipartisan legislative act which was signed into law just 2 years ago. When this very issue was considered after months of deliberation, it was rejected by a majority of witnesses at legislative hearings and rejected by Congress. The current policy of providing educational services to suspended and expelled disabled students prevailed as part of that historic bicameral, bipartisan legislation when we reauthorized the Individuals with Disabilities Education Act, known as IDEA. And so under current law, a child with a disability who is suspended or expelled from the regular classroom for any reason is still entitled to continued educational services. Now, those services may be provided at home, in an alternative school or even in prison. But, Mr. Chairman, I know of no public policy benefit which can be achieved by sending these children into the street without any educational services even if they are being involved with weapons.

I would point out in this amendment, the definition of "weapon" is so vague and unworkable and overbroad that it would include a baseball bat, bringing a baseball bat to school. But that being aside, in fact, I see no public benefit of depriving any child of an education, whether they have a disability or not. It is difficult for any student who is expelled to ever catch up and graduate from school. We learned during hearings on youth crime that the link between crime and dropping out of school is very strong. For example, studies report that 82 percent of State and local prisoners are high school dropouts. For children with disability, the correlation is even stronger. Research shows that children with disabilities who are put out of school without educational services are much less likely than other children to ever catch up, much less likely to graduate from high school, less likely to be employed, and substantially more likely to be involved in crime.

Some support cessation of services because they think it has a deterrent effect. But those who put any thought into that issue know that threatening a child with a 1-year vacation from school will not serve as a deterrent from misconduct. In fact we have heard from several law enforcement organizations who oppose the policy embodied in this amendment because they recognize that it will not make our communities safer.

For example, a national coalition of police chiefs, prosecutors and crime victims wrote us a letter which said, in part, "giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who need adult supervision the unsupervised time to rob, become addicted to drugs and get their hands on other guns to threaten students when the school bell rings."

Mr. Chairman, some have suggested that students with disabilities who are disciplined for involvement in weapons should be treated just like other students involved in weapons. In fact, they can be treated like anybody else with weapons. They can be removed from the classroom. But you must continue their education. The IDEA program is premised on the recognition that children with disabilities need more support than other students in order to maintain an education. There is nothing to suggest that less support is needed when they have disciplinary problems, even if there are serious disciplinary problems.

Mr. Chairman, there is no reason to make matters worse by passing the problem on to other agencies. An alternative education is certainly cheaper than jail or prison and the phenomenal success of some States in preventing serious discipline problems from developing in the first place suggests that there are much better approaches to school safety and discipline than expulsions without educational services. Yet despite these successes and overwhelming evidence that interventions can reduce disciplinary problems, it is difficult to understand the rationale behind this amendment because it strips away some of the very provisions in IDEA that most experts would agree are the prudent things to do in order to prevent future disciplinary problems, provisions such as implementing an intervention plan in order to address the behavior that got the student in trouble in the first place.

Even more disturbing about this amendment is the fact that it would cease educational services to students even when the behavior is directly related to the child's disability. This amendment would prevent vital educational services to be taken away from profoundly disabled students who did not even know what they were doing was wrong.

Now, over the course of several years in which we have extensively debated the discipline provisions in IDEA, no one has ever suggested taking away services from children with disabilities where the behavior was determined to be related to the child's disability. In fact, the original Republican IDEA bills from the 104th and 105th Congress did not propose such an extreme provision. It has never been discussed in any of the hearings that we have had in IDEA.

Mr. Chairman, for these reasons, I strongly urge my colleagues to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NORWOOD. Mr. Chairman, I yield myself 30 seconds. All of us up here know that anybody is an expert that agrees with you. There are experts on both sides of this issue. I want to just point out this business about the definition that they are complaining about, the definition of a weapon. Members really should have voted against that in 1997 if they did not like that definition. The current definition, they have already voted for at least once, in 1997, when that definition passed through the IDEA bill by 420–3. Now is a little late to be concerned about that. We have things in our bill that take care of that.

Mr. Chairman, it is a great pleasure and also a great honor for me to yield 4 minutes to the gentleman from Missouri (Mr. TALENT), a good friend of mine who has worked very diligently on this.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me this time. I want to say to the gentleman from Virginia (Mr. SCOTT), I know we have worked a long time on this issue. I am on the committee, too. It is a hard issue. I worked on that compromise we passed 2 years ago. We have had some events since that compromise passed 2 years ago. We have had some tragedies.

When I talk to my teachers back home, my superintendents, my principals, my experts, the ones on the ground who are doing the teaching, and I talked to a group of them a couple of weeks ago, I said, "What are you doing in response to these problems?" They said, "The same thing we have been doing. We network with the kids, we have security, we try and stop this violence before it occurs." I said, "What do you need from the Federal Government?" They did not mention a lot of the things that we have been working on the last 2 days and some of which I voted for. What they said is what they have been telling me year after year after year, "Look, give us the authority to get violent kids out of the classroom." They do not have that authority now where the child is considered to be disabled under the IDEA program.

That is what this amendment is designed to do. It is not an extreme amendment. Seventy-four members of the Senate voted for a very similar amendment. That covered guns, this covers all weapons. That is the only difference between them. Now, the reason we need to do this is first and foremost for the direct safety of the children involved and not just the other kids in the classroom but the child who is threatening them with a weapon or has a weapon and could threaten them. They are in danger, too. We need to get them out of that environment. This amendment allows the schools to do that as long as they treat that child the same way they would treat a child who is not disabled under the IDEA program.

The other reason why it is so important and it may be even more important, because we have to promote a respect in the schools for the basic rules that allow all of us to live together. We have to send a consistent message to the students that this is the priority of the adult world, protecting the kids against violence, adhering to a basic, rudimentary standard that is the guarantor of all safety and order, particularly in the schools.

We cannot have one group of kids, and one of 12 kids in the country are in this group. We cannot say to them, look, for whatever reason, maybe it is a good reason, but for whatever reasons, you can do these things, you can bring a knife to school, you can bring a gun to school and we really cannot do anything about it and you will be back in the classroom in a maximum of 45 days. We cannot say that anymore.

I have examples coming from the State of Missouri. Everybody else here does. A child who brought a knife on a school bus and threatened the other kids, 45 days later she was back in the classroom and back on that school bus. What would you do if you were a parent of one of the other children after what has happened in Columbine? You know what you would do.

Mr. Chairman, to close, what we have done with this amendment is what the Senate did except instead of applying it just to firearms, it applies to weapons. The gentleman from Georgia talked about what that is. It is knives, it is bombs, it is things that we would ordinarily and commonly understand as a weapon. The safeguard for the IDEA child is they have to be treated the same as everybody else. You cannot single them out. Other than that, we adopted the Senate amendment which got 74 votes.

I urge the House to approve this. We are going to have the K through 12 reauthorization bill coming up later in the year. We will be able to address other aspects of it then, but in the meantime, let us give our superintendents and our principals and our teachers what they have been telling us all for years that they really need and they really have to have, and which the parents in our districts as a matter of common sense expect to have. Give the schools the opportunity to deal with weapons and violence in the classrooms.

Mr. SCOTT. Mr. Chairman, I yield myself 30 seconds.

I will just read the definition that has been cross-referenced. The term "dangerous weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for or readily capable of causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2½ inches in length.

That would include a baseball bat, Mr. Chairman, and Members know it.

Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Norwood amendment. I have come to have a great deal of affection for the gentleman from Georgia because of his rough and tumble style and his straightforwardness, but on this amendment I must disagree with him.

I guess I have been here a long time. I was here long enough to write the education for all handicapped children's act along with other Members of Congress. I wrote the language that said that these children were entitled to a free and appropriate education and they were entitled to an education in a least restrictive environment. Many years later, I also wrote the first Federal gun-free school legislation that was passed several years ago which said if you bring a gun to school, you are out for a year, because I thought we needed very clear and bright lines. Then when we rewrote the education for handicapped children, what is now known as IDEA, the Individuals with Disabilities Education Act, we pondered and discussed this problem and had hearings and went around and around in our committee and this bill passed, I think he said, 400 something to 3, or unanimously in both Houses.

□ 1630

And we recognized that there were two distinct populations. There were children with disabilities, and there were children who we call normal, if you will, and those children with disabilities, children with Down's Syndrome, retarded children, children who have cerebral palsy, with conduct disorders, with multiple sclerosis, with attention deficit disorder, those children were different, and yes, there is a different policy. But if either of those children bring a weapon to school, they can both be immediately suspended from school or expelled from school. If you are a child with disabilities, you can be suspended for 10 days, and then we have to sit down and figure out why did you bring this weapon to school. Was it because of your disability? Is this something you understood or you did not understand?

One can be out for 45 days. There is no requirement that one go back to that school, one go back to that classroom. One can be put in an alternative setting. And in that alternative setting, those schools in Florida and Iowa, and those districts, California and others, in Iowa, after adopting a program to deal with children who act out in class, who present a threat, not with guns and knives, but because of their own behavior, because of their disability, these are children who are trapped with a disability. They have cerebral palsy, they act out, they flail around. They have multiple sclerosis, they have Down's Syndrome, they bump into other kids, they threaten and they say things. You do not think they would give up that disability in a minute, in a minute? But they cannot, they cannot.

But in Iowa, after adopting model management programs, they took the suspensions of disabled children from 220 a year to zero, to zero. We can work with these children, we can help these children.

But what does this amendment do? It says, if you bring a weapon to school, you go out on the streets, and that is why the gentleman from Virginia (Mr. SCOTT) told us, police chiefs and prosecutors and victims of crime have said do not do this. Work with these children.

What do we know about how we can do this? We can do this because we understand the disabilities, and we sit down with the parents and we work out a plan to deal with this violence. This is not some kid who knows what he is doing and cavalierly, recklessly walks in with a gun in school or a knife in school: You are out. That is a law I wrote. We should have zero tolerance. But with a child where that may be as a result of their disability, we ought to know that before we have them pay that kind of price. Because again, as the gentleman from Virginia (Mr. SCOTT) pointed out, when we throw these children out of school, they do much worse, and as the police chiefs have pointed out to us, they engage in one heck of a lot of activity. Some have suggested when we throw them out, give them back a gun and a mask, because they certainly show up in the crime statistics after they are out of here.

But we should not be doing this. We should not be doing this to these young kids.

Mr. Chairman, there is two distinct populations. Let me just say, 20 million children went to school day in and day out this school year, and a dozen of those children, for what reasons we have not yet to fathom, engaged in violence against their schoolmates and killed and injured their schoolmates. Not one of those children was an IDEA child.

This is the equivalent of hitting the Chinese Embassy. This is the equivalent of bombing the Chinese Embassy. We are trying to deal with those children who are shooting other children, who are engaging in that kind of violence against other children in schools, and now we have chosen to target in some ways the most vulnerable population in those schools, those children with disabilities, those children with disabilities.

If we want consistency, let us not take the child that has a disability and have them pay a greater price, although I think we can deal with them in the same way in terms of suspension and expulsion, as long as they have some educational services. Here we have children that are targeted. The kid in Oregon that shot his schoolmates was suspended with no services, no education, no nothing; came back to school later and shot them. We now have kids who are crying for them, and your answer is to throw them out of school with no requirement to engage them in a plan. That does not sound to me very encouraging for parents who are worried about school safety, and it certainly does not deal with these children as we know we must under the laws of this land. We must deal with them with respect to their civil rights and make sure that we are not discriminating against them. Mr. NORWOOD said these children have preferences. I want to meet the child with Down's Syndrome who has a preference or cerebral palsy that has a preference, or a child with serious attention disorder, that has a preference? No, they have a disability.

Mr. Chairman, because they have the courage and their parents have the courage and school districts have the courage, they have an opportunity to possibly get a decent education and become productive members of this society, and this Norwood amendment would throw this all out. It should be rejected out of hand.

Mr. NORWOOD. Mr. Chairman, I would need probably an hour and a half to respond to that diatribe, but I will take 30 seconds, if I could.

Let me just simply point out, we are not throwing anybody out in the streets, and the gentleman from California (Mr. MILLER) knows that. We are saying that you have to be treated equally, and that the paramount issue in schools is the safety for 99 percent of the children. We are saying they are treated equally. They are suspended for 10 days, that is true, and then another 45 days, but the reality of the fact is that many of them are getting back in school.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank my friend and colleague from the great State of Georgia for yielding me this time.

As the gentleman on the other side just said, there are two distinct populations. Well, he was right. There are, indeed, two distinct populations that bring us to this point, that this legislation offered by the gentleman from Georgia (Mr. NORWOOD) and myself and others today bring us. There is the population of students who do not bring guns to school, and there is the population of those students that do bring guns to school. That is the essence of the problem here, equipping our teachers, our school administrators, and our parents with the tools to remove that second population: students that bring weapons to schools for whatever reason, for whatever reason.

One has to question, of course, if a parent would send a child with cerebral palsy to a school with a weapon to wave around. Very frankly, it would make me perhaps even somewhat more concerned if we started seeing that sort of thing in our schools. It does not really matter to those parents who have children who have been shot, wounded and killed with weapons that the bringing of that weapon to the school might have been a manifestation of anger or a manifestation of a disability. Their son or their daughter is just as injured, is just as dead as if the weapon that did that damage were brought to school by a child without a disability.

This is fair; this is common sense.

By the way, Mr. Chairman, why are we not hearing those two terms, fairness and common sense, from the other side today? All day yesterday, all day the day before, all morning today we hear about common-sense approaches to gun control. We hear about fairness.

Well, there is something that the American public perceives as very fair, and that is treating all students who pose a danger to their sons and daughters and their teachers by bringing a weapon to school, treating them the same. There is something that strikes the American public, although not the folks on the other side, as common sense, and that is any student who brings a weapon, a gun, to a school poses a danger to the other students and ought to be, if, in the judgment of the local school officials, which is what the Norwood-Barr amendment does, if they believe that the student poses a danger, they may, they may, not they shall, but they may expel that student, remove that student for whatever length of time they believe is necessary to ensure the safety of the other students.

This amendment to the IDEA legislation is the most fair, the most common-sense approach imaginable, because it simply tells our parents that when they send their sons and daughters to schools, that if there is another student who brings a weapon and thereby endangers their sons and daughters, they will be treated the same as other students.

Mr. Chairman, I urge the adoption of the Norwood-Barr amendment.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, these children have disabilities. These children are the kind of children that years ago we used to put in institutions and take the key and throw it away. These are the kinds of children that parents would come to the school districts and cry and plead, do something for us. These children are treated unequally, and we have tried to treat them equally by providing services for them.

I do not know where we are going with this. We do not want violence in our schools. We do not want to have children in classes intimidated by those with weapons. But we are talking about disabled children.

The gentleman from California (Mr. MILLER) made it clear. This is not something that has been going on for years. We have only been able to deal with Down's Syndrome, the child with cerebral palsy, the child that is mentally disabled; only in recent years have we given them opportunity for education. We need to come to the floor of the House; no matter what the Senate rushed to do, let us be deliberative.

I would just ask my good friend from Georgia (Mr. NORWOOD), listening to the gentleman from California (Mr. MILLER), would the gentleman from Georgia accept a friendly amendment that says that what we will do with these children is to provide them with the alternative services that they need, such as other types of educational facilities; that the gentleman amend his amendment to provide for not the, if you will, the expulsion for a year, but to provide and refer them to services that they might need? Would the gentleman take a friendly amendment right now?

Mr. NORWOOD. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I would have considered it 3 days ago, but I will not consider it right now on the House floor. I will tell the gentlewoman, though, that one can offer services. Nothing in this bill says that the schools back home cannot offer services.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman. I was hoping that the gentleman would come in a bipartisan way and recognize that expelling a mentally or physically disabled child does nothing for the parent or the child but create havoc. I wish the gentleman had accepted that friendly amendment.

Yes, they can have services after they are expelled, and maybe the services will not last long. We are talking about children whose civil rights will be denied. That is why we have the IDEA, because we knew that these children are different. They are different, they are in need. Their parents are frustrated, their parents are crying.

The question is on the record today: What will we do for America's children? Will we throw them to the wolves and let them be at your door with a gun because they are physically challenged or mentally challenged, or will we say that whatever the Senate rushed to do, we know that they are different, not because they desire to be different, but because God made them different, and if God made them different, then why do we not do something to help them with their disability as opposed to destroying them and not letting them be contributing adults?

I think this is an incredulous amendment. I wish I could come here and have accepted the willingness of the gentleman from Georgia (Mr. NORWOOD) to say we will forget about expulsion and we will make sure that they are expelled, if you will, to a year-long set of services where they can be taken care of. That is not the case. The gentleman is telling me that they are expelled.

I would just simply thank the gentleman from Virginia (Mr. SCOTT) and the Committee on Education and the Workforce for having the wisdom to provide for our disabled children in America. Vote this amendment down, because it discriminates against people who cannot do for themselves.

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT)

Mr. BRYANT. Mr. Chairman, I rise in strong support of this amendment. With all due respect to my good friends and colleagues who oppose this amendment, this is not the end of the world.

Let us think about this a minute. We have a school somewhere in America where in most instances there is a zero tolerance policy if one brings a gun or weapon to school. That means one gets kicked out of school, because people have looked at this and weighed the interest of public education or an education versus the physical safety of other students. If one student brings a gun to school, that student forfeits that right to an education for that year, in the interest of the other students' safety there. That is good policy.

Now, we are not talking about every student that might, could have been sent to an institution at one time. Right now, the statistics show that anywhere from 11 to 12 percent of our student population in America right now would be covered by this bill. They have some sort of disability. Very many of them are marginal, and very many of them know the extent that they can push these laws that they cannot be sent out of school. And primarily, it is to those that we are talking about, although there is an equal application.

So if one has two students in that school that has a zero tolerance policy, and one of those students is part of the 88 percent who are not covered by this act and gets caught with a gun, this student gets kicked out for a year. But if we have another student, his friend, who is part of that 12 percent that is covered by the disabilities act, he gets caught with another gun, he does not suffer that same type of punishment.

Now, in Washington and in society and in courts and in our system of justice, very often we have to deal with competing, competing good values. The IDEA bill is a good bill. We ought to ensure people with special disabilities have an education. But there is that competing value of safety for our other children, and I urge my colleagues to stand up and support this amendment for all of the students, and equal treatment for all of the students.

□ 1645

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Here we go again, make a deal and break it. They want us to work in a bipartisan way. We did work in a bipartisan way on IDEA. IDEA had this debate. We had this debate fully in the last Congress. We came to a resolution on it. There are protections in the bill that provide for the principals and teachers and everybody else to take care of situations as the gentleman is trying to take care of here, but in a very deleterious way.

The fact is the gentleman from Tennessee (Mr. TANNER) says treat them like everybody else. They were not treated like everybody else until the law was passed to force the local school districts to treat them like everyone else and give them an equitable education. But they have not been.

Let me tell the Members, if they really believe these children are a threat to the rest of our children by guns and knives, these particular kinds of children, then I have some oceanfront property in Arizona I will sell to the Members. That is the biggest baloney I have ever heard.

What we are trying to do here is circumvent a program we all voted on, and it passed overwhelmingly in the House and Senate and was signed into law by the President. We all went to the White House, both Republicans and Democrats, to see this consensus bill signed into law. Now here in the next session of Congress we are trying to break the agreements that we made in that Congress. I find that very unlikable.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I did not make any agreement in the last Congress never to come back and try to make this better.

Mr. MARTINEZ. I take back my time, Mr. Chairman. The gentleman was part of the Committee on Education and the Workforce that passed that out. The gentleman was also part of this Congress that voted on it. I do not know how the gentleman voted because I did not look up the record, but the gentleman was part of that Congress.

That Congress agreed that we would take care of these situations in a very definite way. Most of the States have already figured out that kids with special disabilities who get into this kind of a problem need some kind of alternative schooling, not being kicked out of school, not being denied education.

We held a hearing before that markup of that bill. In that hearing some very conservative people testified that it was the most stupid idea in the world not to continue these children's education.

Mr. NORWOOD. Mr. Chairman, it is a great pleasure to yield 2 minutes to the gentleman from Montana (Mr. HILL), who has been so very helpful in helping us put this together.

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, one of the overriding concerns that has been debated through many amendments on this floor over the last 2 days is that we want to have zero tolerance of violence in our schools. That is an admirable goal. I think everybody that has come here has been working to try to achieve this.

A parent who is sending their child to school this morning wants to know one thing: that there are not going to be any guns at school when their child gets there. This amendment is probably the most commonsense way to help achieve that.

Under current Federal law, local schools do not have the authority to establish a single universal standard for disciplining kids who would bring a gun to school. But beyond that, schools can be required to incur incredible costs, legal fees, extraordinary education costs, special placement costs for kids who would bring a gun to school and threaten their fellow students or their teachers.

Mr. Chairman, this is a very confusing, complicated, and difficult problem. But what this amendment simply says is that schools can hold all the students in that school to the same standard. If students bring a gun to school, there is going to be a consequence. That consequence is going to apply to everybody. It does not dictate what those local school standards ought to be. It leaves that up to the local school board. It is narrowly drafted. It applies only to weapons.

We need to make clear, this amendment does not prohibit schools from providing special services to those children who have special needs. This Congress has gone on record time and again, repeatedly stating that it supports greater flexibility, more empowerment for local decision-makers, reducing red tape, cutting unnecessary and wasteful regulations. This amendment continues that effort.

Finally, Mr. Chairman, I want to point out that this amendment is endorsed by my Montana School Board Association, the National School Board Association. I urge my colleagues to vote for this amendment.

Mr. SCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I am very surprised and disappointed that this amendment is being introduced today. What this action represents is a kind of back-door ambush of children with disabilities. It is a violation of a covenant of the community of people with disabilities, because we had a lengthy dialogue with them. We had hearings, we had long discussions when we were considering the refunding of IDEA.

At that time we took it through the process of conference committees with the Senate and House together. We voted on the floor. We all came to the conclusion finally that we did not want this provision in the legislation.

So here we are today, unprepared. The community of people with disabilities certainly did not know this ambush was going to take place. The majority party, which always appears or wants to appear to be in harmony with the goals of the community with disabilities, comes through the back door with this kind of amendment.

The call that I have heard from the other side to get violent children out of schools implies that children with disabilities are violent. Where does that information come from? Generally children with disabilities are not violent and do not deserve to be labeled as being violent. The equation of this being a move to make schools safer by getting violent children out, when the amendment is addressed, it is getting out children with disabilities.

The evidence is that the violence is originating from those who are not disabled. All of the most dramatic incidents that have taken place recently do not involve children who have been identified as being children with disabilities. Some might have disabilities, but they were not identified as such. They would not have come under the purview of this amendment, anyhow.

Why have a special rule for children with disabilities, I have heard the question asked. That is what the legislation was all about that we developed years ago. We said they need special attention, that they are vulnerable. All children are vulnerable, but children with disabilities are more vulnerable, and because of the way they have been treated in this country, we had to have a Federal law to make sure that they were getting equal treatment.

Equal treatment required they had to have some kind of special attention. This is accepted generally when children have physical disabilities. It is accepted you are not going to require a child with a physical disability to go to the same physical education classes. It is accepted that they can use certain kinds of procedures in entering and exiting schools.

A lot of things are accepted. The problem is that there is a great prejudice against children who do not have physical disabilities being put in the category of children with disabilities. That is what this is really all about. The mentally retarded, the mentally ill, they look physically normal. Somebody has just described them on the other side as being marginal. That is the source of the great controversy. There is a great pressure from school boards and pressure from people who appropriate money at every level to get rid of all of these children who have non-physical disabilities which are obvious, get them out of the situation where they require extra funding.

If that were not so, then the solution to this would be that if Members are really fearful of children with disabilities in the regular classroom setting, and we remove them from the classroom setting for some reason, then we provide an alternative.

But no, this amendment will not accept or mandate that there be an alternative. We agreed in the committee that all right, if you have to do this, you must provide alternative education for children with disabilities. But that does not solve the problem they are really after. They want to cut costs, the costs of providing alternatives, which would be even greater than leaving the child in the classroom, so they do not have the cleansing operation for the so-called mentally retarded and the mentally ill and those who are marginal. We are always questioning whether they really belong there or not.

We have said children with disabilities are vulnerable. All children are vulnerable. We have special rules and we make special rules at the Federal level and other levels for children for that reason. These are the most vulnerable children, and these are children who should be treated with great care.

The mission and thrust of the Federal law is to deal with the special situations. The fact that so much of it happens to be mental and not physical is something we are going to have to live with and be able to pay the cost for.

Fairness and common sense was mentioned a few minutes ago. Fairness and common sense demand that we have more evidence that there is really a problem. I have not heard the evidence that our schools are under siege by children with disabilities bringing weapons to school. Where is the evidence? I have heard the statement made, but there is no evidence. We do not have a problem. This amendment is fixing a problem that does not exist.

Mr. NORWOOD. Mr. Chairman, I yield myself 30 seconds.

Let me just say that special needs children are treated differently. Everybody who is sponsoring this amendment totally agrees in that, that they deserve special attention. But when it comes to weapons and when it comes to guns, everybody in school must be treated the same, so that we can protect the 99 percent of the other students.

Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Norwood amendment. I do so with personal experience in my own life, and with now 5 years service in this Congress, where I have talked to teachers, I have talked to principals, I have talked to school administrators, and I have talked to State legislators about this issue.

I want to make it very clear, IDEA is a well-intended law. Indeed, it does a great deal of good. No one on this side of this issue would argue that there are not disabled children who deserve protection, that there are not seriously disabled children who need the protection of this law, children with Downs syndrome, children with cerebral palsy, children with other severe disabilities.

My friend, the gentleman from California (Mr. MILLER) is right to say we need to fight to protect those children, and fight to protect the parents of those children who are trying to take care of them.

But the sad truth is that there are other children who are misusing the law, who are corrupting IDEA to protect their disruptive conduct. These are not Downs syndrome children, these are not cerebral palsy children. These children are not severely disabled.

Such children do understand the rules of conduct. Their disabilities do not prevent them from complying with the rules of conduct. They understand those rules and they can conform. But my colleagues, the sad fact is, some of these children are gaming the system. They game the system by saying, "I am disabled," and getting a psychiatrist or psychologist to say they are disabled, to protect their disruptive behavior in class.

If my colleagues on the other side do not recognize that there are people in our system today, kids, aided by their parents, using IDEA to shield them from their discipline misconduct, which allows them to disrupt the classroom, prevents schools from having appropriate learning atmospheres, and destroys the education of other children. If Members do not understand that there are children and parents perverting the system, and that they are disrupting the education of every child, then Members are not talking to the teachers in their districts, they are not talking to the principals in their districts, and they are not talking to parents in their districts, or the administrators in their districts.

Mr. Chairman, this is a commonsense amendment, but we need to go much further. This is closing the barn door after the horse is out. We need to give parents, teachers, and principals the ability to control schools when children corrupt a good law to use it to their benefit.

I urge my colleagues to support the Norwood amendment.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, in response to the gentleman who has just spoken, I would like to say that I would be happy to join the gentleman in perfecting an amendment similar to one that I offered in the committee, which was not accepted, which would deal with the problem of mislabeled children. If that is what the gentleman wants to deal with, that children are labeled as being disabled who are not disabled, do not have disabilities, that is another kind of problem which is a serious problem.

Why do we not address that problem, instead of addressing the problem through the back door this way, saying that those who do have disabilities, that is what this amendment says; those who do have disabilities, bona fide disabilities, those who have been through a certification process and, there is no question. You are saying that they should be kicked out.

If the gentleman wants to raise questions after the incident occurs, if there is a weapon and a student has been charged with not being really a disabled student, let us have a process by which they are again reviewed and there is another recertification process. Those are things we need. We need to wade into that. I would be happy to join the gentleman in an amendment for that effect.

□ 1700

Mr. NORWOOD. Mr. Chairman, I yield 15 seconds to the gentleman from Arizona (Mr. SHADEGG), to respond to that question.

Mr. SHADEGG. Mr. Chairman, one, I am happy to join with the gentleman on his amendment in ESEA reform which is coming later this year.

Number two, I offered such an amendment in the Committee on Rules and it was rejected. Number three, I think the flaw in the gentleman's logic is the flaw in the logic of the gentleman from California (Mr. MILLER) when he argued the language says "may discipline," not "must kick out." May discipline; not, must kick out. It does not say they must be kicked out. It says they may be disciplined.

Mr. NORWOOD. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) has 10¾ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 6½ minutes remaining.

Mr. SCOTT. I am the last speaker and we have the right to close, I believe.

Mr. Chairman, I reserve the balance of my time.

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) and congratulate him on a very measured and reasonable amendment, which I certainly support.

Let me tell a story that actually happened in my home State. Four students were caught passing a gun among themselves at a school-sponsored event. Three of these students were expelled. The student who actually brought the gun to the school-sponsored event was not expelled. Why was he not expelled? Because he was identified as a special needs child under the IDEA program and was only put in an alternative program.

This actually happened and is happening across the United States of America. Unfair, unequal justice and I think we should all agree, Mr. Chairman, that even juvenile justice should be equal and consistent.

When I go back home to my district and talk about education, it is not just the parents who want safety in schools. Talk to the teachers, talk to the administrators and they tell me, Congressman, if you want to do something about education, to help us at the local level, give us the flexibility and authority to impose fair discipline and equal discipline in our schools.

Actually, Mr. Chairman, they wish we would go farther and extend this not only to weapons but to other forms of school safety.

Yesterday I voted against an amendment that sounded good. It sounded like we would have zero tolerance on drugs in our schools, but it imposed a new Federal mandate on local government and local school districts. This Norwood amendment takes a different approach. It gives school districts and local governments more flexibility. It provides more flexibility to educators and allows local school boards and administrators to impose fair, equal and consistent discipline across the board.

Mr. NORWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. ISAKSON), our newest Member from Georgia.

Mr. ISAKSON. Mr. Chairman, I appreciate the time yielded from my colleague, the gentleman from Georgia (Mr. NORWOOD), and I appreciate the opportunity to speak.

Mr. Chairman, I would like to say a couple of things to my colleagues on the other side.

I am married to a wonderful lady for 31 years, a special speech and hearing, special child teacher. I was in the State legislature and helped to implement 42–194, which Mr. Miller coauthored in this House in the 1970s, and I am pleased the last 2 years to chair the Georgia Board of Education, where 1,368,000 kids are in school, taught by 87,000 teachers.

I want to make one thing real clear. There have been some misstatements, not intentionally I am sure, but I want to clarify. Number one, I would say to my dear friend, the gentleman from Georgia (Mr. NORWOOD), it is not 1 in 100. It is 13 in 100. It is a number of students who fall in this category.

Number two, this bill does not have the word "shall" in it. This bill has the word "may" in it.

Number three, with regard to the civil rights, I am committed to the civil rights of every child in the classrooms of America. They are God's gift to us, regardless of their special need or their gift.

I would submit that there may be an occasion, may, where a special needs child may threaten the life in a self-contained environment of another special needs child, or in a mainstream environment, which Mr. Miller passed and I support, where we ensure that those that may have an infirmity or disability or a special need are mainstreamed with our most gifted.

This does not say they will not get an education. It does not say they must be suspended. It does not stigmatize them. Nor does it violate their rights, but it says that every child, every gift of God to us, has the right to expect that if the need is there, that we can apply the discipline to ensure a safe environment in our schools.

I know of no educator cavalier enough or no one brazen enough to take advantage of a disadvantaged child all because the word says "may."

If the time were available, I could quote case after case where had the school system had the flexibility at the time, they could have treated the civil rights of every child equally and maybe turned around the life of a special needs child rather than otherwise having to have their discipline governed by an external act not close to the situation.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD), a good friend who has been so helpful on this.

Mr. WHITFIELD. Mr. Chairman, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for taking this important amendment forward. This is not a mandate. It is discretionary with local school boards. There is not any issue in education today that is more controversial than the IDEA program. Every time I go to the district, school teachers, principals, board of education members are complaining about this program and the fact that individual students are treated differently. I think that this amendment will be a vital step in trying to restore some order into our schools.

I would like to read a statement from one of the principals. I could bring forth many statements like this, but it simply says that students under the IDEA umbrella cannot be disciplined like other students. Students who have discipline problems in school know their limits and generally push until they have gone beyond the limits. This is where the problem starts.

What do schools do with the ever-increasing number of students who have exceeded their disciplinary limits and know that the school can do nothing about it?

We can only wait until the school is totally overwhelmed and then the lawmakers will be forced to act. So I support the Norwood amendment.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I want to join with my colleagues here in encouraging the efforts of the gentleman from

Georgia (Mr. NORWOOD) in dealing with this question. It does give school districts, school boards, school administrators the flexibility they do not have right now. As the gentleman from Kentucky (Mr. WHITFIELD) just said, when we talk to people in schools, whether they are teachers, whether they are administrators, whether they are school board members and say, what is the single biggest problem with the Federal Government, we really do not even need to ask that question.

I now ask what their second biggest problem is with the Federal Government because they all have the same single biggest problem. It relates to this topic. It makes evenhanded, fair discipline at school impossible. It creates an atmosphere that leads to all kinds of situations. It needs to be part of this legislation. It is an important addition to this legislation.

I urge my colleagues to vote for it.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) for yielding me this time.

Mr. Chairman, I join with my co-authors to this amendment in thanking them for their support on behalf of so many school districts, school board members, principals, superintendents back in Iowa, teachers and even parents, that are concerned that for some reason people out here in Washington, as soon as they cross the Beltway, think that they know how to do everything with regard to discipline back home in schools.

First of all, we think one size fits all, that every child and every situation deserves the exact same approach and so we mandate down to the local levels exactly how discipline ought to be taken care of. We should not really do that.

I happen to be the parent of a child with a special need. Let me just invite my colleagues to be concerned. Let me invite my colleagues to advocate on behalf of her needs. Let me invite my colleagues to worry about her education. But please, let her mom and me, let her teachers, let her school board members and her community leaders and their principals and superintendents worry about how to make sure she gets the best education possible and make sure she behaves while she is there and make sure that it is appropriate when she misbehaves.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, the Norwood, the Talent, the Barr, the Petri, the Hill, the Shadegg, the Nussle, the Hutchinson, the Bryant amendment is about safety and security in the classroom for all the students, special needs and not special needs.

It is about allowing these individuals charged with the awesome responsibility of providing for the education of our youngsters, the authority to take the necessary steps, absent bureaucratic barriers from Washington, D.C., to secure that classroom for all students.

Having special needs can mean many things. It can mean emotionally or mentally disturbed. It can mean blindness or deafness. It can mean many other types of behavioral problems, even a learning disability like a poor reader or language skills. Too often the fact that someone has some type of problem that might lead them to bring weapons to school in the first place becomes the very license to get them back in the school room, despite the fact that they brought a weapon into the room.

I cannot, to save me, understand that. The very problem that they have allows them to come back into the classroom 8 months later with a weapon. That is wrong, Mr. Chairman. If a child has a special need that causes him to bring a gun to school, that child should not be in the classroom. It does not mean the child should not be educated, if at all possible, but not in a situation that endangers the lives of the other children in the classroom, including the other special needs children.

Our primary concern, Mr. Chairman, has to be for the safety, for the safety, of the 99 percent of our children in the classroom; 85 percent without special needs, 14 percent with special needs.

Now, the effect of this amendment is that all children are treated equally when it comes to weapons and safety in the classroom. Special needs children are not treated the same. They are given special privileges, but when it comes to guns, all are treated equally. The 14th amendment recognizes that there should be equality under the law and equal application of the law, and we do not do that now.

This amendment expresses the sense of Congress that all students, disabled, nondisabled, special needs, nonspecial needs, are entitled to a free and appropriate public education. My goodness, who can disagree with that?

The word "appropriate" must mean safety first, and there must be a zero tolerance for guns in our schools. Appropriate, being alive is more important than appropriate learning. We have lost 27 people over the last few years, students and teachers, in school rooms. We must say to the world, no one may, under any circumstances, bring a gun or a weapon to our classrooms in the United States of America; period, the end.

This amendment is supported by the National Association of Secondary School Principals. I submit that for the record. It is supported by the American Association of School Administrators, and I submit that for the record.

It is supported by the 95,000 local school board members. Vote for this amendment, for goodness sakes.

Mr. Chairman, I include the following letters for the Record:

THE NATIONAL ASSOCIATION OF
SECONDARY SCHOOL PRINCIPALS,
Reston, VA, June 16, 1999.

Hon. CHARLES NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The National Association of Secondary School Principals (NASSP)—the nation's largest school administrator organization—thanks you for introduction of an amendment to the Violent and Repeat Juvenile Offender, Accountability and Rehabilitation Act of 1999 (H.R. 1501) which amends the Individuals with Disabilities Education Act (IDEA). For several years, principals have vocalized the tremendous difficulties created by a "dual discipline" system that requires certain students be disciplined differently than others. This legislation will finally allow schools to discipline all students equally in relation to possession of a weapon.

While we support the amendment, we are very concerned about language in the measure relating to cessation of educational services for suspended or expelled youth. As advocates for students, NASSP believes that all children should have alternative education options available to them if the general education classroom is not the most appropriate setting for learning. If we do not address the educational needs of those children who are most vulnerable by providing a "safety net" of services for rehabilitation purposes, the costs to society will be greater in the future—both monetarily and in humanistic terms. We encourage Congress to provide additional funding for alternative education options to address these needs.

Thank you for recognizing the inequities related to discipline which are created under differing sets of laws, and for taking action to remove these legislative and regulatory barriers. We also thank you for taking under consideration the need for alternative educational services and the financial resources needed to accommodate this goal.

Sincerely,

GERALD TIROZZI, Ph.D.,
Executive Director.

AMERICAN ASSOCIATION OF
SCHOOL ADMINISTRATORS,
Arlington, VA, June 15, 1999.

Hon. CHARLES NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The American Association of School Administrators would like to thank you for your effort to address the issue of school safety and contradictions in current law. All children should be safe at school. Teachers cannot teach, and students cannot learn in an atmosphere of fear and disruption. Yet Congress and the federal regulations have tied the hands of teachers and administrators to fulfill this responsibility to all children. Your amendment to H.R. 1501 responsibly addresses these issues in a consistent manner.

Although well intended, provisions of the Individuals with Disabilities Education Act (IDEA) mandate a double standard for violent and disruptive behavior in our schools. We know what works to improve school safety and discipline; clear discipline codes that are fairly and consistently enforced. IDEA, as currently written, makes that impossible.

Schools should be able to adopt a simple, fair system of discipline. Your amendment would allow them to do just that. Students committing identical infractions should not be treated differently depending on whether or not they are identified as disabled. As schools and parents work to include special education students to the general curriculum, the disparate treatment of students misbehaving in the same way in the same classroom aggravates this problem.

The top priority of public school parents regarding public schools is students' safety and classroom discipline. This was made abundantly clear by the tragic incidents of the last school year. Parents are genuinely frightened for the safety of their children and are demanding, appropriately, that schools respond by ensuring a safe learning environment. We are in danger of losing the public's trust, if we do not address the issues of discipline, including disciplining students with disabilities.

Effective education for citizenship and achievement is not possible when students either feel that they are exempt from punishment or that the punishments are unfair. The objective must be to treat students the same and to keep them all safe. The challenge is to reach that objective, fairly, and efficiently. The prohibition against total cessation of services should be maintained and states should be required to develop alternative settings for students who commit infractions that merit expulsion or long term suspensions.

When students are punished, it is AASA's position that every state should implement a system of alternative schooling for dangerous students administered by juvenile authorities that are experienced in serving such students. In this setting, students would continue their education, but other students would not be imperiled. This system should be administered by an agency skilled at working with incarcerated and dangerous youth, where dangerous students can be schooled until they are able to rejoin their peers in a regular public school or complete their education in safety. The public concern for safety and the issue of fairness calls for action now.

Some may say that the states cannot afford a system of alternative schools. That is simply wrong. The states are awash with surpluses from the strong economy. Even if state coffers were not overflowing, the number of dangerous students is so small (about 6,000) that the cost would be negligible when spread across 50 states. For example, 6000 students could receive an education funded at the national per pupil average of $6,700 for only $40 million, a tiny fraction of current state surpluses. Moreover, this amount represents a diminutive portion of the funds states receive from the federal government through the crime bill, the juvenile justice bill and the safe and drug free schools act.

Thank you again for your leadership on this important issue.

Sincerely,

Bruce Hunter,
Director of Public Affairs.

National School Boards Association,
Alexandria, VA, June 16, 1999.

Re support for the IDEA safety amendment to the juvenile justice bill.

Hon. Charlie Norwood,
House of Representatives,
Washington, DC.

Dear Representative Norwood: On behalf of the nation's 95,000 local school board members, the National School Boards Association wishes to express its full support for your school safety amendment to the Consequences for Juvenile Offenders Act of 1999 (H.R. 1501). Your amendment would allow school officials to treat students receiving special education services in the same manner as other students when guns or weapons are involved. This amendment will help local schools and communities better address the serious safety issues involved when a student brings a gun to school.

By giving school officials a broader range of options, your amendment will better enable them, on a case-by-case basis, to balance the needs of a particular child with the goal to keep schools safer and more conductive to learning for all. Further, your amendment sends an important message to all students that carrying or possessing firearms on school grounds will not be tolerated. That message is not clear under the dual system, currently created by the Individuals with Disabilities Education Act (IDEA).

At the same time, your amendment carries three important protections relating to the rights of children with disabilities. First, the amendment only authorizes disciplinary action if it is provided in the same manner as the discipline for other children who bring weapons to schools. Second, students would be able to assert the defense that their actions were unintentional or innocent. Third, during their suspension or expulsion, students served by IDEA can only be denied services if state law permits the denial of education services to other students during their suspension or expulsion. Additionally, local school officials could, if they chose, provide services.

Under current practice, school systems across the United States (consistent with the federal Gun-Free Schools Act) maintain policies authorizing the removal of students who bring firearms to school. Federal law very substantially limits that option if a child is served under the IDEA. Currently school officials may only assign students to an alternative placement for up to 45 days. In practice, this may not result in the removal of an unsafe student.

In sum, your amendment creates a very narrow exception—with appropriate protections—to the IDEA discipline system in order to cover a very important safety issue. School officials needs this case-by-case discretion to ensure that America's schoolchildren and school employees are not subject to unnecessary risks or occurrences of students bringing firearms to schools.

If you have any questions, please call Michael A. Resnick, associate executive director.

Sincerely,

Anne L. Bryant,
Executive Director.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to congratulate the gentleman from Georgia (Mr. Norwood) for making a great speech.

Mr. NORWOOD. Say it again.

Mr. SCOTT. I will say again, I would like to congratulate the gentleman from Georgia (Mr. Norwood) for making a great speech.

Unfortunately, when we consider measures like this we ought to focus on deliberation, not great speeches at the last minute.

The fact is that we considered this very proposal for over a year in the deliberations in the reauthorization of the Individuals With Disabilities Education Act. We had numerous hearings. Teachers, educators, police officers, everybody had their say; advocates; every view was considered. We considered this proposal for over a year. In fact, it was one of the major provisions.

□ 1715

It was a provision that, in fact, got most of the attention in the reauthorization.

This proposal was rejected after that deliberative process. Now without deliberation, we are subjected to great speeches, and we are trying to change the law on the floor of the House. This did not even go through committee. Here it is on the floor.

Now, we heard a lot of talk about may and shall, what happens if they may, and what happens if they shall. Let us go back to where the Individuals with Disabilities Act was passed in the first place. When it was passed, disabled students got no education. Millions of students were given no educational services, and now they get educational services because the law makes them provide it.

Now, they talk about a big problem. There is a big problem, Mr. Chairman, and that is because school systems want to stop serving disabled children. They want to kick them out of the classroom and fail to provide any services at all. So of course it is a big problem. They do not want to provide. They do not want to abide by the law. They want to stop serving children.

Now, let us get a couple of facts on the table. First of all, the schools can remove the students for public safety. They can take them right out of the classroom just like everybody else, same penalty as everybody else, get them out of the classroom. But they must continue educational services, which may be provided in an alternative school, may be provided at home, might even be provided in prison. They can get the student out of the regular classroom for safety, but they have to continue educational services.

Now, everybody knows that stopping the services to children is a bad idea, that the crime rate will go up if we just suspend people without any services. Now, if we are interested in equality, what we ought to be doing is continuing services for everybody else in addition to those under IDEA.

Let me remind my colleagues what I said in my opening remarks, a letter from "Fight Crime/Invest in Kids," the National Coalition of Police Chiefs, Prosecutors and Crime Victims said, "Giving a gun-toting kid an extended vacation from school, and from all responsibility, is soft on offenders and dangerous for everyone else. Please don't give those kids, who most need adult supervision, the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings."

But if we insist on a bad policy for some, please do not change the law to inflict that bad policy on disabled children. The fact is that the children will not disappear when they are suspended from school without services. They remain in the community without support and are more likely to endanger the public. Then what happens after the end of the year, when they come back a year later, further behind than they left? Obviously the schools will not be any safer in that situation.

But, finally, Mr. Chairman, this is a juvenile crime bill. We ought to get serious. If this amendment is adopted, the crime rate will go up.

Mr. TALENT. Mr. Chairman, I rise today in strong support, as one of the cosponsors of the Norwood, Barr, Talent IDEA amendment which will allow schools to enforce a uniform discipline policy for all students who bring weapons into the schools.

Mr. Chairman, after the tragic incidence at Columbine High School I met privately with superintendents from around my district. I was interested in finding out what they were doing to combat violence in their schools, and what the federal government could do to help. They are already quite active in trying to stop this violence before it starts, chiefly by keeping in close touch with students. They had one, concrete, urgent request. They wanted the authority to discipline violent students, even students classified as disabled, under the Individuals with Disabilities Act (IDEA). In fact, their request was consistent with what I have been hearing from parents, teachers, principals, school boards and superintendents from across the state of Missouri for years.

Currently, schools are forced to administer two separate and conflicting discipline codes for dealing with dangerous or violent behavior in schools—one for non-disabled students and one for disabled students. Nationwide, of the 45.6 million students—5.8 million students were covered by IDEA in 1996–1997. In other words 12%—or 1 in 8 students nationwide and 1 in 7 in Missouri are subject to more permissive discipline rules under IDEA.

The parents, teachers, principals, school boards and superintendents in my district are telling me that the federal government is sending a mixed message to students on the issue of weapons in the schools. An IDEA student who possesses a weapon in school is subject to an entirely different discipline standard than other students simply because of his disability.

For example in a school in Missouri a non-disability student gave a weapon to an IDEA student. The IDEA student was caught in possession of the weapon. The IDEA student was removed from the classroom and placed for 45 days in an alternative education setting. On the other hand, the non-disability student, who gave the IDEA student the weapon, but was not actually caught in possession of the weapon—received a one year suspension and no alternative education services.

One school district in Missouri had 9 incidents of weapons in the middle and high school this school year—2 cases involving explosives and 7 cases involving knives. Of these 9 cases 6 were IDEA students and as such the schools could only remove these students from the classroom for up to 45 days. In addition, the school district was required to provide alternative service to these students at either their suspension school off campus or through personal instruction at home. On the other hand, the 3 general education students were either expelled or suspended for the year and the school district was not required to provide alternative services to these students. What sort of message does this send to the students of this district?

In Southwest Missouri an IDEA student brought a knife on the school bus and threatened to kill specific students. The school district's hands were tied—all that could be done was remove the student from the classroom and place in an alternative education setting for 45 days. Pending the outcome of a manifestation determination review, and due to IDEA's stay put provision, this violent student returned to the classroom after only 45 days. The parents of the other students were very upset about the school's inability to keep this dangerous student out of the classroom and threatened to pull their children out of school.

This amendment is very simple, Mr. Speaker—it gives school authorities at the local level the ability to remove from the classroom any student who brings a weapon—regardless of whether or not they are a disability student. This amendment will allow school personnel to discipline, including expel or suspend a student with a disability who intentionally carries or possesses a weapon at school—just as they would for a regular student. School districts would then have the discretion to decide whether or not to provide alternative services to the IDEA student removed from the classroom, provided that they treated that student the same as other students in similar circumstances.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 128, not voting 6, as follows:

[Roll No. 227]

AYES—300

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vento
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—128

Abercrombie
Ackerman
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gejdenson

Gephardt
Gilman
Gonzalez
Goodling
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Knollenberg
Lampson
Lantos
Lee
Lewis (GA)
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Morella
Murtha
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sessions
Slaughter
Souder
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—6

Brown (CA)
Carson
Houghton
Salmon
Shays
Thomas

☐ 1740

Mr. DIAZ-BALART and Mr. BLAGOJEVICH changed their vote from "aye" to "no."

Mr. VENTO and Mr. WYNN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LaHood). It is now in order to consider amendment No. 40 printed in part A of House Report 106–186.

AMENDMENT NO. 40 OFFERED BY MR. FLETCHER

Mr. FLETCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 40 offered by Mr. Fletcher:

Page 4, line 18, strike, "and".

Page 4, line 21, strike the period and insert a semicolon.

Page 4, after line 21, insert the following:

"(14) establishing partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

"(15) implementing other activities that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Kentucky (Mr. Fletcher) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Fletcher).

Mr. FLETCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are addressing a growing problem that has stemmed from a cultural change that has robbed some of our youth of their moral pinnings. We have often failed to give our children the guidance necessary to understand the difference between right and wrong and the real-life consequences of violent behavior. While we can and should hold our youth more accountable for their behavior, I believe we should foster families, schools and communities that engender character.

The recent rash of school violence stuns us all and raises the question, "Where have we gone wrong?" Noted criminologist James Q. Wilson says his studies have all led to the same conclusion: Crime begins when children are not given adequate moral training and when they do not develop internal restraints on impulsive behavior. Forensic psychologist Shawn Johnson says the killings reflect "A deterioration of moral teaching" and of the social structure that traditionally imparted that teaching. Chuck Colson said, "We're experiencing the death of conscience in this generation of young Americans."

There is no question that loving, caring parents are primary in building our children's character, but with latchkey kids, the prevalence of violence and obscenity in popular culture, and the deterioration of the family, teachers are assuming a role of growing importance.

☐ 1745

Children spend the majority of their day in the classroom, and too often many lessons taught fail to emphasize the importance of citizenship and respect in our shared community.

The Founding Fathers believed that education serves a dual purpose, to prepare children academically as students and ethically as citizens. They acknowledge the importance of individuality without ignoring the fact that the freedom to exercise their rights as an individual is a privilege afforded to responsible members of a democratic society.

Thomas Jefferson said, "The government is best which governs least because its people discipline themselves."

Personal liberties are the product of personal responsibility. In the event that individuals do not keep up their part of the social contract, we have the judicial system, which is rooted in a system of absolutes where people are deemed law-abiding or law-breaking.

To some, the idea of moral absolutes is outdated, and some believe it is too controversial to teach. It is no wonder that we have seen an increase in juvenile crime, especially crime based on prejudice, hatred, and anger.

Former Secretary of Education William Bennett had this to offer: "We should not use the fact that there are indeed many difficult and controversial moral questions as an argument against basic instruction in this subject. We do not argue against teaching biology or chemistry because gene splicing and cloning are complex and controversial."

Especially in light of the recent school tragedies, I believe that the time has come to emphasize character education in our schools. We need to encourage the work that is already being done in some States. For example, my own State, Kentucky, has developed a character education curriculum which is being used in many schools, and many school districts across the country are using the Character Counts program successfully. This grant from this amendment would be available for such programs.

That is why I am offering an amendment to the Consequences of Juvenile Offenders Act of 1999 that will allow local education agencies to form partnerships designed to implement character education programs that reflect the values of parents, teachers, and local communities and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness. Surely no one could oppose these.

I urge my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to claim the time in opposition although I may be supporting the amendment.

The CHAIRMAN pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to ask the sponsor of the amendment a question. Several people have asked a question as to whether or not it is the intent of the sponsor and the legislative intent to read the amendment in light of the Supreme Court cases interpreting the establishment of free exercise clauses of the Constitution. The question is whether or not they are trying to overturn those cases or whether this should be read in light of the existing law.

Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. FLETCHER. Mr. Chairman, I say to the gentleman from Virginia (Mr. Scott), there is nothing in this amendment that would impose anything against the Constitution and that amendment. It clearly supports the local character education curriculum, which is already being conducted. It will provide grants for the instruction, as well as activities. And these are things that have withstood constitutional muster so far.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would like to thank the gentleman for that answer, because if it is to be read in light of the Supreme Court cases, then it is obviously the kind of amendment that is perfectly consistent with the underlying bill. In fact, I think it probably could be funded under some of the provisions of 1150 that we have already adopted. But it is the kind of partnership and kind of education that can help our young people stay out of trouble in the first place.

With that answer, Mr. Chairman, I would heartily endorse the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLETCHER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I am pleased to join my friend and colleague the gentleman from Kentucky (Mr. FLETCHER) in co-sponsoring this amendment. I appreciate the remarks of the gentleman from Virginia (Mr. SCOTT).

Our amendment will allow local schools to go to work with their communities to develop character-based education programs that will complement their current coursework. I believe that we need to give local schools the resources to teach character-based education and deal honestly with forces in our culture that are diminishing the family.

I visited two elementary schools in the 8th District of North Carolina over the Memorial Day work period. At East Washington Street Elementary School in Rockingham, the principal specifically asked me to speak to the students about the importance of character and citizenship.

The second school I am especially proud of, Shiloh Elementary in Monroe was recognized as a Blue Ribbon School by the Department of Education. In fact, Shiloh Elementary has also been nominated for an award by the Department of Education for its character education programs. I will insert their efforts at the end of my remarks.

The school's administration has incorporated parent and local community groups to help instill the values of honesty and good citizenship into the everyday lives of their students. They, too, asked me to speak about character and citizenship, and I was glad to do that for them.

"Shiloh Elementary School is where it all comes together," states the Department of Education Blue Ribbon School Report. This simple statement speaks volumes about Shiloh's vision, caring adults who lead by example to share what stewardship for our world is about.

Students come here and meet parents who only want the best for their children. The local Kiwanis Club in Monroe sponsors the Terrific Kids awards program, which puts emphasis on character education not only in school, but throughout the community. Great satisfaction comes from cooperation among all the stakeholders in the community.

Volunteers frequent the halls of Shiloh, adding extra support where needed. Administrators and teachers search for creative means of enabling the school to fulfill its vision. This kind of commitment makes Shiloh stand out. Through this team effort, the result is predictable: Students who practice caring and sharing and kindness.

Shiloh, unfortunately, is the exception to the rule. Most schools do not have a successful character education program.

This amendment provides the resources for schools across the country to develop a local character and value based program, like Shiloh Elementary, without having to divert the resources for their other essential needs, like books, teacher pay, and supplies.

Parents today are faced with incredible challenges in raising children. We need to give our schools leadership, resources, and flexibility to help parents meet these challenges. We need to empower our local teachers and families to work with their communities to incorporate the timeless aspects of character, honesty, integrity, citizenship, courage, respect, personal responsibility and trustworthiness. Let's send a strong message home that we want to help our students blossom into responsible citizens and are willing to do whatever it takes to help them accomplish their goals.

Special Emphasis Area

CHARACTER EDUCATION

Strolling through the halls of Shiloh Elementary School is a delight—much care has been taken to create a nurturing learning environment and emphasize the importance of character education in the life of the school and the children. In effective ways, the Bullseye Class of the Month is spotlighted (complete with the class' picture), keywords (e.g., honesty, loyalty, and respect) are displayed in many innovative ways: Incorporated into the gymnasium red, white and blue theme, in classrooms hanging from the ceiling, and on TV monitors in the cafeteria. Blaze the Bulldog (the school's mascot) displays the Bullseye words for each month. It was interesting that March's word (honesty) was also posted in Spanish. In the interview with students (individually and as a group) they were very proud of wearing a badge for being one of Shiloh's Best Behaving Bulldogs—a program which awards badges to wear on Monday for displaying excellent behavior. (The site visitor toured the building on Monday, and it was rewarding to see so many buttons!)

An effective recognition initiative tied very closely to the schoolwide emphasis on character education is the Terrific Kids Program sponsored by the local Kiwanis Club. Students from each classroom are honored monthly for displaying good citizenship, improved behavior, and/or improved academics by posting their pictures and celebrating this recognition in a breakfast (provided by the PTA) with parents invited as well. (Again, on the site visit it was heartening to so proud parents of Terrific Kids enjoy the before-school celebration with their Terrific Kids. In summary, this overall category focusing on Character Education came alive through reading Cathy Frailey's newspaper article about the success of the Bullseye class published in the local newspaper, The Enquirer Journal, and, above all, the respect demonstrated by the students and teachers. When students open the door for adults (like the site visitor) and respect school and classroom rules, these are evidence that character education is an integral part of the total school program, and decisionmaking is based on the core values necessary to create a caring and democratic community.

(1) Shiloh Elementary School clearly puts into practice restitution (along with using consequences) for violations. For example, when students do not complete homework, the principle of restitution comes to the forefront by assigning homework hall according to school guidelines. For students who do not demonstrate appropriate behavior (and these are absolutely minimal), schoolwide discipline policy takes over with described restitution (e.g., fulfilling a cafeteria responsibility if that was the violation site). Respect and responsibility go hand-in-hand at Shiloh.

(2) Developing an intrinsic commitment to values begins the first day students begin school. Pride, honesty, and loyalty are instilled in children in the early grades as verified by an entire school building (halls, classrooms, common areas like the cafeteria, gymnasium, and restrooms) and grounds which are immaculate and cared for as a result of students' making responsible decisions. Children in this school community follow school rules because it is the right thing to do—without any fanfare or rewards involved. When new students enter Shiloh, present students, as well as the entire staff, model respectful behavior which serves as intrinsic teaching tools. Keywords reflecting the basis of character education are discussed in the classroom, for example, through literature and are on display throughout the building in creative ways (e.g., TV monitors in the cafeteria)—all of which develop an intrinsic commitment to values.

Mr. SCOTT. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to support this amendment to help put character education in our Nation's schools.

As the former superintendent of my State's schools, I know firsthand that character education can make a difference to teach our children values and make our students well-rounded and prepare them for good citizenship. We installed character education in the schools of North Carolina in the 1992–1993 school year.

Across my congressional district today, school leaders have developed character education initiatives that are making a difference for stronger schools and better communities.

Wake County, our capital county, has become a leader through its innovative effort called "Uniting for Character." In Johnston County, the principal of Selma Elementary School directly attributes 59 fewer suspensions between the 1995–1996 school year to their character education program. And CBS News in the last couple of weeks has profiled the successful character education program on their national program in the Nash-Rocky Mount school system.

Mr. Chairman, character education works because it teaches our children to see the world through a moral lens. Children learn that their actions have consequences. Teachers work with parents and the entire community to instill the spirit of shared responsibility.

Character education emphasizes values such as courage, good judgment, integrity, kindness, perseverance, respect, and self-discipline.

As the father of two public school teachers, my heart aches for the victims of the recent violence in our public schools. Character education will help build solid citizens and safe schools.

This amendment will allow State and local educational agencies to form partnerships designed to implement character education. These programs will reflect the values of parents, teachers, and local communities. They will incorporate elements of good character, as I have said, which include honesty, citizenship, courage, respect, personal responsibility, and trustworthiness.

Mr. FLETCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, character counts. At least, it should count. Children are not born with good character. It is learned through direct teaching and through observation.

I, consequently, rise in very strong support of the Fletcher-Hayes amendment to allow State and local educational agencies to work together to develop character education programs.

Children make up about 27 percent of the population, but they are 100 percent of our future. We must help them develop habits of good character that are essential to the well-being of America.

I want to point out that I am very proud that within my congressional district, the city of Gaithersburg, Maryland, is a "character counts" city. Gaithersburg first embraced this ethics education program in 1996, and it does work. A commitment was made to bring the program to every child in the city, and it even incorporated "character counts" into the mission statement and vision of the city.

The city is guided by six pillars of ethics. They are responsibility, respect, caring, fairness, trustworthiness, and citizenship.

The city tries to set a model example for other cities to follow by addressing citizen needs with a caring attitude, promoting a spirit of fairness, trustworthiness, and respect among city officials.

The city advocates good citizenship and feels it has a responsibility to its citizens to strive for excellence in all of their endeavors. As a matter of fact, it has the school, the business communities, the religious organizations, the social organizations all using the same motto and the same six pillars of character.

The Fletcher-Hayes amendment will help other communities implement character education programs that reflect the standards of their citizens. The amendment will encourage community leaders, school systems, nonprofit organizations, business groups, youth groups, and individuals to join together to take a stand for values in American society.

I urge a "yes" vote on the Fletcher-Hayes amendment.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, I thank my friend from Kentucky (Mr. FLETCHER) for yielding me the time.

Mr. Chairman, I like this amendment because I think it will empower and encourage parents. There is discussion going on all around this country following the tragic Columbine shootings. The discussions we have had on the House floor over the last 2 days is only one place that is happening. It is happening in school board meetings. It is happening, very importantly, around kitchen tables. It is happening in State legislatures.

I think the one thing that all of us need to focus on is that despite a lot of ideas that have been put forward that are meant to address the problem of youth violence and what happened in Columbine, none are going to work unless we focus on character and I think unless we focus on family and parents.

We might feel better having passed some of the legislation we are going to pass here in the next day, but I really do not believe it is going to change the root causes of youth violence. That is why I like this amendment, because it gets parents engaged, it empowers them to get involved.

If we are going to solve the problems in our society of youth violence, substance abuse, all the data shows, as James T. Wilson says, and I am glad the gentleman from Kentucky (Mr. FLETCHER) quoted him earlier, we have got to get our family back engaged with our children.

As a parent, a father of three young children, I know that, and I think most of my constituents know that. And I think they believe that anything we can do here in the U.S. Congress to encourage our families to go stay together, to encourage families to provide guidance, to encourage families to give children a sense of right and wrong, that that will make the most fundamental difference in terms of avoiding future tragedies like the one that occurred in Columbine.

So again, Mr. Chairman, I am delighted to support this amendment, and I urge its passage.

The tragic shootings at Columbine High School have started a national discussion on what we can do to prevent such violent acts in the future. The debate we had here in the House of Representatives over the past 2 days has taken place across the country in state legislatures, town halls—and, more importantly, in school board meeting rooms, at the workplace and around the kitchen table.

There's been a lot of soul-searching—and some of the ideas that have been put forward—including those aimed at cleaning up our popular culture—are helpful and should be adopted. Other proposals may make us feel as though we're doing something, but I don't believe they will change the root causes of youth violence.

Throughout this national dialogue, I hope we do not overlook what I view, as a legislator—but, more importantly, as a father of three young children—as the most important factor in preventing these shocking and senseless acts of violence. There is no more powerful influence on a young person's life than a family, particularly an engaged, concerned and caring parent—and, where there is not a parent in the home, then a caregiver, a role model, who takes on the solemn responsibilities of parenthood.

I've seen it firsthand in my work on the problem of reducing teenage substance abuse and have read it in many studies on drug abuse and reshaping adolescent behavior. In fact, based on sound surveys, researchers believe we could reduce teenage drug use by as much as 50 percent if parents would simply engage and talk to their kids about the dangers of drugs. That's a remarkable statistic, and a true testament to the power of family, and to the dangers of disengagement and apathy.

Unfortunately, we've seen too many examples of problems that arise when parents aren't actively involved in their children's lives. A recent Letter to the Editor in one of my local papers—the Cincinnati Post—put it well, "Parents are so involved in their own activities and life that they have forgotten . . . how much the children look to them as the example."

Children look to us—their parents—as role models, and they also look to us for guidance. I hope the Columbine tragedy and the dialogue it has spawned leads us; as parents, to do a better job of setting boundaries for our kids.

I thought Cincinnati Enquirer columnist Laura Pulfer described our challenge as parents in a recent column she wrote: "Right and wrong. Good and bad. Yes and no. We can say these words, especially to our children. In fact, it is our duty."

Mr. Speaker, let's keep our eye on the ball. The best way to get at the root cause of youth violence is for all of us to take a more active role in the lives of our young people. America's future depends on it.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of this amendment. So much of the debate today has been either/or, either we do gun control or we do character programs, or we put more religion in the schools and so on.

For the most part, all of the above is the right answer. We ought not suggest that doing one thing enables us to exclude the other. Values do matter. Character counts. And schools are increasingly the one place where we can really get kids' attention. It is a captive audience. Unfortunately, as we have more and more families both of whose parents are in the work force, schools may present the best opportunity to instill an appreciation and respect for the values that, in fact, have made this country great, and enable us to live within a civil society.

□ 1800

I have seen this Character Counts program. I was impressed with it. I did not think I would be as impressed as I was. It works, the amendment is a good idea, let us include it.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Fletcher-Hayes character education amendment. Our children spend at least 7 hours a day, 5 days a week in their schools. It is a large part of their day away from their parents. When parents entrust their sons and daughters to our Nation's schools, they hope that their children will continue to be taught things like honesty, citizenship, courage, respect, personal responsibility and trustworthiness. That is what this amendment attempts to ensure, by giving local communities the freedom to develop a character education program consistent with local values.

I have with me an example of the type of character education that could be taught to our children. This is a lesson on attentiveness. The goal is to teach children to look at people when they speak to them, ask questions if they do not understand, sit or stand up straight, not draw attention to themselves, keep their eyes, ears, hands, feet and mouth from distractions. These sound like good lessons for all of us.

In April of this year, the Florida legislature passed a law requiring character development in elementary schools. One of the supporters of that law said, "This is Florida's answer to the tragedy in Littleton, Colorado."

While I do not believe that character education will solve all the problems of our Nation's youth, I do believe that the character of our Nation's youth is worth investing in. I urge support for the amendment

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

Mr. FLETCHER. Mr. Chairman, I yield myself such time as I may consume. I really appreciate the gentleman from Virginia (Mr. SCOTT) and the others that have spoken in bipartisan support for this bill. I think it is just crucial as we look at what has happened recently with these tragedies in the schools that we have a national focus on character education. What this amendment does is provide for grants that can be used for character education curriculum and for other activities. For those students also that are identified as having problems, troubled students, that they can provide activities that build character for them, also.

I think with this national attention, and let me make the point this is not a mandate and this is not a national curriculum. This gives the flexibility and the resources and the encouragement of local communities, schools, with parents and teachers and a partnership that they can implement character education, have the resources to implement that program to certainly encourage the character of our youths.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. FLETCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER) will be postponed.

It is now in order to consider amendment No. 41 printed in part A of House Report 106–186.

AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. FRANKS of New Jersey:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE —CHILDREN'S INTERNET PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the "Children's Internet Protection Act".

SEC. 02. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

"(l) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY.—

"(1) IN GENERAL.—An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive or retain universal service assistance provided under subsection (h)(1)(B).

"(2) CERTIFICATION FOR SCHOOLS.—To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school shall certify to the Commission that it has—

"(A) selected a technology for computers with Internet access to filter or block—

"(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

"(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

"(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

"(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

"(3) CERTIFICATION FOR LIBRARIES.—To be eligible to receive universal service assistance under subsection (h)(1)(B),a library shall certify to the Commission that it has—

"(A) selected a technology for computers with Internet access to filter or block—

"(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

"(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

"(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

"(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

"(4) TIME FOR CERTIFICATION.—The certification required by paragraph (2) or (3) shall be made within 30 days of the date that rules are promulgated by the Federal Communications Commission, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

"(5) NOTIFICATION OF CESSATION; ADDITIONAL INTERNET-ACCESSING COMPUTER.—

"(A) CESSATION.—A school or library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

"(B) ADDITIONAL INTERNET-ACCESSING COMPUTER.—A school or library that has filed the certification required by paragraph (3)(B) that adds another computer with Internet access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for use by the public.

"(6) POSTING OF NOTICE.—A school or library that has filed a certification under paragraph (2) or (3) shall post within view of the computers which are the subject of that certification a notice that contains—

"(A) a copy of the filter or block certification;

"(B) a statement of such school's or library's filtering or block policy; and

"(C) information on the specific block technology in use.

"(7) PENALTY FOR FAILURE TO COMPLY.—A school or library that fails to meet the requirements of this subsection is liable to repay immediately the full amount of all universal service assistance the school or library received under subsection (h)(1)(B) after the date the failure began.

"(8) LOCAL DETERMINATION OF MATERIAL TO BE FILTERED.—For purposes of paragraphs (2) and (3), the determination of what material is to be deemed harmful to minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making that determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

"(9) NO PREEMTION OR OTHER EFFECT.—Nothing in this subsection shall be construed—

"(A) to preempt, supersede, or limit any requirements that imposed by a school or library, or by a political authority for a school or library, that are more stringent than the requirements of this subsection; or

"(B) to supersede or limit otherwise applicable Federal or State child pornography or obscenity laws.".

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

SEC. ___3. FCC TO ADOPT RULES WITHIN 4 MONTHS.

The Federal Communications Commission shall adopt rules implementing section 254(l) of the Communications Act of 1934 (as added by this Act) within 120 days after the date of enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

MODIFICATION TO AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I ask unanimous consent that the amendment be modified by the modification placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 41 offered by Mr. FRANKS of New Jersey:

On page 2 of the amendment on line 18 before the word "materials" insert "during use by minors," and on page 3 of the amendment on line 17 before the word "materials" insert "during use by minors,".

The CHAIRMAN pro tempore. Without objection, the amendment is modified.

There was no objection.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume. The Internet has opened up an exciting world of discovery for our children. Today across America an estimated 15 million kids have access to the Internet. According to the Department of Education, more than half the classrooms in the Nation are now wired to the net. Within seconds, our children can find up-to-date information on every conceivable topic that they are studying in school.

But this extraordinarily powerful learning tool can also have a dark and threatening side. Pedophiles and other criminals are using the Internet to contact our children in those places where we want to believe they are most secure, in our homes, our schools and our libraries. The reality is that materials breeding hate, violence, child pornography and even personal danger can be waiting only a few clicks away.

The group Cyber Angels, a computer savvy affiliate of the Guardian Angels, has documented more than 17,000 Internet sites devoted to child pornography and pedophilia. Moreover, the FBI reports that pornography sites are now the most frequently accessed sites on the Internet.

And our children do not have to be actively looking for pornographic web sites to be exposed to adult-only material. For example, a child researching the presidency of the United States for a school report would probably turn to the White House web site, whitehouse.gov, but if they mistakenly typed in whitehouse.com, they would find themselves exposed to hard-core pornography. In fact, a recent study conducted by the Internet monitoring group Cyvelliance found that operators of pornographic sites frequently use brand names that are popular with kids in an effort to draw unsuspecting children to their web sites. The most popular names invoked by the pornography industry relate to Disney, Nintendo and Barbie.

Yet in spite of all these potential dangers, I believe every child in America should have access to these amazing learning tools, provided we take special precautions to protect our youngest, most vulnerable citizens.

The amendment that I am offering would require schools and libraries to use filtering technology if they accept Federal subsidies to connect to the Internet. Filtering technology, which many parents have already installed on their home computers, would keep materials designed for adults only out of the reach of our children.

I recognize that some in the educational community, including some in the American Library Association, believe that all Americans, regardless of age, should have unlimited, unfettered access to all the material on the Internet. But the concept of placing restrictions on the kind of information available to our children is nothing new. For generations, schools and libraries have routinely decided what books are appropriate for our children to read.

This amendment would merely require that these institutions use that same standard of care when it comes to the latest advances of the Information Age.

Lastly, it is important to note that while this amendment requires schools and libraries to use blocking technology, it leaves it up to the local school district and library board to determine the type of filtering technology to use. It is important that parents and educators in our local communities set their own standards. In light of the Federal Government's important continuing role in supporting Internet access to schools and libraries, this amendment is prudent and necessary. It will ensure that our children can take advantage of this revolutionary learning tool without being assaulted by materials that are not only inappropriate but dangerous for our children.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 2-¾ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we all want to protect children and provide them with safe communities in which to grow. To achieve this worthy goal, we must work with local governments, schools and libraries. The amendment before us is not helpful. A new mandate would set regulations that would be nearly impossible to meet and would deprive schools of sorely needed funds.

The most important action Congress has taken to promote both the goal of quality education and connections to the broader world through the Internet is to be found in the Telecommunications Act of 1996. This special education rate, known as the E-rate, was part of the Federal Universal Service Fund providing important discounts of 20 to 90 percent on telecommunications services, Internet access and internal communications for public schools, public and private, as well as our library systems. It enjoys broad bipartisan support.

No one advocates allowing children access to pornographic materials, but this amendment is simply too draconian. Assuring that the children's Internet activity is safe is most appropriately made at the local level, not one by a new Federal mandate. There is no need for the amendment. We should recognize that students accessing the Internet from their local library or schools typically are receiving as much or more supervision than what occurs commonly in some homes.

This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology. The purchasing, installing and maintenance of this software is expensive and administratively burdensome at a time when most schools and libraries are struggling just to connect to the Internet. It allows only 30 days for districts and libraries to comply with the law after the FCC has promulgated the rules. With every State setting different procurement laws, there is no possible way schools and libraries all across the country could come up to speed, write an RFP, wait the allotted time for incoming bids, choose a provider, install the software, and provide the training, all within 30 days.

After giving us an impossible deadline, the amendment requires schools that fail to meet the requirements repay the full amount of universal service assistance back to the date the failure began. Retroactive repayment of universal service support for noncompliance is unrealistic.

Across the Nation, communities are already working to assure that children's Internet access is properly guided. They are utilizing all the options available to them and choosing those that best meet the needs of those local communities. We ought to trust our local library boards and school boards. Imposing a Federal mandate is inappropriate and unnecessary.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. Pickering), my original cosponsor.

Mr. PICKERING. Mr. Chairman, I am proud and pleased to rise in support of the amendment as an original cosponsor with the gentleman from New Jersey.

I would like to take a second to address some of the issues raised by the gentleman from Oregon. In 1996, the Telecommunications Act was passed that set up the E-rate that is now providing $1.6 billion in subsidies to link our schools and libraries to the Internet. Now, this opens up educational and discovery opportunities and learning opportunities as a tool for our teachers. It is a zone of discovery but it is also a danger zone.

The gentleman from Oregon said that this is costly and difficult to do. What is the cost of not protecting our children? Let me share one example that I have learned of today. An 11-year-old boy went to a public library and began viewing a pornographic site. He returned to his neighborhood where there was a 5-year-old little girl next door and he molested her, acting out the scenes he saw at the public library. He was arrested. Pornography destroys families, as it destroyed the youth and the innocence of this little girl. The gentleman from Oregon mentioned cost, most of these filtering products are $25 to $50. Is that too high of a cost to protect our children from pornography? Each school district has the opportunity to decide which technology is best. It is flexible, it is workable, it is the right thing to do to protect our children. It is constructed in a constitutionally sound way. The Littleton violence that we saw, the young, violent offenders of Littleton were looking at Internet sites to see how to construct a bomb, hate-filled sites.

□ 1815

With these commonsense filters, we can protect our children from access to violent, hate-filled sites, to pornographic sites, to obscene sites, which then lead them to act out very destructive behaviors.

Mr. Chairman, I ask the Members of this body to support this amendment, to protect our children, and to do what is right.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. Rush).

Mr. RUSH. Mr. Chairman, I rise today against the Franks-Pickering amendment. The Franks-Pickering amendment would terminate the E-rate benefits for schools and libraries that fail to implement filtering technology for computers with Internet servers and Internet access. While I agree with this premise, I feel that this amendment goes much too far.

The amendment would require schools and libraries to return their E-rate funds within 30 days if the schools do not comply with FCC rules. This requirement will financially and administratively burden schools and libraries that have to purchase and install this filtering software.

Most schools that receive E-rate funding are located in inner-city and rural areas. These schools are struggling to connect with the Internet, and this amendment would be an imposition that would set them back even more so.

Mr. Chairman, let us not widen the digital divide that already exists among our children. I urge my colleagues to vote against this amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, could I inquire of the Chair how much time remains on each side?

The CHAIRMAN pro tempore (Mr. LaHood). The gentleman from New Jersey (Mr. Franks) has 3½ minutes remaining; and the gentleman from Virginia (Mr. Scott) has 6¼ minutes remaining.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. Tauzin).

Mr. TAUZIN. Mr. Chairman, if my colleagues were given a choice today as to whether or not to pass a bill that would provide Federal funds for the installation of Internet services and connections to our schools and libraries in a fashion that allowed the spending of that money without filters so that children could, in fact, access pornographic sites in those schools and libraries, if my colleagues had a choice of doing that, or they had a choice of passing a bill that provided Federal funds to schools and libraries which included filtering devices to make sure that the kids in those schools and libraries use the Internet for good reasons and not to access these sites, which would my colleagues choose?

Is there any doubt they would choose the latter? Is there any doubt that my colleagues would tell the FCC in this case, which is spending this money, that give to the schools only on condition that they put these filters in.

These filters are inexpensive, they are easy to install. The government is putting up the money anyhow, and if Federal dollars collected by the FCC are being spent to install these systems, is it so draconian to say that we ought to spend 50 of those dollars to make sure that that computer system has such a filtering device?

If the filters were not available, if the technology was not readily and cheaply available on the marketplace, my colleagues might have an argument. But this technology is abundantly available, it is inexpensive, and it is inexcusable for our Federal Government to be spending money, putting in Internet systems into schools and libraries without it.

What the gentleman from New Jersey (Mr. Franks) and the gentleman from Mississippi (Mr. Pickering) are saying is that when this money is spent by the Federal Government to assist our schools and libraries in connecting our children to the Internet, we have this simple little requirement that they include in their plan a filtering device, cheap, inexpensive, easily installed. Not to pass this would be a crime.

Mr. SCOTT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is unfortunate that we are coming here without any hearings. We do not know how much these things cost, whether they are effective or not. We do know that there have been complaints that the filters filter out some stuff that we might not want filtered, like AIDS education; or even the Society of Friends, the Quakers, or the Heritage Foundations have had their sites blocked by this kind of filter. Many pornographic sites are not blocked because they fail to use the magic words.

Mr. Chairman, we have not had any hearings, so we cannot get coherent answers to these questions. But we know that the measure is opposed by the National Education Association, the Education and Library Networks Coalition, the United States Catholic Conference, and the American Library Association, and the International Society for Technology in Education.

But if we are going to be serious about crime, we ought to use a deliberate process, enact those measures that will actually work to reduce crime, and stop coming up at the last minute with amendments for which we have had no hearings.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield the remainder of our time to the gentleman from Ohio (Mr. Oxley).

Mr. OXLEY. Mr. Chairman, I rise in support of the amendment.

I want to commend my friends from Mississippi and New Jersey for their foresight. Many of us who worked on the Child On-Line Protection Act and voted for it, which means virtually everybody within the sound of my voice who has a vote in this Chamber, as well as those on the floor who have worked on this issue understand the issue.

Let me just tell my colleagues what is at stake. The ACLU is sending out information trying to get Members to vote against this legislation, just the same kind of thing they did when they opposed the Child On-Line Protection Act, which passed unanimously in this body just less than a year ago.

Let me tell my colleagues about the ACLU and what they are telling us about children's exposure to graphic content. This is from a Communications Daily article where ACLU attorney Ann Beson is arguing against our Child On-Line Protection Act and is quoted as saying that there is, quote, "no real harm," end quote, to children in viewing sexually graphic material, and that it will not, quote, "turn kids into sexual deviants." Since repression turns kids into deviants, that is the kind of opposition we are getting from common-sense legislation and amendments that are put forward by our friends from New Jersey and Mississippi, and why I was proud to join these two gentlemen as a cosponsor. That is the real crux of the issue. Is it too much to ask that those filtering processes be there? I think not. Let us support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to express my strong opposition to the amendment of the gentleman from New Jersey. As a father of two children attending public school systems in New York, and with another child on the way, I am for finding sensible approaches to address what our children are exposed to without infringing on any individual's constitutional rights.

Assuring that children's Internet activity is safe is a goal that we all strive to achieve. However, this amendment is not about addressing child safety at all. What it really is about is an attempt by those Members who fundamentally disagree with the E-rate program and want to eliminate it. This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology.

Before this body looks to find ways to eliminate the E-rate program, let us examine how this program benefits communities across this country, and in schools and libraries in low-income and urban and rural areas. They qualify for the highest discounts to assure that every American, regardless of age, income or location, has access to essential tools of the information age.

In the first year of the E-rate program, 47 percent of the dollars requested of the E-rate program were for schools and libraries serving economically disadvantaged students and library patrons. In addition, discount requests were received from all 50 States and several special jurisdictions, including the District of Columbia, Puerto Rico, the American Samoa, and the Virgin Islands.

This program benefits everyone: children, adults, lifelong learners, everyone. Communities across this country are already working to ensure that children's Internet access is properly guided. They are utilizing every available option and choosing those that conform to local needs and standards.

This amendment is unnecessary. What this technology does, it levels the playing field for the first time in the history of this country.

Mr. SCOTT. Mr. Chairman, I yield the balance of our time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. PICKERING). The amendment would eliminate E-rate benefits for schools and libraries that fail to implement filtering or blocking technology for computers with Internet access.

Let me be clear. I do not advocate allowing schoolchildren access to pornographic materials, but the scope of this amendment is too broad and undefined. For example, it would require repayment of E-rate funds within 30 days if the school district is unable to comply with FCC rules. Procurement rules for individual school districts make it highly unlikely that schools will be able to comply, even though many are already seeking to do so.

Mr. Chairman, the strange thing about all of this is this: The Congressional Black Caucus went over to the FCC when the vote was taken for E-rate. The only people who voted against it were Republicans, despite the fact we made a lot of pleas with our colleagues about the digital divide, between the haves and the have-nots, and some of the same ones who spoke on this floor today who are against E-rate for poor children, for children who do not have access, are now here trying to set up another roadblock.

The E-rate program is instrumental in closing the digital divide that exists between the haves and the have-nots. The reality is that only 27 percent of America's classrooms are linked to the Internet. In poor and minority communities, only 13 percent of the classrooms are linked to the Internet. Schools in high-minority enrollment areas are almost three times less likely to have Internet access in the classrooms than predominantly white schools. While 78 percent of schools have at least one Internet connection, that connection is often only in the administrative office.

It is for these reasons, among others, that I have been an ardent supporter of the E-rate program. I am among the 74 percent of Americans who recognize that computers improve the quality of education. Let us not sacrifice the access to technology that our children in poor districts need so badly by succumbing to the rhetoric of this poorly drafted amendment. I urge a vote of no.

Let me just say this: For all of those Members who forever talk about how families should raise their children, let me just tell them something. I have a grandson who is a whiz, loves the computer, knows it backwards and forwards. I said to my daughter, do not block anything. You tell your son, my grandchild, what he is to do and what he is not to do, and you discipline him if, in fact, he violates the rules of your house.

For those people who want the government to take over the rearing of their children by dictating, by censuring, where is their ability to raise their children? Where is their will to discipline? Where is their desire to have some faith in their ability to instruct, to rear, and provide the kind of parenting that we all need to see in America, rather than thinking somebody else is going to do it for us?

My grandson will not be censured, and guess what? He is going to do what his mama tells him and what his grandmother tells him, and that is what is going to be the order of the day in their house.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. FRANKS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 42 printed in part A of House Report 106–186.

AMENDMENT NO. 42 OFFERED BY MR. MCINTOSH

Mr. McINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 42 offered by Mr. McINTOSH:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE ___—TEACHER LIABILITY PROTECTION

SEC. ___01. SHORT TITLE.

This title may be cited as the "Teacher Liability Protection Act of 1999".

SEC. ___02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is

deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

SEC. 05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

SEC. 07. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. MCINTOSH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

Mr. McINTOSH. Mr. Chairman, I yield myself 3 minutes.

I rise today in strong support of this important school safety amendment, and I am pleased to be joined in by my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) in this effort.

Mr. Chairman, it is apparent from the debate over the last 2 days that many different lessons are being drawn from the recent school shooting tragedies that have staggered our Nation. However, I think there is one lesson that is clear to each and every one of us in this body. America's teachers must be freed up to use and to keep discipline in the classroom.

□ 1830

It is about time that Congress plays its part in protecting our teachers. I have traveled across Indiana and talked to teachers from all parts of that State. They tell me over and over again, they do their job but they do it in fear. They fear physical harm in the classroom from unruly students who may be violent, and educators equally fear lawsuits being brought against them by overzealous trial lawyers, lawsuits filed because a teacher breaks up a fight or because a teacher hugs a child who has fallen on the playground.

In Texas we have a report of a lawsuit of that type. What happened here was a student was throwing fruit in the classroom and being extremely disruptive. The teacher went over to this young student and repeatedly asked him to stop. That is inappropriate behavior. The student began yelling obscenities, including the F word at the teacher, and continued his behavior.

So the teacher took the student, took him out of the room, took him down to the principal's office for appropriate discipline. Later the student and his family sued that teacher, saying that they had acted inappropriately. This case fortunately was dismissed, but it sent a pall throughout the classrooms in America when teachers can be subject to that type of lawsuit.

Frankly, it is just plain wrong to put our teachers in this predicament. We need to take lawsuits out of the classroom. Teachers should not fear losing their jobs, their livelihood, and their life savings as a result of those types of frivolous lawsuits.

That is why I have joined today with my colleagues to introduce this amendment, which takes an important first step toward protecting our teachers from unfair lawsuits. This amendment provides limited immunity from civil liability for teachers who are attempting to maintain order, control, or discipline in the classroom or in the school. It allows principals and administrators to take charge and provide leadership. It allows them to do so without fear of being subject to a lawsuit because some lawyer sees an opportunity to make a fast buck.

In fact, I want to share with the Members a letter from Bobby Fields, who is a teacher and assistant principal from LaPel High School, in my district. Mr. Fields wrote to me telling me of this real problem. I will quote from his letter:

"In recent years the threat of lawsuits have really hampered my ability to enforce adequate discipline in the classroom." We have no discipline in the classroom, and when that happens, there is no learning going on. Perhaps the most important benefit of this amendment is that teachers will be able to teach, not only the subject of the class, but a more general lesson, that there are limits, certain behavior is unacceptable, and that there are consequences when children do something that is wrong.

These more subtle yet very profound lessons will do more to ensure that our young people grow up with the values they need to be responsible. Frankly, I think it will help to ensure that we do not see a future Columbine or Springfield, Oregon, or Paducah, Kentucky.

Let me state emphatically what this amendment does not do. It does not provide protection if the professionals act inappropriately, act illegally, use drugs or are on alcohol. Second, it does not override State laws that provide for greater relief or immunity.

I would also like to remind my colleagues that the Senate passed a nearly identical amendment by voice vote when they addressed this view. So I ask my colleagues today to join me to free teachers from the threat of unnecessary lawsuits. Our teachers need and deserve our help. We can think of many of them who have influenced our lives. Let us give something back to them. Let us give them the freedom to teach again.

I urge my colleagues to vote for this amendment, and am pleased to be here with my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) as cosponsors.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is the gentleman from Virginia (Mr. SCOTT) opposed to the amendment?

Mr. SCOTT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for the time in opposition.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment provides that a teacher acting within the scope of his or her employment, acting within conformity with local, State, and Federal laws, rules, and regulations would have immunity. But it seems to me, Mr. Chairman, that they would not need immunity because they would not be liable in that situation.

To the extent that that provision gives comfort and aid to teachers, it would be appropriate. Unfortunately, Mr. Chairman, it does not just provide immunity, it changes the laws on joint and several liability, and provides new standards for punitive damages which are well established in State law.

We ought not be trying to change State law. States have the capability of doing their own laws in liability cases, and we should not be changing them. The joint and several liability and punitive damage issues have been before us on other bills. It just seems to me that this is a matter for States to decide. They have been doing this for hundreds of years, and they can continue.

For that reason, I think the bill is either unnecessary or goes into areas it should not be going into.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I would like to make the gentleman aware of section B, that gives the States an opt out provision for the entire bill. If they want to pass a different law, they can. So what we are doing really by this amendment is filling in the blanks when the States have not acted to provide that type of relief.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, the States also have the option of passing whatever law they want. They should not have to act because we tell them to act, they ought to be able to act and do what they want to do.

Mr. Chairman, I reserve the balance of my time.

Mr. McINTOSH. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Tennessee (Mr. BRYANT), who is also a cosponsor of this amendment.

Mr. BRYANT. Mr. Chairman, I thank my colleague, the gentleman from Indiana, for yielding time to me. I thank my other colleague, the gentleman from Texas (Mr. BRADY) for joining in this amendment.

Mr. Chairman, as I sat here and listened to the debate about what is going on, I hope those that are viewing this debate from the audience can understand that we are about constructing a bill that would be effective in combatting what we see and read about every day in the newspaper and hear about on the radio and television, this culture of violence that we have come into in this country, particularly among our youth.

We are trying to do this as a reaction to an action that we believe has carried this country too far one way. We are reacting bit by bit, piece by piece today, in trying to build a very solid constitutional measure that will give parents and society, schoolteachers, administrators, some ability to react.

We are doing this in a way that we have done because we are listening to the people out there. We are going into the schools and talking to the principals and teachers. That is why we had an amendment just a couple of amendments ago that said we do not want guns in schools, no matter who brings those guns to school. We just had an amendment before this where we said, we do not want all sorts of trash and terrible information coming through the Internet into the schools that we would not let into our own homes.

I was certainly persuaded by the argument of one of my colleagues on the other side from California about how she is a good grandparent and how her daughter is a good parent. It sounds like that is a great situation. I admire that. It is not her grandchild, it is not necessarily my children or anyone else's children here or children of good parents that we worry about, it is those children out there who do not have these positive influences around them, and that yet are subject to these negative influences through the Internet or through whatever source of influence they are subject to.

In the instance of this amendment, it is children who come to school and misbehave in a terrible way, that create an environment in our classroom where nobody can learn; that the teacher feels unsafe, and that the fellow students feel unsafe. When some action is taken, the next thing we know, the people in charge are drug into court to defend themselves over that.

All this bill simply does is establish some parameters, some limited liability for teachers, to give them some confidence, some security that they need to properly enforce the discipline and keep the order in the classroom which, in the end, everybody wins. So it is for that reason and on that basis and with that logic that I submit that this is good legislation, an amendment that I urge my colleagues to support.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I rise reluctantly in opposition to this amendment offered by my good friend, the gentleman from Indiana (Mr. MCINTOSH).

I have one question I would like to ask the gentleman: Where in the Constitution does the Federal government have the authority to interfere, to govern, to establish rules of civil liability in areas involving local school districts, especially in light of the gentleman's philosophy, which is the same as mine, that the Federal government should stay as far away from local education as possible?

Mr. MCINTOSH. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for yielding. I will give the gentleman a short answer. Essentially I think it comes as an ancillary of our spending programs in the area of education, which this body has decided repeatedly to continue and to amplify. It is not possible for that spending to be wisely spent if we do not have order in the classroom.

As I mentioned, we have been very mindful of the Federalism concern. We have allowed States to opt out if they disagree. We have not preempted when the States had additional protections for the teachers.

Mr. MANZULLO. Reclaiming my time, Mr. Chairman, the fact that the Federal government gives about 6 percent of the total school budget allows the Federal government the authority under the Constitution to establish State rules of tort liability?

The gentleman has not answered my question because there is no answer to it. What we have here is the Federal government, and I think this is a very dangerous piece of legislation, though it is well-intended. If I were a member of the State legislature, I would vote for it. But what this is saying is that Congress knows best; that Congress is here with a great idea on tort liability.

The problem here is every State, including my State of Illinois, has a tort immunity act involving teachers, people working. Every State in this Nation has its own body of laws dealing with State and local governments. What we are doing here is attempting to have a one-size-fits-all plan, though it looks good on its face, imposed upon the States. That sets a very dangerous trend. It is the same trend that we set for voluntary organizations.

I was one of five members, I believe, of this House that voted against that law that imposed a Federal standard on voluntary organizations. This is a usurping of the power of the States to concern and to regulate their own tort laws. I would suggest to my good friend, the gentleman from Indiana, that this is not a conservative measure, this is not an anti-Federalist measure, which goes along with our conservative opinions, but this goes way beyond what our Constitution envisions is the proper role for the Federal government with regard to local State claims.

Mr. MCINTOSH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I appreciate the comments of the gentleman from Illinois (Mr. MANZULLO). We disagree. I think we have the constitutional power to enact this as a Federal standard, particularly with the safeguards for allowing the States to choose to do otherwise as they see fit.

But I appreciate the gentleman's dedication to that Federalism principle, and reluctantly reach a different conclusion from him. I wanted to say, although we disagree on this, I do appreciate the concern. We have thought a great deal about it.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), my colleague and the other cosponsor of this bill.

Mr. BRADY of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it happens every school day, every afternoon. A mom waits at home, watches nervously for the school bus. Another mom at work keeps looking at the phone, awaiting a phone call. One is hoping her child returns home safely that day. The other breathes a silent sigh of relief when the phone rings and a small voice utters three very magic words, "I'm home, mom."

Schools are becoming more and more dangerous. Teachers tell me they do not feel safe in their schools. Too many tell me that they are afraid to discipline unruly students, and for good reason: They may face an expensive and a career-ending frivolous lawsuit by overzealous lawyers.

Worse yet, they stand a good chance of being humiliated again when they are not backed up in their decision for discipline in their school. They are not backed up by principals in school districts who try their best but are intimidated with constant threats of expensive and very unfair litigation.

It is time to take the lawyers out of our classrooms. It is time to shield responsible educators from frivolous lawsuits so our children have a safe school we can learn in. Responsible teachers should not be afraid of violent bullies with intimidating attorneys.

I will tell the Members what, when we maintain order in the classroom, the first call a teacher makes should not be to her attorney, it ought to be the parents that of that unruly student. School boards should not have to choose between doing what is right for their kids or risking their local tax dollars to fight an empty, frivolous lawsuit where even if they win, the children lose.

□ 1845

This measure shields educators when they do the right thing to maintain order. Some States have recognized the role discipline plays. They have passed some laws, but most have not. We need to shield, and what this does is it ensures that each State can adopt this law, opt out or choose whatever version they feel safe with, but we are going to shield our educators.

So who opposes restoring order and discipline to our schools? The same people who believe that when a burglar breaks into someone's home, slips and falls, he ought to be able to sue; the same person who says a Good Samaritan who races to the aid of a stranger and things do not turn out perfectly, he ought to have a right to take everything they possess.

It is those who place the rights of the destructive student who does not want to learn over the rights of the good kids who do want to learn. The teacher liability protection amendment by the gentleman from Indiana (Mr. MCINTOSH) and the gentleman from Tennessee (Mr. BRYANT) offers a clear choice: good kids, responsible teachers and safe schools versus violent bullies and their reckless attorneys.

I choose the children.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, the solution that is being proposed here in this amendment is far-reaching. I do not think any parent in America would like to give immunity to all of the school personnel and send their kids off to school with personnel that may or may not go beyond their duties in disciplining.

Now, if there is a student that is acting out in the ways that have been described, no teacher should have the responsibility of disciplining a violent student. That teacher should be able to call the appropriate persons and have that student removed. Do not put the teacher in the position of limiting liability, or eliminating liability, so that they are responsible for handling or taking care of a violent student. They should not have to do that under any circumstances.

So as my colleagues reach into the States to dictate to the States and to the school districts how they should handle violent students, they really are doing violence to the Constitution of the United States of America, and that should not be done.

As a matter of fact, it is safer for the students and the families to have the liability responsibilities, and it is safer for the teachers not to have to confront it. I would ask that my colleagues vote no on this amendment.

In closing, let me just say, if anyone knows of a teacher who was acting within their framework for doing their job and they have been sued and they have to pay out of their own pockets, tell them to see me. I am not a lawyer and I will get their money back for them.

Mr. McINTOSH. Mr. Chairman, may I inquire how much time is remaining in the debate?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana (Mr. MCINTOSH) has 4½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 8½ minutes remaining.

Mr. McINTOSH. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in full support of the McIntosh amendment. The value and overwhelming good that will amount from this amendment certainly justifies its approval here now.

I have met with teachers in my Congressional district in Florida and have listened carefully to what problems they have in their classrooms. In fact, my mother was a teacher, so I am very aware of how important this amendment is for teachers and other educational professionals.

They must be empowered to assume full leadership in the classroom, without the anxiety of facing frivolous lawsuits.

The McIntosh amendment protects our teachers from just that: excessive and frivolous lawsuits. There is absolutely no reason why our public school teachers should walk into their classrooms day after day and fear lawsuits, all because they are exercising their right, in fact their duty, to maintain order and discipline in their classrooms.

The idea that teachers in my district are even restrained from exercising authority over students, better yet unruly and disruptive students, is an outrage. Our teachers should be empowered to maintain control of the classroom, without fearing the backlash of liability lawsuits.

This amendment will help protect the majority of students and it will enhance the learning environment. The McIntosh amendment is carefully crafted to protect our teachers from lawsuits when they are taking steps to maintain order in the classroom. It creates a standard for education professionals by giving them limited immunity from civil liability.

Now we are not talking about protecting teachers when they are part of a criminal activity or violations of State or Federal civil rights laws. I am talking about when a teacher is unable to take necessary disciplinary action against an unruly student just because they are nervous or fearful about a potential lawsuit from parents or overzealous attorneys.

Mr. Chairman, we need to pass this amendment, and I want to conclude by pointing out that this amendment does not preempt State laws when those State laws provide the teachers with greater liability protections than the language in this amendment. It sets a minimum standard, and I believe this is an appropriate action for us. I encourage its approval.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would like to ask the gentleman from Indiana (Mr. MCINTOSH) what percentage of teachers have been sued under the conditions that he has described in the last 5 years?

Mr. McINTOSH. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Indiana.

Mr. McINTOSH. There have not been a large percentage of teachers who have been sued, but what we have seen——

Ms. WATERS. Reclaiming my time.

Mr. McINTOSH. Well, the gentlewoman only let me answer half of the question.

Ms. WATERS. Reclaiming my time, the gentleman said he does not know, and there has not been a large percentage. I am sorry, that is precisely what I needed to know.

Secondly, what teachers does the gentleman know that have been sued that have not had their defense paid for by the school district or the State in which the suit took place?

Mr. McINTOSH. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Indiana.

Mr. McINTOSH. By the way, there has been a 200 percent increase in lawsuits involving teachers in the last decade, which is to me phenomenal.

Ms. WATERS. Does that mean that there are 4 instead of 2?

Mr. McINTOSH. Those teachers who are sued are the ones that ultimately risk having to defend themselves because the State is not required in every circumstance to defend them. Plus, there are memos going out to teachers that say do not touch the children; do not hug them if they fall down on the playground because they might get sued and the school might have to take taxpayer money to defend them.

Ms. WATERS. Reclaiming my time, the gentleman has just admitted that, number one, they do not have any data. They do not have any information that shows that there is a rash or increase in lawsuits. There is not that information available; he is absolutely correct. It is minuscule. That is number one.

Number two, the gentleman is not able to represent that anybody that may have been sued, and the few that may have taken place, have not been protected by their school districts or their States. They do not know of anybody who are out-of-pocket because they have been sued, they have been ruined because they have been sued.

This is a fallacious argument. It is one that does not deserve the attention of this floor. I would ask my colleagues to disregard it and vote no.

Mr. McINTOSH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), who I understand will give a real-life circumstance in which these lawsuits are wreaking devastating havoc upon the school system in his State.

Mr. CUNNINGHAM. Mr. Chairman, I would appeal to my good friend, the gentleman from Virginia (Mr. SCOTT), who has always been fair, and say that in San Diego our new superintendent is Alan Bersin. He was a Clinton appointee, prior on the border. I have met with him many times and his number one problem is the IDEA program. The lawyers are suing the teachers, and most of this was happening before Secretary Riley, who is a good friend, put out the guidelines for IDEA.

It is not just that they are getting sued. We are losing good teachers. All they had to do is help special education children, but yet because of the cottage organizations and the lawsuits and them having to go before the courts, we are losing good teachers.

This is an area where my friend and I and the committee should work together to protect those teachers, because they are going through tremendous harassment. It is a difficult environment in the first place and when they are subjected to those kinds of ridicule and abuse by lawyers in the field, I would give the gentleman Alan Bersin's phone number and let him talk to the gentleman.

Mr. McINTOSH. Mr. Chairman, am I correct that I have 1 remaining minute?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. McINTOSH. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, let me close on our side and say simply, I would ask my colleagues to think about in their own lives, the 2 or 3 people, other than their family members, who have influenced them the most. I will bet in almost every case they will think of a teacher.

Now, think about that teacher who is subject to a chilling effect of being threatened with a lawsuit and had to hold back and could not motivate them, could not challenge them to do the best in school, could not have inspired them to go on and be successful and be men and women who represent the United States in this body of Congress. That is what we have to put an end to, that chilling effect that these lawsuits are causing, that does not allow the teachers to inspire our children to be the next generation of leaders, of Congressmen and Congresswomen.

I urge all of my colleagues to vote yes on this amendment so we may free up the teachers to be a great influence in the next generation of Americans.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the problem with this amendment is we have not had any hearings. This has profound educational implications; no hearings in the Committee on Education and the Workforce. Profound litigation implications; no hearings in the Committee on the Judiciary. So it sounds good. It might be a good idea; it might not. We do not know because we have not had any hearings. We do not have any concrete evidence of the experience across the country with hundreds of thousands of teachers.

How many have been sued? What were the conditions? Who had to pay? We do not know.

We have constitutional implications, and whether or not we have the authority to impose this situation on the States, we have not had an opportunity to consider that. There are significant and profound changes in the law in terms of punitive damages, and the burden of proof, joint and several liability. The preponderance of the evidence, the burden of proof that is needed. We have not had the opportunity to propose amendments to clarify which might be good ideas and which may not. We do not know.

Mr. Chairman, with all the unanswered questions, I think we would be ill-advised to adopt this amendment. We should vote no and have hearings, and if it is a good idea it will survive the normal legislative process.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. McINTOSH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. McINTOSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. McINTOSH) will be postponed.

It is now in order to consider amendment 43 printed in part A of House Report 106–186.

AMENDMENT NO. 43 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 43 offered by Mr. SCHAFFER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered -through grants by Office of Juvenile Justice and Delinquency Prevention.

(2) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(3) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(4) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(5) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(6) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(16) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public, not later than October 1, 2003.

SEC. 4. CONTINGENT WIND-DOWN AND REPEAL OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

If funds are not authorized before October 1, 2004, to be appropriated to carry out title

II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611–5676) for fiscal year 2005, then—

(1) effective October 1, 2004—

(A) sections 205, 206, and 299, and

(B) parts B, C, D, E, F, G, H, and I,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed, and

(2) effective October 1, 2005—

(A) the 1st section, and

(B) titles I and II,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Colorado (Mr. SCHAFFER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am truly moved by Members here who have participated in the debate over the last couple of days on youth violence and juvenile crime prevention. I am persuaded by the arguments by all individuals who have come to the floor that we all care deeply about youth violence and wish to sincerely see a resolution to the crisis that confronts the country, and warrants our attention.

□ 1900

We focused a lot on all of the amendments, amendments of all sorts. But I am here to remind the Members that there is an underlying bill that compels us to come here on the floor in the first place, and that is a reauthorization process in which we are scheduled to consider in ordinary fashion the continuation of existing programs that are already on the book.

The purpose of my amendment, Mr. Chairman, is to ask Members to consider the $4.5 billion that is spent on various juvenile justice programs and youth crime prevention programs presently under current law and ask the question, the most fundamental question, I believe, in all of this debate, is the money we are already spending being spent in a way that yields real results?

Just a month or so ago, the Justice Department appeared before one of the education subcommittees and offered in the course of their testimony this report, this report published by the Center for the Study and Prevention of Violence. The report, when I took a look at it, has some pretty scathing comments that suggests that the amendment I offer here today is something we ought to adopt.

I am quoting from the report, "To date, most of the resources committed to the prevention and control of youth violence, at both the national and local levels, has been invested in untested programs based on questionable assumptions and delivered with little consistency or quality control. Further, the vast majority of these programs are not being evaluated. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there will be no real accountability for the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons."

The amendment I offer, Mr. Chairman, is one that proposes a comprehensive review by the Government Accounting Office, asking several specific questions about the performance of the programs we adopt today by amendment and those we renew by reauthorization in the underlying bills.

Finally, it sets up a mechanism whereby this Congress must act affirmatively in its next reauthorization process in order for these programs to be continued; and that decision would, of course, be made based on the results of the report that is rendered and submitted to Congress.

That, Mr. Chairman, is the amendment, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman from Virginia (Mr. SCOTT) claim the time in opposition to the amendment?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from Colorado (Mr. SCHAFFER) for offering studies. We do not have enough studies. We end up doing a lot of things that we ought not do because we do not know what we are talking about. We think things on the fly, like we have been taking a lot of these amendments. So more study, we cannot be hurt by more studies.

The problem with this amendment, however, Mr. Chairman, is the sunset provision, because not only would it sunset some funding, it would sunset some protection for juveniles if we are late in reauthorizing the bill 4 years from now. We are always late in reauthorizing it.

Therefore, Mr. Chairman, we ought not have the sunset provision in there. For that reason, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sunset provision is an essential part. I am persuaded by the abundance of compassion and concern for youth violence exhibited on the floor here today that, in 2004, when it is time for Congress to reauthorize these programs again under the mechanism and vision in this amendment, that those programs which truly result in beneficial outcomes for our Nation's youth will, in fact, be reauthorized and renewed.

So I am banking on the success of the programs proposed and believe this Congress will act responsibly at that point in time.

To fail to enact that portion of the amendment would simply allow the current mechanism that allows these programs to run on and on and on without any accountability or without any real challenge as to the efficiency of the dollars spent. Four and a half billion is a lot of money. I think we ought to make sure that these dollars actually work.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate the amendment that the gentleman from Colorado (Mr. SCHAFFER) is offering. I would hope that it would not be necessary, and maybe he can withdraw it.

I say it for this reason. The study that he cites from the Center on the Prevention of Violence, and I think it is actually in Denver, Colorado, has gone through a number of these programs that we have authorized and appropriated money for over the last several years.

I think the study draws the right conclusions. We are spending a lot of money on a lot of programs that have not been properly tested, that politically are quite popular.

The DARE program, every politician, every police department loves it, it just does not happen to do much good. In fact, I think the Center for the Study of Violence found that it was probably, in many cases, at the lower grades counterproductive. Either it kind of made icons out of some drug dealers, or the kids could not assimilate the information.

Because of the Center study, DARE is now being reformulated and, apparently with some success, being offered in the middle school as opposed to with very young children.

I do not think we need the GAO. I think what we need is, when the appropriations bill comes to this floor later this year, we ought to ask whether or not there is any proof of efficacy of some of the programs.

Now, a lot of our colleagues are going to get upset about that, but we should forget the GAO, do not pay for the GAO, take that study the gentleman from Colorado has in his hand, and what he will find out is, when he is talking about youth violence and he is really talking about the problems of serious delinquency and chronic delinquency, there is probably about four or five programs in the Nation that are really doing this in a comprehensive fashion.

Most of them are things that politicians do not want to hear about. They are dealing with very young children in a very comprehensive fashion who have very serious problems. But in some cases, it is 7, 8, 10 percent of the kids who are 61 percent of the crimes; in other words, 20 percent of the kids are 70 percent of the crimes.

So we are able to identify many of these kids, but when we do, it requires the kind of help that most politicians do not want to deliver. They would rather cut a ribbon. They would rather have a grant. They would rather lean on our appropriators to fund these programs.

But as the Center properly points out, in most cases, these are not terribly effective programs. For this kind of money, the taxpayers ought to get a bigger bang for the buck.

I would hope that the gentleman from Colorado (Mr. SCHAFFER) would withdraw his amendment, but I think he raises a very important point. I am concerned about the sunset, because the unintended consequences of Congress, as the gentleman knows, can be rather dramatic.

I think that we ought to make sure, and I know that the gentleman knows we did this with some of the education programs, we want nationally tested, effective programs, and that is what we ought to be funding and not every pilot program that walks through the door that politically sounds great because it involves the police department or involves somebody else, but has no effect in terms of the outcomes of violence.

So I would oppose the amendment if the gentleman continues, but I would hope that, instead of spending money on a GAO study, we take the work of the National Center and put it up against the appropriations process and then ask our colleagues, is this what they really want to spend money on? I think they would have trouble answering, in light of that study and other studies that the Center has sponsored, answering in the affirmative if they really want to deal with the problems of youth violence.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me read one more passage from the report that we have been talking about today. "When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even make matters worse."

That is the underlying motivation for this amendment. It gives the Congress in the year 2000 substantial leverage to do a better job of evaluating these programs and making sure that the $2.4 billion spread across 117 different programs and 15 different agencies actually help children.

This is, in my opinion, the most important and the best thing we can do in this whole entire debate, to make sure the money we are spending actually works.

Mr. Chairman, I include for the RECORD the summary of the Center for the Study and Prevention of Violence, as follows:

EDITOR'S INTRODUCTION

INTRODUCTION

The demand for effective violence and crime prevention programs has never been greater. As our communities struggle to deal with the violence epidemic of the 1990s in which we have seen the juvenile homicide rate double and arrests for serious violent crimes increase 50 percent between 1984 and 1994,[1] the search for some effective ways to prevent this carnage and self-destructiveness has become a top national priority. To date, most of the resources committed to the prevention and control of youth violence, at both the national and local levels, has been invested in untested programs based on questionable assumptions and delivered with little consistency or quality control. Further, the vast majority of these programs are not being evaluated. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there will be no real accountability for the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons.

There are several reasons for this situation. First, there is little political or even program support for evaluation. Federal and state violence prevention initiatives rarely allocate additional evaluation dollars for the programs they fund. Given that the investment in such programs is relatively low, it is argued that every dollar available should go to the delivery of program services, i.e., to helping youth avoid involvement in violent or criminal behavior. Further, the cost of conducting a careful outcome evaluation is prohibitive for most individual programs, exceeding their entire annual budget in many cases. Finally, many program developers believe they know intuitively that their programs work, and thus they do not think a rigorous evaluation is required to demonstrate this.

Unfortunately, this view and policy is very shortsighted. When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even make matters worse.[2] Indeed, many programs fail to even address the underlying causes of violence, involve simplistic "silver bullet" assumptions (e.g., I once had a counselor tell me there wasn't a single delinquent youth he couldn't "turn around" with an hour of individual counseling), and allocate investments of time and resources that are far too small to counter the years of exposure to negative influences of the family, neighborhood, peer group, and the media. Violent behavior is a complex behavior pattern which involves both individual dispositions and social contexts in which violence is normative and rewarded. Most violence prevention programs focus only on the individual dispositions and fail to address the reinforcements for violence in the social contexts where youth live, with the result that positive changes in the individual's behavior achieved in the treatment setting are quickly lost when the youth returns home to his or her family, neighborhood, and old friends.

Progress in our ability to effectively prevent and control violence requires evaluation. A responsible accounting to the taxpayers, private foundations, or businesses funding these programs requires that we justify these expenditures with tangible results. No respectable business or corporation would invest millions of dollars in an enterprise without checking to see if it is profitable. Our failure to provide this type of evidence has seriously undermined the public confidence in prevention efforts generally, and is at least partly responsible for the current public support for building more prisons and incapacitating youth—the public knows they are receiving some protection for this expenditure, even if it is temporary.

The prospects for effective prevention programs and a national prevention initiative have improved greatly during the past decade. We now have a substantial body of research on the causes and correlates of crime and violence. There is general consensus within the research community about the specific individual dispositions, contextual (family, school, neighborhood, and peer group) conditions, and interaction dynamics which lead to involvement in violent behavior. These characteristics, which have been linked to the onset, continuity, and termination of violence, are commonly referred to as "risk" and "protective" factors for violence. Risk factors are those personal attributes and contextual conditions which increase the likelihood of violence. Protective factors are those which reduce the likelihood of violence, either directly or by virtue of buffering the individual from the negative effects of risk factors.[3] Programs which can alter these conditions, reducing or eliminating risk factors and facilitating protective factors, offer the most promise as violence prevention programs.

While our evaluation of these programs is quite limited, we have succeeded in demonstrating that some of these programs are effective in deterring crime and violence. This breakthrough in prevention programming has yet to be reflected in national or state funding decisions, and is admittedly but a beginning point for developing the comprehensive set of prevention programs necessary for developing a national prevention initiative.

Each of these proven programs is described in this series of Blueprints for Violence Prevention. To date, we have identified ten such programs. These Blueprints (which will be described later in this Editor's Introduction) are designed to be practical documents which will allow interested persons, agencies, and communities to make an informed judgment about a program's appropriateness for their local situation, needs, and available resources.

BACKGROUND

The violence epidemic of the 1990s produced a dramatic shift in the public's perception of the seriousness of violence. In 1982,

---

Footnotes at end of article.

only three percent of adults identified crime and violence as the most important problem facing this country; by August of 1994, more than half thought crime and violence was the nation's most important problem. Throughout the '90s violence has been indicated as a more serious problem than the high cost of living, unemployment, poverty and homelessness, and health care. Again, in 1994, violence (together with a lack of discipline) was identified as the "biggest problem" facing the nation's public schools.[4] Among America's high school seniors, violence is the problem these young people worry about most frequently—more than drug abuse, economic problems, poverty, race relations, or nuclear war.[5]

The critical question is, "How will we as a society deal with this violence problem?" Government policies at all levels reflect a punitive, legalistic approach, an approach which does have broad public support. At both the national and state levels, there have been four major policy and program initiatives introduced as violence prevention or control strategies in the 1990s: (1) the use of judicial waivers, transferring violent juvenile offenders as young as age ten into the adult justice system for trial, sentencing, and adult prison terms; (2) legislating new gun control policies (e.g., the Brady Handgun Violence Prevention Act, 1993); (3) the creation of "boot camps" or shock incarceration programs for young offenders, in order to instill discipline and respect for authority; and (4) community policing initiatives to create police-community partnerships aimed at more efficient community problem solving in dealing with crime, violence, and drug abuse.

Two of these initiatives are purely reactive: they involve ways of responding to violent acts after they occur; two are more preventive in nature, attempting to prevent the initial occurrence of violent behavior. The primary justification for judicial waivers and boot camps is a "just desserts" philosophy, wherein youthful offenders need to be punished more severely for serious violent offenses. But there is no research evidence to suggest either strategy has any increased deterrent effect over processing these juveniles in the juvenile justice system or in traditional correctional settings. In fact, although the evidence is limited, it suggests the use of waivers and adult prisons results in longer processing time and longer pretrial detention, racial bias in the decision about which youth to transfer into the adult system, a lower probability of treatment or remediation while in custody, and an increased risk of repeated offending when released.[6] The research evidence on the effectiveness of community policing and gun control legislation is very limited and inconclusive. We have yet to determine if these strategies are effective in preventing violent behavior.

There are some genuine prevention efforts sponsored by federal and state governments, by private foundations, and by private businesses. At the federal level, the major initiative involves the Safe and Drug-Free Schools and Communities Act (1994). This act provided $630 million in federal grants during 1995 to the states to implement violence (and drug) prevention programs in and around schools. State Departments of Education and local school districts are currently developing guidelines and searching for violence prevention programs demonstrated to be effective. But there is no readily available compendium of effective programs described in sufficient detail to allow for an informed judgment about their relevance and cost for a specific local application. Under pressure to do something, schools have implemented whatever programs were readily available. As a result, most of the violence prevention programs currently being employed in the schools, e.g., conflict resolution, peer mediation, individual counseling, metal detectors, and locker searchers and sweeps have either not been evaluated or the evaluations have failed to establish any significant, sustained deterrent effects.[7]

Nationally, we are investing far more resources in building and maintaining prisons than in primary prevention programs.[8] We have put more emphasis on reacting to violent offenders after the fact and investing in prisons to remove them from our communities, than on preventing our children from becoming violent offenders in the first place and retaining them in our communities as responsible, productive citizens. Of course, if we have no effective prevention strategies or programs, there is no choice.

This is the central issue facing the nation in 1997: Can we prevent the onset of serious violent behavior? If we cannot, then we have no choice but to build, fill, and maintain more prisons. Yet if we know how to prevent the onset of violence, can we mount an efficient and effective prevention initiative? There is, in fact, considerable public support for violence prevention programming for our children and adolescents.[9] How can we develop, promote, and sustain a violence prevention initiative in this country?

VIOLENCE PREVENTION PROGRAMS—WHAT WORKS?

Fortunately, we are past the "nothing has been demonstrated to work" era of program evaluation.[10] During the past five years more than a dozen scholarly reviews of delinquency, drug, and violence prevention programs have been published, all of which identify programs they claim have been successful in deterring crime and violence.[11]

However, a careful review of these reports suggests some caution and a danger of overstating the claim that research has demonstrated the effectiveness of many different violence or delinquency prevention programs. First, very few of these recommended programs involve reductions in violent behavior as the outcome criteria. For the most part, reductions in delinquent behavior or drug use in general or arrests/revocations for any offense have been used as the outcome criteria. This is probably not a serious threat to the claim that we have identified effective violence prevention programs, as research has established that delinquent acts, violence, and substance use are interrelated and involvement in any one is associated with involvement in the others. Further, they have a common set of causes, and serious forms of violence typically occur later in the developmental progression, suggesting that a program that is effective in reducing earlier forms of delinquency or drug use should be effective in deterring serious violent offending.[12] Still, some caution is required, given that very few studies have actually demonstrated a deterrent or marginal deterrent effect for serious violent behavior.

Second, the methodological standards vary greatly across these reviews. A few actually score each program evaluation reviewed on its methodological rigor,[13] but for most the standards are variable and seldom made explicit. If the judgment on effectiveness were restricted to individual program evaluations employing true experimental designs and demonstrating statistically significant deterrent (or marginal deterrent) effects, the number of recommended programs would be cut by two-thirds or more. An experimental (or good quasi-experimental) design and statistically significant results should be minimum criteria for recommending program effectiveness. Further, very few of the programs recommended have been replicated at multiple sites or demonstrated that their deterrent effect has been sustained for some period of time after leaving the program, two additional criteria that are important. In a word, the standard for the claims of program effectiveness in these reviews is very low. Building a national violence prevention initiative on this collective set of recommended programs would be very risky indeed.

BLUEPRINTS FOR VIOLENCE PREVENTION

In 1996, the Center for the Study and Prevention of Violence at the University of Colorado at Boulder, working with William Woodward, Director of the Colorado Division of Criminal Justice (CDCJ), who played the primary role in securing funding from the Colorado Division of Criminal Justice, the Centers of Disease Control and Prevention, and the Pennsylvania Council on Crime and Delinquency, initiated a project to identify ten violence prevention programs that met a very high scientific standard of program effectiveness—programs that could provide an initial nucleus for a national violence prevention initiative. Our objective was to identify truly outstanding programs, and to describe these interventions in a series of "Blueprints." Each Blueprint describes the theoretical rationale for the intervention, the core components of the program as implemented, the evaluation designs and findings, and the practical experiences the program staff encountered while implementing the program at multiple sites. The Blueprints are designed to be very practical descriptions of effective programs which allow states, communities, and individual agencies to: (1) determine the appropriateness of each intervention for their state, community, or agency; (2) provide a realistic cost estimate for each intervention; (3) provide an assessment of the organizational capacity required to ensure its successful start-up and operation over time; and (4) give some indication of the potential barriers and obstacles that might be encountered when attempting to implement each type of intervention. In 1997, additional funding was obtained from the Division of Criminal Justice, allowing for the development of the ten Blueprint programs.

BLUEPRINT PROGRAM SELECTION CRITERIA

In consultation with a distinguished Advisory Board,[14] we established the following set of evaluation standards for the selection of Blueprint programs: (1) an experimental design, (2) evidence of a statistically significant deterrent (or marginal deterrent) effect, (3) replication at multiple sites with demonstrated effects, and (4) evidence that the deterrent effect was sustained for at least one year post-treatment. This set of selection criteria establishes a very high standard; one that proved difficult to meet. But it reflects the level of confidence necessary if we are going to recommend that communities replicate these programs with reasonable assurances that they will prevent violence. Given the high standards set for program selection, the burden for communities mounting an expensive outcome evaluation to demonstrate their effectiveness is removed; this claim can be made as long as the program is implemented well. Demonstrating in a process evaluation that a program is implemented well is relatively inexpensive, but critical to the claim that a program known to be effective is having some deterrent effect.

Each of the four evaluation standards is described in more detail as follows:

1. Strong Research Design

Experimental designs with random assignment provide the greatest level of confidence in evaluation findings, and this is the type of design required to fully meet this Blueprint standard. Two other design elements are also considered essential for the judgment that the evaluation employed a strong research design: low rates of participant attrition and adequate measurement. Attrition may be indicative of problems in program implementation; it can compromise the integrity of the randomization process and the claim of experimental-control group equivalence. Measurement issues include the reliability and validity of study measures, including the outcome measure, and the quality, consistency, and timing of their administration to program participants.

2. Evidence of Significant Deterrence Effects

This is an obvious minimal criterion for claiming program effectiveness. As noted, relatively few programs have demonstrated effectiveness in reducing the onset, prevalence, or individual offend-ing rates of violent behavior. We have accepted evidence of deterrent effects for delinquency (including childhood aggression and conduct disorder), drug use, and/or violence as evidence of program effectiveness. We also accepted program evaluations using arrests as the outcome measure. Evidence for a deterrent effect on violent behavior is certainly preferable, and programs demonstrating this effect were given preference in selection, all other criteria being equal.

Both primary and secondary prevention effects, i.e., reductions in the onset of violence, delinquency, or drug use compared to control groups and pre-post reductions in these offending rates, could meet this criterion. Demonstrated changes in the targeted risk and protective factors, in the absence of any evidence of changes in delinquency, drug use, or violence, was not considered adequate to meet this criterion.

3. Sustained Effects

Many programs have demonstrated initial success in deterring delinquency, drug use, and violence during the course of treatment or over the period during which the intervention was being delivered and reinforcements controlled. This selection criterion requires that these short-term effects be sustained beyond treatment or participation in the designed intervention. For example, if a preschool program designed to offset the effects of poverty on school performance (which in turn effects school bonding, present and future opportunities, and later peer group choice/selection, which in turn predicts delinquency) demonstrates its effectiveness when children start school, but these effects are quickly lost during the first two to three years of school, there is little reason to expect this program will prevent the onset of violence during the junior or senior high school years when the risk of onset is at its peak. Unfortunately, there is clear evidence that the deterrent effects of most prevention programs deteriorate quickly once youth leave the program and return to their original neighborhoods, families, and peer groups (e.g., gangs).

4. Multiple Site Replication

Replication is an important element in establishing program effectiveness. It establishes the robustness of the program and its prevention effects; it exportability to new sites. This criterion is particularly relevant for selecting Blueprint programs for a national prevention initiative where it is no longer possible for a single program designer to maintain personal control over the implementation of his or her program. Adequate procedures for monitoring the quality of implementation must be in place, and this can be established only through actual experience with replications.

Other Criteria

In the selection of model programs, we considered several additional factors. We looked for evidence that change in the targeted risk or protective factor(s) mediated the change in violent behavior. This evidence clearly strengthens the claim that participation in the program was responsible for the change in violent behavior, and it contributes to our theoretical understanding of the casual processes involved. We were surprised to discover that many programs reporting significant deterrent effects (main effects) had not collected the necessary data to do this analysis or, if they had the necessary data, had not reported on this analysis.

We also looked for cost data for each program as this is a critical element in any decision to replicate one of these Blueprint programs, and we wanted to include this information in each Blueprint. Evaluation reports, particularly those found in the professional journals, rarely report program costs. Even when asked to provide this information, many programs are unable (or unwilling) to provide the data. In many cases program costs are difficult to separate from research and evaluation costs. Further, when these data are available, they typically involve conditions or circumstances unique to a particular site and are difficult to generalize. There are no standardized cost criteria and it is very difficult to compare costs across programs. It is even more difficult to obtain reliable cost-benefit estimates. A few programs did report both program costs and cost-benefit estimates.

Finally, we considered each program's willingness to work with the Center in developing a Blue-print for national dissemination and the program's organizational capacity to provide technical assistance and monitoring of program implementation on the scale that would be required if the program was selected as a Blueprint program and became part of a national violence prevention initiative.

Programs must be willing to work with the Center in the development of the Blueprint. This involves a rigorous review of program evaluations with questions about details not covered in the available publications; the preparation of a draft Blueprint document following a standardized outline; attending a conference with program staff, staff from replication sites, and Center staff to review the draft document; and making revisions to the document as requested by Center staff. Each Blueprint is further reviewed at a second conference in which potential users—community development groups, prevention program staffs, agency heads, legislators, and private foundations—"field test" the document. They read each Blueprint document carefully and report on any difficulties in understanding what the program requires, and on what additional information they would like to have if they were making a decision to replicate the program. Based on this second conference, final revisions are made to the Blueprint document and it is sent back to the Program designer for final approval.

In addition, the Center will be offering technical assistance to sites interested in replicating a Blueprint program and will be monitoring the quality of program implementation at these sites (see the "Technical Assistance and Monitoring of Blueprint Replications" section below). This requires that each selected program work with the Center in screening potential replication sites, certifying persons qualified to deliver technical assistance for their program, delivering high quality technical assistance, and cooperating with the Center's monitoring and evaluation of the technical assistance delivered and the quality of implementation achieved at each replication site. Some programs are already organized and equipped to do this, with formal written guidelines for implementation, training manuals, instruments for monitoring implementation quality, and a staff trained to provide technical assistance; others have few or none of these resources or capabilities. Participation in the Blueprint project clearly involves a substantial demand on the programs. To date, all ten programs selected have agreed to participate as a Blueprint program.

BLUEPRINT PROGRAMS: AN OVERVIEW

We began our search for Blueprint programs by examining the set of programs recommended in scholarly reviews. We have since expanded our search to a much broader set of programs and continue to look for programs that meet the selection standards set forth previously. To date, we have reviewed more than 400 delinquency, drug, and violence prevention programs. As noted, ten programs have been selected thus far, based upon a review and recommendation of the Advisory Board. These programs are identified in Table A.

The standard we have set for program selection is very high. Not all of the ten programs selected meet all of the four individual standards, but as a group they come the closest to meeting these standards

TABLE A.—BLUEPRINT PROGRAMS

PROJECT	TARGET POPULATION	EVID. OF EFFECT	MULTISITE	COST/BENEFIT	SUSTAINED EFFECT	GENERALIZABLE	TYPE OF PROGRAM
Nurse Home Visitation (Dr. David Olds).	Pregnant women at risk of preterm delivery and low birth weight infant.	X	Current replication in Denver and Memphis.	X	Through age 15	X	Prenatal and postpartum nurse home visitation.

TABLE A.—BLUEPRINT PROGRAMS—Continued

PROJECT	TARGET POPULATION	EVID. OF EFFECT	MULTISITE	COST/BENEFIT	SUSTAINED EFFECT	GENERALIZABLE	TYPE OF PROGRAM
Bullying Prevention Program (Dr. Dan Olueus).	Primary and secondary school children (universal intervention).	X	England and Canada; South Carolina.	....	2 years post-treatment.	Generality to US unknown; initial S.C. results positive.	School anti-bullying program to reduce victim/bully problems.
Promoting Alternative Thinking Strategies (Dr. Mark Greenberg).	Primary school children (universal intervention).	X	X	....	2 years post-treatment.	X	School-based program designed to promote emotional competence.
Big Brothers Big Sisters of America (Ms. Dagmar McGill).	Youth 6 to 18 years of age from single parent homes.	X	Multisite Single Design, 8 sites.	....	....	X	Mentoring program.
Quanturn Opportunities (Mr. Ben Latimore).	At-risk, disadvantaged, high school students.	X	Multisite Single Design, 5 sites; current replication by Dept. of Labor.	X	Age 20	....	Educational incentives.
Multisystemic Therapy (Dr. Scott Henggeler).	Serious, violent, or substance abusing juvenile offenders and their families.	X	X	X	4 years post-treatment.	X	Family ecological systems approach.
Functional Family Therapy (Dr. Jim Alexander).	At-risk, disadvantaged, adjudicated youth.	X	X	X	30 months post-treatment.	Status and hardcore delinquents.	Behavioral systems family therapy.
Midwestern Prevention Project (Dr. Mary Ann Pentz).	Middle/junior school (6th/7th grade).	X	X	....	Through high school.	X	Drug use prevention (social resistance skills training) w/sequential components that involve parents, media, and community.
Life Skills Training (Dr. Gilbert Botvin).	Middle/junior school (6th/7th grade).	X	X	....	Through high school.	X	Drug use prevention (social skills and general life skills training).
Treatment Foster Care (Dr. Patrica Chamberlain).	Adjudicated serious and chronic delinquents.	X	X	Some info. Avail.	1 year post-treatment.	....	Temporary foster care with treatment.

that we could find. As indicated in Table A, with one exception they have all demonstrated significant deterrent effects with experimental designs using random assignment to experimental and control groups (the Bullying Prevention Program involved a quasi-experimental design). All involve multiple sites and thus have information on replications and implementation quality, but not all replication sites have been evaluated as independent sites (e.g., the Big Brothers Big Sisters mentoring program was implemented at eight sites, but the evaluation was a single evaluation involving all eight sites in a single aggregated analysis). Again, with one exception (Big Brothers Big Sisters), all the selected programs have demonstrated sustained effects for at least one year post-treatment.

It is anticipated that the first two Blueprints will be published and disseminated in the fall of 1997: the Big Brothers Big Sisters Program and the Midwestern Prevention Project. The other Blueprints will be published during 1998—two in the winter, two in the spring, two in the summer, and the final two in the fall.

TECHNICAL ASSISTANCE AND MONITORING OF BLUEPRINT REPLICATIONS[15]

The Blueprint project includes plans for a technical assistance and monitoring component to assist interested communities, agencies and organizations in their efforts to implement one or more of the Blueprint programs. Communities should not attempt to replicate a Blueprint without technical assistance from the program designers. If funded, technical assistance for replication will be available through the Center for the Study and Prevention of Violence at a very modest cost. Technical assistance can also be obtained directly from the Blueprint programs with costs for consulting fees, travel, and manuals negotiated directly with each program.

There are three common problems encountered by communities when attempting to develop and implement violence prevention interventions. First, there is a need to identify the specific risk and protective factors to be addressed by the intervention and the most appropriate points of intervention to address these conditions. In some instances, communities have already completed a risk assessment and know their communities' major risk factors and in which context to best initiate an intervention. In other cases this has not been done and the community may require some assistance in completing this task. We anticipate working with communities and agencies to help them evaluate their needs and resources in order to select an appropriate Blueprint program to implement. This may involve some initial on-site work assisting the community in completing some type of risk assessment as a preparatory step to selecting a specific Blueprint program for implementation.

Second, assuming the community has identified the risk and protective factors they want to address a critical problem is in locating prevention interventions which are appropriate to address these risk factors and making an informed decision about which one(s) to implement. Communities often become lost in the maze of programs claiming they are effective in changing identified risk factors and deterring violence. More often, they are faced with particular groups pushing their own programs or an individual on their advisory board recommending a pet project, without no factual information or evidence available to provide some rational comparison of available options. Communities often need assistance in making an informed selection of programs to implement.

Third, there are increasingly strong pressures from funders, whether the U.S. Congress, state legislatures, federal or state agencies, or private foundations and businesses, for accountability. The current trend is toward requiring all programs to be monitored and evaluated. This places a tremendous burden on most programs which do not have the financial resources or expertise to conduct a meaningful evaluation. A rigorous outcome evaluation typically would cost more than the annual operating budget of most prevention programs: the cumulative evaluations of our Blueprint programs, for example, average more than a million dollar each. The selection of a Blueprint program eliminates the need for an outcome evaluation, at least for an initial four or five years.[16] Because these programs have already been rigorously evaluated, the critical issue for a Blueprint program is the quality of the implementation; if the program is implemented well, we can assume it is effective. To ensure a quality implementation, technical assistance and monitoring of the implementation (a process evaluation) are essential.

LIMITATIONS

Blueprint program are presented as complete programs as it is the program that has been evaluated and demonstrated to work. Ideally, we would like to be able to present specific intervention components, e.g., academic tutoring, mentoring of at-risk youth, conflict resolution training, work experience, parent effectiveness training, etc., as proven intervention strategies based upon evaluations of many different programs using these components. We do not yet have the research evidence to support a claim that specific components are effective for specific populations under some specific set of conditions. Most of the Blueprint program (and prevention programs generally) involve multiple components, and their evaluations do not establish the independent effects of each separate component, but only the combination of comparison as a single "package." It is the "package" which has been demonstrated to work for specific populations under given conditions. The claim that one is using an intervention that has been demonstrated to work applies only if the entire Blueprint program, as designed, implemented, and evaluated, it being replicated; this claim is not warranted if only some specific subcomponent is being implemented or if a similar intervention strategy is being used, but with different staff training, or different populations of at-risk youth, or some different combination of components. It is for this reason that we recommend that communities desiring to replicate one of the Blueprint programs contact this program or the Center for the Study and Prevention of Violence for technical assistance.

Our knowledge about these programs and the specific conditions under which they are effective will certainly change over time. Already there are extensions and modifications to these programs which are being implemented and carefully evaluated. Over the next three to five years it may be necessary to revise our Blueprint of a selected program. Those modifications currently underway typically involve new at-risk populations, changes in the delivery systems, changes in staff selection criteria and training, and in the quantity or intensity of the intervention delivered. Many of these changes are designed to reduce costs and increase the inclusiveness and generality of the program. It is possible that additional evaluation may undermine the claim that a particular Blueprint program is effective, however it is far more likely they will improve our understanding of the range of conditions and circumstances under which these programs are effective. In any event, we will continue to monitor the evaluation of these programs and make necessary revisions to their Blueprints. Most of these evaluations are funded at the federal level and they will provide ongoing evidence of the effectiveness of Blueprint programs, supporting (or not) the continued use of these programs without the need for local outcome evaluations.

The cost-benefit data presented in the Blueprints are those estimated by the respective programs. We have not undertaken an independent validation of these estimates and are not certifying their accuracy. Because they involve different comparison groups, different cost assumptions, and considerable local variation in costs for specific services, it is difficult to compare this aspect of one Blueprint program with another. Potential users should evaluate these claims carefully. We believe these cost-benefit estimates are useful, but they are not the most important consideration in selecting a violence prevention program or intervention.

It is important to note that the size of the deterrent effects of these Blueprint programs is modest. There are no "silver bullets," no programs that prevent the onset of violence for all youth participating in the intervention. Good prevention programs reduce the rates of violence by 20–25 percent.[17] We have included a section in each Blueprint presenting the evaluation results so that potential users can have some idea of how strong the program effect is likely to be and can prepare their communities for a realistic set of expectations. It is important that we not oversell violence prevention programs; it is also the case that programs with a 20 percent reduction in violence can have a fairly dramatic effect if sustained over a long period of time.

Finally, we are not recommending that communities invest all of their available resources in Blueprint programs. We need to develop and evaluate new programs to expand our knowledge of what works and to build an extensive repertoire of programs that work if we are ever to mount a comprehensive prevention initiative in this country. At the same time, given the costs of evaluating programs, it makes sense for communities to build their portfolio of programs around interventions that have been demonstrated to work, and to limit their investment in new programs to those they can evaluate carefully. Our Blueprint series is designed to help communities adopt this strategy.

SUMMARY

As we approach the 21st Century, the nation is at a critical crossroad: Will we continue to react to youth violence after the fact, becoming increasingly punitive and locking more and more of our children in adult prisons? Or will we bring a more healthy balance to our justice system by designing and implementing an effective violence prevention initiative as a part of our overall approach to the violence problem? We do have a choice.

To mount an effective national violence prevention initiative in this country, we need to find and/or create effective violence prevention programs and implement them with integrity so that significant reductions in violent offending can be realized. We have identified a core set of programs that meet very high scientific standards for being effective prevention programs. These programs could constitute a core set of programs in a national violence prevention initiative. What remains is to ensure that communities know about these programs and, should they desire to replicate them, have assistance in implementing them as designed. That is our objective in presenting this series of Blueprints for Violence Prevention. They constitute a complete package of both programs and technical assistance made available to states, communities, schools, and local agencies attempting to address the problems of violence, crime, and substance abuse in their communities.

DELBERT S. ELLIOTT,
Series Editor.

ENDNOTES

1. Cook and Laub, 1997; Fox, 1996; and Snyder and Sickmund, 1995 for an analysis of trends in juvenile arrests for violent crimes.

2. Lipsey, 1992, 1997; Sherman et al., 1997; and Tolan and Guerra, 1994.

3. The technical definition of a protective factor is an attribute or condition that buffers one from the expected effect of one or more risk factors, but many use the term more generally to refer to anything that reduces the likelihood of violence, whether that effect is direct or indirect.

4. Maguire and Pastore, 1996.

5. Johnson et al., 1996.

6. Fagan, 1996; Frazier, Bishop and Lanza-Kaduce, 1997; Lipsey, 1997; MacKenzie et al., 1992; Podkopaz and Feld, 1996; and Shaw and McKenzie, 1992.

7. Gottfredson, 1997; Lipsey, 1992. Sherman et al., 1997; Tolan and Guerra, 1994; and Webster, 1993.

8. Gottfredson, 1997.

9. Gallop, 1994.

10. Lipton, Martinson, and Wilks, 1975; Martinson, 1974; Sechrest et al., 1979; and Wright and Dixon, 1977.

11. Davis and Tolan, 1993; Dusenbury and Falco, 1995; Farrington, 1994; Greenwood et al., 1996; Hawkins, Catalano and Miller, 1992; Howell, 1995; Howell et al., 1995; Krisberg and Onek, 1994; Lipsey and Wilson, 1997; Loeber and Farrington, 1997; McGuire, 1995; National Research Council, 1993; Office of Juvenile Justice and Delinquency Prevention, 1995; Powell and Hawkins, 1996; Sherman et al., 1997; and Tolan and Guerra, 1994.

12. Elliott, 1993, 1994; Jessor and Jessor, 1977; Kandel et al., 1986; Osgood et al., 1988, and White et al., 1985.

13. Gottfredson, 1997; Lipsey, 1992; Osgood et al., 1988; and Sherman et al., 1997.

14. Advisory Board members included: Denise Gottfredson, University of Maryland; Mark Lipsey, Vanderbilt University; Hope Hill, Howard University; Peter Greenwood, the Rand Corporation; and Patrick Tolan, University of Illinois.

15. The Center has submitted a proposal to the Office of Juvenile, Justice and Delinquency Prevention to fund this component of the Blueprint project.

16. At some point it will be necessary to reassess each Blueprint program to ensure that it continues to demonstrate deterrent effects and to test its generalizabity to other populations.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SCHAFFER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 40 offered by the gentleman from Kentucky (Mr. FLETCHER);

Amendment No. 42 offered by the gentleman from Indiana (Mr. McINTOSH); and

Amendment No. 43 offered by the gentleman from Colorado (Mr. SCHAFFER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 40 OFFERED BY MR. FLETCHER

The CHAIRMAN pro tempore. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 422, noes 1, not voting 11, as follows:

[Roll No. 228]

AYES—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO).
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Capuano

NOT VOTING—11

Barcia
Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Northup
Radanovich
Salmon
Shays
Thomas

□ 1933

Messrs. CONYERS, STARK, KLINK and Ms. HOOLEY of Oregon changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. McINTOSH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. McINTOSH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 126, not voting 8, as follows:

[Roll No. 229]

AYES—300

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello

Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Dickey
Dicks
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—126

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Berkley
Berman
Biggert
Blagojevich
Bonior
Bono
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doolittle
Ehrlich
Eshoo
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Gejdenson
Gilman
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kleczka
Kucinich
LaFalce
LaHood
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sanders
Scarborough
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Vento
Vitter
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—8

Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Salmon
Shays
Thomas

□ 1942

Mr. HOEFFEL and Mr. SCARBOROUGH changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SCHAFFER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 60, not voting 10, as follows:

[Roll No. 230]

AYES—364

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)

Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—60

Ackerman
Allen
Becerra
Berman
Boehlert
Castle
Clay
Conyers
Coyne
Cummings
Davis (IL)
Deutsch
Dingell
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilman
Gonzalez
Greenwood
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lowey
Maloney (CT)
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Olver
Owens
Pallone
Payne
Pelosi
Porter
Roybal-Allard
Rush
Sanchez
Scott
Stabenow
Stark
Towns
Waters
Watt (NC)
Waxman
Weiner
Wexler

NOT VOTING—10

Brown (CA)
Carson
Houghton
Johnson, Sam
Lucas (OK)
Menendez
Minge
Salmon
Shays
Thomas

□ 1952

The CHAIRMAN (during the voting). The Chair is aware that one of the display panels is not functioning properly. The tally clerk advises the Chair that those Members are being recorded. However, of course, any Member can check that their vote is recorded by checking with their card in another machine.

Messrs. HASTINGS of Florida, DEUTSCH, TOWNS, Ms. ROYBAL-ALLARD and Mr. ALLEN changed their vote from "aye" to "no."

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia and Ms. DANNER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 44 printed in the RECORD. The Chair's understanding is that the gentleman from Michigan (Mr. CONYERS) does not choose to offer amendment No. 44.

Mr. CONYERS. Mr. Chairman, it is our decision not to offer the substitute amendment in order to complete business in a more expeditious manner. I am going to offer a motion to recommit instead.

I ask unanimous consent that the motion to recommit be permitted to allow 10 minutes on each side in lieu of the substitute.

The CHAIRMAN. The gentleman's request will have to be made in the House.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of Congresswoman EMERSON's amendment that simply states our entertainment industry does not act responsibly towards our children. I support this amendment because it is true. By the time a child has reached their majority, they have seen 200,000 acts of violence on television and 16,000 of these acts are murders. It appears the industry believes that sex and violence sells, and they abandoned all restraint. Even, in light of current events, the entertainment industry refuses to accept they might have some responsibility towards the communities they serve in America.

As a society we recognize that children are susceptible to their environment and that they learn from what they are exposed to. This is true in Hollywood and on Chicago's West Side. Children learn what they see as they grow up. Now we have video games where the sole purpose is to murder and kill other people. We have movies that depict only violence. We have music that vividly describes crime and murder. Our children are being exposed to this from an early age. I believe the entertainment industry has been derelict in its duty to provide more enriching entertainment. I believe we, as Members of Congress, must raise this issue with the entertainment industry and challenge them to do better! Today I rise to challenge the entertainment industry to produce a better product, a better movie, a better record. A product that enables us, as parents, to navigate the difficult task of raising our children more effectively. I am not laying the blame for our nation's problems at the feet of the entertainment industry, but I challenge them to do better.

Mr. SHOWS. Mr. Chairman, Congress debated throughout the night a bill that further punishes those who commit crimes against our young. Congress also passed amendments that would stiffen criminal penalties against juveniles that commit violent crimes. The House also passed amendments that would grant assistance to states to combat youth violence and close the revolving doors at our penitentiaries. Today, the House will debate gun control legislation.

I stand here today to call for more mental health professionals in our schools. It has been said that an ounce of prevention is worth a pound of cure. Those kids in Littleton, Springfield, Jonesboro, and Pearl were not members of street gangs and, to my knowledge, they did not have violent criminal records. They were emotionally disturbed kids suffering from depression and alienation.

Rather than passing more gun laws, we must focus on getting more mental health professionals into our schools. Background checks at gun shows won't prevent a kid from thinking he has nothing to lose from shooting himself or his classmates. But mental healthcare professionals in the schools can.

Imagine if more schools had a mental health care professional for every metal detector. Mr. Chairman, we need to focus on our children before they commit crimes. We need mental health professionals to catch them before they fall into the hands of the criminal justice system.

Mr. CHAMBLISS. Mr. Chairman, I am gravely concerned about today's youth and the challenges they face growing up in contemporary society. If we do not restore values, morals, and principles to our schools and communities for our children, our great nation will continue to sink further into the cultural state of emergency we are mired in today. We should vote to empower parents so that they may in turn protect their children, our future leaders.

I recognize that many children face terrific difficulties as they grow up—deteriorating schools, broken homes, and crumbling neighborhoods. A culture of gratuitous violence, sexual irresponsibility, and illegal drug abuse. erodes the fundamental values that keep our families and our country strong.

In the wake of several tragedies involving school violence, it is appropriate that we focus on addressing youth violence and the problems which face our kids.

First let me say that we should not undermine our Bill of Rights, the cornerstone of our freedom which spells out the underlying principles of our nation. More laws that target and restrict the freedoms of law-abiding citizens are not the answer to addressing cultural problems that face our nation.

We must strengthen and enforce our current laws, we must effectively prosecute, and we must punish criminals who violate the law. But we must also restore sensible community values to our schools and communities. A common set of shared values is the fabric that has held American society together for over two centuries. Unfortunately, this fabric is fraying at the edges before our very eyes. I believe public figures should show strong leadership by setting good examples. I believe that through restoring prayer and religious values to the classroom, teaching character based education, and shielding our children from pornography and violent and sexually explicit material, our children and families can flourish in safer more secure communities.

Additionally, I am encouraged that many existing youth organizations and recreation clubs are right now promoting leadership, teamwork, and confidence in our younger generations. Groups like the Boys and Girls Clubs, Pop Warner Football, the National Council of Youth Sports, the Georgia Parks and Recreation Association, and the Sporting Goods Manufacturers Association are working hard to make a positive difference in our children's lives.

There are many steps that we can take to reach out to our children to guide them in the right direction. I believe that the actions Congress will take today to hold criminals accountable for their own behavior, to improve the enforcement of our current laws, to bolster support for programs that combat juvenile crime, and to prohibit the sale of explicitly violent or sexual material to children will go a long way in addressing some of the difficult issues which confront children in today's world.

Ms. KILPATRICK. Mr. Chairman, I rise in vehement and stringent opposition to H.R. 1501, the Republican Juvenile Justice Act. This bill will not solve the perplexing problem of juveniles and crime; it is an absurd waste of taxpayers' dollars and the precious time of this august body. It is a shame that while the Senate was able to forge a bipartisan juvenile justice bill, the House has been unable to do so. This is a bipartisan problem that needs, deserves and requires a bipartisan solution.

My initial objection to H.R. 1501 is that it was not considered in the House Judiciary

Committee. No hearings were held, no testimony was received and there is no CONGRESSIONAL RECORD on this bill. As an elected Members in the great State of Michigan and the U.S. House of Representatives for almost a quarter century, I respect the due process that the State Constitution of Michigan and the Constitution of the United States establishes for the legislative process. We have all taken an oath to protect and defend our Constitution, and I abhor the lack of due process that this important issue deserves.

I also oppose this bill because this bill is a waste of taxpayers dollars. The Wall Street Journal (March 21, 1996) points out that high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, mandatory minimum sentences, and other tactics that simply do not work without adequate prevention programs. As a matter of fact, only six percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue. This bill is just posturing for political points, not an effective means for public safety. The acknowledged experts in this field—the police chiefs of our nation—believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers. This bill spares not one thin dime for before- or after-school prevention programs—programs that have been proven to work.

Let me illustrate a program that does work. Renaissance High School, a public school in Detroit, Michigan, will send all of its graduates—183 students—to college. According to an article in the June 17, 1999 edition of the Detroit News, Renaissance High School's principal, Irma Hamilton, says that "Renaissance's success is dependent upon three different levels: students, parents and staff. It takes those three areas working together to provide a network of support for our students." It is only by working together that Renaissance High School achieved a 100 percent college acceptance rate. I challenge any of my colleagues to the superb work that is epitomized by Renaissance High School. Not only that, Renaissance High School's teamwork is an example that is sorely lacking in the debate on the juvenile justice bill.

My colleagues, we do have a chance to make this right. It is in the amendment, offered as a motion to recommit, by my fellow Detroit colleague, Congressman JOHN CONYERS, Jr. This amendment is a balanced, fair and comprehensive package that addresses both prevention and punishment. This bill provides grants to ensure increased accountability for juvenile offenders; provides funding for prevention programs; places 20,000 crisis prevention counselors in our nation's schools; ensures that there are more police officers on the beat; prevents juvenile delinquents from being jailed with adults; and requires states to address the issue of minority confinement. While minority children are one-third of the youth population, they are two-thirds of the children in long-term detention facilities. Studies indicate that minorities not only receive tougher sentences, but are more likely to be put in jail than non-minority youth for the same offenses. This is patently unfair and, I would add, criminal.

As a member of the House Appropriations Committee, I am one of the guardians of the purse of America. I abhor the wanton waste of the people's money, and my fellow appropriators and I have to make tough decisions with the few funds we have available. We need to put our scarce resources into programs and projects that work. The taxpayers of America demand that we do so. The Democratic alternative to H.R. 1501 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention and prevention. Anything less is an injustice to our youth, their parents, and all taxpaying citizens.

Mr. TOWNS. Mr. Chairman, as we consider prevention measures during this debate, we must acknowledge that our schools face a serious problem in their ability to provide prevention services.

Let me make it clear from the onset that I support bringing young people who commit crimes to justice; they must recognize the consequences of their actions. Yet, at the same time, we cannot be content with only punishment, we must endeavor to take all the necessary steps to prevent youth at-risk from entering the juvenile justice system. If we fail to do so, the current situation of gun-toting youths will only get worse. Our correctional facilities, which are already operating at full capacity, will not be able to handle housing scores of more juveniles. And once they are released, they will be no better off than when they entered. Therefore, prevention is a preferable path to follow.

That is why I am supporting the school antiviolence provision contained in the Democratic substitute, which would significantly bolster prevention efforts by mandating that some of our appropriations are directed towards mental health services for our young people.

Counseling is one of several resources that could prove valuable if only we used it, rather than neglect it. What I mean by this statement is that for counselors to be effective, we have to ensure that they are working in a proper environment.

A counselor's duties may vary by jurisdiction, but in general one would have some of the following responsibilities: conflict resolution, career guidance, administrative duties, and school activities coordinator.

It is rather reckless on our part to expect that counselors can be really effective in counseling and guiding students when they are saddled with an absurdly high student-to-counselor ratio and are also tagged with doing administrative chores.

Here are some statistics that indicate how thinly stretched our school counselors are. The recommended student-to-counselor ratio, as indicated by the American Counseling Association and other professional groups, is 250 to 1. The average national caseload is a little over 500 students per counselor, with some of the more extreme cases being in California, with a ratio of nearly 1,000 to 1, and Minnesota, at 925 to 1.

Counselors also should not have to juggle scheduling and other administrative work in tandem with their counseling duties because this detracts from their primary duties. They are a necessary part of our prevention strategy, and there is no way that they can accomplish their goals when they are doing everything but counseling.

It seems that the only time there are calls for more counselors is after tragedies, such as the one at Columbine High School. Yet there is no reason that we respond with counselors only after a tragic event occurs. They should be there in the first place, and this bill provides the funds to do so.

Counselors can benefit us by helping us to identify those children who are potentially at risk, and by doing so, would aid us in devising a solution to intervene and potentially get to the root of the youth's problems. Yet there is no way that this can work if one has to monitor 1,000 students. Students will fall through the cracks since the resources which were designed to help them were not available when they were needed. The investment that we make now will pay off in the future with reductions in chronic problem behaviors and potentially improved results in the areas of attendance, test scores, and conflict management.

It is vital that we act now. The school population is projected to increase over the next few years, and if we are to have any chance of reducing the student to counselor ratio so that qualified mental health professionals can be of use to our students, we should pass this substitute. Prevention is the key, and improving mental health services is a big step towards strengthening our prevention efforts.

Mr. UNDERWOOD. Mr. Chairman, I rise today to tell the American people that the Conyers-Scott amendment in the nature of a substitute is the true bipartisan approach to address the problems of violence and crime that face our children. The school shootings in Oregon, Colorado and most recently in Georgia and the daily violence that our children are subject to while playing and living in our communities is evidence that society has placed our country under fire and the victims are our kids.

I agree that commonsense approaches need to be considered in helping to strengthen our juvenile justice system and I am disappointed in the manner form which H.R. 1501 reached the floor of the House.

However, the Conyers-Scott proposal is what we should be supporting because it's what the American people want. It incorporates the bipartisan agreements reached in the Senate addressing media violence, reauthorizes the "Cops on the Beat" program and authorizes the "School Anti-Violence Empowerment Act." Most importantly, it includes the bipartisan agreements on the juvenile justice bill and the reauthorization of the Office of Juvenile Justice and Delinquency Prevention programs.

In our attempt to enhance our justice programs, however, I need to point out that there are discrepancies as to how U.S. Territories are considered in the administration of this juvenile justice program and express hope that we can resolve these discrepancies if this legislation goes to conference.

Though Guam and the other territories are defined as "States" in H.R. 1501 and the Conyers-Scott amendment, there is a discrepancy in the equal distribution of these funds. For no apparent reason Guam shares its state share with American Samoa and the Commonwealth of the Northern Mariana Islands. The U.S. Virgin Islands, the District of Columbia, and Puerto Rico all receive full state shares.

There is no rational justification for three U.S. territories in the Pacific to split while other territories be treated as states. I believe such a decision was arbitrary and unfair. There was never any consultation with my office or any other Territorial office to my knowledge.

Mr. Chair, the children in the Territories are also subject to the influences of the mass media and school violence and we must be fair in our treatment that programs meant to help saving childrens lives are distributed equally to them as well. I am hopeful that considerations can be made in the conference of juvenile justice legislation to clarify and correct the full funding allocation to all the territories.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Conyers/Scott/Waters Democratic substitute to H.R. 1501 and in opposition of the Republican sponsored juvenile justice bill which has let down children and American families by putting the interest of opponents of jug safety legislation above the safety and well-being of all children.

I want to draw your attention, Mr. Chairman and my colleagues, to the importance of time. In the time that I have been allotted to make this statement another child would have been shot or killed and another child would have been incarcerated in an adult facility which will do them more harm than good. As we sit here in this plush secure environment, it is easy to lose sight of how many children's lies could be saved through the enactment of sound gun control measures.

Mr. Chairman, we should enact the Democratic substitute which includes: the bipartisan House Judiciary Committee juvenile justice bill; the bipartisan House Education and Workforce Committee bill to reauthorize the Office of Juvenile Justice and Delinquency Prevention Programs; two Senate-passed media violence provisions; the extension of the "Cops on the Beat" program with an emphasis on cooperative school-police partnerships to place safety officers in school; and a School Anti-violence Empowerment (SAVE) initiative that provides funding for crisis prevention counselors and crisis prevention programs in schools.

Any effective juvenile legislation must include measures that are in the best interest of our children. Extremely important in this regard, is the protection of our children from abuse in adult facilities. We must assure that the health and welfare of our children are not being jeopardized in an adult prison. Although serious crimes are being committed by young adults, emphasis must be placed on prevention and corrective measures and not solely on adult conviction of very young offenders. Where we must put juveniles in adult prisons, they should be placed out of sight and sound of adult inmates. Prevention is the only key element in the proactive approach to teen violence. All other legislation approaches should complement prevention methods, just as the juvenile delinquency prevention block grant has aided in the reduction of juvenile crime.

Mr. Chairman, I was very disappointed that the amendment of my colleague, the gentleman from Wisconsin, Mr. OBEY, which would have authorized an initiative to attempt to prevent tragic incidents of school violence by improving mental health and education services to troubled children and youth who are at risk of committing violent acts was not made in order by the Rules Committee. The Obey amendment would have authorized the National Academy of Sciences to conduct a study to identify barriers that prevent school-aged children and youth in need of mental health or substance abuse treatment services from receiving appropriate counseling and treatment services financed through Medicaid, the State Children's Health Insurance Program, and other public health and mental programs.

It is a shame that this body is willing to send a 13- or 14-year-old to an adult prison but isn't willing to authorize a program which could have prevented the kid from committing the crime in the first place.

I urge my colleagues to support the Democratic substitute to H.R. 1501 and reject the destructive Republican juvenile bill which would no nothing other than prosecute children as adults, house juveniles with adult felons where they are more likely to be abused by adult prisoners, and impose numerous mandatory sentencing measures—which have been shown to exacerbate long-term crime problems.

Mr. DAVIS of Illinois. Mr. Chairman, in Chicago during 1996, 789 homicides were committed, 597 with firearms, in 1997, 759 homicides, 570 with firearms. Firearms were overwhelmingly the weapon of choice for murderers. Almost half of the known offenders in 1997 were under 21 years of age and about a third were between 21 and 30. The percentage of murders in which firearms were used was 75 percent in 1997, approximately the same percent as in the previous four years. More than 85 percent of firearm murders were handgun murders in both 1996 and 1997. In almost two out of every three 1997 murders in which the relationship could be determined, the offender and the victim knew each other.

In many cases, just imagine, no gun, no murder, no gun, no murder.

Let's make guns harder for murderers to get. Support the McCarthy amendment.

There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, pursuant to House Resolution 209, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. COBURN. Mr. Speaker, I demand a separate vote on the so-called Emerson amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Add at the end the following:

SEC. ___. SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video "killing" games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 68, not voting 11, as follows:

[Roll No. 231]

YEAS—355

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen

Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—68

Baldwin
Becerra
Berkley
Berman
Blumenauer
Bono
Capuano
Cardin
Clay
Clyburn
Conyers
Cummings
Delahunt
Dingell
Dixon
Dooley
Eshoo
Farr
Fattah
Filner
Foley
Frank (MA)
Frost
Gephardt
Hastings (FL)
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Klink
Kucinich
Lee
Lewis (CA)
Lewis (GA)
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Napolitano
Olver
Ose
Owens
Paul
Payne
Pelosi
Rangel
Rogan
Roybal-Allard
Rush
Schakowsky
Scott
Serrano
Sherman
Stupak
Thompson (CA)
Thompson (MS)
Towns
Waters
Watt (NC)
Waxman
Wynn

NOT VOTING—11

Brown (CA)
Carson
Chenoweth
Cox
Houghton
Hutchinson
Minge
Salmon
Shays
Spence
Thomas

□ 2013

Mr. SERRANO changed his vote from "yea" to "nay."

Mr. GOODLATTE and Ms. STABENOW changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, I am.

The CHAIRMAN. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 1501 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—GRANTS TO ENSURE INCREASED ACCOUNTABILITY FOR JUVENILE OFFENDERS

SEC. 101. SHORT TITLE.

This title may be cited as the "Consequences for Juvenile Offenders Act of 1999".

SEC. 102. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

"(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

"(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

"(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

"(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

"(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

"(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

"(9) establishing and maintaining a system of juvenile records designed to promote public safety;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

"(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

"(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders; and

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety.

“SEC. 1802. GRANT ELIGIBILITY.

“(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

“(b) LOCAL ELIGIBILITY.—

“(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

“(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

“(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

“(1) sanctions are imposed on juvenile offenders for each delinquent offense;

“(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

“(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

“(4) appropriate consideration is given to public safety and victims of crime.

“(d) DISCRETIONARY USE OF SANCTIONS.—

“(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

“(A) its system of graduated sanctions is discretionary; and

“(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

“(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

“(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

“(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

“(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in 1 or more specific cases, to submit an annual report that explains why such court did not impose graduated sanctions in each such case.

“(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

“(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘discretionary’ means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

“(2) The term ‘sanctions’ means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

“(a) STATE ALLOCATION.—

“(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

“(A) 0.25 percent for each State; and

“(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

“(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

“(3) INCREASE FOR STATE RESERVE.—

“(A) IN GENERAL.—Subject to subparagraph (B), if a State demonstrates and certifies to the Attorney General that the State's law enforcement expenditures in the fiscal year preceding the date in which an application is submitted under this part is more than 25 percent of the aggregate amount of law enforcement expenditures by the State and its eligible units of local government, the percentage referred to in paragraph (1)(A) shall equal the percentage determined by dividing the State's law enforcement expenditures by such aggregate.

“(B) LAW ENFORCEMENT EXPENDITURES OVER 50 PERCENT.—If the law enforcement expenditures of a State exceed 50 percent of the aggregate amount described in subparagraph (A), the Attorney General shall consult with as many units of local government in such State as practicable regarding the State's proposed uses of funds.

“(b) LOCAL DISTRIBUTION.—

“(1) IN GENERAL.—Except as provided in subsection (a)(3), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

“(A) the sum of—

“(i) the product of—

“(I) three-quarters; multiplied by

“(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

“(ii) the product of—

“(I) one-quarter; multiplied by

“(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

“(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

“(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

“(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

“(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditures for a unit of local government is insufficient or inaccurate, the State shall—

“(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

“(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditures for the relevant years for the unit of local government.

“(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

“(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

“(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

“(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

“SEC. 1804. REGULATIONS.

“(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

“(b) ADVISORY BOARD.—The regulations referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

"(1) the State or local police department;

"(2) the local sheriff's department;

"(3) the State or local prosecutor's office;

"(4) the State or local juvenile court;

"(5) the State or local probation officer;

"(6) the State or local educational agency;

"(7) a State or local social service agency; and

"(8) a nonprofit, religious, or community group.

"SEC. 1805. PAYMENT REQUIREMENTS.

"(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

"(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, or a unit of local government shall repay to the State by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

"(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

"(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be used to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part;

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State or specially qualified unit;

"(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

"For purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 2000;

"(2) $500,000,000 for fiscal year 2001; and

"(3) $500,000,000 for fiscal year 2002.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 2000 through 2002 shall be available to the Attorney General for evaluation and research regarding the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"Sec. 1801. Program authorized.
"Sec. 1802. Grant eligibility.
"Sec. 1803. Allocation and distribution of funds.
"Sec. 1804. Regulations.
"Sec. 1805. Payment requirements.
"Sec. 1806. Utilization of private sector.
"Sec. 1807. Administrative provisions.
"Sec. 1808. Definitions.
"Sec. 1809. Authorization of appropriations.".

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 207. Annual report.
Sec. 208. Allocation.
Sec. 209. State plans.
Sec. 210. Juvenile delinquency prevention block grant program.
Sec. 211. Research; evaluation; technical assistance; training.
Sec. 212. Demonstration projects.
Sec. 213. Authorization of appropriations.
Sec. 214. Administrative authority.
Sec. 215. Use of funds.
Sec. 216. Limitation on use of funds.
Sec. 217. Rule of construction.
Sec. 218. Leasing surplus Federal property.
Sec. 219. Issuance of Rules.
Sec. 220. Content of materials.
Sec. 221. Technical and conforming amendments.
Sec. 222. References.

SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 231. Runaway and homeless youth.

SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 241. Repealer.

SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 251. National center for missing and exploited children.

SUBTITLE E—STUDIES AND EVALUATIONS

Sec. 261. Study of school violence.
Sec. 262. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.
Sec. 263. Evaluation by General Accounting Office.
Sec. 264. General Accounting Office Report.
Sec. 265. Behavioral and social science research on youth violence.

SUBTITLE F—GENERAL PROVISIONS
Sec. 271. Effective date; application of amendments.

Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 201. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 202. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 203. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 204. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 205. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 207. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 208. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 209. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(v) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vi) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(vii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(viii) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(ix) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(x) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xi) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

"(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

"(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

"(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of nonstatus offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile—

"(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

"(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

"(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

"(v) detaining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

"(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) in paragraph (22) by inserting before the semicolon, the following:

"; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency",

(P) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(Q) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (23) of subsection (a)".

SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

"(2) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

"(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

"(3) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(8) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

"(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

"(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

"(16) projects which provide for—

"(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

"(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

"(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

"(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

"(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

"(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

"(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

"(20) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

"(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

"(1) propose to carry out such projects in geographical areas in which there is—

"(A) a disproportionately high level of serious crime committed by juveniles; or

"(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

"(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence;

"(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

"(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

"(ix) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES..—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

"(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.".

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency.

The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

SEC. 214. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 215. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 216. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 217. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 219. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 220. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

"SEC. 299J. CONTENT OF MATERIALS.

"Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.".

SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 222. REFERENCES.

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

Subtitle B—Amendments to the Runaway and Homeless Youth Act

SEC. 231. RUNAWAY AND HOMELESS YOUTH.

(a) Findings.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) Authority To Make Grants for Centers and Services.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Grants for Centers and Services.—

"(1) In general.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Services provided.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) Eligibility.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Applicants Providing Street-Based Services.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) Applicants Providing Home-Based Services.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) Applicants Providing Drug Abuse Education and Prevention Services.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) Approval of Applications.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) In General.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) Priority.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) Authority for Transitional Living Grant Program.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) Eligibility.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) Coordination.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) Authority To Make Grants for Research, Evaluation, Demonstration, and Service Projects.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) Study.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

"SEC. 345. STUDY

"The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

"(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

"(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section."

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 384; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(2) ALLOCATION.—

"(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

"SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

"With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs

SEC. 241. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

Subtitle D—Amendments to the Missing Children's Assistance Act

SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2003".

Subtitle E—Studies and Evaluations

SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered -through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be

made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH Research.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) Nature of Research.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) Role of the Office of Behavioral and Social Sciences Research.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) Funding.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

Subtitle F—General Provisions

SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Application of Amendments.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.".

TITLE III—REAUTHORIZATION OF COPS PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Public Safety and Community Policing Grants Reauthorization Act of 1999".

SEC. 302. REAUTHORIZATION OF PUBLIC SAFETY AND COMMUNITY POLICING (COPS ON THE BEAT) GRANTS.

Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in clause (vi) by striking "268,000,000 for fiscal year 2000" and inserting "500,000,000 each of fiscal years 2000 through 2005.".

SEC. 303. RENEWAL OF GRANTS.

Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by amended subsection (b) to read as follows—

"(b) Grants for Hiring.—

"(1) In general.—Grants made for hiring or rehiring additional career law enforcement officers or to promote redeployment of officers by hiring civilians may be renewed for an additional 3 year period beginning the fiscal year after the last fiscal year during which a recipient receives its initial grant. The Attorney General may use, at her discretion, a portion of the funding for cooperative partnerships between schools and State and local police departments to provide for the use of police officers in schools.

"(2) Initial period expired.—In a case in which a recipient's initial grant has expired prior to the date of the enactment of the Public Safety and Community Policing Grants Reauthorization Act of 1999, grants made for hiring or rehiring additional career law enforcement officers may be renewed for an additional 3 year period beginning the fiscal year after the date of the enactment of such Act.

"(3) Authorization for appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection. In a case in which a recipient receives a grant for an additional 3 year period, the amount for any additional years shall be increased by 3 percent to reflect a cost of living adjustment.".

SEC. 304. MATCHING FUNDS.

Section 1701(i) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by striking "up to 5 years" and inserting "each 3 year grant period".

SEC. 305. HIRING COSTS.

Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended by repealing subsection (c).

TITLE IV—SCHOOL ANTI-VIOLENCE EMPOWERMENT ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "School Anti-Violence Empowerment Act".

Subtitle A—School Safety Programs

SEC. 411. PROGRAM AUTHORIZED.

The Secretary of Education is authorized to provide grants to local educational agencies to establish or enhance crisis intervention programs, including the hiring of school counselors and to enhance school safety programs for students, staff, and school facilities.

SEC. 412. GRANT AWARDS.

(a) Local Awards.—The Secretary shall award grants to local educational agencies on a competitive basis.

(b) Grant Programs.—From the amounts appropriated under section 416, the Secretary shall reserve—

(1) 50 percent of such amount to award grants to local educational agencies to hire school counselors; and

(2) 50 percent of such amount to award grants to local educational agencies to enhance school safety programs for students, staff, and school facilities.

(c) PRIORITY.—Such awards shall be based on one or more of the following factors:

(1) Quality of existing or proposed violence prevention program.

(2) Greatest need for crisis intervention counseling services.

(3) Documented financial need based on number of students served under part A of title I of the Elementary and Secondary Education Act of 1965.

(d) EQUITABLE DISTRIBUTION.—In awarding grants under this subtitle, the Secretary shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

(e) ADMINISTRATIVE COSTS.—The Secretary may reserve not more than 1 percent from amounts appropriated under section 416 for administrative costs.

(f) ELIGIBILITY.—A local educational agency that meets the requirements of this subtitle shall be eligible to receive a grant to hire school counselors and a grant to enhance school safety programs for students, staff, and school facilities.

SEC. 413. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring a grant under this subtitle shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Such application shall include a plan that contains the following:

(1) In the case of a local educational agency applying for a grant to enhance school safety programs—

(A) a description of any existing violence prevention, safety, and crisis intervention programs;

(B) proposed changes to any such programs and a description of any new programs; and

(C) documentation regarding financial need.

(2) In the case of a local educational agency applying for a grant to hire school counselors—

(A) a description of the need for a crisis intervention counseling program; and

(B) documentation regarding financial need.

SEC. 414. REPORTING.

Each local educational agency that receives a grant under this subtitle shall provide an annual report to the Secretary. In the case of a local educational agency that receives a grant to enhance school safety programs, such report shall describe how such agency used funds provided under this subtitle and include a description of new school safety measures and changes implemented to existing violence prevention, safety, and crisis intervention programs. In the case of a local educational agency that receives a grant to hire school counselors, such report shall describe how such agency used funds provided under this subtitle and include the number of school counselors hired with such funds.

SEC. 415. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "elementary school", "local educational agency", and "secondary school" have the same meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "school counselor" means an individual who has documented competence in counseling children and adolescents in a school setting and who—

(A) possesses State licensure or certification granted by an independent professional regulatory authority;

(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

(3) The term "Secretary" means the Secretary of Education.

(4) the term "school safety" means the safety of students, faculty, and school facilities from acts of violence.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this SUBtitle $700,000,000 for each of fiscal years 2000 through 2004.

Subtitle B—21st Century Learning

SEC. 421. AFTER-SCHOOL AND LIFE SKILLS PROGRAMS FOR AT-RISK YOUTH.

Section 10907 of part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8247) is amended by striking "appropriated" and all that follows before the period and inserting the following: "appropriated to carry out this part—

"(1) such sums as may be necessary for fiscal year 1999; and

"(2) $250,000,000 for each of fiscal years 2000 through 2004".

Subtitle C—Model Program And Clearinghouse

SEC. 431. MODEL PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Education, in consultation with the Attorney General, shall develop a model violence prevention program to be made available to local educational agencies.

SEC. 432. CLEARINGHOUSE.

The Secretary of Education shall establish and maintain a national clearinghouse to provide technical assistance regarding the establishment and operation of alternative violence prevention programs. The national clearinghouse shall make information regarding alternative violence prevention programs available to local educational agencies.

TITLE V—CHILDREN'S DEFENSE ACT OF 1999

SEC. 501. SHORT TITLE.

This title may be cited as the "Children's Defense Act of 1999".

SEC. 502. STUDY OF EFFECTS OF ENTERTAINMENT ON CHILDREN.

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, video games and music affect the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

SEC. 503. TEMPORARY ANTITRUST IMMUNITY TO PERMIT THE ENTERTAINMENT INDUSTRY TO SET GUIDELINES TO HELP PROTECT CHILDREN FROM HARMFUL MATERIAL.

(b) PURPOSES; CONSTRUCTION.—

(1) PURPOSES.—The purposes of this section are to permit the entertainment industry—

(A) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(B) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(C) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(2) CONSTRUCTION.—This section may not be construed as—

(A) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(B) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

(c) EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.—

(1) EXEMPTION.—Subject to paragraph (2), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(A) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing—

(i) violence, sexual content, criminal behavior; or

(ii) other subjects that are not appropriate for children; or

(B) to promote telecast material, movies, video games, Internet content, or music lyrics that are educational, informational, or otherwise beneficial to the development of children.

(2) LIMITATION.—The exemption provided in paragraph (1) shall not apply to any joint discussion, consideration, review, action, or agreement that—

(A) results in a boycott of any person; or

(B) concerns the purchase or sale of advertising, including restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(3) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term "antitrust laws"—

(i) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in subparagraph (A).

(B) INTERNET.—The term "Internet" means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(C) MOVIES.—The term "movies" means theatrical motion pictures.

(D) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term "person in the entertainment industry" means a television network, any person that produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any person that produces or distributes video games, the Recording Industry Association of America, and any person that produces or distributes music, and includes any individual acting on behalf of any of the above.

(E) TELECAST.—The term "telecast material" means any program broadcast by a television broadcast station or transmitted by a cable television system.

(d) SUNSET.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on the date of the enactment of this Act and ending 3 years after such date.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that this motion to recommit on behalf of myself, the gentleman from Virginia (Mr. SCOTT); the gentleman from Michigan (Mr. STUPAK); the gentleman from Texas (Mr. GREEN); and the gentleman from Michigan (Mr. BONIOR), be extended to a total of 7½ minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, the gentleman from Michigan (Mr. CONYERS) and I have discussed this, and in light of the fact that he agreed not to offer his amendment that he had that would have taken up 60 minutes, and this is a very complex motion to recommit; and the gentleman has also agreed to cut the time he was initially going to ask for from 5 minutes more per side to 2½ minutes, I think we should let the gentleman have that additional time in comity under those circumstances. The gentleman has already saved us time this evening.

□ 2015

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 7½ minutes.

Mr. CONYERS. Mr. Speaker, I will first begin by thanking the Chair of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM) for allowing us to move directly to a motion to recommit, instead of a substitute motion that I had which would have taken considerably longer.

But my motion to recommit is every bit as important as the substitute would have been. It returns us to a commonsense approach to juvenile justice.

Here is what it does. In addition to including the bipartisan Committee on the Judiciary and Committee on Education and the Workforce bill that have already been approved in those committees, my motion reauthorizes the COPS on the Beat program, authorizes funds for school resource officers, school safety programs, and after-school programs.

It also provides for a study of the effects of media violence, and grants an antitrust immunity to permit the entertainment industry to set voluntary guidelines on violence. Unless my substitute is accepted, the House will have taken no action which allows members of the entertainment industry to work to develop these guidelines.

Finally, unlike the McCollum amendment passed last night, my motion contains no gun-related provisions whatsoever.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Conyers motion to recommit. It includes the bipartisan H.R. 1501, as was introduced, which responded to judges, advocates, and researchers who told us what we needed from the judiciary point of view, and it includes the Goodling amendment, which we adopted a little earlier today by an overwhelming majority that provides prevention funds, and protects children, and the other programs the gentleman from Michigan mentioned.

For the past 2 days we have considered amendments on issues without any hearings, and we have been relegated to codifying sound bites, many of which will actually increase the crime rate.

This motion to recommit is a focused attempt to actually reduce crime. These provisions have gone through the regular legislative process and are supported by those who know what they are talking about. Anyone who had an adverse opinion had the opportunity to present that opinion.

Let us get serious about reducing crime and adopt the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding to me.

Mr. Speaker, as to juvenile justice, at one time we did have a bipartisan plan between Democrats and Republicans. Those bills did not contain any gun provisions. If we put back the bipartisan plan, we will go back to putting Cops on the Beat, we will authorize funds for school resource officers, school safety programs, and we will authorize after-school programs.

Unfortunately, tonight and in the last few days we got away from the proposals, and we are back to trying 13-year-olds as adults. We are back to housing kids with adult criminals and imposing new mandatory minimums and death penalties.

It is great to get tough on juveniles. As a cop, I know they do not work. We have to get to the root of the problem. Let us get back to the programs that bring some sanity back to the homes, the communities, and our schools.

We do not need all kinds of gun provisions to do that. I ask the Members, I implore them, to support the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I also rise in support of the motion to recommit.

Having looked at the motion to recommit, my goal in trying to deal with the violence that is in our schools and in our country from our juveniles is not obviously necessarily more gun control. We will debate that this evening and tomorrow.

But what this amendment would do, if we vote for the recommital, it will provide more cops on the street, it will provide school resource officers and guidance counselors and after-school care and block grants for prevention.

My wife is a high school teacher in a very urban district in Houston. What we have seen today is teachers and counselors do not have the time to get to know those students. What we need is some additional assistance for our local schools and our States to be able to help. We need counselors who counsel and not just schedulers for classes. That is what this will do.

That is why I think we need to deal with the prevention programs, and let us leave gun control to the next debate. That is why I think this provision is so important.

Mr. Speaker, I ask for a yes vote on the motion to recommit so we can deal with prevention and get the tools that our teachers and our parents and our school administrators need.

Mr. CONYERS. Mr. Speaker, I am pleased to yield to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding to me, and I would echo the comments made by my friends who have just spoken.

Our school officials struggled mightily and still are struggling to finish this school year. They are going to be working to restore the confidence of the community when the children and the teachers and the administrators go back in the fall.

But they need some help. We all understand they need help. Everyone here goes to schools and they talk to students, and they understand the dire need.

The bill, as suggested, the substitute we are talking about, adds guidance counselors. In my State, we have one guidance counselor per 500 students. It is not fair, it is not right. Children cannot get the attention they need with those kinds of ratios. Kids fall between the cracks. When they fall between the cracks, they engage in problems we have seen in so many communities across the country.

We also need more police officers or school resource officers in the schools. It is a good program. It is working across America. The program is running out of funds. It is running out of money. This will help restore the money and add additional money for school resource officers.

Third and very importantly, it will provide a safe haven for after-school programs for our children. As an old probation officer who worked with juvenile delinquents for many years, Members all know these figures, the teen pregnancies, the alcohol abuse, the drug abuse, they occur between the hours of 3 and 6, when no one is home.

If our kids can be in a safe place, in a school environment with adults, with grandparents, where they get this synergy and mixture of people coming together, mentoring, teaching each other, loving each other, caring for each other, we have an environment that we can be proud of and that can do something for our communities.

Mr. Speaker, I just want to applaud my colleague, the gentleman from Michigan (Mr. STUPAK) for suggesting this substitute. I ask my colleagues to vote for it. It is reasonable, it is fair. There are not any gun provisions in this substitute. It is the least we can do to help our communities get back on track this fall.

The SPEAKER pro tempore. Is the gentleman from Florida (Mr. MCCOLLUM) opposed to the motion to recommit?

Mr. MCCOLLUM. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 7½ minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise in strong opposition to this motion to recommit.

Quite simply, the Conyers substitute is a poison pill to everything we have done out here the last couple of days.

Mr. Speaker, the Conyers motion guts almost every single one of these amendments that this House approved yesterday and today, by wide bipartisan majorities, in most cases.

If the Conyers motion gets approved, we will have undone all of our bipartisan work here on the floor over the last 24 hours to protect our children and our schools and our communities.

I appreciate that the motion contains and leaves alone the base bill, H.R. 1501, as introduced, but it is quickly downhill after that. Yesterday this Chamber sent a message: Our children are the most precious treasure we have, and we intend to protect them. If individuals harm our children, we will punish them and punish them severely. The Conyers motion repudiates that.

Consider all the ways in which this motion undoes the work of this Chamber over the last day or so.

First, the motion would eliminate all of the bipartisan amendments approved on the underlying text of H.R. 1501.

It eliminates the Hutchinson amendment, that permits States and localities to use their accountability incentive grant funds to support restorative juvenile justice programs, an extremely successful approach that emphasizes moral accountability of an offender to his victim and the affected community.

It eliminates the Dreier amendment, that allows States and localities to use their accountability incentive grant funds to support anti-gang programs developed by law enforcement agencies to combat juvenile crime.

It eliminates the Wise amendment, that allows States and localities to use their accountability incentive grants to develop school safety hot lines, allowing the early warning signs of school violence to be reported to the authorities.

The Conyers motion also guts the numerous additions to H.R. 1501, dramatically strengthened in the bill, and increased the protections for our children. It does so by eliminating the Latham amendment that requires drug traffickers to compensate their victims for the harm of their poisonous trade.

The Conyers motion eliminates the Salmon amendment, Aimee's Law, an extremely important effort to ensure that convicted murderers, rapists, child molesters are held accountable.

The Conyers motion eliminates the Cunningham amendment, Matthew's law, which increases penalties for criminals who commit a Federal crime of violence against children under the age of 13.

It eliminates the Green amendment, which requires life imprisonment for repeat sex offenders who prey on our children.

It eliminates the DeLay amendment, which limits the ability of activist Federal judges to take over State and local prison systems by preventing judges from being able to force the early release of convicted criminals.

It eliminates the Tancredo amendment, which passed by a wide bipartisan margin, and simply declared that a fitting memorial on public school campuses may contain religious speech without violating the U.S. Constitution, and was specifically addressing the Columbine High School matter.

There are numerous additional amendments Republicans and Democrats alike offered that this House passed in the last 24 hours that would be eliminated.

The motion does not just vitiate good additions to the bill, it also guts all kinds of things that are here. It eliminates the minimum mandatory sentence for making false statements to a licensed dealer in order to illegally obtain a firearm if it was to enable a juvenile to use it in the commission of a serious violent felony.

The motion eliminates the tough sentences directed against gang violence and drug trafficking to minors.

His motion eliminates the mandatory minimum penalty directed against adults who use minors to distribute drugs.

It eliminates the mandatory minimum penalty directed against adults convicted of distributing drugs to minors.

It eliminates the mandatory minimum penalties for the knowing discharge of a firearm in a school zone resulting in physical harm, and it strips the provision providing for the death penalty if someone uses a gun to kill in a school zone.

It eliminates the mandatory penalty for discharging a firearm during a Federal crime of violence or a Federal drug trafficking crime, and eliminates the mandatory minimum penalty if the firearm is used to injure another person.

The Conyers amendment strips out the directive to the Justice Department that requires the Department to make the prosecution of Federal firearms violations a priority.

The Conyers amendment says to the administration, your feeble enforcement of current law is fine with us. The Conyers amendment says, all talk and no action is okay.

It eliminates the mandatory penalty directed against any person convicted of distributing, possessing, with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone.

The Conyers motion eliminates the death penalty for those who travel in interstate commerce and kill a witness in a criminal proceeding to keep them from testifying.

Finally, the Conyers motion would reauthorize the COPS program. This program, as attractive as it may sound at first blurb, is a flawed and problematic program.

Who is not for more community-based policing? But that should be a State and local funding matter. The COPS program is coming under increasing criticism for being expensive, inefficient, and ineffective. It has failed to come anywhere near producing its promise of putting 100,000 new police on the beat.

A recent audit by the Justice Department's Inspector General found that within 1 year, with 1 year to go on the President's program in his 6-year pledge to put an additional 100,000 police on the streets, only 50,139 officers have been hired and put on the beat. That is barely one-half of the total that was promised, with only a year to go.

I might add, the fact is that the local communities, in community after community around the country, are finding that they cannot afford to continue to pay the cops after the expiration of the subsidy in this bill that only lasts for 2 or 3 years.

This is no time to reauthorize a program that, while lending itself to nice sound bites, has been ineffective and poorly managed, and reauthorize it without even any debate on the floor of the House, not to mention the committee lack of debate, which Mr. CONYERS has criticized us for up to this point; no debate at all, just put it in the motion to recommit and we pass it tonight.

Mr. Speaker, over the last 24 hours, the House has responded to the complex mix of threats to our children by adding smart, balanced, and tough provisions to the underlying bill, H.R. 1501.

□ 2030

That underlying bill, which goes to improve our juvenile justice system, to rebuild the broken systems, because we do not have enough resources, not enough judges, not enough probation officers, not enough diversion programs, we are seeing that kids do not receive the consequences they should because they are not being punished for their misdemeanor crimes.

At this point in time, the reality of this is that we have a problem that is severe, that needs to be addressed, and the Conyers motion plainly rejects the additional provisions added to this bill. Our children, frankly, deserve nothing but the fullest efforts to protect them at home, on the playground, on the streets of this country, and the Conyers motion to recommit would just strip all of this stuff out that we did the last 2 days. So I strongly urge a no vote on it.

I yield to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I want to congratulate this House. For the last 2 days, we have stood up in a bipartisan way and looked at the problems out of Columbine High School and recognized what those problems were and addressed them in many different ways. I am really proud of this House for doing so.

What this motion to recommit does is undoes all of that and reasserts the notion that it takes a village to raise a child; add more cops, add more programs, add more counselors.

It does not take a village to raise a child. It takes a mother and a father to raise a child. It takes a mother and a father that live in a village that is conducive to raising a child.

The lesson from Columbine High School is that we have created a culture that raises children that kill children. We do not need more counselors.

In fact, in Columbine High School, they sent the village to the high school. They sent counselors. They sent psychiatrists. They sent people from the village. What did the kids do? They went to church. The kids went to church. They rejected the village.

What this bill does now is recognize that, and recognizes that there has to be structure and limits and consequences. There has to be enforcement of the existing laws. People have to be allowed freedom to exercise their religion. Barriers have to be removed to allow us to raise a culture that hopefully some day will eliminate kids killing kids.

So if my colleagues vote for the motion to recommit, they undo some wonderful work that has been done these last 2 days in a bipartisan way. Vote no on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. STUPAK) will state his parliamentary inquiry.

Mr. STUPAK. Mr. Speaker, after the third time, I appreciate recognizing the fact that I had a parliamentary inquiry.

I would ask that the House be given an additional 5 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. STUPAK. Mr. Speaker, then let me try 30 seconds, an additional 30 seconds.

The SPEAKER pro tempore. A Member must stand to object.

Is there objection to the request of the gentleman from Michigan?

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 191, noes 233, not voting 10, as follows:

[Roll No. 232]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle

Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boucher
Brown (CA)
Carson
Ewing
Fletcher
Houghton
Minge
Salmon
Shays
Thomas

□ 2051

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, after final passage of H.R. 1501, the Consequences for Juvenile Offenders Act, we will begin 1 hour of general debate on H.R. 2122, the Mandatory Gun Show Background Check Act.

We will then proceed with 40 minutes of debate on the Dingell amendment immediately followed by a vote. Members should note that there will be approximately 2 hours between the vote on final passage of H.R. 1501 and the vote on the Dingell amendment.

Mr. Speaker, after the vote on the Dingell amendment, we will debate the McCarthy amendment for about 30 minutes and then vote immediately thereafter. That will be our last vote for the evening.

Mr. Speaker, we will continue, by the good graces of the committee, to debate two or three other amendments, but any recorded votes ordered will be rolled until tomorrow.

The House will meet at 9 a.m. tomorrow and immediately resume consideration of amendments to H.R. 2122. One minutes will be at the end of the day.

Mr. Speaker, we will probably begin debate tomorrow with the Davis of Virginia amendment with 30 minutes of debate. We will then have a series of three to four votes.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 139, not voting 9, as follows:

[Roll No. 233]

YEAS—287

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capuano
Cardin
Clay
Clayton
Clyburn
Coburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Pickett
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Stark
Stupak
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wynn

NOT VOTING—9

Brown (CA)
Carson
Cubin
Houghton
Minge
Salmon
Saxton
Shays
Thomas

☐ 2102

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CUBIN. Mr. Speaker, on rollcall No. 233, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, earlier today, I was in Connecticut participating in the commencement ceremony at Greenwich High School and, therefore, missed eight recorded votes.

I take my voting responsibility very seriously, having missed only 4 votes in my almost 12 years in Congress.

I would like to say for the RECORD that had I been present I would have voted "yes" on recorded vote number 226, "yes" on recorded vote number 227, "yes" on recorded vote 228, "yes" on recorded vote 229, "yes" on recorded vote 230, "yes" on recorded vote 231, "no" on recorded vote 232, and "yes" on recorded vote 233.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules is expected to meet on Tuesday June 22, 1999, to grant a rule for the consideration of the bill H.R. 1658, the Civil Asset Forfeiture Reform Act.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table no later than the close of business Tuesday, June 22.

Amendments should be drafted to the version of the bill ordered reported by the Committee on the Judiciary, a copy of which may be obtained from the committee.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2122.

☐ 2103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, the legislation we are about to consider before us this evening is here because all of us are concerned with the safety of our children in school, at home, on the playground, and on the street. That is the same reason we were considering the bill we just passed a moment ago.

In America, every child should have an opportunity to get a full education, to excel in the workplace to the best of his or her ability, to raise a family and to enjoy the high standard of living that the genius of the Founding Fathers of this great free Nation allowed us to develop. No child should have his or her life cut short in a suicidal massacre such as happened at Columbine High School or by any other violent criminal act.

We cannot address adequately by legislation all of the causes of violent crime in our society, but over the last 2 days we have crafted legislation in H.R. 1501 which, if enacted, will greatly assist our States and local communities in reducing the torrent of violent youth crime afflicting this Nation. The grant program in this legislation will help repair the broken juvenile justice systems in our 50 States and send a message to teenagers that there are consequences for their criminal misbehavior at every level, and that if they continue to engage in a course of criminal conduct there will be ever more severe punishment. I believe the experts that this legislation will make a difference.

Now we must turn our attention to the loopholes in the gun laws of this Nation that have become very apparent in the aftermath of the tragedy at Columbine. Over the last several weeks, there has been much debate over the issue of guns; debate in public, debate in the press, debate in this House. And despite all the differing views of those on all sides, there is one thing that I believe everyone agrees upon. We need to keep guns out of the hands of children, convicted felons and those who use them to harm our families.

Existing law prohibits a convicted felon, a fugitive from justice, a drug addict, an illegal alien, a minor, and several other categories of people from buying a gun. Several years ago an instant check background system was phased in specifically for the purpose of screening out convicted felons and other disqualified persons who attempted to buy guns from a gun dealer. This is a name check system.

The name check system has its weaknesses, one of them being that while the names of persons arrested for felony crimes are computerized in a central bank at the FBI, the conviction or acquittal records are not. Some States have computerized the disposition records showing conviction or acquittal but many have not. So when the name of a gun purchaser is entered in the instant check system and a hit is made, it is frequently only known that the person has an arrest record for a felony, not whether there was a conviction.

Once there is a hit of someone's name in the instant check system, there has to be contact made by someone working in that system to the county courthouse in the county and the State where the arrest was made to find out if the person was convicted of a felony crime on the charges that show up on the arrest record in the computer, or whether that person was acquitted, or maybe the charges were pled to a lesser offense, or, who knows.

If the sale is made over the weekend, and I think this is very important to note, if the sale was made over the weekend and the instant check turns up an arrest hit on the purchaser's name, the county courthouse is not open for business and the records cannot be checked to find out if there was a felony conviction that would disqualify the purchaser until Monday, when the courthouse opens.

This is the principal reason why current law provides that if an arrest hit occurs on a name in an instant check, law enforcement has up to 3 business days to determine whether there was a felony conviction before the sale can be completed. If it is determined there is a felony conviction, there can be no sale. If it does not make a determination, the sale may proceed at the end of the 3 days.

Now, when somebody buys a gun at a gun show from a dealer, under current law the instant check system works exactly the same as it does if somebody goes to the gun store and buys the gun from the gun dealer. However, if the purchase is made by an individual nondealer citizen at a gun show, if that is the one who is selling the gun, an individual nondealer citizen, there is no background check to see if the person is a convicted felon who is attempting to make the purchase. This is a big loophole. This is the loophole that the bill before us, H.R. 2122, closes.

Under this bill, an instant background check has to be done on anyone who purchases a gun at a gun show. No matter who the seller is, whether they are a dealer or an unlicensed individual vendor at the gun show, they may not sell any firearm under this bill until the buyer of that firearm has been checked through the instant check system. Under this bill, anyone who knowingly violates the requirement will be subject to criminal prosecution and civil penalties.

Requiring purchasers at a gun show to wait 3 working days might mean that the sale is not completed until well after the gun show is over, and so H.R. 2122 allows the sale to proceed after 72 hours, or 3 calendar days, as opposed to business days. This will be long enough to delay the sale if it is made over a weekend, until the county courthouses are open on Monday, and the arrest name hit can be resolved, but it also allows gun show purchasers to complete their transactions promptly. There is no need to have a 3-business or -working day wait.

Mr. Chairman, some Members want this period shortened to 24 hours, but the instant check statistics show that only about half the hits are ever cleared up in 24 hours, and on Saturdays this clear rate is even lower. Whenever the check system tells a dealer to delay, it is always because a hit has occurred in the name of the person seeking to buy a firearm. We have to make sure that we delay these sales until we can determine if the person trying to buy the firearm is a felon or a fugitive, and this often cannot happen until the following Monday morning.

The bill also requires persons who organize or conduct shows to register with the Secretary of the Treasury, in accordance with the Department's regulations. It also requires gun show organizers to check the identification of those who desire to be vendors at the gun show and record their names in records the gun show organizer must maintain.

Under present law, only licensed dealers are authorized to conduct background checks on potential firearm purchasers. In order to make sure there will be sufficient number of persons at gun shows who can conduct these checks, the bill allows other citizens to apply to the Secretary of the Treasury to become instant check registrants. These instant check registrants will not be licensed to sell firearms, but they will be licensed to conduct a background check, and they will be subject to the regulations promulgated by the Treasury Department. I am sure a number of persons who are not dealers, but enjoy exhibiting, buying, and selling firearms at gun shows will go through the process to obtain a permit to conduct these background checks.

H.R. 2122 also defines a gun show. For the purposes of the bill, a gun show is an event which is sponsored to foster the collecting or legal use of firearms at which 50 or more firearms are exhibited for sale or exchange, and at which 10 or more vendors are present.

Now, I must say, Mr. Chairman, I was disappointed to read in today's paper, in The Washington Post, a piece by Attorney General Janet Reno, which I must sadly say it makes it appear that she is playing more politics than substance, and I am used to hearing from the Attorney General on a lot more substance. She complains about the provisions in this bill in ways that just do not make sense.

Now, I would like to say one thing about this. I believe that the Attorney General's office should be spending more time working to improve the existing instant check system to get more of the records on file in a way that will have the felony convictions there, than trying to fiddle with the details of a piece of legislation where she is totally incorrect about what she is saying in that article.

Miss Reno says in her column something that appears to show concern that my system in this bill will allow what she calls amateurs to access the instant check system. That is not the case. All instant check registrants that are created under this bill, H.R. 2122, will be licensed by the Secretary of the Treasury. They will follow all regulations promulgated by the Secretary of the Treasury. And, besides, it does not take a rocket scientist to operate the system. It only takes the ability to call in a name and the date of birth to the check system. The new instant check registrants will not undermine the system in any way.

Miss Reno also complains that the requirement in the bill that all background check of records and transactions that go through must immediately be destroyed will undermine her ability to audit the system. The only need to audit the system is to ensure that unauthorized checks are not being run. We do not need to keep the records on everybody who files to buy a gun. That is not the way we do things in America. We should not have that kind of filing that is kept. That is nonsense. While it may be a benefit in certain respects to have these records, it is certainly not worth the risk of allowing the government to keep records of individual law-abiding citizens for months at a time.

Again, I am very disappointed in the Attorney General and her purported criticism of the underlying bill, which, as I said, does not have merit.

I believe H.R. 2122 strikes a fair balance between the need to assure that firearms are kept out of the hands of criminals and the right of law-abiding citizens to keep and bear arms. The bill will close the existing loophole that could allow criminals to buy firearms at gun shows. It will encourage the government to conduct background checks as quickly as they practically can, without risking that a firearm might be sold to a convicted criminal simply because the courthouse where the conviction record was kept was closed on the weekend of the gun show.

We need this legislation. We need to close the loophole. We need to keep the guns out of the hands of convicted felons. It is so important to do so that I am asking my colleagues to set aside all of the differences, all of the bickering that has been going on over the little "i's" and "t's" and so forth out here. Consider the safety of our children and grandchildren and vote in favor of this bill.

It does not need to be amended on the gun show portion. It is a solid piece, well balanced, well thought out to protect both the law-abiding person who wants to buy a gun at a gun show; to protect the organizer of a gun show who should not be subjected to the unnecessary liability hazards that are in the other body's version of this, and may be an amendment offered out here today; and it protects the American public, which is most important, our children and our grandchildren, from those convicted felons who might otherwise, without this legislation, be able to buy a gun at a gun show they cannot buy from an authorized dealer.

□ 2115

Mr. McCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to begin our general debate on H.R. 2122 by yielding 4 minutes to the gentleman from Missouri (Mr. GEPHARDT) the distinguished minority leader of the House.

Mr. GEPHARDT. Mr. Chairman, I rise tonight to urge Members to support the McCarthy amendment that is cosponsored by the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from New Jersey (Ms. ROUKEMA) and the gentlewoman from Maryland (Mrs. MORELLA) the gentleman from Illinois (Mr. BLAGOJEVICH) and others. And I recommend it to Members because I think it is the most reasonable and common-sensical approach to this problem.

Let me begin the debate tonight by submitting some agreements that I think all of us agree to.

I think all of us here believe in the Second Amendment, we believe in the right of American citizens to have, possess, and bear arms.

Let me also submit that all of us believe that doing something about the availability of guns to children is not going to solve alone or nearly alone the problem of school violence that we face.

There are a lot of other things that, hopefully, will be considered here on the floor of the House in the days to come. We need to address all of the problems of the way children are raised, the way children are taught, so that we can raise law-abiding, productive citizens in the case of every child in our country.

But the McCarthy amendment and the amendment presented by the gentleman from Florida (Mr. McCOLLUM), which has many merits about it, are both based on the idea that the Brady bill that we passed in 1993 has been an important change in the law that has brought about an improvement in terms of who is able to buy guns.

The Department of Justice today released information that said that in the last 6 months 17,000 criminals, people who had been convicted of crimes, were refused the ability to buy a gun because of the operation of the Brady law.

Let me just read some of the cases that were affected under the Brady law.

On January 9, 1999, in Texas a convicted murderer was not allowed to buy a weapon. On February 6, 1999, a person under indictment for aggravated assault with a deadly weapon was denied the right to buy a weapon. On February 27 of this year, a person convicted of aggravated kidnapping with intent to rape a child was denied the right to buy a weapon in my own State of Missouri, February 13 of this year, a person wanted for domestic battery in Illinois. February 27, a person convicted of illegal possession of explosives in New Mexico.

I could go on and on. I could read 17,000 people in the last 6 months who were refused the right to buy a gun.

This law works. We had 70 or so percent of Democrats, 30 percent of Republicans who voted in a bipartisan way for the Brady bill in 1993. It was a good thing to do. It was common sense. And it has worked.

The problem is there was a loophole, as often there is in laws that we write, and a lot of people have been driving through that loophole. The loophole is that we have a thing called gun shows and flea sales, flea markets, where people can go and buy weapons today and not have the Brady check.

And so, what we are on the floor tonight in part to remedy is that loophole. And I believe that the McCarthy amendment does that the best, for two reasons. One, I think it has the definition of a "gun show" that is tight enough to pick up most of the gun shows. And secondly, the time period, and the gentleman from Florida (Mr. McCOLLUM) has talked about this, is longer than in other amendments that will be presented and allows the check to actually take place.

Now, in truth, about 90 percent of the people will be able to buy the gun at the gun show because the instant check is working and it will not stop them from being able to buy the gun at the site within the first hour or so after they make the purchase.

So this is a reasonable piece of legislation.

I had an officer, a police officer, in Chicago the other day come up to me on a plane and he said, "You know, it is really important that you get rid of this gun show exclusion." He said, "I go into high schools all over Chicago and I ask kids, 'Do you have a gun at home?' Everybody raises their hand. I ask, 'How many of you know where the gun is right now?' Everybody raises their hand. I ask them, 'How many have shot the gun?' Everybody raises their hand."

He said, "I grew up in the inner City of Chicago; and I can tell you, when I was a kid," and he was not that old, certainly not as old as I am, he said, "guns were not that available." He said, "When we had a fight in school, maybe it was a fistfight. At worst, it was a knife somebody brandished. But nobody could get to a gun." And he said, "The truth is, and I know this for a fact because I work in this area, the guns that are coming into Chicago now are coming through the gun shows and the flea markets because people that want to sell guns to kids are going there to get out of the Brady law." This is a loophole we need to close, and we can close it tonight.

Now, let me end with this: I think a lot of Americans are tuning in tonight to hear this debate because I think the American people are looking to us in a bipartisan way to take a small step in the right direction to address a problem that I believe is a national crisis.

When we have Littleton and we have Georgia and we have Arkansas and we have Oregon and we have Kentucky and we have kids killing kids in high schools, not just in inner cities but in suburbs all across this country, we have a national crisis.

We lost more kids yesterday to school violence than we lost in Kosovo and in Bosnia in the last 3 years put together. This is a national crisis. Thirteen kids a day go down to school violence.

The police officer in Chicago said when he was talking to me on the plane, "It is 9:30 at night. There have already been three funerals in the City of Chicago of children who were killed by children tonight." And he said, it is every night, every night, every night, every night.

We know this is not going to solve the problem alone. But it is a step in the right direction.

I went to Littleton on the Sunday they had the memorial service a week after the children were killed. I met with Colin Powell and the Vice President, the parents of the dead children. They came through one at a time. It took an hour and a half. I hugged them. I cried with them. As I held them in my arms, all I could think of was my kids.

One of the mothers had the picture of her child with a frame. She sobbed in my arms for about 2 minutes. I cried with her. When she stepped back, she looked at me and she said, "Congressman, please go back to the Congress and take some step so that my child did not die in vain." That is what we owe the people of this country tonight.

This should not be a political issue, a partisan issue, a Democrat-Republican issue. This is an issue of our children, of saving children's lives, of making guns less available to the children of this country. We can do this. We can make America better tonight.

I urge Members to search their conscience and their heart, let us not let these children die in vain. Vote for a good, common-sense amendment, the McCarthy amendment.

Mr. McCOLLUM. Mr. Chairman, it gives me pleasure to yield 7 minutes to the gentleman from Illinois (Mr. HYDE) the distinguished chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I listened to the Democratic leader's marvelous words and emotional, and rightly so, presentation; and I could not agree with him more. We have a very serious problem. But, oh, my God, it goes so far beyond guns.

Yesterday we talked about the poison that is being fed to our children through videos, through the games, through the movies, through television. And our response to that? A resolution of the sense of Congress.

So if we really want to get into this problem, let us get into all facets of it.

Now, let us talk about guns. Much as some do not like it, or much as some are very uncomfortable with it, there is a Second Amendment to the Bill of Rights to the Constitution and that Second Amendment says, the right of the people to keep and bear arms shall not be infringed.

Okay. I believe in the Second Amendment and I believe people have the right to keep and bear arms. On the other hand, there are serious problems with the proliferation of weapons. There are, in my judgment, too many guns too easily accessible to kids, and we have to do something about it. It is a shame we cannot do something about it together rather than in a partisan way.

Now, I support H.R. 2122, the Mandatory Gun Show Background Check Act, which will close the loophole in current law that permits dangerous criminals to buy guns at gun shows without mandatory background checks.

There has been a lot of discussion in the Senate and the House about how to deal with gun shows. There are approximately 4,400 gun shows annually in the United States, and many of the people who buy guns at those shows do so without going through a background check.

Only federally licensed firearm dealers are required to run checks on prospective buyers at gun shows. While there are many licensed gun dealers selling their guns at gun shows, there are just as many unlicensed guns and they do not have to run background checks. So H.R. 2122 changes that. Any and all gun transfers at gun shows will have to undergo a background check.

Some believe that gun shows should be completely shut down, and they have used their version of mandatory background checks as a disguise for closing them down. Well, I think that is wrong. If they want to close gun shows down, propose it. If they want mandatory background checks all the time under every circumstance, then propose that. But do it with definitions and realistic regulations, as we have done in H.R. 2122.

This proposal on gun shows is straightforward. It will work in the real world. It achieves everything that is necessary to ensure that mandatory background checks are performed by responsible people at gun shows, and it does so without driving them out of business or interfering with private sales and family transactions.

□ 2130

H.R. 2122 requires a background check for every buyer at a gun show. It also requires gun show organizers, licensed dealers and instant check registrants, those are individuals authorized to conduct instant background checks at gun shows, to keep records that can be used by Federal law enforcement officials in criminal investigations.

Criticisms of this bill by the administration suggest it does not close the gun show loophole. Those criticisms are entirely unfounded. Let me explain the definition of "gun show." H.R. 2122 would define a gun show as, quote, "an event which is sponsored to foster the collecting, competitive use, sporting use or any other legal use of firearms, and 50 or more guns are offered for sale, and there are not less than 10 vendors selling guns."

This definition of gun shows reflects the real world we live in. The administration opposes the 10 vendor requirement, arguing that gun transactions at smaller gatherings would not be subject to background checks. We are not aware and the administration has not offered any evidence to the contrary that any of the 4,400 gun shows last year had fewer than 10 vendors. To the contrary,we know full well the average gun show has many vendors that often fill the entire exhibition halls and convention centers.

Let me discuss the definition of a "gun show vendor." The administration opposes the requirement in H.R. 2122 that a vendor is someone who sells firearms at a gun show from a fixed location. This fixed location condition is necessary, because gun show organizers are subject to Federal criminal prosecution if they do not register every vendor selling firearms at their gun shows. These organizers cannot know someone is merely attending a gun show and spontaneously offers to sell a firearm to another person. This happens. Some people attend gun shows and bring guns they want to sell if they can find a buyer at the right price. It would be unfair to hold organizers criminally liable for something they cannot control. It will only serve to discourage organizers from conducting gun shows which may be the hidden agenda of some. Every firearm transaction at every gun show, regardless of whether the seller is a licensed dealer, a vendor or just an attendee and regardless of whether the transfer occurs within the building housing the gun show or in the surrounding parking lot requires a background check.

Now, this bill, this amendment, provides a middle way between the Dingell amendment and the Lautenberg or the McCarthy amendment. It is a middle way. It is a balance, to balance the rights of legitimate gun owners and balance the rights of the vulnerable public. And so I hope that Members will consider it in that light as the middle way and as a compromise and acceptable.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is the most amazing piece of legislation that has never come out of the Committee on the Judiciary. What we do is in closing a loophole that has been graphically described by the gentleman from Florida is that we open up one, two, three, four, four new loopholes and reopen a loophole that had been closed previously.

The gunrunner loophole, and I hope somebody on the other side wants to discuss this with me on their time. The gunrunner loophole. That means that nine vendors, there is a 10 vendor requirement here, nine vendors then could sell all the weapons they could bring in in a truck without being required to do background checks.

The let's-step-outside loophole which allows vendors to complete their transactions by merely stepping out of the grounds of the gun show to make the deal.

The roving vendor loophole which allows gun vendors to sell firearms with no background checks if they are simply walking the premises and not at any fixed location.

The convicted felon loophole which weakens all instant background checks, thanks a lot, from 3 business days, to 72 consecutive hours. Get it? Is that hard for anybody to figure out, what that does?

And then we go back and reopen a closed loophole, the Lee Harvey Oswald loophole, that would allow a gun dealer to ship a firearm across State lines directly to the private residence if any part of the transaction took place at a gun show.

Now, what is the remedy? There are two opportunities to correct the problem. One is the McCarthy amendment and one, the second is the Conyers-Campbell bipartisan substitute, word for word are the same.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON) a member of the committee.

Mr. CANNON. Mr. Chairman, this has been a monumental week. We are dealing with two great constitutional issues in the first and second amendments.

I rise now in support of H.R. 2122 introduced by the gentleman from Florida (Mr. McCOLLUM). He and the staff of the Committee on the Judiciary worked hard. Now we in Congress must meet the two challenges. On the one hand, the Democrats charge that we must immediately address this national crisis of youth violence and on the other we must ensure that prudent steps be taken to protect the liberties guaranteed by the second amendment of the Constitution.

I listened with interest to the charges made by my friends on the other side of the aisle. They decry singling out the entertainment industry's responsibility for an increase in violence in our society. They claim it is unreasonable to think that one industry is at fault. But they claim the gun industry is responsible for violence in our society. This is outrageous hypocrisy.

The debate today is not about blame. It is about the Federal role in the interpretation of the second amendment. I am going to focus my remarks today on section 3 of the gentleman from Florida's bill, the instant check gun tax and gun owner privacy section.

All of us agree that criminals should not be allowed to purchase guns. At the same time, I believe the Federal Government should not keep permanent records and lists of law-abiding gun owners after they have already cleared the hurdles of an instant background check. No law-abiding gun owner has a problem with a background check to purchase a firearm. What he or she resents is the central government unconstitutionally keeping records of gun ownership by innocent, law-abiding citizens.

When the Brady bill was passed, gun shows were excluded from background checks because the checks took several weeks to complete. Today we have an automated database that allows background checks to be completed in a couple of minutes. In fact we had testimony that those checks could be completed in 3 to 5 minutes. So we can easily screen out felons attempting to purchase guns at gun shows.

With a fully operational database of felons and other classes prohibited from buying guns, we can eliminate any Federal record of law-abiding gun owners. This legislation guarantees no records will be kept of legal gun owners while strictly enforcing current laws for criminals who attempt to purchase guns.

I believe the second amendment right to own a gun is inherently tied to the right to not have the government know who owns a gun. This legislation assures that. I urge passage of this amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I am here to ask Members to show some courage for the sake of our children. I am here to ask the 56 Republicans who were brave enough to buck the power of the gun lobby and vote for the Brady law to show that courage again and vote for the McCarthy-Roukema-Blagojevich amendment which closes the last loophole in the Brady law.

Right now a criminal with a rap sheet of violent crimes can go to a flea market and buy an arsenal of weapons and not even be subject to a criminal background check. This is an outrageous and inexcusable state of affairs and the McCarthy-Roukema amendment stops it. The Republican bill, however, falls far short from closing the loophole. Now, the NRA is happy about that, because it gives the appearance of doing something without doing something. But who are my Republican colleagues answering to, the NRA or our children and our families and the tragedies we have seen across this country?

To those 56 Republicans who voted for the Brady bill, finish the job with us. Stand with us. Vote for the McCarthy-Roukema amendment. Close this loophole that criminals are using to buy guns and show that you are standing for our Nation's children and against a gun lobby that has gotten out of control and out of touch with the priorities of the American people. The life you save with this vote may not only be your own, but more importantly it may be of your child or your grandchild or your neighbor's child. This is a crucial vote. This is a vote that sends a message whether we are serious about entering the next century making our schools and our communities safer for our children and our families.

Vote for the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1¾ minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, every time an outrage such as that at Columbine where children are killed occurs, we hear from the NRA that guns do not kill people, people kill people. But the truth is, of course, that guns do not kill people. People with guns kill people.

The United States has the loosest gun laws of any industrialized country. That is why we have the following statistics. When you look at other industrialized countries, France, 36 people killed with handguns; in Great Britain, 213; in Germany 200; in the United States 9,390. Three years ago, 5 years ago we passed a Brady law, finally after much effort. That law has kept 400,000 guns out of the hands of felons and mentally incompetent people, people who should not have had guns. Now we are trying to have some modest proposals to close some loopholes.

Unfortunately, the rule did not make in order a proposal to ban gun kits from being sent out, gun kits that made a gun that killed a constituent of mine, Ari Halberstam, for the crime of being in the wrong place at the wrong time and identifiably Jewish.

They did not make in order the one-gun-a-month amendment so that gunrunners could not go to Florida, buy 100 guns, come back and sell them on the black market in New York. But they did make in order the McCarthy amendment. They did make in order the Conyers-Campbell substitute.

We should pass these amendments, we should reject the Dingell amendment which actually put more loopholes into the law, so that we can be honest with the American people when we go home and tell them we have done something to give them a little more assurance that their children will not be the next victims of this country's fatal obsession with guns.

Mr. Chairman, when are we going to get serious about limiting access to guns? When are we going to stand up to the NRA and pass legislation to save lives?

Listen to Jesse Bateman, a junior high school student from Louisiana, who wrote, "Five of my friends and I were hanging out at another one of our friend's house. All of a sudden two people who we thought were our friends walked in with guns. They demanded that we give them . . . drugs and money, and when we told them that we didn't have any, they started shooting. Two of my friends died and another one was paralyzed from the waist, down. One of the ones that died was my best friend, he got shot in the head and died instantly."

People with guns kill our children every day, and we ought to do everything we can to limit access to these deadly weapons. The gun safety amendments that we will soon consider are extremely modest measures. It is the least we can do.

The NRA-written Dingell amendment is a sham that actually weakens our existing law. Had it been in effect for the last six months, 17,000 people who were denied access to guns would have gotten them. It guts the Brady law by reducing the amount of time that police have to investigate the background checks of individuals with questionable arrest records from 3 business days to 24 hours. What is the rush to get guns into felon's hands? We can't wait three days before allowing individuals with suspect records to obtain deadly weapons? This is outrageous.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

I come tonight to honor and to pay tribute to children that have died. A young boy, Chris Hollowell, age 5, was unintentionally shot and killed by his 10-year-old brother at a relative's house. The boys were handling a semi-automatic handgun they found in their uncle's bedroom, in the closet, when the gun went off and struck Chris in the head. The brother dragged him to the front lawn screaming in pain for help, and Chris was pronounced dead at a hospital 30 minutes later.

Someone sitting in their living room is saying, "Well, I told you, it's that boy that did it." But it is really guns; 260 million of them. That is why I rise to say that we must support the McCarthy amendment, and unfortunately argue against and oppose H.R. 2122. Because H.R. 2122 sidesteps the issue. It pays homage and worships at the throne of the National Rifle Association.

□ 2145

But I am going to pay homage and respect to the dead children and those that may die tomorrow and the day after tomorrow and next month.

It is important that we realize that gun shows around this Nation are unregulated, that people buy guns without checks, that law enforcement officers cannot find them. We need to support the McCarthy amendment that closes the loopholes on gun shows. We need to support the Conyers-Campbell bipartisan bill, and it is too bad we did not have the Jackson-Lee amendment that would ask that children be accompanied into gun shows.

I am going to stand here every day and support the dead children and not pay homage and worship to the throne of the National Rifle Association.

Mr. CONYERS. Mr. Chairman, what is the time situation on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 18¾ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, this spring, like other mothers and fathers across the country, I froze when I heard the news of what was happening in Columbine High School, and I think, like the other mothers across the country, my first reaction was, "Are my kids safe?"

As we sorted through the massacre that happened there, all of us parents realized that something needed to be done.

Finally, the United States Senate acted. They adopted modest gun safety measures for our children. Since then, in this House, what an odd dance we have seen. What could have been simple here in the House of Representatives has become complicated—too complicated. Tonight, however, we have a chance to make it simple again. And what do we need to do?

We need to vote for the McCarthy amendment. We need to vote for the Hyde-Lofgren large clip amendment, and, by supporting these amendments, we will conform our conduct with what the Senate did.

Will this solve everything? No, it will not. There will still be disturbed children. There will still be neglected kids who do wrong. There will still be children whose conduct is skewed towards violence. But we know this.

If those boys in Colorado had not had all of those guns, a lot of other good kids would have been alive to graduate from Columbine High School last week.

So it really is easy tonight. Stand up for what the mothers and fathers of America want us to do tonight: deliver to them the sensible gun safety laws. They expect no less.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey (Mr. ROTHMAN), a member of the Committee on the Judiciary and doing a wonderful job.

Mr. ROTHMAN. Mr. Chairman, this week we have addressed the issue of juvenile crime by passing some important measures. We have voted for mentoring programs, after-school programs, juvenile witness assistance programs, toll-free hotlines for anonymous student tipsters, and we have even voted to help local communities install metal detectors for their schools. Only one substantive step and the most important step needs to be taken: taking the guns out of the hands of the children.

Mr. Chairman, I am a Democrat who believes in the second amendment right to bear arms; the right to bear arms by responsible adults.

There were many factors that contributed to the recent school killings: lack of parental involvement, the prevalence of violent, cruel and sadistic video games, television shows, and movies. But when all is said and done, the main culprit was the easy accessibility of guns to the children.

Mr. Chairman, some people think that Americans cannot do two things at once. They think that it is impossible to allow law-abiding adults to own guns while at the same time restricting children's access to guns. They underestimate the intelligence and the ability of the American people to recognize and respond to the need for responsible gun control measures where our children are concerned.

Most Americans and most Democrats support common-sense gun legislation that allows law-abiding adults to have guns, but keeps guns out of the hands of criminals and children. The Senate has already done their job: Passed common sense gun laws. Now it is up to the House to do the same. It is up to us not to fail our children.

I urge my colleagues to support the McCarthy-Roukema and Conyers-Campbell amendments. Let us not let our children down.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon, (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

It is a sad day when the Speaker of this House is unable to deliver on his promise of a deliberative process on efforts to reduce gun violence. This bill bypassed entirely the substantive committee process, despite the promise of the Republican leadership; a pointless delay, which has only allowed the NRA and other gun violence apologists to politick and fund-raise to their hearts' content, while distorting the effects of this modest Senate provision.

We have an opportunity to support these provisions rather than weakening them further and show that there is a way to give voice to the concerns of the overwhelming majority of the American public on this issue. If we care about families, we should enact Federal child access laws like 17 States have done. We can close the gun show loophole rather than make it worse. These are modest steps, but they start us in a new direction to make America a little less lethal.

The victims of gun violence are not just the children in schoolyards, classrooms and America's neighborhoods. We are all being held hostage. It is time for a majority of the Members of this Congress to stand up and start in a new direction.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, as a former school nurse, I feel so strongly about the national crisis of gun violence in our schools.

In my district, many law-abiding citizens own guns, and, of course, I strongly support the rights of hunters and sportsmen to keep and use their firearms. But there is no reason why children and teenagers should have such easy access to guns. There is no simple solution to youth violence, but common-sense safety legislation is the place to start.

I have heard it argued that safety locks and real gun show background check provisions will not save many lives. But even if these bills save the life of just one child, is that not enough?

Let us stand up for America's families. Let us keep our children safe from the horrors of gun violence.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, the competing gun safety bills that the House is considering do not appear to differ greatly, but in fact those differences are important to keeping firearms out of the wrong hands and closing the gun show loophole.

The Department of Justice has worked to make the instant check more convenient. Some 73 percent of all background checks now are done instantly; another 22 percent within 2 hours. That means just 5 percent require additional information before the purchase can be completed, but that is an important 5 percent.

The most important difference between these competing bills is the length of time allowed to clear or deny that remaining 5 percent. The Dingell bill gives law enforcement only 24 hours. The Hyde-McCollum proposal, 72 hours. The McCarthy proposal, like the Brady law, gives law enforcement 3 business days.

Let me be clear about who in North Carolina would have been cleared for gun purchases if the present check were only 24 hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun in North Carolina on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared, and on May 15, a person convicted of rape in Virginia would have gotten a gun. But because law enforcement had 3 business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

If the background check is to do its job, if the gun show loophole is to be closed, law enforcement must have the time it needs. The differences between these proposals are important: Vote for the McCarthy substitute.

Mr. Chairman, firearms legislation tends to focus intense heat in the House. What I want to try to do is shed a little light.

The competing gun safety bills that the House is considering do not appear to differ greatly, but the differences are important to keeping firearms out of the possession of felons, fugitives, and those with a record of domestic violence, drug abuse or mental illness.

The Brady law, despite all of the predictions made in 1994 that it would not work, has stopped over 400,000 gun sales to dangerous persons. It has helped reduce the homicide rate in the United States to the lowest in a generation. And now we have the chance to plug the Brady bill's greatest loophole: unregulated gun shows.

No doubt, the background check required by the Brady law is an inconvenience, but it is a small inconvenience that has saved lives. The Department of Justice is working hard to make the instant check more convenient. Some 73 percent of all background checks are approved instantly. Another 22 percent are approved within two hours. That adds up to 95 percent of all background checks, approved within two hours. The remaining five percent require additional information before a purchase can be completed or denied.

Perhaps the most important difference between the competing bills we vote on today is the length of time allowed to clear or deny that remaining five percent. The Dingell proposal gives law enforcement twenty-four hours or the gun gets transferred. The Hyde-McCollum proposal gives seventy-two hours. The McCarthy proposal, like the Brady law, gives law enforcement three business days to track down the details to make certain that a gun buyer is not a prohibited person before allowing the transfer.

Let's be clear about who in North Carolina would have been cleared for guns if the present check was only twenty-four hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared to purchase a firearm. And on May 15, a person convicted of rape in Virginia would have gotten his gun. Because law enforcement had three business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

It seems a small inconvenience to require that the five percent of questionable purchasers wait up to three business days before completing a gun purchase. Like the background check itself, it is a small inconvenience that will saves lives. I urge the adoption of the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the ranking member for yielding me this time.

I would like to read excerpts from a letter that I received.

My name is Karly Kupferberg, and I live in Evanston, Illinois. I am 14 years old, currently in the 8th grade, attending Haven Middle School.

School is supposed to be a place where kids go to get an education and to start their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school.

I know that when I heard about the Columbine shooting, I thought to myself, here we go again. The next day I had to go to school in a similar environment of the Columbine shooting and worry about someone coming in with a gun, opening fire. It was terrifying.

This is too much for kids to deal with, and I don't find it fair. Why should we have to worry about dying at school?

I think it is time as a Nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be Federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill.

Karly says, we want it stopped, and we need help because we cannot do it by ourselves.

We can help Karly, my granddaughter, Isabel and all of our children by plugging the loopholes and voting for McCarthy, Roukema and Blagojevich amendment.

I would like to read a letter that I received.

May 16, 1999.

DEAR JAN SCHAKOWSKY, My name is Karly Kupferberg and I live in Evanston, Illinois. I am fourteen years old, currently in the eighth grade attending Haven Middle School, Next year I will be entering Evanston Township High School as a freshman. Over the past couple of years, as you know, there have been an extremely high number of school shootings. I noticed that each time these unfortunate shootings happen, the assailants become bolder which culminates in more tragedy. School is supposed to be a place where kids go to get an education and to start to build their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school. What is going on here? Schools are no place for violence and crime. This should not be happening to children, the future of America. How are kids supposed to go and get an education when they have to be worried about their safety in school and it being the next place for these school shootings to happen? I know that when I heard about the Columbine shooting I thought to myself, "here we go again."

The next day I had to go to school, in a similar environment of the Columbine shooting, and worry about someone coming in with a gun opening fire. Maybe one of my classmates, maybe not, but either way it was terrifying. How can our nation tolerate these inhuman acts of terror and why is this happening? This it too much for kids to deal with and I don't find it fair. Why should we have to worry about dying at school?

I think that it is time, as a nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill. I know that I hate watching these poor, innocent victims and their families as they are torn apart and traumatized for life. My heart goes out to all the families victimized in these school shootings. Then I have to ask you, how can you sit in front of the television at night watching the news and seeing all those horrifying pictures of the school shootings, and not worry about your children or grandchildren at school. You must fight back against all that is wrong and make it right for your kids. This is what I have decided to do by writing this letter. I'm hoping that everyone that reads this letter will finally see that the children of America are crying out for help and shelter from the crime and bloodshed. We want it stopped and we need help because we can not do it by ourselves. By passing stricter gun control laws and requiring the parents who own guns to lock them up, we can help piece this nation back together. Other parents won't have to worry if their kids are safe at school and children won't have to worry about anyone coming into their school causing further tragedy. We need to act quickly to stop school shootings from becoming as culturally accepted unfortunately as gang shootings have become in America. So please help eliminate the crime from schools and make them a safer place for kids of America.

Sincerely,

KARLY KUPFERBERG.

We can help Karly and my granddaughter Isabel and all of our children by closing the loopholes and passing the McCarthy, Roukema, Blagojevich Amendment and the Conyers Campbell Amendment.

Mr. CONYERS. Mr. Chairman, may we get a reading on the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11½ minutes remaining; the gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, law-abiding citizens in the United States have nothing to fear from applying the Brady background checks to gun shows. If one is a member of the NRA and one is law-abiding, the McCarthy gun show bill does nothing to threaten one's rights. However, if one is a criminal and one wants to buy a gun, that is the purpose of the McCarthy amendment.

The focus is on the criminals. There were 5,200 gun shows last year; 54,000 guns came and were confiscated in crimes that came from gun shows. We have a gaping loophole that we are trying to close, and there are three measures that might achieve that: the Hyde amendment, the Dingell amendment and the McCarthy amendment. Three great Members, one good measure.

Under the Hyde amendment, 9,000 criminals could get guns within 6 months at gun shows. Under the Dingell amendment, 17,000 could get guns at gun shows. This according to the Department of Justice.

If it is about keeping criminals from getting guns, support the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding me this time.

Mr. Chairman, later on tonight we will be considering the Dingell amendment, which I strongly support.

I know that to many people, restrictions on the use and sale of weapons seem like common sense. Those who live in urban areas, particularly the inner cities, seldom hear of a gun used for hunting or for sport. Instead, to them, guns are almost always associated with crime and violence.

Others know that guns are used safely for sport, to shoot game and to protect one's home. In fact, more guns are used each day in self-defense and to prevent crime than are actually used to commit crimes. Clearly, there is a difference of perspective based on individual's own life experiences.

The clash of opinions comes when new gun control restrictions are perceived as punishing law-abiding citizens rather than the criminals themselves. To me, the need is not for more gun control legislation on the books, but better enforcement of the laws we already have.

□ 2200

We all know that under this administration there have been very, very few prosecutions of crimes involving guns.

For example, thousands of felons were identified as attempting to illegally buy weapons under the Brady law, yet this administration chose not to prosecute a single person.

We also know that we would not be here today if the Littleton tragedy had not occurred. Yet none of the proposed restrictions we will consider later tonight would have prevented those deaths. What certainly would have prevented the killings would have been the enforcement of the dozen gun laws that were broken during the course of the acquisition, possession, and use of the guns involved.

One more point, Mr. Chairman. The violence and crimes committed with guns are not the root problem, just the manifestation of it. The root problem is the destruction of American values. Our efforts should be directed towards strengthening those values, and not passing restrictive amendments which are going to be considered later tonight and which do not solve the problem.

We should seek reasonable solutions. That is what the Dingell amendment will help us to achieve.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in strong support of the McCarthy amendment. Congress needs to act in three areas to restore sensibility and workability to our gun laws.

First, we need to close the gaping loophole that permits unregulated and undocumented sales of guns at flea markets and gun shows.

Secondly, we need to restore a three-day waiting period that would permit a cooling-off period and also permit law enforcement to do proper background checks.

Third, we need to increase accountability and responsibility, requiring manufacturers to use the latest technology of child safety locks and load indicators that would indicate whether guns are loaded, and we could tell at a glance, and require more accountability from parents to safely store their guns.

The McCarthy amendment would restore the background checks and bring gun show sales into compliance with recordkeeping and background checks.

These improvements will reduce juvenile access to weapons. We should restore sanity, protect kids, and pass McCarthy.

Mr. McCOLLUM. Mr. Chairman, I understand both sides would be agreeable to extending the time of the general debate, so I ask unanimous consent for an extension of the debate for 5 minutes to each side, or a total of 10 minutes, and not on amendments, on the general debate on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) and the gentleman from Michigan (Mr. CONYERS) shall each be recognized for an additional 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, we have some 20,000 plus gun laws in this country. Yet, there are those on this floor that would tell us if we pass two or three more, that will solve the whole problem of illegal use of guns.

Does that not strike Members strange, that Members of this floor want to add to 20,000-plus gun laws already on the books, most of which are not enforced by this administration, by the way, but they do not want to pass any laws to stop peddling of filth and pointless violence to our children?

The Columbine tragedy struck a chord with all Americans, but we should be looking at the core of the issue, which is why young people think it is okay to commit violent crimes.

Could it possibly be that kids grow up seeing thousands of acts of violence without seeing the consequences of these actions?

There are video games where the fun of the game is to kill and maim people. People even get extra points if they kill innocent bystanders. Movies with no artistic merit are out there letting kids see death and destruction at unparalleled rates. We have let our children become numb to these things.

Do not tell me there are those who cannot tell the difference between Saving Private Ryan and Natural Born Killers. That is a disgrace to the millions of Americans who experienced the violence of war in the defense of freedom.

The uncalled-for violence that is provided to our children through television, movies, video games, and music videos should stop. However, under the cloak of the First Amendment, many want to allow these providers of violence and corrupters of our culture to police themselves. How very, very strange.

Liberals claim that conservatives have been bought off by the NRA for their opposition to more gun laws on law-abiding citizens. The focus should be placed on if this administration and the liberal wing of Congress have been bought off by Hollywood types who have been getting filthy rich peddling filth to our young people.

The erosion of America's morality has desensitized our children's ability to discern right from wrong, and even to value human life. This debate should not be about more laws on guns, or adding even more laws at any point. It should be about our culture and values that have gone really, really wrong.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I resent bullies, and I always have. I think that the leaders of the NRA are the bullies of all bullies.

Today I find myself once again fighting against NRA threats, threats against Members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a Member of the Petaluma City Council in California, I was threatened by these same individuals, who promised to post my name in their place of business if I voted for local gun control.

Let me tell the Members, I told them I would be proud to have my name posted in their businesses, and I told them how to spell my name. I did not want my name up there unless it was spelled right.

Today I am proud to stand for the McCarthy, et al., amendment, and I am proud to stand for the Conyers-Campbell amendment, amendments that keep our children safe, and any bully who wants to hold that against me needs to spell my name right: W-O-O-L-S-E-Y.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am looking at the clock. It is 10 o'clock at night. We have been debating for 2 days and we have finally gotten to guns. I think about this afternoon, and the fact that we debated the Ten Commandments.

It is not going to be until 3 in the morning when we finally debate 10 bullets in every magazine that can be stuck into a clip and mowed across any Long Island railway to take out some member of a family who is trying to get home in the evening. We are going to debate that at 3 o'clock in the morning? Shame on this House and this process.

I cannot get my head around this loophole thing that the Republicans keep talking about. They want loopholes? Let me understand this correctly. The Brady bill is designed to screen out criminals from getting guns, but no, the Dingell amendment and the Republicans want to create a loophole so that criminals can get guns.

I do not get it. They want criminals to get guns. I cannot figure it out any other way. If they did not want criminals to get guns, they would be for closing the loophole. That is what loopholes are. They are mechanisms to get around the law. Let us close the loophole and pass the McCarthy amendment.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, despite all the rhetoric that is being used by liberals here tonight, the thrust of their effort is one of the most dishonest attempts to disguise legislation that I have ever seen.

To my colleagues and to my constituents in Georgia's Eighth District, they deserve to know what is behind all the smoke and mirrors here tonight.

The majority of the amendments that we are debating are not about saving lives, they are about taking rights away from law-abiding citizens. What we are talking about is gun control. That is the wrong issue.

Just yesterday and today this House approved amendments that were truly aimed at saving lives, preventing tragedies, and solving the cultural problems facing our Nation. That is where we need to direct the debate tonight.

Let us punish those who break the law, let us enforce the laws already on the books, and let us limit the access of children to violent and sexually explicit material. We do not need to punish law-abiding Americans. We do not need more gun control legislation.

I will oppose all attempts to chip away at America's Bill of Rights, and I urge my colleagues to do the same. The Second Amendment and the 10th Amendment are part of our Constitution. Every single Member of this body took an oath to uphold the Constitution of the United States of America. Uphold the Constitution by defeating any gun control measures on the floor tonight and in the future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just say first that the gun show bill we are considering today falls far short of what this Congress should be doing to protect America's children. This bill is really a sham, the NRA has shot so many loopholes in the Senate gun show language.

Let me just list a few of them. First of all, it opens up a gun runner loophole. H.R. 2122 would only apply the definition at events where 10 or more vendors are selling guns and where 50 or more guns are sold, regardless of the amount of guns sold. This means that nine vendors could sell thousands of firearms at a gun show without being required to do any criminal background or age checks.

It also opens up a "Let's step outside" loophole. The bill allows gun vendors to complete transactions of gun sales with no background checks if the seller and purchaser merely step outside of the curtilage of the gun show to make the deal.

It also allows for a roving vendor loophole. This bill allows gun vendors at gun shows to sell firearms with no background checks if they are simply walking the premises.

So please support the McCarthy-Roukema and the Conyers-Campbell amendment. Without these amendments, these loopholes will mean that criminals will get guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I have a question: What do the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Police Foundation, the National Association of Black Law Enforcement Officers, Black Executives Research Forum, what do they all have in common? They support waiting 3 business days, like we want, like the McCarthy proposal has put forth.

What do we know that they do not know? That is a question Members must ask. I am tired of hearing about liberal organizations. Are these liberal organizations? What is their hidden agenda? They have to deal with this day in and day out, the police officers of the country. They know what they are talking about. They look at this firsthand.

Let us look at the record. Just this year in the State of Michigan, this year, February 6, 1999, a twice-convicted domestic violence batterer; April 24, 1999, a person convicted of domestic assault and battery, were stopped because of the three-day rule. They would be out on the street today doing their business.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), one of the indefatigable Members of the House.

Mrs. McCARTHY of New York. Mr. Chairman, I am sitting here and I am listening to this debate. I know what is in my amendment. My amendment is closing a loophole. That loophole is not taking away anyone's right to buy a gun except a criminal.

My amendment also puts in there that there will be no national gun registry. Has anyone read this amendment? We talk about adding new laws. We are not adding new laws. We are using the existence of the Brady bill that is already there.

Seventy-five percent of the people that go to gun shows can get their guns in a short amount of time. Some might actually have to wait 2 hours. It is the criminals that have to wait. It is the criminals that we want to wait. It is the criminals, that is what we are supposed to be doing.

Where is our debate going? We are supposed to be saving people's lives, our police officers, our children. That is our job, and that is what the American people want.

□ 2215

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I have found tonight's debate incredible. Just a few moments ago, we were accused of wanting criminals to get guns.

Now, does anyone really believe that any Member of this body, I would not accuse anybody of that, wants criminals to get guns?

Criminals steal guns. Criminals do not buy guns in the marketplace. They buy them in the black market. They steal them.

We also have trivialized the Ten Commandments. I would urge the gentleman to read them. One is, Thou shalt not kill. That is one of the Ten Commandments that was talked about today, and it was trivialized here a few moments ago.

Earlier this evening in this debate, we heard the figure of 13 children. Now, one child is too many, but what is children? I asked several people what they considered children and they said 10 and under; 12 and under. Well, let us take 14 and under. The national statistic is less than 2, but we hear from the President, we hear from the minority leader, we hear from leaders trying to make this issue 13.

That is a lie. That is not the facts.

Two is too many. We cannot afford to lose any children.

I ask all of my colleagues if we pass every amendment, if we pass every bill that is before us, will Littleton have been prevented? No. No, it would not.

What has happened that very young children can pull a trigger and kill another human being? It used to be people who had been in the war and had scars and had emotional problems that would crack and we would suddenly have a crime wave in one of our cities.

In World War II, I have been told that less than 35 percent of the trained soldiers could pull the trigger when they had the enemy in front of their sights because of the value of life that we have all been taught to treasure.

What has changed us? In the Vietnam War, I am told through video-type simulations, that number went up much higher because we taught them to pull the trigger and pull the trigger at targets that were like people, until they were desensitized, and so they could take a life without giving much thought.

Something has changed in this country. The people do not value life. That is what we need to deal with. It is not guns. Nobody wants criminals to have guns.

What has desensitized young people? Just a few years ago when I was State chairman of health in Pennsylvania, I was at Temple University at the trauma center. I was a member of the trauma board and they told me that 45 to 50 percent of the people at their trauma center was from street crime in Philadelphia.

Now some of that has moved out to rural America where I live, and I am as concerned as the people in Philadelphia and all of our cities. But what has changed? They told me that street crime dominated their trauma centers; a third guns, a third knives, and a third clubs. Are we going to deal with clubs and knives? That was their statistics, unsolicited, for when I was chairman of health and welfare in Pennsylvania.

Mr. Chairman, what has changed in our communities and our schools about drugs? Twenty years ago, there were few drugs in rural schools. They were in urban schools, and the crime was in urban cities. Today there are drugs everywhere in this country, every hamlet, every corner. Drugs are available to 7th and 8th graders. What are we doing about that? We have lost the war on drugs.

We spent $18 billion, Mr. Chairman. The problem before us is far beyond the gun. That is just part of the problem.

Mr. CONYERS. Mr. Chairman, I yield 20 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, being that I could not be yielded time by the gentleman from Pennsylvania (Mr. PETERSON), let me just say that in 72 hours, over the weekend, the criminals are the ones that will walk away with the guns. We know that. We have the statistics for that. If we go back to the 24 hours, I am saying between January and today if it was under 24 hours we would have 17,000 criminals getting guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise proudly in strong support of the McCarthy amendment.

Mr. Chairman, I believe I was elected to help make this world a better place for our children and this amendment will simply close a loophole in current law. It will simply make it more difficult for criminals to get guns at gun shows that they could not purchase anyplace else. That is it. This is one small reasonable way to make the world safer for our kids.

As a new parent of a little boy, I care deeply about the safety of his world. So I am casting my vote in favor of this amendment.

I have been inundated with calls from the NRA, like many of my colleagues. A well-financed NRA campaign has flooded my district with distorted information about what this amendment will do, and that is their right and they certainly have money to promote the distortions, but let me say, Mr. Chairman, they are wrong.

So I say to my colleagues, this is an important issue. It is worth casting a yea vote, even if it risks losing your seat. If we cannot come together on a proposal so reasonable, then we have abandoned our communities and turned our backs on our children.

I urge my colleagues to vote yes on the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we are all entitled to our own opinion on this issue, but we are not entitled to our own facts. The fact is that in 1996, 10,744 people were murdered with firearms in this country. That is more than were murdered with firearms in all 25 industrialized nations combined.

In that same year, 106 people died of firearms in Canada. Now, Canadians love to hunt. They probably hunt more than we hunt, but they understand that handguns are not for the purpose of hunting animals. They are for the purpose of killing people.

The gentleman suggests that that figure of 13 children being killed every day is not accurate. The fact is, 13 young people, under the age of 19 are killed every day in America. We do not read much about them probably because most of them are killed in the inner cities of our nation but they should matter and they should not be killed because we have made handguns too accessible to their killers and we should pass the McCarthy amendment because it will probably save even a few of those young lives.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I do not know what world some people have grown up in but I grew up in urban America. From the time that I can recall, I have seen people with guns killing people.

It seems as though all of a sudden there is a revolution or an evolution of guns on the streets and we do not want to realize that they are killing people every day.

This amendment, the McCarthy amendment, simply closes a loophole. We could go much further. For example, if we go back in the beginning of the 19th century in the wild, wild West when guns were everywhere, there were times where people had to check their guns in. There was gun control back then. Yet here we are now not sensible to see violence is here, and we must do something to stop it.

Gun control is what stops it, and we are not even talking about that here in this bill. For if we do not pass this bill, let us then ask who the bell tolls for. The bell tolls for thee.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6 minutes and 10 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, tonight we choose between common sense and unreasoned fear. It would be common sense to close loopholes with the McCarthy amendment on gun safety laws. It would be unreasoned fear to think that keeping felons from firearms will somehow keep dads from deer rifles. On this night, we should choose common sense.

I am a Member with a somewhat unique perspective because in 1994 I voted to ban assault weapons and I was defeated. It was bitter and it was painful, but I have not regretted that vote for one second, for a simple reason: Any child's life is more important than any Congressman's seat. No Congressman's seat is more important than any child's life.

The reason I am back here now is that the world has changed since 1994. America is tired of burying its children, and we need to put aside this notion that common sense will do anything else but to restore order.

In January of 2001, I will come to this floor and celebrate with my colleagues. I will celebrate the children who are alive because of the actions we take tonight.

I lost my seat in 1994 on gun issues, but I am going to win my seat in 2000 by voting for common sense for families. This is the right thing to do and, Mr. Chairman, America knows it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, no one is accusing anyone of anything. Let me suggest that this is a bill of unintended consequences, but it is a dangerous and irresponsible measure because it would weaken the Brady law and it will put lethal weapons into the hands of criminals. That is because the bill denies the FBI the 3 business days it needs to complete its background check on those very people that are most likely to have a criminal history, like the convicted rapist who traveled from Virginia to North Carolina just last month for the purpose of buying a gun; or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March for the purpose of buying a gun; or the murderer in Texas, or the arsonist in New Jersey who went all the way to Mississippi last April for the purpose of buying a gun.

Now, these are just a few of the thousands of criminals who have tried to purchase handguns in the last 6 months and were stopped because a 3-day, business day, background check revealed their criminal history before the sale could go through.

If this bill had been the law of the land 6 months ago, the FBI, and that is not a liberal organization, Mr. Chairman, estimates that 9,000 of these people would have been walking the streets with a license to kill. So please, Mr. Chairman, think of that before this vote.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes 10 seconds remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State (Mr. METCALF).

Mr. METCALF. Mr. Chairman, we are discussing today an issue which harkens back to our earliest times, before the Revolution or even the Declaration of Independence. Those who have visited Lexington and Concord remember the statues commemorating the "minute-men," statues of frontiersmen with flintlock muskets ready to be used at a moment's notice, and in mid-April 1775 that moment arrived. The British marched out of Boston on the road to Lexington and Concord.

I want to raise the question tonight: Why, why were the British marching out of Boston in those pre-dawn hours?

□ 2230

The answer is appropriate to this discussion. The British had heard that the colonists were stockpiling arms and ammunition at Lexington and Concord, and they were intent on capturing and/or destroying the colonists' guns.

When the British marched out to take away their guns, the colonists drew a line in the sand. They would go to war to protect their right to keep and bear arms. Millions of Americans today believe that that line is still there.

I will vote to protect those who use guns legally and responsibly. The decision to bear arms must be reserved for law-abiding Americans, not by this Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, it is hard for me to understand why it has taken this Congress this long to pay any attention to gun violence. Each of us knows that this is a tragedy in our country, and we come here and we waste the taxpayers' money talking about the NRA, talking about Democrats, talking about Republicans, when the color of our blood is the same regardless of where we are from.

Why is it that it took Littleton for us to face this tragedy? In the district I represent, they are killed every day, children are killed by spraying bullets, yet we pay no attention, yet we come here to try to undercut or degrade amendments that come up to try to protect us.

Now, if we do not protect ourselves, no one else will protect us. We are here in the highest body in this land, yet we cannot face one of the worst tragedies this country has ever faced, and that is the use of guns.

Guns do not create violence alone, but what creates violence is the atmosphere of the people one lets have these guns.

I stand before my colleagues today and plead to them to do the right thing. Stop worrying about how you look back home. Worry about how you look in your heart. It is important.

Mr. CONYERS. Mr. Chairman, I yield the remainder of the time to the gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

Mr. WEINER. Mr. Chairman, as much as some of my colleagues would like this to be a debate about the history of the second amendment, about whether or not we should govern clubs and sticks as well as guns, this is a very simple and narrow proposition that we are considering today; and that is, if a person walks into a shop where guns are sold on a Friday before a long weekend, and they want to purchase a gun, almost instantly 75 percent of those people that walk in there can walk out with that gun with no problem at all. But if that same exact person walks into a gun show, they could also walk out instantly, 75 percent of them.

It is what happens to that other 30 percent, the ones where a flag comes up on that Friday and we are unable to determine why it is that that person has a flag.

Just so we understand here, over 300,000 people have walked into shops and tried to buy guns that were not entitled to have them, criminals, people that were going to do wrong with them, people that I am sure our Founding Fathers would have said it is absurd to say that someone who is a batterer, someone who is rapist should be able to get that gun. I think my colleagues on the other side of the aisle understand that. I think they see the value of that.

All that we are saying today with the McCarthy amendment, all we are saying today in rejecting the Hyde amendment and rejecting the Dingell amendment is make it exactly the same for a customer walking into a gun show. Just make the rules consistent. Let us take that 30 percent or so and say, "Do you know what, let us wait and find out why you have a flag." What is the harm in leveling that playing field? That is all we are asking today.

For those of my friends who are avid gun users who represent districts where guns are purchased heavily, I would ask them to ask their gun shop owners why it is they would be dealt with a different playing field than those who are in the gun show.

What is the rationale? The rationale is plain and simple, I would say to the opponents of the McCarthy amendment. The National Rifle Association says they do not want it; therefore, we are not going to do it here. That does not make sense. Over 300,000 criminals have been prevented from getting guns at shops. Let us stop them at gun shows as well.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I think what we are here tonight to debate and what this underlying bill is all about is something that we all ought to be able to agree on. It is not a bill about controlling guns in this country and the broad sense of that debate. It is a fact that I happen to believe in the second amendment and the right to bear arms, self-defense and so forth.

But I am concerned, and that is why this amendment is here, with the fact that we have laws rightfully on the books that everybody in this country agrees with, and that is laws that say that felons, convicted felons, should not be allowed to get guns.

We have a problem with the fact that some kids are getting killed on our streets, all too many of them, with violent youth crime. One of the principal reasons why that is occurring is because there is a loophole in the current instant check laws.

I do not favor waiting periods, and we are not talking about that tonight. We are talking about how can we, at a balanced approach, which this underlying bill, H.R. 2122 does, how can we close a loophole in the existing law that does require when one goes to buy a gun that there is a background check, an instantaneous background check in the best sense that we can do that, a name check, to find out if one is indeed a criminal with a felony record and, therefore, disqualified to buy that gun. That is all this is about tonight.

I think the underlying bill is very responsible. People have criticized various things about it, and misstated, I think, unintentionally, I am sure, some things about it. The truth is that, yeah, maybe 25 percent of the people who go to buy a gun, when they do go through an instant check, whether it is at a gun show or otherwise, are flagged. But 80 percent of those people who are flagged are not criminals. They wind up getting those guns. A very tiny fraction are screened out. When they are, they should be, though.

The idea is to close a loophole in the gun show, which, up until now, if one is not a registered dealer and one sells a gun to somebody at a gun show, one does not have this instant check.

The underlying bill that I support strongly requires the instant check for everyone who purchases a gun at a gun show, just like everyone who purchases a gun from a gun dealer anywhere else.

It should not be a problem. It should not be a difficult vote. It is one that a lot of people want to offer other amendments to. But, quite frankly, what we do here is a simple balance in truth of this. We give the right amount of time to check on it and not an excessive amount. I urge that the bill be voted on and that frivolous amendments not be voted for.

Mr. COYNE. Mr. Chairman, we as a nation need to act to reduce gun-related violence in this country.

In 1994, Americans owned 192 million firearms, 65 million of which were handguns. That same year, more than 15,000 people were killed with firearms in this country, nearly 13,000 of them with handguns. Those figures are much higher—even on a per capital basis—than in any other developed country.

Several weeks ago, President Clinton proposed legislation which would require background checks for firearm sales at gun shows. I welcome the President's initiative.

Background checks and waiting periods are just simple, practical, and constitutional measures for ensuring that people who should not have guns don't get them. Since 1994, the Brady Law has blocked the sale of handguns to over 250,000 prohibited purchasers. Of this number, over 47,000 were felons. Moreover, after the Brady Law took effect in 1994, the number of murders in this country fell by 9 percent, while the number of murders committed with a firearm fell by 11 percent.

In May, the Senate passed legislation that would require background checks for firearms sales at gun shows. Today, the House has a chance to vote on similar legislation. I urge my colleagues to join me in supporting this important legislation.

Credible evidence indicates that gun shows represent one of the most significant sources of weapons used in crimes. A one-year study by the Illinois State Police, for example, indicated that more than a quarter of the illegally trafficked firearms used in crimes had been sold at gun shows. It seems clear to me that if we want to reduce criminals' access to firearms we need to close the gun show loophole, and that means we need to have background checks for firearms sales at gun shows.

In short, Mr. Chairman, requiring background checks of firearms sales at gun shows seems like a common-sense measure to keep guns out of the hands of criminals. Obviously, such a measure won't eliminate violent crime, but it might—just might—reduce the number of firearms deaths in this country.

Ms. ROYBAL-ALLARD. Mr. Chairman, guns are not the only cause of youth violence. But the increasing tragedies from gun violence in our schools tell us that our children enjoy easy access to guns, and strong steps should be taken to restrict that access.

We must not lose sight of our goal. Our goal is to keep our kids safe in school.

That's what the tragedies in Littleton and Atlanta and Jonesboro and other suburban communities have pointed out in dramatic fashion—that even kids in our suburban high schools are not safe from gun violence. But instead of addressing this pressing issue, the Republican leadership has failed to act responsibly in a time of crisis. They have allowed months to pass since the tragedy of Littleton, Colorado before taking action to curb the gun violence that threatens our children throughout the country. And now that they have chosen to act, they do so with the ugly face of partisanship and irresponsibility.

Columbine High School was a real tragedy, but it is no more significant than the tragedy that many of us experience in our districts every day. As a representative of an inner-city district, I know that the tragedy of gun violence to our young people and by our young people has had heart-breaking consequences in my district for many years. In just the last few months, there has been a series of violent incidents that involved youth and that I wish I could say were unusual.

But unfortunately, they are all too frequent in my district.

In Huntington Park, for example, two youngsters shot it out in front of city hall, wounding innocent bystanders.

In southgate, Mayor Henry Gonzalez was shot in the head after a city council meeting when two youths attempted to rob him. Fortunately, Mayor Gonzalez survived the attack but he was severely wounded and spent weeks in intensive care.

In southeast Los Angeles near Walnut Park, a series of drive-by shootings have taken place in recent weeks.

The cancer of violence that has impacted major cities for years is now spreading across the country. We cannot ignore this crisis as we have in the past, nor can we effectively address it with diluted gun safety measures and feel-good juvenile crime provisions that do little, as the Republican leadership would have us do.

I voted for the Brady bill and for the assault weapons ban, and the facts support that they have made an enormous difference in preventing easy access to weapons by criminals. The Justice Department tells us that the Brady bill has blocked over 400,000 illegal gun sales to felons, fugitives, stalkers, and other prohibited persons, but no law-abiding citizen has been stopped from buying a gun for sport or self-protection.

In spite of these successful measures, the recent tragedies have made it apparent that even more needs to be done.

In May, the Senate quickly passed some reasonable gun safety provisions to tighten up gun purchases at gun shows, to require safety locks on guns, and to ban large-capacity ammunition clips. The House could have also acted quickly to pass the same provisions and put a bill on the President's desk by Memorial Day. Instead, the Republican leadership ignored the American people, delayed action, and have now chosen to make a mockery of a bipartisan legislative process by allowing consideration of numerous amendments that have never been the subject of committee deliberation.

Some believe that the delays since Memorial Day have been orchestrated to give the National Rifle Association time to mobilize their membership to weaken the safety measures passed by the Senate and ultimately kill them. Our actions today will demonstrate whether that charge has any validity.

I support the McCarthy amendment which will strengthen the provisions in the bill affecting gun show transactions and close the loophole that permits our children to obtain guns in this unregulated manner.

I support the amendment to ban the importation of large capacity ammunition feeding devices.

I also support the amendment that will require secure gun storage or safety devices for handguns.

These are common-sense provisions that add an additional margin of safety for the millions of guns that are in circulation in the United States. Perhaps it is not all we should be doing to cut down on the gun violence that claims so many Americans each year.

But it is a start, and it represents progress on these important issues.

I urge my colleagues to support these reasonable efforts to keep our kids safe in school and to keep guns out of the hands of criminals.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in support of the provisions in this bill proposed by several of my Democratic colleagues dealing with gun safety, especially the McCarthy amendment. These provisions are commonsense solutions that will get guns out of the wrong hands.

Children are too easily able to get guns, either from gun shows or from their own homes. Convicted felons and people with outstanding warrants can walk into any gun show and walk stall to stall until they find a dealer willing to sell them a gun with no questions asked. These problems are too severe to be ignored.

This is not gun control, this is gun safety. We are not trying to control guns, we are trying to control the environment of rising youth violence. I come from Texas, and I can tell you that people in Texas raise a big ruckus whenever they think that we in Washington are trying to take their guns away.

I am not worried about responsible adults who have guns legally and use them wisely. I am worried about their children, who do not have the capacity to make responsible choices about firearms, getting their hands on guns. Selling a trigger lock with every new weapon makes weapons safer for children.

This does not mean that parents can abdicate their responsibility when they purchase guns. But, trigger locks will cut down on accidental shootings and will make it harder for children to use firearms in a fit of rage.

We need to conduct background checks on gun show purchasers and we cannot rest on the watered down language the NRA supports. Gun shows are the easiest way for criminals and children to get guns illegally. Let's stop the practice now.

Legitimate buyers need not worry, so why does the NRA oppose this? Who knows? Stop attacking common sense and support the language taken exactly from the Senate passed Juvenile Justice bill.

Finally, we need to raise the legal age to purchase a handgun from 18 to 21.

These provisions all make sense and are needed now. Stop letting children and criminals get guns. Pass these provisions. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. While the Chair earlier entertained a unanimous consent request to extend general debate by an additional 10 minutes, the precedents indicate that the Committee of the Whole may not change an order of the House regarding general debate (where the House sets a time not to be exceeded) even by unanimous consent.

Thus, the Chair would not expect the House precedents to be changed in this regard.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2122 is as follows:

H.R. 2122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Gun Show Background Check Act".

SEC. 2. MANDATORY BACKGROUND CHECKS AT GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers, the vast majority of whom are law-abiding individuals with no desire to participate in criminal transactions;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold, often without background checks and without records that enable gun tracing;

(5) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons can obtain guns without background checks and can use such guns that cannot be traced to later commit crimes;

(6) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(7) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this section, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'gun show' means an event which is sponsored to foster the collecting, competitive use, sporting use, or any other legal use of firearms, and—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or the event otherwise affects, interstate or foreign commerce; and

"(B) at which there are not less than 10 firearm vendors.

"(36) The term 'gun show organizer' means any person who organizes or conducts a gun show.

"(37) The term 'gun show vendor' means any person who, at a fixed, assigned, or contracted location, exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show.".

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of such title is amended by adding at the end the following:

"§931. Regulation of firearms transfers at gun shows

"(a)(1) A person who is not a licensed importer, licensed manufacturer, or licensed dealer, and who desires to be registered as an instant check registrant shall submit to the Secretary an application which—

"(A) contains a certification by the applicant that the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1); and

"(B) contains a photograph and fingerprints of the applicant; and

"(C) is in such form as the Secretary shall by regulation prescribe.

"(2)(A) The Secretary shall approve an application submitted pursuant to paragraph (1) which meets the requirements of paragraph (1). On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of the United States of the same, which entitles the registrant to contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act for information about any individual desiring to obtain a firearm at a gun show from any transferor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, and receive information from the system regarding the individual, during the 3-year period that begins with the date the registration is issued.

"(B) The Secretary shall approve or deny an application submitted pursuant to paragraph (1) within 60 days after the Secretary receives the application. If the Secretary fails to so act within such period, the applicant may bring an action under section 1361 of title 28 to compel the Secretary to so act.

"(3) An instant check registrant shall keep all records or documents which the registrant collects pursuant to this section during a gun show at a premises, or a portion thereof designated by the registrant, that is open for inspection by the Secretary. The Secretary shall establish by regulation the procedure for the inspection, at a premises or a gun show, of the records required to be kept under this section in a manner for a registrant that is identical to the same procedural rights and protections specified for a licensee under subsections (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant check registrant shall remit to the Secretary all records required to be kept by the registrant under this subsection when the registration is no longer valid, has expired, or has been revoked.

"(4)(A) This subsection shall not be construed—

"(i) as creating a cause of action against any instant check registrant or any other person, including the transferor, for any civil liability; or

"(ii) as establishing any standard of care.

"(B) Notwithstanding any other provision of law, except to give effect to subparagraph (C), evidence regarding the use or nonuse by a transferor of the services of an instant check registrant under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

"(C)(i) Notwithstanding any other provision of law, a person who is—

"(I) an instant check registrant who assists in having a background check performed in accordance with this section;

"(II) a licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of firearms under this chapter; or

"(III) a nonlicensee disposing of a firearm, who utilizes the services of an instant check registrant pursuant to subclause (I) or a licensee pursuant to subclause (II),

shall be entitled to immunity from a civil liability action as described in this subparagraph.

"(ii) A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in clause (i) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party, but shall not include an action—

"(I) brought against a transferor convicted under section 924(h), or a comparable or identical State felony law, by a party directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

"(II) brought against a transferor for negligent entrustment or negligence per se.

"(4) A registration issued under this subsection may be revoked pursuant to the procedures provided for license revocations under section 923.

"(b) It shall be unlawful for any person to organize or conduct a gun show unless the person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary, which shall not require the payment of any fee for such registration;

"(2) before commencement of the gun show, records and verifies the identity of each individual who is to be a gun show vendor at the gun show by examining, but not retaining a copy of, a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual; and

"(3) maintains a copy of the records described in paragraph (2) at the permanent place of business of the gun show organizer for such period of time and in such form as the Secretary shall require by regulation.

"(c)(1) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for the person to subsequently transfer the firearm to such other person, unless—

"(A) the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with paragraph (2)(B) and otherwise in accordance with law; or

"(B)(i) before the completion of the transfer, an instant check registrant contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act;

"(ii)(I) the system provides the registrant with a unique identification number; or

"(II) 72 hours have elapsed since the registrant contacted the system, and the system has not notified the registrant that the receipt of a firearm by such other person would violate subsection (g) or (n) of section 922; and

"(iii) the registrant notifies the person that the registrant has complied with clauses (i) and (ii), or of any receipt by the registrant of a notification from the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act that the transfer would violate section 922 or State law; and

"(iv) the transferor and the registrant have verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2)(A) The rules of paragraphs (2), (3), and (4) of section 922(t) shall apply to firearms transfers assisted by instant check registrants under this section in the same manner in which such rules apply to firearms transfers made by licensees.

"(B)(i) For purposes of section 922(t)(1)(B)(ii), the time period that shall apply to the transfer of a firearm as described in paragraph (1) of this subsection shall be 72 hours.

"(ii) The licensee or registrant may personally deliver or ship the firearm to the prospective transferee in accordance with clause (iii) if the gun show has terminated, and—

"(I)(aa) 72 consecutive hours has elapsed since the licensee or registrant contacted the system from the gun show and the licensee or registrant has not received notification from the system that receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 or State law; or

"(bb) the licensee or registrant has received notification from the system that receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 or State law; and

"(II) State and local law would have permitted the licensee or registrant to immediately deliver the firearm to the prospective transferee if the conditions described in item (aa) or (bb) had occurred during the gun show.

"(iii)(I) The licensee may personally deliver the firearm to the prospective transferee at a location other than the business premises of the licensee, without regard to whether the location is in the State specified on the license of the licensee, or may ship the firearm by common carrier to the prospective transferee.

"(II) The registrant may personally deliver the firearm to a prospective transferee who is a resident of the State of which the registrant is a resident, or may ship the firearm by common carrier to such a prospective transferee.

"(3) An instant check registrant who agrees to assist a person who is not licensed under section 923 in complying with subsection (c) with respect to the transfer of a firearm shall—

"(A) enter the name, age, address, and other identifying information on the transferee (or, if the transferee is a corporation or other business entity, the identity and principal and local places of business of the transferee) as the Secretary may require by regulation into a separate bound record;

"(B) record the unique identification number provided by the system on a form specified by the Secretary;

"(C) on completion of the functions required by paragraph (1)(B) to be performed by the registrant with respect to the transfer, notify the transferor that the registrant has performed such functions; and

"(D) on completion of the background check by the system, retain a record of the background check as part of the permanent business records of the registrant.

"(4) This section shall not be construed to permit or authorize the Secretary to impose recordkeeping requirements on any vendor who is not licensed under section 923.

"(d) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for such other person to receive the firearm from the person if the recipient knows that the firearm has been transferred to the recipient in violation of this section.".

(2) Penalties.—Section 924(a) of such title is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates subsection (b), (c)(1), or (c)(2) of section 931 shall be—

"(i) fined under this title, imprisoned not more than 1 year, or both; or

"(ii) in the case of a second or subsequent conviction of such a violation, fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (c)(3) or (d) of section 931 shall be fined under this title, imprisoned not more than 3 years, or both.

"(C) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates subsection (b), (c), or (d) of section 931—

"(i) impose a civil fine in an amount equal to not more than $2,500; and

"(ii) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a).".

(3) Conforming Amendment.—Section 923(j) of such title is amended in the first sentence by striking "or event" and all that follows through "community".

(4) Clerical Amendment.—The section analysis for chapter 44 of such title is amended by adding at the end the following:

"931. Regulation of firearms transfers at gun shows.".

(d) Inspection Authority.—Section 923(g)(1) of such title is amended by adding at the end the following:

"(E) The Secretary may enter during business hours the place of business of any gun show organizer and any place where a gun show is held, without such reasonable cause or warrant, for the purpose of inspecting or examining the records required by section 923 or 931 and the inventory of licensees conducting business at the gun show in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the organizer or licensee or when such examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.".

(e) Increased Penalties for Serious Recordkeeping Violations by Licensees.—Section 924(a)(3) of such title is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) Increased Penalties for Violations of Criminal Background Check Requirements.—

(1) Penalties.—Section 924(a) of such title is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8)(A) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 3 years, or both.

"(B) In the case of a second or subsequent conviction under this paragraph, the person shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) Elimination of Certain Elements of Offense.—Section 922(t)(5) of such title is amended by striking "and, at the time" and all that follows through "State law".

(g) Effective Date.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. INSTANT CHECK GUN TAX AND GUN OWNER PRIVACY.

(a) Prohibition on Gun Tax.—

(1) In general.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540B. Ban against fee for background check in connection with firearm transfer

"No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

"540B. Ban against fee for background check in connection with firearm transfer.".

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 932. Gun owner privacy and ownership rights

"Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

"(1) shall perform any national instant criminal background check on any person through the system established pursuant to section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the "system") if that system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about such person who is determined, through the use of the system, not to be prohibited by subsection (g) or (h) of section 922 of title 18, United States Code, or by State law, from receiving a firearm, except that this subsection shall not apply to the retention or transfer of information relating to—

"(A) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

"(B) the date on which that number is provided; or

"(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

"(A) the 'NICS Index' complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsections (j)(2), (k)(2), and (k)(3) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 44 of title 18, United States Code, is further amended by adding at the end the following:

"932. Gun owner privacy and ownership rights.".

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540B of title 28, or 931 of title 18, United States Code, as added by this section, may bring an action in the district court of the United States for the district in which the person resides. Any person who is successful with respect to any such action shall receive actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, except that the amendments made by subsection (a) shall take effect as of October 1, 1998.

The CHAIRMAN. No amendment is in order except those printed in part B of House Report 106–186. Each amendment may be offered only in the order printed in part B of the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part B of House Report 106–186.

AMENDMENT NO. 1 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 printed in House Report 106–186 offered by Mr. DINGELL:

In section 931(c)(1) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "indicates a willingness to accept" and insert "accepts".

In section 931(c)(1)(B)(ii)(II) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "72" and insert "24".

In section 931(c)(2) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike subparagraph (B) and insert the following:

"(B) For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) shall be 24 consecutive hours since the licensee contacted the sytem, and notwithstanding any other provision of this chapter, the system shall, in every instance of a request for an instant background check from a gun show, complete such check over instant checks not originating from a gun show.

In section 931(d) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "indicates a willingness to accept" and insert "accepts".

At the end of section 3 of the bill, insert the following:

(c) DELIVERIES TO AVOID THEFT.—Section 922(a)(5) of title 18, United States Code, is amended—

(1) by striking "and (B)" and inserting "(B)"; and

(2) by inserting ", and (C) firearms transfers and business away from their business premises with another licensee without regard to whether the business is conducted in the State specified on the license of either licensee" before the semicolon at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

After section 3 of the bill, insert the following:

SEC. ___ . PENALTIES FOR USING A LARGE CAPACITY AMMUNITION FEEDING DEVICE DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by inserting "large capacity ammunition feeding device," after "short-barreled rifle,"; and

(2) by adding at the end the following:

"(5) For purposes of this subsection, the term 'large capacity ammunition feeding device' means a device as defined in section 921(a)(31) regardless of the date it was manufactured.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 20 minutes.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of the 20 minutes I have under the rule to the gentleman from Tennessee (Mr. BRYANT) and that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) will control 10 minutes.

Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition to the amendment?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) will be recognized for 20 minutes.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the gentlewoman from New Jersey (Mrs. ROUKEMA) be yielded 10 minutes to yield time en bloc as she may choose.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) will control 10 minutes of time.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would hope that the debate on this will be conducted without rancor, without charges of wrongdoing or misbehavior against any Member of this body or also against citizens who might have different feelings.

I would observe that the amendment does several things. It, first of all, defines what constitutes a sale at a gun show in a manner consistent with existing contract law.

Second of all, it directs the FBI to prioritize background checks at gun shows and to complete them within 24 hours.

Third, it deters the theft of firearms that are shipped through the mail by making it possible for dealers to deal at gun shows face to face.

Last, it increases the penalty for those who use guns with a large-capacity magazine in the commission of crimes.

Mr. Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise with all due respect in opposition to the Dingell amendment. In my opinion, it does absolutely nothing to close the gun show loophole. In fact, it obviously makes it easier for criminals to bypass the law and get a gun.

This issue is about law and order and keeping criminals from getting guns. It is not about keeping law-abiding citizens from buying guns. So let us be clear about that.

But first I must say that the amendment of the gentleman from Michigan (Mr. DINGELL) so loosely defines what a gun show is that it is obvious that thousands of guns will be sold at shows without a single background check.

The 24-hour waiting period will destroy current Federal law that allows law enforcement officials up to 3 business days. The Dingell amendment is a rouse, plain and simple. The FBI itself estimates that under the 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in only the last 6 months would have gotten those guns. These people would be those with criminal records, questionable legal residence, or maybe even mental patients.

Let us be honest and straightforward, for checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half, more than 60 percent of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could have gotten a gun.

Now, I want to stress this for all who will please listen. We would love to talk about law and order. This is about law and order. Let us be perfectly clear. Closing the gun show loophole is about stopping gun selling and gun running by criminals. It is not about the Second Amendment. Every law enforcement person in the world of any reliability will tell us that 24 hours does not do it.

Let us also talk for a minute about whose been hanging out at gun shows. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold well over $60,000 in stolen weapons at gun shows to finance their killings. Columbine High School, Eric Harris, student, obtained his Tec-9 through a gun show.

I could go on. But I must say that it is perfectly clear, anybody with a degree of common sense or honesty about 24 hours over a weekend, nonbusiness day, clearly makes it a sham and a rouse and we must defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

Mr. Chairman, let's make no mistake about it there is only one amendment that closes the gun show loophole for criminals and that is the McCarthy-Roukema amendment.

The Dingell amendment does nothing to close the gun show loophole and in fact makes it easier for criminals to by-pass the law and get a gun! This is about law and order—and keeping criminals from getting guns. It is not about keeping the law abiding from buying guns.

First, the Dingell amendment so loosely defines what a gun show is that it will allow thousands of guns to be sold at gun shows without a single background check.

Second, the 24-hour waiting period will destroy the current federal law that allows law enforcement officials up to three-business days to conduct a background check. The Dingell amendment is a ruse . . . a sham . . . how can it be offered with a straight face?

Since 1993, the background checks established by the Brady law have blocked gun sales to 400,000 felons, fugitives, stalkers and mentally ill persons.

The FBI estimates that under a 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in the last six months would have gotten guns! These are people with criminal records, or questionable legal residence for maybe a mental patient.

Most gun shows take place on the weekends. Under a 24-hour rule, a criminal who tried to buy a gun on Saturday would have a free pass if court records were required to finish the check, because the 24 hours would expire before the courts re-opened on Monday.

LETS BE HONEST—WE ALL KNOW

For checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half—60%—of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could get a gun.

THIS IS ABOUT LAW AND ORDER

We need to maintain the current law 3-business days background check. We need to give law enforcement officers the upper-hand not the criminals.

Let's be perfectly clear . . . closing the gun show loophole is about stopping guns selling and gun running to criminals not the Second Amendment!!

Criminals have increasingly—we are told—go to gun shows where no background checks are required to purchase a weapon. Look who has been hanging out at gun shows?

Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over $60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

Columbine High School attacker Eric Harris obtained his Tec–9 through a gun show.

It is imperative that we simply apply current federal law to gun shows not the sham Dingell amendment that would let criminals walk in and out of gun shows with new weapons without a single background check.

It is in the best interest of public safety and law and order that we vote against the Dingell amendment.

The International Association of Chiefs of Police.

The International Brotherhood of Police Officers.

Police Foundation.

National Association of Black Law Enforcement Officers.

And the Police Executives Research Forum.

All oppose Dingell and support McCarthy-Roukema.

Mr. Chairman, background checks work. The gun show loophole must be closed. The only way to do that is to defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

Mr. Chairman, I reserve the balance of my time.

☐ 2245

Mr. BRYANT. Mr. Chairman, I yield myself 2 minutes.

I rise in strong support of the Dingell amendment. I believe this amendment is a good example of the two parties working together.

I do want it to be clear, though, that I do not generally support more Federal gun laws. Our country has at this time thousands of gun laws on the books and my concern is they are not being adequately enforced. We need stronger enforcement of existing gun laws.

In order to prevent felons from purchasing firearms, I ask my colleagues to support the Dingell amendment. This amendment will not further burden law-abiding gun owners, but this amendment will maintain the integrity of the gun show while establishing safeguards to protect our communities and gun owners.

Others will talk of the 24-hour instant check period. I want to talk about other protections of this amendment. This amendment will also help prevent the theft of firearms. Under current law, licensed dealers cannot transfer guns among themselves while attending a gun show. As a result, they must ship the guns through a common carrier. Many of the illegal guns used in the commission of crimes are stolen during this process of shipment. The Dingell amendment will allow a licensed dealer to transfer guns to another licensed dealer, thus preventing criminals the opportunity of stealing them from a common carrier. If we want to keep guns off the street, then here is one example where we can support a provision that will.

Another important provision of the Dingell amendment would be that it would increase the penalty for the use of a large capacity ammunition magazine during the commission of a violent crime or drug trafficking. This strong provision provides an additional tool for prosecutors in combating violent crime and drug trafficking.

I applaud the efforts of the gentleman from Michigan (Mr. DINGELL) and his colleagues. This is a balanced approach that all Members who support getting tough on criminals can also support.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

I am not able to answer why the gentleman from Michigan (Mr. DINGELL) is doing this. I have been asked that quite a bit.

This is a weaker amendment on gun shows than the McCollum amendment. And here is the bottom line. If this amendment is passed, then criminals will be able to get guns at gun shows. That is where this all comes out.

Is there anybody that has not read about this amendment? Is there anybody who does not know that 24 hours is not sufficient? Is there anyone that does not know that gun shows take place frequently on weekends and that a 24-hour rule will get them off? It requires a check only when a gun is offered for sale and the buyer accepts the offer near a gun show. This tells the criminal to window shop at gun shows and then to close the deal somewhere else. Does anyone not really understand what is going on here?

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I rise in defense of the hunter-sportsman-working men and women of my district whose voices I want to be heard, voices of responsible firearms owners.

> Your constituents at the Iron Range Labor Assembly urge you to oppose restrictions on gun sales and ownership rights as passed by the Senate. Many union families enjoy outdoor sports and the right to possess firearms. We are concerned about the safety in our schools, but the proposed legislation will not solve this problem. Tom Pender, President.
>
> Jim, I'm a hunter and a fisherman all my life. It provides me a connection with my boys, my brother, and my dad. It is one of the few occasions we get together for quality time. But in recent years there is a concerted effort to condemn those of us who hunt and enjoy other legitimate uses of guns. There are those who would make gun use a vice and brand those of us who own guns as crazy or extremists. I want real study and real action to prevent future Littletons, not contrived knee-jerk reaction from Congress. Leo LaLonde, Aurora, Minnesota.
>
> Real action is at Lincoln Park Elementary School in Duluth. Open from 7 a.m. to 9 p.m., where parents, teachers, students, community groups work together at muffin morning homework planning, 'success for all,' first grade preparedness, youth collaborative, family nights for parent and child, family building programs. Juvenile delinquency has been virtually eliminated and school performance elevated.

That is getting real. Let us pass the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Our purpose tonight is not to restrict any law-abiding citizen's right to keep and bear arms. Our purpose tonight is to make laws requiring background checks for purchasing firearms to keep firearms out of the hands of criminals and unsupervised young people.

There is absolutely no reason that purchases at gun shows should be treated differently than purchases at a store. There should be a background check. This background check should allow adequate time to ensure that someone with a felony conviction is not permitted to purchase a gun.

As the gentleman from Florida (Mr. MCCOLLUM) pointed out, the National Instant Check System reveals those individuals who may have a felony arrest. The next step is to check local court records to determine if that person has a criminal conviction. That check may take 2 or 3 days. That is a short time to wait to help ensure that a violent felon does not walk away from a gun show with a lethal weapon.

The Dingell amendment will not accomplish any of those goals. It does not adequately define a gun show. It will not allow adequate background checks at gun shows. It will do little to close the gaping loophole in current laws that give criminals the incentive to purchase guns at gun shows.

We need reasonable and effective background checks to keep guns out of the hands of criminals. The Dingell amendment comes up short. Oppose the Dingell amendment and support the McCarthy-Roukema amendment.

Mr. BRYANT. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this bipartisan amendment to enact reasonable, fair, common-sense background checks that truly fit the definition, within reason, of an instant background check at gun shows.

The McCarthy-Lautenberg amendment is Washington at its best, Mr. Chairman, for only in Washington would an instant background check mean up to 6 days. Only in Washington would an instant background check operate to deny people their constitutional rights and up to 6 days.

For those who might have trouble with the math, and we will not hear it from McCarthy-Lautenberg, let me explain. If we allow an instant or so-called instant background check to consume 3 business days, that is 3 days plus, if, as many gun shows do take place on holiday weekends, that is an additional 3 days. For all intents and purposes, that means that a purchaser, a bona fide purchaser, will not be able to take, very possibly, if the instant background check does not work properly, which in many instances it does not, would not be able to take advantage of exercising their second amendment rights at that gun show.

Only in Washington does an instant background check under the McCarthy-Lautenberg amendment mean up to 6 days.

A vote for this bipartisan Dingell amendment not only brings commonsense, rationality and fairness to this debate, but it also is not a vote for gun control. Let me repeat. A vote for the bipartisan Dingell amendment is not a vote for gun control. It is a vote to preserve gun shows as legitimate business enterprises in this country.

If McCarthy and Lautenberg is adopted, it will put gun shows out of business. It will do this in many different ways, including the expanded so-called instant background check, which would consume so many days that it would make it unreasonable for anybody to bother purchasing a firearm at a gun show.

It does so because it would, for the first time in American history, even against several Federal laws that provide to the contrary, allow the government to begin maintaining a registry of lawful gun owners. It would put gun shows out of business because it would create very nearly strict civil liability for gun show operators and promoters.

It is overly broad, the McCarthy-Lautenberg amendment. Dingell corrects it and is a vote for reasonable and meaningful instant background checks at gun shows and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I live in rural central Texas where guns are a way of life. I am a hunter and a gun owner. But I am also a father and a husband, and tonight I will vote for the safety of my children and family and for my colleagues'. I will vote for the McCarthy amendment and for the bipartisan Conyers-Campbell amendment, which is identical to the Senate-passed language. Why? Because I believe that is the right thing to do for the safety of our children, our homes, and our neighborhoods.

I will vote for effective criminal background checks at gun shows that minimize felon loopholes. I surely believe that a minor inconvenience for a handful is a very small price to pay for saving American lives.

Several years ago, as a new Member of this House from the rural south, I voted in favor of an assault weapon ban and lived to tell the story. But far more important than that, somewhere in America tonight a child is alive, alive because Congress 5 years ago had the courage to pass a common-sense gun safety law.

Tonight, with the Conyers amendment, with the McCarthy amendment, we have another opportunity to save the lives of more children by passing common-sense gun safety legislation.

Now, I know and my colleagues know that some may fear the safety of their political seats for these votes, but I have greater faith in the American families and parents than that. It is time to put the interest of our safe schools and our children's safety above the interest of special interests here in Washington, D.C.

Some suggest punishing gun offenders is the way to reduce some gun violence. But surely if we talk to the parents of crime victims, they would tell us that punishing their offenders is no substitute for effective prevention of their children's murder through common-sense gun safety laws.

Vote for Conyers, vote for McCarthy, vote for our children.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the Dingell amendment, a common-sense compromise that represents the views of the overwhelming majority of law-abiding gun owners who accept reasonable reforms and who want to keep firearms out of the hands of criminals and who recognize the best way to do this is to conduct background checks and the best way to do that is to use the existing system.

Contrary to what some folks would have us believe, gun shows are not illegal arms bazaars. They are commercial forums where citizens can buy and sell firearms for hunting, to add to a collection of antiques, for self-protection or any of a litany of lawful purposes. This amendment streamlines the instant check process for firearm transfers at gun shows. The speed and ease of the check under the Dingell amendment will encourage folks to make their purchases in a regulated forum.

Some folks who want to ignore the existence of the second amendment seem to think that if we just make it too much of a hassle for citizens to purchase guns that the transactions will not occur. In reality the sale will still take place, but without the benefit of a background check.

I urge my colleagues' support of the Dingell amendment, a workable compromise which achieves the goals of protecting the rights of all citizens while best protecting society as a whole.

Mrs. ROUKEMA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) has 5½ minutes remaining; the gentleman from Tennessee (Mr. BRYANT) has 5 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining; and the gentleman from Michigan (Mr. DINGELL) has 7 minutes remaining.

□ 2300

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, guns do not kill people. People kill people.

I agree, background checks do work. They are common sense. None of us want criminals to have guns. But I have served under Republican as well as Democratic administrations as a Member of Congress, and there is not yet an attorney general working for a Republican or a Democratic president while I have been here that has told us that they could do this in one day.

They cannot do it in one day. That is why the requirement is for 3 days. Instant checks would be ideal, just like going to the clothing store to get a shirt or a tie. But we do not live in a perfect world. Sadly, we do not.

Legitimate hunters and sports people and collectors have nothing to fear with the defeat of the Dingell amendment. The Second Amendment still prevails. But let us make sure that it is the legitimate hunters and sports folks of the world that can acquire and buy these firearms, not the crooks, not the criminals. We need to close the loopholes to make sure that the background checks work.

When the President, whether he be Republican or Democrat, or maybe even Independent, tells us that they have the resources so that they can do it in 1 day or 1 hour or 5 minutes, we can change the law. But until then, we cannot.

Mr. BRYANT. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, Members on both sides of this issue are well-meaning. There are 11,000 gun laws on the books. There are just as many about drugs. And yet in both areas, both drugs and weapons, the people that are the problem are the criminals. My colleagues on the other side of this issue want to stop those, as well.

In all due respect to the gentlewoman from Maryland, there are not thugs and criminals but millions of people that attend these gun shows, including myself, that are law-abiding citizens.

I think I am the only Member in this body that has had to take multiple life with a weapon. It bothered me so bad that I had to go to church, and at one time I even left the squadron. But I have flown in an airplane. I have carried bombs in peacetime. I never robbed a bank. I never shot somebody.

I hunt. I fish. I legally have a weapon. And my daughters know how to use those weapons. I have taken them out with a watermelon and a shotgun and a rifle, and they know exactly what that weapon will do. If somebody comes in our house when I am not there, my daughters know how to use it.

But I also have a trigger guard on those weapons because I am afraid that some child will come into the house other than my daughters and not know how to use that or the danger of it. And I think that a responsible parent should have a trigger guard on it and someone who does not maybe should be chastised.

But the people we are talking about are law-abiding citizens, and that is who the gentleman from Michigan (Mr. DINGELL) and I and others want to protect the rights of, law-abiding people that want to bear arms.

I do not think that is unreasonable. I think it is reasonable to have an instant check for a gun show, to have one for a pawn shop, to have one for any sporting goods shop that does that, and we ought to fully fund it. I think that the only way that we can get around this is to do that.

I ask my colleagues, do not ask from emotion but ask from fact.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. McCarthy).

Mrs. McCARTHY of New York. Mr. Chairman, contrary to what the American people want, Congress is preparing to vote on an amendment that will make it easier for criminals to get guns at gun shows.

Some Members may believe they can vote for the NRA-Dingell amendment and try to fool their constituents into thinking they care about criminals' access to guns. That would be a mistake.

The McCarthy-Roukema-Blagojevich amendment simply asks the same regulations that we are asking our gun stores to do our gun shows to do. That is it. Same rules for everyone. Pretty simple in my eyes.

Over the last 6 months, 17,000 people who were stopped by the current background check systems would have attained guns. Seventeen thousand people.

Take a look at this. These are the people who should have been stopped. These are the people that could have been stopped.

If the Dingell bill goes through, there is going to be a lot more of them out there. That is what we are supposed to do.

I ask my colleagues to vote for the McCarthy amendment, and I ask my colleagues to vote for the Conyers substitute amendment.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, Louisiana is indeed the sportsman's paradise. Many of us have grown up there hunting, sports shooting, and have grown up comfortable and have learned to respect firearms.

I rise today in strong support of the perfecting Dingell amendment. I believe that it has a common-sense approach to two very important objectives.

The first objective is to close the loopholes at gun shows. It is an objective that every one of the amendments here tonight go to and shoot at.

The second objective only the Dingell amendment provides, and I think it is most important that it protects and preserves the right for us to bear arms at gun shows. The amendment puts a high priority on instant background checks from participants at a gun show. I repeat, this amendment only applies to gun shows.

I support instant background checks to keep firearms out of the hands of felons. Do we have the technology, does the national instant check system have the technology, the personnel capability to handle this? I say, yes. We appropriated $200 million to do so. We have that technology.

Mr. Chairman, the Second Amendment to our Constitution is only 27 words. Mr. Chairman, please let us close the loophole and not infringe upon our constitutional right of Americans to bear arms. Vote for the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding me the time and for her strong leadership on this issue.

Mr. Chairman, I want to commend the gentlewoman from New York (Mrs. McCARTHY) for her tireless dedication in preventing violence against children and protecting all of us from the misuse of firearms.

With high respect for my friend the gentleman from Michigan (Mr. DINGELL) I rise to oppose his amendment and to support McCarthy.

The Dingell amendment, in my judgment, attempts to cloud an issue which is crystal clear. The distinguished gentleman from Michigan claims that his amendment closes the gun show loophole. But, in actuality, it weakens current gun laws.

Under his amendment, the time provided to law enforcement authorities for conducting background checks on firearms purchased at a gun show through a licensed dealer is actually reduced from three business days under current law to 24 hours.

Since many gun shows take place on weekends when most court records are inaccessible, a 24-hour limit effectively renders the background check requirement useless.

Additionally, Mr. Chairman, the amendment would reverse a 31-year-old law prohibiting licensed dealers from conducting out-of-state business.

□ 2310

McCarthy, on the other hand, reasonably extends the background checks to more vendors, gives law enforcement authorities ample time to complete background checks and extends requirements for vendors to keep records of gun show transactions.

Clearly, gun laws are not a panacea for the ills of our society reflected in the violence of child against child that we have seen in Littleton and Paducah and Conyers. But, Mr. Chairman, it would be a travesty if out of these horrors came from this House more opportunity for the misuse of firearms, not less. It is not too much to ask legitimate gun owners and vendors some measure of inconvenience to help protect our children. With rights come responsibilities. Oppose Dingell. Support McCarthy.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, we make it difficult for criminals to get jobs. It should be that way. We make it difficult for criminals to be able to vote. It should be that way. For rapists, for molesters, for murderers, for those who mug folks.

Here we are this evening confronted with the proposition from one of the great Members of this body who would have us believe that there is something unreasonable about making it more difficult for criminals to buy guns at gun shows. I come from the State of Tennessee as my good friend the gentleman from Tennessee (Mr. BRYANT) does. I know why we have gun shows. It makes it easier for folks who live in areas, urban or rural areas to buy guns to go out and hunt and be sportsmen. I support hunters, support the NRA and support sportsmen.

But do not continue scaring everyday, hardworking, taxpaying, law-abiding Americans that somehow or another making them wait 48 more hours just to ensure that they had not beaten their wives, they had not molested their neighbor's children, that they have not robbed a convenience store at the corner, that something is unreasonable about that.

I say to my friends and particularly my friend on my side of the aisle, let us stop scaring everyday Americans. There is nothing unreasonable about what the gentlewoman from New York (Mrs. McCARTHY) wants to do. She is the most courageous person in this House and she deserves our vote tonight, she deserves our vote tomorrow and the children in this Nation deserve our vote this evening.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Michigan for yielding me this time. I rise in support of the Dingell amendment that hopefully will bring some reasonableness to the debate on gun restrictions. I do not think any of us support criminals having access to guns and the Dingell amendment will not encourage this. It would make background checks more effective and still protect the second amendment to our Constitution.

I would feel more comfortable about this debate tonight if the opponents of the Dingell amendment were not also reported in the press favoring national registration maybe like we have here in Washington, D.C., which is probably the most gun restricted jurisdiction in our country, yet I do not know if the criminals in D.C. are any more effective than they are anywhere else in our country. I know they get guns elsewhere.

But are you saying we need to restrict every American from being able to own a firearm? Because that is what happens here. The waiting periods have stopped convicted felons from receiving guns. I know, that has worked. But are you telling me that that person who is refused because of that background check did not also go out and find a gun on the illegal market?

Let us just make it reasonable for the millions of Americans who are not afraid of guns, who have them for protection, and also for sporting.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Chairman, I just want to make a clarification, that my amendment actually has in it that there will be no national registration for guns. It is in the amendment. It would make it a law.

Mrs. ROUKEMA. Mr. Chairman, I yield myself the balance of my time.

I thank the gentlewoman from New York (Mrs. McCARTHY) for that last statement because I was going to make that point, too. Let us get back to the facts and not the rhetoric, the loose rhetoric here.

This Dingell amendment, as far as I am concerned, is a business deal for criminals and gunrunners. It gives them a special advantage.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman has not yielded to the gentleman for a parliamentary inquiry. The gentlewoman from New Jersey controls the time.

Mr. CUNNINGHAM. She does, but is it the rules of the House that someone is to question the motives of the gentleman?

Mrs. ROUKEMA. I am not questioning his motives. I reclaim my time.

The CHAIRMAN. The gentlewoman from New Jersey controls the time. The gentlewoman may proceed.

Mrs. ROUKEMA. Mr. Chairman, what it actually does is it gives gun shows a business advantage over all the law-abiding federally licensed gun dealers and gun shows. I believe we need the same rules for everyone.

I also must say, we have got to get back to the facts. There are accurate reports that since 1993, the background checks established by the Brady law have blocked gun sales to over 400,000 felons, fugitives, stalkers and mentally ill persons.

We have said, and I think it bears repeating, that the FBI estimates that a 24-hour rule such as the Dingell amendment would mean that over 17,000 people who are stopped by current background checks in the current system, it would have not gotten those 17,000 people who were stopped by the background checks.

Finally, I must repeat again that the checks occurring on a Saturday under the Dingell 24-hour rule would mean that more than 60 percent of current denials would not have been made. That means literally a convicted rapist, child molester or any other felon could have gotten the gun and that would be part of the 60 percent.

In summary, I think we have to say, let us give law enforcement the upper hand, because this is about law and order. It is not about taking guns away from law-abiding citizens.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. I appreciate the gentleman yielding me this time.

Mr. Chairman, for the first time, if McCarthy-Lautenberg is adopted in lieu of the Dingell amendment, the Federal Government through extensive powers granted under the McCarthy-Lautenberg amendment will have the power to amass information regarding gun owners in America that the government does not now have the power to collect and maintain.

The one phrase that appears more than any other in the McCarthy-Lautenberg amendment relates to powers to promulgate rules and regulations for the retention of information to the ATF.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, there is not time to read a statement or anything else but to simply say, with all of these reasonable people sitting here, we are trying to do one thing with the McCarthy amendment, protect our children and keep the guns out of the criminals' hands. It is so simple. I do not know what the NRA does to make so many people so fearful. But please protect the children tonight.

Mr. Chairman, I rise tonight in opposition to the Dingell Amendment. This amendment does not address the problem we are trying to solve. Too many people who should not have access to guns can walk into a gun show and buy a gun, no questions asked.

While we are trying to restrict the easy access, criminals and juveniles have had access to guns at gun shows. The Dingell amendment would make it easier on criminals and juveniles.

The amendment too narrowly restricts the definition of a gun show. If you sell your guns at a gun show from a rolling cart, the Dingell amendment says you don't need to perform a background check on your customers. Slap some wheels on your booth and you don't have to follow the law.

Further, if you decide not to "sponsor" the gun show under the reasons in the Dingell amendment, you don't have to do a background check either. Nor do you have to do background checks if there are less than ten vendors at the show, no matter the number of weapons sold.

The amendment changes the Brady Law to give law enforcement agencies a mere 24 hours to do a background check. So, if you buy a gun at a gun show at 5:00 p.m. and the background check cannot be completed until Monday, you get the gun.

Even with 72 hours to complete background checks, as its stands in the underlying legislation, the Justice Department says that 28% of felons, fugitives and other prohibited people would have gotten guns. The Dingell Amendment only increases that percentage.

The Dingell Amendment would allow gun show dealers to complete the sale after the show with no background check required. This would give gun show sellers incentive to give out their home address and say "Stop by on your way home from the show and I can get you a gun with none of that background check hassle."

These are only a few of the problems with the amendment, but I think they are enough.

We cannot allow the NRA to ghost-write this legislation. This amendment is simply the last gasps of the NRA to hold on to anything they have. The NRA is fighting in the face of common sense.

This amendment is worse than the law that currently exists. The American people have asked us to pass common sense gun safety laws. This is not it. Oppose the Dingell Amendment.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Who has the right to close?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. I believe I am the offeror of the amendment.

The CHAIRMAN. As the manager from the Committee on the Judiciary controlling time in opposition, the gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. Very well.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

□ 2320

Mr. CLEMENT. Mr. Chairman, I strongly support the second amendment. I defend an individual's right to bear arms. I know very well that we have to close the loopholes, and so does the gentleman from Michigan (Mr. DINGELL) know that as well.

That is why he has proposed this amendment, saying that we have to close these loopholes at the gun shows, because 6 percent of the guns sold in this country are at the gun shows today, and some of them are to individuals that are not gun dealers. And therefore, it is in our best interests to bring about fairness and equity, and knowing that we have improved the system from the past, maybe the Dingell amendment would not have made any sense years ago. But we now have a national instant background check that we did not have before; therefore, we are in a position to check on the guns that are sold within a 24-hour period.

Mr. Chairman, I encourage everyone to support the Dingell amendment. Let us close the loopholes.

Mr. BRYANT. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to reserve that time at this moment.

The CHAIRMAN. Without objection, 1½ minutes of the gentleman from Tennessee's time shall be controlled by the gentleman from Michigan (Mr. DINGELL).

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. We can fool some of the people some of the time, but we cannot fool all of the people all of the time, and the American people are not fooled by this amendment.

I can tell my colleagues that this is an example of this Congress not being serious about closing the gun show loopholes. If we are serious, we will vote tonight to close the gun show loopholes.

Let me tell my colleagues, the American people are watching us tonight.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I ask my colleagues to know that those of us who sponsor this amendment are not interested in increasing crime, we are interested in bringing it to a halt. This is a form, 4473. In it, the individual who files it has to prove through his statements that he is eligible in all particulars and has not disqualified himself from the purchase of a firearm. That is filed, and if one files it falsely, that is a felony. And if one picks up a gun after having filed this falsely, that is a second felony.

Now, the instant check system is working, and it is instant, not a long check. It is instant. It is supposed to be instant.

Mr. Chairman, we are talking here about a precious right. We have been talking about the first amendment, and now we are talking about the second amendment. I do not divide the Bill of Rights. But I call on my colleagues to understand that in 24 hours, there should be sufficient time, because by the time this legislation is in effect, the Attorney General will have merged the State and the Federal system so that she can get full information immediately. Mr. Chairman, 24 hours is quite enough.

Now, gun shows are not Saturnalias of criminals who are bent on destroying the lives and the well-being of innocent citizens. They are a group of innocent citizens who are doing something that goes back as far as Plymouth Rock. They are getting together to sell and trade and engage in commerce, and they are strictly regulated.

We are closing the gun show loophole by making everybody who participates in those sales subject to the law. They must file the document, and they must be submitted to the instant check. I do not know how much more we can ask for in terms of seeing to it that we have effectively dealt with the problems of crime. To go beyond this is simply to harass innocent, law-abiding citizens and to hurt people who love to go to gun shows to see their fellow citizens, to talk about guns, to look at firearms, to perhaps purchase a firearm, or more likely to purchase some other kind of sporting accoutrements.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, an angry, paranoid schizophrenic goes to a gun show at 10 o'clock on a Saturday morning, attempts to buy a gun. The police discover on Monday morning that he has a criminal background record of beating his wife and a long criminal rap sheet. Under the Dingell amendment, he gets to buy the gun. Under the McCarthy amendment, he does not.

Support the McCarthy amendment. It is the real loophole closer. It is the one that we ought to support tonight.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) has 1 minute remaining; the gentlewoman from New Jersey has extinguished her time. The gentleman from Michigan (Mr. CONYERS) has 3¼ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. BRYANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL) for sponsoring this, I believe, very good amendment, a good solution to the problem at hand. Lest we all forget, ultimately we are talking about a constitutional amendment, a right here, and as we all know, when we begin to legislate, to impair or restrict that constitutional right as we would in the first amendment or second amendment or any other amendment, we need to do it in a minimum way, in the least burdensome way.

I have reviewed these amendments, and I believe that the Dingell amendment fits that description and best suits the issue as we need it now. I have chosen to support it. I think it provides the best balance between the right of law-abiding citizens to purchase guns and to prevent law-breaking citizens from not purchasing guns.

So I urge my colleagues to support the Dingell amendment to this bill.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, the McCarthy-Conyers-Campbell amendment plugs the loopholes in the gun bill. The opponents need an amendment to make it look like they would have gun control, but it is not effective. They did not want to provide anything effective, so they chose the Dingell amendment. We have to do better than that. We have to vote for McCarthy-Conyers-Campbell. It plugs the loopholes. We need to plug these loopholes. Let us not give the Republicans a relief act through the Dingell amendment. Let us kill the Dingell amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 2¾ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the McCarthy-Conyers-Campbell amendment to plug the loopholes.

The realities, I say to my colleagues, are, that in communities throughout this country, State criminal justice systems are not automated. Many criminal records are kept on card files. In 24 hours, that is an insufficient amount of time for law enforcement to do an adequate or thorough check. To say that we can do an instant check in 24 hours is to assume that everyone has computers. Go to the criminal justice office in your community and see if they are not kept on cards. If they are, then you know that instant check will not work. I rise in support of McCarthy-Conyers-Campbell.

☐ 2330

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to my distinguished friend, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, the other day I spoke at a Memorial Day service in Lilly, Pennsylvania. In Lilly during World War I they had lost 14 or 15 people. In World War II they had lost a little less. But one family sent 10 boys to World War II. That mother was honored as the Mother of the Year in 1945.

I said, would you like to say something? And the one boy, 74 years old now, got up and he said, I went to the Navy and I came back and I worked in that coal mine, and he sat down. Another young man, 85 years old, got the Silver Star, the Bronze Star, two Purple Hearts, and a combat infantryman badge from World War II. And I said, would you like to say something? He said, I said my say in World War II.

We get up here and we talk and we talk and we talk. We act like we are going to solve these problems. After I went out and mingled with the crowd, the whole town was there, only 2,000 people in the town, these folks came to me and said, you folks keep abridging our rights. You keep taking away our rights. You keep passing laws that the ordinary citizen lose their ability to do their business.

I have one of the lowest crime rates in the country. Our folks go about their business. Our big business is the industrial revolution. We produced all the steel and coal for the country. They do not listen to Washington a lot. There is nobody listening to what I am saying tonight. They are in bed, because they have to get up the next morning and go to work.

Mr. Chairman, let me say this. If Members think what we are trying to do here today is going to solve these problems, it is much more complicated than that. All we are trying to do with the Dingell amendment is reduce some of the burden on the law-abiding citizens. I ask Members to support the Dingell amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to remind my friend that if it had not been for the Committee on Rules, we would be in bed, too, tonight.

Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me just clarify, this is about closing a loophole so criminals cannot get guns. With all due respect to the gentleman from Michigan (Chairman DINGELL), under his bill nine unlicensed gun dealers can call themselves a gun show and sell thousands of guns, literally, and no requirement to fill out the form the gentleman from Michigan (Chairman DINGELL) referenced moments ago.

To the hunters of America and NRA members across the land, let me firmly assert, they have nothing to fear but fear itself. This is about criminals not getting guns, not themselves. They are law-biding citizens. They are great patriots. They love their country and their guns.

The criminals will get less guns, there are more guns for NRA members and hunters.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are talking about closing loopholes. Let us address it. The person who buys a gun at a gun show or anywhere else has to fill out this form. Failure to fill it out truthfully constitutes a felony. Purchase of a gun with a falsified 4473 form constitutes a felony. We are covering all sales at gun shows with the penalties of this.

Mrs. Reno has said, NIC has been a tremendous success. Simply stated, denials and arrests translate into lives saved and less crime. The hard fact of the matter is it is working now. It will work better. By the time the effective date of this act is present, we will find that gun shows will be able to do all the things that are necessary.

There is no reason to burden a law-abiding citizen with more than 24 hours delay. To go further is simply to assure that people will go around gun shows and will achieve gun purchases and ownership in other ways.

I urge my colleagues to make the responsible vote. Let us close the loophole. Let us see to it that we cover all sales at gun shows, and let us pass a decent bill that the people can support.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and in support of America's children and the victims of gun violence in America.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment that will protect the children of America.

Mr. Chairman, the Dingell amendment does one thing. It would make sure it's easy for criminals to get guns shows and flea markets. Do hunters need that? Do sportsmen? No.

With the instant check proposed, most purchasers will be approved quickly. But the criminals won't. The gun lobby wants to try to scare normal sportsmen into believing that keeping felons from buying guns means duck hunting season is canceled this year.

I hope that the honest sportsmen and women of this county won't buy it and I hope that the House will not either.

Vote "no" on this deceptive amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the g entlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the amendment of my good friend the gentlewoman from New York (Mrs. MCCARTHY).

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, on behalf of the American people, I rise in opposition to the Dingell amendment and in support of the Conyers amendment, the McCarthy amendment, to keep guns out of the hands of criminals.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in opposition to the Dingell amendment, and to allowing criminals to buy guns at gun shows, and to guns being sold to children who end up dying each and every day from gun violence.

Mr. Chairman, the American people were promised commonsense gun control. The American people expect us to take commonsense measures to prevent the sale of guns to the wrong people. However, Mr. DINGELL's amendment will allow criminals to get guns.

Of course we know that these guns end up in the hands of children. And then, what do we have—children in urban and now, suburban communities killing each other. And then, to add insult to injury, this Congress's response is to enhance sentences and try young people in the courts as adults rather than provide for measures to prevent juveniles from becoming violent in the first place through crime prevention measures as the Conyers Campbell substitute would have addressed.

The emergency rooms in our hospitals and our mortuaries are filled with young people. For those of us who have witnessed the ambulances and heard the sirens around the clock, for those who feel the pain from the loss of their child to gun violence, please vote for the McCarthy-Roukema amendment and close this loophole which has caused the death of too many of our children. The Dingell amendment ensures that criminals will be able to buy guns.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the Conyers-Campbell amendment and the McCarthy-Roukema-Blagojevich amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of American children, and in opposition to the Dingell amendment allowing criminals to buy guns at gun shows, and in support of the McCarthy-Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy and the Campbell-Conyers amendment. Extension of the 3-day background check to guns purchased at gun shows is fair and sensible and will close a glaring loophole in our gun laws.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment. On behalf of of American parents and their children.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to close debate on our portion of this very important proposal to the gentleman from Georgia (Mr. LEWIS).

The CHAIRMAN. The gentleman from Georgia (Mr. LEWIS) is recognized for 1½ minutes.

Mr. LEWIS of Georgia. Mr. Chairman, 34,000 lives lost, not in the Far East, not in Eastern Europe, not in Africa, but right here in America on our streets, in our neighborhoods, on our playgrounds; 34,000 lives lost, lost to gun violence last year.

What would it take before we act, another Littleton, another Paducah, another Conyers, another Jonesboro? Thirteen children a day lost, lost to gun violence. We need courage, nothing but raw courage, to protect the lives of our children.

I am sick and tired of going to funerals of young children. How many more times must I hold a weeping mother in my arms? How long, how long before we act to stop this senseless violence?

During another period in our history we have sung, where have all the children gone, in some graveyard one by one?

□ 2340

Thirty-four thousand lives gone; lost; dead; buried because of gun violence.

Joshua of old says, "Choose you this day whom you will serve."

Will we serve the NRA or will we serve our people, our Nation, our children? As for me and my house, I will cast my lot and my vote with the children. Close the gun show loophole. Defeat the Dingell amendment. Vote for the McCarthy amendment.

Mr. TOWNS. Mr. Chairman, this amendment is another attempt by the NRA and its allies to block meaningful gun control legislation.

Observe for a moment the ramifications of this measure. It reduces the maximum time for background checks to 24 hours, rather than 3 business days under the current Brady law. If the background check is not completed within the allotted time, then the sale would be permitted.

Certain statistics from the Department of Justice cite that 40% of denied requests would go through if this amendment passed. The reason people have been denied a gun is that they have a history of violence and could potentially harm some innocent person, or they are too young to possess firearms.

Now the law will force states that do not keep very good records, or are slow at retrieving the necessary information, to permit a gun sale that should be denied. What is the urgency? Why would a person need a gun within one day instead of a couple of days later? Could it be to threaten or exact revenue? Well, this would be quite possible if this amendment passes and a weapon ends up in the hands of someone who should not have it.

We should be taking additional precautions to make sure that we keep guns out of the hands of convicted felons, not dismantling them and purposely creating loopholes. And if that means taking another 48 hours, by all means I think that public safety should have preference. If a person needs a gun on Friday, then he or she should buy it three business days in advance.

The NRA does not care who gets guns. Their philosophy is simply to oppose any regulation of guns, period, no matter what the consequences are. The current Brady law makes this country safer by keeping guns out of the hands of criminals, and therefore I urge the House to oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

Moreover, if the check cannot be completed within the 24 hours, the sale would be allowed to proceed, thus allowing criminals to buy weapons at large gun shows at the beginning of a holiday weekend, while, after 24 hours, the gun is theirs.

This amendment is misguided, misleading, and even dangerous! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 211, not voting 6, as follows:

[Roll No. 234]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Young (AK)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Rivers
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Brown (CA)
Carson
Houghton
Minge
Salmon
Thomas

□ 0002

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall no. 234, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in Part B of House Report 106–186.

Mrs. MCCARTHY of New York. Mr. Chairman, I ask unanimous consent that the debate time on the McCarthy-Roukema amendment be extended 10 minutes, 5 minutes on each side.

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I would not object if the leadership on both sides would agree that we could roll the vote until 10 a.m. tomorrow morning.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York (Mrs. MCCARTHY)?

Mr. BARTON of Texas. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mrs. MCCARTHY of New York:

Strike section 2(b) and all that follows through the end of the bill and insert the following:

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which there are 2 or more gun show vendors.

"(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Regulation of firearms transfers at gun shows

"(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) before admitting a gun show vendor, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(2) before admitting a gun show vendir, requires such gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and.

"(3) notifies each person who attends the gun show of the applicable requirements of this section, in accordance with such regulations as the Secretary shall prescribe; and

"(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

"(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

"(2) does not include the mere exhibition of a firearm.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows.";

and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date which the licensee first contacts the system with respect to the transfer. In no event shall such records be used for the creation of a national firearms registry".

(h) INTERSTATE SHIPMENT OF LICENSEES.—Nothing in this section shall affect the right of a licensed importer, licensed manufacturer or licensed dealer to receive or ship firearms in interstate commerce in accordance with the provisions of this chapter.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. McCARTHY) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Chairman, I yield myself 30 seconds.

Dear colleagues, this is an amendment that is commonsense. It is commonsense for the American people. I ask the Members to listen to the speakers and, hopefully, be open-minded when they vote.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I am really more than a little perplexed, my colleagues, at this point in time, after what we have just been through. We have just been debating for almost an hour, well, almost 2 hours, literally what the issues are here, and the McCarthy-Roukema amendment should be clearly understood at this point. But I am afraid, in looking at the last amendment and the way that happened, perhaps there are still some unknowns.

I had been fully prepared to talk about the deficiencies of the Hyde proposal and how we were closing that loophole, but now we have a more extreme position here that we are discussing and we just went through almost an hour of debate on it.

Those of my colleagues who were listening earlier know how strongly I feel about the Dingell proposal, and I guess now that it has been passed, I think we have to explain in fundamental terms exactly why, now more than ever, we need the McCarthy amendment.

☐ 0010

Now, I want my colleagues to understand that what the McCarthy-Roukema amendment does in the first place is simply closes that Dingell loophole or any loopholes in the gun show.

It is the Senate bill. And it is not about taking guns away from law-abiding citizens. It is plain and simply about keeping guns out of the hands of criminals.

I can give my colleagues the statistics. FBI statistics are very clear that this loophole is going to increase immeasurably gun sales and make gun runners out of criminals and gun shows will be legal gun running operations.

Mr. Chairman, as the cosponsor of this amendment I rise in strong support of the amendment offered by my colleague from New York (Mrs. McCARTHY).

Mr. Chairman, this debate is not about taking guns away from sportsmen and hunters or law-abiding citizens who own guns to protect their families or their property. This debate is about law and order. It's about giving law enforcement the tools they need to keep firearms away from criminals, people with mental illness—and yes—kids.

Mr. Chairman, for the last 2 days we have been debating how best to protect our children. We've discussed drug trafficking, pornography, movies, television shows, video games, etc. And well we should. We have a culture of violence that is killing children and destroying our communities and it needs our attention now!

Tonight, we turn to guns.

Every day in America, 13 young people under the age of 19 are killed in gun homicides, suicides and unintentional shootings. That is one classroom of kids every day.

That is what this debate is about—not taking guns away from law-abiding citizens. But about law-and-order and protecting our kids.

Granted, these kids get their guns from a variety of sources. But increasingly, gun shows have become a significant source of guns for illegal users, including children.

Why is this trend developing?

Because criminals, mental defectives and—yes—kids know they can't pass the background check that they will have to undergo if they attempt to purchase a weapon at a sporting goods store, gun shop or from a licensed gun dealer. But they also know that gun sellers at gun shows do not have to run a background check.

Yes, criminals have found that they can obtain unlimited numbers of firearms at gun shows with ease. And because no sales records are kept at gun shows these firearms can be resold on the street and used in crimes without being traced.

Under the Hyde language, you could have nine dealers present selling thousands of weapons—a virtual arsenal—without a single background check.

It shreds the fine common sense provision of the Senate bill. Now with the Dingell amendment, the McCarthy-Roukema amendment is needed more than ever to bring law and order back to gun dealing and the sale of guns.

The McCarthy/Roukema amendment repeals the Dingell loophole. It would define a gun show as any event where 50 or more weapons are exhibited for sale, transfer, or exchange and where two or more gun show vendors are present. Using the number of weapons and vendors present in determining what constitutes a gun show is the best way to close the loophole. Any event meeting the standard would require the vendor to perform a background check on the purchaser before the sale or transfer is complete.

My colleagues, the choice is clear. Support the McCarthy amendment or vote to maintain a dangerous status quo where hundreds of thousands of weapons are sold to thousands of buyers without a single background check for criminal record or mental illness.

Mr. Chairman, the vast majority of people who purchase guns at gun shows are responsible, law abiding citizens. But increasingly, many are not.

Columbine student Eric Harris illegally obtained the TEC–9 assault weapon used in the Littleton tragedy through a gun show. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over $60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

The time is now to close the gun show loophole and make private dealers follow the same law as federally licensed firearms dealers.

This is about law and order—it is not about taking away the rights of the law abiding to own guns.

Support the McCarthy/Roukema amendment.

And I again must commend Mrs. McCarthy who has used her tragedy to dedicate herself to doing what she can to protect others from suffering the personal trauma and grief that she has had to hear when her husbands life was taken and her son permanently physically disabled by a man who criminally obtained the guns. I respectfully thank God for her commitment to making America a better place.

Mr. McCOLLUM. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) will control 15 minutes.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must reluctantly disagree with my good friend from New Jersey (Mrs. ROUKEMA) on her amendment with the gentlewoman from New York (Mrs. McCARTHY) tonight.

This amendment is similar to the Lautenberg amendment, which was an amendment to a bill in the other body. It is vague. It is overbroad. And it may very well put gun shows out of business if it is passed or adopted.

The amendment to H.R. 2122 would amend it to define a "gun show" as any event at which 50 or more firearms are offered or exhibited and at which two or more persons exhibiting a firearm are present.

Unlike the underlying bill, H.R. 2122, it does not specify what types of events fall within the definition. So a community yard sale where one person is selling his firearm collection, which could easily be more than 50 guns, and another neighbor who puts one of his firearms on the table to exhibit it, without even selling it, would consist a gun show under this amendment.

Unlike H.R. 2122, this amendment only requires that there be two people exhibiting firearms for it to be a gun show. Thus, the amendment turns on a gathering of three friends who bring their collections to show one another. Where one friend trades one of his firearms with a friend at no cost, with no money exchanging hands, it turns that into a gun show.

Under the McCarthy-Roukema amendment, before these friends could trade guns with one another, they would have to have a licensed dealer run a background check on themselves and transfer them the firearm or firearms for them.

The McCarthy-Roukema amendment only allows licensed dealers to conduct background checks at gun shows. Since gun shows are places where non-dealers go to exhibit their collections, this requirement will so burden gun shows sales that I doubt that many gun shows would ever be held.

We are not here today to put gun shows out of business. We are here today to stop people who are violent felons, criminals, from being able to buy guns at gun shows.

The McCarthy amendment is so overbroad that it would require gun show promoters to keep records on every patron at the gun show who lawfully brings a firearm with them and shows it to some other person even if they are not a vendor with a table or booth at a show.

Why? Because under this amendment, gun show promoters must register anyone who merely exhibits a firearm to another person even if they are not a vendor with a table or a booth at a show or be subject to criminal punishment. It is unfair to subject gun show promoters to a risk they simply cannot control.

The McCarthy-Roukema amendment is so overbroad that it requires gun show promoters to give notice to each person who attends a gun show of the requirements of her amendment or face criminal punishment.

The McCarthy-Roukema will have the effect of ending most gun shows. The risk of criminal punishment for failure to comply with all of the new requirements will simply be too great for anybody to take the risk of running a gun show.

It is wrong to put gun shows, in my judgment, at an end. Although the intentions may be perfectly good, it is wrong to put them at an end by regulating them to death.

H.R. 2122, the underlying bill, even as amended, strikes, in my judgment, the right balance between protecting our communities from felons who try to buy firearms at gun shows and protecting the rights of law-abiding citizens to keep and bear arms.

So I urge all of my colleagues to defeat this amendment. I urge them to adopt the bill that we have before us tonight, a bill that would close the loophole in gun show sales to felons. It is well-written, well-crafted.

There may be a dispute that I had with some of my friends over the length of time to check on the background of somebody who turns up as a hit. But it is basically a fundamentally sound way to close this loophole. And the McCarthy amendment, on the other hand, does not just close the loophole. It closes the gun show.

That is not what we are here tonight about. We are here to protect kids. We are clear to close the loophole in the law. And we are here to make it certain that felons do not buy guns.

Mr. Chairman, I reserve the balance of my time.

Mrs. McCARTHY. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I say to the gentleman from Florida (Mr. McCOLLUM), page one of the McCarthy amendment: "'Gun show' is a term at which 50 or more firearms are offered or exhibited for sale and which there are two or more gun show vendors."

How could that be a yard sale?

Mrs. McCARTHY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY) my longtime friend.

Mrs. LOWEY. Mr. Chairman, we have an opportunity tonight to save lives.

December 7, 1993. The gentlewoman from New York (Mrs. McCARTHY) will not forget that day. The families of the six dead, the 19 wounded will not forget that day. Eight weeks ago, 12 students and a teacher were killed at Columbine High School.

Tonight we are finally considering legislation to protect our families and our children from guns. The American people have turned to us for leadership. And tonight, my colleagues, we are going to see if this House has the courage to answer that call and turn its back on the NRA.

Everywhere I go in my district, at the supermarket, at neighborhood events, mothers come up to me, children in hand, and ask me, "What are we going to to do to stop this violence?" "What are we doing to stop the guns flowing in our schools and onto our streets?"

I challenge anyone in this House to look one of those mothers in the eye that came to us just yesterday talking to us about their children, their husband, there was a young girl there who was wounded 13 times, let us look her in the eye and tell her that this is more important to avoid inconveniencing a handful of gun buyers than it is to protect her child.

I would like to remind my colleagues that, in the first 15 minutes of the instant check, 75 percent of the people are cleared. In the next couple of hours, it goes up to 90 percent.

So we are talking about inconveniencing a couple of people to check their record to be sure that we save lives.

We know that this is not going to solve all our problems. We have to address the whole culture of violence in this country. But tonight we have to begin, we have to respond, we have to act. We have to pass the McCarthy amendment.

Closing this loophole will make a critical difference in protecting our children.

□ 0020

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), a member of the committee.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. For those who voted for the prior amendment offered by the gentleman from Michigan (Mr. DINGELL), the choice on the current amendment before this body, and that is the McCarthy-Lautenberg amendment, could not be clearer. There is no way that you could support the Dingell amendment and support the McCarthy-Lautenberg amendment. They are like night and day.

Let us look at some of the differences. The McCarthy-Lautenberg amendment is typical Washington, because only in Washington could the taxpayers of this country submit over $200 million of their money for the development of an instant background check, tell their legislators, that is this body and the Senate, that we are in support of and want you to institute an instant background check, and wind up with a background check that is called instant but can take up to 6 days. Only in Washington does $200 million get you an instant background check that can take up to 6 days. That date of 3 working days, which can balloon on a holiday weekend, which is very popular for gun shows, into 6 days was not chosen at random. Three days was chosen because it would put gun shows out of business, yet it appears to be benign. Therein lies much of the danger of the McCarthy-Lautenberg amendment. It appears to be benign but it is a wolf in sheep's clothing. The paperwork which the gentleman from Florida has already alluded to would literally cripple gun show promoters, gun show organizers and gun show owners. They would subject themselves to criminal liability for an inadvertent failure to comply with the massive paperwork burdens which will be laid upon them by none other than the Secretary of the Treasury.

One of the most common terms, one of the most common references, some of the most common language which permeates the McCarthy-Lautenberg amendment before this body refers to powers to regulate given to the Secretary of the Treasury and, by delegation, ATF.

The gentleman from Florida also alluded to the fact that under the very broad definitions of the McCarthy-Lautenberg amendment, a gun show could be a yard sale or an estate sale, an estate sale, for example, at which as few as 50 firearms, which is not that many for some collectors of historical firearms and at which two or more show up, not one gun has to be sold. There can be a discussion of a sale, a discussion of a transfer, and all of a sudden, bingo, in Washington magic, you have an estate auction with two people discussing the transfer of as few as one of 50 firearms becoming subject to the whole range of paperwork burden, criminal liability, civil liability, gun information registry and gun tax that is provided in the McCarthy-Lautenberg amendment. Only in Washington could people with a straight face say that that is an improvement over Dingell. The same people only in Washington that would tell us with a straight face that an instant background check can take up to 6 days. The same people that only in Washington can tell us with a straight face that $200 million to buy an instant background check system gets us a system that takes up to 6 days and yet the other side says, "Oh, that's just a slight inconvenience." The McCarthy-Lautenberg amendment is not Lautenberg Lite, it is Lautenberg Heavy, and for those who supported the Dingell amendment, you have to vote against the McCarthy-Lautenberg amendment. I urge its strong defeat.

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANTOS. Who is Mr. Lautenberg?

The CHAIRMAN. The gentleman has alluded to sponsorship of a similar provision in the Senate, which is permissible under the rules.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, this House has invested millions of dollars in establishing a national background check system, and it works. We have seen it work. It keeps guns out of the hands of criminals, of rapists, of abusers. That is a good thing. The only thing we are talking about here tonight is whether we should use that check system not only when guns are sold by dealers but when guns are sold at gun fairs. The only issue is whether it should cover all gun fair transactions or some gun fair transactions.

I would say to my friend from Georgia, only in this House could "all" be defined as "some." I just wanted to define "all" as "all." It should cover all transactions at gun fairs. Where 10 vendors get together, clearly that is a gun fair. Why when nine get together, when thousands of guns are sold, is it not a gun fair? Why when eight get together is it not a gun fair? Why when seven, when six, when five, when four? Surely when two vendors get together, they ought to have background checks. It is all. It is everyone. It is children's lives at stake.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the courageous gentlewoman from New York for yielding me this time. I listened to a colleague of ours on television this morning say that we should not close the gun show loophole because it would create too much paperwork, it would be an inconvenience. An inconvenience? Tell that to the parents of a murdered child. Talk to them about the inconvenience of paperwork. Tell them about the annoyance of waiting 3 days for a gun, and one gun that would be kept out of the hands of a criminal.

Wake up, Congress. Thirteen children a day are killed by guns in this country. And we do not want people to be inconvenienced? I ask you tonight to vote with your heart. Compare the hardship. I ask you to vote for the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the McCarthy-Roukema substitute. The 3-day delay is essential to deter the purchase of a weapon in haste—the purchase of a weapon to settle an argument, or in the heat of passion.

I understand many disagree on the wisdom of possessing a firearm. Many point to statistics showing a much greater risk of an accidental misuse of a firearm in a home than that firearm ever being used to defend against an intruder. Others say it is their choice to make, and I understand that. The right to make that choice, however, is not the right to make the choice precipitously. Think carefully about your choice to possess a firearm. Think it out in advance. Don't make this kind of judgment in the midst of anger, or to settle a domestic dispute. The 3-day delay helps accomplish this much more than would an instantaneous check.

Some of those who oppose the 3-day delay also support a delay to be imposed on a woman who chooses to have an abortion—as was upheld by the U.S. Supreme Court in Planned Parenthood versus Casey. Just as the Supreme Court recognized that a delay on exercising what they held to be a constitutional right was permissible in that context, so also, in my view, would a 3-day delay on exercising a right to purchase a firearm be held constitutional. A 3-day delay on the purchase of a firearm is wise, and it is constitutional.

Today, this view failed in the vote on the Dingell substitute. With one change in vote, however, and the six Members who had to be absent tonight, voting tomorrow, we can reverse this result. Tomorrow, we will vote on the substitute by Congressman CONYERS and myself. It will enact in our House what has already passed the Senate. We have one more chance to do what is right, what is constitutional, what is safe.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

□ 0030

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for all she has done.

Let me just try to run through this, what I have tried to glean from this discussion. Ninety percent or so of the people that go in to buy a gun will go through the instant background check, and they will be cleared right away. That is probably everybody in this room. That probably leaves 10 percent.

What do we know about those 10 percent? Those 10 percent probably have some kind of an arrest on their record. That is what shows up at that instant check.

Now, what do we know after that? We do not know anything after that if we assume the Dingell amendment which has just passed, which is a 24-hour period, but they may be convicted felons is what we know. But we will not know that for sure under this particular legislation, because most gun shows take place on the weekend, and the people who want to buy the guns are going to go in there, if they are convicted felons, on a Friday night or a Saturday. We have, in a way, sort of concocted a felon holiday, if you will; a period of time where, for a little bit in the beginning of the weekend, so they can get the gun and get out before the 24 hours is over, and they can go in and purchase a gun.

Why can they do that? Because the courts are not open. The courts are certainly not open in Georgetown, Dover, or New Castle County, Delaware. That is the problem.

I think we need to pass the McCarthy bill, really close the loopholes so that the felons will not have guns. Vote for the McCarthy-Roukema amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 6½ minutes remaining. The gentlewoman from New York (Mrs. MCCARTHY) has 7½ remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 3½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, about 3 weeks ago a young Senate staffer was coming home at night and decided to cross one of the Capitol Hill parks, and partway through that park, she was confronted by three young men, and she started to run away. But one of the men brandished a handgun, so she stopped. They wanted money. She felt sorry for them, but she did not have any money. In fact, she said to me, I wish I had some money to give them.

One of the men started to search her, but he did not want to stop with just a search, but for some reason or another he did, and she got away. Our Capitol Police rescued her, and they eventually apprehended them that night, these three young men. They were all minors; two of them had rap sheets.

We talked about how she felt about those events, and she told me that she is angry, that they took away her freedom, and that she is frightened when she walks by that park. And I said, what should we do? And she said, it does not make any sense to pass another law that is just going to be broken.

I asked her about guns. What did it make her feel about guns? She said she was not afraid about being shot, she was afraid that they were going to rape her, and that the gun gave them power over her. She could outrun those kids, she thought, but she could not outrun a bullet.

Then, when she went to the arraignment, one of the boy's parents showed up, and he was the one without a record. The other two boys' parents did not even bother to show up at the arraignment, and she felt sorry for them, but she did not want them to be able to assault someone else.

Again, I asked her, how did this make you feel about guns? She said, well, my dad has a gun, and I agree with the bumper sticker that says, when they take away our guns, only the criminals are going to have guns. But, she said, you will not solve this problem with more laws. She said, you have the power to make a law, but it will be broken every day, and I will not feel any more safe, she said, because I am not going to be any more safe. She said, you cannot make a law that will make those parents care enough to show up at an arraignment to do something about their kids.

This extraordinary young lady happens to be my niece, and I am really proud of her. She is brave and compassionate, and she is wise, and we ought to listen to her words. She understands more than most of us in this room understand that while we have the power to pass laws, it takes families to solve this problem, families that care. Just as more gun laws would not have saved a single child in Littleton, more gun laws would not have prevented these thugs from confronting my niece.

But I say to my colleagues, enforcing the existing laws would have, because I learned tonight from the arresting officer that one of these young thugs was already on probation for brandishing a gun.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), a very courageous police officer.

Mr. STUPAK. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

Mr. Chairman, as my colleagues know, I am a former police officer, I am a member of the NRA, and I am a lifelong gun owner. My wife and my two sons own guns. We, Mr. Chairman, are responsible gun owners who have taken guns safety courses and educated our children about how to operate and respect firearms.

The McCarthy amendment is not gun control. It does not take away any guns, and it does not prohibit law-abiding individuals from purchasing guns. The McCarthy amendment is a gun safety provision which continues the instant check system before one purchases a gun. McCarthy says that if one wants to purchase a gun, we all follow the same rules. We are all subject to the same instant background check.

The McCarthy amendment says, whether I purchase my gun at K-Mart or at the weekend gun show, I must be treated the same. I must follow the same instant check system. No exceptions, no excuses, no special treatment for people who purchase guns at gun shows.

The McCarthy amendment does not take away any rights. It does not prevent the sale of any guns. It only requires that we all play by the same rules.

Earlier tonight I offered an amendment in the motion to recommit on the juvenile justice bill that did not contain any gun provisions. I am not interested in, and I will not vote to take away your guns. I will not try to control your guns. I want to make sure that every gun purchaser is treated the same, and that is why I am going to vote for the McCarthy amendment. I will vote to make sure that all prospective gun purchasers must follow the same instant check system. No exceptions, no excuses, no special treatment.

With so many gun owners and hunters in my district, the last vote and this vote are very tough votes for me politically. But I say to my colleagues, this is the right vote. I urge my colleagues to do the right thing. Vote for the McCarthy amendment.

The CHAIRMAN. The gentleman from Florida has 4 minutes remaining; the gentlewoman from New York has 5½ minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, we passed the Brady Bill 5 years ago, and it has worked. What we have tonight is a loophole that we must close in the Brady Bill, and the McCarthy-Roukema amendment will do that.

I have a quote from a gun dealer, a gun dealer who said, and he was quoted in the newspaper, a criminal could come here to a gun show and go booth to booth until he finds an individual to sell him a gun with no questions asked, unquote.

Mr. Chairman, it just makes no sense that any person can today walk into a gun show, make a purchase without any precautions whatsoever. Moreover, illegal purchasers know, they know that they can go to a gun show without worrying about being denied a purchase. We have some statistics.

An Illinois State Police study demonstrated that 25 percent of illegally trafficked firearms used in crimes originate at gun shows. Ironically, in

Florida, an inmate escaping from detention stopped at a gun show to make a purchase while fleeing law enforcement authorities. No background check, no waiting period. Let us close that loophole to make our country safer for all citizenry.

Mr. McCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, on August 2 in 1876, Jack McCall walked into saloon number 10 in Deadwood, South Dakota, and brutally murdered Wild Bill Hickok. Now, if there had been background checks at the time, they probably would have discovered that Jack McCall was a pretty unsavory character. But I do not think it would have prevented him from getting the gun with which he committed the murder, because he had criminal intent.

Well, that was the wild, wild West. This is the 1990s. Times have changed. We have background checks, but some things have not changed.

□ 1240

Bad people do bad things. Criminals will get guns. That is fact number one.

Fact number two is accidents happen.

Fact number three is Congress cannot change fact number one or fact number two.

I grew up in a culture in my State of South Dakota where at the age of 12 I started hunting and learned the responsible use of firearms. I, too, have young children, 12 and 9 years old. I am profoundly and personally committed to see that the things that happened in Littleton, Colorado, do not happen in my home State of South Dakota or anywhere else in America.

But I have to tell the Members, I think for people here this evening, gun shows are getting a bad name. I don't know how many have ever been to a gun show. I would like to see a show of hands. They are normal people. They are not villains. They are people like the Members and me. They go there because they are collectors, they are law-abiding citizens.

What we are trying to do here tonight is to make sure we protect the rights of law-biding citizens and crack down on criminals. We had an opportunity to vote on legislation earlier today that would do that.

We are addressing the cultural influences that are impacting this issue, but we should not go so far as to prevent law-abiding citizens from having access to firearms. We cannot take every gun, every knife, every nail, every propane tank, and every potential weapon away from every person in America because we are afraid that somewhere, somehow, someone is going to get hurt.

This is not the answer. More laws are not the answer. The answers are found in the human heart. They are found in the American home. They are found in the pews of our churches and around dinner tables at night. They are found in the choices that we make and the priorities we set and the value that we place on our children.

Until we realize that, we are going to pass a lot of legislative chaff designed to stuff the void that must be filled with love, values, and personal responsibility.

I urge Members to vote no on this amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank my good friend for yielding time to me.

I stand with the major police organizations of the United States of America for America's children. That is where I stand. That is where I stand.

How many children are still alive because of safety caps on medicine bottles? How many children are still alive because of childproof cigarette lighters? Is this government intervention? No, it saves lives. That is what it is all about.

I urge my colleagues to see through the myths, put aside the partisan rhetoric, and do what is right: Vote for the McCarthy amendment. That is what we should be doing.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Boston, Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from New York for yielding time to me.

Mr. Chairman, all of the materials we are looking at this evening, the underlying bill, H.R. 2122, the Dingell amendment, the McCarthy amendment, all collectively apparently have some sort of broad support for the prospect that we need a background check and a waiting period. What we are arguing about here is time, the amount of time for that.

We all apparently agree on the purpose of that, is to keep guns out of the hands of the wrong people, because 17,000 of those wrong people presumably would have gotten their hands on guns if we in fact had the Dingell resolution as law, because that is what the statistics and the facts tell us, that that many people, with the Dingell provision in effect, still would have been felons, the wrong kind of people, who would have gotten guns.

We can presume that if they went in under the Dingell provision and bought that gun on a Saturday or Friday night, the background check of 24 hours would not have been effective, and they would have been out there with their gun causing damage.

In 1996, 4,643 young people were injured and 2,866 were murdered. We can presume that some of them might have been in that circumstance, and we ought to not worry about a little inconvenience, we ought to worry about the comments this brave women and the other people in America are saying, protect our children.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, I rise in support of the McCarthy amendment that might have saved the lives of Officers Gibson and Chestnut.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. BLAGOJEVICH.)

Mr. BLAGOJEVICH. Mr. Chairman, the gentleman from South Dakota just moments ago said two things that I agree with regarding gun shows. Number one, most people involved in gun shows are law-abiding citizens. I think that is true. Number two, he said that criminals can always get guns. He is right about that, they can go to gun shows to get guns.

In fact, 54,000 guns were confiscated last year in crimes that came from gun shows, in the 5,200 gun shows we had across the country. The reason is very simple, the Brady law that simply asks whether or not you are a convicted felon or that you are a proscribed person under the law, they want to find out whether you have violated the law, we do a background check. The Brady law has worked. Four hundred thousand criminals have not gotten guns. We want to apply that to gun shows and ask the same questions.

It is not against hunters, it is not against law-abiding citizens, it is not against NRA members, unless you are a criminal. That is what this is all about.

Let us close this loophole. Under the previous amendment, nine vendors can get together and sell thousands of guns, literally, with no questions asked.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the pending amendment because I simply cannot understand how a House of people who are willing to wait 4 days for dry cleaning cannot wait for a gun.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would request all Members not to embellish simple unanimous consent requests.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save America's children.

Mr. Chairman, it is time for this House to come together on a bipartisan basis and do what the parents of America expect us to do, what they have hoped we would do since the moment a high school in Colorado became a killing field.

We are charged by the friends and neighbors and parents who elected us to this chamber to protect this nation's children.

Some people in America, and in this Chamber, would have us enact stronger measures than those embodied in this amendment.

But these are the gun child safety measures the Senate was able to approve. Let us at least do this much, pass what the Senate agreed upon.

If we do this much, we will not only take a step toward meeting our obligation to the parents of this nation. By making these protections the law of the land, we will also be making history.

We will make history when we listen to the parents of America and prefer the safety of children over the special interests, teeming in the Capitol and fighting against sensible gun safety measures.

Can't we do this much for the mothers and fathers of our country?

As a mother of two school-aged children, I understand the depth of feeling of other parents. When my kids, or yours, go off to school, we don't want to think, even for a moment, that we might never see them again, because some boy brought a semi-automatic to class and opened fire. We know all too well, because of what happened in schools from Colorado, to Kentucky, to Oregon, that this is no exaggeration.

I'm the first to concede that these common sense gun measures are not the whole answer. But they can and will make a difference.

We know that if the boys who murdered those students in Colorado had not been able to obtain the weapons they did, the slaughter would not have happened.

For every law there will be violators. No system is perfect. But we know that the existing Brady bill has kept thousands and thousands of ineligible persons from purchasing weapons—it stopped felons from purchasing or possessing such instruments of destruction.

If we can decrease the number of guns available to troubled kids, it can only help.

For those who say it's not worth it, unless it's 100%, ask yourself, would you feel that way if it was your teenager who came face to face with a disturbed man with a gun bought at a gun show and loaded up with a high capacity clip? If you could prevent that, wouldn't you do it?

Next Sunday is Father's Day. I can't help but think tonight about the teacher, a father, who escorted students to safety at the cost of his life in the Columbine Massacre. I can't help but think of the mothers and fathers who learned later that day that the son or daughter they loved more than life itself had been killed that day.

While some of us may celebrate Father's Day this weekend, others will most certainly not celebrate, because they hurt so badly.

Before we leave these chambers this Father's Day weekend, let us give our friends and neighbors who sent us here something that says this tragic loss of life, of young and old, was not in vain.

Let us make these moderate, commonsense gun safety measures the law of the land.

Then let us return to our districts with pride that we have made a good start on a difficult problem.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York (4th District). This amendment will require individuals who wish to purchase a firearm at a gun show to submit to a background check before they are able to complete their gun purchase, thus extending additional oversight to Public Law Number 103–159, the Brady Act.

Mr. Chairman, when I was a teacher, we never had to worry about kids bringing guns into schools, and it shouldn't be happening today. We must keep guns out of the hands of our children. A background check provides one more means to protect our children from the irresponsible use of firearms. Our youth must be taught that guns are dangerous and that inappropriate or unsafe use of them has consequences. We must ensure that it is not possible for our youth to buy a gun illegally, nor use a gun without the supervision of their parents.

Most law-abiding gun buyers are not inconvenienced by the current 3-day approval period at gun stores or at gun shows. The FBI's Brady Instant Check System is up and running 7 days a week, and about 73% of background checks on potential gun buyers result in an immediate response by the FBI that the sale may proceed. For every 100 requests for background checks on potential gun purchases, 95 are answered within 2 hours. This amendment does not seek to prevent responsible adults from purchasing guns for sports, or for personal protection. This amendment would guarantee no sale to those who should not be approved. It will reduce the incidence of youngsters obtaining firearms. It will help ensure that guns do not get into the hands of criminals or into the hands of unsupervised youth. The American people support these provisions to require background checks for gun purchases made at gun shows, pawn shops, or flea markets by an overwhelming 77%. This support is solid in rural, suburban, and metropolitan areas across our nation.

Mr. Chairman, I believe safe schools are too important. I support this amendment and also the Democratic substitute offered by the gentleman from Michigan, Ranking Member of the Judiciary Committee. I urge my colleagues will join me in supporting these amendments to protect our children and reduce gun violence in America. Thank you.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the McCarthy amendment and supporting the Conyers, taking the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise in strong support of the McCarthy amendment, and commend the gentlewoman for her extraordinary leadership.

Mr. Chairman, I rise today in strong support of the McCarthy amendment that will prevent gun violence, save the lives of our children, and protect the safety of our families and communities. The tragic shootings in Littleton, Colorado have provided Congress with a renewed opportunity to achieve these goals. In response, the other chamber approved gun control legislation that would require gun safety locks, ban importation of high-capacity ammunition clips, and require gun show background checks. While Congress should go farther, these changes represent real progress. At the very least, House action should match this progress and pass these measures to strengthen our gun control laws.

Unfortunately, we debated some amendments that undermine progress and some that would inexcusably weaken existing gun control laws. The Dingell gun show amendment weakens current law by reducing the maximum time allocated for background checks by licensed dealers operating at gun shows from three business days to 24 hours. If this shorter waiting period becomes law, the Justice Department reports that of those now denied guns, 40 percent would obtain a gun. For Saturday background checks, this 24 hour rule would preclude 60 percent of current denials. Let's not pass laws that encourage convicted felons to purchase guns on Saturdays and which reduce Saturday background check denial rates 60 percent.

The impact of easy access to guns is devastating. According to the Children's Defense Fund, each and every day gunfire in America takes the lives of nearly 13 children. In 1996, gunfire killed 4,643 infants, children, and teens. Between 1979 and 1996, firearms wounded 375,000 children and teens and killed more than 75,000. We must take action to protect our children.

When adults have easy access to guns, access by children often follows. This access to firearms, heightens the real problems of our adolescents and youth violence. It is important to note that guns remain the most common method of suicide for children. Guns bring finality to violence and increase its deadly toll.

The NRA claims America has too many gun laws and existing laws are not enforced. They are wrong. Gun control laws are enforced. Today's USA Today reports that enforcement of the Brady gun control law has blocked the sale of more than 400,000 illegal gun sales.

Mr. Chairman, I urge my colleagues to support the McCarthy amendment. Gun control laws are not problem. The problem is gun control loopholes. Let's close the loopholes.

In closing, I wish to thank Congresswoman MCCARTHY for her extraordinary leadership to save the lives of America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

Mrs. KILPATRICK. Mr. Chairman, I rise to save America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, on behalf of the women who love their children, I rise in support of the McCarthy amendment.

I rise, Mr. Chairman, to express my support to the passage of the McCarthy-Roukema-Blagojevich Amendment, to H.R. 2122, the Mandatory Gun Show Background Check Act.

The McCarthy-Roukema-Blagojevich Amendment ensures complete and accurate background checks at gun shows. The gun show loophole which currently exists makes firearms immediately accessible to children, convicted felons, and others who are not legally able to purchase firearms under The Gun Control Act of 1968. This loophole is unacceptable if we intend to protect the personal safety of our children and loves ones.

The McCarthy-Roukema-Blagojevich Amendment requires a three business day period, rather than 72 hours, to complete Brady Law instant background checks. Three business days enable thorough background checks with minimum inconvenience to the purchaser. Because most gun shows take place during the weekend, when state and local courts are closed, 72 hours is not a sufficient amount of time to check records for convictions. However, even with the three day waiting period, 73% of all background checks are completed instantly and 95% of purchasers are accepted or rejected within 2 hours. Only 5% of cases are delayed for more than two hours.

This amendment does not target or disadvantage law-abiding gun owners. Rather, it simply imposes the same requirements on guns shows as gun stores. Sales records from guns shows would be maintained in the same way they are at gun stores. These records would not function to monitor gun owners already protected by their 2nd amendment rights, but would instead help police trace guns used in crimes.

Gun owners and law-abiding purchasers are further protected by the amendment's requirement that all records of approved transfers be destroyed within 90 days, except those retained for audit purposes. The McCarthy-Roukema-Blagojevich Amendment forbids the FBI from using the instant check system records to create a registry of gun owners. Even the tightened gun show definition, where 50 or more guns are being sold by 2 of or more sellers, provides an individual the freedom to sell guns at a yard sale without being considered a gun show.

I strongly urge my colleagues to support the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122. Legislation which fails to seal the gun show loophole is useless. This important amendment will prevent many small and large scale tragedies while simultaneously preserving our 2nd Amendment rights.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I also rise in support of the McCarthy amendment to save the lives of children and take the guns out of the hands of criminals.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, in support of real gun safety for our children.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the McCarthy-Roukema-Blagojevich amendment and the Conyers-Campbell amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, the Conyers-Campbell amendment, and to stop the killing of our children.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save our children.

□ 0050

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the McCarthy amendment to protect our children and to plug the gun show loophole.

Mr. Chairman, I rise in strong support of the McCarthy-Roukema-Blagojevich Amendment.

I am outraged that the Republican leadership has the nerve to offer the NRA's waterdowned version of the Senate gun safety legislation.

We should not have to wait until there is blood on our hands to pass real legislation to make it harder for kids to get guns.

Our children should be worrying about hitting their books—not about getting hit by a bullet.

Our children should know that "Gunsmoke" is an old TV rerun, and not a reality for many of them.

and our children should be safe in their school, their neighborhoods and homes.

Increased gun safety measures could save the lives of thousands of young people every year, and I believe that regardless of political agendas, we have to put our children first. Unfortunately, the Republican gun control or the Dingle legislation will not close the gaping loopholes in our gun laws and will not make our children any safer.

We have heard all the statistics. We know that the American people overwhelmingly support these reforms. We know how many people have died from gun violence in this country. However, sometimes I think that opponents of gun safety are no longer affected by these statistics, because they have heard them over and over again—but Mr. Speaker, this is not about statistics.

This is about lives—the lives of the people who were killed because there were no safety locks or background checks, and the lives of all the people who are going to be killed if we don't pass real gun safety laws.

Mr. Speaker, I am especially outraged at the tactics being used to try and derail enactment of sensible gun safety and gun control measures.

That is because I resent bullies—I always have and I always will!

And I think that the NRA leaders are the bully's of all bullys!

Today, I find myself fighting once again their threats against members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a member of the Petaluma, CA city council I was threatened by these same individuals who promised to post my name in their place of business if I voted for local gun control.

Well, let me tell you I let them know I would be proud to be on their list, so I told them how to spell my name W-O-O-L-S-E-Y.

Today, I am proud to stand for the McCarthy gun legislation to keep our children safe. Any bully who wants to hold that against me needs to spell my name right. W-O-O-L-S-E-Y!

Mr. Chairman I ask unanimous consent to revise and extend my remarks in support of the McCarthy amendment to plug gun show loopholes and protect our children!

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the McCarthy amendment on behalf of all of the mothers and grandmothers of this Nation.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment to plug gun show sales.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, on behalf of all of us here in this House, I rise in support of the McCarthy-Roukema amendment, and the Conyers-Campbell amendment to take the guns out of the hands of criminals.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms ROYBAL-ALLARD. Mr. Chairman, I rise in support of our children's safety and in support of the McCarthy-Roukema amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the McCarthy amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, with thanks to these two gentlewomen for the children of America.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong support for this gun safety amendment on behalf of our children and in recognition of the excellent leadership of our colleagues, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentlewoman from New York (Mrs. McCARTHY).

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. LANTOS. Mr. Chairman, is chivalry dead in this House?

The CHAIRMAN. The gentleman is not stating a proper parliamentary inquiry.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman. I rise in support of the McCarthy amendment to preserve the Second Amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise in favor of the McCarthy amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Chairman, I rise in support of this very important gun safety legislation for America.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment on behalf of all of the children who have died, on behalf of all of the children who have died in gang warfare and drive-by shootings.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in support of the amendment by the valiant gentlewomen from New York (Mrs. McCARTHY) AND NEW JERSEY (MRS. ROUKEMA) and in favor of strong background checks on criminals across this country.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and America's children and victims of gun violence.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, on behalf of the 97 percent of the women with children, I rise in support of the McCarthy amendment.

I rise in support of the McCarthy amendment.

Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

This amendment is misguided, misleading even! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

I firmly believe that in order to deter youth violence it is necessary to focus on prevention and not exclusively on punishment; indeed, merely locking up kids with adults is not a legitimate solution to the problem of youth violence. Children's groups across the nation have called on Congress to concentrate on the prevention of juvenile crime: not only punitive measures.

In my home district, Florida's 3rd, on Friday, June 4th at Raines Senior High School, I did just this, and held an in-school meeting to discuss different models of youth violence prevention and mediation. The participants consisted of six Members of Congress, a NASA astronaut, the rap star Snake, 1600 students, and an organization named SHINE (Seeking Harmony In Neighborhoods Everday).

Our discussions centered on prevention, such as positive ways to confront low self-esteem, and a search for non-violent responses to conflict. I believe that it is only possible to permanently end youth violence by teaching our children radically new ways of thinking, which would allow them to direct their energy, presently released through violent means, into positive outlets like music, art and technology, in after school programs.

Along these lines, I suggest that teachers nationwide should include conflict resolution, mediation, and anger management lessons in their yearly course of study, and that these lessons be introduced in all grade levels to positively influence children throughout their school career.

Undoubtedly, the causes of youth violence are extremely complicated and our nation is in need of broad based solutions. An increase in child counseling, the instituting of sufficient mental health resources, and a general questioning of the role of the media in influencing children's attitudes toward guns and violence are all in order. Certainly, as Members of Congress, we should not overlook our role as parents and federal legislators, and do absolutely everything possible to put an end to the horrific, widespread problem of youth violence, with an eye towards prevention, and not just punishment.

Mr. Chairman, we've got to prioritize prevention over prisons. In the last two days I have heard proposals for locking up our children. How will this stop the violence? Simply, it won't.

We've got to enhance our families, our community centers, our churches and our classrooms. Building more prisons is not the answer. We've got to rebuild our communities—that is the only way we can move forward as a country. The Democratic Alternatives offer hope for the future, which is a lot more than the Republican alternatives of steel bars and cell blocks.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I rise in favor of the McCarthy amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of all the American children and in support of the McCarthy-Roukema amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. McCARTHY) is recognized for 2 minutes.

Mrs. McCARTHY of New York. Mr. Chairman, I thank all of my colleagues for their support. This is very hard for me tonight. It is hard for me because I have heard so many different things. I have been here just about 3 years and I am used to all the different spins. I do not understand them all the time, but that is what I do.

What we were supposed to be doing tonight was trying to serve the American people. What we are doing tonight is saying and listening to the victims across this country. That is all we are trying to do. That is the only reason I came to Congress.

Someday I would like to hopefully not have to meet a victim and say I know, because it is really hard. We have heard the arguments on both sides, and I wish we had more time to really say the truth about everything. My amendment closes the loophole. That is all I am trying to do.

I am trying to stop the criminals from being able to get guns. That is all I am trying to do. This is not a game to me. This is not a game to the American people.

□ 0100

All of my colleagues have to vote their conscience, and I know that. But I have to tell my colleagues, mothers, fathers, who have lost their children, wives that have lost their loved ones, this is important to them.

We have an opportunity here in Washington to stop playing games. That is what I came to Washington for. I am sorry that this is very hard for me. I am Irish, and I am not supposed to cry in front of anyone. But I made a promise a long time ago. I made a promise to my son and to my husband. If there was anything that I could do to prevent one family from going through what I have gone through and every other victim that I know have gone through, then I have done my job. Let me go home. Let me go home.

I love working with all of you people. I think all of my colleagues are great. But sometimes we lose sight of why we are all here. I am trying to remind my colleagues of that.

Three business days, an inconvenience to some people. It is not infringing on constitutional rights. It is not taking away anyone's right to own a gun. I do not think that is difficult for us to do. If we do not do it, shame on us, because I have to tell my colleagues, the American people will remember.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all of us who are here tonight are here with poignance and concern and feel for the sincerity of the speech we just heard. I have three sons, my wife and I do, and I can only imagine the pain that those such as the gentlewoman from New York (Mrs. McCARTHY) who have lost their children to violence must feel. That is why we are all here.

Fundamentally, one would think we had some huge disagreement tonight. Yet, in reality, I do not think there is a Member of this body who disagrees with the fundamental purpose that we are here tonight to do, and that is to try our darnedest to close the loophole in every way we possibly can in the existing laws that might allow some convicted felon to get ahold of a gun who could go out there and use that gun to kill one of our kids or grandkids.

That is what every one of us believes in who is here tonight. We may disagree over the product, over the nature or the style of it, but that is what we are here about, every one of the provisions. Each of us believes that his or her version is better for one reason or another. That is what we are here, all of us, are about.

Unfortunately, I think the amendment of the gentlewoman from New York (Mrs. McCARTHY) goes too far. It is overly broad. It would turn gatherings of friends into gun shows. I do not think that is what she intends, but that is what I believe it would do.

It would turn neighborhood yard sales into gun shows, and I do not think that is what she intends, but I believe that is what it would do.

It would force gun promoters to really go out of business, I believe, because I do not think that they could comply with the kind of restrictions placed on them without becoming criminally liable. Therefore, I believe they would not continue to conduct gun shows.

So I want to close the loophole just as much as anyone else here does tonight. I have offered a bill that would do that, and an amendment has already been passed that I did not agree with that would modify that slightly, but the authors of that amendment want to close that loophole.

But I cannot agree with the amendment of the gentlewoman from New York (Mrs. McCARTHY) tonight because I believe the McCarthy amendment would do more than close the loophole. It would close down gun shows. I believe it. So I urge a no vote on it. But I am with the gentlewoman, I am with everybody here to help our kids, and stop the killing that is going on in America, and close this loophole.

So, regretfully, I urge a no vote on the McCarthy amendment.

Mr. HOLT. Mr. Speaker, I rise in strong support of the McCarthy/Roukema/Blagojevich amendment, which matches the common sense gun control language sponsored in the Senate by my New Jersey colleague Senator FRANK LAUTENBERG.

Mr. Speaker, this debate is very simple. It's about keeping dangerous guns out of the hands of criminals and juveniles. And our choice tonight is equally clear: We can side with the NRA and the special interests, or we can vote to protect our children and our communities.

The recent tragedy at Columbine High School is a reminder that we must take strong action to keep firearms out of the hands of our children and criminals. All four guns used in that shooting were purchased at a gun show, making passage of the McCarthy Amendment more important than ever.

The McCarthy amendment would bring common sense reforms to the nation's 5,200 annual gun shows by simply imposing the same requirements on gun shows as are currently required at gun shops and sporting goods stores.

Hunters, sportsmen and law abiding gun owners have nothing to fear from this common sense measures. Criminals and gun traffickers do.

The McCarthy Amendment would ensure that thorough background checks are performed on every firearms purchaser by professional, licensed gun dealers so that juveniles and criminals can't acquire firearms at these events.

It would also require that sales records be maintained in the same way that they are at a gun store to help police trace weapons used in crimes. And it would give police the tools they need to enforce existing gun laws.

Mr. Speaker: Central New Jersey families are tired of a system so riddled with loopholes that it allows convicted felons, gang members and the seriously mentally ill to buy unlimited amount of weapons with no limits, no checks and no questions asked. We need to close the gunshow loophole.

Support the McCarthy Amendment.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. McCARTHY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 235, not voting 6, as follows:

[Roll No. 235]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman

Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—235

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Carson
Houghton
Minge
Salmon
Thomas

☐ 0123

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 235, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in Part B of House Report 106–186.

AMENDMENT NO. 3 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. HYDE:

At the end of the bill, insert the following:

TITLE —ASSAULT WEAPONS

SEC. 1. SHORT TITLE.

This title may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 2. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 3. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

My amendment, Mr. Chairman, would prohibit the importation of large capacity ammunition feeding devices.

I am very pleased that the gentlewoman from California (Ms. LOFGREN) the gentleman from Massachusetts (Mr. MEEHAN) and the gentlewoman from Colorado (Ms. DEGETTE) have agreed to cosponsor my amendment.

A large capacity ammunition feeding device is defined in current law, that is 18 U.S.C. 921(a)(31), as a magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994, that has a capacity of or can readily be restored or converted to accept more than 10 rounds of ammunition.

We have all seen them before. They are deadly enhancements to any semiautomatic firearm because they permit the shooter to fire many rounds before reloading.

Current law prohibits the transfer or possession of large capacity ammunition feeding devices, such as clips and other types of magazines. But current law also provides a major exception. It permits the possession and transfer of any such device lawfully possessed on or before the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994. That is September 13, 1994.

The world is awash in high-capacity ammo clips manufactured before the effective date of the 1994 Act, and such devices have been approved for importation into the United States if importers submit evidence establishing that the devices were manufactured on or before September 13, 1994.

Our proposal would amend the definition of a "large capacity ammunition feeding device" to delete the language limiting the definition to devices manufactured after September 13, 1994. In addition, our amendment would add a provision making it unlawful for any person to import a large capacity ammunition feeding device.

Thus, all devices with the capacity of more than 10 rounds of ammunition would be subject to the restriction of the law. However, the proposal would retain the existing grandfather exception in the law for devices lawfully possessed on or before the date of enactment of the 1994 Act.

My guess is there are plenty of large capacity clips in this country today and they are legal and will remain legal to possess and transfer. However, if over a period of time these large capacity clips break or wear out, gun owners can simply replace them with smaller capacity clips. It will never be necessary to throw a gun away for lack of a clip that will work in the gun.

We no longer live in a society where mass murder of the kind committed at Columbine High School is unthinkable. Unfortunately, the increasing frequency of mass shootings with weapons that can only be described as high-tech killing machines compels us to act now for the public good.

I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DeGETTE. Mr. Chairman, I ask unanimous consent to manage the time in opposition to this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado (Ms. DEGETTE) will control 15 minutes.

Ms. DEGETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. HYDE) the chairman of the Committee on the Judiciary for offering this amendment, which is a bill that Senator FEINSTEIN and I have introduced in both the

House and the Senate and have been working on since 1997.

My colleagues, this legislation bans the importation of high capacity magazine clips.

I would also like to thank my colleague from California and my colleague from Massachusetts for working so hard on this amendment with us.

□ 0130

In 1997, a decorated Denver police officer, Bruce Vander Jagt, was shot with a legally obtainable Chinese SKS assault rifle equipped with a 30-round magazine cartridge. Officer Vander Jagt was shot 15 times in the head, neck and torso by the rapid-fire capabilities of the assailant's weapon, combined with the multiple round cartridges. Numerous other police officers and citizens have been killed across the country because of the availability of these lawfully available, legal ammunition magazines. We cannot be sure whether Officer Vander Jagt would have survived if his assailant had had fewer rounds to fire, but what we can be sure of is that with a 30-round cartridge, death is almost surely going to happen and the only purpose of these cartridges is to kill human beings.

Although assault weapons account for about 1 percent of the guns in private hands, they were used in at least 13.1 percent of the 122 fatal law enforcement shootings that took place during a 21-month period in 1994 and 1995. Of those deaths, almost 20 involved high capacity magazines. The same type of high capacity magazines were used in Jonesboro, Arkansas and tragically they were used in Littleton, Colorado, just a few blocks from my district.

In 1994, Congress thought that it was banning the production of these large capacity assault style magazines or clips that allow these kind of shots. Unfortunately, the 1994 ban allowed the importation of these magazines to continue. That is why, 5 years later, even though we cannot make new cartridges, we still have a free flow of cartridges coming into this country from China, Russia and other Eastern European countries.

Next to me here, you see a recent advertisement from this country for magazines manufactured in Germany. Clearly, although Congress intended for these magazines to be gone from the marketplace by now, we continue to see them sold perfectly legally in gun shops across the country.

The Bureau of Alcohol, Tobacco and Firearms estimates that tens of millions of high capacity magazines have been approved for importation since 1994. Between March and July 1998, over 8 million of these magazines, some of them which hold 250 rounds of ammunition in one magazine, were approved for import. We must close this loophole.

There is no full explanation that will calm our consciences about why the two boys went on a killing spree in Colorado. And there is no guarantee by this amendment that something like this will never happen again. But these shooters in Colorado had multiple round ammunition cartridges. The security guard on detail at Columbine High School that day did not even have a chance against these two shooters, armed with semiassault weapons and multiple round cartridges.

Stopping this kind of ammunition, which only serves to kill human beings, is only a very small part of the solution. But it is an important part. We also need parents, teachers, coaches, ministers and Members of Congress to work with their communities to restore the social fabric that has held us together. But a common sense extension of a ban we thought we passed a few years ago is one way that we can give security to our schools, that we can give security to our parents and that we can give security to the police officers and their families all across this country.

Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I am happy to be here this evening while it is only 10:30 in California and to say that assault weapons equipped with high capacity clips containing multiple rounds of ammunition make it possible to shoot shot after shot in rapid succession to kill children in seconds. High capacity clips in Littleton, Colorado permitted two boys to mow down 13 classmates and their teacher.

In 1994, Congress addressed high capacity clips. I was not a Member of Congress then but the cosponsor of this amendment, the gentleman from Illinois (Mr. HYDE), was. He supported the 1994 ban on assault weapons and high capacity ammunition clips. If I had been here, I would have, too. While that had good effect here at home, high capacity ammunition clips continued to be imported from other countries. That is because of a loophole in the 1994 act. This amendment makes sure that the law will now succeed in doing what Congress intended to do in 1994.

From March to August of last year, more than 8 million large capacity clips were imported into the United States, each clip having a capacity of more than 10 rounds of ammunition, many with the capacity of 35 rounds, 75 rounds, 90 rounds, as high as 250 rounds. Why should Americans abide by a restricted law that foreign manufacturers may disregard? The clips that were imported over this 6-month period could have accommodated some 128 million rounds of ammunition. That is about a round of ammunition for every other American. That is a rather large loophole.

I ask each and every Member in this Chamber to look to the intent of the original ban in 1994 and the adverse impact this loophole had in Littleton and to the will of the American people. Then I ask that we cast our votes in support of this sensible amendment.

Ms. DEGETTE. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Colorado for her leadership, I thank the leadership of the gentleman from Illinois (Mr. HYDE) on this amendment along with the gentlewoman from California (Ms. LOFGREN) and the gentleman from Massachusetts (Mr. MEEHAN) and certainly to comment on the fact that this is an existing legislation of the gentlewoman from Colorado (Ms. DEGETTE) and Senator FEINSTEIN. We now have an opportunity this evening to be able to prohibit the importation of all feeding devices with a capacity of more than 10 rounds of ammunition.

Existing law prohibits the transfer and possession of large capacity ammunition feeding devices. Current law excepts any such device lawfully possessed on or before the date of enactment of the 1994 crime bill which was September 13, 1994. Devices manufactured after that date must be approved for import.

This provision amends the definition of large capacity ammunition feeding device to delete the limitation to devices manufactured after September 13, 1994. All devices with a capacity of more than 10 rounds will be subject to the restrictions of the law. The proposal would retain, however, the existing grandfather exception in the law for devices lawfully possessed on or before the date of enactment.

It is clearly a striking phenomenon to me that anyone would argue the case that they would need multiple round ammunition. In Springfield, Oregon on May 21, 1998, Kip Kinkel, 15, walked into Thurston High School with a 30-round clip. He killed two students and wounded 22 others before he had to stop and reload. It was only then that another student overtook him and stopped the shooting.

Mr. Chairman, it is interesting that there would be those who would argue that there is no need for this legislation inasmuch as who would be able to get such a clip and who would be able to use it violently and would they be a child under the age of 21 or 18?

On April 20, 1999 as we have so noted, Eric Harris, 18, and Dylan Klebold, 17, entered Columbine High School in Littleton, Colorado, armed with two shotguns, a rifle, and a TEC DC–9 assault pistol. They killed 15 people and wounded 22. After the massacre, Mark Manns, 22, turned himself in for illegally selling the TEC DC–9, a multiple round ammunition.

In September 1994, police pulled over a car in central Michigan and found three men inside wearing face paint and dressed in military fatigues. In the car's trunk, the police found an M–1 Garand and a MAC 90 assault weapon and an M–14 semiautomatic assault rifle. The men who were members of the Michigan Militia were arrested for possession of a loaded weapon in a car but nothing else could be done.

In January 1999, a 19-year-old man used an AK–47 assault rifle to kill an Oakland, California police officer. AK–47s are made in Eastern Europe, Russia and China. Henry K. Lee arrested in Oakland sniper slaying.

In 1996 two bank robbers armed with assault weapons and ammunition magazines holding 100 rounds each wounded 10 officers and two civilians.

□

Finally, in December 1988, before the assault weapons ban, a man used an AK–47 assault weapon to fire 144 rounds in 2 minutes. Each round traveled at more than twice the speed of sound. That rifle uses a magazine that allows it to fire 100 rounds without reloading.

Mr. Chairman, I would ask, to ensure that we close a loophole that we failed to close just a few minutes ago, that we support this amendment, because I think each day we prolong this, we will be shocked by the number of children that, one, can get access to multiple round ammunition; but also, those who will die by multiple round ammunitions.

This amendment incorporates Senator FEINSTEIN'S amendment to the Senate juvenile justice bill. It prohibits the importation of all feeding devices with a capacity of more than 10 rounds of ammunition.

Existing law prohibits the transfer and possession of "large capacity ammunition feeding devices." 18 U.S.C. §922(w). Current law excepts any such device lawfully possessed on or before the date of enactment of the 1994 crime bill, which was September 13, 1994—devices manufactured after that date must be approved for import.

This provision amends the definition of "large capacity ammunition feeding device" to delete the limitation to devices manufactured after September 13, 1994—all devices with a capacity of more than 10 rounds would be subject to the restrictions of the law. The proposal would retain, however, the existing "grandfather" exception in the law for devices lawfully possessed on or before the date of enactment.

In Springfield, Oregon, on May 21, 1998, Kip Kinkel (15) walked into Thurston High School with a 30-round clip. He killed two students and wounded 22 others before he had to stop and reload. It was only then that another student overtook him and stopped the shooting spree.

On April 20, 1999, Eric Harris (18) and Dylan Klebold (17) entered Columbine High School in Littleton, Colorado, armed with two shotguns, a rifle, a TEC–DC9 assault pistol. They killed 15 people and wounded 22. After the massacre, Mark Manns (22) turned himself in for illegally selling the TEC–DC9.

In September 1994, police pulled over a car in central Michigan and found three men inside wearing face paint and dressed in military fatigues. In the car's trunk, the police found an M–1 Garand, a MAC–90 assault rifle, and an M–14 semiautomatic assault rifle. The men, who were members of the Michigan Militia were arrested for possession of a loaded weapon in a car.

In January 1999, a 19-year-old man used an AK–47 assault rifle to kill an Oakland, California police officer. AK–47's are made in Eastern Europe, Russia, and China.

In 1996, two bank robbers armed with assault weapons and ammunition magazines holding 100 rounds each wounded ten officers and two civilians.

In December 1988, before the assault weapon ban, a man used an AK–47, assault rifle to fire 144 rounds in two minutes. Each round traveled at more than twice the speed of sound. That rifle uses a magazine that allows it to fire 100 rounds without requiring reloading.

Ms. DEGETTE. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentlewoman from Colorado has 4 minutes remaining.

Ms. DEGETTE. Mr. Chairman, I yield myself the balance of the time remaining.

Mr. Chairman, by passing this amendment, we are taking a very important step toward keeping lethal weapons out of the hands of criminals and of children. There is no need for these magazine cartridges that carry dozens of bullets, the only purpose of which is to kill human beings and cause massive destruction. Congress was smart to ban their production 5 years ago, and it is now time to take the final step and close our borders to these killing machines. This is a vital, but only a part of the component to our comprehensive approach towards preventing youth violence by enacting moderate targeted child gun safety legislation.

As part of a more comprehensive package, banning multiple-round ammunition cartridges will work, but unless we close the gun show loophole and unless we pass child safety locks on guns, this passage will not be complete, and we cannot send the message to our American families that Congress is doing everything it can to keep their children safe in the streets and in their schools.

So I thank again the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), and I also thank my colleagues for working with me to pass this amendment, but only as part of a more comprehensive piece of legislation.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I associate myself with the remarks of the distinguished gentlewoman from Colorado. I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I did want to briefly note that my colleague, the gentleman from California (Mr. CAMPBELL) has an idea that we are not yet ready to pursue and that we hope we will have an opportunity tomorrow, if we are able, to perfect this idea by unanimous consent to pursue it if it works out. I did not want to neglect that. We do not need to go into it now, but we will work diligently tomorrow morning. I thank the chairman for the opportunity.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in part B of House Report 106–186.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to offer the amendment on behalf of the gentleman from Illinois (Mr. HYDE).

The CHAIRMAN. The Chair would inform the gentlewoman that such a request is not in order. The rule provides that the amendment may be offered only by the gentleman from Illinois (Mr. HYDE) or his designee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have asked, and I thought I had the response, to be the designee, and I am getting a "yes" from the other side that I have been asked to be the designee.

The CHAIRMAN. The Chair is advised that the gentleman from Illinois has decided that Amendment No. 4 is not to be offered, and that he appoints no designee to offer the amendment.

It is now in order to consider Amendment No. 5.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I see the gentleman has walked off the floor of the House. It was my understanding, and I was told, that there was such designation made, and so my parliamentary inquiry is, who has withdrawn the designation? The Chair's response was there was no designee. I am here as a designee.

The CHAIRMAN. The Chair was relayed a message from the gentleman from Illinois that he chose not to offer the amendment and has no designee to offer the amendment.

It is now in order to consider Amendment No. 5 printed in part B of House Report 106–186.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, at this time I would appeal the ruling of the Chair on the basis of whether or not I was so designated. The gentleman from Illinois is not here. This is an amendment dealing with guns in the hands of children, and I cannot imagine why the designation has been withdrawn.

The CHAIRMAN. The Chair would inform the gentlewoman that questions of recognition are not appealable.

Ms. JACKSON-LEE of Texas. I thank the Chairman for his ruling. I am disappointed in not being able to discuss an amendment that would impact the lives of our children.

The CHAIRMAN. It is now in order to consider Amendment No. 5 printed in part B of House Report 106–186.

AMENDMENT NO. 5 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Mr. MCCOLLUM:

At the end of the bill, insert the following:

SEC. ___. PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by inserting at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) by striking paragraph (3) and inserting the following:

"(3) This subsection shall not apply to—

"(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile—

"(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm;

"(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.".

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Florida (Mr. MCCOLLUM) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I think one of the things that we can all agree upon is that all Members here want to take reasonable steps to ensure the safety of our young people in the communities in which they live, play, and go to school. Our youth are America's finest resource. We have an obligation to protect this valuable national treasure. As a Congress, we may disagree on how to accomplish this objective; however, I know that we all agree that we are correctly focused on this objective today.

Mr. Chairman, under current law, juveniles are prohibited from possessing handguns except in limited situations where they are under adult supervision. But existing law does not prohibit juveniles from possessing semiautomatic assault weapons, whether there is an adult to supervise or not.

This is wrong. Limited, unfettered juvenile possession of semiautomatic assault weapons will help ensure that parents and children are free from the fear that these types of weapons will show up in school or on the playground or in the hands of other children.

Mr. Chairman, the amendment I offer today will prohibit juveniles from processing semiautomatic assault weapons and large-capacity ammunition clips. It will only permit juveniles to possess these weapons and clips under adult supervision under limited context, such as in connection with employment, ranching, or farming activities; for target practice, for courses of instruction in the proper use of firearms, and like activities.

My amendment also creates an exception for juveniles who serve in the military, for use of such a weapon in self-defense, or for taking legal title, but not physical possession, of the weapon through inheritance. These exceptions are those that apply under the current law to the prohibition on juveniles possessing handguns.

Mr. Chairman, I believe it is reasonable to prohibit juveniles from possessing these weapons. My amendment does just that. My amendment will make our young people safer, it will make our schools safer, it will make a lot of people feel a lot more comfortable.

Again, I want to remind my colleagues that Congress needs to do everything possible to protect our finest resource, America's young people. I believe that this amendment strikes the right balance, and I urge my colleagues to adopt it and join me in passing it.

Mr. Chairman, I reserve the balance of my time.

□ 0150

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 15 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very much concerned as we move through this process that there will be elements where we could come together in a bipartisan manner that we might not utilize.

This amendment, however, is important. I thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Mr. HYDE) for offering this amendment, as would have many Democrats who would have joined in the offering of such amendment because it is important to keep the semiautomatic assault weapons out of the hands of children.

This amendment would make it unlawful for juveniles under the age of 18 to possess semi-automatic assault weapons and large-capacity feeding devices. It would also make it unlawful for any person to transfer such weapons and devices to juveniles.

We need not be reminded of the horror and damage that automatic weapons, assault weapons, can cause. In fact, one of the most important acts of this Congress was the ban on assault weapons.

I support this amendment, and I am glad that it has been offered. I hope, as well, that we will be able to come together in supporting the Democratic substitute. It is well known that the automatic weapons have no purpose, if you will, in the hands of children.

A Virginia inmate survey showed that 20 percent of juvenile offenders had possessed an assault rifle and 1 percent carried it at the scene of a crime.

A Shelley and Wright survey showed that 35 percent of juvenile offenders owned automatic or semi-automatic rifles just prior to commitment.

One gun used in the Littleton, Colorado massacre was apparently a TEC–9, an infamous assault weapon. How often have we heard from the parents of that community, asking us to do something? So many of us tonight wear a ribbon in their memory.

Two of these TEC–9 semi-automatic assault weapons were also used in the 1993 massacre at a San Francisco law firm in which eight people died and six were wounded.

Byrl Phillips Taylor testified before the Committee on the Judiciary in May. These are her own words about the shooting of her son by a classmate with a semi-automatic assault weapon.

> Ten years ago my son Scott had just graduated from high school. He was about to start Virginia Tech college, and to put it simply, he was the light of my life and my best friend. Scott was the son that every mother wants, popular, good at school, always good-humored, never in trouble.
>
> But there was a boy in his school that didn't like him. During the summer this boy found where Scott was working and got a job there. He lured Scott into the woods and shot him six times with an AK–47 assault rifle that was taken from an unlocked gun storage shed. The first shot was in the back and the last was an execution style shot to the head. Scott Phillips didn't have a chance.

I cannot say it any better, Mr. Chairman. I say to those who have called so many of my colleagues' telephones and E-mailed and faxed, I say in particular to the National Rifle Association that I think reasonable men and women can stand together on behalf of Byrl Phillips Taylor's son, who died at the hands of an assault weapon, a semi-automatic assault weapon.

Her son is one of the many children that have suffered at the hands of these guns. I think it is extremely important that we make a statement tonight that is effective and that is important that children under the age of 18 not be able to have access to these guns. This will increase, I think, the ability for us to save lives, and I would hope my colleagues would consider this in their deliberations.

In fact, Mr. Chairman, I hope they consider the pages and pages and pages of children who have died at the hands of guns.

Mr. Chairman, this amendment would make it unlawful for juveniles (under the age of 18) to possess semiautomatic assault weapons a large capacity ammunition feeding devices. It would also make it unlawful for any person to transfer such weapons and devices to juveniles.

I support this amendment. I am glad that the gentleman from Illinois supports this provision from the Senate bill and I hope he will support the rest of the Senate bill by voting for the Democratic substitute.

A Virginia inmate survey showed that 20% of juvenile offenders had possessed an assault rifle and 1% carried it at the scene of the crime. A Shelley and Wright survey showed that 35% of juvenile offenders owned an automatic or semiautomatic rifle just prior to comment. Bureau of Justice Statistics, U.S. Dept. of Justice, Guns Used in Crime 6 (July 1995).

One gun used in the Littleton, Colorado massacre was apparently a TEC–9, an infamous assault pistol.

Two of these TEC–9 semiautomatic assault weapons were also used in the 1993 massacre at a San Francisco law firm in which 8 people died and 6 were wounded.

Byrl Phillips Taylor testified before the Judiciary Committee in May. These are her own words about the shooting of her son by a classmate with a semiautomatic assault weapon:

> Ten years ago, my son Scott had just graduated from high school. He was about to start Virginia Tech College, and to put it simply, he was the light of my life and my best friend. Scott was the son that every mother wants—popular, good at school, always good-humored, never in trouble.
>
> But there was a boy at his school that didn't like him. During the summer this boy found where Scott was working and got a job there. He lured Scott into the woods and shit him six times with an AK–47 assault rifle that was taken from an unlocked gun storage shed. The first shot was in the back and the last was an execution-style shot to the head. Scott Phillips didn't have a chance.

I can't say it better. Let's pass this amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I think an effort to remove the lawful ability of juveniles to possess assault weapons is an important thing for this Congress to do. I think that it is a very strange world we live in where a 17-year-old cannot vote, cannot go drink a beer, but can have an assault weapon. That to me does not make any kind of sense at all.

So when I saw this amendment being offered, the title of the amendment, I was very enthused about the opportunity. However, I must confess that I oppose the amendment as it is drafted, because as one reads through this amendment, the loopholes included are large enough to drive a truckload of assault weapons right through them.

If Members look at page 2, line 6, the subsection outlawing assault weapons, semi-automatic assault weapons, as well as large-capacity ammunition feeding devices, does not apply in a whole series of sections.

One is in the course of employment, and that is not defined, but tell me what kind of employment requires a 16-year-old to use and possess an assault weapon?

Further, there is a specific delineation that it is legal for a juvenile, anyone under 18, so I guess this could be 9, 7, 8, it is not clear, to possess an assault weapon in the course of ranching or farming.

I know there are kids in my district who ranch, who have to have rifles. There are rattlesnakes and there are wild boar out in those hills. I understand that the ranchers need to have arms to be protected. I do not object to that in any fashion whatsoever.

However, I do not know of a situation where little kids need to have assault weapons because their family has a farm.

Further, if the child wants to use an assault weapon for target practice, hunting, or several other things, then it is lawful for them to have the assault weapon. I do not think this is control of assault weapons.

I do not think that the provisions of this act will do anything effective to prevent juveniles from owning and possessing assault weapons. I think that is a shame. Therefore, I would urge my colleagues to oppose this amendment. I think that if anything, it goes in the opposite direction and specifically authorizes children to possess assault weapons. I think that is a preposterous situation, and would urge opposition.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, earlier this evening we heard the gentlewoman from New York (Mrs. MCCARTHY) in a very eloquent entreaty to this House asking us to do something right. But she also said something else to us, that this is not the end, it is only the beginning. We are not finished, there is much more to be done.

That amendment on gun show loopholes was, unfortunately, not passed. This amendment in fact could go further. It is well known that much of the crime in the use of guns falls between the ages of 18 to 20. A recent report issued by the Department of the Treasury and the Justice Department shows that persons in the age group of 18 to 20 account for the highest number of gun homicides, the highest rate of gun use and nonlethal gun crimes, and the highest number of crime gun possessors when compared to other age groups.

The report concludes that the high rate of gun crime in the 18 to 20 age group is linked with easy access to firearms. Prohibiting the ownership of automatic assault weapons and guns with automatic feeding devices for persons under 21 will help reduce gun crimes committed by persons in the age group 18 to 20.

We have just begun. There is a lot more work that could be done on this. In fact, Mr. Chairman, I would argue that the amendments that Democrats had that were not made in order would have made this whole discussion and the remedies much better. The amendment that I had to prohibit young people from going into gun shows without adults was not allowed.

But since we have to start somewhere, I believe it is important that we join and support this amendment that prohibits juvenile possession of semiautomatic assault weapons for individuals under the age of 18.

□ 0200

Maybe my colleagues will see the value of their work and move it up to ages higher than that. Maybe they will see the value of their work and close the loopholes that have been noted by my colleague from California, but at this time I would ask my colleagues to join me in supporting this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I will not consume very much.

Mr. Chairman, I just want to recapitulate what this amendment is about. It is a very straightforward, very simple amendment. There are not any loopholes in it, with all due respect to my colleagues who may think there are.

It deals with conforming the law with respect to these long guns that are labeled under the law, whatever one's views on whether they should be or not, assault weapons, with the laws that exist today with respect to juveniles and handguns.

The reality is that the law a few years ago defines assault weapons made and imported and whatnot after a certain year, I think it was 1994, for everybody. But for those that existed and do exist pre-1994, I think, or the year in which that ban occurred, there is still a lawful possession of those weapons for any of those that anybody may have owned.

Yet, there is a loophole that exists in current law with regard to minors. They are allowed to possess these weapons. So consequently, it is my desire and what this amendment does I think pretty clearly is make it clear that there is going to be, if this is adopted, absolutely no opportunity for youngsters to possess, use or otherwise have in their possession any of these pre-1994 pre-banned weapons that may be around, unless there is the same adult supervision or under the same conditions that that youngster might possess a handgun.

Those are very restrictive conditions under the current law on handguns.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, for yielding.

Mr. Chairman, when I found the amendment I did go read through the statutory scheme and I could see very clearly that the gentleman was conforming this amendment to the scheme that he has just referenced.

The question I have is whether or not assault weapons should not be treated a little bit differently than rifles? And as I mentioned earlier, 17-year-olds out on the ranch out in the Mount Hamilton range where the wild boars and rattlesnakes are, and they are out in the pickup trucks with the cattle with the rifle, and to me that is a lot different than having a semiautomatic assault weapon.

So the question is, did the gentleman mean to make assault weapons really in the same posture and standing as rifles on the farm?

Mr. MCCOLLUM. Mr. Chairman, if I could reclaim my time, I would simply say to the gentlewoman that a regular rifle that does not fit this definition, even after this amendment is passed and under current law, can be possessed by a juvenile without the same restrictions that there are on handguns. The law is not going to change with regard to that. With regard to these peculiar weapons, the adult supervision will be required. Maybe the gentlewoman, as she says, thinks the child should not be able to possess this peculiar set of weapons even if there is adult supervision. I understand that concern. However, we could redebate, I suppose, that old assault weapon debate all over again.

My point, if I could just make the point, is that all of these weapons that we are talking about, all this category of rifles have the same functional characteristics, the same firepower, the same killing power, whatever we want to call it, whatever we label them. It is just that this particular category of weapon has been perceived by some having characteristics of a certain type of stock and so forth to not be one that certainly children should have in their possession, because they are glamorized so much by so many people who use these weapons in very bad ways.

So I think that the gentlewoman and I probably agree on one point, and that is that children, certainly without supervision, should not be touching these weapons, but I think the gentlewoman would just like to go further than I do in some manner in this amendment, but I would not think the gentlewoman would have any problem with the amendment because I can assure her that the amendment does not in any way create additional loopholes to current law. It is just restrictive. It is not in any way expansive.

I simply want to be sure, if we have a disagreement, we understand what we are disagreeing over.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think we do disagree, but if the gentleman's point is that right now children can lawfully possess assault weapons, without any restrictions and therefore this is better because they can have assault weapons if they are farmers or if they are employed they could have an assault weapon, is that essentially the point that the gentleman is making?

Mr. MCCOLLUM. That is the point I am making. They can have these weapons under the conditions that they could have a handgun. That is my point.

Ms. LOFGREN. Mr. Chairman, then I do object.

Mr. MCCOLLUM. There is absolutely no restriction right now whatsoever.

Ms. LOFGREN. We do very much disagree, and I thank the gentleman for yielding for this question.

Mr. MCCOLLUM. Mr. Chairman, I think the point is well made and I think the bill is very self-explanatory. It is restrictive. It does restrict the availability of these weapons very severely from current law for young people. Maybe we ought to go further than the amendment goes even, but it nonetheless is a very restrictive amendment and that is the purpose of offering it.

With that, I urge the adoption.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) will be postponed.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BARR of Georgia) having resumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, had come to no resolution thereon.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 1999 AND FOR THE 5-YEAR PERIOD FISCAL YEAR 1999 THROUGH FISCAL YEAR 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1999 and for the 5-year period fiscal year 1999 through fiscal year 2003.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 16, 1999.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by the interim allocations and aggregates printed in the RECORD on March 3, 1999, pursuant to Section 2 of H. Res. 5 for fiscal year 1999. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1999 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the "section 302(a)" allocations for discretionary action made under the interim allocations and aggregates submitted pursuant to H. Res. 5 for fiscal year 1999 and for fiscal years 1999 through 2003. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1999 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEAR 1999 AND FOR FISCAL YEARS 1999 TO 2003—REFLECTING ACTION COMPLETED AS OF JUNE 16, 1999

[On-budget amounts, in millions of dollars]

	Fiscal year	
	1999	1999–2003
Appropriate level (as authorized by H. Res. 5):		
Budget authority	1,456,578	(1)
Outlays	1,396,441	(1)
Revenues	1,368,374	7,284,605
Current level:		
Budget authority	1,455,743	(1)
Outlays	1,396,751	(1)
Revenues	1,368,401	7,284,615
Current level over (+)/under (−) appropriate level:		
Budget authority	−835	(1)
Outlays	310	(1)
Revenues	27	10

[1] Not applicable because annual appropriations Acts for Fiscal Years 2000 through 2003 will not be considered until future sessions of Congress.

Budget Authority—Enactment of any measure providing new budget authority for FY 1999 in excess of $835 million (if not already included in the current level estimate) would cause FY 1999 budget authority to further exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Outlays—Enactment of any measure providing new outlays for FY 1999 (if not already included in the current level estimate) would cause FY 1999 outlays to further exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Revenues—Enactment of any measure that would result in any revenue loss for FY 1999 greater than of $27 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Enactment of any measure resulting in any revenue loss for FY 1999 through 2003 greater than $10 million (if not already included in the current level) would cause revenues to fall below the appropriate levels set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

DIRECT SPENDING LEGISLATION—Comparison of Current Level with Committee Allocations Pursuant to Budget Act Section 602(a) Reflecting Action completed as of June 16, 1999

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation			28,328	27,801
Current level				
Difference			(28,328)	(27,801)
Armed Services:				
Allocation				
Current level				
Difference				
Banking and Financial Service:				
Allocation				
Current level				
Difference				
Education & the Workforce:				
Allocation			610	367
Current level				
Difference			(610)	(367)
Commerce:				
Allocation				
Current level				
Difference				
International Relations:				
Allocation				
Current level				
Difference				
Government Reform & Oversight:				
Allocation			14	14
Current level				
Difference			(14)	(14)
House Administration:				
Allocation				
Current level				
Difference				
Resources:				
Allocation				
Current level				
Difference				
Judiciary:				
Allocation				
Current level				
Difference				
Transportation & Infrastructure:				
Allocation	1,205			10,845
Current level	845			845
Difference	(360)			(10,000)
Science:				
Allocation				
Current level				
Difference				
Small Business:				
Allocation				
Current level				
Difference				
Veterans' Affairs:				
Allocation			4,503	4,342
Current level				
Difference			(4,503)	(4,342)
Ways and Means:				
Allocation			19,551	17,310
Current level				
Difference			(19,551)	(17,310)
Select Committee on Intelligence:				
Allocation				
Current level				
Difference				
Total Authorized:				
Allocation	1,205		63,851	49,834
Current level	845		845	
Difference	(360)		(63,006)	(49,834)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1999—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations				Current level reflecting action completed as of June 16, 1999				Difference			
	Discretionary		Mandatory		Discretionary		Mandatory		Discretionary		Mandatory	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	19,730	19,888	40,400	32,167	20,309	20,182	40,400	32,167	579	294	0	0
Commerce, Justice, State	34,811	32,151	561	568	34,927	32,181	561	568	116	30	0	0
National Defense	267,454	251,804	202	202	266,479	251,601	202	202	(975)	(203)	0	0
District of Columbia	620	359	0	0	620	619	0	0	0	260	0	0
Energy & Water Development	21,546	21,173	0	0	21,698	21,254	0	0	152	81	0	0
Foreign Operations	32,156	13,270	45	45	33,239	13,325	45	45	1,083	55	0	0
Interior	14,092	14,339	60	60	14,132	14,347	60	60	40	8	0	0
Labor, HHS & Education	83,767	82,550	215,343	215,464	83,865	82,582	215,343	215,464	98	32	0	0
Legislative Branch	2,565	2,365	92	92	2,565	2,362	92	92	0	(3)	0	0
Military Construction	9,731	9,174	0	0	9,135	9,156	0	0	(596)	(18)	0	0
Transportation	12,335	40,261	682	678	12,538	40,278	682	678	203	17	0	0
Treasury-Postal Service	16,108	14,373	13,561	13,599	16,112	14,375	13,561	13,599	4	2	0	0
VA-HUD-Independent Agencies	71,311	80,507	20,812	20,593	71,861	80,507	20,812	20,593	550	0	0	0
Reserve/Offsets	(1,384)	(2,400)	0	0	(2,400)	(2,400)	0	0	(1,016)	0	0	0
Unassigned[1]	713	245	0	0	0	0	0	0	(713)	(245)		
Grand total	585,555	580,059	291,758	283,468	585,080	580,369	291,758	283,468	(475)	310	0	0

[1] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET & EMERGENCY DEFICIT CONTROL ACT OF 1985

[In millions]

	Defense		Nondefense		Violent Crime Trust Fund		Highway Category		Mass Transit Category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps[1]	289,337	274,701	291,257	275,773	5,800	4,953	[2]	21,991	[2]	4,401
Current Level	289,141	273,746	289,943	275,330	5,796	4,950	200	21,939	1,138	4,404
Difference (Current Level-Caps)	−196	−955	−1,314	−443	−4	−3	[2]	−52	[2]	3

[1] As adjusted pursuant to sec 251(b) of the BBEDCA. Statutory caps include contingent emergencies not yet released by the President, but appropriated by Congress.
[2] Not applicable.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 1999.
Hon. JOHN KASICH, CHAIRMAN,
Committee on the Budget,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget ACt, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1999. These estimates are compared to the appropriate levels for those items contained in Section 2 of House Resolution 5, which has been revised to include an allocation for the funding of emergency requirements, and are current through June 15, 1999.

Sicne my last report, dated March 18, 1999, the Congress has enacted and the President has signed the 1999 Emergency Supplemental Appropriations Act (P.L. 106–31) and the 1999 Interim Federal Aviation Administration Authorization Act (P.L. 106–6). The Congress has also cleared for the President's signature the 1999 Miscellaneous Trade and Technical Corrections Act (H.R. 435). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, *Director*).

PARLIAMENTARIAN STATUS REPORT—FISCAL YEAR 1999 ON-BUDGET HOUSE CURRENT LEVEL AS OF CLOSE OF BUSINESS, JUNE 15, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenue
Enacted in previous sessions:			
Revenue			1,368,396
Permanents and other spending legislation	913,530	867,389	
Appropriation legislation	820,578	812,799	
Offsetting receipts	−294,953	−294,953	
Total, previously enacted	1,439,155	1,385,235	1,368,396
Enacted this session:			
1999 Emergency Supplemental Appropriations and Rescissions Act (P.L. 106–31)	11,676	3,677	
Federal Aviation Administration Authorization Act (P.L. 106–6)	402		
Total, enacted this session	12,078	3,677	
Pending Signature:			
Miscellaneous Trade and Technical Corrections Act (H.R. 435			5
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	5,648	7,839	
Totals:			
House Current Level	1,455,743	1,396,751	1,368,401
House Budget Resolution (1) (2)	1,456,578	1,396,441	1,368,374
Amount Remaining:			
Under Budget Resolution	−835		
Over Budget Resolution		310	27
Addendum:			
Revenues, 1999–2003:			
House Current Level			7,284,615
House Budget Resolution			7,284,605
Amount Current Level Over Resolution			10

(a) [1] For comparability purposes, current level budget authority excludes $1,138 million that was appropriated for mass transit. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act of 1974, is not included in the House Resolution 5. Total budget authority including mass transit is $1,456,881 million.
(b) [2] Estimates include $34,226 million in budget authority and $16,802 million for the funding of emergency requirements.

Source.—Congressional Budget Office.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SHAYS (at the request of Mr. ARMEY) from 3 p.m. to 9:30 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, on June 23.

Mr. LATOURETTE, for 5 minutes each day, on today and June 18.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today

Mr. MILLER of Florida, for 5 minutes, on June 22

Mr. KASICH, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 361. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; to the Committee on Resources.

S. 449. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Resources.

ADJOURNMENT

Mr. THORNBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes a.m.), the House adjourned until today, June 18, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance [OPP-300828; FRL-6072-6] (RIN: 2070-AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Pesticide Tolerances for Emergency Exemptions [OPP-300825; FRL-6070-6] (RIN: 2070-AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2652. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Direct Food Substances Affirmed as Generally Recognized as Safe: Cellulase Enzyme Preparation Derived From Trichoderma Longibrachiatum for Use in Processing Food [Docket No. 79G-0372] received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Incorporation of Montreal Protocol Adjustment for a 1999 Interim Reduction in Class I, Group VI Controlled Substances [FRL-6351-6] (RIN: 2060-AI24) received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [SD-001-0003a and SD-001-0004a; FRL-6351-8] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2655. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans, Nevada State Implementation Plan Revision, Clark County [NV—034-0016; FRL-6350-5] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2656. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan (SIP) Addressing Sulfur Dioxide in Harris County [TX83-1-7340a; FRL-6349-9] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2657. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Incorporate solicitation notice for Agency protests [FRL-6320-1] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas; Final Full Program Adequacy Determination of State Municipal Solid Waste Permit Program [SW-FLR-6319-5] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2659. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule— Exemptions of the Securities of the Kingdom of Sweden under the Securities Exchange Act of 1934 for the Purposes of Trading Futures Contracts on Those Securities [Release No. 34-41453, International Series Release No. 1198, File No. S7-4-99] (RIN: 3235-AH68) received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2660. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a series of reports in accordance with Section 36(a) of the Arms Export Conrol Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2661. A letter from the Director, Resource Management and Planning Staff, Trade Development, International Trade Administration, Department of Commerce, transmitting the Department's final rule—Market Development Cooperator Program [Docket No. 970424097-9097-04] (RIN: 0625-ZA05] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2662. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—OSD Privacy Program—received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2663. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-125-FOR] received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2664. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Group-Term Insurance; Uniform Premiums [TD 8821] (RIN:1545-AN54) received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 434. A bill to authorize a new trade and investment policy for sub-Sahara Africa; with an amendment (Rept. 106-19, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 791. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; with an amendment (Rept. 106-189). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Banking and Financial Services discharged. H.R. 434 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. LEVIN, Mr. RAMSTAD, Mr. MATSUI, Ms. DUNN, Mr. LEWIS of Kentucky, Mr. BOEHLERT, Mr. CANNON, Mr. COOK, Mrs. NORTHUP, Mr. BILBRAY, Mr. MARKEY, Mr. BECERRA, and Mr. MCINNIS):

H.R. 2252. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 2253. A bill to amend the Endangered Species Act of 1973 to prohibit the use under that Act of any item or information obtained by trespassing on privately owned property, or otherwise taken from privately owned property without the consent of the owner of the property; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 2254. A bill to amend the trade adjustment assistance provisions of the Trade Act of 1974 to allow the reimbursement of training costs incurred and for which payment became due within 30 days before the training is approved by the Secretary of Labor; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. Stark, Mr. Hinchey, Mr. Tierney, Mr. Allen, Mr. Luther, Mr. Bonior, and Mr. Farr of California):

H.R. 2255. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 2256. A bill to designate the San Antonio International Airport in San Antonio, Texas, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the Customs Service; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. Dingell, Mr. Brown of Ohio, Mr. Waxman, Mr. Strickland, Mr. Barrett of Wisconsin, Mr. Pallone, Mr. Stupak, Mr. Towns, Mrs. Capps, Ms. DeGette, Mr. Deutsch, Ms. Eshoo, and Mr. Hall of Texas):

H.R. 2257. A bill to provide for a 1-year moratorium on the disclosure of certain submissions under section 112(r) of the Clean Air Act to provide for the reporting of certain site security information to the Congress, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. Vento, Mr. Kucinich, Mr. Brown of California, Ms. Eddie Bernice Johnson of Texas, and Mrs. Christensen):

H.R. 2258. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Shows, Mr. Abercrombie, Mr. Hilliard, and Mr. Serrano):

H.R. 2259. A bill to amend the Internal Revenue Code of 1986 to expand the dependent care credit; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. Stupak, Mr. Aderholt, Mr. Baker, Mr. Ballenger, Mr. Barcia, Mr. Barton of Texas, Mr. Blunt, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Canady of Florida, Mr. Chabot, Mr. Coburn, Mr. Collins, Mr. Cunningham, Mr. Dickey, Mr. Doolittle, Mr. Doyle, Mrs. Emerson, Mr. Everett, Mr. Fossella, Mr. Graham, Mr. Goode, Mr. Goodlatte, Mr. Hall of Texas, Mr. Hayes, Mr. Herger, Mr. Hoekstra, Mr. Hutchinson, Mr. Istook, Mr. John, Mr. King, Mr. Knollenberg, Mr. LaFalce, Mr. LaHood, Mr. Largent, Mr. Lewis of Kentucky, Mr. Lucas of Kentucky, Mr. Lucas of Oklahoma, Mr. McIntyre, Mr. Miller of Florida, Mrs. Myrick, Mr. Nussle, Mr. Nethercutt, Mr. Peterson of Pennsylvania, Mr. Peterson of Minnesota, Mr. Phelps, Mr. Pickering, Mr. Pitts, Mr. Portman, Mr. Rahall, Mr. Rogan, Mr. Rogers, Mr. Salmon, Mr. Schaffer, Mr. Sensenbrenner, Mr. Shimkus, Mr. Shows, Mr. Skelton, Mr. Smith of Texas, Mr. Smith of New Jersey, Mr. Spence, Mr. Stearns, Mr. Tancredo, Mr. Terry, Mr. Walsh, Mr. Wamp, and Mr. Weldon of Florida):

H.R. 2260. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Peterson of Pennsylvania):

H.R. 2261. A bill to amend the Internal Revenue Code of 1986 to provide incentives for health coverage; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Blumenauer, Mr. Bereuter, Mr. Shays, and Mr. Maloney of Connecticut):

H.R. 2262. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the cost of demolishing structures other than certified historic structures and other than historically residential structures; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Blumenauer, Mr. Bereuter, and Mr. Maloney of Connecticut):

H.R. 2263. A bill to amend the Internal Revenue Code of 1986 to encourage contributions by individuals of capital gain real property for conservation purposes, to encourage qualified conservation contributions, and to modify the rules governing the estate tax exclusion for land subject to aqualified conservation easement; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Blumenauer, Mr. Bereuter, Mr. Shays, and Mr. Maloney of Connecticut):

H.R. 2264. A bill to amend the Internal Revenue Code of 1986 to extend the expensing of environmental remediation costs to contaminated sites located outside of targeted areas; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. English, Mr. Waxman, Mr. Coyne, Mr. McGovern, Ms. Kilpatrick, Mr. Baldacci, Mr. Frost, Mr. Reyes, Mr. Evans, Mr. Pastor, Mr. Neal of Massachusetts, Mr. Gejdenson, Mr. Pomeroy, Mr. Kennedy of Rhode Island, Mr. Pallone, and Mr. Hinchey):

H.R. 2265. A bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be excludable from gross income as a scholarship; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. Quinn):

H.R. 2266. A bill to amend title XVIII of the Social Security Act to increase certain payment amounts made to hospitals furnishing services under the Medicare Program; to the Committee on Ways and Means.

By Mr. McINNIS (for himself, Mr. Hefley, Mr. Schaffer, Mr. Tancredo, Mr. Udall of Colorado, Mr. Barrett of Wisconsin, Mr. Kind, Mr. Whitfield, Mr. Pombo, Mr. Bereuter, and Mr. Vento):

H.R. 2267. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; to the Committee on Resources.

By Mr. McINNIS (for himself, Mr. Nussle, Mr. Herger, Mr. Ramstad, and Mr. Udall of Colorado):

H.R. 2268. A bill to amend title XVIII of the Social Security Act to assure that Medicare beneficiaries have continued access under current contracts tomanaged health care through the Medicare cost contract program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case forconsideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McKINNEY (for herself, Mr. Rohrabacher, Mr. Leach, Ms. Rivers, Mr. Pascrell, Mr. Bonior, Mr. Meehan, Mr. McGovern, Mr. George Miller of California, Mr. Porter, Mrs. Capps, Mr. Frank of Massachusetts, Mr. Weiner, Mr. Underwood, Mrs. Mink of Hawaii, Ms. Slaughter, Mr. Markey, Mr. Waxman, Mr. Conyers, Mr. Barrett of Wisconsin, Mr. Dixon, Mr. Stark, Mr. Brown of Ohio, Mrs. Morella, Mr. Wynn, Mr. Lantos, Ms. Woolsey, Mr. Nadler, Mr. Tierney, Mr. Campbell, Mr. Allen, Mr. Moakley, Mr. Luther, Mr. Farr of California, Mr. Engel, Mr. Abercrombie, Mr. Smith of New Jersey, Mr. Delahunt, Mr. Hinchey, Mr. DeFazio, Ms. Norton, Mr. Blumenauer, Mr. Andrews, Mr. Hilliard, Mr. Faleomavaega, Mr. Minge, Mr. Fattah, Mr. Doyle, Mr. Lewis of Georgia, Ms. Kilpatrick, Mr. Oberstar, Mr. LoBiondo, Mr. Kucinich, Mr. Evans, Mr. Clay, Mr. Watt of North Carolina, Ms. Pelosi, Ms. Roybal-Allard, Mr. Brown of California, Mr. Towns, Ms. Hooley of Oregon, Mr. Kildee, Mr. Cardin, Mr. Berman, Mr. Clyburn, and Ms. Lee):

H.R. 2269. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. Matsui):

H.R. 2270. A bill to amend the Internal Revenue Code of 1986 to reform the interest allocation rules; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 2271. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. SCARBOROUGH, and Mr. CUNNINGHAM):

H.R. 2272. A bill to ensure the equitable treatment of graduates of the Uniformed Services University of the Health Sciences of the Class of 1987; to the Committee on Armed Services.

By Mr. TALENT (for himself and Mr. ENGLISH):

H.R. 2273. A bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2274. A bill to provide for the transfer of 10 percent of a State's apportionment of certain highway funds to the State's highway safety apportionment if the State does not suspend the driver's license of individuals under the age of 21 convicted of driving while under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. FLETCHER (for himself, Mr. NORWOOD, and Mr. MCKEON):

H.R. 2275. A bill to amend title I of the Employee Retirement Income Security Act to ensure choice of physicians; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States prohibiting courts from levying or increasing taxes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.J. Res. 60. A joint resolution designating the square dance as the national folk dance of the United States; to the Committee on Government Reform.

By Ms. WOOLSEY:

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress relating to the timely distribution of payments to local educational agencies under the Impact Aid program; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

115. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 17 memorializing the appropriate federal agencies to amend federal acquisition regulations to incorporate language in President Clinton's June 5, 1997, Memorandum encouraging the use of project labor agreements in federal construction contracts; to the Committee on Education and the Workforce.

116. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 69 memorializing the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalities of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989; to the Committee on Commerce.

117. Also, a memorial of the Legislature of the State of Colorado, relative to Senate Joint Resolution 99-027 memorializing the United States Congress to introduce and pass legislation to strengthen the oversight power and theauthority of the Postal Rate Commission; to the Committee on Government Reform.

118. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 99-32 memorializing the Congress of the United States to pass the Post-Census Local Review legislation, H.R. 472; to the Committee on Government Reform.

119. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial 99-004 memorializing the United States Congress to repeal the Federal Unified Gift and Estate Tax; to the Committee on Ways and Means.

120. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 26 memorializing the Congress of the United States to Enact Legislation to Affirm the Regulation of Insurance Matters By the States; jointly to the Committees on Commerce and Banking and Financial Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISAKSON introduced a bill (H.R. 2276) to provide for the liquidation or reliquidation of certain entries of antifriction bearings; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. QUINN, Mr. ACKERMAN, and Mr. SWEENEY.

H.R. 25: Mrs. ROUKEMA and Mr. RANGEL.

H.R. 26: Mr. MENENDEZ, Mr. SMITH of Washington, and Ms. MCKINNEY.

H.R. 49: Mr. ENGEL.

H.R. 184: Mr. UNDERWOOD.

H.R. 363: Mr. BALDACCI.

H.R. 372: Mr. PAUL and Mr. PASTOR.

H.R. 528: Mr. BENTSEN.

H.R. 541: Mr. RUSH and Mr. DEUTSCH.

H.R. 583: Mr. MOAKLEY, Mr. FILNER, and Mr. FATTAH.

H.R. 614: Mr. KUYKENDALL.

H.R. 623: Mr. TAYLOR of North Carolina.

H.R. 732: Mr. LANTOS and Mr. KIND.

H.R. 773: Mr. LUCAS of Oklahoma and Mr. LIPINSKI.

H.R. 852: Mr. EHLERS, Mr. PASTOR, and Mr. CANADY of Florida.

H.R. 875: Mr. ROMERO-BARCELÓ and Mr. SHAYS.

H.R. 922: Mrs. EMERSON and Mr. RUSH.

H.R. 993: Mr. SMITH of Washington.

H.R. 1046: Mr. UDALL of New Mexico.

H.R. 1071: Ms. DANNER.

H.R. 1102: Mr. SIMPSON, Mr. TRAFICANT, Mr. RODRIGUEZ, Mr. LAFALCE, and Ms. LEE.

H.R. 1111: Mr. UNDERWOOD and Ms. LEE.

H.R. 1130: Mr. JEFFERSON, Mr. HOYER, and Mr. MENENDEZ.

H.R. 1182: Mr. TERRY.

H.R. 1202: Mr. CLYBURN, Mr. NADLER, Mr. LARSON, and Mr. MEEHAN.

H.R. 1221: Mr. LAFALCE.

H.R. 1228: Mr. GORDON, Mr. BRADY of Pennsylvania, Mr. MARTINEZ, and Mr. GREEN of Texas.

H.R. 1239: Mr. KENNEDY of Rhode Island, Mr. CLYBURN, Ms. BERKLEY, and Ms. MILLENDER-MCDONALD.

H.R. 1247: Mr. PICKERING, Mr. REYES, and Mr. BUYER.

H.R. 1287: Mr. LEACH.

H.R. 1288: Ms. KILPATRICK and Ms. NORTON.

H.R. 1290: Mr. RYAN of Wisconsin.

H.R. 1293: Mr. LAFALCE, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. MOORE, Mr. HILL of Indiana, Mr. PHELPS, and Mr. PASCRELL.

H.R. 1304: Mr. LAMPSON, Mr. TIAHRT, Mr. SNYDER, Mr. SHAW, Mr. ABERCROMBIE, and Mr. MORAN of Virginia.

H.R. 1305: Mr. BROWN of Ohio.

H.R. 1312: Ms. SLAUGHTER.

H.R. 1315: Mr. HORN.

H.R. 1327: Mr. WALDEN of Oregon, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. WU.

H.R. 1382: Mr. GILLMOR, Mr. HOUGHTON, Mr. SENSENBRENNER, Mr. PALLONE, and Mr. MCINNIS.

H.R. 1389: Mr. HASTERT and Mrs. EMERSON.

H.R. 1413: Mr. HALL of Texas.

H.R. 1421: Mr. MARTINEZ and Mr. ANDREWS.

H.R. 1432: Mr. GILMAN.

H.R. 1433: Mr. SCARBOROUGH, Ms. DUNN, Mr. COMBEST, Mr. WAMP, Mr. HILLEARY, Mr. METCALF, and Mr. NETHERCUTT.

H.R. 1452: Mr. GARY MILLER of California.

H.R. 1592: Mr. DUNCAN, Mr. OSE, Mr. ROGERS, and Mr. THUNE.

H.R. 1601: Ms. DUNN, Mr. KASICH, Mr. WU, Mr. RAMSTAD, and Mr. DOOLITTLE.

H.R. 1606: Mr. GEJDENSON.

H.R. 1634: Mr. GOODE.

H.R. 1649: Mr. SCARBOROUGH and Mr. TANCREDO.

H.R. 1658: Mr. COBLE and Mr. PAUL.

H.R. 1665: Mr. LANTOS, Mr. SKELTON, Mr. NEAL of Massachusetts, Mr. FROST, and Mr. SNYDER.

H.R. 1684: Mr. DIXON.

H.R. 1687: Mrs. MYRICK.

H.R. 1706: Mr. GRAHAM.

H.R. 1746: Mr. REYNOLDS and Mr. CHABOT.

H.R. 1760: Mr. MINGE.

H.R. 1777: Mr. BONIOR and Mr. KLECZKA.

H.R. 1794: Mr. ANDREWS and Mr. HALL of Texas.

H.R. 1806: Mr. ABERCROMBIE, Mr. BOUCHER, Ms. BERKLEY, and Mr. CALLAHAN.

H.R. 1837: Mr. MCINTOSH, Mr. GARY MILLER of California, Mr. HULSHOF, Mr. ANDREWS, Mr. TRAFICANT, Mr. DEUTSCH, Mr. RAHALL, Mr. BARCIA, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. FORD, and Mr. HILLIARD.

H.R. 1841: Mr. ABERCROMBIE.

H.R. 1844: Mr. RAHALL

H.R. 1858: Mr. CLAY, Ms. ESHOO, Mr. DEAL of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 1881: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.

H.R. 1883: Mr. NORWOOD, Mr. SHOWS, Mr. PASTOR, Mr. BACHUS, Mr. FORBES, Mr. STUMP, Mr. CAMPBELL, Mr. KING, Mr. GORDON, Mr. ACKERMAN, Mr. BILIRAKIS, Mr. CROWLEY, Mr. SHERMAN, Mr. TIERNEY, Mr. GUTIERREZ, Mr. SALMON, Mr. MCGOVERN, Mr. GRAHAM, Mr. MCINTOSH, Mr. HOLT, Ms. SCHAKOWSKY, Mr. FORD, Mr. PALLONE, Mr. DIXON, Mrs. MYRICK, Mrs. MORELLA, Mr. ARMEY, Ms. WOOLSEY, Mr. DOYLE, Mr. WYNN, Mr. WEINER, Mr. MCCOLLUM, Mr. SCARBOROUGH, Mr. COBLE, Mrs. NORTHUP, Mr. SHADEGG, Mr. GONZALEZ, Mr. FROST, Mr. MENENDEZ, Mr. HAYES, Mr. FOLEY, Mrs. LOWEY, Mr. WEXLER, Mr. DEUTSCH, Mr. MCNULTY, Mr. HAYWORTH, and Mr. KINGSTON.

H.R. 1890: Mr. GEORGE MILLER of California.

H.R. 1907: Mrs. KELLY.

H.R. 1993: Mr. BOEHLERT.

H.R. 2028: Mr. COBURN.

H.R. 2040: Mr. DOYLE and Mr. REYES.

H.R. 2125: Mr. HILLIARD and Mr. BECERRA.

H.R. 2238: Mr. BRADY of Pennsylvania and Ms. KILPATRICK.

H.R. 2240: Mr. MURTHA and Mr. BONIOR.

H.R. 2241: Mr. DIAZ-BALART.

H.R. 2243: Mr. TRAFICANT and Mr. DUNCAN.

H.J. Res. 55: Mr. BAIRD and Mr. TANCREDO.

H.J. Res. 57: Ms. PELOSI and Mr. LIPINSKI.

H. Con. Res. 30: Mr. JONES of North Carolina.

H. Con. Res. 109: Mr. BURTON of Indiana, Ms. KAPTUR, Mr. SAWYER, and Mr. BEREUTER.

H. Con. Res. 112: Mr. SERRANO, Mr. HALL of Texas, Mr. CONDIT, Mr. CRAMER, Mr. SISISKY, Mr. MCINTYRE, Mr. ROGAN, Mr. CALLAHAN, Mrs. CUBIN, Mr. EVERETT, Mr. FOSSELLA, Mr. TIAHRT, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. MOAKLEY, Mr. MEEHAN, Mr. VITTER, Mr. JONES of North Carolina, Mr. WHITFIELD, Mr. FRELINGHUYSEN, Mr. BASS, Mr. NORWOOD, Mr. GREEN of Wisconsin, Mr. EHLERS, Mr. BACHUS, Mr. OSE, Mr. GARY MILLER of California, Mr. KASICH, Mr. HOEKSTRA, Mr. PACKARD, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. HOBSON, Mr. PORTMAN, and Mrs. MYRICK.

H. Con. Res. 124: Mr. BILBRAY and Mr. OBERSTAR.

H. Con. Res. 129: Mr. MCHUGH and Mr. MORAN of Virginia.

H. Con. Res. 130: Mr. WATT of North Carolina, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. TOWNS, Mr. MEEKS of New York, and Mr. PAYNE.

H. Con. Res. 132: Mr. CAMPBELL.

H. Con. Res. 133: Mr. ROMERO-BARCELO and Mrs. KELLY.

H. Res. 41: Mr. KUYKENDALL and Ms. SANCHEZ.

H. Res. 107: Mrs. CAPPS, Ms. VELÁZQUEZ, Ms. BALDWIN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 109: Mr. LEWIS of Kentucky, Mr. GOODLATTE, and Mr. WATKINS.

H. Res. 115: Ms. KAPTUR.

H. Res. 211: Mrs. MYRICK, Mr. LAZIO, Mr. HAYWORTH, Mr. WATT of North Carolina, and Mr. RUSH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2084

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 48, lines 7 through 10, strike section 330.

H.R. 2084

OFFERED BY: MR. NEY

AMENDMENT NO. 2: Page 48, line 9, after the dollar amount, insert "(decreased by $300,000)".

EXTENSIONS OF REMARKS

AMERICAN DEBT REPAYMENT ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, along with the Senator from Colorado, Mr. ALLARD, I have introduced the American Debt Repayment Act. The underlying principle of the measure entrails a commitment by Congress to pay down the national debt.

Our proposal establishes a 30-year payment schedule-much like a typical homeowner's mortgage payment schedule. Mr. Speaker, every year, every week, and every day, Americans make routine, timely, and scheduled payments on loans for houses, cars, businesses, and other investments. Failure to repay old debts results in mounting interest payments and bad credit, and this is especially true for the federal government.

Mr. Speaker, Colorado has established, as a matter of official state policy, a position on federal debt repayment. The Colorado General Assembly, under the leadership of State Rep. Penn Pfiffner and State Senator Ken Arnold, adopted House Joint Resolution 99–1016. The Resolution calls upon Congress to pay down the national debt and maintain a balanced federal budget. Moreover, the measures endorses the American Debt Repayment Act (H.R. 1017). Specifically, Mr. Speaker, H.R. 1017, as introduced prohibits budgeted outlays from exceeding budget revenues. It requires, beginning with FY 2000, that actual revenues exceed actual outlays in order to provide for the reduction of the gross federal debt and requires the amount of reduction to be equal to the amount required to amortize the debt over the next 30 years in order to repay the entire debt by the end of FY 2029. The bill authorizes a congressional waiver of this Act when a declaration of war is in effect and prohibits a bill to increase revenues from being deemed to pass the House of Representatives or the Senate unless approved by a majority roll call vote of both Houses. Finally, the bill directs the Congress to review actual revenues on a quarterly basis and adjust outlays to comply with this Act.

Mr. Speaker, I deeply appreciate the recommendation of the Colorado General Assembly, and hereby commend its position in support for the American Debt Repayment Act to the House, and furthermore submit, for the RECORD, the full text of Colorado H.R. 1016.

COLORADO GENERAL ASSEMBLY

HOUSE JOINT RESOLUTION 99–1016

By Representatives Pfiffner, Berry, Clapp, Decker, Fairbank, Gotlieb, Hoppe, King, Lawrence, Lee, McElhany, McKay, Nuñez, Scott, Smith, Spradley, Stengel, Swenson, Taylor, Tool, Webster, T. Williams, Witwer, Alexander, Allen, Bacon, Coleman, Dean, Grossman, Hefley, Larson, May, Miller, Morrision, Paschall, Tupa, Veiga, S. Williams, Windels; also Senators Arnold, Andrews, Chlouber, Congrove, Dennis, Epps, Evans, Hillman, Lacy, Lamborn, Musgrave, Owen, Powrs, Sullivant, Wham.

Concerning the General Assembly's support for federal legislation that would require a balanced federal budget and the repayment of the national debt

Whereas, the federal government accumulated a seventy-billion-dollar budget surplus in 1998, the first surplus since 1969, and is considering policies for using the 1998 surplus and expected surpluses for 19999 and future years; and

Whereas, the federal government has amassed a national debt of more than five trillion seven hundred billion dollars ($5,700,000,000,000), and in 1999 federal tax dollars will be used to pay three hundred fifty-seven billion dollars ($357,000,000,000) in interest on the national debt; and

Whereas, the costs of servicing the national debt have become an increasingly large portion of the federal budget, rising from under ten percent of the budget in 1978 to twenty-two percent of the budget in 1997; and

Whereas, Paying down the national debt will relieve future generations of the burden of paying the costs of servicing the national debt; and

Whereas, Paying down the national debt does not exclude the use of federal moneys for tax relief or for saving social security for future generations; and

Whereas, Paying down the national debt will foster economic growth and stability; and

Whereas, The American Debt Repayment Act, which provides for budgetary reform by requiring a balanced federal budget for each year beginning with federal fiscal year 2000 and requiring the repayment of the entire national debt by the end of federal fiscal year 2029, has been introduced in both houses of the United States Congress; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we, the members of the General Assembly, support the objectives of the American Debt Repayment Act to pay down the national debt and maintain a balanced federal budget; and

(2) That we, the members of the General Assembly, strongly urge the United States Congress to commit to a plan to repay the national debt before approving a budget resolution.

Be It Further Resolved, That copies of this Resolution be sent to each member of Colorado's congressional delegation.

RUSSELL GEORGE,
Speaker of the House of Representatives.
JUDITH M. RODRIGUE,
Chief Clerk of the House of Representatives.
RAY POWERS,
President of the Senate.
PATRICIA K. DICKS,
Secretary of the Senate.

INTRODUCTION OF THE ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 1999

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. YOUNG of Alaska. Mr. Speaker, it is my pleasure today to introduce the Arctic Coastal Plain Domestic Energy Security Act of 1999.

This bill has three fundamental purposes: creating new jobs for Americans, sustaining and continuing economic growth, and strengthening national security.

The Act accomplishes these purposes through directing the environmentally sound leasing of the 1002 oil reserve area of the Arctic National Wildlife Refugee (ANWR) to oil and gas exploration and development. The 1002 oil reserve comprises most of the 1.5 million-acre coastal plain of the 19.6 million-acre ANWR, and is named after the section of the Alaska Lands Act that specifically set the region aside for study and consideration of developing its giant energy potential. Experts believe this area holds America's largest untapped energy resource.

ANWR is enormous in size, the size of South Carolina. Almost one-half is already designated wilderness. Congress considered making the 1002 area wilderness, but rejected it in favor of studying its energy potential to meet future domestic needs. The Reagan Administration endorsed legislation to authorize leasing because the relatively light footprint occupied by development is so negligibly tiny in comparison to the great benefits oil development brings. Put into perspective, opening the 1002 oil reserve would take up less space than a single airport within an area the size of South Carolina.

With national production declines occurring and world production nearing its peak, the legislation is urgently needed. Because at least 10 years of environmental planning, study, and review are necessary to carry out a responsible development plan in the 1002 oil reserve, opening the area now would assure state, federal, local, and industry planners enough time to implement necessary safety and environmental measures. If Congress waits for an oil crisis to occur before recognizing that opening ANWR is necessary, rest assured that in the haste to get the oil, most careful environmental planning will go by the way-side. Opening the area now assures that we can take all 10 years—or more if necessary—of anticipated lead time to move cautiously and responsibly.

The most important benefit of opening the 1002 oil reserve is job creation. Up to 735,000

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

jobs, many of which are union jobs, could be created throughout all 50 states if a large oil and gas reserve is indeed confirmed and developed. Jobs in the oil industry are among the highest-paying private sector jobs available, but they will be lost if new development and opportunity is not created through a wise-use policy for America's public lands.

As hard as it is to believe, there are some who don't think the escalation of oil imports and correlative decline in domestic production is cause for concern. This has manifested itself in a Clinton-Gore Administration policy to discourage new development of resources on public lands.

Unfortunately, the result is a future of ever more dependence on foreign sources of oil and record trade deficits. In fact, the rate of imports has grown from 36% at the time of the energy crisis of the 1970's to 56% today * * * and it is growing rapidly. Excessive reliance on foreign supplies coupled with the paucity of new domestic energy development gives other nations opportunities to unduly influence our economic and foreign policy.

While working Americans understand the importance of oil, they also place high value on the environment. This Act reflects these priorities by balancing resource development with stipulations and conditions that effectively require the environmental standards of North Slope development to match or exceed those of any country upon which we rely for our imports. Such is already the case in Prudhoe Bay, America's largest oil field, where the factual record shows that resource development—when done right—is consistent with conservation of the environment. Alaska's arctic has accounted for one-quarter of the United States' oil production in over twenty years, yet biologists cannot identify any declines in wildlife attributable to the Arctic oil activity. None. In fact, Caribou even outnumber the entire population of Alaskans. This is no mere coincidence, but the result of careful planning and regulations that recognize development and environmental protection are compatible.

But don't take my word for it. Listen to the Inupiat Eskimos—the first environmentalists. They support this legislation. They understand that with careful planning and regulation using the most advanced technology available, oil development is compatible with the conservation of wildlife, habitat, and their Arctic environment.

MAYOR RICHARD SAILORS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor Richard Sailors, who has served as mayor of Powder Springs, Georgia for the past 13 years. During his tenure, Mayor Sailors has exemplified the kind of common sense leadership that has made Powder Springs a safe, relaxing, and prosperous place to live.

Not only has Mayor Sailors contributed to the civic development and public safety of Powder Springs, he has also boosted its economy by owning and operating Mableton Mattress Liquidators and Mableton Marble and Granite Company. In the process, he has acquired a well-deserved reputation as a smart, devoted leader, and a successful, fair businessman.

In addition to being a great leader, Richard Sailors is also a man with a firm grip on where life's real priorities are. When his job as Mayor began to interfere too much with the time he could spend with his family, he didn't hesitate to make a tough decision to leave the job he loves and has held for 13 years.

Mayor Sailors is an inspiration to all of us who want to lead balanced lives, improving our communities, expanding our businesses, and spending time with our families. He has contributed immeasurably to the health, safety, and happiness of thousands of citizens in the past 13 years, and we all owe him a great debt of gratitude.

A TRIBUTE TO THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to the Leadership Training Institute of America (LTI). LTI is reaching out to the youth of this country to inspire them to become the best they can possibly be.

The Leaderhip Training Institute of America is educating our youth in principles and values that have made America the proud leader of the world. These principles and values are the traditions of our American forefathers who believed that respect for life, property and individual freedom are foundational to America's greatness. They believed in personal responsibility, compassion, and doing good to others. They believed in the work ethic that has produced in America the most competitive achievements the world has ever known.

The Leadership Training Institute of America is dedicated to inspiring tomorrow's leaders through the example of yesterday's leaders. The United States Congress promotes such endeavors and desires to encourage all of our youth to be founded in the traditions that have proven to make great leaders.

I salute the efforts of the Leadership Training Institute of America to instill in America's youth the values and lessons of self-government, patriotism, moral character and education. As we have learned from the tragedies on our high school campuses this year, our youth need this kind of instruction.

To the staff of the Leadership Training Institute, I say thank you and God bless you. May your efforts and influences increase among our youth.

HONORING 2ND AMPHIBIAN TRACTOR BATTALION OF WWII

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. COOK. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to the 2nd Amphibian Tractor Battalion of World War II, better known as the Alligator Marines. Activated in 1942 at Marine Corps Base, San Diego, and assigned to the newly forming 2nd Marine Division, the Alligator Marines fought for their country in the Southwest Pacific.

The Alligator Marines were so named because of their amphibious vehicles, the Landing Vehicle Tracked, or an amphibious tractor. Later, they became known as Alligators, and those who manned them, Alligator Marines.

This battalion earned Presidential Unit Citations, a Pacific Campaign Streamer with four bronze stars, a National Defense Streamer with bronze star and four battle stars (plus) during their time of service for their country. Their accomplishments are impressive, and they deserve our respect.

Therefore, Mr. Speaker, it is with great pride that I rise before this Congress and honor this group of Marines for their service, their fortitude and their heroics. The Alligator Marines are meeting this week for their annual reunion in Salt Lake City, Utah to come together and remember the tragedy they withstood and the achievements they made. We as a country owe these and all Veterans a debt of gratitude that can never be repaid.

IN HONOR OF THE RETIREMENT OF DR. MARVIN LOCKE

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. OSE. Mr. Speaker, I rise today to recognize a life-long educator in my district who is retiring after 39 years of dedicated service to students in my district of California. Dr. Marvin Locke, Tehama County Superintendent of Schools, has been one of the single most influential curriculum and staff development leaders in the state. He will be honored for his achievements on June 19 in Manton, California.

Following receipt of his Doctorate in Education at the University of Pacific in 1970, it was apparent that Dr. Locke would be a pioneer in teacher training. His commitment to a detailed analysis of the factors that improve teacher quality led to the publication of five journal articles in 1971. He then applied his theories in the real world as Director of the Professional Development Center, his first position with the Tehama County Department of Education. In this capacity, he established an intensive teacher-training program to benefit instructors in rural counties. Once the direct benefits to Tehama County instructors became apparent, the Glenn and Shasta County Boards of Education soon adopted their own programs based on Dr. Locke's model.

Dr. Locke then sought to shape the path of curriculum and instructional development at the state level. As Assistant Superintendent for the Tehama County Department of Education, Dr. Locke represented a nine-county region on the State Curriculum and Instruction Committee, where he served an unprecedented two terms as Chairman of the County/State Steering Committee. Prior to assuming the position of County Schools Superintendent in 1991, Dr. Locke served 14 years as Associate Superintendent, during which time he became a key co-founder of the National Forest Counties and Schools Coalition. This Coalition strives to maintain a rational school funding system for those California counties that are timber rich and property tax poor.

It should be noted that throughout his tenure at the Tehama County Office of Education, Dr. Locke was active in many statewide education associations, such as the California Education Research Association, and the Association of California School Administrators, where he served as Chapter President and Region 1 board member. Additionally, he was named 1998 County Superintendent of the Year by the California County Superintendents Education Services Association. Finally, Dr. Locke has received the Phi Kappa Phi and Pi Gamma Mu awards in honor of his contributions to Scholastic and Social Science research.

I am honored to recognize an individual who has committed his life to excellence in a field that is critical to the success of our nation's children. Please join me in congratulating Dr. Marvin Elliott Locke for a lifetime of hard work and a job well done.

TRADE RELATIONS WITH CHINA

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. HUTCHINSON. Mr. Speaker, within the next month, we will take up the annual debate on extending normalized trade relations to the People's Republic of China (PRC). In light of this fact, I wanted to bring to the attention of the nation some of the efforts undertaken by the Republic of China (Taiwan) to have a positive influence on her neighbor across the Taiwan Strait.

Dr. Koo Chen-fu of the Straits Exchange Foundation, a Taiwanese organization devoted to conducting cross-strait relations, spoke recently before the annual meeting of the International Press Institute World Congress and 48th General Assembly. Dr. Koo's comments about fostering productive dialog between his nation and the PRC were very informative, and I insert them in the RECORD in order that they might be of benefit to all of my colleagues in this body.

ESTABLISHING PEACEFUL AND STABLE RELATIONS ACROSS THE TAIWAN STRAIT

(By Dr. Koo Chen-fu

Honorable Public Opinion Leaders from Both at Home and Abroad, Distinguished Guests, Ladies and Gentlemen:

I feel greatly honored to be invited to participate in the annual conference of the International Press Institute held in the Republic of China. This year marks the first occasion that the IPI has held an annual conference of such magnitude in Taipei. Your meeting here is an affirmative of and encouragement by the IPI for the ROC government's efforts in promoting freedom of press over the past two decades and for the entire press of our nation, which has worked diligently to pursue the consistent advancement of the news industry.

I would like to take this opportunity to discuss a major issue that is currently confronting our general public: the problem of having too much information, rather than too little. I believe all of the people responsible for Taiwan's media and communication sectors present today are proud to have contributed to this hard-to-achieve status.

On my way to the conference, I was wondering why the prestigious sponsors of the conference invited me to deliver a speech on this occasion. Knowing that a host of prominent personages from all sectors around the world are participating in this grand event, I felt every more apprehensive, until I thought of a privilege I have over all of you: seniority. I am 82 years old and in a society, such as ours, that attaches great respect to elderly people, my age, I suspect, was my ticket to attend this magnificent conference.

The topic I will speak to you about today is unquestionably quite serious, but it is the subject specifically requested by the sponsoring unit of this conference. I promise that I will do my best to be concise and clear about a complex matter.

As you all know, the Republic of China was founded by Dr. Sun Yat-sen in 1912, after the overthrow of the Ching imperial dynasty. Then in 1949, the People's Republic of China was established with Chairman Mao Tz Tung as its leader. Thereafter, China as been ruled separately, with the Chinese communists exercising jurisdiction on the mainland; while ROC government exercising jurisdiction in Taiwan, Penghu, Kinmen, and Matsu. China has not been united for the past half century, and our situation resembles that of North and South Korea. This is a very simple political reality, known and accepted around the world.

Beijing's claim that "there is only one China and Taiwan is part of China, and one China means the People's Republic of China," or "Taiwan is a renegade province of PRC" not only deviates from reality, but completely negate the truth. It is my view that China is now divided, and both Taiwan and the mainland are parts of China and the two sides of the Taiwan Strait are ruled by two distinct political entities, with neither subordinate to the other. What is important is that both sides do not exclude the possibility of future unification of China through the process of peace and democracy, when time and conditions are mature.

At the current stage of development of cross-strait relations, the Straits Exchange Foundation (SEF), under the authorization of the government, has from the very beginning, stressed several key points. We have insisted on conditions that respect historic facts and the status quo, safeguard the well-being of the people of Taiwan, and normalize cross-strait relations. For humanitarian reasons, the ROC government in 1987 began to allow our people to visit relatives on the mainland and worked effectively to increase mutual understanding and exchanges between the people on both sides of the Taiwan Strait.

Then, again in 1991, we terminated the Period of National Mobilization for Suppression of the Communist Rebellion, clearly manifesting our government's sincerity not to resolve cross-strait problems by force. It was a pragmatic move, as our government took the first step and demonstrated our goodwill to acknowledge the existence of the communist authorities. To help raise the living standards on the Chinese mainland and develop its economy, Taiwan's business sector has invested as much as US$25 billion across the strait over the last ten plus years, creating a great number of job opportunities for the people on the mainland and contributing remarkably to the expeditious accumulation of foreign exchange reserves for the Chinese mainland over the recent years.

In order to show the sincerity of the ROC government in promoting peaceful and stable cross-strait relations, President Lee Teng-hui made a six-point proposal on normalizing cross-strait relations in April 1995. These points are: 1. use Chinese culture as a base to strengthen exchanges between the two sides; 2. enhance economic ties and develop reciprocal and complementary cross-strait relations; 3. participate in international organizations on an equal-footing, thus allowing meetings of leaders from the two sides in appropriate situations; 4. assert peaceful solutions for any disputes which arise; 5. combine the efforts of both sides to maintain the prosperity of Hong Kong and Macau and enhance democracy in these two areas; 6. pursue future national unification while respecting that China is currently divided and ruled by different political entities.

President Lee's understanding and perspective have provided direction to SEF's tasks. We hope to establish a peaceful and stable cross-strait relationship step by step, as follows:

First of all, we have made all necessary preparations for the coming of Mr. Wang Dao han, the senior chairman of the Association for Relations Across the Taiwan Strait (ARATS). I address him as "senior" because he is eighty-three years old, and I'm a year younger than he is. I am expecting Mr. Wang's visit as one which will renew the channel of constructive discourse we first established during my trip to mainland last October. The SEF will make arrangements for Mr. Wang's "getting to know Taiwan" trip safe and comfortable, so the mainland's leading persons will have a better understanding and knowledge of Taiwan. And, for the above mentioned reasons, I look forward to the Taipei meeting with Mr. Wang, which will be held this autumn, so we can work together to frame a peaceful and mutually beneficial relationship for both sides of the strait.

In addition, we will try to persuade the Beijing authorities to reopen the institutionalized consultations established during the Singapore round of the Koo-Wang talks in April 1993. Regarding substantive issues, which most concern the rights of the people, such as repatriating mainland stowaways and hijackers, solving fishing disputes, and dealing with illegal activities cooperatively, we hope that interim agreements will be signed as soon as possible. These agreements will form a basis from which to expand step by step the content gained from future consultations or important issues concerning both sides.

I am well aware that there are people on the Beijing side who anxiously promote political negotiations and dialogue between the two sides. In fact, just as in the Shanghai meeting last October, I would like to broaden the range of subjects during the talk with

Mr. Wang in the upcoming Taipei meeting on whatever issues are of concern. If the meeting is restricted only to talks about issues in a particular area, it will minimize the effect of the agreement we may make. This will not be beneficial for improving relations between the two sides.

The 1993 Singapore agreement was the first agreement which was officially authorized for signature by both goyernments and was approved by respective elected bodies after separation on each side of the strait. If either of the two parties was not willing to abide by the agreement, then the confidence level for the signing of future agreements will certainly be negatively affected. Over time, we will attain more agreements concerning the people's rights and interest. Thus, we can build mutual confidence through the accumulation of interim agreements. This method gives us the ground work for a solid foundations for peaceful and stable cross-strait relations.

Third, the two sides should gradually develop a confidence building measure (CBM), in order to insure the peace of the Taiwan Strait and the security of the Asia-Pacific region. Beginning in 1991, the two sides set up the Straits Exchange Foundation and the Association for Relations Across the Taiwan Straits, respectively, to be the institutionalized communication mechanism between the two sides. This is the accepted communication channel under the informalized relation between the two sides.

For years, these two organizations have exchanged phone calls and letters to conduct necessary contacts and communication. In 1996, however, the Chinese mainland unexpectedly launched a military threat against Taiwan and unilaterally suspended the functions of the two organizations for more than three years. It is a situation we deeply regret.

Under the influence of democracy and freedom, Taiwan is becoming increasingly liberalized and advanced. Such an environment has exerted a direct impact on the SEF to be more flexible and open, when holding consultations with ARATS. Let me assure you that the ROC government is fully confident and sincere in resolving any political differences between the two sides via consultations. Even so, we will not hold talks with the Chinese mainland under such unfriendly conditions as political inequality, diplomatic interference, and military threat. National security and dignity are what I myself and the SEF personnel constantly must bear in mind, when we exchange contacts with the Chinese mainland. I believe that these two criterias are also the two foremost concerns of the people of Taiwan.

In recent years, I have observed that Beijing has been withdrawing from the position that "we can talk about anything" toward a parochial mentality that "we can only talk about political issues." This confuses us.

I would like to take this opportunity to call on Beijing to return to the consultation table as soon as possible, to establish mutual trust between the two sides through consultations, and to adopt necessary and positive measures to insure the peace and stability of the Taiwan Strait.

Fourth, the two sides should expand items and the scope of exchanges and cooperations and treat each other with sincerity through reciprocity, in order to ultimately normalize bilateral relations. During the past 50 years, the two sides have accumulated individual experiences of development that can be exchanged to assist each other. In the past, we have proposed that the two sides conduct exchanges and cooperate in the areas of agriculture, scientific technology, economic development, and rule by law. We have also suggested the two sides deal with the Asian financial crisis together, in order to jointly contribute to the prosperity and stability of the Asia-Pacific region.

Unfortunately, we have not had any positive response from Beijing, to date. In the future, we will continue to encourage and persuade the Chinese mainland to pragmatically respond to our constructive proposals. We will also unfold various cooperation plans with Beijing to increase mutual trust, achieve consensus, and ultimately attain the goal of establishing normalized relations between the two sides.

Ladies and gentlemen, during the past four decades, the ROC has managed to create miracles in economic development and political democratization, under unfavorable natural environments and conditions. Naturally, we wish to achieve more, and it is our hope that we can bridge the gap of the Taiwan Strait in economic and political developments by appropriate interaction and constructive dialogue between the both sides of the Taiwan Strait. This will help us to realize the natural reunification of both sides in a peaceful and democratic way.

At the threshold of the twenty-first century, with the Cold War era ended, I sincerely hope that the Chinese mainland will discard the remnants of the Cold War "zero-sum" thinking and expand their horizons to join us in building a peaceful and stable relationship for both sides of the Taiwan Strait, under conditions which respect the political status quo of both sides.

As time is pressing, let me finish my speech here. Thank you very much. And I wish all the distinguished participants of this conference health and confirmed success.

TRIBUTE TO SISTER ESTELLA IBARRA OF TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Sister Estella Ibarra of Toledo, Ohio, who is being honored this evening in a special tribute for her work in our community. Since her 1988 arrival in Toledo, Sr. Estella has tended to the housing, employment, and educational needs of South Toledo residents, while ministering to their spiritual needs as well.

After coming to Toledo to establish Marianist Social Ministries, Sr. Estella witnessed the critical housing situation facing many of her clients and it spurred her on to action. While working as Hispanic Outreach Coordinator for Catholic Charities in the Diocese of Toledo, she proposed and initiated CHIP: the Charities' Homeowners Initiatives Program. Since 1992, CHIP has provided close to thirty low-moderate income families with financial counseling, legal assistance, training in budgeting, home management, and retirement planning in preparation for buying a home. Starting in the city of Toledo, Sr. Estella is replicating the program in seventeen other communities in the Toledo Catholic Diocese.

To aid families in housing crises, Sr. Estella founded La Posada, a temporary shelter for homeless families. The shelter, named to honor the Mexican Christmas tradition in which families walked through the village by candlelight reenacting the Holy Family's search for shelter on the night of Jesus' birth, allows families in need to stay up to ninety days while re-establishing a foothold. Sr. Estella founded La Posada in 1991 through the combined efforts of herself and five churches in Toledo's Old South End: SS Peter & Paul, Immaculate Conception, St. John's Lutheran, First English Lutheran, and Peace Lutheran. Serving largely Hispanic families in need, La Posada provides help to about 120 people each year, most of whom are migrant workers, recent immigrants, and refugees, as they strive toward self-sufficiency.

St. Estella also works closely with Toledo Central City Neighborhoods Development Corp (TCCN), which is sponsored by ten Catholic churches and rehabilitates and builds affordable homes in Toledo's central city neighborhood. She began service on TCCN's Board in 1994, and even served briefly as the organization's interim director in 1996.

Sometimes referred to as the "Mother Teresa of Toledo," Sister Estella has helped hundreds of Toledo's "poorest of the poor." In a time when many in our government and across our nation have abdicated our responsibilities toward one other, Sr. Estella has chosen instead to follow Christ's teaching; "Whatever you do to the least of my brethren, that you do unto me." She is a quiet and humble example of how we might live as true followers of Christ, and how we might seek to truly impact the life direction of people. Sr. Estella Ibarra is ensuring that our future will not only be different but better because she has been here. I join our community in honoring her achievements and thanking her in the most heartfelt way for the positive changes she has brought to people in need.

CELEBRATING THE CONTRIBUTIONS OF DR. RICHARD SKINNER

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. COLLINS. Mr. Speaker, I rise today to honor Dr. Richard Skinner and his contributions to Clayton College and State University, to the Clayton County community, and to the State of Georgia. For over 5 years, Dr. Skinner skillfully guided Clayton College to the forefront of higher education in the information age.

Dr. Skinner developed and implemented a ground-breaking program providing every student and professor at Clayton College with a personal notebook computer. This launched the school into a new era, setting a higher standard for education not only in Georgia, but in the Nation as a whole. Dr. Skinner also led the steering committee responsible for implementing the Georgia Learning Library Online, the most advanced statewide World Wide Web-based library in the country.

Acknowledged by the Atlanta Journal-Constitution as "a national ambassador for technological training," Dr. Skinner's work has included the development of a fast track for students seeking jobs in the information technology field. The program responded to shortages in high-tech workers by teaming higher education and the information technology industry. Students graduate from the program with an excellent education and the potential to obtain highly paid, high-skill jobs with nearly unlimited opportunities for future advancement.

Dr. Skinner continues to be a strong advocate for improving our higher education system and preparing our work force for the next century. His actions have moved Clayton College strides forward. The Clayton, GA community may be losing a valuable leader, but it will be to the benefit of the entire State of Georgia. Dr. Skinner will serve as president and chief executive officer of Georgia GLOBE (Global Learning On-Line for Business and Education).

Georgia GLOBE will use technologies such as the Internet and the Web to provide Georgians, especially nontraditional adult students, with greater access to continued education. I look forward to continuing to work with Dr. Skinner as he creates new goals to bring Georgians and Americans into the information age. It has been, and will continue to be, an honor working with a man of such vision and dedication.

CONCERNING THE ENDANGERED SPECIES ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, though derived of good intentions, the Federal Endangered Species Act has proven ineffective in achieving its desired objectives. Moreover, the law threatens the freedom and liberty of all Americans, but particularly rural Americans. As a Representative of the rural Fourth District of Colorado, I am grateful for the leadership of Colorado State Representative Steve Johnson, and Senator Mark Hillman upon passage of Colorado House Joint Resolution 99–1051.

The findings and recommendations of the Colorado General Assembly, as outlined in this important Resolution are imperative suggestions for this Congress. Accordingly Mr. Speaker, I hereby submit for the RECORD the official position of the State of Colorado regarding amendment of the Federal "Endangered Species Act of 1973." I furthermore urge my colleagues to act favorably upon the instructions offered by my Great State.

HOUSE JOINT RESOLUTION 99–1051

By Representatives Johnson, Alexander, Grossman, McKay, Miller, Smith; also Senators Hillman, Anderson, Congrove, Dennis, Epps, Evans, Lamborn, Musgrave, Owen, Powers, Tebedo, Teck.

CONCERNING AMENDMENT OF THE FEDERAL "ENDANGERED SPECIES ACT OF 1973"

Whereas, The "Endangered Species Act of 1973" (ESA) needs to be amended to encourage proactive species conservation efforts at the state level rather than reactive, burdensome, and costly efforts at the federal level; and

Whereas, Merely listing a species as threatened or endangered does little to conserve the species; and

Whereas, Many state programs such as Colorado's nongame program have been very successful in conserving species such as the boreal toad without a federal listing; and

Whereas, The ESA should provide incentives for states to adopt proactive approaches to avoid the listing of species under the ESA rather than penalizing such efforts; and

Whereas, The ESA should be amended to provide that a federal listing is not required where a state has already adopted a program to protect the species unless it is absolutely necessary to avoid nationwide extinction; and

Whereas, If a state has an effective program to protect a listed species in place, that program should be recognized as a reasonable and prudent alternative under the ESA, thereby providing a cost-effective means for species recovery, maintaining state jurisdiction over land and water resources, and allowing economic development to move forward, and

Whereas, States should not be penalized for efforts to enhance or establish populations of species by federal pre-emption once the species is listed, rather, such populations should qualify as experimental under the ESA, thereby maintaining control and regulation of the species by the state; and

Whereas, The ESA should not be applied retroactively, and projects in existence prior to the passage of the ESA that may come up for a federal permit or license renewal but do not involve an expansion of the project or an increase in the environmental impact of the project should not be subject to consultation under Section 7 of the ESA; and

Whereas, Federal implementation of the ESA to protect aquatic species must consider state water rights, and any recovery program should be structured to avoid or minimize intrusion into state authority over water allocation and administration; and

Whereas, The administration's "No Surprises" policy should be adopted as an amendment to the ESA so that permit holders and landowners have some assurance that once ESA requirements have been met, no further mitigation efforts will be required; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the Sixty-second General Assembly, urge Congress to adopt these amendments to the federal "Endangered Species Act of 1973".

Be it Further Resolved, That a copy of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Colorado's Congressional delegation.

RUSSELL GEORGE,
Speaker of the House of Representatives.
JUDITH M. RODRIGUE,
Chief Clerk of the House of Representatives.
RAY POWERS,
President of the Senate.
PATRICIA K. DICKS,
Secretary of the Senate.

A NATIONAL MODEL FOR REDUCING YOUTH VIOLENCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. FARR of California. Mr. Speaker, sex, drugs and rock and roll were condemned thirty years ago and here we are today talking about trying to legislate morality when we should really be talking about are education and prevention programs to stop youth violence.

I want to show my colleagues what one of my communities has done * * * the City of Salinas has just published their Strategic Framework to reduce youth violence in their community. It is the result of a community collaborative planning process involving core group members from the schools, social services, faith community, education, health and law enforcement, and the private sector. The intent of the Strategic Framework is to provide a snapshot of community assets and needs, and to chart out the kinds of long-term efforts needed to prevent and reduce violence.

I want to quote from the Mayor's letter, "The root causes of violence are varied and complex * * * We can no longer afford a fragmented and uncoordinated approach to youth violence. This community needs to create multi-disciplinary partnerships, which share resources and transcend the compartmentalization and organizational limitations of the status quo."

Salinas' "Framework for Violence Prevention" is really a "one size fits all" approach that any community in the country can follow to find their own solutions for youth violence.

If we truly want to have an impact on reducing youth violence, I urge my colleagues to work with their local communities to initiate the kind of grass-roots assessment that Salinas did because we won't find the solutions to youth violence here in Washington.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. EMERSON. Mr. Speaker, on rollcall No. 204, I was inadvertently detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DAVIS of Illinois. Mr. Speaker, due to business in the District, I was unavoidably detained in Chicago. As a result, I missed roll votes number 210, 211, 212, 213.

Had I been present I would have voted "nay" on 210 "nay" on 211, "yea" on 212, "nay" on 213.

FARM EMPLOYMENT EQUITY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, recently I, along with a bipartisan list of cosponsors, introduced H.R. 1874, the Farm Employment Equity Act, also referenced as the "Unemployment Tax Act." The proposal reduces the unemployment tax burden on smaller American agricultural operations—the kind typically know as family farms.

Mr. Speaker, I'm proud to report today, the Colorado General Assembly has endorsed my proposal by the passage of Colorado House Joint Resolution 99–1053 sponsored by State Representative Brad Young, and State Senator Mark Hillman. Colorado's concern for small agriculture producers is now a matter of official public policy, and I commend the leadership of Representative Young and Senator Hillman. Mr. Speaker, this Congress should fully consider and embrace the recommendation of the Colorado General Assembly on this important matter of farm tax relief. Accordingly, I hereby submit for the RECORD, Colorado's official position put by House Joint Resolution 99–1053.

> Whereas, Employers who pay cash wages of $20,000 or more to farm workers in any calendar quarter or employ 10 or more employees at least part time during at least 20 different weeks in a calendar year are required to pay federal unemployment taxes in accordance with the federal "Unemployment Tax Act", and
>
> Whereas, The $20,000 threshold has not been adjusted since 1978 when federal unemployment tax liability was first imposed upon farm and ranch employees, and the average size of farms and ranches continues to increase as the number of farms and ranches decreases; and
>
> Whereas, While farm production and efficiency have increased, rising costs, imports, and falling commodity prices all threaten the economic security of the nation's family farmers; and
>
> Whereas, Given the crisis situation in American agriculture, America's family farmers need tax relief to maintain their operations and their families; and
>
> Whereas, Unless America's farm families obtain needed tax relief, these farmers may be forced to sell their land, opening the door for development and threatening the well-being of local economies dependent upon small farms; now, therefore, be it
>
> *Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:* That we, the members of the Sixty-second General Assembly, request the Congress of the United States to pass legislation to amend the federal "Unemployment Tax Act" to increase the maximum amount of wages that a farmer can pay for agricultural labor without being subject to the federal unemployment tax on such labor, to reflect the effects of inflation on such maximum amount of wages since such tax was first enacted, and to provide for an annual inflation adjustment in such maximum amount of wages; be it further
>
> *Resolved,* That copies of this Joint Resolution be sent to the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Labor, and to each member of Colorado's delegation to the United States Congress.

SUPPORT OF THE AIR 21 LEGISLATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Air 21 legislation. I believe it is a fair attempt to ensure the safety and economic well being of our nation and its airports. I also support the Shuster manager's amendment. Mr. Speaker this legislation is fair and right. For those who oppose immediate elimination of slots this amendment postpones the elimination of slots at O'Hare for two years until 2002, and for New York's Kennedy and Laguardia airports until 2007. This will allow many of the smaller airlines increased access to larger airports ultimately increasing flight availability, reduced flight delays and decreased airfares.

It is imperative that Congress seize this opportunity to invest in our nation's aviation system and protect the flying public. Mr. Speaker, while airports are crowded today, air travel is forecast to increase by over 50 percent to one billion passengers over the next 10 years. We desperately need more funding to curb the increasing demand on our nation's airport. Capacity constraints and air traffic control outages have caused many flight delays and cancellations. Air 21 will enable America to continue to prosper and avoid gridlock in our aviation system. If we fail to invest in our nation's aviation system we will compromise aviation safety, increase delay time and hinder much needed technological innovations. Air 21 is exactly what we need, it provides airport modernization, improves capacity, and increases fair competition.

For this reason I support Air 21 and urge all of my colleagues to vote in support of this very important legislation.

HELP FOR THE UNINSURED: H.R. 2185

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. STARK. Mr. Speaker, on June 14, I introduced H.R. 2185, the Health Insurance for Americans Act, to provide refundable tax credits for the purchase of health insurance through a consumer co-op type of mechanism.

We must act to revise America's health care system. The current system of employer-based coverage is dying, as the following quote from a May 1999 study for the Health Insurance Association of America by Dr. William Custer, makes clear:

> There were 31.8 million uninsured non-elderly Americans in 1987. In 1997, this number had risen to 43.1 million, which represents a 35.5 percent increase. From 1996 to 1997 alone, the number of non-elderly Americans without health insurance rose by 4.1 percent. And this report forecasts that the number of uninsured Americans will climb to 53 million during the next ten years and could, if the nation experiences an economic downturn and higher-than-predicted health-care cost inflation, reach 60 million by 2007. This would mean that almost one of every four non-elderly Americans would lack health coverage.
>
> The primary reason for the increase in the number of Americans without health coverage over the past 15 years has been the increase of health care costs relative to family income. Almost six of every ten uninsured Americans lives in families with incomes of less than 200% of the federal poverty level. And while public programs such as Medicaid provide health coverage to about half of those in families with incomes below the federal poverty level, these individuals account for nearly three out of every ten uninsured Americans.

Is there hope that other proposals will noticeably reduce the number of uninsured? For example, various Republicans are pushing the idea of Health Marts and Association Health Plans as forums where small businessmen can buy cheaper health insurance policies for their workers. But we know from polling of many small businesses that they have no interest in being in the health insurance-providing business. Even if it didn't cost them a penny, a majority of small businesses have said they didn't want to be involved in this process!

In addition, a May 1999 study by the National Coalition on Health Care entitled "Small Employer Health Insurance Purchasing Arrangements: Can They Expand Coverage?" reports:

> The central conclusion of this study is that while Health Marts and Association Health Plans will offer advantages to some small firms and may somewhat reduce the deterioration in health insurance coverage in the U.S., they will not by themselves solve the problem of the uninsured. That is primarily because, on balance, neither Health Marts nor Association Health Plans are likely to reduce health costs enough to significantly entice most small firms not now offering coverage to buy health insurance. In addition, benefit packages that are significantly less comprehensive than typical do not seem to have broad appeal, and may still be too costly for most small businesses . . . .
>
> Even the most optimistic estimates of the impact of eliminating state mandated benefits or implementing Association Health Plans suggest that between 80% and 80% of the 43 million Americans who are uninsured today would remain uninsured.

Mr. Speaker, it is clear that we need to try new approaches to a problem which is growing evermore serious. Following is a summary of the tax credit bill I have introduced. I hope my colleagues will join me in exploring this approach.

SUMMARY OF HEALTH INSURANCE FOR AMERICANS ACT

REFUNDABLE TAX CREDIT FOR PURCHASE OF QUALIFIED HEALTH INSURANCE

Amount: $1,200/adult; $600 per dependent child, $3,600 max per family. Dollar amounts adjusted by annual inflation in Federal Employee Health Benefits Program (FEHBP) average premium increase.

Eligibility: Anyone not participating in subsidized employer plan or public plan, or eligible for Medicare.

QUALIFIED HEALTH INSURANCE

Is private sector insurance sold through new HHS Office of Health Insurance (OHI).

Insurance must be guaranteed issue/no waiting period, no pre-existing condition, community rated policies.

OHI may negotiate on price, ensure quality of providers and adequacy of benefit package (Like the Office of Personnel Management does for FEHBP now), and hold open enrollment periods to facilitate comparison pricing.

Every insurer selling to FEHBP must offer to sell similar policies to OHI, but may also offer zero premium policies.

OHI will serve as an administrative device to move tax credit from IRS to the insurer selected by the individual, thus providing 'advance funding' and preventing fraud.

Effective date: 2001.

Financing: Not spelled out in bill. Can be surplus, business tax, VAT, insurer/provider surtax, savings from reduced subsidies to providers to provide for the uninsured.

IMPROVEMENTS TO THE ENDANGERED SPECIES ACT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. CALVERT. Mr. Speaker, the Endangered Species Act of 1973 was well-intentioned legislation. But the Fish and Wildlife Service, especially in California, is working outside of the ESA and undermining its original intent.

Today, I am dropping the third in a series of single-issue bills to make common sense corrections to the ESA. My bill would prohibit the use of any information obtained by trespassing on privately owned property without the consent of the owner. This bill would restrict Fish and Wildlife from using any information that was illegally obtained to declare habitat or otherwise administer the Endangered Species Act.

It is common sense that trespassing is illegal. We all know that. Yet I continue to hear, over and over, that Fish and Wildlife is using information that was questionably obtained to administer the ESA. Mr. Speaker, the Fish and Wildlife Service is not above the law. While Fish and Wildlife employees may or may not be the ones doing the actual trespassing, they have continually shown a disregard for how information was obtained, thereby encouraging trespassing.

In May, the Resources Committee held a hearing with community officials and landowners to outline the problems they are having with Fish and Wildlife's implementation of the ESA. Every member of Congress needs to sit up and take notice and talk to their local officials. This is not just a problem in California, but in places as far east as North Carolina and as far north as Washington.

I'm frustrated, Mr. Speaker. So frustrated that I will introduce one ESA reform bill every week until the field hearing on July 9. This is a call to common sense.

RECOGNITION OF COMMAND SERGEANT MAJOR DAVID HENDERSON'S RETIREMENT

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. HAYES. Mr. Speaker, I ask my colleagues to join me in paying tribute to Command Sergeant Major David Henderson, who will retire from the Army on Monday, June 21, 1999. CMS Henderson has distinguished himself through more than twenty-five years of service to this great nation. I've had the privilege of getting to know CMS Henderson over the last several months, and it is clear after a moment in his company that he possesses a most unique quality of leadership. Like so many of our nation's great figures, CMS Henderson leads by example, bringing out the very best of all those who serve under his command. His genuine concern for and commitment to his soldiers serve as a model for others who seek to inspire excellence.

Over the last ten years, CMS Henderson has served as his unit's senior Non-Commissioned Officer. He has thrice led his men into combat missions which include Operations Urgent Fury, Just Cause, and Desert Shield/Storm. CMS Henderson's service during training, field exercises, and forward deployments is exemplary in every respect.

Mr. Speaker, the Army and our nation will lose a fine soldier this coming Monday. And while his departure from service is a loss for this country, I'm confident that he has instilled in many young men and women the motivation to strive for the best. I'm honored that I will be a guest at CMS Henderson's retirement ceremony. I ask that my colleagues join me in expressing our heartfelt gratitude to CMS Henderson and in wishing him the absolute best in his future endeavors.

IN HONOR OF THE LATE MS. ELIZABETH JEAN BAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements and contributions of one of Colorado's finest, Ms. Elizabeth Jean Bain. Ms. Bain passed away on Monday, June 14, 1999, at age 89. While family, friends, colleagues, and community members remember the truly exceptional life of Jean Bain, I, too, would like to pay tribute to this remarkable woman.

Born in 1909, Ms. Bain was a member of one of Colorado's pioneering families, and the spirit, work ethic, and leadership of a pioneer was exemplified in her. Jean was a graduate of East High School and the University of Colorado. In 1960, she was elected to serve as a Republican to the Colorado General Assembly where she worked for 12 years to represent the city of Denver.

Serving on more than 30 boards and advisory councils, she provided leadership and inspiration to all she came into contact with. Ms. Bain, at one time, was a trustee of the University of Northern Colorado and Doane College in Crete, NE, and was a member of the National Executive Council of the United Church of Christ. She also found time to serve as director of the Colorado Mental Health Association, the Metropolitan Denver YMCA, the Better Business Bureau of Denver, the Girls Club and the Mile High Chapter of the American Red Cross.

Ms. Jean Bain touched many lives through her involvement in the community and through her desire to serve others. Although her professional accomplishments will long be remembered and admired, most who knew her well will remember her dedication to service and the inspiration she provided. It is clear that the multitude of those who have come to know Ms. Bain will be worse off in her absence. I am confident, however, that in spite of this profound loss, the family and friends of Ms. Jean Bain can take comfort in the knowledge that each is a better person for having known her.

HONORING J. SAVAGE, S.J.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor the memory of Father Thomas J. Savage, S.J., the 11th President of Rockhurst College. The passing of this exceptional man leaves us with a great sense of sadness and grief. Fr. Thom cannot easily be described in words but the impact he made upon the Greater Kansas City region is monumental and reflects his selfness, lifelong mission to assist those most in need. He was not just a leader but a visionary whose accomplishments continue to positively affect our community.

Fr. Thom was especially talented in three areas of expertise: urban planning, education, and spirituality. During his tenure at Rockhurst College, he directed the campus renovation and construction of several facilities including the state of the art Richardson Science Center, the Town House Village, the Jesuit Residence, and Van Ackersen Hall. His goal was to expand Rockhurst's services to its students and to the community. Never forgetting the College's neighbors, the made great efforts to make the school inclusive by taking advantage of its urban location. By using valuable input and resources from members of the community as he further developed the area, he opened communication and strengthened a lasting friendship and alliance with the neighbors of Rockhurst.

Committed to lifelong learning and the Rockhurst motto: "Not what to think, but how to think," Fr. Thom supervised and supported the revision of the college's liberal arts core curriculum, the introduction of the master's degree programs in occupational and physical therapy, and a unique partnership with Saint Louis University in South Kansas City at the Ignatius Center. In his own life, education played a significant part in shaping his role as a leader for our community and nation. Fr. Thom obtained an undergraduate degree in philosophy and sociology from Boston College, held a doctor of education and a master's degree in public policy from Harvard University, and a master's degree in city and regional planning from the University of California at Berkeley.

Instructed in the Jesuit tradition and officially ordained in 1979, Fr. Thom always aimed for high intellectual and ethnical standards and moral responsibility. He was a trailblazer who celebrated diversity, respect and true justice. In each aspect of his life he sought to bring about goodness. Even with a full workload and schedule, he could be heard in a lively debate on Sunday mornings on the radio as one of the hosts of "Religion on the Line." His past roles in our community are evidence of his conscientious and generous intentions. As Co-Chairman of FOCUS Kansas City, Chairman of the Missouri Humanities Council, Vice President of the Kansas City Chapter of Phil Beta Kappa, Trustee of the Liberty Memorial Association, Member of the Menninger Clinic Board of Directors, the Kauffman Foundation Board of Trustees, the Midwest Research Institute Board of Trustees, the Preferred Health Professionals Board of Directors, and the Holocaust Memorial Advisory Board, Fr. Thom demonstrated his personal commitment to many worthy causes. He wrote for several publications and newspapers to share his views on board governance, trustees, Catholicism, and pedagogical issues.

Fr. Thom Savage is truly an inspiration for all who knew him and were touched by his innumerable acts of kindness. His sharp, honed wit and personable, outgoing nature were character trademarks and will be sorely missed. Along with many others from our region and across the nation, I mourn the death of this outstanding man. He will long be recognized as a hero, an agent of change, a champion for the underprivileged, a spiritual leader, and most importantly a friend to everyone in my community.

Mr. Speaker, please join me in extending sympathy to his mother and the entire Savage family.

ORION INTERNATIONAL TECHNOLOGIES, INC.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. PASTOR. Mr. Speaker, I rise today to acknowledge Orion International Technologies, Inc., the 1999 recipient of the U.S. Small Business Administration's National Small Business Prime Contractor of the Year award.

Since its formation in 1985 by cofounders Dr. Miguel Rios, Jr., and his wife Maria Estela Rios, numerous Federal agencies, including the Department of Defense, Department of Energy, Federal Aviation Administration, and the Department of Veterans Affairs, have come to rely on Orion's technical excellence and proven contract performance. In addition to the company's commitment to technical achievement, Orion's highly dedicated staff and allegiance to customer service and satisfaction are the foundation for this company's success.

Although headquartered in Albuquerque, NM, over the last 14 years, Orion has experienced controlled, continuous growth, which has resulted in the establishment of satellite offices in Puerto Rico, Massachusetts, Texas, and Virginia. This success and growth would not be possible without the outstanding leadership, vision, and talents of Dr. and Mrs. Rios and Mr. Felix Sanchez.

Under Chairman and Chief Executive Officer Dr. Miguel Rios, Jr., President and Chief Operating Officer Mr. Felix Sanchez, and Executive Vice President for Governmental Affairs Mrs. Maria Estela Rios, Orion has become one of the Southwest's premier providers of high-quality engineering products and services. Orion's success did not come overnight, but through hard work and perseverance this small business achieved the American dream.

I, for one, am inspired by this accomplishment.

A MEMORIAL TRIBUTE TO JUNE WALLIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my very dear friend, June Wallin. June would have been recognized by a grateful community for her many years of volunteer service to the Chaffey Community Republican Women, Federated with a tribute in her honor on Friday, June 25. Sadly, she passed away Monday night.

June Wallin was active in local Republican Party politics for nearly 40 years. Over the years, she showed enormous dedication and gained the enduring respect of many people within the Republican Party. Many will feel the loss of her spirit and drive in our local party.

June began her service as member of the San Bernardino County Central Committee in 1963, and served five times as its chairman. She joined the California Central Committee in 1965 and was awarded the Gold Key for service in 1984 and 1986. She was a delegate to every Republican convention from 1976 to 1992, and served as a California delegate to the Electoral College in 1988. For many people, June Wallin is the heart and soul of the party in San Bernardino County.

June's work and commitment was particularly instrumental to the long-term success of the Federation of Republican Women, where she served as president at the local and state level, as well as on the national board of directors.

Over the years, June has been widely recognized for her contributions to our local community. She was a charter member of the San Bernardino County Adult Correctional Advisory Council, chairman of the county's Commission on the Status of Women, chairman of the Domestic Violence Task Force and chairman of the local board for the Selective Service System. She was a Grand Juror, an election board trainer and a tutor in the literacy program. She has been active with the Upland First United Methodist Church and the Assistance League of Upland.

Always remaining active, June strongly supported her husband, Ray Wallin, in his activities as a member of the Masons and Shrine. She put in more than 3,000 hours as a volunteer for the San Antonio Community Hospital Auxiliary.

Mr. Speaker, I ask you and our colleagues to join me in recognizing the tremendous contributions of this remarkable woman. June Wallin made a difference in the lives of so many people in our local community and I am grateful beyond words for her long and dedicated service.

RECOGNITION OF HOPE ELIZABETH BROWN, LOYAL HIGHWAY CONTRACT LETTER CARRIER FOR THE UNITED STATES POSTAL SERVICE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to recognize Hope Elizabeth Brown, a resident of Exeter, Rhode Island, who will retire on June 30, 1999, from carrying mail for the Exeter Post Office. Ms. Brown is particularly remarkable in her dedication and loyalty to the United States Postal Service and the state of Rhode Island because of the length of her service. This extraordinary woman—who, in the words of a coworker, is now "eighty-three years young"—has worked for the Postal Service for sixty years.

Except for two years during World War II when Ms. Brown acted as Postmaster in Exeter, all the years of her employment were spent delivering mail in Exeter and nearby Slocum. And, as we all know, our letter carriers work six days a week, fifty-two weeks a year, through rain, sleet, and snow. Ms. Brown certainly contributed to that reputation; in her sixty years of service, she missed work only because of family sorrows.

Ms. Brown's work ethic and dedication to the people she serves has been mirrored by the devotion shown her by her family, friends, and coworkers. Although she still insists on placing the mail in the boxes herself, members of her family support her by driving the route, as she no longer always feels capable of handling the delivery truck on the highway. The current Postmaster of Exeter, Mr. Thomas Fisher, recently wrote of Ms. Brown that she "exemplifies the spirit of America's mail system," and that, furthermore, "her dedication, commitment, and honesty is surpassed only by her love for the mail." On June 19, her community will honor her with a retirement party at the American Legion Hall in North

Kingstown, Rhode Island, a well-deserved tribute to her service and example to us all.

In today's booming economy, we sometimes forget to recognize and celebrate the workers who, simply by doing their jobs faithfully and well every day, ensure that this country continues to thrive. Ms. Brown, through her work as a Highway Contract Letter Carrier, has made an amazing contribution both to her community and, by extension, to her country as a whole. Without people like her, who show up for work every day without excuse or complaint, we would not be enjoying the economic prosperity we have today. Although her type of work ethic should be the norm, it should never be taken for granted, and we must always remember to thank the people who work hard for us. Please join with me in the long-overdue appreciation of Hope Elizabeth Brown and other dedicated workers like her.

TRIBUTE TO THOMAS J. D'ALESANDRO III, ESQ.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Thomas J. D'Alesandro, III who was recently awarded the distinguished President's Medal by his alma mater, Loyola College of Baltimore, at Loyola's commencement ceremonies on May 18, 1999.

Thomas D'Alesandro is one of Baltimore's great civic leaders whose leadership as Mayor of Baltimore came at a crucial time during the city's history. His dedication to the principles of justice and equality helped advance the cause of civil rights in Baltimore. Grounded in a personal commitment to these values, he led his community with a moral authority, championing landmark legislation for all he represented.

Thomas J. D'Alesandro, III is part of a legendary political family. The D'Alesandros are the "first family of Baltimore politics" and a classic American success story. Thomas' father, Thomas D'Alesandro, Jr. was also a great Mayor of Baltimore and later served as a Member of Congress. His mother, Nancy D'Alesandro, was a major figure in Baltimore politics in her own right and was described by former Governor William Schafer as "a very fiery women, loved her kids, and was superb to old Tommy. She was a Democrat through and through." His only sister NANCY was elected to the Congress in 1987, and has distinguished herself as a great civic leader of her adopted City of San Francisco and is considered one of the most widely regarded Members of Congress.

Mr. Speaker, character blooms in critical moments of choice. At that moment, complacency must give way to action, the expected must be set aside for what is just. Thomas D'Alesandro's resolute leadership as President of the City Council resulted in the passage of Baltimore's landmark Civil Rights Act. He later said that this legislation grew not from political expediency but from a moral imperative instilled in him by his years of Jesuit education.

After serving as President of the Baltimore City Council, Thomas J. D'Alesandro, III followed in his father's footsteps and was elected Mayor in 1967. During his term as Mayor, Baltimore saw advancement in nearly every avenue of equal opportunity from housing to employment. Through criticism and praise alike, he maintained his distinctive presence of straightforwardness and honesty. It was because of his leadership that Baltimore was kept calm for two full days after the tragic assassination of Dr. Martin Luther King.

The Jesuits of Loyola College look with pride at the extraordinary contributions that Thomas D'Alesandro has made. His service to his community, his devotion to his family, and his commitment to the faith and values taught at Loyola represent the "Jesuit ideal" that the Society of Jesus seeks to instill in their pupils. It is truly fitting that Loyola honors him with its President's Award.

Mr. Speaker, I ask my colleagues to join in honoring Thomas D'Alesandro, III for his historic contributions to civic life in Baltimore and congratulate him on being awarded the prestigious Loyola President's Award for a life lived by the highest ideals of service to humankind.

A SPECIAL TRIBUTE TO GEORGE COX FOR HIS SERVICE AND PATRIOTISM TO THE VETERANS OF FOREIGN WARS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay very special tribute to an outstanding individual from the state of Ohio, George Cox. This weekend, in Columbus, Ohio, a very special celebration will take place marking the 100th Anniversary of the Veterans of Foreign Wars.

Mr. Speaker, George Cox is currently serving as the State Commander for the Ohio Veterans of Foreign Wars and has been instrumental in organizing the 100th Anniversary celebration. Through his efforts over the years, George Cox has helped make the Ohio VFW one of the premier veterans service organizations in the nation.

Without question, George Cox has taken his love of country and his commitment to duty and honor very seriously. He served valiantly during the Korean Conflict with the First Marine Division. In 1968, Mr. Cox joined the Veterans of Foreign Wars and has achieved success over the years serving as State Commander, District Commander, and Post Commander. He is currently a member of VFW Post 6772 in Spencerville, Ohio.

Not only has George Cox given much to the VFW, he has shown unwavering devotion to many other activities as well. He has served on the Allen County Veterans Commission, American Legion Post 191, and retired from the Ford Motor Company after forty-two years with the company. In addition, George spends time working with children at the national home, in parades, and at Post 6772 events. George also founded a Christmas party for underprivileged children in Spencerville.

Mr. Speaker, George Cox is a remarkable person. A dedicated family man, he and his wife, Mary, have been married for forty-six years and have a wonderful family. He has unselfishly given his time and energy to serve veterans from across the state of Ohio and for that we owe him our profound thanks.

At this point, I would urge my colleagues to stand and join me in paying special tribute to the Ohio State VFW Commander, George Cox, and to everyone attending the 100th Anniversary of the Veterans of Foreign Wars. We wish you the very best both now and in the future.

THE MARRIAGE TAX PENALTY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SCHAFFER. Mr. Speaker, the Marriage Tax Penalty should be repealed.

As we prepare to celebrate Fathers Day on June 20, Congress would do well to seize the occasion by repealing the pernicious laws which attack the institution of marriage.

Mr. Speaker, I am proud of my home State of Colorado for establishing official policy opposed to the marriage tax penalty. Under the visionary leadership of Colorado State Representative Andy McElhany, and State Senator Ken Arnold, the Colorado General Assembly has established its official position on this matter by virtue of its passage of Colorado House Joint Resolution 99–1055.

Mr. Speaker, I hereby submit for the RECORD, and for the consideration of our colleagues, H.J.R. 99–1055. This important Resolution urges us to repeal all taxes which penalize marriage, and I urge my colleagues to follow the wise example of Colorado policy.***HD***House Joint Resolution 99–1055

Whereas, The Congressional Budget Office estimates that the federal income tax system imposes a marriage tax penalty on twenty-three million Americans; and

Whereas, The marriage tax penalty discourages hard work by penalizing dual-income married couples more than any other individuals; and

Whereas, Under the federal income tax system, married individuals have smaller standard deductions, earlier loss of itemized deductions and personal exemptions, a smaller capital loss deduction, and a double loss of IRA deductions when compared to single individuals; and

Whereas, The marriage tax penalty has a severe impact on the working poor; and

Whereas, It is unfair and inappropriate for the federal government to impose an additional income tax penalty on married individuals; and

Whereas, Several bills to eliminate the federal marriage tax penalty are presently pending before the United States Congress; and

Whereas, The elimination of the federal marriage tax penalty is an important step in creating a fairer and simpler federal income tax system; now, therefore be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the General Assembly, urge the United States Congress to enact legislation eliminating the federal marriage tax penalty. Be it

Further Resolved, That copies of this Joint Resolution be sent to each member of the Colorado congressional delegation and to Charles O. Rossotti, Commissioner of the Internal Revenue Service.

HONORING CHARLENE NELSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an individual who, for so many years, has provided a strong voice and dynamic leadership to one of Colorado's schools, Charlene Nelson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty.

As a sixth grade teacher at Penrose Elementary School, Charlene Nelson has spent the last 8 years making an impact on her students and teaching how learning can be fun. Specializing in rain forest issues, Mrs. Nelson has sparked lasting interest in her students by contributing to the World Wildlife Fund, and teaching about diminishing rain forests.

With all the things that Mrs. Nelson does to encourage her students, it is not hard to see why she has been awarded the title of "Teacher of the Year". To earn this title, Charlene Nelson was nominated by her peers and selected by a committee of past winners and administrators. Mrs. Nelson has proven herself to be a woman with a warm heart who, selflessly, gives to those who look up to her.

Individuals such as Mrs. Charlene Nelson, who contribute and set a good example to our youth, are a rare breed. Fellow citizens, as well as students, have gained immensely by knowing Charlene Nelson, and for that we owe her a debt of gratitude.

IN MEMORY OF GARRETT R. CROUCH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SKELTON. Mr. Speaker, Mr. Speaker, it is with deep sadness that I inform the House of the death of Garrett R. Crouch of Warrensburg, Missouri.

Mr. Crouch was born on November 5, 1921, in Bethany, Missouri, the son of Ben G. Crouch and Nina M. Traxler Crouch. On August 29, 1948, he married Sue Robinson in Warrensburg, Missouri. Mr. Crouch was a veteran of WWII, serving in Europe with the United States Army. He was a graduate of the University of Missouri-Columbia, receiving a Bachelor of Science in Business Administration in 1947, and a Juris Doctor degree in 1949. He was admitted to the Missouri bar in 1949. At the time, he moved to Warrensburg, where he practiced law until 1999. He was City of Warrensburg Municipal Judge from 1981 until 1992.

Mr. Crouch was active in the community. He served as Commander of Warrensburg American Legion Post No. 131 and in 1956, as State of Missouri Department Commander. He was a member and past exalted ruler of the Warrensburg Elks Lodge No. 673, a member of Central Missouri State University Board of Regents and from 1989 to 1995, served as President of the Board. He was Director and Past President for Central Missouri State University Foundation and a recipient of the Central Missouri State University Distinguished Service Award in 1995. He was also past President of the Warrensburg Rotary Club, a Paul Harris Fellow, and a member of the Missouri Bar and Johnson County Bar Association. He was a member of First Presbyterian Church of Warrensburg and a life member of the American Legion.

Mr. Crouch is survived by his wife, Sue; two sons, Garrett and Jeff; and one grandson, Drew.

Mr. Speaker, Garrett Crouch was a true friend through the years, to both myself and my father. He will be missed by everyone who had the privilege to know him. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

LEGISLATION TO AMEND PROVISIONS OF THE TRADE ACT OF 1974

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. DUNCAN. Mr. Speaker, today, I introduced legislation which will amend the provisions of the Trade Act of 1974.

I think that everyone will agree that reimbursement of training costs under the Trade Readjustment Act (TRA) is of critical importance to those individuals who have been negatively impacted by the North American Free Trade Act (NAFTA). I have seen firsthand companies relocating and jobs being lost because of this Act.

Currently, an individual cannot be reimbursed by TRA funds for any training costs which have been incurred prior to the approval of the training program under the TRA.

In fact, an individual in my District encountered this problem. My constituent was laid off due to job relocation and started school just days prior to the certification of the TRA petition. Since the TRA makes no provisions to retroactively approve training, the individual did not receive a reimbursement. His only other choice would have been to deny his training an entire semester which would have meant he would be out of work even longer.

The legislation I introduced today would prevent this from occurring again by providing a retroactive 30-day period, preceding the date the Secretary approves the TRA petition, during which someone could be reimbursed for training expenses under the act.

This is the only way for individuals who try to plan ahead and then find themselves in this type of situation to take advantage of the funds allocated under TRA.

I encourage all of my colleagues to join me in supporting this modest proposal.

GAY AND LESBIAN DEMOCRATIC CLUB TWENTY-FIVE YEAR FIGHT FOR GAY RIGHTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mrs. MALONEY. Mr. Speaker, I rise to salute the Gay and Lesbian Democratic Club, on its twenty-fifth anniversary.

The Gay and Lesbian Independent Democrats (GLID) began as the Gay Independent Democrats five years after the Stonewall demonstrations.

GLID has played a central role in the fight for gay rights and in the election of openly gay candidates. An early leader of GLID. Christopher Lynn served as the head of New York's Taxi and Limousine Commission and later as NYC Transportation Commissioner. More recently, GLID leaders such as Tom Duane and Deborah Glick, two of the first openly gay persons elected to office in New York, used GLID as a springboard to elected office. In recent years, GLID played pivotal roles in the elections of three gay City Council Members. Christine Quinn, Margarita Lopez and Phil Reed.

As fighters for gay rights, GLID has been in the forefront of the effort to enact an appropriate domestic partnership bill in New York City. At the Federal level, GLID has worked to promote civil rights for gays, including efforts to pass the Anti-Hate Crimes Bill. GLID is one of the leading organizations fighting anti-gay measures like the Defense of Marriage Act and the Religious Liberties Freedom Act.

As part of their celebration GLID will honor three outstanding gay leaders in the city and state of New York. Two of these honorees. Tim Gay and Harry Wieder are long time members of GLID. Through their work with GLID, they have helped to reach out and mobilize gays and lesbians to elect progressive candidates. They have manned the barricades to protest injustices like the murder of Mathew Shepherd and discrimination in the military.

Tim Gay is a long time district leader in the Chelsea area of New York City, Tim Gay's diligence in fighting to improve the quality of life for his constituents has greatly contributed to the revitalization of Chelsea.

Harry Wieder in addition to his activities as a gay activist, has served as a leading advocate for the physically and mentally disabled. As a founder and board member of the 504 Democratic Club (named for a key provision in the Rehabilitation Act of 1973), Harry Wieder has fought tirelessly for the disabled and the reform of our health care system.

Barbara Kavanaugh was one of the first openly lesbian officeholders in New York State. A true trailblazer, Barbara was elected to the Buffalo City Council as an openly gay candidate. She currently serves as the Assistant Attorney General for Buffalo and has been active in the National Stonewall Democratic Federation.

I salute GLID for leading the fight to ensure full rights for gays and lesbians. This battle may take another twenty-five years, but with the strong efforts of GLID and others we can succeed.

H.R. 1400, THE BOND PRICE COMPETITION IMPROVEMENT ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. BLILEY. Mr. Speaker, I am in receipt of the following correspondence from the gentleman from Nebraska (Mr. BARRETT), the chairman of the Subcommittee on General Farm Commodities, Resource Conservation, and Credit, regarding H.R. 1400. I submit the letter for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 24, 1999.

Hon. TOM BLILEY,
Chairman, House Commerce Committee, House of Representatives, Rayburn House Office Building, Washington, DC

DEAR MR. CHAIRMAN: I want to take this opportunity to offer my congratulations on your bill, H.R. 1400, the Bond Price Competition Improvement Act of 1999. This important legislation will improve transparency in the bond market that will be beneficial to those purchasing these important financial instruments.

In reading the bill's report language, I note in section 3 that the bill's proposed changes "are to affect only debt securities." The report language states further that these "changes are not intended to affect the exemption from registration requirements enjoyed by securities issued by government sponsored enterprises, or to impose any requirements on government sponsored enterprises."

As chairman of the House Agriculture credit subcommittee, I am extremely sensitive to proposals affecting the providers of credit to farmers and ranchers across our nation. The Farm Credit System, a government sponsored enterprise whose authorities fall solely within the jurisdiction of the Agriculture Committee, is an important provider of credit to production agriculture. The 500,000 farmers who use Farm Credit System institutions for their credit needs are facing terrific challenges brought about by bad weather, low commodity prices and lost export markets. Any change in registration requirements and the cost associated with such a change would be unwelcome, particularly at a time of such stress in the agricultural economy. Again, I note your bill in no way contemplates changes relative to securities issues by the Farm Credit System and therefore I am pleased to support H.R. 1400.

I appreciate all the work you have done on this legislation, and I look forward to working with you on issues of mutual concern in the future.

Sincerely,

BILL BARRETT,
Chairman, Subcommittee on General Farm Commodities, Resource Conservation and Credit.

HONORING THE OAKLAND HIGH SCHOOL BASEBALL TEAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishment of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a distinguished goal.

The Oakland High School baseball team of Murfreesboro, Tennessee, won the state 3–A baseball championship this past season, the first Rutherford County high school team to ever win a state baseball championship.

These players trained vigorously and played tirelessly, as their 37–2 record indicates. They deserve recognition for a job well done.

I congratulate each team member, head coach Mack Hawks, assistant coach Jeff Mitchell, managers Brian Johnsey and Jacob Lamb, and school Principal Ken Nolan. I know they won't soon forget this milestone.

The players are true champions. They are Chuck Akers, Jeremy Slayden, Casey Rauschenberger, Brennan King, Jeremy Wilson, Shane Vaughn, Brian Blaylock, Jason Sharber, Bennie Hendrix, Jerry Knox, Joey Yost, Stephen McGowan, Caleb Barrett, Matt Lane, Tommy Smith, John Williams, Patrick Hicklen, Stevie Kline and Noah Thompson.

A TRIBUTE TO JUNETEENTH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Ms. BALDWIN. Mr. Speaker, I rise today to acknowledge Juneteenth Independence Day. June 19, 1865, is the date that news of freedom reached slaves in Texas; two and one-half years after President Lincoln signed the Emancipation Proclamation to abolish slavery. This holiday is now celebrated throughout our country as a time of joy, remembrance, and reflection.

It is my hope that all citizens recognize this important day and that we celebrate together for our communities, our nation, and our children. Among the plans for celebrating this day in Wisconsin's Second Congressional District, the Nehemiah Community Development Corporation's 1999 Juneteenth Celebration Executive Committee has organized a special event with beautiful cultural exhibits, colorful dancing, delicious food, exciting entertainment and music! I want to commend the organizers of this and other important celebrations going on in Wisconsin and throughout the United States.

Former U.S. Representative Barbara Jordan captured the aspirations of many who recognize the important symbolism of this day. She said, "What the people want is simple. They want an America as good as its promise." How true her words are. Locally and nationally, the struggle for equality continues, but this holiday offers hopefulness for a better future.

IN MEMORY OF THEODORE WILSON GUY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Colonel (Retired) Theodore Wilson Guy, United States Air Force, of Sunrise Beach, Missouri.

Colonel Guy was born April 18, 1929, in Chicago, Illinois, the son of Theopholus Wilson and Edwina LaMonte Guy. He was a highly decorated fighter pilot in Korea and Vietnam and was a prisoner of war for five years and one month in Laos and Vietnam. In March, 1968, his plane went down in Laos and he was the first military officer captured in Laos. He was eventually interned in North Vietnam and spent over four years in solitary confinement while a P.O.W.

Colonel Guy received the Air Force Cross, Silver Star with one oak leaf cluster, the Distinguished Flying Cross with three oak leaf clusters, the Air Medal with 12 oak leaf clusters and the Purple Heart with one oak leaf cluster.

Colonel Guy retired from the Air Force in 1973. He then became national adjutant for the Order of Daedalians and in 1977, became associated with TRW, with subsequent assignment in Iran as the senior tactical advisor to the Commander, Iranian Tactical Air Command.

Colonel Guy graduated from Kemper Military College in 1949, and immediately entered the Air Force, becoming a pilot in September, 1950. Except for senior service schools, his entire career was spent in Air Training Command and Tactical Air Command in the operations field. He amassed 5,700 hours of flying time—all in fighter or fighter trainer aircraft. Colonel Guy was a frequent speaker at local schools, colleges and universities throughout the United States.

Colonel Guy is survived by his wife, Linda; his two sons, Ted Jr. and Michael; two stepdaughters, Elizabeth and Katherine; one brother, Donald; and three grandsons.

Mr. Speaker, Colonel Guy was a dedicated airman and true patriot. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

BALANCED BUDGET AMENDMENT RESOLUTION OF 1999

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SCHAFFER. Mr. Speaker, on the first day of the 106th Congress, I introduced H.J. Res. 1—the Balanced Budget Amendment Resolution of 1999.

Passage of this measure is of great importance to my State of Colorado. In fact Colorado, by adoption of House Joint Resolution 99—1040 in both House of the Colorado General Assembly, supports H.J. Res. 1 as a matter of official state policy.

I have spoken many times on the floor of the urgent need for a balanced budget amendment to the Constitution. Today I urge my colleagues to once again consider the necessity of this amendment. Furthermore I commend the leadership of Colorado State Representative Steve Tool, who is also my State Representative, and Senate President Ray Powers, for sponsoring H.J. Res. 99-1040. These statement have added great credibility and weight to the argument in favor of a balanced budget amendment.

Accordingly, I submit for the RECORD Colorado H.J. Res. 99–1040 and urge colleagues to consider the thoughtful opinion of the State of Colorado.

HOUSE JOINT RESOLUTION 99–1040

Whereas, the federal budget has been balanced only once since 1969, and federal public debt now exceeds $5.5 trillion, an amount equaling approximately $20,000 for every man, woman, and child in America; and

Whereas, Chronic deficit spending demonstrates an unwillingness or inability on the part of the executive and legislative branches of the federal government to spend no more than the amount of available revenues; and

Whereas, Fiscal irresponsibility at the federal level lowers our standard of living, destroys jobs, and endangers economic opportunity now and for those in the next generation; and

Whereas, The federal government's unlimited ability to borrow money to finance its deficits raises concerns directed to the fundamental structure and responsibilities of government, making such fiscal policies an appropriate subject for limitation in the United States constitution; and

Whereas, The United States constitution vests the ultimate responsibility for changing the terms of that charter with the people, as represented by their elected state legislatures, and opposition by a small minority in the United States Congress has consistently thwarted the will of the people that a balanced budget amendment be submitted to the states for ratification; now, therefore, be it

Resolved by the House of Representatives of the sixty-second General Assembly of the State of Colorado, the Senate concurring herein,

That we, members of the Sixty-second General Assembly, request the Congress of the United States to expeditiously pass and submit to the legislatures of the fifty states for their ratification an amendment to the United States constitution requiring that, in the absence of a national emergency the total of all federal appropriations for any given fiscal year not exceed the total of all estimated federal revenues for the fiscal year. Be it

Further resolved, That copies of this Joint Resolution be sent to each member of Colorado's delegation to the United States Congress.

A SPECIAL TRIBUTE TO CHLOE WILLIAMS FOR HER DEDICATION TO OUR NATION'S VETERANS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. GILLMOR. Mr. Speaker, it is with pride that I rise today to pay special tribute to an outstanding individual from the great state of Ohio. This weekend, in very special ceremonies in Columbus, Ohio, the Ohio Veterans of Foreign Wars will celebrate the 100th Anniversary of the organization. At those ceremonies, Ms. Chloe Williams will be among those helping make the 100th Anniversary a success.

Ms. Williams, of Post 1090, has given her time and energy to assisting our nation's veterans. A veteran of the United States Army, Ms. Williams is a life member of the Veterans of Foreign Wars. Through her service to our veterans and the VFW, she has moved through the ranks at the district and state levels of the VFW and Ladies Auxiliary.

Mr. Speaker, it is people like Chloe Williams that truly make a difference in the lives of our veterans. Through her work in District 8 and around the state, she has vigorously promoted the programs of the VFW, especially the Operation Uplink program, which provides long distance phone service to active duty personnel and to veterans.

It has been said that America thrives and prospers due to the unselfish and dedicated efforts of her citizens. With the hard work of Chloe Williams and the two million members of the Veterans of Foreign Wars, I think that adage is perfectly clear.

Mr. Speaker, on this 100th Anniversary of the Veterans of Foreign Wars, I would like to say thank you to all those who have worked so hard on behalf of our veterans. Certainly, Chloe Williams has made a positive impact, and we thank her for her commitment. I would urge my colleagues to stand and join me in special tribute to Chloe Williams and to those attending the 100th Anniversary of the Veterans of Foreign Wars. Best wishes to each of you now and in the future.

BAN JUDICIAL TAXATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MANZULLO. Mr. Speaker, today I am introducing an amendment to the Constitution to ban the Judiciary at any level of government from levying or increasing taxes. Why? Because levying and increasing taxes is a function of the legislative branch of government. Consider, after all, the separation of powers doctrine. Most citizens of our great country have heard at one time or another about separation of powers. We were taught about it in our civics classes growing up. We learned about it in our history classes. We read about it in the Constitution. I, for one, believe that the Constitution is clear in its delineation of duties. I don't believe the Founding Fathers meant to leave much to interpretation. There really are no mincing of words. Please consider:

Article I. Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States, but all duties, Imposts and Excises shall be uniform throughout the United States.—United States Constitution

Article I. Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other bills.—United States Constitution

These words are succinct and explicit, and they spell out exactly how taxes are to be raised. If there is any question, consider the following quotations from other relevant sources:

"Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control for the judge would then get the legislator. Were it joined to the executive power, the judge might behave with all of the violence of an oppressor."

"There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates, or, if the power of judging be not separated from the legislative and executive powers . . . "—James Madison, Federalist Number 47, quoting Montesquieu to defend the Constitution's separation of powers.

"[T]he judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary on the contrary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution, whatever. It may truly be said to have neither Force nor Will, but merely judgement; and ultimately must depend upon the aid of the executive arm even for the efficacy of its judgements."—Alexander Hamilton, Federalist Number 78

"The interpretation of the laws is the proper and peculiar province of the courts. A constitution is in fact, and must be, regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body."—Alexander Hamilton, Federalist Number 78

If there is any phrase that sums up the reason for the existence of this republic, that phrase is "no taxation without representation." These are the words of Thomas Jefferson, who, when he wrote the Declaration of Independence, cited King George for three things: (1) the king refused to pass laws that would allow people the right to be represented in their own legislature; (2) he called together legislative bodies at unusual times so nothing could be done; and (3) he imposed taxes on the people without their consent!

Finally, James Madison asked the rhetorical question in Federalist number 33, "[w]hat is a power but the ability or faculty of doing a thing? What is the power of laying and collecting taxes but a legislative power?"

Why, then, 210 years after the ratification of our nation's Constitution do we have unelected judges—from the "least dangerous" branch—who are appointed for life, levying and raising taxes? Some people with whom I have spoken have asked me if judges can really do this. Well, they are doing it because they can. They can because Congress allows them to get away with it.

What is judicial taxation? It is the act whereby a federal court orders a state or political subdivision of a state to levy or increase taxes. In *Missouri* vs. *Jenkins* (110 Sup. Ct. 1661 (1990)), the Supreme Court held that a federal court had the power to order an increase in state and local taxes. Specifically, the 5 to 4 majority ruled that a federal district court has "abused its discretion" by directly imposing a local property tax increase to finance implementation of a school desegregation plan for the Kansas City, Missouri school district. BUT, the court stated that "[a] court order directing a local government body to levy its own taxes is plainly a judicial act within the power of a Federal court," and that the federal judiciary may also block enforcement of state law limitations on local tax efforts that interfere with the funding of constitutionally-based desegregation plans. This is an "indirect" tax. The dissenters in the *Jenkins* ruling criticized the direct versus indirect distinction as a "convenient formalism." However, the decision EXPANDED SIGNIFICANTLY THE POWER OF THE FEDERAL COURTS!

Those who oppose attempts to curb this power claim that the Kansas City case is the only case where a federal judge, Russell Clarke, ordered a tax increase to finance the building of a magnet school system to make it more appealing. Similarly, judicial taxation took place two decades ago when federal Judge Leonard Sand forced the elected representatives of Yonkers, New York to raise taxes on their constituents in order to finance the construction of public housing in middle-class neighborhoods. In New Hampshire, the state Supreme Court decreed that local schools must be funded with a statewide tax in order to equalize spending per pupil across the school districts.

In the congressional district I represent, Judge Michael P. Mahoney, the federal magistrate judge overseeing a desegregation case in Rockford, Illinois, concluded that the school district had authority under Illinois' Tort Immunity Act to issue bonds without referendum and to levy taxes to fund the remedial programs. Pursuant to this finding, the school district issued bonds and levied taxes from 1991 through 1997 under the Tort Immunity Act. Although the Tort Fund is not subject to voter control and was originally intended to be used to pay damages to individuals in civil liability suits, the federal magistrate ordered its use. More recently, the federal magistrate again ordered each member of the school board under threat of contempt and jail to increase taxes. Following that threat in late 1997, the school board capitulated and approved the $25 million tort levy for that year. After the vote, School Board Member David Strommer said, "It's a disgrace for an American public official to face this kind of pressure." Since 1989, the city of Rockford, with a population of 140,000 people, has paid $183 million to comply with the court orders. That is a lot of money for such a small population, and that's for schools alone.

All of these examples run counter to the intentions of the Founding Fathers. Our nation cannot allow its liberties to slip by the wayside. We have judges raising taxes. We have a regulatory body, the FCC, imposing a telephone tax. We have a Congress that doesn't believe this is a problem. Of these, it is Congress that is directly accountable to the people.

So, what I have done legislatively to address judicial taxation? During the last Congress, I was able to insert a provision into the Judicial Reform Act. The provision was straight forward and was designed to severely limit the imposition of judicially imposed taxation. It would have applied to any order or settlement that directly or indirectly required a State, or political subdivision of a State, to increase taxes.

My efforts to bar the federal judiciary from directly or indirectly raising taxes were defeated by a gutting amendment. However, in a sense we succeeded because this may have been one of the few times and possibly the only time in the history of our republic where the issue of Congress ceding taxing authority to the courts has ever been debated. Putting a halt to judicial taxation is NOT about desegregation, prison overcrowding, environmental law enforcement, housing, or what have you. It is all about abiding by the fundamental tenants of our Constitution.

This Congress, I am focusing on a two-pronged approach. It is not going to be easy, but given the options, I believe that we have very few alternatives. I have introduced a joint resolution to amend the Constitution which reads simply, "Neither the Supreme court, nor any inferior court of the United States, nor the court of any State in its application of laws under this Constitution or any Federal law, shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes."

The second approach, and this is very important, is through the states proposing a constitutional amendment. Currently, states cannot propose amendments to the Constitution without first the calling of a constitutional convention. However, there is a proposal—H.J. Res. 29—which was introduced by Virginia Representative Tom Bliley that would allow for a mechanism by which the states could propose amendments to the Constitution without calling for a constitutional convention. I am a cosponsor of this resolution.

Right now, as I understand it, 15 states have passed either a Resolution or a Memorial calling upon Congress to send to the states for ratification of an amendment to the U.S. Constitution banning federal judges of inferior courts or the Supreme Court from having the power to levy or increase taxes. Those states include Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah. As it stands, there are no teeth in those resolutions because there is no mechanism. H.J. Res. 29 would provide that mechanism. We should all be working to pass that amendment, as well.

Levying taxes should remain a prerogative of the legislative branch. Thus, I will continue my efforts to stop judicial taxation.

HONORING THE 25TH ANNIVERSARY OF THE UNITED SENIOR CITIZENS CENTER OF SUNSET PARK

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of the United Senior Center of Sunset Park as they celebrate 25 years of service to the elderly citizens throughout the Sunset Park area of Brooklyn. The organization provides fellowship and lends a helping hand whenever, wherever and to whomever it is needed.

First started in 1974, the center, then located at 56th and 6th Avenues, quickly became a vital part of the communities it served. As it grew, the need for their services was so great that they soon had to relocate to larger space at their current location of 53rd and 3rd Avenues where they have been for twenty years.

As the center expanded it began to address the diverse cultural needs of the communities they serve. They began by offering services in Spanish and, soon after that, added staff and programs in Chinese. These enhancements made the United Senior Center in Sunset Park more responsive and a more integral part of the rich cultural fabric of Brooklyn.

The diverse groups of seniors in Sunset Park can take advantage of the United Senior Centers many recreational programs, including tai-chi, bingo, arts and crafts, and swimming. Additionally, the center also offers important English as a Second Language courses to help individuals improve their day-to-day lives. There are citizenship programs, and nutrition-education seminars, as well as a variety of programs designed to assist seniors regarding senior's rights and entitlement benefits.

The dedicated staff and leadership of the United Senior Center of Sunset Park has done an exemplary job of helping seniors in our communities. Through their efforts they help an estimated 36,000 people a year.

I urge my colleagues to join me in congratulating the leaders and staff of the United Senior Center of Sunset Park on their 25th anniversary. The center is an integral part of our diverse culture in Brooklyn, and I wish them continued success for the next 25 years and beyond.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. DINGELL. Mr. Speaker, as Ranking Member of the Committee on Commerce, as well as one of the original sponsors and a Floor-Manager of H.R. 1400, the Bond Price Competition Improvement Act of 1999, I rise to clarify a matter involving the legislative history of this legislation. My remarks are an extension of remarks that I made during House consideration of H.R. 1400 (June 14, 1999, Congressional Record at H4137).

Prior to floor consideration of H.R. 1400, both the bill and the committee report had been processed on a fully cooperative, bipartisan basis that respected the rights of the majority and minority members of the Commerce Committee. For that, I commend the gentleman from Virginia (Mr. BLILEY), distinguished chairman of the Committee on Commerce.

During House consideration of H.R. 1400 on Monday of this week (June 14, 1999, CONGRESSIONAL RECORD at H4132–4137, 4139–4140), I became aware of the intention of the Majority to insert in the RECORD as an extension of Chairman BLILEY's remarks "legislative history" submitted by the Bond Market Association (BMA).

When I questioned proceeding in this manner, I was assured by Mr. BLILEY that the material was "not a part of the legislative history at the moment" and that the minority would be given an opportunity to peruse and approve the BMA remarks before they became legislative history (June 14, 1999, CONGRESSIONAL RECORD at H4136). However, I was informed by the gentleman from Virginia in a subsequent phone call that he had misspoken: the material had been inserted in the RECORD without the Minority's review and approval.

I have the following comments on that material which is printed on pages H4134–4135 of the CONGRESSIONAL RECORD for June 14, 1999, immediately following the statement that Chairman BLILEY actually delivered to the House:

The Bond Market Association's representatives, who played a constructive role in the development of the legislation, have explained that they wanted to address several concerns raised by their lawyers with the Committee report. They felt that it was inaccurate and painted too bleak a picture of the state of bond market transparency. I have no particular quarrel with their goal. I have a large quarrel, as I stated on June 14, with the process. Furthermore, the BMA document itself contains inaccurate statements.

Because the Majority did not include in the main body of the Committee report the findings of the SEC's review of price transparency in the markets for debt securities in the U.S., I included a summary thereof in my additional views (House Report No. 106–149 at 12). BMA admits that my summary is correct. The BMA summary that appears in the RECORD, however, is not correct (H 4134, carry-over paragraph, top 2nd column). For example, contrary to the BMA document's assertion, the entire U.S. Treasury market was not found to be "highly transparent." The markets for "benchmark" U.S. Treasury bonds were found to be "highly transparent," while other Treasury and Federal agency bonds were found to provide a "very good" level of pricing information. While the differences that give rise to a "highly transparent" versus a "very good" rating may escape the untrained and uninitiated, the BMA document's failure to accurately reflect the SEC's conclusions begs the question whether this was sloppy draftsmanship or a deliberate attempt to mislead. The text of the SEC report's summary of findings appears at the end of these remarks. The entire report is printed in the September 29, 1998 hearing record, Serial No. 105–130, at pages 7–18.

The March 1998 Treasury-SEC-Federal Reserve Joint Study of The Regulatory System For Government Securities did report on private sector efforts to improve the timely public dissemination and availability of information concerning government securities transactions and quotes. Its conclusion at page 18 was that "[t]here have been significant advances in transparency for government securities transactions over the past several years, primarily originating from commercial vendors" (H4134, paragraph 1, 2nd column).

Contrary to the impression given by the BMA's document, Nasdaq's Fixed income Pricing System (FIPS) has done little to make the high yield market more transparent. Specifically, FIPS does not make public any actual transaction reports for high yield bonds, although it is true that such transactions are reported to the NASD, mostly at the end of the day. FIPS publishes quotations, which are generally considered too inaccurate to be useful, for just 50 selected bonds, and also publishes transaction summaries giving the high price, low price, and aggregate volume for all registered high yield bonds (H4134, bottom 2nd column, top 3rd column).

The BMA document notes testimony claiming vast differences in the level of price transparency between liquid and illiquid equities. However, NASD Bulletin Board stocks are subject to real time last sale reporting, as are many listed equities and listed options which are, in fact, highly illiquid (H4134, paragraph 1, 3rd column).

There are nothing like 300,000 to 400,000 corporate bonds, as that term is commonly understood. The SEC has advised us that there are approximately 30,000 to 40,000. The estimate of 300,000 to 400,000 in the BMA document probably includes mortgage-backed securities guaranteed by GNMA which are issued by private corporations but are "exempt" securities and not ordinarily understood to be corporate bonds. The BMA document gives a completely wrong impression of the characteristics of the market (H4134, paragraph 2, 3rd column).

The close relationship that exists among some corporate bonds (but which falls well short of the "fungibility" claimed by the BMA document) is one of the reasons that transaction reporting can be valuable, since the price of one bond may be important information about the value of many others (H4135, carry-over paragraph, top 1st column).

The BMA document is correct that the Finance Subcommittee did hear testimony expressing the concerns of some market participants about possible liquidity effects of the immediate disclosure of price and volume information for some transactions. However, SEC Chairman Levitt specifically testified at the Finance Subcommittee's March 18, 1999, hearing on this bill that he did not believe that transparency harmed liquidity.

"Mr. OXLEY. Do you support giving investors bond prices at real time? There's some argument that doing so may affect liquidity." "Mr. LEVITT. I think that transparency is good for liquidity. I reject the notion that it is bad for liquidity. I think a market that is open, transparent, available to anyone who wants to access that market is a market that throughout the history of markets has attracted the greatest amount of interest. I believe that, while real time is a goal, it's certainly one that is realizable, and I am supportive of moving in that direction." (Serial No. 106–8 at 12).

However, the Commission has been sensitive to similar concerns in other contexts and can be relied on to reach an appropriate balance between liquidity concerns and the value of transparency. This was the conclusion of the Committee in its unanimous decision to give the SEC this responsibility. I believe it is echoed in the resounding 333–1 vote of the House in favor of passing H.R. 1400 (H4135, 1st paragraph, 1st column).

The BMA document's partial quotation, "the Commission shall take into consideration . . . private sector systems for the collection and distribution of transaction information on corporate debt securities," omits the significant phrase "among other things." I strongly support private sector initiatives and solutions, where appropriate and effective. I believe that the purpose of this phrase in H.R. 1400 is to give the Commission flexibility to assure the effectiveness of transaction reporting by looking at and to the entire landscape, both private and government. It is not a mandate that there be competition beyond that already required under section 11A of the Exchange Act which requires actions that "foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders" (H4135, 2nd paragraph, 1st column).

I. SUMMARY OF FINDINGS

Overall we believe the debt markets are functioning well. Of the market segments we reviewed, U.S. Treasury securities and other Federal Agency bonds are the most actively traded and are also the most transparent and efficient. We found no evidence in those markets that dealers have a substantial advantage compared to institutional clients in terms of market knowledge. Other market segments function effectively as well, though some are distinctly less transparent and efficient than the government securities markets. Specifically, we found that:

The markets for "benchmark" U.S. Treasury bonds are highly transparent. Bids, offers and trade prices from the interdealer market are widely available through interdealer broker ("IDB") screens, GovPX, Bloomberg and other vendors.

Other Treasury and Federal Agency bonds, which trade in a relatively stable relationship to benchmark Treasuries, are ordinarily traded in terms of a basis point spread from the Treasury yield curve set by the benchmark bonds. Quotes in frequently traded securities are widely available, although the spreads are not as narrow as those for benchmark Treasuries. GovPX and others produce "valuations" on a real time basis for securities that do not have current dealer quotes. The combination of real time data for benchmark Treasuries and supplementary quotes and other information for the other securities appears to provide a very good level of pricing information for all government bonds.

Mortgage Backed Securities ("MBS", and other structured products such as Collateralized Mortgage Obligations ("CMOs") and Asset Backed Securities ("ABS") are primarily high credit quality securities with complex structures. Values are largely determined by a) the Treasury yield curve, b) the structure of the particular instrument, and c) the relationship of similar instruments to the Treasury yield curve. The relationship to Treasuries is established by markets in generic forward contracts called TBAs ("to be announced") for which current dealer quotes are available from IDBs, Bloomberg and other vendors. Relatively sophisticated analytical tools to value MBS, CMOs, and ABS are available from Bloomberg, Bridge and other vendors. Dealers and some institutional investors have in-house analytical models as well. At least two services make such tools available over the Internet. Overall, the quality of pricing information and interpretive tools available to the market is good.

High yield corporate bonds generally do not have a stable relationship to Treasuries. Therefore, the transparency of the Treasury market does not imply known values for high yield bonds. Interdealer trading is facilitated by IDBs, but prices are not shown on screens. Dealer indicated prices for selected securities generally are transmitted to customers each day by fax and/or e-mail. Overall, the quality of pricing information available in the market for high yield corporate bonds is relatively poor, although dealers do not appear to enjoy a great advantage over their institutional clients.

Investment grade corporate bonds fall between high yield corporates and government bonds both in credit quality and in terms of the quality of pricing information available. They are generally traded in terms of a spread from Treasuries but the relationship is less stable than for non-benchmark Treasuries and Federal Agency bonds. As with high yield corporates, interdealer trading is facilitated by IDBs but prices are not shown on IDB screens. "Investment grade" covers a spectrum of quality and the sensitivity of a bond's price to company or industry specific development tends to increase with lower credit quality. Similarly, the quality of pricing information available for investment grade bonds may be described as ranging from fairly good to fair.

Convertible bonds are not ordinarily traded in fixed income departments. Their close relationship to equity is demonstrated by the fact that both buy and sell side firms typically trade convertible securities (including convertible preferred) in their equity trading departments.

Municipal bonds also do not trade in a close relationship to Treasuries although Treasury prices are certainly very important. The municipal market has become somewhat more commoditized in recent years with more new issues carrying credit insurance. However, this market is highly fragmented—and is characterized by an extremely large number of issues and issuers with a relatively small trading volume, and is highly regionalized. This is a market in which there are few real prices in comparison to the number of different securities. As a result, many securities are difficult to value either for portfolio valuation or trading. All market participants are impacted, but unlike other market segments, retail investors represent an important part of the municipal market (roughly 30% of holdings). The nature of the municipal market is such that price discovery is necessarily difficult, but the MSRB's transparency efforts will improve the distribution of prices, and will also provide the tools that the NASD requires to assure that the municipal market is fair.

Dollar denominated foreign sovereign debt securities, particularly from emerging markets, also do not trade in a close relationship to Treasuries. There are approximately 10 major dealers in this market. Brady bonds, which were largely responsible for the development of this market, now account for less than half of its trading volume and are declining steadily in significance. Interdealer trading is facilitated by IDBs and real time quotes and transaction prices for many of these securities are provided by EDB screens to the dealer community, but are not generally available outside that group. End-of-day prices are readily available.

Electronic trading of bonds is rapidly becoming a reality, though its ultimate impact is far from clear. There are several single dealer systems in operation, most of them accessible through Bloomberg terminals, offering some form of electronic trading of Treasury securities. Some also offer Federal Agency securities and at least one offers municipal and mortgage backed securities as well. One multi-dealer system, Trade Web, is currently in operation with five sponsoring dealers. Bloomberg, which provides access to several single dealer systems, is preparing to offer a more integrated facility providing access to the quotes of all participating dealers on a single screen. Several other electronic bond trading systems are known to be under development, including at least one that will focus on high yield corporate bonds. A recent survey by the Bond Market Association. ("TBMA") shows that there is a consensus in the industry that electronic execution in some form will be common within a few years.

REMEMBERING RABBI SENDER DEUTSCH, A'H

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. NADLER. Mr. Speaker, I rise to honor the memory of Rabbi Sender Deutsch, a'h, who served, for the past four decades, as the editor and publisher of the influential Yiddish Language newspaper Der Yid, and as Vice President of the Satmar community. Reb Sender Deutsch, as he was affectionately known, was a survivor of the Holocaust and was the right hand of the previous Grand Rebbe of Satmar, Rabbi Joel Teitelbaum, z'tl, and the present Grand Rebbe, Rabbi Moses Teitelbaum, Shlita.

Reb Sender, who was 76, and who passed away on September 2, 1998, was laid to rest in the community of Kiryas Yoel, in Monroe, N.Y. He is survived by his wife, three sons, three daughters, grandchildren and great grandchildren. He will be remembered as a compassionate man, a great scholar, and an orator of exceptional skill.

As the Editor of Der Yid, Reb Sender was often considered the voice of the Satmar community, and an influential voice in the Chassidic community at large. He was the main speaker at almost all functions organized by the Satmar community worldwide, and on many occasions he traveled the world as an emissary of the Grand Rebbe and the community. He was the author of a three volume history in Yiddish of the Second World War and the tragic fate of world Jewry during that period. He also served as the vice president of the Satmar Jewish school system, United Talmudical Academy and Beth Rachel School with an enrollment of over 18,000 students, the largest Jewish school system in the United States and worldwide.

Mr. Speaker, my neighbors in Brooklyn join with the many thousands of people around the world whose lives were touched and benefitted by the life and work of Reb Sender Deutsch, in honoring his memory and his life of extraordinary accomplishment and dedication to learning. It is an example which I believe all Americans will find inspiring and beneficial.

FREEDOM TO CHOOSE A UNION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SCHAFFER. Mr. Speaker, in America, no citizen should be forced to join an organization and pay dues against their will. Amazingly, Federal law actually grants private labor unions the authority to speak and act on behalf of otherwise free Americans with respect to their jobs, their wages, the terms of their employment and their choices at the ballot box. The law also empowers unions to make political decisions and even cash political contributions to various political causes regardless of whether the worker consents.

The Colorado General Assembly has urged this Congress to repeal these unfair federal laws. A resolution sponsored by State Representative Mark Paschell, and State Senator Jim Congrove has passed both Houses of the State Legislature and as such constitutes my State's official policy on this important matter.

Mr. Speaker, I commend Representative Paschell, and Senator Congrove for their bold leadership and urge my colleagues to follow the suggestions contained in Colorado's House Joint Resolution 99–1032 which I hereby submit for the RECORD.

HOUSE JOINT RESOLUTION 99–1032

Whereas, The "National Labor Relations Act", 29 U.S.C. sec. 159(a), grants certified labor organizations the authority to represent and contractually bind all employees in a bargaining unit, including those employees who prefer not to join, financially support, or be represented by a labor organization; and

Whereas, Some union officials consider this federally granted "exclusive representation" an unfair arrangement under state legislation that bans the mandatory collection of a service or other such fee from nonunion employees; and

Whereas, The General Assembly of the state of Colorado agrees that bargaining agreements negotiated by a labor organization should cover or bind only those employees who join or financially support such labor organizations; and

Whereas, The General Assembly believes that employees who choose not to join or financially support a labor organization should not be bound by the provisions of such labor organization's collective bargaining agreement, nor should they be required to accept such labor organization as their bargaining representative; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That the General Assembly of the state of Colorado strongly urges the Congress of the United States to repeal all provisions of federal law that allow or require a labor organization to represent employees who choose not to join or financially support such labor organization. Be it

Further Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives, J. DENNIS HASTERT, Senate Majority Leader, TRENT LOTT, House Minority Leader, RICHARD GEPHARDT, Senate Minority Leader, THOMAS DASCHLE, and each member of the Colorado congressional delegation.

TRIBUTE TO RETIRING FOOTBALL COACH GIL RECTOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that after 31 years, five Missouri state championships, 10 Missouri River Valley Conference Championships, and 13 district titles, Gil Rector of Lexington, Missouri, is retiring as Lexington High School's Head Football Coach.

Coach Rector came to Lexington in 1965 as a student teacher. Upon graduation, he moved to Carrollton where he worked as an assistant coach until 1968. He returned to Lexington as head football coach during the 1968–69 school year, upon the retirement of William "Bill" Hamann. Over the years, Coach Rector has coached many young men on the fundamentals of football and how to become champions. One of the many highlights of his career was in 1980 when the Lexington Minutemen won the State Championship. Lexington High School had been denied a shot at the state title the previous year, despite an undefeated season, because of a point system which kept the team for qualifying for the State Championship. In 1980, the team continued its winning streak, going on to win a co-championship with John Burroughs High School of St. Louis, Missouri.

Coach Rector knows exactly what it takes to have a competitive program. His statistics include a 25 game winning streak from 1975–81. This accomplishment is the longest streak in the history of Lexington Football, and is still untouched by any other team in the Missouri River Valley Conference.

Mr. Speaker, Coach Rector was a winner who will be sorely missed by all who knew him at Lexington High School. I know the Members of the House will join me in paying tribute to this fine Missourian.

CONDEMNING THE NATIONAL ISLAMIC FRONT (NIF) GOVERNMENT

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75 which condemns the National Islamic Front (NIF) Government for its genocidal war in Southern Sudan, their support of terrorism and for its gross human rights violations. I want to thank the Chairman, Mr. ROYCE, and ranking member, Mr. PAYNE, of the Africa subcommittee for bringing this resolution to the attention of Congress and to the world.

Over the past fifteen years some 1.9 million people are dead because of the barbaric and inhumane treatment of the people of Southern Sudan. 1.9 million people have suffered from starvation and famine, which the National Islamic Front Government has allowed millions of people to be sold into slavery.

We, as Americans, cannot afford to turn our backs on the people of Sudan in their time of need. We cannot turn our backs on the dark reality of slavery in the 21st century. We must continue to support the Operation Lifeline Sudan (OLS) efforts in providing humanitarian relief and most importantly food to the people of southern Sudan. We must show that we are very much concerned about our brothers and sisters in Sudan as we are of our brothers and sisters in Kosovo. We must continue to do what is the morally and just thing to do. For genocide is genocide no matter where it happens. I urge my colleagues to show their compassion and support to the people of Sudan and vote "yes" on this resolution.

IN SPECIAL RECOGNITION OF REVEREND DR. CLARENCE KEATON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. TOWNS. Mr. Speaker, I rise today to recognize Reverend Dr. Clarence Keaton because of his dedication to spreading the gospel. The creation of a man of God involves a divine process. God prepares a man from birth for the work of the gospel and equips him with the necessary tools to perform the task. Once a man receives the proper preparation, God identifies that man's spiritual calling. In 1975, God called Reverend Dr. Keaton and anointed him to teach the gospel. In following the direction of God, this man became the pastor and founder of the True Worship Church Worldwide Ministries. True Worship opened on November 24, 1985 with only a few members.

In laboring to win souls, this man of God envisioned developing a ministry in an area that other individuals avoid because they fail to recognize the magnificence of God. In spite of those that doubted the power of the gospel, Reverend Dr. Keaton persevered in his efforts to reach out to young people. Today there are 1000 members of True Worship. The diligence, sincerity, and compassion of this man helped many youth develop a closer relationship with Christ. Over a period of fourteen years, the Reverend Dr. Keaton established a ministry that is the pillar for many communities.

The work of Reverend Dr. Keaton includes a staff of 21 ministers and evangelists who focus on using spiritual strength and knowledge to address social problems that plague our communities. These ministries include: a social service department, a computer training program, a beautiful children's ministry, a successful youth department, an 86 voice youth choir, a training course in sign language, a broadcast committee, an audio/video ministry, and a tape ministry.

We pray that God will continue to bless the growth of this ministry. Our communities need individuals like Reverend Dr. Keaton.

A TRIBUTE TO GEORGE D. HOLLIDAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. CRANE. Mr. Speaker, today I want to honor the accomplishments of George D. Holliday, a Specialist in International Trade and Finance at the Congressional Research Service. Dr. Holliday is retiring after 27 years at CRS and is beginning a new position at the Organization for Economic Cooperation and Development in Paris in July. Over the years, the Congress, and especially the Subcommittee on Trade of the Committee on Ways and Means, has benefited from Dr. Holliday's expertise, in-depth analyses, and timely response on a wide range of trade issues. For example, a few years ago, he assisted the Subcommittee in preparing for the WTO's Singapore Ministerial. More recently, Dr. Holliday provided invaluable assistance to the Subcommittee in preparation for a hearing on the important issue of China's accession to the WTO.

Dr. Holliday earned both a B.A. and Ph.D. from George Washington University, where his major fields of study were international economics, international affairs, and Soviet economics. In addition, he is fluent in Russian (as a linguist in the U.S. Army, he performed intelligence work in Frankfurt, Germany in the early 1960s), and reads and speaks French and German.

He began his career at CRS in 1972 as a research assistant, contributing to studies on East-West trade and the economies of the Soviet Union, Eastern Europe, and China. As a specialist in international trade and finance from 1975 to the present, Dr. Holliday coordinated and authored more than 50 CRS reports and issue briefs on a variety of trade issues, all of which reflect his strong analytical and writing skills. Early in his career, his reports focused on the U.S. Export-Import Bank and export promotion, technology transfer, and East-West trade. Recent reports covered topics such as regional and multilateral trade agreements, reauthorization of fast-track authority, and the Generalized System of Preferences. Dr. Holliday was called upon many times by Members of Congress and their staffs for briefings on these issues.

Dr. Holliday also served as head of the International Section of the Economics Division of CRS from 1979 to 1983 and again from 1989 to 1995. In this capacity, he helped to shape CRS's work on trade policy for the Congress. Dr. Holliday's supervision, guidance, and review of research projects contributed to the high quality of reports authored by other CRS analysts.

His many outside professional activities advanced the understanding of international trade. His doctoral dissertation, Technology Transfer to the USSR, 1928–1937 and 1966–1975, was published in 1979 and remains a seminal work. He contributed to a number of Congressional publications on topics such as economic reform in Eastern Europe and the economies of the former Soviet Union and Eastern Europe. He wrote a study on East-West technology transfer, which was published by the OECD in 1984. His article, The Uruguay Round's Agreement on Safeguards, was published by the Journal of World Trade in 1995. Dr. Holliday coauthored a course guide entitled International Economies for a course sponsored by the University of Maryland in 1995–96. He participated in the U.S. Congressional Task Force for Interparliamentary Cooperation in Ukraine and Romania in 1995 and 1996. Dr. Holliday spent 1998 in Moscow, where he was a trade advisor to the Government of Russia.

I want to thank Dr. Holliday for his many contributions to the Congress and wish him well in his new position at the OECD.

HONORING THE FOUNDATION FOR ETHNIC UNDERSTANDING FOR THEIR CONTRIBUTION TO ADVANCING CIVIL RIGHTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. RANGEL. Mr. Speaker, I stand today to recognize the contributions of the Foundation for Ethnic Understanding under the leadership of Rabbi Marc Schneier. The Foundation has over the last ten years worked to highlight the need for strengthening relations between Blacks and Jews. In so doing the Foundation has reminded Americans of the pain endured by our nation during the Civil Rights Movement and the ultimate success of those efforts.

Yesterday, members of Congress and leaders from both the African-American and Jewish-American communities gathered in the halls of Congress to commemorate the thirty-fifth anniversary of the Freedom Rides, during which groups of young people traveled throughout the South to challenge the harsh environment of the region at that time. Three such young people, James Chaney, Michael Schwerner and Andrew Goodman, tragically lost their lives in carrying out their selfless sacrifice.

Even as we paid tribute to these late heroes of the movement, we joined the Foundation in honoring two members of Congress, my colleagues, Congressmen BOB FILNER and JOHN LEWIS. Both of these men deserve our greatest admiration for their roles in the Freedom Rides and the civil rights movement. Since that time their commitment to insuring that justice and liberty prevail within our nation has not wavered.

Earlier this week, this body bestowed its highest award upon Ms. Rosa Parks, for her role in igniting the Civil Rights Movement, by refusing to move to the back of the bus. Mr. Speaker, it is with this same spirit of justice that Rabbi Schneier, Congressman FILNER and LEWIS, and countless others, perhaps less dramatically, but with equal success, have challenged the system of segregation. That has now given way to a better America.

"GO FOR BROKE" MONUMENT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MATSUI. Mr. Speaker, I honored to recognize the completion of the "Go for Broke" Monument today in Los Angeles, California. I ask all of my colleagues to join with me in commemorating this important unveiling.

The "Go for Broke" Monument is the first of its kind in the Mainland United States to honor the World War II heroics of Japanese American soldiers who fought bravely while their families were held in U.S. internment camps. It commemorates the 100th, 442nd, MIS, 522nd, 1399th, and 232nd battalions and serves as a permanent reminder that civil liberties belong to all Americans of all races and ethnic backgrounds.

Today, the "Go for Broke" Monument will be given to the City of Los Angeles by its builder, the 100th/442nd/MIS World War II Memorial Foundation. Nisei veterans, their children, and grandchildren from throughout the United States will gather to celebrate the "Go for Broke" Monument.

This is a special moment for all Americans, but especially those of Japanese descent, to pay tribute to the brave soldiers who defended democracy while their own families were being denied the most basic civil liberties back home. I applaud the foundation's mission to educate our nation about the selfless achievements of these brave Nisei veterans.

I am honored to join with Senator DANIEL INOUYE, Secretary of the Army Louis Caldera, and a host of other distinguished guests and veterans in marking this great occasion. The legacy of the Japanese American soldiers who fought in World War II, and the values that they represent, must never be forgotten.

In addition to building the monument, the non-profit 100th/442nd/MIS World War II Memorial Foundation, in partnership with the Japanese American Citizens League and the Japanese American National Museum, has secured grant funding to develop an important educational program on constitutional issues and civil rights. I salute these efforts to educate all Americans about our nation's bedrock principles.

Too few of our nation's young people are aware of the heroics of the 100th/442nd/MIS during World War II. This monument will attract students, foreign visitors, and many others to the story of the Japanese Americans who fought during World War II. All of my colleagues can share in my pride knowing that this chapter of our national history will not be told more often to more of our citizens.

Mr. Speaker, as the "Go for Broke" Monument is unveiled in Los Angeles, I am extremely honored to recognize all of the Nisei veterans present for their steadfast patriotism and commitment to our country. I ask all of my colleagues to join me in saluting them and commemorating the unveiling of this marvelous monument.

THE VISIT OF THE PRESIDENT OF HUNGARY TO THE UNITED STATES—TOASTS AT THE STATE DINNER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. LANTOS. Mr. Speaker, just a few days ago, the President of Hungary, His Excellency Arpad Goncz, paid an official visit to the United States.

President Goncz stands with Vaclav Havel, President of the Czech Republic, as one of the pivotal leaders of post-Communist Central Europe—a man of integrity, a man of character who has provided a moral anchor as Hungary has sought to find its way in establishing a democratic society and a free market economy.

Arpad Goncz graduated with a Doctor of Law degree in 1944. After the liberation of Hungary, he was active in non-Communist political groups. When the Communist Party came to power in Hungary, he was forced to earn his living as a welder and pipe fitter and later as an agricultural engineer. He supported the Hungarian Revolution of 1956, and in 1957 he was tried and sentenced to life imprisonment for his efforts in the attempt to overthrow the communist regime. His time in prison was well-spent, because that is where he learned English.

After serving 6 years in prison, Arpad Goncz was released under terms of a general amnesty. He then began a career as a literary translator and free-lance writer. He translated the works of more than a hundred writers, mostly American and English authors including James Baldwin, E.L. Doctorow, William Faulkner, William Golding, Ernest Hemingway, William Styron, Susan Sontag, John Updike, Edith Wharton, President Goncz is also a playwright and novelist in his own right.

When Hungary moved from a communist to a democratic government, Arpad Goncz was elected a member of the democratically elected parliament in the spring of 1990. He was chosen Speaker of Parliament on May 2, 1990, and in this position served as Interim President of the Repubic of Hungary. On August 3, 1993, Arpad Goncz was elected President of the Republic of Hungary, and on June 19, 1995, he was reelected to a five-year term as President.

Mr. Speaker, as a moral influence and a voice of integrity, President Arpad Goncz has been a pivotal figure in the democratic transformation of Hungary. It is most appropriate that he was highly honored during his recent visit to the United States.

Mr. Speaker, I submit the speech at the State Dinner honoring President Goncz by President Clinton and the response of President Goncz to be placed in the RECORD.

TOAST OF PRESIDENT CLINTON

The President of the United States: Ladies and gentlemen, welcome to the White House.

And a special welcome to President and Mrs. Goncz and members of the Hungarian delegation.

Exactly 150 years ago, in 1849, a young congressman from Illinois, serving his first and only term in the U.S. House of Representatives, offered a resolution supporting the Hungarian people's struggle for independence and democracy. At that time, the leader of the Hungarian freedom movement, of course, was Lajos Kossuth. The congressman was Abraham Lincoln. The bonds between our citizens, based not only on the large number of distinguished Hungarian Americans in our country, but also on our shared aspirations for freedom and democracy, have very deep roots.

I would like to say a special word of thanks to Congressman Tom and Annette Lantos, and others who have helped them, because they are responsible for the fact that a bust of Kossuth now stands in the Rotunda of our Capitol.

Ralph Waldo Emerson called him "the angel of freedom." He was only the second non-American—Lafayette being the first—to address both Houses of Congress. Crowds greeted him wherever he went. He was a true American hero.

Mr. President, like Kossuth, you taught yourself English while you were in prison—at a time when you had just escaped a death sentence and faced a life term, because you stood for liberty. Later, you translated the works of many great writers: Edith Wharton, Thomas Wolfe, William Faulkner, Ernest Hemingway, Arthur Miller, James Baldwin, John Updike, Alice Walker. And at least two I think are here tonight—William Styron and Susan Sontag. These translations offered Hungarians a window on the West and earned you many admirers at home. This work is just one part, but it is a vital part, of your contribution to ending the division of Europe.

I even noted in preparing for this evening that you translated into Hungarian President Bush's 1988 campaign biography, "Looking Forward." Now by the time Al Gore and I published our book, "Putting People First," in 1992, you were already President of Hungary and, unfortunately, too busy to translate this profoundly important work. At least I choose to believe that is the reason you did not choose to translate it.

In this decade your own works have been translated and published in English, your plays performed in the United States. They are a brave set of explorations of political conflict and war, freedom and betrayal, the struggle for daily survival and dignity in the face of adversity. Americans have absorbed these works as we have watched you lead your nation, deepening freedom there, and promoting human rights and ethnic tolerance around the world, and especially in your own region.

The only Hungarian head of state to make an official visit to Romania in this century, you told the joint session of Parliament there that ethnic minorities enrich their nations and "form a valuable connective link in strengthening relations" between nations.

Your vision of people living together and nations living together, resolving differences peacefully, drawing strength from their diversity, treating all people with equal dignity—this will form the basis of a better future for Europe and the world. It is at the heart of what we have been trying to do in our efforts to reverse ethnic cleansing in Kosovo, and to build a Southeastern Europe in which all people can live together in dignity and freedom.

Now, Mr. President, normally when I propose a toast to a visiting head of state, I say something like, "cheers." I have been advised by the State Department that the Hungarian word for "cheers" is—and I want to quote from the memo I got—"practically impossible to pronounce correctly." I have accepted their considered judgment. So, instead, I would like to salute you and Mrs. Goncz with the words that greeted Kossuth on streamers all across New York City on the day he arrived in America—Isten Hozta. "Welcome."

I ask all of you to join me in a toast to President and Mrs. Goncz, and to the people of Hungary. Thank you very much.

TOAST OF PRESIDENT GONCZ

The President of Hungary: Mr. President, Mrs. Clinton, dear friends. Back home in my own country I have the privilege of speaking in my own native language. It would be becoming to speak English here, but there is one thing I learned when I was a writer—that lesson I learned, that if you cannot express yourself in an adequate way in that language, then you'd rather not deliver speeches in that language.

I do apologize for not speaking English, because eventually I might end up as Kossuth did when he was here. As it was mentioned, he learned English also in prison, as I did. And he had excellent rhetoric abilities. And after one of the enlightening speeches he made here in America, two listeners started to whisper between each other, "I never thought that English was so close to Hungarian."

Now, this time, I would like to spare you that experience. My friend speaks better English than I do.

Mr. President mentioned something about my past as a translator. I learned English in the prison through the works of Kennedy. First, I translated the speeches of Kennedy. This was something like lawful—translated for the higher authorities in the party. It was strictly confidential. I am terribly sorry that President Kennedy never had the chance to see himself how authentic the Hungarian translation was.

But I'd like to come back on the events of today. Officially, I was in the White House in an official capacity in April 1993. At that time I met the President, and there were some other heads of state also here. And then when I looked around, I had the wind of youthfulness, optimism, and an air of determination. Today, I experienced the same: a determined leadership that decides the fate of the world; responsibility and profound humanity.

We have had long discussions today. It is a God-given gift that my visit that had been prepared for months was realized today—all of these days going to be decisive. This is a crucial day when the Kosovo crisis is raising its beak and it's going to come to completion.

We have had a long discussion with Mr. President, not only the two of us. But if I were to characterize the meeting, I would say that it was not negotiations, diplomatic negotiations, but thinking together. And this was the first time I really felt, genuinely, that the two countries are allies, and a real alliance is characterized by identical values and also that you approach the problems to be solved from the same angle.

Even during the air campaign we tried to find the man, a human being in that. And we fully agreed that the peace of Europe is unthinkable without the peace in the Balkans. And without the understanding and the cooperation of the people in the Balkans, it is inconceivable to have peace in that region.

The discussions we have had today will have a very significant imprint not only because of the political implications, but also because I made a great acquaintance of a genuine, real man.

During my presidency we have met about four or five times, but we never had a chance before to think together about the course of the world. We did that today. And we also found that it is the human being that is the common denominator: the man in Kosovo, the Serbian man; let me tell you, also the Hungarian man, who has got responsibility for the Serbs, as well, after having lived together with them for hundreds and hundreds of years.

And if one day the Democratic leadership in Serbia is created, we Hungarians are ready to share our experience in building democracy with the Serbian people, with the Serbian leadership. And we are prepared to do what we have done with other neighboring countries already. We are going to tell them not only what we have done correctly and well, what we are going to tell them where we made a mistake, where we made an error, because it's a matter of course that sometimes one makes mistakes. But if through good advice you can avoid at least one mistake, then it was worth it.

We are prepared to extend a helping hand to a democratic Serbian government, to the Serbian people, because we know what bombing means from our own experience. We know what has to be restored—bridges, oil refineries, infrastructure, but primarily and foremost, the belief of the people in the future—the faith in humanity, belief in the willingness of the people to help each other.

And if we manage to help all the wounds that were acquired during the war since 1992, and we manage to resolve all the hatred, which may take even two generations, then we have to give them help and assistance to make the first first.

It was a gratifying and a good feeling to me to have understanding between the two sides. Because you can feed in information about the amount of bombs you want to drop; you can feed in costs; but there is one thing you cannot feed in, in a computer—the past of a nation, the mentality of the people, the moral feelings, eventual solidarity or hostility. I can see that the American leadership is ready to consider that, as well, after the success of the air campaign and, perhaps, even more so, afterwards.

The serious negotiations we have had here in Washington, D.C., I will take that home with me as one of the greatest experiences in my life. First, because I was really convinced that it is possible for a big country and a small country to become real allies on the basis of equality. And I do hope, Mr. President, you're not going to misunderstand me if I say, I am taking with me the experience of a new friendship, as well, with me.

Perhaps I cannot say anymore than that. If you want, I can tell you all the political slogans that you know by heart here, but I suppose these few things are a lot more worthy. For the Hungarians, for the Serbs, for the Kosovars, for the whole of Central Europe, I do hope, out of the bottom of my heart, that all the generals of NATO—and perhaps it will all help us to understand the events and developments of our days.

Once again, I apologize for speaking in Hungarian, but I suppose it was better to tell that in Hungarian than mumbling it in English. Thank you for listening to me.

HONORING THE SPECIAL GRADUATES OF THE JOHN D. WELLS JUNIOR HIGH SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following Academic Achievement Award Recipients: Lizandro Gonzalez and Aris Rodriguez.

WOMEN IN CONSERVATIVE POLITICS

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mrs. KELLY. Mrs. Speaker, I insert the attached speech for the RECORD. This speech was given by Fanny Palli-Petralia, a member of Greece's Parliament at a conference that was held in Washington, D.C., in March of this year, hosted by the International Women's Democratic Union. I found it to be quite insightful and would recommend it to my colleagues.

[At the Conference of IWDU, Washington, Mar. 3-5, 1999]

ADDRESS BY THE HONORABLE FANNY PALLI-PETRALIA

First, I would like to express my deep appreciation to the organizers of the conference for the invitation to participate and address this gathering. I consider it a privilege and a unique opportunity to share with leaders from all over the world my perspectives on the role of women contemporary politics and the problems they face in Europe and especially my own country. I am referring of course, to women belonging to the conservative, or as I prefer to state, Center and Center-Right ideological spectrum.

However, before I discuss specific problems I believe it is necessary for us to define or redefine certain concepts and to reflect on the following question: what defines conservative politics in our time. I believe a new definition of conservatism is essential, given the fact that the central criterion used to distinguish between Right and Left ideology i.e.—i.e. economic philosophy—is no longer valid. As we all know, belief in a free market economy, espoused by conservative thinkers has been coopted with unrestrained enthusiasm by old and new liberals. Whether we are talking about Great Britain, Germany or the United States, we see Social Democrats, Liberals and their American equivalent, the Democratic Party, endorsing and applying Milton Freedman's doctrine of free markets with the zeal usually displayed by late converts to a cause. No wonder that we now see big business, traditionally viewed as allies of conservative parties, moving to the socialist corner of the political arena. I have only one explanation for this phenomenon: either big business cannot see the difference between the two philosophies, which I doubt, or the dividing lines between ideological camps have been blurred beyond recognition. In either case, now that our economic philosophy has caused global mass conversion among the liberal ranks, there is a need to differentiate our agenda by other criteria.

Now that liberal and the left-wing politicians have embraced free market over socialist planning, we have to ask what is next in our philosophical agenda in an era that often seems as being in a-moral drift? The answer, in my opinion, is obvious: though the economic philosophy of conservatism has triumphed, a cultural war is under way globally and whether we want it or not, we must be concerned and respond. Far too many of the core values that served as the glue to keep society in harmony have been trashed and a climate of moral relativism permeates the industrial world. We are witnesses to a troubling trend since the collapsed of the Communist bloc: traditions, family, history, religion, culture are under assault by "feel good crowd." These are the values that have and ought to distinguish the Center-Right political parties: we cherish them while the Liberal left makes them optional.

The question is what is the role of women in the field of culture? At the risk of sounding immodest, let me state at the outset that women have always been in the forefront of cultural battles and helped shape the core values of free societies. More precisely, women have been persistent defenders of human rights and effectively linked rights, values, economics and politics and in the process, redefined the latter for the better. However it is also true that, by and large, the contributions of women in the political life of nations and the affirmation of social and political values have been achieved through men. The old cliche "next to a great man stands a greater woman," still rings true. But our concern today is not what Aspasia or Theodora, Eleanor Roosevelt, or Hillary Clinton have done behind the scenes. The question is what happens in the public domain—and here is where a convergence of view emerges among women of all political percussions.

II

It is obvious that inequalities between men and women persist and opportunities for women are limited by artificial barriers in all societies, including the United States where the struggle for equality started, at end of the 19th century.

As conservative women and political leaders in our own right, we can not ignore gender disparities in public life; neither can we ignore the fact that traditions and values, prevalent for generations, do play a role in defining our place in contemporary society. Because women have played a central role in defining core values, they must now assume a similar role in defining a political system that assures the promotion of the most central of all values—equality without qualifications.

I am cognizant of the fact that social trends take time to be set in motion and even more time to be reversed. We cannot ignore the role of history and special conditions that have played a role in determining a woman's place in society. In Southern Europe, for example, cultural factors, religion and social attitudes made change a slow and arduous process when compared to northern European societies. For example, the right to vote in my country, Greece, was granted to women in 1952 and full equality in all walks of life was constitutionally guaranteed in 1974.

III

The equal rights movement in Europe, in which women from all political persuasions participated, was fought not only to secure basic political and individual rights but also equal opportunities in education, the work place, equal compensation for comparable work and, above all, equal participation in decision-making structures. No doubt after many false starts and strenuous efforts, progress has been made, albeit slowly, in all fields. The latest achievement that I can briefly mention is the incorporation of an equality clause of the Amsterdam Treaty entered upon by members of the European Union and which, I am proud to say, was ratified only days ago by the Greek parliament. This Treaty makes equality of genders in the European Union a legal, social and political reality. As the Treaty States (article 2) states, "equality between women and men is now part of the mission of the European Union." Yet, in spite of all progress, we are far from the final goal of complete equality between men and women. As far as laws, rules and regulations are concerned, we are fully equal! In practice, matters are quite different. It is hardly a "militant stance" to note that:

In almost every country the working woman continues to maintain two careers, home and the work place without compensation and often without moral recognition.

Women' unemployment, at least in Europe, is double that of men and concerns younger, female university graduates.

The presence of women in Cabinet level positions is poor and symbolic rather than substantive.

These facts suggest that equality between the sexes remains an elusive goal. And I do not believe this goal will be reached unless all human beings are given the opportunity to make their contributions through full participation at all levels of government and wherever economic, political and social issues are decided.

Conservative women know where inequality exists and have the solutions to the problem. It is to be found in the gross under representation of women in all public institutions. Thus, while the women make up 51% of the global population, the world average of women in parliaments, for example, is 12.3%. In the European Parliament itself, out of a total of 626 members only 173, or 27.6% are women, while the average the national assemblies of member states of the EU is only 21.4%. The gap between countries is even greater. Under representation is higher in the southern countries, while the northern ones have made remarkable strides in the past three decades. In Sweden, for example, women make up 40.4% of the Parliament, in Denmark 30.3% and in Germany 25.7%. The picture changes dramatically as we look south. Greece, with an electorate of 52% women has only 6% women members in the current parliament.

The situation is similar for participation in high government positions: Sweden, again has a cabinet divided equally among men and women: 39% of cabinet posts in Finland and 35% in Denmark are held by women. In Greece, in a fifty member cabinet, only three posts are occupied by women.

These figures show that there is a deficit in the democratic game of politics and a surplus of explanations of its causes.

Some have argued that culture has been the culprit that discourages women from pursuing public office. There is some truth to this and similar arguments as well as to the argument that the system itself has something to do with it. It is a system built by men and its rules and regulations reflect its origins. As designed, the political system is more like a "hunting adventure" rather than a family game. Power, not sensibility or efficiency seem to be its main characteristic. Of course, all women that take part in the existing political game, must learn the man-made rules and how to use them to their advantage. In short, they must learn to "hunt" or risk becoming spectators of someone else's game. We have come too far and have too much at stake to accept such a fate.

Finally, let me conclude with some tentative answers to the question what can be done? Well, as I stated at the beginning there is a general need to redefine the identity, the goals and methods of Center and Center-Right political parties. And there is a greater need to reassess women's roles in the cultural field so as to become full participants in the ongoing debate about values. I believe ultimately it will be the outcome of what some people call the "cultural wars" that will shape global political and by extension, economic agendas. Though I am not a proponent of a "women" made political system I, nevertheless, believe that women can restructure, sensitize and adapt the existing one with a view of making it fully democratic. This can be achieved, with emphasis on full participation in all level of government and full use of women's imagination, sensitivity, efficiency and intellect to improve the human condition.

Unless women work for the day when they can place their own seal on the political system, the Margaret Thatchers and Madeleine Albrights, will be looked upon as an alibi for the maintenance of the status quo.

TRIBUTE TO CHARLES ABBOTT

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. KUYKENDALL. Mr. Speaker, my district recently lost one of its most committed residents, Charles H. Abbott, Jr. I rise today to honor his memory and to acknowledge the legacy that he leaves behind for Rancho Palos Verdes.

When I received the news about Charley's untimely passing, my immediate reaction was one of pure disbelief. Charley had been my friend for 15 years. As I entered the political arena, Charley became a trusted advisor; I sought out his judgment and wisdom because he knew, better than most, the problems and issues facing the community. Importantly, he had suggestions to improve all of our lives. His unexpected death hits close to home because he was one of the most active, vital people I knew. His death causes me to reflect on my own mortality.

I attach a memorial that appeared in one of the local papers about Charley. It eloquently summarizes Charley's life and contributions. Charley's legacy lives on through the dedicated service to the public demonstrated by his family, his sons in particular. He touched the lives of many children in the community, through his years of athletic coaching, leaving a little piece of himself with each one of his athletes. Charley had an active charity agenda, and like his athletes, each charity on which he served is a better, stronger organization for his dedicated service. As a civil engineer, Charley certainly left his enduring presence on the city of Rancho Palos Verdes where he served in numerous professional capacities.

I celebrate my friend Charley and will miss him. I offer my support and deepest sympathies to his family. To each and every one of my constituents, I challenge them to follow Charley's practice of caring enough about the community to get involved.

REMEMBERING CHARLEY

By Mary Jane Schoenheider

I, like many of you, have lost a good friend. Charles Abbott, known to all of us as Charley, was called to his Maker on Monday evening, April 26 while he was working out on his treadmill before retiring for the night. He had spent a good part of that day doing what he most enjoyed; playing golf. This day, like many before was for charity. This just happened to be the Rolling Hills Covenant Church Golf Tournament, but it could have been one of many he participated in throughout the years.

Charley loved his work as a civil engineer, he loved his family, he loved his community and he loved life. He gave back over and over again to countless causes with both his time and talents. Everyone always knew you could count on Charlie, be it as a coach for his two sons' baseball and soccer teams in their early years on the Peninsula, or for the past two years participating in his Rotary Club's service project as a volunteer tutor for the kids in Harbor Hills 4H after school program. His energy and involvement seemed to be endless.

My closest association with Charley and his wife Sue came in the past three years as we shared the experience as host parents for Rotary Exchange students.

With both of their boys away at college, Charley and Sue became Dad and Mom to three young women, Malina from Denmark, and Malen and Linda both from Sweden. All three of theses girls touched Charley's heart and became his "adopted" daughters for life.

The Thursday evening prior to his passing, Charley presided as President at the Community Association of the Peninsula (CAP) Annual Meeting. Many of us were there listening to the light West Virginia drawl, and wit that was uniquely Charley's.

It is never fair when someone like Charley is taken in the prime of his life at 58. He and Sue were looking forward to a trip to Denmark and Sweden, his son Charlie's wedding this summer and to retirement in a couple of years to the home they recently built at La Quinta. We who are left to carry on will do so in memory of a man who gave so much of himself to his community, and loved doing it. You're a Good Man, Charley Abbott.

Funeral services were held at Peninsula Baptist Church on April 30 with interment at Green Hills Memorial Park. Charley is survived by his wife Susan, a teacher at Peninsula High School, his two sons, Charlie and Mark, his father Charles Abbott Sr. and two brothers. Donations in memory of Charley may be made to Harbor Hills 4H Community Center c/o Palos Verdes Peninsula Rotary Club, P.O. Box 296, Palos Verdes Estates, CA 90274 or to Hospice Foundation, 2601 Airport Drive, Suite 110B, Torrance, CA 90505.

INDIA IS USING CHEMICAL WEAPONS IN KASHMIR; U.S. SHOULD STOP ITS PRO-INDIA TILT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. TOWNS. Mr. Speaker, I was disturbed to find out that India has been using chemical weapons in its war against the freedom fighters of Kashmir. Reuters, CNN, the BBC, the Associated Press, and others have all reported that India fired chemical weapons shells into Pakistan. Remember that India's nuclear tests last year started the nuclear arms race in South Asia, which is very destabilizing to our ally Pakistan, to India, the subcontinent, and the world.

In recent days, there have been news reports of a mass exodus from border villages in Punjab, the homeland of the Sikhs. According to at least one report, 70 percent of the population of these villages has fled. These Sikhs are apparently afraid that India's war on the freedom fighters will spread to Punjab. There are good reasons to believe this. India sent a new deployment of troops to Punjab, Khalistan. These troops are on top of the half-million troops who were already stationed in Punjab to suppress the Sikh freedom movement.

Mr. Speaker, this situation is entirely India's responsibility. India that started the conflict in Kargil to wipe out the freedom movement in Kashmir and scare the other freedom movements into submitting to Indian rule. India introduced nuclear weapons to South Asia last year and introduced chemical weapons into this conflict. These are weapons of mass destruction, Mr. Speaker. Indian has brought these weapons of mass destruction to South Asia. Why do we still give aid from American tax dollars to India?

Recently an Indian colonel admitted that Indian soldiers are "dying like dogs." India is losing this war in Kargil, while it loudly proclaims victory. As India's desperation increases, the situations gets more dangerous. It is feared that India will use its new deployment in Punjab, Khalistan to invade Pakistan in an attempt to cut off the Kashmiris' supply lines.

Mr. Speaker, we all salute the President for his attempt to keep the fighting from escalating, but there seems to be a pro-India tilt to our effort and to our policy in the region. Yet India denies self-determination and other basic human rights to the Kashmiris, the Sikhs of Khalistan, the Christians of Nagaland, and the other occupied nations of South Asia. When basic human rights are denied, we have an obligation to help people reclaim their rights. We should be working for peace, freedom, and self-determination. We should not be aligned with India, which remains one of the world's worst human-rights violators.

Let this Congress do whatever we can to support democracy, self-determination, peace, and stability in the subcontinent. We should impose sanctions on India, cut off American aid to India, and pass a resolution stating our support for a free and fair plebiscite under international supervision in Punjab, Khalistan, in Kashmir, in Nagaland, and everywhere else that the people seek their freedom. I am proud to have co-sponsored such a resolution in the last Congress. This is the right time to take these measures when they will have the greatest effect. Let us take these measures to support freedom.

Mr. Speaker, I would like to insert the Council of Khalistan's press release on India's chemical weapons use into the RECORD.

INDIA USING CHEMICAL WEAPONS IN ITS WAR AGAINST KASHMIRI FREEDOM FIGHTERS; NOW IS THE TIME TO FREE KHALISTAN

WASHINGTON, DC, June 14—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned India for using chemical weapons in its war against the Kashmiri freedom fighters at Kargil. Reuters, BBC, CNN, Associated Press, and other news sources have reported that India fired chemical weapons shells into Pakistan. The Pakistani Foreign Minister said that his country had found Indian chemical shells that were fired across the border.

Dr. Aulakh condemned "this irresponsible and dangerous action. India is using these weapons despite being a signatory to the Chemical Weapons Convention," he noted. "So far these weapons have only caused skin irritations, shortness of breath, and other minor health problems," he said, "but the potential dangers are frightening."

"Remember that India started this war to suppress the Kashmiri freedom movement," Dr. Aulakh said. He took note of an India Today report that the war is costing India 15 core (150 million) rupees each day. "Apparently, no amount of blood or money is too great for the Indian government," he said.

"America took action against Iraq for using chemical weapons in its war against Kuwait," he pointed out. "Why does America continue to support India with aid and trade?," he asked. "The United Nations should impose strong sanctions on India for this brutal act," he added.

"The news that India is using chemical weapons is very disturbing, not only to the people of Kashmir but to the people of Punjab, Khalistan," he said. "India, the country which started the nuclear arms race in South Asia, is now using weapons of mass destruction," he said. According to Kashmiri leaders, India also used chemical weapons against them in 1994.

"This terrorist act shows India's desperation to keep its artificial borders intact," Dr. Aulakh said. "India is losing this war," he said. "One Indian Army colonel admitted that Indian troops are 'dying like dogs.' I call on Sikh soldiers not to fire on Kashmiri freedom fighters," he said. "I urge Sikh soldiers to join the Sikh freedom movement and liberate Khalistan."

"I cannot help but think that these attacks are related to the massive evacuations of 37 villages along the border in Punjab," he said. "It is not the Pakistanis the villagers are afraid of," he said, "it is expansion of India's terrorist war into Punjab, Khalistan."

"In war, people get killed, and that is unfortunate," Dr. Aulakh said. "Countries that are moral and democratic do not deliberately kill civilians," he said. The Indian government has murdered over 250,000 Sikhs since 1984. India has also murdered over 200,000 Christians in Nagaland since 1947, more than 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Dalits ("black untouchables"), Tamils, and others.

"Freedom struggles don't go away," he said. "Just as India cannot suppress Kashmir's freedom struggle with weapons of mass destruction, the freedom struggle in Khalistan will go on until Khalistan is free," he said. "Now is the moment for the Sikh Nation to liberate Khalistan with the help of the Sikh soldiers. It is time to rebel. Khalsa Bagi Yan Badshah."

COMMENCEMENT ADDRESS OF GEORGE SOROS AT THE PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. LANTOS. Mr. Speaker, this is the season of commencement speeches. Many of them deserve the oblivion that most of them receive. There are a few, however, that are particularly worthy of note. One outstanding exception was the commencement address given by my friend George Soros at the Paul H. Nitze School of Advanced International Studies of Johns Hopkins University on May 27th of this year.

Mr. Soros has used this commencement address as an opportunity to give us his thoughtful and incisive reflections on the current conflict in Kosova and the broader significance of that conflict for the international system as the world enters the 21st century. It is ironic that the end of the Cold War has brought about a significant reduction in the threat of major confrontation involving the United States directly, but at the same time we have seen an increase in the violence of regional ethnic and religious conflicts, such as that in Kosova. George Soros has given considerable critical thought to the role of the United States in the post-Cold War era, and his thoughts are useful for all of us here in the Congress who must grapple with the question of the appropriate international role for the United States.

A successful international financier and investment advisor, George Soros is a major philanthropist with a focus on encouraging the development of the infrastructure and culture necessary for democratic societies. He established the Open Society Foundation which operates a number of foundations throughout Central and Eastern Europe, South Africa, and the United States. These foundations are helping to build the infrastructure and institutions of a free and open and democratic society through supporting a variety of educational, cultural and economic restructuring activities. A native of Budapest, Hungary, and a current citizen of the United States, Mr. Soros brings a personal insight to the problems of Southeastern Europe and the world.

Mr. Speaker, I submit George Soros' commencement address to be placed in the RECORD, and I invite my colleagues to give it thoughtful attention.

PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

COMMENCEMENT SPEECH DELIVERED BY GEORGE SOROS, MAY 27, 1999

A commencement speech is meant to be inspirational and I am not sure whether I can deliver such a speech because I am stunned and devastated by what is happening in Kosovo. I am deeply involved in that part of the world and what is happening there has raised in my mind a lot of questions to which, frankly speaking, I don't have the answers. I feel obliged to reconsider some of my own most cherished preconceptions.

I am a believer in what I call an open society which is basically a broader and more universal concept of democracy. Open society is based on the recognition that nobody has access to the ultimate truth; perfection is unattainable and therefore we must be satisfied with the next best thing: a society that holds itself open to improvement. An open society allows people with different views, identities and interests to live together in peace. An open society transcends boundaries; it allows intervention in the internal affairs of sovereign states because people living in an oppressive regime often cannot defend themselves against oppression without outside intervention but the intervention must be confined to supporting the people living in a country to attain their legitimate aspirations, not to impose a particular ideology or to subjugate one state to the interests of another. These are the principles I have put into practice through my network of open society foundations.

Judging by these principles, I have no doubt that Milosevic infringed the rights of the Albanian population in Kosovo. Nor do I have any doubts that the situation required outside intervention. The case for intervention is clearer in Kosovo than in most other situations of ethnic conflict because Milosevic unilaterally deprived the inhabitants of Kosovo of the autonomy that they had already enjoyed. He also broke an international agreement into which he entered in October of last year. My doubts center on the ways in which international pressure can be successfully applied.

I am more aware than most people that actions have unintended consequences. Nevertheless I'm distressed by the consequences of our intervention. We have accomplished exactly the opposite of what we intended. We have accelerated the ethnic cleansing we sought to interdict. We have helped to consolidate in power the Milosevic regime and we have helped to create instability in the neighboring countries of Montenegro, Macedonia and Albania, not to mention the broader international implications such as our relationship with China.

It is obvious that something has gone woefully wrong and we find ourselves in an awful quandary. I am not going to discuss how we got there and how we can extricate ourselves. I want to discuss the principle of intervening in the internal affairs of a sovereign state in order to protect its people.

Because that is what we are doing and it is not working. It is easy to find fault with the way we have gone about it, but the problem that preoccupies me goes deeper. In the case of Yugoslavia we have intervened in different ways. In Bosnia we tried it with the United Nations and it didn't work. That is why in Kosovo we tried it without the United Nations and that didn't work either. We also tried it by applying economic sanctions but that too had adverse consequences. The sanctions could be broken with the help of the ruling regimes by shady businessmen who in turn became an important source of support for the ruling regimes not only in Yugoslavia but also in the neighboring countries. In short, nothing worked. And we have a similar record in Africa.

The question I have to ask myself: is it possible, is it appropriate to intervene in the internal affairs of a state in the name of some general principle like human rights or open society? I did not want to consider such a question and I certainly don't want to accept no for an answer. It would be the end of the aspiration to an open society. In the absence of outside intervention oppressive regimes could perpetrate untold atrocities. Moreover, internal conflicts could easily broaden into international hostilities. In our increasingly interdependent world, there are certain kinds of behavior by sovereign states—aggression, terrorism, ethnic cleansing—that cannot be tolerated by the international community. At the same time we must recognize that the current approach does not work. We must find some better way. This will require a profound rethinking and reorganization of the way we conduct international relations.

As things are now, international relations involve relations between states. How a state treats its own citizens involves relations within the state. The two relations are largely independent of each other because the states enjoy sovereignty over their territory and their inhabitants. Sovereignty is an outdated concept but it prevails. It derives from the time when kings wielded power over their subjects but in the French Revolution when the people of France overthrew their king they assumed his sovereignty. That was the birth of the modern state. Since then, there has been a gradual recognition that states must also be subject to the rule of law but international law has been slow to develop and it does not have any teeth. We have the United Nations but the UN does not work well because it is an association of states and states are guided by their interests not by universal principles, and we have the Declaration of Universal Human Rights.

The principles which ought to govern the behavior of states towards their own citizens have been reasonably well-established. What is missing is an authority to enforce those principles—an authority that transcends the sovereign state. Since the sovereignty of the modern state is derived from the people, the authority that transcends the sovereign state must be derived from the people of the world. As long as we live in a world of sovereign states, the people need to exercise their authority through the states to which they belong, particularly where military action is concerned. Democratic states are supposed to carry out the will of the people. So in the ultimate analysis the development and enforcement of international law depends on the will of the people who live in democratic countries.

And that is where the problem lies. People who live in democratic countries do not necessarily believe in democracy as an universal principle. They tend to be guided by self-interest, not by universal principles. They may be willing to defend democracy in their own country because they consider it to be in their own self-interest but few people care sufficiently about democracy as an abstract idea to defend it in other countries, especially when the idea is so far removed from the reality. Yet people do have some concerns that go beyond self-interest. They are aroused by pictures of atrocities. How could these concerns be mobilized to prevent the atrocities? That is the question that preoccupies me.

I have attended a number of discussions about Kosovo and I was shocked to discover how vague and confused people, well-informed people, are about the reasons for our involvement. They speak of humanitarian reasons and human rights almost interchangeably. Yet the two are quite different. Human rights are political rights. When they re violated, it may lead to a humanitarian disaster, pictures on CNN that arouse people's emotions but by then it is too late. The damage is done and the intervention is often counterproductive. The humanitarian disaster could have been prevented only by protecting the political rights of the people. But to achieve this, people must take an interest in the principles of open society. Prevention cannot start early enough. To be successful it must be guided by a set of clear objectives. That is what the concept of open society can provide.

Suppose that the people subscribed to the principles of an open society; how could those principles be translated into effective institutions? It would require the cooperation of democratic states. We need an authority that transcends the sovereignty of states. We have such an authority in the form of the United Nations, but the UN is not guided by the principles of open society. It is an association of states, some of which are democratic, others not, each of which is guided by its national interests. We have an association of democratic states, NATO, which did intervene in defense of democratic values, but it is a military alliance incapable of preventive action. By the time it intervenes it is too late and we have seen that its intervention can be counterproductive. It needs to be complemented by a political alliance dedicated to the promotion of open society and capable of acting both within the UN and outside it.

Such an alliance would work more by providing rewards for good behavior than punishment for bad behavior. Belonging to the alliance or meeting its standards should be a rewarding experience. This would encourage voluntary compliance and defer any problems connected with the infringement of national sovereignty. The first degree of punishment would be exclusion; only if it fails need other measures be considered. The greatest rewards would be access to markets, access to finance, better treatment by the international financial institutions and, where appropriate, association with the European Union. There are a thousand little ways that diplomatic pressure can be applied; the important thing is to be clear about the objectives. I am sure that the abolition of Kosovo's autonomy in 1989 could have been reversed if the international community had been determined enough about it. In Latvia, international pressure had led to a reform of the naturalization law which could have caused conflict in Russia. In Croatia, the international community did not do enough to assure the existence of independent media. Nor is it sufficiently aroused by proposals in various Central Asian republics to introduce lifetime presidencies. We shall not be able to get rid of Milosevic by bombing but if, after the war, there is a grand plan for the reconstruction of South East Europe involving a customs union and virtual membership in the EU for those countries which are not ruled by an indicted war criminal, I am sure that the Serbs would soon get rid of Milosevic in order to qualify.

A political alliance dedicated to the promotion of open society might even be able to change the way the UN functions, especially if it had a much broader membership than NATO exactly because it can act either within or without the UN. NATO could still serve as its military arm.

Ironically, it is the US that stands in the way of such a political alliance. We are caught in a trap of our own making. We used to be one of the two superpowers and the leaders of the free world. We are now the sole remaining superpower and we would like to think of ourselves as the leaders of the free world. But that is where we fail, because we fail to observe one of the basic principles of the open society. Nobody has a monopoly of the truth, yet we act as if we did. We are willing to violate the sovereignty of other states in the name of universal principles but we are unwilling to accept any infringement of our town sovereignty. We are willing to drop bombs on others from high altitudes but we are reluctant to expose our own men to risk. We refuse to submit ourselves to any kind of international governance. We were one of seven countries which refused to subscribe to the International Criminal Court; the others were China, Iraq, Israel, Libya, Qatar, and Yemen. We do not even pay our dues to the United Nations. This kind of behavior does not lend much legitimacy to our claim to be the leaders of the free world.

To reclaim that role, we must radically alter our attitude to international cooperation. We cannot and should not be the policemen of the world; but the world needs a policeman. Therefore we must cooperate with like minded countries and abide by the rules that we seek to impose on others. We cannot bomb the world into submission but we cannot withdraw into isolation either. If we cannot prevent atrocities like Kosovo we must also be willing to accept body bags. I hate to end on such a somber note, but that is where we are right now.

FAREWELL AND BEST WISHES, CAPTAIN DOUGHERTY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take a moment today to praise Captain Michael Dougherty, presently the commanding officer at the Naval Air Engineering Station in Lakehurst, New Jersey.

Sadly, we will be losing the fine leadership of Capt. Dougherty at Lakehurst on June 24th. As he moves on to his next assignment as head of the Foreign Military Sales Office at the Naval Aviation Systems Command at Patuxent River, I wish him the very best of success.

Five years ago, Capt. Dougherty came to Lakehurst as the Project Coordinator for Support Equipment. He quickly rose to Head of the Aircraft Division Logistics Group, and in

May 1997 after serving as Executive Officer, he assumed his current duties as Commanding Officer of the Naval Air Engineering Station at Lakehurst.

In addition to his duties as Commanding Officer, Captain Dougherty is also a family man, and is married to the former Alice Scherer, who works as a school nurse for Independent Child Study Teams of Jersey City. He is the proud father of four children: Maureen, Jill, Claire, and Kevin. Maureen is a graduate of Ithaca College, and Jill is a Midshipman in the Naval Reserves, and a junior at Holy Cross. Claire and Kevin are both students at Monsignor Donovan High School in Toms River.

Captain Dougherty took command of the base in 1997, in the wake of the Pentagon's unsuccessful attempt to close the Lakehurst Naval facility during the 1995 Base Realignment and Closure Commission (BRAC) process. It fell to him to reassure Pentagon number crunchers, the BRAC commission and Congress that saving the base was indeed the best course for the Navy and American security interests. Captain Dougherty showed us the way.

Almost immediately, Capt. Dougherty organized the Community Partnership Program with State, County, and business leaders to broaden and deepen public/private awareness of Lakehurst's unique capabilities. Consequently, Captain Dougherty invited countless businesses and local governments to come visit the base to learn ways they can work more closely together on issues of common interest.

Lakehurst is a world-class facility with a priceless base of knowledge about engineering and advanced technologies relating to the successful operation of our aircraft carriers. Through his Community Partnering Program, Captain Dougherty has made available to the business community some of Lakehurst's technology, facilities, and personnel. For instance, under the program, if a business has a problem with a manufacturing process, they can come to Lakehurst for technical assistance in solving the problem. This has been a win/win situation for both the public and private sector. The local community now has increased access to advanced technological know-how and the base has expanded its solid reputation as a good neighbor. And in some instances the base has been able to reduce expenses as private contractors shared some of the operating costs. This is but a single example of Captain Dougherty's work to connect the local community to the base, and the base to the local community.

Captain Dougherty's partnering initiatives are epitomized by the success of the educational partnering agreement with Rowan University's School of Engineering. This agreement will give students at Rowan University invaluable hands-on experience on how to solve real world engineering problems. Through the interaction with Lakehurst's staff expertise, unique facilities, and equipment related to aircraft platform interface technology at Navy Lakehurst, the agreement will certainly strengthen the quality of engineering students at Rowan who participate in this program.

On the flip side, the Rowan-Lakehurst partnership helps Lakehurst to secure additional engineering talent from within the state to replace engineers at the base when they move on to other jobs or retire. The partnership also enables Lakehurst to tap into a huge network of expertise and knowledge at Rowan University, which will be vital if Lakehurst is to maintain its status in cutting-edge aircraft platform interace technology. This is yet another good neighbor, win-win situation adding to the list of successes Capt. Dougherty has brought to the base under his command.

These successful efforts have produced tangible results. The Lakehurst Naval Air Engineering Center is an important and integral part of the Ocean County economy and that of the surrounding region. Lakehurst is a $450 million dollar business, with about $10 million going directly to Ocean County. As the county's largest employer, the base provides jobs for 1,900 people. Captain Dougherty also has taken important steps to encourage the base to reexamine its purchases of many categories of goods and services, to see where it can expand its network of local contractors and service providers.

On issue after issue of importance to naval aviation, Captain Dougherty has demonstrated real leadership. He has been an advocate, as I have been, for the construction of a new, state-of-the-art Aircraft Platform Interface (API) laboratory at Navy Lakehurst. In fact, just last week my fellow members here in this chamber joined me in authorizing a new "superlab" for Lakehurst. The $15.7 million in funding authorization for the construction of a new API laboratory will solidify Lakehurst's status as "the heart of naval aviation." But this giant leap for the base did not occur in a vacuum, I assure you. It happened because of the dedication and hard work of people interested in the base and the critical work performed there—people like Capt. Dougherty.

Mr. Speaker, throughout his command, Capt. Dougherty has had an impressive series of accomplishments for which he can be proud, in both his personal and professional life. It has been my privilege to work with him on the many initiatives that have put Lakehurst at the forefront of naval aviation, and will keep it there well into the twenty-first century. On behalf of the citizens of the fourth district who have benefited from the vital work he has performed while at Lakehurst, and on behalf of the country he has so diligently served, it is my pleasure to thank Capt. Dougherty for his fine leadership and wish him well in his future endeavors.

TRIBUTE TO HAROLD P. MACHEN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mr. Harold P. Machen of Sacramento, California. Mr. Machen passed away on June 11, 1999. He will be eulogized on June 19th and I ask all of my colleagues to join with me in remembering him as a great citizen and attorney.

Harold P. Machen was born in Chicago, Illinois on February 17, 1924. After completing high school, he attended Lincoln University in Jefferson City, Missouri. While in college, he worked as a dining car waiter for the New York Central Railroad.

His plans for law school were interrupted by the military draft. He served in the United States Coast Guard for three years. Upon leaving the Coast Guard, he studied at Los Angeles City College. He eventually earned his L.L.B. and Juris Doctorate from Southwestern Law School.

On July 22, 1953 Mr. Machen was admitted to the California State Bar. He would enjoy an excellent legal career spanning more than forty years. After practicing law in the impoverished area of Watts in Los Angeles County, Mr. Machen moved to Sacramento in 1969.

For the next several decades, Harold Machen established a first-rate reputation as an attorney and Counselor at Law, as well as a good friend to the Sacramento legal community. He was a special member of the Wiley Manuel Bar Association, of which he was a founding member in 1977.

As an accomplished attorney and community servant, Harold Machen rendered legal assistance and financial support to numerous organizations and social causes. Among these were the Volunteer Legal Services Programs, the Sacramento City Unified School District's 4th and 5th R Program, and the 100 Black Men Mentor Program.

Concisely, Mr. Machen demonstrated a long-standing commitment to serving the legal needs of citizens in the State of California and especially in the Sacramento region. On July 14, 1995 he was honored by the Wiley Manuel Bar Association of Sacramento County for his outstanding 40 year legal career, as well as his efforts to improve employment and living conditions for Sacramento's citizens through his service on the City's Human Rights Commission.

Mr. Speaker as Harold P. Machen is remembered in Sacramento, I ask all of my colleagues to join with me in saluting his outstanding record of quality legal representation, public service, and civic activism. His community contributions will certainly be remembered for many more years to come.

REMARKS BY EDWARD HERMAN (Item No. 11) PROFESSOR EMERITUS OF FINANCE, THE WHARTON SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. KUCINICH. Mr. Speaker, on June 10, 1999, I joined with Rep. CYNTHIA A. MCKINNEY, Rep. BARBARA LEE, and Rep. JOHN CONYERS in hosting the fifth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Edward Herman, Professor Emeritus of Finance, Wharton School, University of Pennsylvania. He taught for a decade in the Annenberg School of Communications at Pennsylvania State University, with a course in Analysis of Media Bias. He is a professional economist and media analyst. He is also a renowned author with some 20 blocks on economics, political economy, and the media. Among them are The Political Economy of Human Rights (2 vols, 1979, with Noam Chomsky) and Manufacturing Consent: The Political Economy of Mass Media (with Noam Chomsky, 1988).

Professor Herman exposes the manner in which the mainstream media has uncritically adopted a variety of "loaded words" that present a distorted and misleading impression of the reality of the War in Yugoslavia. One by one he dissects terms such as "credibility" and "negotiations," and describes the cynical manipulation of phrases such as "collateral damage" and "genocide and ethnic cleansing." He concludes that "western hostility to genocide and ethnic cleansing has been highly selective," citing a number of severe humanitarian crises in which the United States and NATO chose to do nothing.

Following Professor Herman's remarks is an article authored by him, along with David Peterson, that appeared in Z Magazine. This article, entitled "Bomb the New York Times?", discusses the hypocrisy of the western media when it justifies the bombing of Serbian media installations because of the Serbs' lack of "balance" in their treatment of the war.

PRESENTATION BY PROFESSOR EDWARD HERMAN, THE WHARTON SCHOOL

Although this is a free society, the U.S. mainstream media often serve as virtual propaganda agents of the state, peddling viewpoints the state wishes to inculcate and marginalizing any alternative perspectives. This is especially true in times of war, when the wave of patriotic frenzy encouraged by the war-makers quickly engulfs the media. Under these conditions the media's capacity for dispassionate reporting and critical analysis is suspended, and they quickly become cheer-leaders and apologists for war.

This is reflected in their uncritical acceptance of loaded words that cry out for careful analysis, but which are used by the media instead to confuse and obfuscate issues. Let me illustrate with some key words in current usage that purr or snarl in service to propaganda.

Credibility: Credibility is a purr word, that oozes goodness. We all want to be credible and to have our country and NATO credible. But when Senator JOHN MCCAIN called for a ground war in Yugoslavia in order to preserve our own and NATO's credibility, common sense tells us that he ignored the danger of turning a mistake into a catastrophe. Isn't it a sign of moral weakness to be unable to admit a mistake? And isn't the failure to do so exceedingly stupid? Isn't the kind of credibility that comes from continuing a mistaken course obtained at the cost of a loss of credibility as a rational actor? The media have been extremely lax in failing to look behind this purr word to the real issues at stake. And they have thereby allowed it to serve as an instrument of war propaganda.

Humanitarian bombing: NATO allegedly began bombing in March for humanitarian purposes. Humanitarian is a purr word, but humanitarian bombing is an oxymoron, blending the warm-hearted with dealing death. As the NATO bombing exponentially increased the damage inflicted on the purported beneficiaries, as well as large numbers of innocent Serb civilians, it has been anti-humanitarian in fact at all levels. The CIA and NATO military officials like General Wesley Clark have admitted that the negative humanitarian effects were expected. These facts lead me to conclude that the phrase is a propaganda fraud covering over a hidden agenda, in which Kosovo Albanian welfare has little or no place. But the media have never considered the phrase an oxymoron or the policy a human rights fraud. With the end of the bombing, the media trumpet the official view that NATO won a "victory," but they do not ask whether this triumph was in fulfillment of the alleged humanitarian aim—they have implicitly abandoned that purported objective in favor of victory over the Serbs.

Military targets: NATO has repeatedly claimed that it is avoiding civilian and sticking to military targets. However, it has steadily expanded the definition of military target into anything that directly or indirectly helps the Serb war effort, so that electric and water facilities that primarily serve civilians are included as military targets. This is in violation of international law and the army's own rules of warfare, and therefore amounts to the commission of war crimes (on which Christopher Simpson gives interesting details). NATO has been one step away from finding the direct bombing of civilians proper military targeting—after all, those civilians pay taxes that help fund Milosevic's war machine. The media have treated this process of redefinition, and the de facto commission of war crimes, with the lightest touch. In fact, pundits like Thomas Friedman of the New York Times have urged the direct bombing of civilians and thus the commission of war crimes. On NATO principles justifying the bombing of Serb TV, the New York Times is eminently bombable. So is a "command and control center" like the White House.

Collateral damage: This is our friend from the Vietnam and Persian Gulf wars. It purrs, suggesting inadvertence and "errors." But where the likelihood of "errors" in a bombing raid have a probability of over 90 percent, the damage is intentional even if the particular victims were not targeted. If somebody throws a bomb at an individual in a crowded theater, and 100 bystanders are also killed, would we say that the bomb thrower was not clearly guilty of killing the 100 because their deaths were unintended and the damage was "collateral"? We only reserve such purr word excuses for "humanitarian" bombing.

Negotiations: During the Vietnam and Persian Gulf wars, U.S. officials regularly claimed to be interested in "negotiations," when in reality they were only ready to accept surrender. With incredible patriotic gullibility the media swallowed the official propaganda claims and helped pave the way for war and the prolongation of war. At Rambouillet, NATO offered Yugoslavia an ultimatum that included NATO's right to occupy all of Yugoslavia. This offer was one no sovereign nation could accept and was designed to be rejected. But just as in the earlier cases, the media accepted the false official version, that Milosevic rather than NATO was unwilling to negotiate or accept reasonable terms. And once again the media helped pave the way for war.

Rule of law: This is a purr phrase, that is used only when convenient. During the Persian Gulf war, at which time the Bush administration could get Security Council agreement for action against Iraq, President Bush declared that the issue at stake was the "rule of law" versus the law of the jungle. However, at the time of the incursion into Panama in 1989, when Security Council approval was not obtainable and the incursion was in violation of the OAS agreement, the matter of law was muted. Similarly, unable to obtain Security Council approval for the NATO attack on Yugoslavia, with the attack in seeming violation of the UN Charter, and with U.S. participation eventually in violation of the War Powers Act, U.S. and NATO officials do not stress the urgency of the rule of law. And the U.S. mainstream media cooperate by setting this issue aside as well. They now ignore their old favorite Alexander Solzhenitsyn, who says that "The aggressors have kicked aside the UN, opening a new era where might is right."

Genocide and ethnic cleansing: These snarl words have been frequently applied to the Serbs, helping justify the bombing that has turned a moderately serious Kosovo crisis into a regional catastrophe. The greatest single case of ethnic cleansing in Yugoslavia in the 1990s occurred at Krajina in Croatia in 1995, where several hundred thousand Serbs were put to flight and many killed. This action was done with U.S. and NATO aid and was not objected to in any way by NATO.

Before the NATO bombing an estimated 2,000 had been killed in Kosovo in the prior year. This is half the number killed in Colombia the same year; a country that gets $290 million in U.S. military aid. Two important cases where the word genocide might apply over the last 25 years are Ruanda, in which U.S. officials refused to apply the word and sabotaged any international intervention, and East Timor, where a third of the population died in the wake of Indonesia's invasion and occupation. In the East Timor case, the United States supplied the weapons for the killing and vetoed any effective UN intervention. As regards General Suharto, the world's only known triple genocidist (Indonesia, West Papua, East Timor), on his visit to Washington in 1995 a senior Clinton administration official was quoted in the New York Times as saying of him: "he's our kind of guy."

In sum, U.S. and western hostility to genocide and ethnic cleansing has been highly selective. The policy toward Kosovo has been riddled with contradictions and hypocrisies, and has enlarged a local human rights crisis to a regional disaster. This has been helped by a system of doublespeak that the mainstream media have not only failed to challenge but have incorporated into their own usage. Contrary to their proclaimed objectivity, this failure has made them agents of state propaganda, rather than information servants of a democratic community.

BOMB THE NEW YORK TIMES?

(By Edward S. Herman and David Peterson)

NATO spokespersons have justified the bombing of Serbian TV and radio on the grounds that these broadcasters are an "instrument of state propaganda," tell lies, spew forth hatred, provide no "balance" in their offerings, and thus help prolong the war. In an April 8th news briefing NATO Air Commodore David Wilby explained: "Serb radio is an instrument of propaganda and repression. It has filled the airwaves with hate and with lies over the years, and especially now. It is therefore a legitimate target in this campaign. If President Milosevic would provide equal time for Western news broadcasts in his programs without censorship . . . then his TV would become an acceptable instrument of public information."

The mainstream U.S. media have accepted this NATO rationale for silencing the Serbia media, viewing themselves as truth-tellers and supporters of just policies against the evil enemy. But this is the long-standing self-deception of people whose propaganda service is as complete as that of Serbian state broadcasters. Just as they did during the Persian Gulf war, the mainstream media once again serve as cheer-leaders and propagandists for "our side. And as the brief review below shows, on NATO principles the Times et al. are eminently bombable.

BALANCE

The Serbian media is bombable, says Wilby, because it has not provided "equal time" to western broadcasters. This ludicrous criterion is far better met by the Serbian media than by those of the U.S. (or Britain). An estimated one-third or more of Belgrade residents watch western TV news broadcasts (including CNN, BBC, and Britain's Sky News), and many Serbs watch CNN for advance warning of bombing raids. This greatly exceeds the proportion of U.S. citizens who have access to dissident foreign messages, and domestic dissent here is marginalized. FAIR's May 5 study "Slanted Sources in Newshour and Nightline Kosovo Coverage" showed that only 8 percent of its participants were critical of the bombing campaign, far below the Wilby standard for Serbia.

SPEWING HATRED

The demonization of Milosevic, the shameless use of of the plight of Albanian refugees to stoke hatred and justify NATO violence, and the near-reflexive use of words like "genocide" and "ethnic cleansing" surely competes with anything that the "state-controlled" Serbian media have served up. As with the earlier demonization of Saddam Hussein, *Newsweek* placed Milosevic on its cover titled "The Face of Evil" (April 19), while *Time* showed the demon's face with an assassin's crosshairs centered between his eyes (April 5). A State Department official has acknowledged that "the demonization of Milosevic is necessary to maintain the air attacks" (San Francisco Chronicle, March 30, 1999), and the media have responded.

Times Foreign Affairs columnist Thomas Friedman has repeatedly called for the direct killing of Serbian civilians—"less than surgical bombing" and "sustained unreasonable bombing"—as a means of putting pressure on the Yugoslavian government (April 6, 9, 23, May 4 and 11), which amounts to urging NATO to commit war crimes. If Serb broadcasters were openly calling for slaughtering Kosovo Albanians the media would surely regard this as proving Serb barbarism.

EVADING OR SUPPRESSING INCONVENIENT FACTS AND ISSUES

Because the NATO attack is in violation of the UN Charter the mainstream media have set this issue aside, although in 1990, when George Bush could mobilize a Security Council vote for his war, he stated that he acted on behalf of a world "where the rule of law supplants the rule of the jungle," In 1990, it was awkward that Bush had appeased Saddam Hussein before his invasion of Kuwait, so the media buried that fact; in 1999 the media rarely mention that Clinton supported the massive Croatian ethnic cleansing of Serbs in 1995 or that he has consistently ignored Turkey's repression of Kurds (with Turkey actually providing bases for NATO bombing attacks on Yugoslavia).

THE BIG LIE OF NATO'S HUMANITARIAN AIM

That this is a lie demonstrated by the terrible effects of NATO policy on the purported beneficiaries; by the fact that these negative consequences were seen as likely by intelligence and military officials, which didn't affect their willingness to "take a chance"; by NATO's continuation of the policy even as evidence of its catastrophic effects mounted; by NATO's methods, which have included the destruction of the Serb's civilian infrastructure and the use of delayed action cluster bombs and depleted uranium shells that could make Kosovo uninhabitable; and by the NATO's failure to prepare for the induced refugee crisis and its unwillingness to accept more than nominal numbers of refugees. NATO's official responses to repeated civilian casualties from its bombing attacks have been notably lacking in human sympathy. British journalist Robert Fisk was appalled by a NATO press conference of May 14, the day after 87 ethnic Albanians were "ripped apart" by NATO bombs at Korisa. NATO spokesmen Jamie Shea and Major-General Walter Jertz "informed us 'It was another very effective day of operations'." There was "not a single bloody word of astonishment or compassion," (*The Independent* [London], May 15, 1999). This response of NATO officials was not mentioned, let alone featured, in the U.S. media.

Thanks to the scale of the refugee crisis, the U.S. media have been unable to avoid reporting that the NATO bombing has been followed by catastrophic effects. But while some commentators have declared the policy a failure and have castigated the administration for it, most have followed the official line of blaming all of these nasty developments on Milosevic. They have focused intently and uncritically on alleged Serb abuses, all allegedly "deliberate," whereas NATO killings and damage are slighted, and when unavoidably reported are allowed to be "errors."

THE BIG LIE ABOUT THE "FAILURE" OF DIPLOMACY

As with Kosovo, during the Persian Gulf war experience the media accepted that the enemy has refused to negotiate, thus compelling military action. Although Bush himself stated repeatedly that there would be no negotiations—"no reward for aggression"—and that Iraq must surrender, the media pretended that the U.S. was laboring to "go the extra mile for peace," while they suppressed information on numerous rejected peace offers. Thomas Friedman, after acknowledging that Bush strove to block off diplomacy lest negotiations "defuse the crisis" (Aug. 22, 1990), subsequently reported that "diplomacy has failed and it has come to war" (Jan. 20, 1991), without mentioning that the diplomatic failure was intentional.

In the case of the NATO war on Yugoslavia, the official position is that Yugoslavia refused NATO's reasonable offer at Rambouillet, and that Milosevic's intransigence thus forced NATO to bomb. This is a Big Lie—NATO's offer was never reasonable, requiring Yugoslavia to accept not only full occupying power rights by NATO in Kosovo—a part of Yugoslavia—but also NATO's right to "free and unrestricted passage and unimpeded access" throughout Yugoslavia. The Serbs had indicated a definite willingness to allow a military presence in Kosovo, but not by NATO and certainly not with NATO authority to occupy all of Yugoslavia. NATO would not negotiate on these matters and issued an ultimatum to Yugoslavia that no sovereign state could accept.

As in the Persian Gulf war case, however, the mainstream U.S. media accepted the official line that the bombing resulted from a Serbian refusal of a reasonable offer after "extensive and repeated efforts to obtain a peaceful solution" (Clinton). The Serb position and the continued Serb willingness to negotiate on who would be included in the occupying forces was essentially ignored or deemed unreasonable; the ultimatum aspect of the process was considered of no importance; and the fact that the ultimatum required Yugoslavia to agree to virtual occupation of the entire state by NATO was suppressed. The NATO position, as the bush position in the Persian Gulf war, was surrender, not negotiate. And the media today, as then, pretend that we are eager to negotiate with a mulish enemy.

In sum, the propaganda service of the mainstream U.S. media to the Kosovo war would be hard to surpass, and on NATO principles the New York Times and its confreres are eminently bombable. But as usual, for the U.S. and NATO powers international law and moral principles apply only to others. To the godfather and his flunkies, an entirely different set of principles applies.

IN HONOR OF TOM PARKER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to share with my colleagues my appreciation and regard for Tom Parker. On Friday, June 18th, Tom's friends, family and admirers will gather in Milwaukee to celebrate his career and wish him well as he retires as President of the Milwaukee County Labor Council AFL–CIO.

Tom Parker is proud to be a machinist by trade. When he began his career at the Milwaukee-based heavy equipment manufacturing firm Allis Chalmers, he also joined the Machinists International Union. After leaving Allis Chalmers, Tom traveled around a bit, repairing printing presses and generators, and in 1962, he took a job at Miller Brewing and joined Machinist Lodge 66. He took an active interest in the union's advocacy efforts and worked himself into a leadership role. In 1973, Tom left the brewery to accept a full-time position as the local's Secretary-Treasurer.

In 1978, Milwaukee's labor community was shocked by the sudden death of Labor Council President Leo Winninger. Area union leaders urged Tom Parker to run, and he was elected to the first of what would become 10 consecutive terms as President of the Milwaukee County Labor Council.

Throughout his service as Labor Council President, Tom Parker has been a vigorous advocate for Milwaukee area workers and their families and a gifted spokesman for organized labor. He has helped the Labor Council to work better, communicate more productively with the community and within its own membership, and respond more quickly and effectively to individual challenges and broader economic and policy changes.

Tom's public service is not limited strictly to the responsibilities of organized labor. He currently serves as a member of the Greater Milwaukee Committee, one of the area's leading civic organizations, as well as on the Aurora Health Care Board of Directors and the City of Milwaukee's Ethics Committee. Tom has also served on the boards of directors of some of Milwaukee's most active and enduring institutions, including the International Institute, the Villa Terrace Art Museum, Community Care of Milwaukee, the Milwaukee Council on Alcoholism and Drug Dependence, and the American Red Cross.

Mr. Speaker, I have always respected Tom Parker's keen understanding of the impact the issues and policies at hand have on the people they affect. He has always remembered that a contract negotiation or a legislative decision is not an abstract, but a very tangible act with very real consequences for workers and their families. He has approached all of his public activities in this same spirit, and I am proud to count myself among the many who have benefitted from his example.

As Tom's family, friends, union brothers and sisters, and admirers prepare to celebrate his career, I am honored to offer my congratulations on a job well done, my thanks for a lifetime of service, and my very best wishes to Tom Parker.

RECOGNIZING RENEWAL WEEK AND THE VALUE OF COMMUNITY BASED PROGRAMS LIKE CHARACTER COUNTS IN THE FIGHT AGAINST JUVENILE CRIME

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. WAMP. Mr. Speaker, this week is Renewal Week. A week that we in the Renewal Alliance have set aside to remind our Colleagues and America about the value of private, community, and faith based organizations. Our nation has awakened this year to the reality of a cultural breakdown, where traditional values of respect and responsibility have often been replaced by indifference and apathy. But instead of just looking to Washington for a short term band-aid, I encourage everyone to help us look for a comprehensive solution. Our efforts should both protect our children and give them hope for their future. The only way we can do this is to bring traditional values back into our families, schools, and communities.

I want to share with you the exciting work being done by a program known as Character Counts. This is a program designed to bring character-based education to our nation's schools. The Character Counts curriculum is taught in my district in Hamilton County and has been particularly successful this past school year. Values such as honesty, courage, citizenship, responsibility, values that helped make our country great, are discussed every week. In recent years violence, crime, addiction, poverty, and the breakdown of the family have taken its toll on the health of our local communities. If we truly want to stem the tide, we must return to our core values. I particularly want to praise Senator PETE DOMENICI who has been a strong advocate for this organization in the Senate and throughout the country. I encourage all of my colleagues to follow his lead.

Throughout this week, I encourage you to join me in empowering community institutions and encouraging community renewal to help inner cities and distressed rural communities gain their share of America's property. We must acknowledge a federal role, but let's focus on our communities to give our children hope for the future. We cannot fight this battle alone.

HONORING MEMBERS OF THE AMERICAN LEGION AUXILIARY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. BILIRAKIS. Mr. Speaker, initially, the American Legion Auxiliary was organized by concerned women who took on the day-to-day responsibilities of life when U.S. soldiers were sent to Europe during World War I. Aware of the plight of fatherless families and the needs of returning veterans, these women vowed to continue their supportive role when the veterans of World War I founded the American Legion in 1919.

The first words of the Auxiliary preamble are "For God and Country." Auxiliary members believe in the ideals and principles of America's founding fathers. They also pledge to foster patriotism, preserve and defend the Constitution, promote allegiance to God and Country, and uphold the basic principles of freedom of religion, freedom of expression and freedom of choice.

The organization's programs were created to provide assistance, education and financial support for veterans and their families and to benefit the community because the Auxiliary focuses on helping to create a better society, particularly for the nation's citizens of the future, our children and young people. Through its nearly 12,000 units located in every state and some foreign countries, the Auxiliary embodies the spirit of America that has prevailed through war and peace.

I would like to recognize five exceptional Auxiliary members from Florida who have over 270 years of combined service to our nation. These women are: Shirley Campbell with 52 years of service; Edna Davis with 52 years of service; Barbara Pfohl with 52 years of service; Anna Rottensterger with 52 years of service; and Bertha Wolfe with 63 years of service.

These women have spent thousands of hours volunteering at the Bay Pines VA Medical Center. Their activities include holding monthly bingo and card parties; providing homemade cookies to veterans; delivering candy and books to veterans in the hospital; and manning the Medical Center's information desks. These Auxiliary members have also distributed flags to thousands of school children, collected food for the needy and raised funds for student scholarships.

I want to commend each of these exceptional women and all of the members of the American Legion Auxiliary for their dedicated service to America's veterans and our nation.

THERE THEY GO AGAIN: CLINTON-GORE "BLACKLISTING" U.S. TAXPAYERS, JOBS AND EMPLOYERS AS PAYBACK TO THE AFL-CIO

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. CUNNINGHAM. Mr. Speaker, I want to bring to my colleagues' attention an old Clinton-Gore Administration initiative to endanger American jobs, and raise the government's cost of doing business. This initiative is known as the Blacklisting Regulation. This old proposal has new life because a presidential election is coming, and Vice President GORE is paying back the AFL-CIO.

In short, this proposed addition to the Federal Acquisition Regulations (FAR) would "blacklist" employers deemed to have insufficient "responsibility" in relations with workers from being able to do business with the Federal Government. It does not make goods and services less costly to the taxpayers. It does not improve the quality of goods and services provided to the government. It does not streamline or improve the procurement process.

No, what the Clinton-Gore Blacklisting Regulation would do is hand the union bosses the sword of Damocles over every employer in America—and over every one of their workers. For under this dangerous proposal, an employer and its workers may be in full compliance with the labor laws and regulations, in full compliance with workplace safety laws, and in full compliance with all other laws and regulations relating to procurement, but in danger of a politically-driven and costly contract cutoff.

Here is how the Clinton-Gore Blacklisting Regulation would work. Say a union is waging economic terrorism on an employer, filing frivolous complaints with the Occupational Safety and Health Administration, the Wage and Hour Division and the Office of Fair Employment Practices. Then that pile of complaints—not convictions, not findings of wrongdoing, but complaints—may identify the targeted employer as insufficiently "responsible." Federal procurement officials would ban the government from doing business with that employer. And workers would lose their jobs. They would be unemployed. Unless, of course, they knuckled under to the union bosses' economic terrorism.

As Americans, we are united in support of safe workplaces, fair treatment of employees, the right of employees to bargain collectively according to the law, and a day's pay for a day's work. Perhaps this Administration is not aware that America already has labor laws, and penalties for violating them. Perhaps this Administration is not aware that America has laws that prohibit contractor fraud, and penalties for violating them. These laws and our Constitution provide every American equal protection under the law.

So what is the purpose of this regulation, if it will not provide taxpayers any more value? I would rather not characterize this Clinton-Gore Blacklisting Regulation as driven by the Administration's payback of an old political debt to the AFL–CIO, or by the Vice President's moribund campaign for the White House. But let quote from the June 12, 1999, edition of National Journal, an article titled "Gore's Contract with Labor," by Alexis Simendinger:

> Vice President Al Gore is on the verge of fulfilling a powerful promise he made to organized labor more than two years ago.
>
> The business community views the language as nothing more than a well-timed gift from Gore to labor—a constituency the Vice President hopes to mobilize in full force on his behalf in the presidential race next year . . . some union presidents are reluctant to endorse Gore, because of differences with the Administration over trade. The Vice President is expected to meet with the holdouts before the AFL–CIO's Executive Council meets in Chicago in August.
>
> The proposal is "not an analytically good thing to do, with clear benefits to the procurement system that will buy more for the public, or that will have any good government logic it," said one Administration official.
>
> AFL–CIO President John J. Sweeney, in an eight-page memo distributed to national and international union presidents in March 1997, initiated a fact-finding effort to gather the kind of specifics that would justify the rule change that Sweeney sought and that Gore promised. In his memo, Sweency said the AFL–CIO needed data "to withstand Republican and business community opposition in Congress and the courts."

This Clinton-Gore Blacklisting Regulation is wrong, Mr. Speaker. It is anti-taxpayer, anti-worker, anti-business and anti-American. It unbalances 60 years of labor laws enacted by Congress. And in the interest of every worker in America, unionized or not, whose livelihood providing goods and services to the U.S. Government is now endangered by the Clinton-Gore Blacklisting Regulation, we must work together to stop it.

For my colleagues and the public, I include a copy of this proposal in the CONGRESSIONAL RECORD. In addition, I want my colleagues to know that the AFL–CIO President John Sweeney memo referenced above was entered into the RECORD of April 15, 1997, page E–661, in a speech titled "There They Go Again: The Big Labor Bosses Versus American Taxpayers, Employers and Jobs."

DEPARTMENT OF DEFENSE
GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9 and 31

Federal Acquisition Regulation; Contractor Responsibility; Labor Relations Costs and Costs Relating to Legal and Other Proceedings

Agencies: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

Action: Notice of proposed rulemaking.

Summary: The Federal Acquisition Regulatory Council proposes to amend FAR Parts 9 and 31 to clarify coverage and give examples of suitable contractor responsibility considerations; as well as to make unallowable the costs of 1) attempting to influence employee decisions respecting unionization, and 2) make unallowable those legal expenses related to defense of judicial or administrative proceedings brought by the Federal Government when a contractor is found to have violated a law or regulation, or where the proceeding is settled by consent or compromise.

Dates: Comments should be submitted to the FAR Secretariat at the address shown below on or before [insert date 120 days after *Federal Register* publication date] to be considered in the formulation of the final rule.

Address: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 18th and F Streets, NW, Room 4035, Attn: Ms. Beverly Fayson, Washington, DC 20405.

Please cite FAR case 99– , in all correspondence related to this case.

For further information contact: at in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4035, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAR case 99– .

Supplementary information:

A. BACKGROUND

FAR Responsibility Criteria

The Federal Acquisition Regulatory Council is proposing to amend FAR Part 9 to clarify coverage concerning contractor responsibility considerations, by adding examples of what falls within the existing definition of an "unsatisfactory record of integrity and business ethics." The proposed amendment will provide Contracting Officers with guidance concerning general standards of contractor compliance with applicable laws when making pre-award responsibility determinations. Accordingly, language has been proposed for addition to FAR Subsection 9.104–1(d) and (e).

A prospective contractor's record of compliance with laws and regulations promulgated by the Federal Government are a relevant and important part of the overall responsibility determination. This proposed FAR amendment clarifies the existing rule by providing several examples of what constitutes an unsatisfactory record of compliance with laws and regulations. These examples are premised on the existing principle that the Federal Government should not enter into contracts with law breakers. For example, some Contracting Officers have inquired as to whether a prospective contractor's failure to comply with applicable tax laws may be considered in making a responsibility determination. The proposed rule clarifies that such a circumstance may be considered by the Contracting Officer. Similarly, inquiries have been made concerning contractors with a record of employment discrimination, and whether this circumstance should factor into the overall responsibility determination. Again, the proposed rule attempts to clarify the fact that an established record of employment discrimination would be a relevant part of the Contracting Officer's determination because such a record or pattern is a strong indication of a contractor's overall willingness or capability to comply with applicable laws.

Inquiry has also been made as to whether responsibility determinations must rest upon a final adjudication. Normally, adverse responsibility determinations involving violations of law or regulation should be based upon a final adjudication by a competent authority concerning the underlying charge. However, in some circumstances, it may be appropriate for the Contracting Officer to base an adverse responsibility determination upon persuasive evidence of substantial noncompliance with a law or regulation, (i.e., not isolated or trivial), but repeated and substantial violations establishing a pattern or practice by a prospective contractor. The facts and circumstances in each such case will require close scrutiny and examination).

An efficient, economical and well-functioning procurement system requires the award of contracts to organizations that meet high standards of integrity and business ethics and have the necessary workplace practices to assure a skilled, stable and productive workforce. This proposal seeks to further the Government's use of best commercial practices by ensuring the Government does business only with high-performing and successful companies that work to maintain a good record of compliance with applicable laws.

Cost Principle Changes

The Council is also proposing to amend the cost principle at FAR 31.205–21 to make unallowable those costs relating to attempts to influence employee decisions respecting unionization. This cost principle change is in furtherance of the Government's long-standing policy to remain neutral with respect to employer-employee labor disputes (see FAR Part 22). It has come to the Council's attention that some contractors are claiming, as an allowable cost, those activities designed to influence employees with respect to unionization decisions. Inasmuch as a number of cost-based Federal programs have long made these types of costs unallowable as a matter of public policy (e.g., see 29 U.S.C. 1553(c) (1), 42 U.S.C. 1395x(v)(1) (N), 42 U.S.C. 9839(e), and 42 U.S.C. 12634(b)(1)), equity dictates that this same principle be extended to Government contracts, as well.

Finally, the Council is proposing to amend FAR 31.205–47 to make clear that costs relating to legal and other proceedings are unallowable where the outcome is a finding that a contractor has violated a law or regulation, or where the proceeding was settled by consent or compromise (except that such costs may be made allowable to the extent specifically provided as a part of a settlement agreement). At present, the relevant cost principle generally makes unallowable legal and other proceeding costs where, for example, in a criminal proceeding, there is a conviction, or where, for example, in a civil proceeding, there is a monetary penalty imposed. It has been brought to the Council's attention that there are a number of civil proceedings brought by the Federal Government each year that do not result in imposition of a monetary penalty (e.g., NLRB or EEOC proceedings), but which do involve a finding or adjudication that a contractor has violated a law or regulation, and where appropriate remedies are then ordered.

Under the proposed rule, the allowability of legal and other proceedings costs would depend on whether or not a contractor is found to have violated a law or regulation rather than on the nature of the remedy imposed. Taxpayers should not have to pay the legal defense costs associated with adverse decisions against contractors, especially where the proceeding is brought by an agency of the Federal Government.

Additional Consideration

In order to give greater effect to the FAR responsibility clarifications being proposed, the Council would appreciate receiving comments and suggestions concerning whether the provision appearing at FAR 52.209-5—"Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters," should be amended to provide for enhanced responsibility disclosure relative to this proposal.

B. REGULATORY FLEXIBILITY ACT

This proposed rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because most contracts awarded to small entities do not involve use of formal responsibility surveys. In addition, most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive fixed-price basis and do not require the submission of cost or pricing data or information other than cost or pricing data, and thus do not require application of the FAR cost principles. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small business and other interested parties. Comments from small entities concerning the affected FAR parts also will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and cite 5 U.S.C. 601, et seq. (FAR case 99-), in correspondence.

C. PAPERWORK REDUCTION ACT

The Paperwork Reduction Act does not apply because the proposed FAR changes do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 9 and 31: Government procurement.

Dated:

EDWARD C. LOEB,
Director, Federal Acquisition Policy Division.

Therefore, 48 CFR Parts 9 and 31 are proposed to be amended as set forth below:

PART 9—CONTRACTOR QUALIFICATIONS

1. The authority citation for 48 CFR Part 9 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Subsection 9.104-1 is proposed to be amended by revising paragraphs (d) and (e) to read as follows:

9.104-1 General standards.

* * * * *

(d) Have a satisfactory record of integrity and business ethics (examples of an unsatisfactory record would include persuasive evidence of the prospective contractor's lack of compliance with tax laws, or substantial noncompliance with labor and employment laws, environmental laws, anti-trust laws and other consumer protections);

(e) Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors) (see 9.104-3(a)), and the necessary workplace practices addressing matters such as training, worker retention, and legal compliance to assure a skilled, stable and productive workforce;

* * * * *

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

3. The authority citation for 48 CFR Part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

4. Subsection 31.205-21 is proposed to be amended by redesignating the current text as paragraph "(a)" and adding a paragraph (b) to read as follows:

31.205-21 Labor relations costs.

(a) Costs incurred in maintaining satisfactory relations between the contractor and its employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable.

(b) Costs incurred for activities related to influencing employees respecting unionization are unallowable.

5. Subsection 31.205-47 is proposed to be amended by adding a new subparagraph (f)(9) to read as follows:

31.205-47 Costs related to legal and other proceedings.

* * * * *

(f) * * *

(9) Defense of judicial or administrative proceedings brought by the Federal Government for violation of, or failure to comply with, law or regulation by the contractor (including its agents or employees), where (i) the contractor was found to have violated a law or regulation or (ii) the proceeding was settled, except that costs not otherwise unallowable may be allowed to the extent specifically provided as part of a settlement agreement between the contractor and the Federal Government resolving the proceeding by consent or compromise.

A TRIBUTE TO THREE CIVIL RIGHTS LEADERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. GILMAN. Mr. Speaker, earlier this week, we were gratified to present Mrs. Rosa Parks with a Congressional Medal of Honor. She is commonly known as the Mother of Civil Rights. The next day we honored Congressman BOB FILNER and Congressman JOHN LEWIS at a luncheon commemorating the thirty fifth anniversary of the Freedom Rides. Both Congressmen participated in the rides of 1961. These people were willing to sacrifice their own lives in order to free our country of social injustice. Accordingly, I rise today to ask our colleagues to join me in honoring Mrs. Rosa Parks, Congressman JOHN LEWIS, and Congressman BOB FILNER. All three of these outstanding Americans have dedicated their lives to the defense of our civil rights. They participated in the Civil Rights Movement, understanding that there was a danger to their own lives.

Rosa Parks boarded a bus in December of 1955. She was not looking to incite any trouble. She was tired of being told for her entire life to move to the back of the bus for white people. She took a stand in refusing to move from her seat and was arrested. A year later, she rode a bus again. This time she sat where she pleased. Because of her leadership in the subsequent bus boycott, the transit company was brought before a Federal court that issued a ruling recognizing the right of all people to ride the bus and sit where they pleased. She has since become known as the "Mother of the Civil Rights Movement."

Mrs. Parks became the secretary of the NAACP. Later she became the Advisor to the NAACP Youth Council. Rosa Parks has created educational programs for our youth through the Rosa and Raymond Parks Institute for Self-Development. These programs are designed to expand the knowledge of children, ages eleven to eighteen, regarding the Civil Rights Movement, the Underground Railroad and other significant aspects of African American History.

Rosa Parks took a stand when the odds were against her. Her courageous actions are an example of the efforts that we must all make in our everyday lives to defend our rights and the rights of those around us.

Congressman JOHN LEWIS became involved in the Civil Rights Movement at an early age. He challenged segregation at lunch counters. Congressman LEWIS participated in the Freedom Rides in 1961. He was severely beaten by mobs, risking his life. From 1963 until 1966, he was the chairman of Student Nonviolent Coordinating Committee (SNCC) which was responsible for organizing sit-ins and other events to help further the Civil Rights Movement. JOHN was considered to be one of the "Big Six" leaders of the civil rights movement. LEWIS both planned and spoke at the March on Washington. Congressman LEWIS led a march across the Edmund Pettus Bridge in Selma, Alabama in 1965. The marchers were met by the Alabama State Troopers in a violent scene. This confrontation aided in the passing of the Voting Rights Act of 1965.

Congressman JOHN LEWIS has been a member of Congress since 1986. He has been a member of the House Ways and Means Committee, the Subcommittee on Health, and the Subcommittee on Oversight. He is a member of several different caucuses. JOHN LEWIS has served our nation his entire life. He embodies everything that our country stands for. Today, he is especially devoted to the needs and aspiration of his constituents.

Congressman BOB FILNER began his struggle for civil rights in 1961. He was a participant in the first Freedom Rides. He was arrested and imprisoned in Mississippi for several months for his courageous stand. Congressman FILNER entered Congress in 1992. He was named to the Committee on Transportation immediately. FILNER has been an advocate for funding Medicare, crime control, education, the environment, and veterans.

These courageous civil rights advocates remind us of our responsibilities. They protected the deepest virtues that our country promises. That is freedom and equality. They knew and understood that the oppression of people was wrong and rebelled against the evil of injustice. They recognized the social ills that surrounded them and destroyed the foul winds of prejudice.

We, in the Congress, who are aware of the achievements of Mrs. Rosa Parks, Congressman JOHN LEWIS and Congressman BOB FILNER have a responsibility to inform the public of their heroic acts. I know that my colleagues will join me in honoring and commending Mrs. Rosa Parks, Congressman JOHN LEWIS, and Congressman BOB FILNER for their outstanding achievements. I am confident that their acts will inspire us to foster and protect our nation's civil rights.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 204 (H.R. 1000), I was unavoidably detained during travel from my district to Washington. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MENENDEZ. Mr. Speaker, during rollcall vote No. 230 I was avoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MINGE. Mr. Speaker, on rollcall No. 230, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MINGE. Mr. Speaker, on rollcall No. 231 had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MINGE. Mr. Speaker, on rollcall No. 232 had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MINGE. Mr. Speaker, on rollcall No. 233 had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

Mr. MINGE. Mr. Speaker, on rollcall No. 229, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

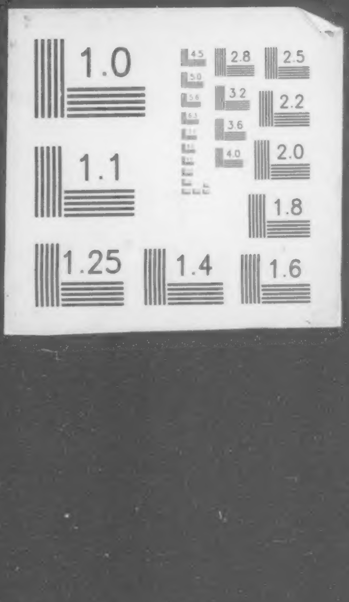
Thursday, June 17, 1999

Mr. MINGE. Mr. Speaker, on rollcall No. 228, had I been present, I would have voted "yes.'

LIBRARY OF MICHIGAN

AUG 1 1 2004

U.S. DOCUMENT
RECEIVED DEPOSITORY


1.0
4.5
5.0
5.6
6.3
2.8
3.2
3.6
4.0
2.5
2.2
2.0
1.1
1.8
1.25
1.4
1.6